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CITIZENSHIP AND 'POPULARIS' IDEOLOGY IN THE LATE REPUBLIC (133-69 BC)

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Conflict of interests

I, Héctor Paleo-Paz, doctoral candidate and author of this thesis, entitled “Citizenship and ‘popularis’ ideology in the Late Republic (133-69 BC)”, declare the existence of no conflict of interests in relation to this dissertation.

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Aos meus pais. Esta tese é tan vosa como miña.

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ABSTRACT

This dissertation examines the relationship between *popularis* ideology and the status of citizenship during a distinct phase of the late Republic – from the tribunates of the Gracchi brothers to the census of 70-69. Its central argument is that the persistent political conflicts over the boundaries of the Roman *civitas* reveal that an inclusive and expansive understanding of citizenship had become a stable and coherent element of *popularis* ideology, whereas the *optimates* consistently upheld a restrictive and exclusionary conception of the same.

Given that ideology is itself a contested notion, questions of definition and methodology are first addressed in depth in order to establish an appropriate framework for analysing the phenomenon as it appeared in the late Roman Republic. With this foundation in place, the study then traces the articulation of *popularis* ideology, its expression in the surviving sources, and its relationship to the crucial political, legal, and ideological concept that was the *civitas*.

To this end, the investigation follows the political history of the citizenship question from its emergence alongside the Gracchan challenge to the aristocracy through to the census of 70-69, which formalized the incorporation into the *civitas* of those communities that – together with the *populares* – had shaped and entrenched this ideological pattern.

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RESUMO

Esta tese examina a relación entre a ideoloxía *popularis* e o status da cidadanía durante unha fase concreta da República tardía – desde os tribunados dos irmáns Graco ata o censo do 70-69. O seu argumento central é que os persistentes conflitos políticos en torno aos límites da *civitas* romana revelan que unha concepción inclusiva e expansiva da cidadanía chegou a converterse nun elemento estable e coherente da ideoloxía *popularis*. Pola contra, os optimates mantiveron de maneira constante unha visión restritiva e excluínte.

Dado que a ideoloxía é, en si mesma, unha noción disputada, as cuestións de definición e metodoloxía analízanse primeiro en profundidade para establecer un marco axeitado que permita abordar o fenómeno tal e como se manifestou na República romana tardía. Unha vez asentadas estas bases, o estudo segue a articulación da ideoloxía *popularis*, a súa presenza nas fontes conservadas e a súa relación co concepto político, xurídico e ideolóxico fundamental que representaba a *civitas*.

Para iso, a investigación segue a historia política da cuestión da cidadanía desde a súa aparición, ligada ao desafío dos Graco á aristocracia, ata o censo do 70-69, que formalizou a incorporación á *civitas* das comunidades que – xunto cos *populares* – contribuíran a configurar e consolidar este patrón ideolóxico.

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RESUMEN

Esta tesis examina la relación entre la ideología *popularis* y el estatus de la ciudadanía durante una fase específica de la República tardía, que abarca desde los tribunados de los hermanos Graco hasta el censo del 70-69. Su argumento central es que los persistentes conflictos políticos sobre los límites de la *civitas* romana revelan que una concepción inclusiva y expansiva de la ciudadanía había llegado a convertirse en un elemento estable y coherente de la ideología *popularis.* Por el contrario, los *optimates* mantuvieron de manera constante una visión restrictiva y excluyente.

Dado que la ideología es en sí misma una noción disputada, las cuestiones de definición y metodología se abordan primero en profundidad con el fin de establecer un marco adecuado para analizar el fenómeno tal como se manifestó en la República romana tardía. Una vez establecida esta base, el estudio rastrea la articulación de la ideología *popularis*, su expresión en las fuentes conservadas y su relación con el concepto político, jurídico e ideológico fundamental que encarnaba la *civitas*.

Con este propósito, la investigación sigue la historia política de la cuestión de la ciudadanía desde su surgimiento, junto al desafío de los Graco a la aristocracia, hasta el censo del 70-69, que formalizó la incorporación a la *civitas* de aquellas comunidades que – junto con los *populares* – habían configurado y consolidado este patrón ideológico.

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ABBREVIATIONS

Abbreviations of authors and ancient works follow the citation system of the *Oxford Classical Dictionary*. Unless otherwise indicated, English translations are taken from the *Loeb Classical Library* editions current as of November 2025.

Classical Authors

Ampel. = Lucius Ampelius, *Liber Memorialis*
App. *B civ*. = Appian, *Bella civilia.*
Asc. *Corn*. = Asconius, Commentary on Cicero's *Pro Cornelio de maiestate*
Asc. *Pis*. = Asconius, Commentary on Cicero's *In Pisonem*
Asc. *Scaur*. = Asconius, Commentary on Cicero's *Pro Scauro*
Ath. Pol. = Athenaion politieia
Cass. Dio. = Cassius Dio
Cic. = Cicero
- *Arch*. = *Pro Archia Poeta*
- *Att*. = *Epistulae ad Atticum*
- *Balb*. = *Pro Balbo*
- *Brut*. = *Brutus*
- *Caec*. = *Pro Caecina*
- *Cluent*. = *Pro Cluentio*
- *De or*. = *De Oratore*
- *Dom*. = *De Domo Sua*
- *Fam*. = *Epistulae ad Familiares*
- *Font*. = *Pro Fonteio*
- *Har. Resp.* = *De Haruspicum Responso*
- *Leg*. = *De Legibus*
- *Mil*. = *Pro Milone*
- *Mur* = *Pro Murena*
- *Nat. D*. = *De Natura Deorum*
- *Off*. = *De Officiis*
- *Orat*. = *Orator*
- *Phil*. = *Philippics*
- *Pis*. = *In Pisonem*
- *Rab. Post.* = *Pro Rabirio Postumo*
- *Rep*. = *De Re Publica*
- *Scaur*. = *Pro Scauro*

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Sest. = *Pro Sestio*
Sull. = *Pro Sulla*
Tusc. = *Tusculanae Disputationes*
Verr. = *In Verrem*
Diod. Sic. = Diodorus Siculus, *Bibliotheca Historica*
Dion. Hal. *Ant. Rom.* = Dionysius of Halicarnassus, *Antiquitates Romanae*
Eutr. = Eutropius
Exsup. = Exsuperantius
Fest. = Festus, *De Verborum Significatione*
Flor. = Florus
Gell. *NA.* = Aulus Gellius, *Noctes Atticae*
Gran. Lic. = Granius Licinianus
Hier. *Chron*. = Hieronymus, *Chronicon*
Iul. Vict. = Iulius Victor
Just. *Epit*. = Justinus, *Epitome* of Pompeius Trogus
Liv. *Epit*. = Livy, *Epitome/Periochae*
Oros. = Orosius, *Historiae Adversus Paganos*
Ov. *Am*. = Ovid, *Amores*
Plin. *HN*. = Pliny the Elder, *Naturalis Historia*
Plut. = Plutarch
C. Gracch. = *Life of Gaius Gracchus*
Cat. Min. = *Life of Cato the Younger*
Mar. = *Life of Gaius Marius*
Per. = *Life of Pericles*
Sull. = *Life of Sulla*
Ti. Gracch. = *Life of Tiberius Gracchus*
Ps. Ascon. = Pseudo-Asconius
Quint. *Inst*. = Quintilian, *Institutio Oratoria*
Rhet. Alex. = *Rhetorica ad Alexandrum*
Rhet. Her. = *Rhetorica ad Herennium*
Sall. = Sallust
Cat. = *Bellum Catilinae*
Ep. = *Epistulae ad Caesarem*
Hist. = *Historiae*
Iug. = *Bellum Iugurthinum*
Sis. = Sisenna
Strabo *Geo*. = Strabo, *Geographica*
Suet. = Suetonius

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Iul. = *Divus Iulius*
Tib. = *Tiberius*
Rhet. = *De Grammaticis et Rhetoribus*
Tacit. *Ann*. = Tacitus, *Annales*
Val. Max. = Valerius Maximus
Varro, *Ling*. = Varro, *De Lingua Latina*
Vell. Pat. = Velleius Paterculus
Verg. *Aen*. = Virgil, *Aeneid*
Vir. Illus. = *De Viris Illustribus*

Other Abbreviations
CIL = *Corpus Inscriptionum Latinarum*
FIRA = Riccobono, S., Baviera, J., Ferrini, C., Furlani, J. & Arangio-Ruiz, V.*(1968); Fontes Iuris Romani Anteiustiniani.* Florence.
FRH = Cornell, T. J. (ed.) (2013) *The Fragments of the Roman Historians,* Vol. 1-3, Oxford.
FRL = Manuwald, G. (2019) *Fragmentary Republican Latin*, Vol. 3, Cambridge, Mass.
ILS = *Inscriptiones Latinae Selectae*
RRC = Crawford, M. H. (ed.) (1974) *Roman Republican Coinage*, Cambridge

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INTRODUCTION

This is a study on ideology and ideological conflict. Specifically, it is my purpose to analyse the relation between *popularis* ideology and the question of citizenship in a very particular period of the late Republic – that between the tribunates of both Gracchi brothers and the census of 70-69.[1]

The nature of *status civitatis* has been extensively explored, with scholars analysing its implications in terms of individual rights and duties as well as its role as the foundation of the community. The importance of the *civitas* as the legal, institutional, political, and even ideological bedrock of the body politic has long been recognised. Yet the disputes that arose within the Roman *res public*a in reaction to the *cupiditas civitatis* of the *socii et Latini* have often been treated as a secondary issue in internal politics – as if conflicts over citizenship did not become a central feature of political debate. Political disagreements concerning whether to pursue or to reject policies of mass enfranchisement are acknowledged but seldom explored, especially with regard to their ideological significance. The same holds true for moments when disputes over the internal boundaries of the *civitas* dominated the political agenda, such as those concerning the tribal redistribution of the *novi cives* or the *libertini*. Even when the conflict between *populares* and *optimates* is examined, it is frequently done under the assumption that both ideological camps shared the same conception of *civitas*. Regardless of how persistent or relevant these issues were in contemporary narratives, modern scholarship has been reluctant to place them at the heart of the political sphere, generally failing to analyse their connection to the ideological schism that had been developing since the so-called *seditiones Gracchorum.*

In the present investigation, I aim to address this gap. Political reality and ideology are strongly interdependent and cannot function properly without one another. Ideology – and the conflicts it generates – never emerges in a vacuum: it is articulated through the discourse surrounding those issues that a society considers politically significant. At the same time, such issues can only be interpreted, justified, contested, and acted upon through ideological lenses. The very act of selecting which questions to debate and which positions to adopt is never ideologically neutral; it is ultimately shaped and constrained by the ideological traditions of the political actors involved. In other words, if the question of who belonged within the *civitas Romana* was raised frequently, it must have exerted an influence on contemporary ideological traditions – particularly when the answers offered were not merely divergent but often mutually contradictory. Moreover, these answers were neither random nor detached from pre-existing ideological frameworks. When a figure like Fulvius Flaccus chose to advocate for the enfranchisement of the *socii et Latini*, his position did not arise *ex nihilo*,

1 All dates are given in BC unless otherwise specified.

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disconnected from the ideological context which shaped his actions. And once he entered the political arena, he also had to articulate his proposals in a manner that was both acceptable and intelligible to his supporters. This study seeks to explore both sides of this relationship – ideology and political praxis.

Put succinctly, my first aim is to investigate why *popularis* ideology seems, from its earliest articulations, to have embraced a more generous conception of citizenship. To do so, it is necessary to present the historiographical framework that serves as the foundation for this inquiry – one that is only possible thanks to a long and robust tradition of studies on the political phenomenon, including its ideological underpinnings, during the late Roman Republic (Chapter 1). Yet what ideology is, and how it should be studied, remains far from settled: it is an elusive and often controversial concept. To address this problem rigorously, I draw on political theory, particularly Michael Freeden's work on ideology and his method of morphological analysis. My goal is not to establish a definitive methodology for studying ideology in the late Republic – if such a thing is even possible – but to equip this investigation with a set of useful and flexible analytical tools that can be applied to the ideological conflicts of the period. The second *Epistula ad Caesarem* is used as a case study to assess the validity of this approach, allowing me to outline the morphological configuration of *popularis* ideology and to demonstrate its clear association with a more open conception of *civitas* (Chapter 2).

From this vantage point, other ideological components essential for understanding the *popularis* conception of *civitas* are examined: the *cupiditas civitatis* (Chapter 3) and the *seditiones Gracchorum*, which marked the pivotal moment when this ideological tradition both articulated its fundamental features and adopted the question of citizenship as one of its core concerns (Chapter 4). Sallust's oeuvre is then brought into focus to address two questions: first, how one of our few *popularis*-leaning sources conceptualized the ideological fracture of the late Republic; and second, how this fracture, together with the ensuing period of *stasis*, helped the *popularis* tradition to consolidate certain recurrent features – such as a generous conception of citizenship – as stable elements of its ideological structure (Chapter 5).

The second part of the dissertation aims to trace the political history of the citizenship question, illustrating how the alignment of *popularis* politicians with inclusive measures evolved, as well as the nature of *optimate* opposition. The subsequent chapters follow this pattern after the murder of Gaius Gracchus. Chapter 6 analyses how the issue of citizenship survived during the 100s, often subsumed within other political struggles such as the *leges repetundarum* or Saturninus' proposals for veteran colonial foundations. Chapter 7 examines how the topic returned to the forefront of political debate due to the exclusionary policies of the 90s, epitomized by the *lex Licinia Mucia*. The investigation then turns to Livius Drusus

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the Younger and his ill-fated attempt to comprehensively reconfigure the Roman *civitas* by integrating the *socii et Latini* – an endeavour that precipitated his murder and the outbreak of the *bellum sociale* (Chapter 8). Drusus has often been portrayed as an essentially pro-senatorial figure, and he remains controversial, as our sources disagree about both his political character and the ultimate aim of his proposals. Here, I engage with these contradictory traditions to situate Drusus, and his projects, within the ideological landscape of his time.

Chapter 9 analyses the process of formal extension of citizenship compelled by the Social War, studying not only the legal instruments (such as the *leges Iulia, Calpurnia, Plautia Papiria,* and *Pompeia*) and the institutional decisions (such as the failed census of 89-88) used to regulate the massive citizenship grants, but also their ideological implications. Chapter 10 then examines the intense struggle over the political integration of the *novi cives*, a conflict that escalated into Rome's first true civil war. Special attention is given to Sulpicius and Cinna, both of whom undertook projects of tribal redistribution intended to dismantle the legal structures designed to marginalise the *novi cives* and to ensure their equal participation in the *comitia tributa* – an effort that was significantly undermined by the census of 86-85. The final chapter addresses the consolidation of this new civic status quo, which Sulla obstructed but did not reverse, and which was ultimately formalised in the census of 70-69.

I. Hypothesis and Objectives[2]

I.a Main Hypothesis

The core argument of this dissertation is that the enduring political struggles over the boundaries of the Roman *civitas* demonstrate that an inclusive and expansive conception of Roman citizenship became an entrenched and consistent component of *popularis* ideology.

I.b Secondary Objectives

1. To engage with the historiographical tradition concerning the political and ideological dynamics of the late Republic.

2. To establish a methodological framework – drawing on political theory and morphological analysis – and to demonstrate its applicability through targeted case studies.

2 This dissertation includes two sections imposed by the EDIUS (Escola de Doutoramento Internacional da USC): the present one, 'Hypothesis and Objectives', and another titled 'Results and Discussion', which is included alongside the Conclusions. This requirement is difficult to justify for a work situated within the Humanities. Speaking of hypotheses and objectives might be acceptable, even if it sounds strange in our academic tradition. It is also imprecise, since no testable or reproducible predictions are offered here. However, the obligation to include a dedicated section for 'results and discussion' is simply inappropriate. Each chapter already engages directly with the relevant historiographical debates and situates any new interpretation within the pertinent scholarly context. None of this resembles a 'result' in the scientific sense. To expect such 'results' from a dissertation of this kind represents an ill-fitting, scientistic imposition. Still, *dura lex, sed lex*. I can only ask for the reader's indulgence.

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3. To analyse the ideological features underlying the *cupiditas civitatis* and their significance within *popularis* thought.

4. To trace the genesis and early articulation of the ideological commitment to citizen expansion during the so-called *seditiones Gracchorum*.

5. To examine how Sallust's oeuvre reflects ideological conflict, polarization and the hardening of ideological structures.

6. To assess the extent to which debates over citizenship permeated other political conflicts.

7. To delineate the restrictive conception of citizenship characteristic of *optimate* ideology.

8. To explore the ideological position and public presentation of Livius Drusus the Younger, situating him within the broader ideological landscape.

9. To analyse legally, politically, ideologically, the process of mass enfranchisement compelled by the outbreak of the *bellum sociale.*

10. To chart the *popularis* struggle for the equitable tribal integration of the *novi cives* in the aftermath of enfranchisement.

11. To evaluate Sulla's challenges to the emerging civic status quo and its eventual consolidation in the census of 70-69.

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1. THINKING ABOUT IDEOLOGY IN THE ROMAN REPUBLIC

Any approach to the historiography of the Roman Republic is bound to evoke a sense of ambivalence in the reader. On the one hand, the sheer number of scholars, contributions, and historiographical currents can be overwhelming. Yet, for precisely this reason, any attempt to provide an overview inevitably involves a degree of arbitrariness and will, by its very nature, remain incomplete. In recent years, several historiographical surveys have been published that greatly facilitate this task. Particularly valuable for their breadth and comparative scope are those coordinated by Cristina Rosillo-López in *Los estudios sobre la República romana en la actualidad en España, Francia, Italia y Alemania,*[3] as well as Francisco Pina Polo's 'Historiografía romana sobre la República romana en el siglo XXI',[4] included in the monographic volume *Élites y masas: la historia social de la República Romana en el siglo XXI*, edited by Pedro López Barja and Antonio Duplá-Ansuátegui.[5] What I present in this chapter is, therefore, no more than a provisional map outlining certain historiographical coordinates especially pertinent to the present inquiry. As with any map, it is necessarily a simplified representation of a far more complex reality – one intended merely to illuminate both the intellectual traditions that have served as my points of reference and the direction that this study will pursue.

1.1 THEODOR MOMMSEN

As with many other issues in the field, if one is to trace the origins of ideology as a factor to be studied in the late Republic, it is necessary to go back to one of the founding fathers of the discipline: Theodor Mommsen himself. It is well known that he placed political ideology at the centre of his *Römische Geschichte*, with the strife between *populares* and *optimates* constituting one of the driving forces behind the history of the *res publica*.[6] A staunch liberal heavily invested in politics, Mommsen combines a profound command of the sources with the rage of a revolutionary who had seen his political project fail in the Revolution of 1848. It is precisely in the shadow of this defeat – which forced him into exile and deprived him of his university chair – that his characterization of the Roman Republic must be situated; something he neither conceals nor downplays, but rather consciously embraces as another element in his repertoire of historical analysis. The categories of analysis he employs are openly modernizing, explicitly identifying ancient political positions with the ideological debates he perceived in contemporary Europe. In his pages we encounter anarchists and communists, as

3 Rosillo-López, 2021a, 47-144, which contains contributions of Jehne, 2021, 53-74, for German historiography; Hurlet, 2021, 75-98, for France and Belgium; Todisco, 2021, 99-128, for Italy; and Rosillo-López, Pina Polo, 2021, 129-144, for Spain.
4 Pina Polo, 2025a, 203-225.
5 López Barja, Duplá-Ansuátegui, 2025.
6 Mommsen, 1854-56; for the English translation by Dickson, 1894, 1901.

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well as proletarians, capitalists, and a Roman aristocracy burdened with all the defects of the Prussian Junker.[7]

For Mommsen, the political nature of the Roman Republic was profoundly shaped by the ideological conflict that existed between the different *Parteien*; 'parties' that, in fact, constitute the true guiding thread of the history of the Republic. The *res publica* itself had been born from an ephemeral pact between the patrician and plebeian parties, which, once the kings were expelled, evolved through the confrontation between these two currents until the full integration of the plebs into Roman society. From that point on, the conflict would be structured around two new parties occupying opposite ends of the ideological spectrum: the conservative or *optimate* party, made up of the patrician-plebeian aristocracy and zealously defending its privileges, and the progressive or *popularis* party. The latter, whose foremost representative was Caesar, was defined by an ideological core revolving around four principles: overseas colonization, the improvement of debtors' conditions, the equalization of the legal status of all classes, and the establishment of a strong executive power independent of the Senate.[8]

Since political parties are the keystone of his model, I believe it is necessary to clarify precisely what Mommsen meant when he spoke of *Partei*. This is especially relevant since the usage of this word elicits strong reactions among many historians that correctly point out that nothing comparable to a modern political 'party', with its clear institutional framework and defined political objectives, existed in pre-modern societies.[9] However, Mommsen's conception of a political party was itself much more ideological than institutional. For his part, Max Weber considered that there were three main types of political parties: those whose goal was to secure power for their leader and positions for their cadres; those that sought to safeguard the interests of their social base; and, finally, those organized around a particular world-view.[10] In Germany, immediately after the liberal revolution of 1848, it was this last conception that truly characterized the *Parteien* beginning to operate in politics. Mommsen himself would participate in the founding of the first of these organizations to include the word 'party' in its name – the *Deutsche Fortschrittspartei*, or 'German Progressive Party'. Therefore, when Mommsen speaks of *optimates* and *populares*, he is not talking about contemporary mass parties or institutionalized groupings. Instead, the notion applicable to this work, particularly to *Römische Geschichte*, is that of a loose grouping that shared certain ideological lines – a Weltanschauung of sorts, a world-view that need not be total nor

7 For a collective approach to different aspects of Mommsen's life and scholarship, Martínez-Pinna Nieto, 2005; especially, from a biographical perspective, Marco Simón, 2005, 17-24; for his conception of political parties, López Barja, 2005, 207-218; for Mommsen's framing of Roman 'defensive' imperialism, Duplá Ansuátegui, 2005, 219-238; regarding his salvific relation to Caesar, Pina Polo, 2005, 239-252.

8 López Barja, 2005, 217-218: 210-217; Caesar's role in Mommsen's narrative is explored in Pina Polo, 2005, 239-252.

9 This is the case for Gelzer, as shown in Simon, 1988, 222-240: 236; López Barja, Paleo-Paz, 2025, 77-99: 94, nº 92; another example for the rejection of implications behind the label 'party' can be seen in Gruen, 1995, 50.

10 Weber, 1964, 228-232.

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perfectly organized. This, I would argue, is a much more defensible position – even if his application is outdated in many ways.[11]

1.2 The 'Frozen Waste theory': A New Paradigm without Ideology

However, this valorization of ideology as a historical category that could have explanatory value in understanding the nature of political conflict in the Roman republic was quickly cut short. The assault came from many fronts. On the one hand, Marxist historical materialism as well as the sociological studies prevalent at the turn of the twentieth century – particularly those of the so-called 'elite theory' – created an intellectual milieu strongly antagonistic even to a moderate idealist approach. Both perspectives focused their considerable analytical tools on the material world, whether of class struggle or power. Ideology came to be dismissed as a mirage, divorced from the empirically ascertainable structures which ruled the world. In addition to this, the conservative backlash against liberalism that swept many European institutions – including academia – in the first third of the century also gave credence to very oligarchic conceptions of the Roman polity; interpretations in which any sign of ideological conflict in the late Republic was dismissed as a Romantic oddity from the past.[12]

This was the position that became a maxim for the discipline of Roman studies, supported by the combined authority of some of its most respected historians. Matthias Gelzer, Friedrich Münzer, Ronald Syme and Christian Meier, although coming from different historiographical and epistemological traditions, all described the Republic as a profoundly aristocratic regime in which the only political factor was the pursuit of power, and the only political agent of merit was the *nobilitas*. This paradigm constituted what John North, very evocatively, named the 'frozen waste theory', as nothing but oligarchy and ideological monotony could grow in this vision of the past.[13] Ideology was nothing more than 'hot air and high sounding words'.[14] The work that most decisively broke with Mommsen's model was *Die Nobilität der römischen Republik* (1912), the brief *Habilitationsschrift* of Matthias Gelzer – its importance is difficult to exaggerate, to the point it underpinned much of the social and political historiography of the late Republic produced during the twentieth century.[15] As its very title suggests, the book's primary object of study is the Roman 'nobility', a class composed of those whom the classical sources designate as *nobiles*. Carefully analysing the sources, Gelzer traced the application of this term to individuals descended from consuls, dictators, or military tribunes with consular power. The *nobilitas*, understood as the class formed by the

11 This is the main argument of López Barja, 2005, 207-218: esp. 210-217.

12 López Barja 2014, 33-47, at 34-39; for the connections between 'elite theory' and classical studies, Canfora, 1991, 189-196; fundamental to 'elite theory' are Michels, 1911 (translated in English, 2016); and Mosca, 1923; for a succinct overview of the original Marxist dismissal of ideology as mere façade, Freeden, 2003, 5-11.

13 North, 1990a, 3-21 and 1990b, 277-287.

14 Syme, 1939, 59.

15 Gelzer, 1912, translated to English by Robin Seager in 1969; for a historiographical analysis of Gelzer, see López Barja, Paleo-Paz, 2025, 77-99.

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aggregation of all such *nobiles*, thus emerged as a closed oligarchy that controlled admission to its ranks through its absolute domination of the political institutions.[16]

Alongside the definition of *nobilis*, the other cornerstone of the political conception advanced in *Die Nobilität* is the institution of *clientela*. Drawing on the conclusions of Fustel de Coulanges and R. Heinze, Gelzer used the system of patronage to reconcile the existence of assemblies and elections with his model of an unequivocally oligarchic Republic.[17] By embedding a dense network of patron–client relationships between members of the ruling oligarchy and the wider social body, the Gelzerian *nobilitas* could effectively control the outcome of elections that were only ostensibly free. In this framework, ideology disappears from the political stage: the labels *optimates* and *populares* become mere tactical designations employed by members of a hereditary nobility engaged in a relentless struggle for power within a profoundly oligarchic system. The intensity of this conflict was such, Gelzer argued, that the *factiones* encountered throughout Roman history were not stable organizations but ephemeral, situational alliances. In the volatile political climate of the Republic, today's ally would inevitably become tomorrow's enemy, rendering any lasting loyalty to a *factio* or *gens* irrelevant.

According to Canfora, this conception of Roman society and politics was rooted in a series of studies in political sociology that were highly influential at the turn of the twentieth century. For the Italian scholar, it was based on the so-called elite theory formulated by the sociologists Gaetano Mosca and Robert Michels.[18] In their view, behind every political regime – regardless of its constitutional façade – invariably lurks a small, oligarchic ruling class: what Mosca named the 'political class.' Opposed to this political class, which monopolizes power, stands the mass of the governed who, by definition lack genuine political agency. Even when a dominant oligarchy is expelled from power, Michels's 'iron law of oligarchy' dictates that within the revolt a new dominant group will inevitably emerge, immediately constituting another ruling political class.[19] In fact, it is much more plausible Gelzer's historiographical position stemmed from his own deeply conservative and anti-liberal world-view, strongly rooted in his evangelical Protestantism. Opposing Mommsen's highly ideological approach was part and parcel of a global rejection of the entire nineteenth century, alongside its liberal and bourgeois revolutions. For Gelzer, Rome's uniqueness was her inherently conservative political culture, one in which no ideological fissures could appear.[20]

16 Gelzer, 1975, 27-40.
17 Regarding the influences present in Gelzer's *Die Nobilität,* Ridley, 1986, 474-502; López Barja, Paleo-Paz, 2025, 77-99: 80-81.
18 Canfora, 1991, 195-196.
19 Mosca, 1923, 52-72, for his definition of the 'political class'; in relation to the 'iron law of oligarchy', Michels, 2017, 224-235 (the original was published in German, 1911).
20 López Barja, Paleo-Paz, 2025, 77-99: 79-84.

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Alongside this reaction against liberalism, prosopography also played a central role in erasing ideology as valid object of study. In German academia, this came hand-in-hand with the era-defining encyclopaedic project of the Pauly-Wissowa, for which Friedrich Münzer wrote multiple biographies of many key figures of the Roman Republic. These studies replaced the analysis of ideas with the study of individuals and laid the foundations for the discipline of prosopography. For Münzer, ideology was of secondary importance, and the division between optimates and populares was not an effective tool for understanding political dynamics. In his *Römische Adelsparteien und Adelsfamilien*, he developed the hypothesis that what truly mattered were the alliances forged between broad family structures – *gentes* – which constituted the real *Parteien*.[21] These were composed of relatively stable *factiones* that operated according to a quasi-feudal logic of power. Within this political framework, the *res publica* could only be understood as a purely oligarchic constitutional regime, in which outgoing magistrates and aristocratic families negotiated the accession of the next candidate, whose election would then be obediently ratified by the *comitia*.[22]

In the anglophone world, the decisive moment for the Münzer–Gelzer paradigm came with Ronald Syme and his seminal *The Roman Revolution*.[23] Written as a counterpoint to the fascist glorification of Augustus, the book marked a turning point in the interpretation of late Republican politics. Syme, later Camden Professor of Ancient History (1949–1970), took over the explanatory models of Münzer and Gelzer – especially their rejection of ideology as a real factor in politics – but reshaped them in significant ways. From Gelzer he adopted the definition of the *nobilitas* and the characterization of its members as the only political actor worthy of consideration. In addition, he also assumed the idea of a Republic that was oligarchic despite the existence of the assemblies, with the *clientela* constituting one the main instruments of command and control in the political arena.[24] However, unlike Gelzer, he articulated his thesis more in line with elite theory – or at least with its popular formulation, as no reference to Mosca or Michels is made. In any case, he grounded his analysis in a premise that eloquently summarizes both of these authors theories: 'In all ages, whatever the form and name of the government, be it monarchy, republic or democracy, an oligarchy lurks behind the façade; and Roman history, Republican or Imperial, is the history of the governing class'[25] – one that he frames, tellingly, in opposition to the 'non political class'.[26]

From Münzer, Syme inherited a prosopographical approach to the study of the notable families of the Republic, whose relations he analysed in excruciating detail. Contrary to Gelzer, he accepted the view of the Parteien as stable and decisive actors. However, he

21 Münzer, 1920.

22 For a recent reflection on Münzer prosopographical method and the conception of parties proposed in *Römische Adelsparteien und Adelsfamilien*, see Hölkeskamp, 2025, 15-29; also, López Barja, 2014, 33-47: 34.

23 Syme, 1939.

24 A classical analysis of Syme's historiographical approach in *The Roman Revolution* is Momigliano, 1940, 75-80; also, Vivas García, 2016; Gago, 2021, 201-221; for an updated take, see Santangelo, Vitello, 2025, 31-56.

25 Syme, 1939, 7.

26 Syme, 1939, 513; for Syme's connection to elite theorists like Mosca, López Barja, 2014, 33-47: 37, 38.

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redefined them along Weberian lines as patronage parties: organizations in which a leader pursued power for himself and his dependants. In fact, he argued that this was the crux of Augustus' power – as when he conquered power he had a cadre of loyal partisans to constitute his government.[27] Syme's conception was also indebted to Mario Attilio Levi's fascist party model, articulated in *Ottaviano Capoparte*, a work strikingly similar to The Roman Revolution. The result was a vision of the late Republic as a purely oligarchic regime, governed by an aristocracy acting collectively through parties, and animated not by principle but by ambition.[28] For Syme, ideology amounted to little more than 'hot air and high sounding words' masking self-interest.[29] This starkly dismissive stance toward ideas was often compared to the work of Sir Lewis Namier, though Syme himself rejected the parallel in the strongest terms.[30]

For its part, German scholarship was no less enthusiastic in developing and strengthening the 'frozen waste theory'. Christian Meier, in his *Res publica amissa*, endowed this model with profoundly theoretical foundations by resorting, among other influences, to the works of noted jurist Carl Schmitt.[31] Like Gelzer, he shared a fundamental hostility towards liberal democracy; also, he emphasized the transitory and fluid character of factions, their contingent nature (*Gegenstandsabhängigkeit*), thereby distancing himself from the positions of Münzer and Syme.[32] However, by historicizing Schmitt's anti-liberal ideas, Meier established a conceptual framework that excluded the possibility of ideological conflict as alien to the most fundamental basis of the system – not only politically, but culturally and socially. For him, the Roman Republic was the perfect monistic society in terms of political ideology, a 'perfect assemblage of aristocracy and people' where no pluralism could arise.[33] Under this interpretation, the ruling oligarchy shared a common ideology almost by necessity, as their position was rooted in their capacity to elicit consensus. Therefore, no ideological disagreement could arise from within the system. In fact, this consensus was so strong that it even overrode (to a point) the necessity of the traditional conception of *clientela*. Simply put, there was less of a necessity to control the initiatives of the masses, as the prior and more consequential decision of what was political or not was decided by the elite.[34]

In this sense, the adjective *popularis* served to describe a particular political style, not an ideology. 'Acting as a popular' (*populariter agere*) was a tactical and performative way of

27 Syme, 1939, 524.
28 Attilio Levi's influence in Syme is explored in López Barja, 2014, 33-47: 38; also, Vivas García, 2017, 279-297; Santangelo, Vitello, 2025, 31-56: 39.
29 Syme, 1939, 59.
30 For Syme's connection to Namier, Momigliano, 1966, 729-737.
31 Meier, 2017 (original from 1966); the strong intellectual links between Meier and Schmitt are explored in López Barja, Paleo-Paz, 2025, 77-99: 84-93.
32 Meier, 2017, in the 'Einführung zur Neuausgabe', which has its own numbering, 32*-42*.
33 Meier, 2017, 53; López Barja, Paleo-Paz, 2025, 77-99: 90.
34 Meier, 1995, 31-36, 40-43, 197-201, 354-355; and 2017, 57, among other places; López Barja, Paleo-Paz, 2025, 77-99: 84-93.

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engaging in politics. It was characteristic of those aristocrats who, having been displaced by other members of the oligarchy, turned to the assemblies with proposals favourable to the people in order to regain their share of influence. At no point, in Meier's view, could this term – or indeed any other – be used to designate an ideological current.[35] Politics could be understood and could exist only within an oligarchic framework, and since all actors within it shared the same ideology, there could be no ideological debate in which genuine political alternatives were articulated. Therefore, the crisis of the Republic was that of an oligarchic regime which, owing to the exclusively aristocratic composition of its political class, was doomed to failure by its inability to generate a programme of renewal. This is what Meier ultimately described as a 'crisis without alternative' (*Krise ohne Alternative*) – deliberately avoiding the ideologically charged term 'revolution'.[36]

The combined authority of these four positions constituted the dominant view of the field for most of the 20th century. They may have differed in certain aspects, such as the nature of political alliances, the role of the *clientela*, or even the theoretical foundations of their own interpretations of the past. However, they were in agreement in two central issues to the point they became axiomatic: one, the Roman Republic was essentially an oligarchy; and two, no ideological discrepancy existed behind the political clashes that precipitated the end of the regime. Many of the great names of Roman historiography articulated their studies within these confines. In *Party Politics in the Age of Caesar*, Lily Ross Taylor dismissed the existence of a genuine ideological divide – at least one that could be a major factor in politics. For her, the main difference between *optimates* and *populares* was their political methods and not the substance of their ideology. While she concedes that when legislating, *populares* tended to favour the rights of the people (for laws did reflect somewhat of a 'program'), their ultimate aim was far from ideological: while the optimates were trying to maintain an oligarchy, the *populares* were attempting to establish personal supremacy.[37]

In turn, H. H. Scullard combined a prosopographical approach similar to that of Münzer with the acceptance of certain ideological features, small as they might be. During the middle Republic, different families promoted distinct policy viewpoints: while the Fabian were more conservative and counselled caution in matters of foreign policy, the Aemelian-Scipionic group were more 'liberal' yet more aggressive in their policies abroad.[38] Later, when dealing with the struggle between the optimates and *populares*, Scullard considered ideology a secondary issue, outweighed by personal ambition and differing political methodologies.

35 This understanding of *populariter agere* as the one criteria that defined the *populares* is what underpins Meier, 1965, 549-615; also, Meier, 2017, 116.z

36 For a brief description of how the *Krise ohne Alternative* interacted with Caesar's decision to march against Rome, Meier, 1995, 349-363; in relation to his rejection of the term 'revolution', Meier, 1995, 491-492.

37 For the limited nature of these 'programs', Taylor, 1949, 1-24; in relation to what tyranny would prevail, Taylor, 1949, 23; for the different approach to political action – not mainly ideological – Taylor, 1949, 13; for a recent study regarding Taylor's experiences in Fascist Italy and the rise of the Nazi regime informed her historiographical approach, see Rosillo-López, 2025, 57-75.

38 Scullard, 1951, 39-74.

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However, he concedes that certain *populares* politicians, such as the Gracchi, were indeed 'genuine reformers' who aimed 'at disinterested social and economic reform'.[39] Other authors like Ernst Badian or Eric Gruen also dismiss ideological conflict, especially the division between *optimates* and *populares*, which are presented as labels that obscure rather than clarify the understanding of late Republican political dynamics.[40] For his part, Emilio Gabba generally rejected the idea that these divisions were primarily driven by ideological or theoretical conflicts. For him, they were the product of much more discrete disagreements that could develop and coalesce into certain positions which, sometimes, challenged the old oligarchic model by advocating for more inclusive practical solutions. However, this was done without the backing of any formalized political ideology that argued for a more democratic polity.[41]

1.3 Breaking the Consensus: Brunt and Millar

The 'frozen waste theory' remained dominant until one if its more foundational keystones came under attack by another Camden Professor of Ancient History. In his essay 'Clientela', included in *The Fall of the Roman Republic and Related Essays,* Peter Brunt dismantled the myth of patronage networks having sufficient social or legal power to guarantee a high degree of control over the political sphere or the electoral process. He revealed that the ever present interpretation of this institution as a decisive factor in late Republican politics was, at best, greatly exaggerated, and at worst, a modern construct. This supposedly ubiquitous mechanism of political and social control had no legal force behind it and almost no backing in the sources – excluding references to freedmen, provincials and defendants in court. On the contrary, the independence of the assemblies was attested by the introduction of many laws that harmed the nobility's interests, including ballot laws that specifically targeted the very mechanisms of control the aristocracy had over the people. Therefore, Brunt's argument was clear: the great conflicts of the late Republic were not the result from factions manipulating loyal clients as if they were feudal barons.[42] Instead, they came 'from divergences of interest and sentiment between the senatorial nobility at large on the one hand, and (at various times) the Italian allies, the Equites, the urban plebs, and the peasantry on the other'.[43]

39 Scullard, 2011, for the general dismissal of ideology, esp. 6; for the Gracchi, esp. 32-33.

40 Badian, 1958; also, Badian, 1964, 93, where he very revealingly dismissed partaking in popular politics as 'to sow some wild oats' before settling down; in turn, Gruen, 1995, 50, claimed that 'Roman politicians did not normally divide on matters of principle'.

41 For the lack of a theoretical nature behind the conflicts, Gabba, 1976, 29; this work is the English translation (abridged) of an earlier Italian book which compiled an array of articles, Gabba, 1973; for a short overview of Gabba as a historian, see Clemente, 2016-2017, 1-8; regarding Gabba's disproportionately influential publications on the Roman army, Cadiou, 2025, 101-126.

42 Brunt, 1988, 382-442; for the relevance of Brunt successfully integrating social history in the study of the late Republic, Duplá, 2025, 151-175.

43 Brunt, 1988, 386.

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However, it was Brunt's successor at Oxford, Fergus Millar, who presented the most fully fledged challenge to the 'frozen waste theory' by flatly rejecting the label 'oligarchy' and introducing without hesitation the term 'democracy' into the debate over the Roman constitution. In *The Crowd in Rome in the Late Republic*, Millar deliberately places the *populus Romanus* – or the physical crowd that embodied it – at the centre of the political system, highlighting its role as the formal and, in many ways real, sovereign of the *res publica*. Therefore, building on this foundation, Millar emphasized the central role of the orator in the republican system. For him, the whole significance of the public speaker can only be fully appreciated when set in relation to three key elements. The first one was the Forum, understood as a public space of political competition with its own constitutional topography, where different actors confronted one another directly. The second were the *contiones*, public spaces for ideological debate – in fact, in the late Republic they were places where 'rival conceptions of state and society, and rival policies' were openly contested, debated and even fought over, always in front of a crowd.[44] And the third were the *comitia*, the assemblies in which the Roman people exercised legislative power – acting as a *populus* regulating the affairs of the community. It was the manifestation of true popular sovereignty. This was especially important for Millar, as this type of direct legislative power was very uncommon throughout history and placed Rome alongside other direct democracies, such as Athens. Even the problem of electoral corruption, so widespread and prosecuted in the late Republic, he argued, loses its rationale if election outcomes were predetermined in advance.[45]

1.4 Defining Ideology: Philosophy and the Social Sciences

Both Brunt's and Millar's theories, coming from the very centre of the British academic establishment, reignited the debate over the nature of the Roman political experience and, key for this study, brought back ideology as an important element to be analysed. Other fields, like sociology and political theory, had already readmitted it as an object of study during the first half of the twentieth century. In *Ideology and Utopia*, Mannheim had challenged its monolithic and unidirectional nature as conceived by Marx and Engels.[46] On the one hand, he conceded that different social circumstances could produce a multiplicity of mentalities, which in turn could articulate different ideologies. On the other hand, ideology was defined as more than a simple instrument used by the elites to manipulate the subservient classes – as a mental structure, it has psychological and sociological roots and constitutes a Weltanschauung. Therefore, the objective of the intelligentsia was to mediate between these different mentalities and try to interpret the world from a non-subjective perspective.

44 Millar, 1998, 7.

45 These ideas were developed in Millar, 1984, 1-19; 1986, 1-11; and most famously, 1998; most recently, Arena, 2025, explores how Millar's deep-seated opposition to the neoliberal discourse and anti-democratic university policies implemented by Margaret Thatcher influenced his particular focus on the sovereignty of the Roman people.

46 Mannheim, 1954, esp. 49-96; originally published in German, *Ideologie und Utopia*, in 1929.

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In turn, Antonio Gramsci accepted the premises of ideological pluralism put forward by Mannheim yet he combined them with the Marxist vision of ideology as an instrument of power. This took the form of his famous theory of cultural hegemony – of which ideology was just an aspect. This hegemony did not depend exclusively on the institutional power of the state, as it required the collaboration of the intellectuals of each period, who created the philosophical and ideological culture of the elites. Essentially – but no exclusively – the function of this dominant culture was to justify the position of privilege of the elites, both to themselves but also to society at large, by integrating to a certain degree the interests of subaltern groups. Therefore, through this compromise, hegemony was established and made palatable to a majority of society. An important objective of this was to render individual philosophies and popular beliefs inoffensive, co-opting some of their principles while thwarting their possibility of evolving into full-fledged ideologies that could compete with the dominant one.[47]

For his part, also working from within the Marxist tradition, French theorist Althusser agreed with the premise that the main function of a dominant ideology is to ensure the submission of the working class. However, he gave ideology a degree of autonomy in relation to the underlying economic structures; as he conceived it, ideology itself had a real and tangible presence that consisted in the imaginary narratives by which individuals and classes related to the world. Therefore, ideology was real as far as it manifested via different rituals, beliefs, and actions which actually took place in reality.[48]

However, ideology was not only studied from a Marxist perspective. In fact, in the United States, the social sciences recast ideology in sociological terms and detached it from Marxism. Their methodological premises were strongly empiricist, devising methods to access, extract, and record the actual opinions, beliefs and attitudes held by the public. By approaching ideology in such a manner, these studies focused primarily on the quantifiable, conscious and discrete manifestations of ideology. That is, the aspects which were apparent to their holder and, especially, to those carrying out the study – for example, attitudes towards race, voting patterns, or support for certain public policies.[49] Other disciplines, like anthropology, also approached the study of ideology. Particularly relevant is C. Geertz's conception of ideology, which he considered an ordered system of complex cultural symbols organizing and integrating social and psychological processes into meaningful patterns, thus enabling purposive action. Therefore, ideologies are maps of a particular social reality and the historic time in which it takes place. And like maps, ideologies are selective in the information they display, ignoring many aspects of reality while presenting others in an organized and

47 Gramsci, 1999; specifically regarding ideology, 704-707.
48 Althusser, 1976, 67-125.
49 Robert E. Lane is especially representative of this approach, which is often linked to behaviouralism; see, for example, Lane, 1962 or 1969.

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interrelated way, creating structures of proximity and hierarchy between ideas, institutions and values.[50]

1.5 Arguing about Ideology: Consensus and Political Hegemony

Even though the field of late Republican studies was particularly reticent to acknowledge the relevance of ideology as a driver of political action, I would argue that many of the ideas underlying these approaches nevertheless percolated through. For some, ideology became the main instrument through which the elites generated the broad societal consensus necessary for preserving their position while integrating subaltern groups with a façade of participation. Especially in the German tradition, the idea of a consensus that heavily conditioned any-and-all political decisions continues to dominate the interpretive framework through which the end of the Republic is presented. In his project to define the concept of 'political culture', Karl-Joachim Hölkeskamp accepted the core of Meier's arguments while simultaneously employing sophisticated theoretical frameworks to refine and systematize them.[51] To this author, the central aspect that characterizes the Roman political culture continues to be a deeply rooted, continually reinforced, and 'polymorphically cultivated' consensus maintained by the political class.[52] However, he integrates this consensus into a complex and multidimensional system in which structures, ideology and symbolic aspects interplay. The coherence of this system was reinforced by a carefully calibrated culture of aristocratic competition regulated by a set of mutually accepted norms and rules yet legitimized by resorting to the *populus* Romanus in the electoral assemblies. Thus, the people, who constituted somewhat of 'third party', acted as arbiters in a contest in which the criteria that determined questions of status and hierarchy rested on a shared consensus.[53] Different aristocrats could compete against each other confident that the people and the Senate would justly value their merits and the symbolic capital of both them and their respective families.[54]

Hölkeskamp admits that the crisis of the *res publica* did entail an erosion of the consensus and its myriad of rules, civic processes of building coherence, and mutual restraints. In this context, certain politicians deliberately broke conventional rules in order to achieve their legislative and personal goals, circumventing the Senate and further eroding the consensus. Moreover, certain specific issues became chronic and tested the system's capacity to find solutions, escalating conflict and political violence.[55] However, he is adamant that no-one challenged the basic structure of the system. For him, the core ideology of the aristocratic regime remained generally exempt from political debate, because it was held as indisputable.

50 Geertz, 1964, 47-76, esp. 64.
51 Hölkeskamp, 2019.
52 Hölkeskamp, 2019, 182.
53 Hölkeskamp, 2019, 144.
54 Hölkeskamp, 2019, 149-169, resorts to Bourdieu's concept of 'symbolic or social capital' as fundamental to analysing the aristocratic social structure, helping to define the actual contents of status, rank, and pre-eminence.
55 Hölkeskamp, 2019, 74.

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The conflicts of the late Republic involved the application of the rules or the ability of the system to solve the aforementioned problems, but never entailed a wholesale ideological attack.[56] Ultimately, Hölkeskamp is but the leading representative of a German school of thought – which also includes scholars such as Martin Jehne, Hans Beck, and Egon Flaig – firmly grounded on the premises established by Meier. This approach seeks to uncover the foundations of social consensus and locates them in the symbolic world: politics as ritual – statutes, funeral orations, theatre – everything which compelled the people to follow the aristocracy and obey without question.[57]

In turn, Henrik Mouritsen strongly rejects both of Millar's core claims: that Rome was a democracy and that there was a genuine ideological divide behind the crisis of Republic. Regarding the first claim, he challenges the democratic interpretation by distinguishing the 'people', as an ideological concept, from actual citizens that engaged with the political process in practice. Taking this as his starting point, he employs spacial, temporal and quantitative analysis to establish the probable scale of the political processes of the late Republic and show how limited they were in terms of public participation. He numbers the maximum capacity of the *comitium* around 4,000 to 5,000; for the *saepta*, it would have peaked at 25,000 or 30,000 – according to his calculus. This limit, coupled with the fact that political participation was bound to be a time-consuming activity, would have had the consequence of imposing a clear social barrier for those willing and capable of engaging with the political process. Giving these hurdles, a typical political crowd would have been constituted by those of the propertied class, not the working population. In other words, even though the politicians may have claimed that the *populus* was sovereign, the fundamental structures of society were designed to guarantee the rule of the few rather than the many.[58]

Regarding ideology, Mouritsen strongly rejects any framework that would impose ideological dichotomies, such as characterizing *populares* and *optimates* as representing 'competing ideologies and contrasting visions of Roman society'.[59] For him, this is tantamount to applying a modern ideological divide to a past defined by its consensus about what constituted the *res publica* and its animating principles. Ideology, in practice, was

56 Hölkeskamp, 2019, 51, 72-73; North, 1990a, 3-21 and 1990b, 277-287, while criticizing many of the features of what he had named the 'frozen waste' theory and conceding that there were contentious issues that motivated the people, he denied existence of a real ideological conflict; politics was – at its root – an aristocratic pursuit in which the people served as arbiter.

57 Flaig, 1995, 77-127; and 2003; Jehne, 2003, 279-297; and 2010, 17-34; Beck, 2005, 73-104; Hölkeskamp, 2023, among many other works.

58 Mouritsen, 2001.

59 Mouritsen, 2017, 112, in a section tellingly named 'Inventing the *Populares* and *Optimates*'; other authors have also put into question the existence of ideological conflict, Robb, 2010, conducts a lexicographical and contextual analysis of the terms *popularis* and *optimas/optimates*; by focusing on the variability of meanings behind *popularis*, she suggests it functions as a broad term for actions related to the popular interest or simple popularity, not as a political label; regarding the word *optimas*, she concludes that the variants of this term were used to simply refer to the aristocracy or the senatorial class; similarly sceptical towards ideology is Le Doze, 2010, 259-289 and 2015, 587-618.

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expressed through a rhetorical contest where both opposing sides claimed to be the true defenders of a single, shared set of ideals – therefore, transforming the political and policy disagreements into a rhetorical contest between the abstract ideals of the people and the aristocracy. Therefore, the *ratio popularis* was not an ideological issue. It was the specific manifestation of these rhetorical games when wielded by 'dissident' politicians trying to advance their careers against the senatorial majority – a very similar claim to Meier's *populariter agere.*[60]

For his part, Morstein-Marx presents an interesting historiographical evolution in which he performed a volte-face regarding the existence of a real ideological divide in the late Republic. In *Mass Oratory and Political Power in the Late Republic*, he contended that Roman 'cultural memory' was essentially hierarchical, saturated with values reinforcing the social and political superiority of an oligarchy operating within a framework of ideological monotony. The central role of the orator – always an aristocrat – thus produced the opposite effect of what Millar proposed: before the urban plebs, it reaffirmed the superiority of a citizen capable of occupying the very centre of public space. In fact, oratory itself exemplified this justificatory function, adopting different styles depending on the audience. To speak of a *popularis* ideology, in that view, was a misinterpretation of what was simply 'contional' rhetoric, tailored to popular audiences but devoid of substantive ideological content.[61]

However, his position in this regard has changed – or at least, it was refined to the point of actively defending the existence of a genuine ideological divide in the late Republic. To a great degree, this shift hinges on a particular application of Gramsci's concept of cultural hegemony. Morstein-Marx uses Gramsci's nuanced view to critique an overly simplistic view which presents the subordinate groups as totally accepting the 'dominant ideology' without pushback or resistance.[62] Instead of total acquiescence, he adopts Gramsci's proposal of a 'divided consciousness' among subaltern classes, which meant that they could possess their own autonomous 'conception of the world' based on their lived experience while at the same time being heavily influenced by the hegemonic ideology.[63] When sufficiently politicized, the people could exert a 'significant degree of ideological autonomy', as it is evidenced by the frequency with which they could engage in 'successful assertions of popular sovereignty (SAPS)' – that is, laws passed against significant senatorial opposition.[64] In fact, he argues that, contrary to Gramsci's model, who suggested that the masses rarely translated their autonomous world-view into political action, the popular successes against the elite were

60 Mouritsen, 2017, 112-123, 162.
61 Morstein-Marx, 2004.
62 Morstein-Marx, 2013, 29-47: 31, resorting also to Scott, 1990.
63 Morstein-Marx, 2013, 29-47: 45.
64 Morstein-Marx, 2013, 29-47: 34-37; his defence of the existence of an ideological conflict has been validated, even strengthened, in Morstein-Marx, 2021; in 8, he claims that during the last two centuries of the Republic there are moments 'when we sense the opening of a yawning gap between what one might loosely call "senatorial" and popular perspectives on the very norms and proper functioning of the Republic.'; in 590, he goes as far to argue that Caesar's civil war 'in important respects it was about the very nature of the Republic.'

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frequent during the late Republic.[65] Therefore, through this application of the concepts of 'cultural hegemony' and 'divided consciousness', Morstein-Marx allows for the existence of a real, if limited, ideological conflict, which coexisted with a considerably broad consensus regarding certain core aspects of the system.

1.6 Studying Ideology: A Functional Approach to Late Roman Ideologies

As the theorist Michael Freeden argues, a very common way to conceptualize the different 'ideological belief systems that were organized around political traditions is to adopt a functional approach, that is, to identify the role they play in political life.'[66] For that reason, he proposes a working definition whereby a political ideology is 'a set of ideas, beliefs, opinions, and values' that comply with four requisites. First, it must exhibit a recurring pattern. In other words, it shows a relative temporal permanence in a particular historical setting. Second, it must be held – if not totally, to considerable degree – by a significant group of people; namely, it must transcend the nature of individual beliefs and relate to conflicts between social groups. Third, this set of ideas, opinions and values must compete over the design and control of public policy. And fourth and final, it must engage in such a competition 'with the aim of justifying, contesting or changing the social and political arrangements and processes of a political community.'[67]

I believe that this is a conception of political ideology that underpins many of the studies about the late Republic which do defend the existence of an ideological conflict. Especially remarkable – given the dominant historiographical tradition of his country – is the case of Helmut Schneider. In 1977, he published *Die Entstehung der römischen Militärdiktatur*. In this work, he explains the crisis of the *res publica* as characterized by deep-seated political polarization, with the opposition between *Popularen* and *optimates* as one of the defining features of the period. However, for Schneider, this division was not so much rooted in abstract ideologies *per se* (the word *Ideologie* is absent) as in a fundamental clash of social and economic interests between these two opposing political groups. In any case, although he consistently argues that the root cause of political polarization lay in unresolved social and economic tensions, he also acknowledges that the *populares* and *optimates* represented fundamentally different political and social perspectives, with very distinct ultimate goals. In this regard, Schneider openly challenged the dominant view within German academia. He rejected the idea that *populares* politics consisted merely of a 'method' (*Methode*) for gaining political advantage, emphasizing instead the substantive and programmatic continuity of their agenda. He also criticized the excessive focus on the aristocracy and political processes,

65 Morstein-Marx, 2013, 29-47: 46, where he argues that Gramsci's exception seems 'here to be pretty much the norm.';
66 Freeden, 2003, 32.
67 Freeden, 2003, 32-34.

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which ignored the structural social and economic issues that deepened polarization and led to the impression of a *Krise ohne Alternative.*[68]

A seminal study regarding the ideological divisions of the late Republic is that of Jean-Louis Ferrary, who argued for the characterization of the *populares* and the *optimates* as different ideological traditions precisely over very similar criteria to the ones defined by Freeden. In his work, the *optimates* are described as those who believe in and defended both the supremacy of the Senate as the governing body of the *res publica*, and the authority and dignity of the *patres*. Consequently, they opposed any attempt to detract power away from the Senate or to make the *comitia* more democratic and egalitarian. Conversely, the *populares* proposed granting an array of material benefits to the people (in particular colonization efforts, land distribution, and the corn dole), defended the *libertas populi*, and pushed to allocate more power to the people.[69] Coming back to Freeden's provisional definition, these are the contrasting sets of ideas, beliefs, opinions, and values that each ideology espoused. Many people partook in these conflicting ideologies and for many years, to the point that each one could point to different political traditions and to a line of precedents. And the clashes between these groups were not only personal: on the contrary, although they shared many concepts they resorted to fairly distinct ideological belief systems to justify, contest and enact social change precisely by taking control of the instruments of public policy: mainly, through the control of legislation, but also through other institutions of power, such as the census or tribunals.

I would argue that Ferrary's analysis of these ideological traditions remains generally valid more than forty years later. Those who defend the existence of an ideological divide tend to complement, emend, and expand it rather than directly contradict it.[70] A functional approach to ideology can also be discerned in the work of Francisco Pina Polo, another scholar who interprets the crisis of the *res publica* as a conflict of ideas – among other factors. Pina Polo has devoted considerable attention to the detailed functioning and evolution of the principal political institutions of the Roman Republic. His research has focused particularly on the consulship, analysing both the nature of imperium and the wide range of non-military functions exercised by the Republic's highest magistracy, from both synchronic and

68 Schneider, 1977, which has a second, expanded edition, commemorating the 40 year publication of the original (2017).

69 Ferrary, 1982, 723-804.

70 Perelli, 1982, while having a slightly more sceptic approach towards the genuine beliefs of many of the *popularis* leaders, he also presented the *populares* as a coherent ideological tradition that opposed the more aristocratic tendencies and leaned towards a more democratic *res publica*; Mackie, 1992, 49-73, also defended the existence of ideological discrepancy by arguing that two elements come into play: a relatively consensual common political framework made up of a series of basic principles – *res publica*, *mos maiorum*, *senatus auctoritas*, *libertas populi*, and *leges* – and a set of disagreements concerning the priority each principle deserves and where legitimate power truly resides: whether in the people, organized in assemblies, or in the Senate; also, Wiseman, 2006, where he explores the artificiality of presenting Republican Rome as society without ideological conflict and aims to counteract the dominance of anti-popular views found by trying to salvage as much as possible from the *popularis* perspective, focusing in particular in Licinius Macer and in clear consistency of certain ideological themes, such as the struggle for liberty and the desire for equality, which the *populares* linked to the struggle of the orders.

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diachronic perspectives.[71] In addition, he has explored essential aspects of Roman political culture that are crucial to understanding the public operation of the *res publica* beyond the institutions monopolized by the elite. A central example is his work on the *contiones*, in which he examines the procedures and functions of both civil and military *contiones*, the role of the orator addressing the people in the late Republic, and the relationship between *contio*, *auctoritas*, and freedom of speech. His studies also consider how political alliances and rivalries were negotiated within this communicative framework.[72] Pina Polo combines this structural analysis with a series of concrete case studies, ranging from examinations of specific events to the treatment of distinct institutional, social, or cultural problems.[73]

A consistent thread throughout his scholarship is his rejection of the 'consensus system' long dominant in German historiography as the main explanatory model for the Republic's collapse. He firmly denies that the crisis resulted merely from a *contentio dignitatis* among an ideologically homogeneous elite leading to a *Krise ohne Alternative*. Although he rejects Fergus Millar's characterization of the Late Republic as a democratic regime, Pina Polo nonetheless maintains that the period was marked by the confrontation of distinct ideological tendencies addressing the major socio-economic and political challenges of the age.[74] He has emphasized the *mos maiorum* as an institution that provided the *nobilitas* – and by extension, the *optimates* – with a repertoire of tools to justify and legitimize their position of power and privilege. It enabled them to construct a cohesive and self-referential ethos, which they could present as the collective memory of the community.[75] A recent dissertation supervised by Pina Polo, written by García Magán, complements this interpretation by suggesting that the instrumental use of the *mos maiorum* was not exclusive to the *optimates*. Rather, it constituted a deliberately vague and fluid social construct capable of legitimizing a wide range of political actions emerging from different ideological traditions. Far from being a fixed set of norms, during moments of internal conflict, the mos *maiorum* became a contested and malleable criterion for shaping public policy – serving simultaneously to validate innovations under the guise of tradition and to reject transformations branded as deviations.[76]

71 Pina Polo, 2011a, for the consul; regarding the *consules suffecti* during the triumviral age, Pina Polo, 2018a, 99-114; in relation to the political career of the *consulares*, Pina Polo, 2025b; alongside Díaz Fernandez, he has also studied the magistracy of the quaestorship, Pina Polo, Díaz Fernández, 2019.

72 Pina Polo, 1989; 2012, 45-58; also, 2018b

73 For the role of the orator in front of the people, Pina Polo, 1996; also regarding the act of public speaking in Rome, 2011b; regarding the conquest of Hispania and the formation of provincial *clientelae,* 2014, 443-456.

74 Regarding his rejection of Millar's claim that Rome was a democracy, Pina Polo, 2019a, 379-397; for his defence of the existence of ideological conflict in the late Republic, which he explores in relation to many issues, Pina Polo, 1994, 69-94; vis-à-vis the ideological underpinnings of the so-call 'tyranny' of the Gracchi, 2017, 5-33; for the ideological project in Sallust's second *Epistula,* 2021a, 177-205; also, 2021b, 127-162 in relation to the *frumentationes*; alongside other authors, in Pina Polo, Marco Simón, 2000, 261-292, where they explored the roles played by *concordia* and *libertas* as poles of political polarization.

75 Pina Polo, 2011b, 53-77*,* for the *mos maiorum*.

76 García Magán, 2022; in relation to political role of transgression and tradition in the *mos maiorum*, Pina Polo, 2019b, 163-177.

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Consequently, the *populares* – who did espouse a reformist ideology aimed at addressing social grievances – could, and indeed did, employ similar rhetorical strategies by reinterpreting and modulating the mos *maiorum* to support their political agenda.

Other authors inserted on the Spanish historiographical tradition, like Antonio Duplá Ansuátegui or Cristina Rosillo-López, also interpret the crisis of the *res publica* through the framework of ideological division. Among other issues, the former analyses the relationship between legally sanctioned violence (particularly stemming from the *senatus consultum ultimum*) and the ideological divide between the optimates and *populares* by framing the SCU not as a constitutional measure, but as a repressive political instrument used by the ruling class to defend its threatened interests.[77] Fundamentally, this measure signalled the weakness of institutions like the *mos maiorum* to enact consensus through the normal mechanisms of social and political control. This was precisely what created the necessity among the *optimates* to regulate and weaponize institutional violence in such a way that class and partisan interests could be disguised as the salvation of the *res publica*. According to Duplá, this was the function of the *senatus consultum ultimum*. Formally, it was a solemn declaration by the Senate that the *res publica* was in danger, thereby entrusting the consuls (and occasionally other magistrates as well) with the authority to take all necessary measures. Hence its formulaic expression: *videant consules ne quid detrimenti res publica capiat*. The Senate did not specify the source of the danger but implicitly endorsed whatever extraordinary measures the consul might adopt, including the summary execution of fellow citizens. However, when combined with other measures such as the declaration of *hostes*, it enabled the *optimates* to suppress any citizens engaged in active political opposition to the interests of the Senate. These systematic acts of repression, fully backed by the institutions, were consistently and vehemently rejected by the *populares*, who regarded them as a clear and unlawful abuse of power designed to trample the fundamental republican safeguard of the *ius provocationis ad populum.*[78]

In turn, Cristina Rosillo has also drawn attention to the limitations of the '*Konsenssystem'* interpretative model, noting that it 'minimizes – if not eliminates – the role of ideology in the political system.'[79] To explore the role of ideological dissent, she has focused on extra-institutional politics – whether in the conversations and meetings that constituted the day-to-day political life of Rome, the realm of public opinion, or the ways in which the *plebs* forged a popular memory of their own despite the elite's efforts to monopolize the public narrative. She is a strong proponent of the view that concepts such as public opinion and the public sphere did, in fact, exist in the late Roman Republic. Much like private conversations among politicians, public opinion functioned as another element of informal politics – one crucial to the proper functioning of more formal institutions – allowing forms of political participation

77 Duplá Ansuátegui, 1990; Duplá-Ansuátegui, Fatás Cabeza, Pina Polo, 1994, 45-65; Duplá-Ansuátegui, 185-201.
78 Duplá Ansuátegui, 1990; for an exploration of the figure of the consul *popularis*, Duplá-Ansuátegui, 2011a, 279-298.
79 Rosillo-López, 2022, 16.

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that went beyond voting. Indeed, while political discourse was often strongly shaped by the elite, popular public opinion was far more open to bottom-up participation. It thus mediated communication between the elites and the *plebs*, engaging in a necessary interplay that could degenerate into conflict whenever cross-channels of communication failed.[80]

Although the elite controlled public spaces, monuments, and historiography, popular memory managed to survive. Admiration for popular tribunes such as the Gracchi or Saturninus carried out through many informal means, such as nicknames and the creation of lieux de mémoire. Regarding nicknames, these were an important vehicle for popular memory and public opinion, circulating quickly due to their oral nature. However, members of the senatorial elite tried to subvert or dismiss the popular political meaning of these names. Moreover, the people resisted the erasure of physical structures linked to their political tradition, imbuing them with a strong significance. The empty lot where Flaccus' house stood was such a place. Much later, the plot was still commonly referred by the people as the *area Flacciana*, even after other constructions covered the place. This represented the superimposition of a popular version over the official one, carefully curated by the elites, in order to keep alive the memory of Flaccus as a champion of the plebs. In sum, such mechanisms fostered both a political identity and a memory of their own, elevating certain tribunes into archetypes and creating a discourse that could compete against the elite's narratives and their exempla.[81]

1.7 The Cambridge School of Intellectual History: Ideology in the History of Political Thought

Taking a different route from its more functional definition, ideological studies can instead focus on certain authors or even particular values or concepts, either to trace their origins or to explore how they function in a particular set of beliefs. When engaging with the history of political thought outside the discipline of Roman studies, it is fairly common in the English-speaking world to rely on the so-called contextualist approach, broadly following the Cambridge School of Intellectual History and the works of Quentin Skinner and John G. A. Pocock.[82] This school of thought is capable of yielding great results, especially when dealing with the diachronic aspects of an ideology – namely, change and continuity. The importance it attributes to both language and context in the study of history of political thought is one of its great strengths. In the case of the Roman republic, it has been successfully applied to reveal

80 Rosillo-López, 2017a; also, for a review and commentary of Rosillo-López's approach, Hurlet, Montlahuc, 2018, 489-507.
81 Rosillo-López, 2021b, 101-126.
82 Skinner, 1969, 3-53; Pocock, 1987, 19-38.

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the underpinnings of the ideological conflict of the late Republic focusing on one of the foundational political concepts of the moment: that of *libertas*.

In *Libertas and the Practice of Politics in the Late Roman Republic*, Valentina Arena argues that *libertas* was both a central organizing principle of politics and ideology, and a concept with a discrete meaning.[83] It meant precisely the opposite of slavery; that is, freedom from domination by an arbitrary power, whether foreign, factional, or individual – following the conception of republicanism studied by authors like Skinner and Pettit.[84] For the Romans, who lived in close proximity with slavery, *libertas* was understood a very discrete form of non-domination. This freedom operated across different spheres; legal, private, and public.[85] Public *libertas* was bound to citizenship, since only those partaking in this status could held the rights that ensured *aequa libertas*: the *suffragium*, the *provocatio*, and the prerogatives of the tribunes of the plebs.[86]

Libertas was also applicable to the political community itself, which could also fall under arbitrary domination if subjected to a foreign power, a faction, or an individual. According to Arena, this understanding of *libertas* was shared across the citizen body and the entire political spectrum. Therefore, the real conflict lay not in the definition of the concept, but in its institutional, legal, and conventional application. Here the two 'ideological families' came into conflict: the *optimates*, a more homogeneous and better-documented group, defended the mixed constitution as the political arrangement that best safeguarded *libertas*, since it preserved the predominance of the Senate and prevented the many from dominating the few.[87] By contrast, the *populares* are less well documented and appear less cohesive, but the sources highlight their emphasis on the *populus* as the true owner of the community's common goods and the legitimate holder of sovereignty. For them, *libertas* was only protected by reinforcing the institutional expressions of popular power, especially the assemblies and the *leges*.[88]

These differences became especially visible around the contentious issues of the moment: the *imperia extraordinaria*, agrarian reforms, and the declarations of a state of emergency via the s*enatus consultum ultimum*.[89] Both sides appealed to *libertas* as a legitimizing principle, while accusing opponents of seeking *dominatio* to discredit them. Arena contends that this dual use of *libertas* – to justify oneself and condemn rivals – intensified political polarization. She further argues that the optimates, especially Cicero, gradually reshaped the meaning of libertas in their effort to defend the *senatus consultum ultimum*, as this suspended the very legal guarantees that preserved citizen freedom.[90] By the 40s, *libertas* had shifted from a juridical-political principle of non-domination to a moralized notion tied to *virtus* and

83 Arena, 2012.
84 Pettit, 1997; Skinner, 1998.
85 Arena, 2012, 14-44.
86 Arena, 2012, 45-72.
87 Arena, 2012, 81-115.
88 Arena, 2012, 116-168.
89 Arena, 2012, 179-199 (*imperia extraordinaria*); 200-219 (SCU); 220-243 (*agrarian redistribution*).
90 Arena, 2012, 244-257.

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iudicium. This conceptual change, widely accepted in Roman political discourse, paved the way for Augustus' regime, which had no interest in sustaining political freedom.[91]

Similarly close to the Cambridge School of Intellectual History is Pedro López Barja. His work has consistently focused on how political thought shaped the ideological schism between *optimates* and *populares*, influencing the civil conflicts of the late Republic – particularly those between the 60s and the 40s. Concerning the *optimate* tradition, he has approached this issue primarily through the figure of Cicero, making use of the vast body of surviving sources from this author. In doing so, he has analysed how the orator drew upon Greek political thought and Roman juridical concepts and principles to construct a highly ideological reading of his own political reality.[92]

In contrast, López Barja places Sallust on the opposing side of this ideological divide – that of the *populares*. Sallust interpreted civil unrest and war through a markedly different conceptual framework, being much less interested in legitimacy and civil harmony than Cicero.[93] Along these lines, López Barja also examined the political vocabularies of other classical authors who wrote about civil war, such as Varro and Caesar: the former through his metaphor of the city as a two-headed body, and the latter through his rejection of the *res publica* as an ideological principle on which to ground his politics.[94]

According to López Barja, the ways in which these contrasting authors wrote and thought about their immediate political contexts and the history of their community suggest that ideological divergences were not limited to specific political issues. Rather, they entailed distinct conceptions of civic disagreement and of the body politic itself. In fact, he argues that the ideological discord of the late Republic pointed to something deeper: competing understandings of the *res publica*. On one side, the *optimates* sought to steer the mixed constitution described by Polybius toward a more oligarchic form, while the *populares* advocated for a significantly more democratic system. Indeed, it is precisely through the lens of democracy – what Cicero termed a *civitas popularis* – that many of the policies of the *populares* should be interpreted: not as *ad hoc* responses to particular problems, but as the deliberate policy output of a democratic ideology – not a radical one, yet real nonetheless.[95]

Very much in line with these studies are those of Claudia Tiersch, who situates her work within the German intellectual tradition of *Begriffsgeschichte*. Taking Reinhart Koselleck's concept of 'semantic battles' as her point of departure, Tiersch argues that political conflicts are fought not only with words but also over the control of those words. Such struggles, she notes, become especially frequent when political terms lose their ability to effectively communicate and capture the tensions and competing meanings of a given historical moment.

91 Arena, 2012, 258-276.
92 López Barja, 2007a.
93 López Barja, 2019b, 160-184.
94 López Barja, 2019a, 700-714, regarding Caesar; 2024, 23-39, dealing with Varro.
95 López Barja, 2007, 74-98.

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This is precisely the process that Tiersch identifies and examines in the late Republic, one strongly dependent on public rhetoric. While she acknowledges that the senatorial elite possessed a strong capacity to generate consensus and to determine which issues were 'declared political', she contends that this authority came under increasing challenge from the *populares* after the Gracchan period.[96]

For Tiersch, the radicalism of tribunician politics lay in the policies they advanced as well as in the rhetorical strategies they employed within the public sphere. In this sense, the challenge to senatorial hegemony operated on two fronts: first, through successful efforts to define which issues were deemed political that originated from outside the senatorial order; and second, by contesting, appropriating, and reformulating political important concepts, as well as by disputing modes of communication traditionally monopolized by the Senate. Importantly, Tiersch maintains that these disputes were neither isolated nor incoherent. On the contrary, they followed discernible patterns recognized by the actors themselves, ultimately contributing to the formation of two distinct political identities – the *optimates* and the *populares*.[97]

1.8 Citizenship, Between the Juridical and the Political

In turn, citizenship itself has been an object of study from many perspectives. A seminal work in this regard is Sherwin-White's *The Roman Citizenship*.[98] This work focuses on the development of the *municipium* – and a whole panoply of Roman and non-Roman institutions – which constitute the basis for what later would become the late municipal system and *ius Latii*. For Sherwin-White, citizenship was the legal substratum that allowed Rome to articulate a very successful combination of power structures that cemented her power, first in the Italian peninsula, and second, over the whole of the Mediterranean. This particular perspective is best captured by the subtitle 'A Survey of Its [Citizenship] Development as a World Franchise'.[99] In this development, ethnic considerations came into play, as the *nomen Latinum* (linked to Rome by 'intangible' bond[100]) represented the model that Rome wanted to replicate throughout Italy, both ensuring the control of military forces and a 'commonsense *modus vivendi*' which already existed in the Latium.[101] For Sherwin-White, with an array of legal and political mechanisms, Rome was able to create somewhat of a confederal system composed of different legal and political statuses. Each one implied a specific combination of duties and rights, and progression through the system meant getting closer and closer to its true core and culmination, constituted by the *civitas*, which took the institutional form of the *municipium*.[102] In addition, underpinning this edifice was the idea of an *Italia* significant

96 Tiersch, 2017, 333-357; 2018, 35-68.
97 Tiersch, 2018, 35-68: esp. 41-56.
98 Sherwin-White, 1973.
99 Sherwin-White, 1972a,
100 Sherwin-White, 1973, 98.
101 Sherwin-White, 1973, 38-39.
102 Sherwin-White, 1973, 125-127.

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enough, both in political and identitarian terms, to drive the rebels to unite during the *bellum sociale*; an *Italia* that was, in many ways, the great beneficiary of the municipalization.[103]

Other authors have approached the study of citizenship from a more juridical perspective. Such is the case of Michel Humbert, who in his work, *Municipium et civitas sine suffragio*, analysed the connection between both these instruments and their use as legal and political mechanisms for expansion and assimilation during the middle and late Republic.[104] For Humbert, both institutions were linked at their origin (from the early 4th to the early 3rd century), as the *civitas sine suffragio* was the legal status that allowed the earlier *municipes* to hold the dual identity of being a *civis Romanus* but also retaining a distinct self-governing entity (a separate *res public* within the same *civitas*).[105] Therefore, the citizens in that situation could not vote in the Roman assemblies nor hold Roman magistracies.[106] Within a *municipium*, the *civitas sine suffragium* was not merely a superficial honour, but a mechanism that defined the citizens' duties and obligations towards Rome, the so called *munera*. These public burdens, which included military service and paying tribute) were considered the counterpart for belonging to the Roman state.[107] Combined, these instruments were the driving force (*l'artisan*) behind a policy of Romanization and cooperation, creating an image of a 'small fatherland within a larger one' (*la petite patrie au sein d'une plus grande*).[108] Humbert is careful to define the relationship between the *civitas sine suffragio* and the *municipium* by drawing a distinction with both the *ius Latinum* and the Greek *isopoliteia* (reciprocal potential citizenship), which did not provide actual Roman citizenship.[109]

For his part, Giorgio Luraschi, in his work*, Foedus ius Latii civitas. Aspetti costituzionali della romanizzazione in Transpadana,* presented an account of the so-called Romanization of the Transpadana following the implementation of three key institutions: *foedus*, *ius Latii,* and *civitas*.[110] Essentially, these instruments characterized Rome's legal and political relation to the region during three distinct periods, which Luraschi places at the centre of the process of Romanization. He argued that, early on (from 225 onwards), the *foedera* – which could have never been *iniquum*, as he considered this concept a modern construct – allowed Rome to exert her power while respecting the sovereignty of the Transpadane communities.[111] The *ius*

103 Sherwin-White, 1973, 138, 169; citizenship as it relates to the municipalization of Italy is also explored by Bispham, 2007, who traces how a collection of independent allied communities transitioned into a politically and juridically unified entity under the Roman *civitas*; as a prerequisite to understanding municipalization, Bispham devotes significant attention to unpacking the meaning and evolution of concepts related to the *status civitatis*, like *municipium*, *municeps*, or *civitas sine suffragio*, as well as analysing the policies of enfranchisement that served as the starting point for municipal convergence.
104 Humbert, 1978.
105 Humbert, 1978, 8.
106 Humbert, 1978, 16.
107 Humbert, 1978, 26-32.
108 Humbert, 1978, XIII.
109 Humbert, 1978, 85-135.
110 Luraschi, 1979.
111 Luraschi, 1979, 25-40.

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Latii, in turn, was introduced by the *lex Pompeia* in 89. He equated this right with the *ius Ariminiensium,* which he did not consider a lesser or superior right.[112] In fact, he argued that after incorporating the *ius migrandi* and the *per magistratum* it became the *ius* of the *Latini* from the north of Italy.[113] Finally, the last instrument was introduced by Caesar, who granted *civitas* to the Transpadanians in 49, integrating the communities of the region into the Roman civic community.[114]

Capogrossi, for instance, has studied the process of integration prompted by the formation of the Roman legal order. His analysis is primarily focused on the shift from archaic, reciprocal legal structures to unilateral Roman control, particularly in defining the status of individuals and communities relative to Roman law and political life. In that regard, he traces two contrasting movements. On the one hand, he explores the dissolution of the 'predroit' – the legal realities of the archaic communities prior to the institution of the *civitas*, a concept he borrows from Gernet – as a by-product of the creation of both public and private Roman law. And on the other hand, once Rome had expanded throughout Italy and finalized the institutional setup of the *res publica* (around 367BC), it began experimenting with a whole array of mechanisms of integration that allowed for the perpetuation of local law – something that Capogrossi argues is reflected in Cicero's concept of the *duae patriae.*[115]

In turn, Mouritsen takes aim at the traditional interpretation of the *civitas sine suffragio* as a transitional model, a provisional status conceived as a 'stepping stone' towards full Roman *civitas*.[116] He argues that this conception is born out of a strong teleological notion of Rome as fulfilling an inevitable project of national unification, and has strong roots in the nationalism of the 19th century. However, it lacks basic support in the sources, which do not warrant this idea of a gradual 'upgrading' of statuses as a common occurrence. For Mouritsen, even the term itself is a later construct, attested only at the end of the Republic and probably coined around 188, as rationalization that highlights its defining feature: their absence of political rights.[117]

Also from a strongly legal perspective, Estela García Fernández has studied extensively the new concept of *Latinitas* that emerged from the *lex Pompeia de Transpadanis.* Importantly, this law created a set of fictitious Latin colonies, without the physical transfer of new population, by instead granting the *ius Latii* to the already established indigenous residents. From a legal standpoint, this created an institutional framework that combined the municipal system characteristic of Roman citizenship with the *ius Latii,* which had until then been typical of the Latin colonies. This combination had great flexibility, allowing for the integration of Roman juridical models while maintaining the vitality and traditions of the

112 Luraschi, 1979, 215-299.
113 Luraschi, 1979, 225-299.
114 Luraschi, 1979, 379-399.
115 Capogrossi, 2000; Gernet 1955.
116 Mouritsen, 2007, 141-158: 143.
117 Mouritsen, 2007, 141-158: 155; the deconstruction of the nationalistic model is also strongly present in Wulff Alonso, 1991, 2021, among other publications.

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indigenous world. Later, in the Hispanic provinces reorganized by Augustus, this instrument was further redefined, abandoning the colonial framework and ultimately adopting the title of the *municipium Latinum*, which Rome employed as its principal tool of provincial integration.[118]

García Fernández is a strong proponent that the concession of *ius Latii*, by its very nature, entails an act of inherent municipalization, without the necessity of a *lex municipalis*. The core right contained in the *ius Latii* that emerged from the *lex Pompeia* was the *ius adipiscendi civitatem Romanam per magistratum*, which granted Roman citizenship to those who accessed the higher magistracies of the community. This implied that the concession of the *ius Latii* allowed their recipients the incorporation, under certain conditions, into the Roman *civitas*. Thus, the act of granting this new type of *Latinitas* had, necessarily, to carry the constitutive power to allow for the transition from Latin to *civis*. The municipal condition is acquired, then, through the *receptio* (acceptance) of an independent community into the *civitas Romana*. This was precisely the function of the concession of the *ius Latii*: legally integrating the peregrine community and transforming its inhabitants into Latins. In turn, this administrative status allowed for the institutionalized coexistence of both Roman citizens (who were generated locally via *per magistratum*) and those very same Latins (who shared *origo* and *domicilium*) without resulting in a legal conflict over competing sovereignties. Therefore, any subsequent *lex municipalis* lacked a constituent function, as its purpose was to introduce Roman legal, administrative, and procedural standards into an already existing Latin municipality, bringing it closer to a fully Roman model.[119]

Furthermore, while analysing the widespread diffusion of Roman names in Republican Hispania, García Fernández argues that the explanation lies neither in the mechanisms of *imitatio* nor in *clientela.* According to this author, culturally driven imitation would have been inauthentic, while *clientela* lacked the legal validity to sustain such a process. Instead, she contends that this phenomenon was a by-product of the expansion of the institutional infrastructure associated with Latin colonies, since the Latin legal status was the only alternative to Roman citizenship that permitted the use of the *tria nomina*. Most likely, the granting of *ius Latii* entailed authorization to adopt Roman naming practices. Under this framework, therefore, the only legal and historically coherent explanation for the abundance of Roman names and naming structures among local elites and magistrates in Republican

118 García Fernández, 1998, 209-221; 2001a; 2001b, 13-29; 2020; 75-99; 2023, 21-55.

119 The corollary of this thesis is the rejection, as a modern construct, of the category of the *oppidum Latinum.* Its foundational theories were articulated by Chastagnol, 1987, 1-27, and Le Roux, 1986, 325-350, over Pliny's tendency in the *Naturalis Historia* of mentioning those communities dependent on the *ius Latii* as *oppida Latini*, while restricting the term *colonia* for the Romans. Fundamentally, these historiographical tradition denies the causal relation between the *ius Latii* and municipalization, arguing that this concession without a l*ex municipalis* simply transformed the community in *oppidum Latinum,* an intermediate state between peregrine status and a proper *municipium*; an analysis of this discussion is provided in García Fernández, 2001a, 104-124; also, Goffaux, 774-776.

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Hispania is the existence of Latin status in certain cities – such as Carteia, Saguntum, and Carthago Nova – prior to the Flavian era.[120]

Roman citizenship's foundational relation to political participation has also been the subject of study. In an otherwise insightful reflection about citizenship since classical times, Pocock rejects the idea of political participation as being central to how the Romans conceived citizenship. This was, in part, a consequence of grounding his reconstruction of this status in Gaius, an imperial author for which political participation was certainly a less relevant aspect of *civitas* – although not completely irrelevant.[121] A similar argument is put forward by Osiander, which claims that the separation between citizenship and political participation was one of the aspects that allowed Rome to expand her body politic to a much bigger degree than any Greek *polis*. According to this author, while the Greek conception of citizenship delegitimized the act of governing – understood as exerting rule – over fellow citizens (Arist. *Pol*. 1337b.29), the Roman framing allowed for legitimate government over a vastly superior number of both citizens and non citizens.[122]

Contrary to this conception, one of the most seminal studies regarding how intertwined political participation (among other functions) and the status of citizenship was *Le métier de citoyen dans la Rome républicaine*,[123] by Claude Nicolet. Although the English translation is named *The World of the Citizen in Republican Rome,*[124] I do believe the original name captures much better one of the key points of the author: being a citizen was not a passive activity, but active, much like a profession (*métier*) which needed an engaged performance, an activity.[125] Nicolet's key argument is that, in the middle Republic, Rome was able to craft a coherent civic structure built upon a system of reciprocal rights and duties shared in practice by all (male) citizens in three main dimensions: military, fiscal and financial, and deliberative or electoral. The keystone of Roman civic life was the ritual of the census, as it was designed to determine a hierarchical assignment of rights and duties, burdens and benefits, to each citizen according to their social classification, which in turn was conditioned by their property qualification. From a civic perspective, it was the embodiment of the principle of 'geometric equality', determining the role a citizen ought to play in relation to his community in three key aspects of his *métier* as a such: that of a soldier, of a taxpayer and beneficiary of the public revenue; and finally, his role as a member of a political community.[126]

Nicolet argued the coherence of the system began to disintegrate during the middle of the 2nd century BC and finally collapsed in the 1st century BC. First, after the abolition of the

120 García Fernández, 2010a, 145-155; 2012, 423-435; 2015, 107-118.
121 Pocock, 1995, 29-52.
122 Osiander, 2007, 95-110.
123 Nicolet, 1976.
124 Nicolet, 1980.
125 Regarding the connection between Nicolet's personal political involvement and his historiographical focus on the role of the citizen within the dynamics of the Roman Republican city-state, alongside his innovative and influential approach, see Hurlet, Montlahuc, 2025, 127-150.
126 Nicolet, 1980, 49-88.

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tributum, in 167, which caused a structural imbalance in favour of the rich, as their justification for having more rights and privileges was rooted in the fact that they contributed more to finance the expenses of the state. The second pillar that collapsed was the military one, with the progressive abandonment of the citizen militia model. The final part of the system to collapse was the deliberative and political, which became undone in a complex and uneven process which culminated in the 1st century. Here, the paradox laid in the fact that collapse was preceded by a real increase in the role the *populus* played in politics. There was a strengthening of the *provocatio,* democratization of the assemblies through the ballot laws, and increased role on the *comitia tributa* over *centuriata*. However, Nicolet claimed that the massive increase of citizenship after the *bellum sociale* negatively impacted the sovereignty of the people. Due to the lack of a viable theory of political representation, this enlargement of the citizen body broadened the distance between the legal status of citizenship and the actual *métier de citoyen*, the practical exercise of the political rights.[127] This argument, the apparent link between the mass enfranchisement process after the *bellum sociale* and the marginalization of the political aspects of the *status civitatis*, has been adopted by other authors. Such is the case for Riesenberg, who recognises that for the Gracchi citizenship did imply political participation. However, after the social war, this gave way to a much more imperial conception of *civitas*, unconcerned with politics and mainly conceived as a way of acquiring a series of legal advantages.[128]

How ideological and identitarian tensions resulting from the social war intertwined has been explored by Antonio Duplá, who traces how this new Romano-Italic identity challenged the old republican ideology of the *mos maiorum* and the aristocratic monopoly over historiography. He has argued that late republican historians, rooted in the ideology of the *nobilitas*, struggled to integrate this broader Italy into Rome's historical narrative. Figures like Marius and Sallust reflected a potential 'Italic' sensibility – promoting new values of merit, civic virtue, and integration beyond aristocratic birth. However, a true *popularis* historiography never emerged, as this movement lacked institutional and literary continuity. Not until the Principate were these tensions fully resolved, when Augustus promoted a clear Roman-Italic identity through new politico-ideological manifestations (such as the *Res Gestae*, his proclamation as pater patriae, or Virgil's *Aeneid*) as part of his efforts to cement a new consensus.[129]

In turn, Cristina Rosillo and Silvia Lacorte have recently edited a collective work which aims to analyse the *status civitatis* in relation to women, going against the biased and often unreflective framing of the citizen as being necessarily male – an assumption which is very

127 Nicolet, 1980, 385-390, includes a succinct summary of this process of disintegration.
128 Riesenberg, 1992, 64-74.
129 Duplá Ansuátegui, 2006, 207-220.

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clear in works such as Nicolet's, unfortunately.[130] Through a variety of essays, it contends that the public presence and civic roles of women, so often ignored by the scholarship, are instead essential for gaining a better understanding of the Roman Republic. In fact, this volume broadens the practical definition of citizenship – at least, of what it entails to be a citizen –, highlighting how this status should not be narrowly defined only by male prerogatives, such as the capacity to vote, hold public office, or perform military service. Instead, it seeks to explore the full range of relationships women held (or were denied) with the political, economic, and social life of the community – a concept known as 'thick citizenship'. Ultimately, the goal of this work is to move towards a historical discourse, sometimes referred to as 'mixed history' (*histoire mixte*), that places men and women on an equal footing in their role as historical actors.[131]

Finally, even if the ideological implications are not often explored, many authors do recognise the difference in attitude between the *optimates* and *populares* towards citizenship. This is particularly true regarding specific issues such as the social war or vis-à-vis the tribal distribution of certain groups – such as the *novi cives* or the *libertini*. One recent and promising line of investigation regarding one of such issues has been explored by David Espinosa Espinosa. Based on Gabba,[132] this author argues that the Sertorian war not to be seen only as a continuation of the civil war but also as a resumption of the *bellum sociale* in the Hispanic provinces. The central proposal is that the Sertorian war was partly caused by the exclusion of those Latin colonists and Italics residing in Hispania from the Roman citizenship grants provided by the *leges Iulia* and *Plautia Papiria*. These groups were likely excluded because they lacked *domicilium* in Italy, leaving them with an unfulfilled *cupiditas civitatis Romanae*. According to Espinosa, Sertorius was, most likely, able to tap into this sentiment, recruiting legions from the 'Ρωμαίοι and *Hispanienses* (Romans from Hispania, which would include Romano-Italics) in exchange for citizenship grants.[133]

130 Rosillo-López, Lacorte, 2024; this is not say that Nicolet did not consider women as being entitled to the legal condition of citizens; however, his seminal work does conceptualize the institution of citizenship being an overwhelmingly male one; Gardner, 1993, was an earlier work which also departed from viewing the Roman citizenship as something eminently enjoyed by free adult men, moving instead towards a more inclusive conception of *civitas*.
131 Rosillo-López, Lacorte, 2024, 21.
132 Gabba, 1976, 103-112.
133 Espinosa Espinosa, 2024, 143-193.

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2. QUESTIONS OF DEFINITION AND METHODOLOGY: *POPULARIS* IDEOLOGY AND FREEDEN'S MORPHOLOGICAL ANALYSIS[134]

Syme wrote that 'to begin with questions of method or definition is feeble and tedious'.[135] If we are to take this quote at face value, this study would have thoroughly repelled the great scholar, as it begins by asking questions about what political ideology is – definition – and how it can be studied – method. 'Ideology' is a word laden with implications and a contentious history. It was coined by Antoine Destutt de Tracy with the intention of creating a science that focused on the study of ideas, as products of the material world, parsing their origins and their content with an empirically verifiable method which generated an objectively true answer. As an intellectual project, it is clear that it was influenced by the positivist spirit of the French Revolution, which was convinced that all realms of society could be dissected with the precision of the natural sciences. Today, this idea that an accurate and permanent explanation is always guaranteed by the positivist application of the 'scientific method' is no longer the dominant view; many disciplines in the humanities (and even in the social sciences) have accepted that certain issues require different approaches, more flexible, variable and imprecise. I would argue that this is especially true when dealing with 'the range of human thought and imagination', which these early scholars wanted to apprehend with a certainty that now seems naive. However, even if we are to leave expectations of revealing an objective truth behind, there is something in Destutt de Tracy's project that seems relevant still today: ideas are an important object of study, and this study ought to be approached in a serious manner.[136]

This study takes as a premise that language plays a central role both in shaping and understanding political ideology. As Quentin Skinner has persuasively argued, every political agent must justify his or her actions by reference to pre-existing linguistic conventions, which codify those political principles that a community recognizes as intelligible and therefore legitimate. Political action is thus necessarily articulated within the boundaries established by the elasticity of language; to transgress these boundaries is to risk political de-legitimation. Within such logic, any political transformation is preceded by a conceptual transformation, that is, by a shift in the meaning of certain pivotal terms. Put differently, unconventional political action must be accompanied by a reconfiguration of the meaning of a socially

134 I have already explored some of the questions discussed in this chapter in Paleo-Paz, 2023a, 259-281.
135 Syme, 1986, 3.
136 Destutt de Tracy, 1801–15; Freeden, 2003, 4-5.

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authoritative political concept in order to secure legitimacy. Yet such semantic reconfigurations cannot be entirely arbitrary: they are conditioned by the inherent malleability of the concept in question, by the prevailing political circumstances, and by the actor's capacity to construct an original ideological discourse. Not all political actions, therefore, can be justified within the parameters of the existing political principles and linguistic conventions of a society.[137]

This study is partial to the premises that animate the Cambridge School of Intellectual History and to their methodology. This school of thought is capable of yielding great results, especially when dealing with the diachronic aspects of an ideology – namely, change and continuity. Nevertheless, I believe it is somewhat lacking in regard to the synchronic aspects of ideologies, like the relationships established between their different building blocks, or the structures that preside and influence these relationships. Also, a heavy focus on the intentionality of the speech-act usually comes at the cost of not engaging with the largely subconscious structures underlying ideologies.[138] Even Skinner recognised the validity of Ricoeur's notion of the 'surplus of meaning', essentially accepting that there is more meaning in utterances than that conveyed by the illocutionary force.[139]

When dealing with the study of ideology, this investigation follows, when possible, a different route from those described above; not to disprove many well-defined characteristics but to shed new light on the topic. To this end, the methodology of morphological analysis proposed by Michael Freeden seems particularly useful.[140] Generally, morphology focuses on structure and form and, in linguistics, it studies the formation of words, one of the essential units of syntax, and their relation to each other. Translating this into the realm of political theory proves especially useful to analyse both the concepts and the synchronic structures that underlie ideology.[141]

Although Freeden's method was originally designed with modern political ideologies in mind, it can nonetheless be applied to certain premodern contexts. This is particularly the case for the late Roman Republic, which fulfils two essential conditions. First, since the method explicitly examines political ideologies, it requires that the political sphere be consciously recognised as an autonomous domain – something that was indeed the case in Republican Rome. This autonomy did not imply that politics was conceived as isolated from 'external' influences such as religion, law, or warfare. Rather, independence meant that it operated according to its own internal logic and regulatory principles – some shared with other spheres,

137 Skinner, 1969, 3-53; with regard to the need to legitimize political discourse within the boundaries set by the linguistic parameters of the time, as well as the conceptual changes this may entail, Skinner, 1974, 93-128; for the importance of language and political vocabulary, Richter, 1990, 38-70.

138 For Freeden's criticism of Skinner, see 1996 100–111; particularly its overzealousness regarding ideological traditions and his blunt dismissal of 'ideas' as an object of empirical study.

139 Skinner, 1988, 231-288: 248, 274-275; parallel to these discussions, the German school of *Begriffsgeschichte* strived to combine the synchronic and diachronic perspectives by fusing linguistic and semantic analysis with the mutating meanings of concepts through time, especially Koselleck, 1985.

140 Freeden, 1996, esp. 13-136.

141 For the differences between a 'structuralist' approach and a 'morphological' one, Freeden, 1996, 124-127.

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but many distinctive to politics itself. Such autonomy was not only a matter of practice but also of theory: the *scientia civilis* – the Roman analogue of the more fully developed Greek *politikē epistēmē* – took this political sphere precisely as its object of study.[142]

The second prerequisite concerns the central role of language as a vehicle for ideological expression. According to Freeden, ideologies compete for control over the meanings of words; hence, an active arena of political debate and a corpus of texts through which to trace what Pocock termed 'political languages' are indispensable.[143] In the case of the Republic, the decisive importance of public oratory has been demonstrated, among others, by Millar. Speeches delivered before the *populus* that articulated and debated political positions were a hallmark of late Republican politics.[144] Although many of these public interventions have been lost – and the surviving evidence may present a partial or distorted picture – this does not preclude analysis or attempts to reconstruct a plausible image of the political thought of the time.

This chapter seeks to illustrate the value of Freeden's morphological approach for the study of ideological divisions in the late Republic by applying it to a specific text, the *Epistulae ad Caesarem*. While both letters merit consideration, the discussion here will centre on the second. Written on the eve of the momentous *bellum Pompeianum*, it brings together the two central threads that run throughout this investigation: first, the ways in which language shapes ideology – specifically, how a particular political idiom contributed to the formation of *popularis* ideology – and second, how that ideology engaged with a concrete issue, namely, citizenship.

2.1 A Case Study: The *Epistulae ad Caesarem*

Constructing a hypothesis based on the *Epistulae ad Caesarem* may seem problematic, given the long-standing debate surrounding their authenticity.[145] Since Syme first questioned their genuineness, scholarship has remained deeply divided. The letters are commonly described as rhetorical exercises composed during the Principate, consciously imitating Sallust's style and ideological stance.[146] In addition, several political allusions are often deemed anachronistic – for instance, the inclusion of the relatively minor figure of Favonius, or the indirect address to

142 López Barja, 2007a, 161-169; for the Roman integration of Greek analytical tools, Moatti, 1997.
143 Pocock, 1987, 19-38: 21-25;
144 On the importance of oratory in the *res publica*, Millar, 1998; Morstein-Marx, 2004; Connolly, 2007; Steel, 2017, 17-33; regrading informal conversations between senators, Rosillo-López, 2017b, 34-51; also, 2022.
145 For the *Epistulae*, Ramsey 2015; regarding the only surviving manuscript that contains the letters, the *Codex Vaticanus Latinus* 3864, and its constituent parts, see Ramsey, 2015. 475-476; Paladini, 1952, 5-14; Canfora, 1986, 3-18: 12-13.
146 Syme's estimation for the date of the *Epistulae* evolved over his career; in 1958, 46–55, he proposed the Antonine period, but in 1964, 346-348, he argues for Tiberius or even Augustus' rule; Richard, 1969, 64-72, places its composition at an earlier date; for a much later one, Canfora, both in 1980, 25-32 and 1986, 3-18.

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Caesar as 'king and imperator' (*Sall. Ep.* 2.1.1: *rex aut imperator*).[147] The most significant objection, however, concerns the passage claiming that through the actions of Cato and Domitius 'forty senators and many young men of excellent promise have been butchered like so many sacrificial victims' (*Sall. Ep.* 2.4.2: *quadraginta senatores, multi praeterea cum spe bona adulescentes sicutei hostiae mactati sunt*). If such a large number of prominent citizens had indeed been executed, one would certainly expect corroboration from other contemporary sources.[148]

Conversely, numerous classicists have defended the authenticity of the *Epistulae*. This study gives particular weight to the arguments advanced by Pina Polo in a recent publication, where he directly addresses the controversial reference to mass execution.[149]He persuasively proposes a metaphorical reading of the verb *mactare*, situating it within the context of trials held under the *leges de vi* and *ambitu* enacted by Pompey, and suggesting that it should be understood as 'to destroy' or 'to ruin'. Accordingly, the contested passage would not allude to physical slaughter but rather to a political purge – an event type well attested in the surviving sources.[150] Moreover, Pina Polo rightly underscores the questionable nature of many of the arguments employed to dismiss the *Epistulae* as spurious. It is paradoxical, as he notes, that stylistic resemblance is invoked both to claim the texts are too close to Sallust's authentic works and, conversely, to condemn them as forgeries when they fail to meet such expectations.[151] 'Models' of the Latin language or of a particular author's stylistic habits are, at best, educated reconstructions derived from an inevitably partial corpus.[152] Likewise, the contention that Favonius lacked sufficient political standing to appear in a letter to Caesar imposes modern assumptions upon ancient political realities.[153]

For these reasons, this inquiry proceeds on the working assumption that the *Epistulae* were indeed written by Sallust. Nevertheless, the possibility of their inauthenticity must also be acknowledged. Even if they were a later fabrication, their composition could not have postdated the early Augustan period by much. The title preserved in the surviving manuscript – *Epistulae ad Caesarem senem* – must have been assigned before 27BC, since from that year onward the 'young Caesar' was universally known as Augustus, making such a distinction obsolete.[154] The case for their chronological proximity is further strengthened by the letters'

147 Syme, 1958, 46-55 and 1964, 338-341; Ernout, 1962; Richard, 1969, 64-72: 68; Canfora, both in 1980, 25-32, and 1986, 37-51; Santangelo, 2012, 27-51; Ramsey, 2015, 475-476.

148 Syme, 1964, 341-342.

149 Pina Polo, 2021a, 177-205; for others who consider the letters as authentic, see Nicolet, 1959, 145-210: 145-146; Pasoli, 1970; Perelli, 1982, 55.

150 Pina Polo, 2021a, 177-205: 189-194; also, Wistrand, 1968, 5-29; 'words used metaphorically' is one of the three fields Cicero recognises as proper venues for the orator to push boundaries of meaning (Cic. *De or*. 3.152).

151 Pina Polo, 2021a: 177-205: 180-184.

152 Regarding style and *minutiae*, Giovinazzo, 1999, 93-116: 94-100; for linguistic analysis regarding their originality, Syme, 1964, 337; Last, 1923, 87-100 and 1924, 83-84.

153 Syme, 1958, 46-55: 52-53, and 1964, 338-339, 342; regarding Favonius, see Pina Polo, 2021a, 177-205: 185 and 188.

154 For the title, Pina Polo, 2021a, 177-205: 179-180; for the date of composition followed here (48-46 BC for the first one; 51-50 BC for the second one), Pina Polo, 2021a, 177-205: 185-186; also, Duplá, Fatás and Pina, 1994, 105-106; cf. Ramsey, 2015, 475.

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detailed understanding of the political situation, both historically and linguistically. Even scholars who regard them as inauthentic concede that they display 'a remarkable awareness of the main themes of the political debate of the late Republic'.[155] Here lies the central point of the argument. Whether genuine or forged, one fact remains: the anonymous author, drawing on the collective memory of the Roman *civitas*, clearly assumed that this particular ideological configuration was a recognisable topos – one that could enhance the plausibility of a political program attributed to Sallust, a figure closely aligned with the *popularis* tradition. Ultimately, this privileged status is one of the principal reasons why the text has been selected as an example for applying the methodology of this research. The goal is not to reify it as an integral component of Sallust's political thought, but to interpret it as one expression of the broader ideological framework operative during the late Republican period.

2.2 Essentially Contestable Concepts and *Libertas*

Freeden succinctly defines ideology as an 'ideational formation consisting of political concepts' whose meanings emerge through their relational use within language. The articulation of meaning is, in fact, its primary function: ideologies seek to control the significance of language.[156] In line with this approach, I argue that the central aim of *popularis* ideology was not to uphold a fixed set of values, policies, or even a specific constitutional framework, but rather to assert control over the political lexicon by imposing particular meanings upon key concepts and thereby curbing – or at least limiting – the debates surrounding them. As long as open discussion persists about the political vocabulary, ideological contestation remains active, for rhetoric is itself, to some degree, ideological. Hence, the purpose of this study is not to re-evaluate the existence of ideological division, but to engage directly with it. Although the possible points of disagreement are numerous, they tend to follow recurring patterns: disputes concerning one political issue often overlap with others. These constellations of arguments form what we recognise as ideologies, and to comprehend them it is indeed helpful to 'let *optimates* and *populares* once again parade unashamedly across the historical stage'.[157]

As competing ideologies strive to establish socially dominant meanings for 'essentially contestable' concepts, the 'process of decontestation' stands at the centre of all political struggle. Decontestation refers to the attempt to fix one acceptable interpretation among the many possible meanings a political concept may possess. For instance, it is to assert that *libertas* signifies a *populus* free from the domination of a *factio*, or that *populus* encompasses

155 Santangelo, 2012, 27-51: 42.
156 Freeden, 1996, 48, 75–77.
157 Morstein-Marx, 2022, 391-407: 392.

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not only the old citizens but the new as well.[158] In truth, decontestation is a prerequisite for any form of political action, since action presupposes stable ground and a set of largely undisputed aims. By providing these provisional certainties, ideologies bridge the gap between theory and practice, enabling political actors to prioritise values and formulate coherent policies. In Freeden's more refined formulation, ideologies are a collection of 'essentially contestable concepts' arranged in a specific morphological configuration – or pattern. This seemingly straightforward notion is in fact dense with nuance, for its two key elements bear considerable conceptual weight.[159] The present section focuses on the first of these elements, that of 'essentially contestable concepts', as the second *Epistula* offers an exemplary illustration of this phenomenon

However postmodern it may appear, the Romans themselves were acutely aware of the influence of language and meaning within the political realm. During the momentous debate on the punishment of the Catilinarians, Sallust's Cato lamented that his contemporaries had 'lost the true names for things', warning that 'it is precisely because squandering the goods of others is called generosity, and recklessness in wrongdoing is called courage, that the republic is reduced to extremities' (*Sall. Cat.* 52.11: *Iam pridem equidem nos vera vocabula rerum amisimus. Quia bona aliena largiri liberalitas, malarum rerum audacia fortitudo vocatur, eo res publica in extremo sita est*). A comparable sentiment is voiced by Macer in a distinctly *popularis* speech, imploring the *populus* not to call 'tranquillity' what was in fact 'slavery' (*Sall. Hist.* 3.48.13M = 3.15.13R: *animadvortatis neu nomina rerum ad ignaviam mutantes, otium pro servitio appelletis*). Though representing divergent political stances, both figures articulate the same conviction: that there existed a proper usage of words, yet these words were being falsified, their meanings distorted – and with them, the political order itself.[160] For the *optimate*, the *res publica* suffered; for the *popularis*, the *plebs* embraced servitude. If, as Varro observed, 'the usage of speech is always shifting its position' (Varro, *Ling.* 9.17: *consuetudo loquendi est in motu*), nowhere was this truer than in the political domain.

The author of the *Epistula*, for his part, explicitly identifies *libertas* as a focal point of political contention. As noted earlier, Arena has convincingly shown that this concept carried a specific meaning shared across the political spectrum: that of non-domination, since *libertas* was defined in direct opposition to slavery – the very embodiment of domination.[161] At its core, slavery entailed subjection to an unrestrained *potestas*, one that held power over life and death.[162] This dichotomy features prominently throughout the *Epistula*, both in relation to the *plebs* and to the Senate. The *plebs* are portrayed as defending their liberty against two principal sources of domination: in the past, against the authority of the *patres* through

158 Regarding logomachy, Tiersch, 2018, 35-68; also, Batstone, 2010, 45–72.
159 Freeden, 1996, 75-77.
160 This line of reasoning in Sallust is heavily influenced by Thucydides (esp. Thuc. 3.82.4), Spielberg, 2017, 331-373; also, Sklenář, 1998, 205-220; and Hornblower, 2003=1997, 483.
161 Arena, 2012, 8; strongly influenced by Skinner, 1998.
162 Arena, 2012, 14-44; cf. for a critical evaluation of this interpretation of *libertas*, Ando, 2011, 81–83.

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successive secessions (*Sall. Ep.* 2.5.2), and in the present, against the *factio nobilitatis*. The author commends Caesar for having restored their freedom from the servitude imposed by this faction (*Sall. Ep.* 2.2.4), while highlighting the irony of a Roman *populus* that ruled over many nations yet was enslaved within its own *res publica* (*Sall. Ep.* 2.5.5). The *factio*'s dominance is such that even the Senate itself falls under its arbitrary power and must recover its *libertas* through decisive reform (*Sall. Ep.* 2.11).

Although I concur with Arena's interpretation, I place greater emphasis on the conceptual indeterminacy intrinsic to major political concepts, which arises from their essentially contestable nature. Even when certain core features remain constant across all usages, these concepts acquire full meaning only through their relation to other elements. This is not something exclusive to *libertas*, but rather a characteristic of how the internal morphology of political concepts operates. According to Freeden, they are composed of two types of elements: ineliminable and quasi-contingent. Ineliminable elements are those parts that, although not intrinsic in a purely logical or philosophical sense, are nonetheless fundamental to the way a particular ideological tradition articulates its own conception of a given concept. In other words, if a political concept were deprived of an ineliminable element within a certain context, it would lose its basic meaning and cease to be recognisable as such – it would fail to be politically communicable. It is evident that 'non-domination' constitutes the ineliminable component of *libertas*, yet this alone is insufficient to define it in practical terms. Quasi-contingent elements are what allow it to function as a complete political concept. They are termed quasi-contingent because, although they are individually dispensable in a specific form, they nevertheless occupy logically necessary categories – they cannot be omitted altogether, or else the concept would remain incomplete. For example, in the case of *libertas* as non-domination, since the idea is inherently relational, it is necessary to specify both the subject who is entitled to this freedom and the entity against whose domination it is exercised. Different answers to the essential question 'whose *libertas*?' may draw upon different quasi-contingent elements, yet the categories they fill remain the same.[163]

However, each configuration is not merely a divergent application of the same concept, or at least it does not function as such: when used repeatedly within a political space, it generates patterns and traditions of usage recognised by the political community. These constitute distinct decontestations, which those belonging to a specific ideology will recognise as their own conception or reject as illegitimate when associated with a rival ideological tradition. This is what lies at the root of 'essential contestability', a fundamental feature of both political concepts and political ideologies. It is the recognition that certain values cannot be definitively defined, since the very act of definition is itself a political decision and, therefore, open to contestation. Political ideologies may attempt – and even succeed, for a time – to

163 Freeden, 1996, 62-65.

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reduce contestation regarding the meaning of a particular term; they can establish a dominant interpretation, but as long as these concepts inhabit the political arena, they remain subject to the possibility of re-contestation. This is precisely what occurs with *libertas*, a prime example of an essentially contestable concept.[164]

Regarding essential contestability, a concept qualifies as such when it displays certain defining characteristics. First, it must be appraisive in nature, denoting something that society values – positively, negatively, or even in an ambivalent way. This does not mean that essentially contestable concepts cannot possess a descriptive or empirically verifiable dimension, but they must also entail a value judgment. Second, they must exhibit internal complexity. Such concepts correspond to what Connolly calls 'cluster concepts', as they consist of multiple components that require prioritisation or definition, some of which may even be mutually incompatible. In the modern conception of liberty, for instance, one can identify several internal elements, each aligned with different ideological traditions: some may prioritise the absence of interference, others autonomy, the pursuit of a flourishing life, or non-domination. [165] The particular configuration of these components gives the concept its operative meaning, and the structuring of these elements itself becomes a matter of political debate. Third, these concepts are mutable over time due to changing historical circumstances and the various decontestations that each society and its respective ideologies generate. The corollary of these traits is that rival interpretations of essentially contestable concepts often coexist within the same society, each claiming legitimacy over the same notion – or one of its constituent elements – by striving to make its own decontestation the dominant one.[166]

The second *Epistula* offers a valuable perspective on this struggle to determine which decontestation of an essentially contestable concept would prevail. The author makes explicit the appraisive quality of *libertas*: it is a value cherished by both the virtuous and the corrupt (*Sall. Ep.* 2.11.4). Furthermore, the text reveals the multiplicity of elements that invest the concept with meaning, ranging from its different subjects and threats to concrete policy implications. *Libertas* is closely tied to the expansion and strengthening of the *plebs* (*Sall. Ep.* 2.5.7), since its weakening had originally led to its erosion (*Sall. Ep.* 2.5.4). Thus, its chief subject is a revitalised *populus* breaking free from the *dominatio* of the *pauci*, just as it once resisted the *patres* (*Sall. Ep.* 2.5.1-3).

Nevertheless, Sallust cautions Caesar that the outraged nobles will invoke their own restrictive version of liberty – one with a different internal composition, constructed on a narrower definition of the *populus.* In this view, the expansion of the citizen body would endanger rather than secure liberty: the old citizens would be enslaved by the new, and the

164 Gallie, 1955-56, 167-198, originally articulated essential contestability; regarding this concept, this investigation follows Freeden, 1996, 55-60, who provides a leaner and more functional definition; Koselleck's 'struggle' over the 'correct' concepts' has a similar nature, 1985, 77-78; for the adaptability of *libertas*, Cogitore, 2011, 75-166; Arena, 2012, 73-168, also explores its relational nature vis-à-vis different ideological families; Tiersch, 2017, 333-357; 2018, 35-68, very convincingly applies Koselleck's theories in the analysis of late Republican political conflicts.

165 Connolly, 1974, 27-28.

166 Freeden, 1996, 55-60.

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freedom of the *civitas* would be threatened if the highest *beneficium*, citizenship itself, were granted to many by a single man (*Sall. Ep.* 2.6.1).[167] The author goes further still, suggesting that the *pauci* were, in fact, claiming liberty for themselves alone. While pretending to champion the old citizens, they were cynically identifying their own interests with those of the *res publica* (*Sall. Ep.* 2.6.2-3).

This semantic struggle aligns with the broader pattern, observable in the years preceding the *bellum Pompeianum*, of co-opting and redefining political concepts. The *optimates* resorted to the sense of ownership the *nobilitas* felt toward the *res* publica, appropriating and reshaping the meaning of *libertas rei publicae.*[168] This became their rallying cry in enforcing the political stalemate that led to civil war and their slogan in opposing what they perceived as a would-be tyrant. Conversely, Caesar's *popularis* ideology made clear that he fought for his *dignitas*, for that of the Tribunes, and to 'vindicate the liberty of the people' (*Caes. B civ.* 1.22.5: *...populum in libertatem vindicare*). Controversially, he never professed to fight for the *res publica* itself, effectively abandoning it as a core political concept now imbued with aristocratic connotations.[169] Its traditional role as the primary bearer of *libertas* was thus transferred to the *populus*. Yet the *Epistula* does not advocate a notion of *libertas* that excludes the Senate. Sallust tries to avoid this level polarisation, aligning himself firmly but moderately with the *popularis* tradition. Though not yet assuming the apparently impartial narrative stance of the *Histories* (*Sall. Hist.* 1.6M = 1.6R), he incorporates the *libertas Senatus* (*Sall. Ep.* 2.10-11) within his 'cluster concept' of *libertas*, placing it alongside, and liberated from the *factio nobilitatis*, the *libertas populi* (*Sall. Ep.* 2.5-8).

One strategy employed to legitimise this position was to invoke a past in which *patres* and *plebs* coexisted in harmony, enjoying both liberty and prosperity. Significantly, one of the original features of an essentially contested concept is its 'derivation (…) from an original exemplar whose authority is acknowledged by all the contestant users of the concept'.[170] Although mutual acceptance of such an exemplar is not a prerequisite for contestability, appealing to it remains a powerful cultural device. By depicting *patres* and *plebs* as integral parts of the *civitas*, the author invokes a model he claims to have 'learned from our forefathers' (2.5.1: *In duas partes ego civitatem divisam arbitror, sicut a maioribus accepi, in patres et plebem*). The recourse to an idealised past is a recurrent feature in Sallust's work, often connected to his theory of the 'fear of the enemy' (*Sall. Cat.* 6.7; 37; *Hist.* 1.11M = 1.9–10R; 1.12M = 1.12R; 3.48.15M = 3.15.15R).[171] The second *Epistula*, however, offers less a theory of political 'archaeology' than an ideological proposition: it seeks within the historical

167 For *libertas* decontested in opposition to *regnum*, see Wirszubski, 1950, 7-11, and 66.
168 Hölkeskamp, 2019, 127-128.
169 López Barja, 2019a, 700-714, esp. at 705-710; Hodgson, 2017, 180; *cf.* for a defence of a Caesar as rhetorically invested in the *res publica,* Grillo, 2012, 58 n.1.
170 Gallie, 1955-56: 167-198: 180.
171 For the *metus hostili*s, see La Penna, 1968, 232-237; Kapust, 2008, 353-373; Hammer, 2014, 148-155.

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res publica an original model which, though exclusionary of the *factio*, might still prove acceptable to both factions. This explains the emphasis placed on the earlier period when the nobles were restrained by law and guided by virtue and honour, while the *plebs* possessed sufficient means to sustain both themselves and their community (*Sall. Ep.* 2.5.3).

2.3 Establishing a Morphological Structure: Arraying *Popularis* Ideology

Returning to Freeden's definition of ideology, we have established that ideologies consist of collections of *essentially contestable concepts* arranged within a specific morphological configuration. Having already addressed essential contestability, it is now necessary to examine the other component of the definition: the morphological configuration itself. As mentioned earlier, the main implication of essential contestability is that, in order to acquire a specific meaning, any political concept must undergo a process of decontestation in which its precise significance is fixed. Simply put, ideologies resolve the conceptual indeterminacy inherent in a broad range of political concepts through multiple and interrelated acts of decontestation. According to Freeden, at the ideological level, conceptual meanings are stabilised through relations of mutual interaction among a constellation of concepts arranged in a particular pattern.[172] This is what constitutes a morphological configuration: each ideology possesses its own, although, as in linguistic morphology, they all conform to certain rules and patterns – a shared morphological structure. Following this model, the present section explores how this process of fixing specific meanings unfolds in ideological terms, as exemplified in the second *Epistula*.

To begin, it is necessary to clarify the nature of these mutual relations. The first two defining features operate together: permeability and priority. Concepts – even broader conceptions – usually permeate the various political ideologies of a community and are not exclusive to a single one: what defines them is their arrangement within a particular pattern. In this case, that pattern corresponds to what we identify as *popularis* ideology. Since ideologies usually include most of the available political concepts, they are generally distinguished by the relative priority granted to each of them, not by their inclusion or exclusion.[173] The second *Epistula* indeed addresses many ideas that would not seem out of place in Cicero's *De Republica*. This overlap has led some scholars to speak of an 'ideological monotony' during the Late Republic.[174] Mackie, however, refuted this claim by showing how *populares* and *optimates* assigned different priorities to shared concepts.[175] A third key trait is the morphological proximity between concepts, which plays a decisive role in their

172 Freeden, 1996, 48, 75-77, 82; for the insight that linguistic meanings depended on a network of relationships with other words, Saussure, 1983, 122–123.
173 Freeden, 1996, 93-87.
174 Mouritsen, 2017, 162; following, Morstein-Marx, 2004, 239-240.
175 Mackie, 1992, 49-73; *cf*., as mentioned in the historiography, Meier's 'Krise ohne Alternative' stands on the premise of an essentially 'monistic' society in terms of political culture, 1966, esp. 301.

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decontestation, since meanings are established through their mutual relations. As will be seen, the meaning of *libertas* changes depending on whether it is decontested through its connection with the *populus* or with the Senate.[176] The fourth and final characteristic is reciprocity, meaning that transformations at the core of an ideology filter outward to its periphery, and conversely, shifts at the periphery influence the core concepts.[177]

Political ideologies typically organize these concepts according to a three-layered morphological structure: core, adjacent, and perimeter. The core contains those concepts from which all political reasoning ultimately derives, providing the highest degree of legitimacy to any proposition. These concepts occupy the core by virtue of their position within a network of relations, not because of any inherent characteristic they possess. They can shift and move within the structure, gaining or losing importance depending on political circumstances. However, ideologies tend to consciously fix and provide a certain degree of stability to their core. Surrounding these are the 'adjacent' concepts, which give content to the core ones and allow them to function in real contexts. Finally, ideologies have two types of periphery. One is defined by its lack of importance: it is simply understood as a margin – whatever lies here is not relevant to that particular tradition. The other is what Freeden calls the 'perimeter', where ideology moves from abstraction into the realm of concrete reality, usually through specific political proposals or policies. [178]

Central to this framework are the notions of logical and cultural adjacency, since it is precisely the degree of proximity among the various elements within a morphological structure that determines its distinct decontestations. As the term suggests, logical adjacency refers to the proximity dictated by the internal requirements of constructing an ideology or a political concept. Once certain elements are integrated, each introduces its own set of logical conditions that must be satisfied for the concept to become sufficiently concrete and function effectively within real-world reasoning. Once *libertas* has non-domination as an ineliminable element, then it stands in logical adjacency to concepts such as *populus*, *Senatus*, *res publica*, and *civitas*. These are all logically connected to *libertas*, as the concept demands a subject to which it applies; yet they cannot usually operate simultaneously, since this would overload the term with excessive meaning. This is where *cultural adjacency* becomes essential, functioning in two distinct ways. It may operate within logical constraints, simply prioritizing some associations over others – for instance, asserting that the primary bearer of *libertas* is the *populus* rather than the Senate. However, cultural adjacency can also transcend these logical limits, masking or legitimizing internal contradictions within an ideology. If both the *populus* and the *Senatus* constitute the *res publica*, and if each can legitimately claim to be the subject of *libertas*, then it would logically follow that *libertas* and *res publica* could be directly

176 Freeden, 1996, 68-75 and 77-78.
177 Freeden, 1996, 78-87.
178 Freeden, 1996, 68-81.

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linked. Yet, as we have seen, this connection was not always feasible: in this particular case, cultural adjacency – arising from Caesar's firmly *popularis* ideological stance – actively precluded such a linkage.[179]

This analytical method inevitably involves a degree of conjecture, as do many others. Concepts may be over- or under-emphasized, placed in an inaccurate position within the resulting network of relations, or assumed to be synonymous when they are not. Much depends on interpretation, as hermeneutic analysis reminds us, but not everything is speculative. Political ideologies are tied to identifiable realities – cultural, historical, or linguistic. The observable use of political terms provides a workable set of concepts through which we can interpret the ideology expressed in the sources. We know that *plebs* and *populus* could carry distinct meanings; yet in the *Epistula*, they are used almost interchangeably. This proximity is ideologically significant.[180]

Moreover, the actual mapping process blends logical reasoning derived from this tripartite framework with interpretive judgment about how arguments are constructed. If every political argument can be traced back to *libertas*, it follows logically that this concept belongs at the centre of the morphological grid. However, the relationship between *libertas* and *dominatio* is culturally, not logically, determined. Other traditions link liberty to concepts such as non-interference. Moreover, inside Republican Rome, different ideologies would prefer placing.[181] Their placement together at the core is therefore both an observable fact, based on textual usage, and an interpretive decision grounded in historical context. *Populus*, *senatus*, and *factio* are all crucial adjacent concepts, since core political ideas require logical subjects but also because of the explicit roles they play in the text.

The second *Epistula* explicitly presents *libertas* as a core concept, as expressed through Caesar's own invocation of his homeland and ancestors: 'In return for these splendid benefits, we expect from you not disgrace or crime, but that you restore subverted freedom' (*Sall. Ep.* 2.13.3: *Pro iis amplissimis beneficiis non flagitium a te neque malum facinus petimus, sed ut ei libertatem eversam restituas*). This is more than rhetorical flourish, for every political proposal in the letter can be traced back to *libertas* – whether concerning the 'renewal and reform of the commons' (*Sall. Ep.* 2.10.1: … *de plebe renovanda corrigendaque …*; also 2.5-8) or the 'strengthening of the Senate' (*Sall. Ep.* 2.10-11: *confirmari posse senatum*). Alongside *libertas*, and defining it by contrast, lies its counterpart *dominatio*. If all political reasoning aims to secure freedom, then its ultimate purpose must be to break the dominance of some (*Sall. Ep.* 2.4.3; 2.11.1) and end the servitude of others (*Sall. Ep.* 2.5.4; 2.5.7; 2.10.3).[182]

179 Freeden, 1996, 68
180 Freeden, 1996, 91-95, and 97.
181 Skinner, 1998.
182 Lavan, 2013, 75-80.

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Res publica also operates as a core concept, since all *consilia* are directed toward ensuring its prosperity, or that of the *civitas* or *patria* (Sall. *Ep*. 2.2.4; 2.3.1; 2.4.4; 2.7.3; 2.12.4; 2.13.8). This grouping of near-synonyms is not accidental, for it prioritizes one meaning of this heavily charged term over others.[183] In this context, the *res publica* is not defined by a fixed constitutional form – the *forma rei publicae* – as zealously upheld by the *optimates*; rather, the letter advocates its renewal. Here, the concept denotes a civic community held together – though not solely defined – by institutions and shared interests (*Sall. Ep.* 2.2.2, 4; 2.5.4–5; 2.6.2; 2.7.3; 2.10.4–5, 8; 2.11.1–2, 6; 2.12.4; 2.13.6, 8). This meaning is echoed in *civitas*, which can signify both citizenship status (*Sall. Ep.* 2.4.2; 2.6.1; 2.7.2) and the collective body of citizens (*Sall. Ep.* 2.5.1–2; 2.6.1; 2.7.5; 2.7.12; 2.10.3–4).[184] In all cases, the underlying idea is that of a shared public interest. The author explicitly contrasts Caesar's dedication to this collective good (*Sall. Ep.* 2.2.4; 2.6.2) with the self-serving actions of the *factio* (*Sall. Ep.* 2.3.1–5; 2.4.4; 2.11.2), which violates the fundamental rule that legitimate power must serve communal welfare.[185]

However, *res publica* itself carried multiple meanings, and in this plurality lay ideological contestation. So far, two core concepts have been identified: the *libertas–dominatio* duality and *res publica*. However, a paradox remains: not once is *libertas* linked directly to the *res publica*. Their closest encounter occurs when Sallust warns Caesar that the *nobilitas* would denounce extensive grants of citizenship as a threat to a free *civitas* (Sall. *Ep*. 2.6.1: … *regnum denique ex libera civitate futurum*). Therefore, we encounter *libertas populi* (Sall. *Ep*. 2.5-8) and *libertas senatus* (Sall. *Ep*. 2.10-11), but not *libertas rei publicae*. The reason for this is clear: *libertas rei publicae* was the *honestum nomen* effectively appropriated by the *optimates* as a political slogan.[186] Sallust proved to be more interested in the *res publica* than Caesar, at least at an ideological level, for he was willing to dispute its meaning and focus on its more general, less partisan understanding. However, this would only go so far; and preaching to Caesar using the motto of his enemies was not considered a viable option. This is why although logically correct, this particular decontestation is never made by the author. Paraphrasing Bourdieu, 'practice has a logic which is not that of the logician', and so does ideology.[187]

The two principal adjacent concepts are the *populus* or *plebs* and the *senatus* or *patres*. When related to *libertas*, they provide a clearly decontested meaning and satisfy a logical

183 For the many meanings of *res publica,* Moatti, 2020, 118–137; Hodgson, 2017; López Barja, 2019a, 700-714: 708-9.
184 Moatti, 2020, 118-137: 123; Ando, 2011, 3-4.
185 For the contradictory nature of *factio* and *res publica*, see Flower, 2010, 12.
186 Cultural adjacency can give legitimacy to particular combinations of concepts that logicians and philosophers will disallow as illogical, and vice-versa, Freeden, 1996, 71; regarding the connotations of *libertas rei publicae*, Hodgson, 2017, 166; López Barja, 2019a, 700-714: 703-705, based on Cic. *Att* 8.6 (154 SB), 2; *Fam*. 15.7 (155 SB), 2; *Fam*. 6.6.12; *Lig*. 21; Caes. *B civ*. 1.8.3; and Vell. Pat. 2.48.4, among others.
187 Bourdieu, 1990, 86.

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precondition of freedom: it must have a bearer in order to possess practical significance.[188] At the same time, they translate the *res publica* into a more concrete entity – one composed of two sovereign elements. The author's stance again appears less antagonistic than Caesar's, for he openly acknowledges the Senate's pre-eminent role in his decontestation of the *res publica* and emphasizes the significance of *libertas senatus* (Sall. *Ep*. 2.10.-11). Yet, the weight he accords to an autonomous and expanded *populus*, both as part of the *civitas* and as the subject of *libertas*, unmistakably situates him within the *popularis* tradition (Sall. Ep. 2.5-8). This impression is strengthened by the nearly interchangeable use of *senatus*/*patres* and, above all, *populus*/*plebs*, which evokes the enduring memory of the long-resolved patrician–plebeian struggle.[189]

Other adjacent concepts of comparable importance are *factio* and *nobilitas*. Their relevance stems from the fact that *dominatio*, a core concept as much as *libertas*, is inherently relational and requires an actor to embody it. The *Epistula* identifies this actor as the *factio nobilitatis*. Although not synonymous, the two expressions appear in close conjunction, deliberately linking one with the other (Sall. *Ep*. 2.2.4; 2.8.6; 2.9.4; 2.11.6). *Factio* carries a distinctly pejorative sense, designating a faction driven by private and self-serving interests that stand in opposition to the common good defining the *res publica*. Its principal agents – the *pauci* (Sall. *Ep*. 2.3.2; 2.7.11) – are depicted as originating chiefly from the *nobilitas* (Sall. *Ep.* 2.6.1, 3; 2.9.4; 2.10.9; 2.11.2, 6), that is, from those whose ancestors had achieved consular rank.[190] They had usurped the *civitas* and subordinated its interests, reducing both the *populus* (Sall. *Ep*. 2.5.5) and the Senate (Sall. *Ep*. 2.11.1) to servitude. Cato, Domitius, Bibulus, Postumius, and Favonius are all named as members or instruments of this *factio* (Sall. *Ep*. 2.4.2; 2.9.4), while Pompey is portrayed as an outsider who, driven by jealousy of Caesar, has temporarily aligned himself with them (Sall. *Ep*. 3.2.1). [191]

At this stage, one can also discern other political concepts that, though independent from the core and not logically indispensable, nonetheless function in relation to it and hold argumentative weight. Such is the case with *potestas*, *leges*, *auctoritas*, *consilium*, *virtus*, and *boni mores*, among others. Pompey had granted supreme authority (*summa potestas*) to the few, thus depriving the *populus* of its *libertas* (Sall. *Ep*. 2.3.2). Servitude likewise arose from laws (*leges*) that were neither equitable nor universal, but rather expressions of arbitrariness (Sall. *Ep*. 2.3.2-4). Conversely, liberty and the rights of the people (*ius populi*) prevailed when no individual's power transcended the law itself (Sall. *Ep*. 2.5.3). Similarly, the senators once possessed *summa auctoritas*, until the plebs reclaimed their *libertas* through successive secessions (Sall. *Ep*. 2.5.1). In turn, *consilium* and *virtus* – the essential qualities of a

188 Freeden, 1996, 62.

189 From the seven times *populus* appears in the *Epistula* (Sall. *Ep*. 2.3; 4.3; 5.2; 5.5; 7.11; 10.6; 12.5) only when referring to the *populi Romani* as opposed to a foreign community (Sall. *Ep*. 4.3; 12.5) is that term used as something broader and distinct from the *plebs*.

190 For the different nuances found between *nobilitas*, *pauci* and *factio*, Paananen, 1972, 48-59.

191 Pina Polo, 2021a, 177-205: 186-187.

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statesman (Sall. *Ep*. 2.10; 2.11) – are invoked either to secure the restoration of *libertas* or as the Senate's chief contribution to the *res publica* once freed. *Boni mores* play an analogous role: they are the surest safeguard of *libertas* once wealth's undue influence has been curtailed (Sall. *Ep.* 2.7.1; 2.8.5).[192]

Finally, we reach the 'perimeter' of ideology, the sphere where theory intersects with political practice and concrete policy proposals emerge. Owing to this level of specificity, perimeter concepts usually lack the theoretical complexity of the ideological core. Nonetheless, they must remain traceable to it, and reciprocally, the path from the core to the perimeter must be discernible. This mutual connection between the nucleus, the adjacent layers, and the perimeter constitutes the very structure of a political argument, mediating between principles and actions.[193] The second *Epistula* makes these connections explicit, diligently linking each policy proposal to its foundational values. What follows is a traversal of this *via popularis*, tracing the argument's movement from the perimeter inward through the adjacent concepts previously mapped. Reconstructing this sequence goes beyond simple paraphrase: moving from a policy to a value is not merely descriptive, but an ideological operation, one that defines meaning through deliberate and culturally grounded associations between concepts. These interpretative choices are underlined below:

1) Expanding the citizen body and establishing new settlers alongside existing ones through an active program of colonization would reinforce the *populus* both numerically and morally, awakening its sense of *libertas* and breaking the servitude imposed by the *factio*. The author formulates this argument with striking clarity: 'But if new citizens should be added to their number, I have high hopes that all would be aroused to a sense of freedom; for the new citizens will feel a desire to retain their liberty, those who are already citizens will long to throw off the yoke of slavery' (Sall. *Ep*. 2.5.7: *Ceterum additis novis civibus magna me spes tenet fore ut omnes expergiscantur ad libertatem; quippe cum illis libertatis retinendae, tum his servitutis amittendae cura orietur*). Here, *libertas* is decontested through its association with the *populus*, a proximity emblematic of *popularis* thought. Yet, *libertas populi* is not presented in opposition to the *res publica*. The plebs constitute, along with the *patres*, one of the two essential components through which the author defines the *civitas* (Sall. *Ep*. 2.5.1). Consequently, by enlarging the *populus* and fortifying its *libertas*, the welfare of the *res publica* is assured (Sall. *Ep.* 2.6.2). In essence, the message is clear: *libertas* entails a free *populus*, a free *populus* guarantees strength, and such strength ensures the flourishing of the *res publica*.[194]

192 An analysis of all these concepts beyond the scope of this investigation, for reference see Hellegouarc'h, 1963.
193 Freeden, 1996, 79-81.
194 This relation between *popularis* ideology and citizenship was evinced by López Barja, 2007b, 125–131, and its exploration is precisely the core of this investigation.

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2) The author subsequently puts forward two additional policy proposals. First, reforming the jury system so that all citizens of the first class may serve as jurors, while increasing the number of those summoned (Sall. *Ep*. 2.7.11). Second, he advocates randomizing the order of voting in the *comitia centuriata,* invoking a law attributed to the reformer C. Gracchus during his *tribunate* (Sall. *Ep.* 2.8.1-2).[195] Both measures aim to curtail the corrupting influence of wealth in politics and to restore moral integrity within the community (Sall. *Ep*. 2.8.3). The objective is not to abolish hierarchy altogether, but to diminish inequalities rooted in money while maintaining a balanced, geometric conception of justice.[196]

Morality, in its various forms throughout the *Epistula* – virtus, a proper relation to *gloria*, and *boni mores* – is best understood as an adjacent concept: important, yet always defined in relation to *libertas* and the *res publica*. The text makes clear that morality cannot coexist with unrestrained greed (Sall. *Ep*. 2.7.4); without it, neither private nor public affairs can be properly governed, leading to the downfall of cities and nations (Sall. *Ep*. 2.7.3–9).[197] In an obviously exaggerated yet very lucid argument, the author advises Caesar: remove honour from riches, and moral virtue will return (Sall. *Ep*. 2.8.5), thus freeing the *res publica* from ruin.

Politically, these reforms connect to the core values primarily through the adjacent concept of *factio*, undermining its *dominatio* and strengthening *libertas*. On one side, they would end its control over juries, thereby dismantling its quasi-monarchical rule (Sall. *Ep*. 2.7.10). On the other, the *confusio suffragiorum* was intended to place wealth and merit on equal footing, promoting genuine competition within the *comitia centuriata*, responsible for electing the higher magistrates (Sall. *Ep.* 2.8.1–2). Since the dominance of the *nobiles* was not founded on virtue, such reform would inevitably erode their authority. If leading figures like Cato could not grasp the meaning of *libertas*, how could they possibly cultivate it within the state? (Sall. *Ep*. 2.9.3).

3) The final two proposals concern the *patres*. The author advocates increasing the number of senators and introducing secret ballots (*per tabellam*) within the Senate. His explicit aim is to revive the traditional virtue expected from the *senatus* in steering the ship of state: that of *consilium*.[198] Both *patres* and *consilium* serve as adjacent concepts – one giving shape to the *res publica*, the other providing the wisdom necessary for strengthening of this core. The *Epistula* insists on the decisive role of political counsel in ensuring the prosperity of any *civitas*: ‘I have learned by abundant reading and instruction that all kingdoms, as well as states and nations, have enjoyed prosperity and power for so long a time as wise counsel has

195 This is what Cicero called *confusio suffragiorum* (Cic. *Mur*. 47); on the authenticity of C. Gracchus’s law, Nicolet, 1959, 145-210.

196 Aristotle contrasts ‘geometrical’ justice – to each according to its worth or merit (ἀξία) – with ‘arithmetic’ – where unequal individuals are treated equally (Arist. *Eth. Nic.* 5.6.1131a 18-29).

197 For the connection between luxury and moral decline in Sallust’s oeuvre, Sall. *Cat*. 5.7; 11; 52.7,22; *Iug*. 45.2; *Hist*. 1.11M = 1.9-10R; on sumptuary legislation, Zanda, 2011, 49-72.

198 Rejected as unfeasible by Syme, 1964, 343-345; other scholars consider these proposals reasonable, Virlouvet, 1984, 101-141; also, Bonnefond-Coudry, 1989, 710-750; and Pina Polo, 2021a, 177-205: 197-198.

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reigned among them' (Sall. *Ep*. 2.10.3: *Atque ego in ea vita multa legendo atque audiendo ita comperi, omnia regna, item civitates et nationes usque eo prosperum imperium habuisse, dum apud eos vera consilia valuerunt*). This type of counsel, which had once stabilized the *res publica*, had vanished, replaced by the dominance of the *factio* (Sall. *Ep*. 2.11.1). The proposed reforms were intended to reverse that decline by restoring the *libertas* of the *patres* and, ultimately, ensuring the vitality of the *res publica* (Sall. *Ep.* 2.11.2).

2.4 Some Conclusions about *Popularis* Ideology

The term *popularis* is absent from both the *Epistulae* and Sallust's corpus; as is well known, it originates with Cicero. Nonetheless, this paper does not refrain from employing it as an ideological marker. While it is true that Cicero's portrayal of this division is biased – particularly in the *Pro Sestio* (Cic. *Ses.* 96) – his use of the distinction between a true *popularis* and a false one in the *De Lege Agraria* (Cic. *Leg. Agr.* 1.23; 2.7) reveals that the people themselves possessed a practical understanding of what being a *popularis* entailed. In essence, it referred to a statesman who acted and spoke on behalf of the *populus*, one of the *partes* that composed the *civitas* – a term (*pars*) also employed to describe the opposing factions in a civil conflict (Sall. *Hist.* 1.6M = 1.6R).

I argue that the second *Epistula* constitutes an expression of *popularis* ideology, specifically one of its many possible variations. Like language itself, political ideologies are flexible systems, capable of assuming diverse configurations.[199] It is even plausible that this particular formulation would not have been accepted by the letter's recipient, since Caesar decisively resolved the ideological tension created by the *optimates'* appropriation of the *res publica* by transcending it and placing the *libertas populi* firmly at the core of his own ideological arrangement.[200] This does not imply that *popularis* ideology was illusory or incoherent; rather, it underscores that ideologies can shift in structure, with concepts relocating and meanings adapting to context. When referring to the content of *popularis* ideology, one should not assume a single, immutable essence or a fixed use of terminology. To search for such an essence would only lead to frustration, for ideologies and their vocabularies are inherently nuanced and often self-contradictory. Yet, to infer from this complexity that no ideological oppositions existed would be a *non sequitur* – a conclusion equally untenable for other historical periods where ideological conflict is widely acknowledged. Instead, it is more productive to employ the notion of 'family resemblances,' identifying the multiple overlapping traits among the various versions of *popularis* ideology, from those seeking to

199 Freeden, 1996, 82-91, esp. 82-86.
200 López Barja, 2019a, 700-714: 710-714.

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augment the authority of the Assemblies to those emphasizing the *populus*' agonistic character by using the term *plebs* almost interchangeably.[201]

The author of the *Epistula* was acutely aware of the escalating tensions of his era, its principal actors, and the arguments available to them, and he demonstrated sufficient intellectual precision not merely to assemble the appropriate terms but to define their meaning carefully. To achieve this, he turned to political ideology, for that is precisely its purpose. By situating himself within the *popularis* tradition, he employed it as an interpretive framework for understanding and articulating political reality, drawing upon a rich repertoire of political vocabulary endowed with specific – though contested – meanings. In his *Analogia*, Caesar himself acknowledged the deliberate reflection underlying his seemingly plain style: Cicero quotes him as saying that 'the choice of words is the source of eloquence' (Cic. *Brut.* 253: *Verborum dilectus originem esse elocuentiae*). Yet this was far from a simple 'choice', for *dilectus* also denoted the act of military conscription – the selection of those most fit for service (Varr. *Ling.* 6.66). The parallel is unmistakable: one must select words with the same discipline and discernment used in choosing soldiers, since in both cases the aim is to fight – whether on the battlefield or within the realm of language.

201 Freeden, 1996, 89-91; Wittgenstein, 1958, paragraphs 23 and 67.

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3. *CUPIDITAS CIVITATIS*: THE DESIRE FOR AN IMPERIAL CITIZENSHIP

This chapter will focus on the *cupiditas civitatis,* the desire to obtain Roman citizenship displayed in the Late Republic by those Italian peoples who did not yet possess it. This political phenomenon – for that is how it will be approached here, rather than as a purely legal or identitarian claim – merits close attention from a dual perspective. First, at the micro level, it was central to understanding the discontent that drove the so-called *socii* to rebellion during the *bellum sociale*, as well as to the peace settlement that followed. As one scholar notes, among all the major issues that afflicted the Late Republic, the citizenship question was the only one ultimately resolved – though at an enormous cost in blood. Velleius Paterculus laments that this war 'took away more than three hundred thousand of the youth of Italy' (*Vell. Pat.* 2.15: *Id bellum amplius trecenta milia iuventutis Italicae abstulit*).[202] Moreover, the fulfilment of this *cupiditas* through mass enfranchisement and the ensuing legal and political integration brought about one of the greatest transformations the *civitas Romana* had experienced up to that point. Quantitatively, its scale was unprecedented; yet the magnitude of change was such that one might argue it also marked a qualitative transformation. It is therefore impossible to understand these interconnected processes – the growing resentment that culminated in a violent rupture of the Roman order, and the gradual de-escalation that followed the peace – without analysing the meaning and significance of this political claim itself.

Second, at the macro level, it offers a case of citizenship being treated as a political issue by our sources – one that was claimed, denied, debated, and contested both by the peoples of Italy and by the Romans themselves, between and among them. Beyond its legal certainties, *civitas* was a disputed matter and thus became the subject of concrete political argumentation, in which it was placed in relation to other concepts and, in doing so, acquired specific meanings while excluding others. When recounting the lobbying of the *socii* to be admitted into the political body, or explaining why the Senate resisted extending the 'privilege of the city' to other communities, our sources articulate *argumenta* that reveal the specific concerns they – and presumably the political actors they describe – considered relevant. Fragmentary and biased though they may be, these sources nevertheless offer a glimpse into how *cupiditas civitatis* – and, by extension, the *status civitatis* itself – functioned as political discourse and, consequently, as political ideology. All these considerations surrounding the desire for citizenship will form the focus of the following analysis, in which we will examine, first, how modern historiography has engaged with them, and second, how our sources themselves presented this phenomenon.

202 Wulff Alonso, 2021, 91.

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3.1 A Disputed Historiographical Approach

It is not a secret that Mommsen's *Römische Geschichte* was written with all the frustration an exiled German nationalist could muster after the failed revolution of 1848.[203] The product of this passion was a work that, for all its erudition and undeniable weight, created a lasting historiographical construct about the relationship between Rome and its subjects in Italy that ought to be untangled in order to properly understand a phenomenon central to the *res publica* from the Gracchi onwards: *cupiditas civitatis*, the desire for Roman citizenship emanating from most of the other communities in Italy. As Mommsen's enduring perspective was rooted in a profoundly nationalistic conception of 'Italian' – not Roman – identity, its two pillars reinforced what was understood, essentially, as a process of national construction – one manqué by the burden of empire.[204] On the one hand, it blurred the subjection that characterised the position of all the other peoples of Italy in relation to Rome. Essential to this distortion of reality was (mis)using the proper terminology. Thus, instead of subjects we had *socii,* a term very present in our Roman sources but whose meaning of 'allies' was taken at face value, or even a 'federation' or 'confederation' (*Eidgenossencschaft*), concepts that evoke a strong sense of equality and even of shared governance.[205] On the other hand, the reiterative and very real presence of the *cupiditas civitatis* in the sources was considered a marker for 'Romanization'.[206] This concept, minted by Mommsen himself, was constructed over certain premises about how collective identities operate. First, there was an unquestionable identification between language, culture and identity. In this sense, identities were assumed to depend on certain *essential* markers the loss of which implied renouncing your own in favour of one that was alien. Second, with these parameters in mind, it is only logical to understand the undeniable assumption of 'Roman' markers (that is, the Latin language, Roman law or Roman-like institutions, all forged around a Latin nucleus) as a process of identity convergence from which to infer feelings of belonging, admiration or identification with Rome – although this Rome, for Mommsen, was indeed a proxy for the real identity that was operating in the background, the Italian.[207]

Therefore, the root of the *bellum sociale* was the mismatch between the treatment the *socii* felt they deserved from the Romans, as younger brothers and members of the same *Italian* identity – a sentiment itself product of a very successful process of Romanization –, and the one they got, spurned as little more than mere subjects.[208] Being unable to attain what they really wanted, citizenship, they resorted to a violent resolution aimed at destroying Rome

203 Regarding Mommsen's approach to history, López Barja, 2005, 207-218; Pina Polo, 2005, 239-252; Duplá Ansuátegui, 2021, 73-93.

204 Mommsen, on national sentiment, *RG*: 6-7, 41, 428-430; on Italy as manqué national project, *RG,* I, 664, 802; II, 221.

205 Mommsen, *RG,* I, 389, 540-541.

206 Mommsen's mints the concept of Romanization in the Volume 5 of his *Römische Geschichte,* published many in 1885, many years later than the three first volumes, under the name *Länder und Leute von Caesar bis Diocletian.*

207 Mommsen, *RG,* II, 89; regarding Mommsen's nationalistic model, Wulff Alonso, 2021, 169-231.

208 Mommsen, *RG*, II, 203-230, where he did write about the 'natural boundaries of Italy' – which were those of the 'Italian confederacy' led by Rome, 203; for the *bellum sociale, RG*, III, 490-547.

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and articulating this new Italian nation by their own hands. They could not do it, yet in defeat they were finally united in an Italy that, burdened by the tensions of empire, could not fully achieve its destiny of becoming a nation. In the end, for him, the question of citizenship was always subordinated to that of national sentiment; therefore, the party politics and conflict that arose around *civitas* were a proxy for the actual nation-building efforts – or lack thereof – of the different politicians (and their correspondent ideologies), such as with Caesar progressive tendencies and the reactionary aristocracy that opposed him. Albeit manifesting in different variations and intensities, the national framework here established proved remarkably enduring.[209]

One of the most influential analysis on the origins of the *bellum sociale*, and one that places the *cupiditas civitatis* at the centre of this conflict, is Brunt' excellent article *Italian Aims the Time of the Social War*.[210] He correctly identified that our sources overwhelmingly reiterate that the *socii* wanted, in general, to access Roman *civitas* for the purpose of sharing in the rule of the empire – specifically, he ties this *consortium imperii* to the *ius suffragii*.[211] For him, after fighting in the Cimbric war and witnessing the success of Marius and other *homines novi,* the Italic elites had perceived the great potentiality of accessing the *cursus honorum* and lobbied accordingly. Nevertheless, it is clear that he (at least, partly) based his thesis on Mommsen's framework and understanding of what 'Romanization' was, presenting the *cupiditas civitatis* as the proof of the Roman success 'in unifying them [the *socii*] in sentiment'.[212] Thus, under this perspective, the logic of imperialism yields under the strength of a feeling of unity that was aroused by Romanization but that looks towards a concept of Italy – again, not Rome – as the shared communal reference of the *socii*, Latins and Romans; the so called *togati*. In fact, this is the main argument of one of the central chapters of the article, entitled 'The Concept of Italian Unity: Romanization'.[213] This *Italian* identity, based on the relative successful Romanization in linguistic, institutional and legal terms, allowed the different peoples of Italy to transcend parochialism and auto-identify as *Italici*.[214] Moreover, insightful as it is, Brunt's analysis does not engage with the clear entanglement of Roman internal politics and the question of citizenship beyond a brief appendix were he recognises the different positions of the main political actors regarding the enfranchisement of the *socii*, framing Drusus's efforts in this direction as an *optimate* change of policy that ultimately went astray; regarding citizenship as a function of political ideology, nothing is said.[215]

209 Mommsen, *RG,* I, 451; on Mommsen's characterization of political parties, more akin to a Weltanschauung than to a modern political party, López Barja, 2005, 207-218.
210 Brunt, 1965, 90-109.
211 Regarding the universal claim for *civitas*, Brunt, 1965, 90-109: 93-97; in 103, he clearly states that 'it is clear to me that the demand for citizenship is essentially a demand for the *ius suffragii*'.
212 Brunt, 1965, 90-109: 90.
213 Brunt, 1965, 90-109: 97-101.
214 Brunt, 1965, 90-109: 100.
215 Brunt, 1965, 90-109: 106-109.

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In his seminal work, *Roman Citizenship*, Sherwin-White's position was similar to Brunt's, insofar as he accepts the *cupiditas civitatis* was one of the central claims of the *socii* on the run up to the *bellum sociale*. Yet for him the *ius suffragium* was far from being at the centre of the *cupiditas*, gaining political weight only when it was threatened during the process of enfranchisement after the war.[216] Instead, the *cupiditas civitatis* was just one of the means of reaching the main objective of the *socii*, attaining political and social equality. This meant dismantling the (somewhat circumstantial) situation of domination of the different Italic peoples regarding Roman magistrates, which could be achieved via full incorporation into the *civitas Romana*, but also through the concession of the *ius provocatione* and, as a last resort, simply by engaging in secession from the Roman government apparatus. Nevertheless, once the political circumstances drove some of the former allies to commit *defectio* and start an open rebellion, the intermedium positions disappeared, with the two extremes – incorporation or independence – becoming the only real pathways to the coveted state of 'political and social equality'.[217]

However, Sherwin-White was also working from within a mommsenian framework, as Rome is essentially presented not as master but as the generally benevolent confederate government of all Italy that only went awry during the 2nd century BC, prompting a proliferation of abuses that led to the *bellum sociale*.[218] His conception of the *civitas* is neatly captured in the subtitle of his book, where it is defined as a 'world franchise', one that was the result of a coherent system of levels of integration and very structured combinations of duties and rights – almost as if the whole structure were constructed by incremental and logical steps towards citizenship that made total integration and municipalization almost seem inevitable.[219] Importantly, he did not abandon Mommsen's role for Italy as the main identity that germinated as the consequence of this process of integration, with the municipalization being a process essentially Italian in nature.[220] In fact, it could be argued that for him, Italy is forged at the expense of Rome, as the proliferation of *municipia* and *coloniae* diluted Rome yet prompted the 'unification of Italy into one nation'.[221] Moreover, even though he acknowledged some of the political confrontations that arose over citizenship, especially regarding the failed attempts of integration before the *bellum sociale* and later enrolment of the *dediticii populi*, his analysis of the question of *civitas* remains surprisingly apolitical, overly indifferent to how this important status influenced both political praxis and ideology.[222]

Surprisingly, the author who mounted the most vocal attack against the *cupiditas civitatis* being the principal aim of the so-called *socii* and the main reason behind the *bellum sociale*, Mouritsen, also shares this essentialist conception of what an identity is, although from a post-

216 Sherwin-White, 1973, 135.
217 Sherwin-White, 1973, 134-149.
218 Sherwin-White. 1973, 119-133.
219 Sherwin-White, 1973, 125-127
220 Sherwin-White, 1973, 169, 172-173.
221 Sherwin-White, 1973, 166.
222 Sherwin-White, 1973, 155-157.

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colonial perspective. He dismisses as counter-intuitive the possibility of subject peoples willingly yielding their own sovereignty and culture in an attempt to join the oppressor. By contrast, he openly declares his decision of writing a history of the *bellum sociale* from a source (hyper)critical perspective. In his own words, he is writing 'against the sources, or in this case, against the source'.[223] Essentially, he is indicting Appian, presented as the main distorting glass which placed the *cupiditas civitatis* at the centre of the conflict.[224] Apparently, the Alexandrian author was obscuring a contemporary tradition to the *bellum sociale* that clearly stated what must have been the real aim of the rebels: either independence or radically restructuring their relationship with Rome in a way that did not mean losing their own sovereignty and culture. This supposed tradition is to be found in passages such as Plutarch (*Cat. Min.* 2.1-4; *Mar*. 32.3), when he argues that during the war the rebels almost ended Roman hegemony, or in the *Rhetorica ad Herennium*, when in the context of a trial *per legem Variam* the Roman accomplices of the *socii* are accused of supporting the rebel attempt of taking over Roman sovereignty over the world (*Rhet. Her*. 4.13: *nedum illi imperium orbis terrae* [...] *ad se transferre tantulis viribus conarentur*). According to Mouritsen, all references in our sources to *libertas* or *eleutheria* (regardless of literary or even historical context) also carry echoes of this tradition, as in Ovid (*Am*. 3.15.8-10), Strabo (*Geo*. 5.4.2) or Eutropius (5.3.1). Meanwhile, the many claims of *cupiditas civitatis* found are either dismissed as Roman propaganda – this is especially egregious regarding those about the period of time between the Gracchi and Drusus the younger – or directly ignored by Mouritsen (Cic. *Phil*. 12.27).[225]

This radical reinterpretation of the sources is coupled with a pointed critique of contemporary historiography, whom he accuses of uncritically following Mommsen's nationalistic paradigm. He rejects the notion that there was some kind of Italian 'confederation' led by a Rome that performed the role of a central government, and points out the very unsentimental approach Rome took to the Italian peninsula, which constituted 'her sphere of domination'. Moreover, he correctly called into question certain presuppositions baked into the concept 'Romanization', drawing attention to the fact that adopting the names

223 Mouritsen, 1998, 4.

224 Mouritsen, 1998, 85-86.

225 Mouritsen, 1998, 109-129; Pobjoy, 2000, 187-211: 190, essentially accepts Mouritsen's thesis and argues that the Italy founded during the *bellum sociale* was pursuing total independence, as he considers difficult to image the insurgents demanding incorporation into a state whose citizens they massacred en masse and was, in turn, engaged into bloody conflict with them; both Wulff Alonso, 2021, 387, and Sisani, 2007, 21-23, are strongly critical of the way Mouritsen engages with the sources, positing that he systematically discredits every ancient passage that expressly contradicts his thesis, going as far as arguing that the political project of mass enfranchisement of the Italic peoples was politically unfeasible, Mouritsen, 1998, 125; contrary to Mouritsen's thesis vis-à-vis the *cupiditas civitatis*, see Keaveney, 2005b, 45-113; also, Dart, 2014, 43-67.

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of certain Roman institutions does not mean admiration or even emulation from an institutional standpoint.[226]

Nevertheless, as the *pars construens* of his thesis reveals, Mouritsen stands in a curious position in relation to Mommsen's paradigm. Critical as he may be with many of his conclusions, Mouritsen also assumes identity as consisting of some fixed markers that must remain as such. Thus, for him as well as for Mommsen, the acceptance of different traits (that is, Romanization) means the abandonment of one's identity in favour of another – the dominant, the *Roman* – to the point of identifying with it. In fact, instead of abandoning this position, he doubles down, understanding the *cupiditas civitatis* only in this terms and stating 'anything less than full identification with Rome cannot explain the allied wish for citizenship'.[227] Therefore, he simply rejects any semblance of Romanization, to the point of denying the expansion of the Latin language through the Italian peninsula before the Social War.[228] Mouritsen's *Italians* (sic) remain practically independent up to the *bellum sociale*, rejecting their position as subjects.[229] They were simply *socii*, communities that happened to be in an unequal system of relations with Rome, who respected their independence in exchange for their contributions in soldiers. Their autonomy was so well demarcated in the different *foedera* that he even goes as far as rejecting Roman interference, against what Livy (Bacanales), Polibius (6.13.4-5) or Cicero (*Balb*. 22) have to say.[230]

Thus, he vehemently rejects any possible advantage that went hand in hand with the *status civitatis* because they would have been at odds with the 'collective interest' of the *socii*. As sovereign communities with proud of their identities, they must have been conscious of the perils of the giving up their sovereignty and identity without any guarantees of breaking the monopoly the Roman *nobilitas* had on the empire. Instead of diluting themselves inside the oppressor's community, Mouritsen claims that they were trying to share in the governance of the empire by articulating a federal state in which neither their existence as nations nor their collective interest would be in jeopardy.[231] On top of this position, we ought to take into account that Mouritsen flatly rejects the existence of an ideological divide in the late Republic, which in turn implies that he also denies any and all considerations of *civitas* as an

226 Some of these points are especially relevant, such as negating the confederal nature of the Roman political system in Italy, Mouritsen, 1998, 39; denying the role of Rome as some kind of central government for Italy, Mouritsen, 1998, 39-43, 67-72; on Italy being seen by Rome as her 'sphere of domination' and not any kind of emotional entity, Mouritsen, 1998, 69; regarding the differences between Romanization and Helenization, Mouritsen, 1998, 60-61; on the fact that adopting the titles of certain institution does not imply emulation nor admiration, Mouritsen, 1998, 76-79; similar arguments are made by Wulff Alonso, 1991, 15, 20-21, 25, 30, 46-61, 139, 330-331, 337-342, 361.

227 Mouritsen, 1998, 82.

228 Mouritsen, 1998, 79.

229 Mouritsen, 1998, 85-86.

230 Mouritsen, 1998, 39-58.

231 Mouritsen, 1998, 95-99 regarding the existence – and importance – of national pride among the peoples from Italy; Mouritsen's post-colonial position has a similar approach as the one that articulated by Salmon, 1962, 107–119, and 1967, who presents Rome not as a benevolent overseer of a network of allies but as the 'imperialist mistress of Italy', 1962, 108, and conversely, he characterises the peoples of Italy as motivated by a national sentiment spurred by resentment towards Rome, 1962, 108, 115; for Salmon, this was especially relevant in the case of the Samnites, who resist Rome as matter of 'national identity', 1967, 316, 322.

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ideological factor that may influence different policies or fuel conflict; in the best of cases, it was an expedient way of garnering support for a politician.[232]

Although levelling many valid criticisms against the overtly idealized portrayal of the relation between Rome and her Italic subjects, Mouritsen's main thesis has been rejected by many authors – in my opinion, correctly so. For his part, Seth Kendall argues that the decade of 91-77, sometimes referred to as the 'Ten Years' War', was underpinned by the persistent struggle of the *socii* over Roman citizenship: first, to obtain *civitas*; second, after its initial grant, to achieve full political equality; and later, to preserve the rights they had won against subsequent threats.[233] Kendall's central contention is that the *socii* resented their status as subjects (ὑπήκοοι) rather than partners (κοινωνοί) in the empire they had helped to build, as they were stubbornly kept in a position of inequality and exploitation. He further argues that these tensions were exacerbated by attempts at agrarian reform – such as those initiated by the Gracchi – which threatened the landholdings of the Italic elites.[234] The final spark, according to Kendall, was the murder of Drusus, which ignited a war primarily aimed at securing *civitas*. He interprets the outbreak of the conflict as an attempt by the *socii* to draw upon the symbolically potent tradition of the *secessiones* – a suggestive hypothesis, though one with little direct support in the sources.[235] In any case, Kendall offers a meticulous analysis of both the war itself and the various political struggles waged by the *socii* – often in alliance with the *populares* – to achieve genuine political equality within the Roman *civitas*, a goal that was largely undermined by Sulla's subsequent victory in the civil war.

Similarly, Christopher J. Dart interprets the *bellum sociale* through the lens of 'insurgency' (which he links to the Italian *insorti*), a term he deliberately employs to underscore that it was a struggle born from a desire for equal rights.[236] Although he acknowledges that the motivations behind the war were not singular, Dart notes that the ancient literary sources consistently affirm that the allies sought citizenship rather than independence, viewing the former as the most effective route to true equality.[237] The available evidence concerning the institutional framework established by the rebels suggests that they created an *ad hoc* confederation for wartime purposes rather than a permanent counter-state aimed at separation.[238] Dart is careful to emphasize that although 'integration' was one of the outcomes of the *bellum sociale*, it was not its principal objective: equality was. Integration – or unification under Roman citizenship – was merely a by-product of this hard-fought

232 Mouritsen, 2001; also, 2017.
233 Kendall, 2013; the characterization of this period as a 'ten years' war' is Syme's, 1939, 17.
234 Kendall, 2013, 69-138.
235 Kendall, 2013, 223-233; as pointed out by Raggi, in *BMCR 2014.09.13.*
236 Dart, 2014, 1-2.
237 Dart, 2014, 213.
238 Dart, 2014, 113.

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equality, which the *socii* pursued with determination even as the Romans sought to marginalize the new citizens through tribal redistribution.[239]

For his part, Gabba presented a unique approach, source-driven and very conscious of the economic dynamics between different Roman and Italic social groups.[240] His main thesis strongly linked the origins of the *bellum sociale* to Roman politics, by arguing that there was a transformation in the nature of the *cupiditas civitatis* between the time of G. Gracchus and Fulvius Flacchus and the tribunate of Drusus. Grounding his argument in Appian's text, he argues that during this period the question of citizenship evolves from being a function of agrarian policy to an active desire for political participation.[241] For Gabba, this was the result of the economic dynamics of Roman imperialism, that confronted a Senate less inclined to expand the number of peoples directly under Roman control against the interests of the very expansive *ordo equester*.[242] Gaius Gracchus' judicial reform proved to be a tipping point, as it politicized the equestrian order and opened a clear schism between these two tendencies. At this juncture, the Italic elites proved to be the logical allies of the *equites*, as the economic interests of both groups were complementary.[243] According to Gabba's reconstruction, the ruling class of the *socii* composed the nucleus of those *negotiatores* that privately exploited the wealth of the Oriental provinces and the Iberian peninsula, where they were treated as virtual equals to the Romans. Meanwhile, the *ordo equester* monopolized the levy of the taxes through their role as *publicani*, thus, aligning both their economic interests.[244] Therefore, it was the sum of these circumstances that extended the *cupiditas civitatis* exclusively among the elites, as they were the only ones that would benefit from achieving the *status civitatis* and actively participating in politics.[245] The rest of the population had no incentives to become Roman citizens, specially those not living near Rome, as they were virtually precluded to participate in politics and did not perceive its advantages in terms of civil rights.[246] Only a campaign of propaganda and massive mobilization directed by the elites as the *bellum sociale* neared altered this reality, and these were precisely the groups that would take refuge in Hispania supporting Sertorius' fight.[247]

Gabba's thesis proved remarkably impervious to the nationalist approach present in so many other explanations of the *cupiditas civitatis*. Even though many of his arguments

239 Dart, 2014, 213-214.
240 Gabba, 1954; reprinted in English in 1976, 70-130
241 Gabba, 1976, 70-87.
242 Gabba's thesis on the connection between the interests of an *ordo equeste*r heavily invested in foreign commerce and a strongly expansionist policy is grounded on Hatzfel, 1919; this position was later demolished by Nicolet, 1966.
243 Gabba, 1976, 85-87.
244 Gabba, 1976, 74-87.
245 Gabba, 1976, 74-78, 124; he also defends that political participation of the elites was intense since their integration in the *civitas*, Gabba, 1976, 96-100.
246 Gabba, 1976, 74-75.
247 Regarding the necessity of a massive campaign of propaganda to mobilise the common people, Gabba, 1976, 75, 101; on the continuation of this political project under the Sertorius' aegis in Hispania in the context of a broader political struggle, Gabba, 1976, 103-112; more recently, this idea proposed by Gabba has been the focus of intensive study by Espinosa Espinosa, 2024, 143-193.

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regarding the economic dynamics of the late Republic have been correctly challenged, the core of the argument remains truthful: it is clearly easier to defend any commercial (or otherwise) interests from a position of *status civitatis.*[248] It is arguable that its shortcomings come from another angle. On the one hand, he does not characterise the condition of the *socii* as one of structural subjection, which leads him to link the whole process very strongly to the Gracchi and their specific policies, that set in motion the whole process. On the other, he overemphasized the oligarchical nature of the Republic and marginalized the political and ideological divide that was forming in those very years: that of *populares* and *optimates*. The combination of these two factors, added to a tendency to reduce the *status civitatis* to just one of its many manifestations (the *ius suffragium*), prompted him to dismiss any advantages the popular classes may have gained by entering the dominant collective in an imperial system, thus, rejecting that they were also willing participants in the push to become Roman citizens.

Regarding the *cupiditas civitatis*, Fernando Wulff Alonso gets to the core of the issue with remarkable lucidity.[249] He radically parts ways with the presupposition that the desire to become a Roman citizen had to come from any kind of a successful process of Romanization and/or feelings of admiration. Even more strongly, he rejects the idea that it must implied the existence or creation of a national Italian (even Italic) identity. Identities are not organic products that you can presuppose by the existence of groups united by race, language, culture or a common ancestor, neither are they static. Instead, collective identities have to be assumed by their communities with a certain degree of self-awareness, and in the end, they are variable and composed of multiple components that, in turn, can be abandoned or changed even in fairly conscious ways.[250]

Thus, taking this into account, Wulff argues two main propositions. First, that access to the *status civitatis* was pursued by the Roman subjects from Italy even though they were very much aware it would entail changes in their identity. Actually, these variations would not only have affected them as they integrated in the dominant community, but the very Roman identity itself, as it would be necessarily restructured by this new civic body.[251] Secondly, he takes aim at the hypothesis that there was such a thing as a dominant Italic identity. For this, he systematically analysed the use of this ethnonym in both its Latin variants of *Italicus* and *Italus* and also the Greek Ἰταλικός, Ἰταλιώτης, and Ἰταλός, to see if these terms functioned as a strong identitarian category that commanded loyalty.[252] This possibility can be easily

248 The equivalence between the *negotiatores* and the Italic elites has been proved to overestimate the weight of the *socci* in this role; conversely, the equivalence between the *equites* and the *publicani* actually restricts the influence, activities and interests of the *ordo equester*, Wulff Alonso, 2021, 301.

249 Wulff Alonso, 2021.

250 Wulff Alonso, 2021, 11-22.

251 Wulff Alonso, 2021, 88-95.

252 Wulff Alonso, 2021, 23-56; 439-523. Regarding how Wulff characterises Italic identity as presented in the sources – beyond the narrow confines of the *bellum sociale* – it is revelatory his statement: 'Las identidades colectivas sin valencias políticas también tienen derecho a existir, aunque su papel no sea muy brillante', Wulff Alonso, 2021, 97,

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dismissed for the Latin speaking sources, as they only show the existence of a tenuous identity of very secondary importance, with the relative exception of the effort made by Augustus to mobilize the peninsula in his war against Anthony and Cleopatra.[253] The Greek sources paint a similar picture with a very particular caveat: the terms Ἰταλικός, Ἰταλιώτης and Ἰταλόϛας are indeed fairly common but they are overwhelmingly used in the Greek speaking world to designate Romans as dwellers of Italy.[254]

Moreover, he convincingly characterises the system articulated by Rome as one of imperial domination. It consisted on a tripartite model, one that placed the Romans citizens at its core, then, on a second level, the subjects of Italy (be them Latins or *socii*), and on the last layer, the peoples of the provinces. Therefore, the *status civitatis* was not just one more citizenship, it was an imperial one. It gained new content as the result of the expansion of the 3rd and 2nd centuries BC and constituted the fulcrum of a dominant new identity, one that became harder and harder to relinquish or dilute. The disappearance of the *civitas sine suffragio* had defined a harder dividing line between what entailed being a citizen and what not, as the foremost beneficiaries of the system were unquestionably the Roman citizenry. At its most basic level, they were an imperial community that, by definition, was based on the systematic exploitation of other peoples and, even though the benefits of empire were distributed in an unequal manner, they affected (and were perceived by) the whole body politic. These were tangible benefits like the building projects in the city, the *frumentationes*, the para-institutional economy, the exemption from the *tributum* or the proposals of agrarian reforms by *popularis* politicians. They were all mechanisms of reverting back to the people the benefits of empire, something that was a necessary condition in a community led by an elective aristocracy whose position that depended on the sacrifice of the common citizen for achieving and maintaining their power.[255]

In turn, the increased worth of the *status civitatis* had a clear negative effect on those situated on the second level of the imperial system (that is, *socii* and *Latini*) as the relative distance that separates them from the core widened, highlighting their position as subjects. Even though they benefited from the empire and its third layer of exploitation, they did so from a subordinate position. Despite their *foedera* and the rights associated with the *ius Latii*, and despite the established practices Rome generally observed regarding loot, access to foreign markets and resources, the use of land, and the exploitation of the provinces, they were keenly aware that they remained subject to a form of domination. What really aggravated them was not the recurrence or the cruelty of Rome's abuses (problematic as they

253 Wulff Alonso, 28-46; the use of the ethnonym *Italic* with more identitarian overtones, yet nonetheless the subjected to Rome, is mainly restricted to the Horace and Virgil, Wulff Alonso, 30-35.

254 This is an important precision, as the relative abundance of these terms in the Hellenised world has been used to argue against subjection of the *socii*, presenting them in an overly favourable situation, as if they were treated like equals (specially relevant for Hatzfeld, 1919); Wulff Alonso, 2021, 49-56; also, Wilson, 1966, 105 and Càssola, 1970-1971, 305-329: 317.

255 Wulff Alonso, 2021, 70-74.

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were, for sure) but the fact they were, as subjects are, at her mercy.[256] This situation was implicit when Polybius listed the causes the Senate had for intervening around Italy (Polyb. 6.13.4-5), and Cicero explicitly stated that Rome did not let third parties decide over issues that affected the safety of the republic, her wars, or what was necessary for victory or security (Cic. *Balb*. 22).

Using a more Realist turn of phrase, one could say that Rome – like any other imperial overlord – reserved the right to invoke *raison d'État* whenever she deemed it necessary. In practice, Rome did leave room for autonomous development in all those spheres in which she chose not to intervene – and it was a wide one – for the *res publica* was neither interested (nor capable) in governing all its subject peoples. Nevertheless, from the perspective of her subjects, the fundamental problem was the absence of any real limits should she decide to change her criteria. Thus, this ability to act non restrained (that is, arbitrarily) only highlighted the advantages of belonging to the imperial core identity and was at the root of a structural dissatisfaction that affected even the *Latini*, as Fregellae's revolt indicates. Asconius is very clear that this rebellion so harshly suppressed by Rome was the result of the discontent among the Latins (Asc. *Pis*. 17C: *nominis Latini socios male animatos*). Therefore, Wulff places the benefits and privileges of citizenship at the base of the *cupiditas civitatis,* framing it both as an attempt by the *socii* and *Latini* to become part of the dominant community while also as a case of identity variation.[257]

Furthermore, even though he does not elaborate this analysis, he does evince that a generous enfranchisement policy could be easily articulated by Gracchi and their allies alongside their other proposals in a loose ideological movement – that he concedes it broadly corresponds with that of the 'so-called *populares*' – pushing 'for a more distributive formulation of imperial exploitation'. Nevertheless, he considers this amalgamation of interests between the masses already inside the imperial *civitas* and those subjects that laid just outside as something circumstantial, brought together by political fortune and subject to separation, as it was shown by the efforts of Fannius, pandering to the most selfish instincts of the urban plebs and reminding them that, if made citizens, those that now were subjects would compete with them for a place in the assemblies, in the theatre and in games (Iul. Vict. 6.4).[258]

3.2 Sources and *argumenta*: How the Extension Citizenship Intersected with Roman Ideology?

The *cupiditas civitatis* and the arguments surrounding this desire are significant because they encapsulate the political and ideological stakes underpinning the policies of enfranchisement.

256 Wulff Alonso, 2021, 74-82.
257 Wulff Alonso, 88-95.
258 Wulff Alonso, 80.

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Claiming citizenship was a politically and ideologically charged act – and so was accepting or rejecting such a claim. These were decisions that had to be articulated in political terms, with each side – Roman or Italic – justifying its position in a way that would be intelligible and acceptable within its own context. Our sources preserve these arguments in a complex form, existing in a kind of liminal space regarding what they truly reflect. One might argue that they represent purely the political aspirations of the Italic peoples. From a narrative standpoint, our authors assign them precisely that function: they portray the *socii* as acting, lobbying, and fighting on the basis of these motivations. Nevertheless, we possess no primary sources produced by the *socii* themselves which preserve their political hopes. Most surviving accounts were written much later and from within the perspective of the imperial community – that is, the Romans – either in Latin or in Greek; and even those not authored by Romans were composed by Greek writers working under the Roman aegis.[259] Hence, if we possess a reflection of Italic political claims, it is a composite one – filtered through multiple lenses, both cultural and temporal – which inevitably introduces nuance and distortion. Reflections are never perfect representations of reality; yet this one remains remarkably coherent when examined against the background of the structural domination experienced by the non-Roman communities.

However, this investigation does not aim to explore what the subordinate communities of Italy were discussing among themselves. This is not a study of the periphery of the imperial system, but of its core. Our focus is on how the Romans themselves integrated these debates about citizenship into their political ideologies. One might argue that attempting to extract information from the arguments that supposedly motivated the Italics in their pursuit of *cupiditas civitatis* could present a methodological problem. The reasons which fuelled their desire for citizenship may not have been the same as those that drove certain politicians from the imperial core to extend it. Nevertheless, the political arguments preserved in our sources which deal with this issue do offer a genuine insight into how the Romans conceived the inclusion – or exclusion – of their subjects within their *civitas*. Even if it is plausible that these arguments partly reflect those advanced by the *socii et Latini* in their quest for Roman citizenship, it is far more likely that they mirror the rhetoric the Romans themselves employed to justify their own decisions.

Ultimately, the sources that provide us with information are written from a Roman perspective – or at least one which places Romans at the centre of the narrative. More importantly, the reasoning they contain is intended to make sense to a Roman audience – or to a Greek one operating within a Roman ideological framework, which increasingly encouraged the convergence of Greek and Roman political terminology.[260] If there are nuances or

259 A useful overview for both the extant and lost sources we know existed for the *bellum socia*le, Kendall, 2013, 29-67; Dart, 2014, 23-41.

260 About the use of Greek terms for expressing Roman political concepts and the crossed influence of meanings between the two languages, Mason, 1974; while focusing on Latin terms, Hellegouarc'h seminal work is also useful, 1963.

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inaccuracies, it is more plausible that they were introduced to accommodate a Roman *forma mentis*, or at least one intelligible to readers familiar with how Romans conceptualized political power and the *res publica*. Therefore, analysing the explanations our sources provide for the *cupiditas civitatis* remains relevant, because they reflect what granting this status actually signified – politically and ideologically – for the community responsible for bestowing such a privilege.

Regarding the *cupiditas civitatis*, the sources are fragmentary but in accordance. As we will explore in the following pages, they overwhelmingly place the desire to be accepted into the *civitas* in the immediate centre of political contention that led to the *bellum sociale.* Moreover, when this is developed any further it is framed as a bid to gain *libertas* or as a way to ensure a place in the ruling of the empire, *consortium imperii*. Thus, all these political concepts, *civitas*, *libertas*, and *consortium imperii* – or some variant that also referenced inclusion inside the core of the Roman power structure – are placed in relation to each other and give each other meaning, defining what in other circumstances could be fairly malleable concepts in a fairly precise way. It is true, as Mouritsen decries, that Appian is the main author we have to reconstruct both the motives behind the *bellum sociale* and the political conflicts that derived from the integration of what he called the νεοπολίταις, the new citizens.[261] Indeed, the Alexandrian is remarkable because he reflects deeply about the *bellum sociale* and expressly constructs an explanation for it, linking it to Roman political dynamics and the consequent *bellum civile*.[262] Moreover, the Ἰταλιῶται and the νεοπολίτας are presented not as mere objects passively affected by a certain historical process, but as a social group with agency who want to access the *status civitatis* as a *conditio sine qua non* for political equality (App. *B Civ*. 1.21; 1.34: 1.39; 1.49).[263] Appian's categorization of the Italics as a distinct ethnic entity is most likely the product of his outsider perspective. Indeed, being a Greek-speaking Alexandrian writing from an imperial present where most free inhabitants of Italy were indeed Romans, his condition vis-à-vis the *bellum sociale* was that of an outsider both in a cultural and a temporal way. In that situation, the most natural choice to characterise the rebels was to take the most impactful moment of their relationship with Rome, the *bellum sociale*, which conveniently was also the only moment where a strong political Italic identity flourished, and extrapolate a coherent identity from there. Certainly, this was very questionable. Nevertheless, I would argue it does not invalidate his reasoning regarding the *cupiditas civitatis* nor does it mean

261 Mouritsen, 1998, 4.

262 For Appian's conception of civil war, Welch, 2019, 439-466: esp. 447, where she notes 'that Appian's first use of the combination ἐμφύλιος πόλεμος is made with reference to the war with Italian allies rather than civil war at Rome itself.'

263 For Appian as a source for the *bellum sociale*, Kendall, 2013, 55-60; Dart, 2014, 33-35; the sources for Appian are discussed in more detail in Chapter 8; in any case, although Gabba's claim that Appian's Italic perspective was based on Asinius Pollio is no longer accepted, his insistence on Appian's sympathy for Italics seems largely correct, Gabba, 1956, esp. 25.

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that a fairly common position for citizenship did not exist, first assumed by the subjects in Italy and later by the νεοπολίτας.

It is said the role citizenship plays in the Appian's narrative is derived from the author's own vital experience, something that is sometimes used as a way to dismiss his interpretation. Instead, I believe he was especially well positioned to understand firsthand the structural benefits coupled with the status of citizenship.[264] Indeed, it is arguable that being part of the core constituency was more important during the Republic than under the rule of the emperors, as the Republican *civitas* was geared towards the exploitation of non-Romans in a much more aggressive and unrestricted way than the Empire.[265] First, the imperial core community was much smaller, both in absolute terms but also, in relation to the peoples under Roman rule, especially before the *bellum sociale*. Moreover, the *status civitatis* during the Republican era implied not only what we would call civic rights but also political ones by means of the active participation through the Assemblies. These were phased out during the imperial era, somewhat downgrading the content of what meant to be a citizen, at least from a political perspective. Even regarding the more purely civic rights, the Empire proved much more ready to use legal *fictiones* to harmonize different legal traditions, treating many peoples 'as if' they were Roman citizens, and thusly, broadening the scope of the *ius civile*.[266] Greater benefits of citizenship during the Republic could also be defended from a fiscal perspective, as the *tributum* was famously discontinued after the year 167 while the average citizen under Augustus was subject to new forms of taxation.[267] In short, Appian may well be writing history from the biased perspective of someone who experienced the importance of gaining Roman citizenship in his own life, but it is arguable that this actually focused his analysis on the key issue of citizenship as a motivation for political action.

Moreover, it is revealing of Appian's keen eye for grasping structural tension that, as presented in his narrative, the *cupiditas civitatis* was not born out of feelings of admiration or a desire to be Roman caused by cultural affinities due to a successful process of Romanization.[268] Instead, he places the condition of structural domination imposed on them front and centre, expressly stating that the Italics (Ἰταλιώτας) wanted to be partners (κοινωνοὺς) and rulers (ἡγεμονίας) and not subjects (ὑπηκόων) (App. *B Civ*. 1.34: Φούλβιος Φλάκκος ὑπατεύων μάλιστα δὴ πρῶτος ὅδε ἐς τὸ φανερώτατον ἠρέθιζε τοὺς Ἰταλιώτας ἐπιθυμεῖν τῆς Ῥωμαίων πολιτείας ὡς κοινωνοὺς τῆς ἡγεμονίας ἀντὶ ὑπηκόων ἐσομένους).[269] Morphologically speaking, citizenship (πολιτεία) is placed in close proximity to concepts

264 Tweedie, 2015, 169-184: 170, 173, where Appian is said to be 'sensitive to the position of the Empire's subject peoples' while displaying 'sympathy or admiration for Rome's victims'.

265 The paradox of a Republic being more imperialistic than an Empire has been addressed multiple times; Doyle, 1986, spoke of the 'Augustan threshold' to refer to the ability of certain empires to set limits on the plundering of the provincials."

266 Ando, 2011, 6-11.

267 On the system of taxation during republican times, Nicolet, 149-206; although the Roman citizens were still exempt of a direct tax, during the early Empire they had to pay the *centesima rerum venalium* and the v*icesima hereditatum*, both introduced by Augustus.

268 Appian's interest in structural – often economic – factor endeared him to Karl Marx, as shown in Bonell, 2015, 15-21.

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related to the wielding of political power. That is how all the these concepts are given a particular significance among the many (and even contradictory) meanings each of these terms could hold. Then, the political claim of enfranchisement is given a specific meaning, on the one hand, in relation to the sharing of power (hence, the subjects becoming κοινωνοὺς and not ὑπηκόων); and on the other, in reference to the express recognition that this power meant rule over others, something which is at the root of ἡγεμονίας and ἀρχὴν.

For Appian, this political position was then linked to Roman politics directly, in particular to two main issues. First, more broadly, it is related to the *stasis* which divided the community and favoured an increase of political violence, as this discord bled into the *bellum sociale*, and this conflict, in turn, resulted in a state of open civil war (App. *B Civ.* 1.34, 55). Secondly, in a much more specific way, the *cupiditas civitatis* is presented as a function of the projects of agrarian reform devised by the Gracchi and other *popularis* politicians (App. *B Civ.* 1.21). At first glance it can appear as if Appian considers Fulvius Flaccus and his allies the sole culprits for the *cupiditas civitatis,* for making the promise of citizenship when trying to disarm the Italic opposition to their projects of agrarian reform. However, his narrative is more nuanced than that. Even though he puts the onus of articulating a specific proposal of enfranchisement on Flaccus and his peers, he is categorical when he portrays the Ἰταλιώτας as accepting this because they already had a *cupiditas civitates* so strong that made them prefer citizenship rather than their farms (App. *B Civ*. 1.21: καὶ ἐδέχοντο ἄσμενοι τοῦθ' οἱ Ἰταλιῶται, προτιθέντες τῶν χωρίων τὴν πολιτείαν). Again, the Alexandrian is very clear about what this desire meant, as implied by the stark rejection of the Senate to 'the idea of making their subjects equal citizens with themselves' (App. *B Civ.* 1.21: ἡ βουλὴ δ' ἐχαλέπαινε, τοὺς ὑπηκόους σφῶν ἰσοπολίτας εἰ ποιήσονται).

This was the main contention behind the *cupiditas civitatis* as portrayed by Appian. He painted a growing resentment among the Italics precisely because their expectations of accessing the imperial core were not being met, their specific interests regarding the possession of land were being eroded, and those politicians who dared to take up their cause were being killed or prosecuted (App. *B Civ.* 1.34: οὔτε γὰρ ἠξίουν ἐν ὑπηκόων ἀντὶ κοινωνῶν εἶναι μέρει οὔτε Φλάκκον καὶ Γράκχον ὑπὲρ αὐτῶν πολιτεύοντας τοιάδε παθεῖν).[270] All this comes to a head after Drusus' murder and the prosecutions instigated *ex lege Varia,* a series of events that elicited a strong reaction both from the Italics and the people of Rome. The former were convinced about the impossibility of gaining citizenship and prompted an escalation of violence that led to a massacre of Roman citizens in Ausculum and open rebellion (*B Civ*. 1.38). Nevertheless, if there were any doubts about what the *cupiditas*

269 App. *B Civ*. 1.34: 'During his consulship Fulvius Flaccus became the very first person to give completely open encouragement to the Italians to set their heart on acquiring Roman citizenship and thus become partners in empire instead of subjects.'

270 App. *B Civ*. 1.34: 'For they did not think it right that they be classed as subjects rather than partners, or that Flaccus and Gracchus should have suffered such a fate while pursuing policies on behalf of the Italians.'

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civitates meant, Appian's narrative preserved a last-ditch attempt of negotiation before committing to war which lays out, again, the political position of the subjects. They pointed out to an intransigent Senate that the Romans had built their empire (ἀρχὴν) with their help and yet, they were not being admitted to citizenship, to the imperial core:

> πέμψασι δ᾽ αὐτοῖς ἐς Ῥώμην πρέσβεις αἰτιωμένους, ὅτι πάντα Ῥωμαίοις ἐς τὴν ἀρχὴν συνεργασάμενοι οὐκ ἀξιοῦνται τῆς τῶν βεβοηθημένων πολιτείας, ἡ βουλὴ μάλα καρτερῶς ἀπεκρίνατο, εἰ μεταγινώσκουσι τῶν γεγονότων, πρεσβεύειν ἐς αὐτήν, ἄλλως δὲ μή. (*B Civ.* 1.39)[271]

Again, the morphological proximity between citizenship, πολιτεία, and imperial power, ἀρχὴν, is the crux of the political argument they are articulating.

Although in a much more fragmentary state, other sources also reinforce the idea of the *cupiditas civitatis* as the primary and most immediate motivation behind the *bellum sociale.* As a contemporary and participant in the conflict, Cicero presents the *civitas* as the stated objective of the rebels in a fairly uncontroversial manner. He recalls a meeting that took place in 89 between the Marsic general P. Vettius Scato and Cicero's commanding magistrate at the time, Cn. Pompeius Strabo, in which enfranchisement is still discussed as the main claim of the *socii*, 'were not seeking to take our citizenship away from us but to be admitted to a part in it, but be admitted to it themselves' (Cic. *Phil*. 12.27: *non enim eriperent nobis socii civitatem, sed ut in eam reciperentur petebant*).

In the same vein, Focius' *Epitome* of Diodorus Siculus[272] preserves the anecdote of a Cretan soldier who gets offered citizenship in exchange for betraying the insurgents, at which moment he points out the Roman hypocrisy of offering the *status civitatis* to someone who did not want it while continuing to fight against those who where paying with blood for the very thing he was offered (Diod. Sic. 37.18: τὰ δὲ τῆς πολιτείας τίμια τοῖς περὶ ταύτης νῦν διαφερομένοις παραχώρει, οἵτινες αἵματος ἀγοράζουσι λῆρον περιμάχητον).[273] In turn, Livy – if the epitomiser is to credited – connected the violent actions of the so-called *socii* to the failure of Drusus' legislation, as the promise of being enfranchised was not fulfilled (Liv. *Per*. 71: *Cum deinde promissa sociis civitas praestari non posset, irati Italici defectionem agitare coeperunt*).[274]

271 App. *B Civ*. 1.39: 'They sent ambassadors to Rome to complain that although they had worked together in every way with the Romans in building their empire, they were not thought worthy of sharing the citizenship of those they had helped. The senate answered uncompromisingly that if they repented of what they had done, they could send ambassadors to negotiate, otherwise not.'

272 For Diodorus' extremely fragmented excerpts about the *bellum sociale*, Mouritsen, 1998, 5-6: Kendall, 2013, 40-43; Dart, 2014, 25-26.

273 Diod. Sic. 37.18: 'Grant your reward of citizenship to the men who are now quarrelling over that very thing, and who are purchasing with blood this empty word for which men fight.'

274 For Livy and his *Epitomes* in relation to the *bellum sociale,* Kendall, 2013, 43-55; Dart, 2014, 26.

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Furthermore, Velleius Paterculus is categorical in presenting the *cupiditas civitatis* as the objective of the insurgents.[275] The killing of Drusus was the catalyst for a conflict that had been a long time in the making, finally lighting the fires the rebellion of *universa Italia* (Vell. Pat. 2.15*: Mors Drusi iam pridem tumescens bellum excitavit Italicum; quippe L. Caesare et P. Rutilio consulibus abhinc annos centum viginti, universa Italia,* [...] *arma adversus Romanos cepit*)[276]. In this narrative, the war neatly ends with the extension of the citizenship to the whole of Italy (Vell. Pat. 2.17: *Finito ex maxima parte, nisi quae Nolani belli manebant reliquiae, Italico bello, quo quidem Romani victis adflictisque ipsi exarmati quam integri universis civitatem dare maluerunt*).[277] Of course, this simplicity is misleading and the actual development of the *bellum sociale* and integration of the defeated proved harder than his text implies. However, Velleius is influenced by the pride of being a descendant of one of those subjects enfranchised because of their loyalty to Rome (Vell. Pat. 2.16) and it shows.[278] He is the product of the renewed Roman identity that was created by the inclusion of their former subjects. Nonetheless, he defends the cause of the rebels as very just and their fate as appalling, and proceeds to insightfully describe a situation of structural domination. He is adamant that the Roman subjects in Italy were just seeking citizenship in a community whose power to rule they defended with their own arms, *systematically* deploying much more manpower and resources than the Romans and yet, being deprived of the rights of the citizens, and being looked down on by people related by kinship and blood:

> *Quorum ut fortuna atrox, ita causa fuit iustissima: petebant enim eam civitatem, cuius imperium armis tuebantur: per omnis annos atque omnia bella duplici numero se militum equitumque fungi neque in eius civitatis ius recipi, quae per eos in id ipsum pervenisset fastigium, per quod homines eiusdem et gentis et sanguinis ut externos alienosque fastidire posset* (Vell. Pat. 2.15)[279]

Both citizenship and the *res publica* it constitutes are expressed with the same term, *civitas*, and both meanings are placed, morphologically speaking, very closely to the power to rule over others, *imperium*, and to certain rights it confers, *ius*. Again, this presents a very

275 Regarding Velleius Paterculus' approach to the social war and its clear connection to *civitas*, Kendall, 2013, 49-51; Dart, 2014, 29-30; *contra*, Mouritsen, 1998, 10.

276 Vell. Pat. 2.15: 'The death of Drusus caused the Italian War to break out, which had already been gathering to a head beforehand. In the consulship of Lucius Caesar and Publius Rutilius, 120 years ago, the whole of Italy (…) took up arms against the Romans.'

277 Vell. Pat. 2.17: 'For the most part, except for such remnants of the war as remained around Nola, the Italian War had ended (in which the Romans preferred to give them the citizenship when they were conquered and stricken—and themselves exhausted—rather than when all of them were unimpaired).'

278 Kendall, 2013, 51.

279 Vell. Pat. 2.15: 'Their situation was frightful but their cause very just, since they were attacking the very citizen body whose empire they were protecting by arms: in every year and every war, they said, they were supplying double the number of soldiers and cavalry yet were not admitted to the rights of a community which, thanks to them, had reached the very height from which it could slight persons of the same family and blood as if they were foreigners and aliens.'

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similar set of political concepts in play in a very similar pattern to the ones preserved in Appian's narrative.

For Florus, this new Roman identity is even stronger, as he emphasises its multiethnic origins where Etruscans, Latins and Sabines came together as one *corpus politicum*.[280] He even goes further and reflects on the nature of the *bellum sociale*, calling into question the validity of this term, as it was covering the uglier truth of what was essentially a civil war;[281] the rebellion of the members against their own body:

> *Sociale bellum vocetur licet, ut extenuemus invidiam, si verum tamen volumus, illud civile bellum fuit. Quippe cum populus Romanus Etruscos, Latinos Sabinosque sibi miscuerit et unum ex omnibus sanguinem ducat, corpus fecit ex membris et ex omnibus unus est; nec minore flagitio socii intra Italiam quam intra urbem cives rebellabant.* (Flor. 2.6)[282]

He too considers the *status civitatis* as the just demand of the insurgents and links the outbreak of the war to the murder of Drusus (Flor. 2.5: *Nec ideo* [*minus*] *socii promissa Drusi a populo Romano reposcere armis desierunt*).

Moreover, Plutarch[283] mentions a famous story about how the Marsic leader Poppaedius Silo half-jokingly threatened the stubborn Cato as a kid in order to get him to intercede on behalf of the Italics and convince his uncle, Drusus, to take on the mantle for their cause (*Cat. Min*. 2:'Ἄγε,' εἶπεν, 'ὅπως ὑπὲρ ἡμῶν δεήσεσθε τοῦ θείου συναγωνίσασθαι περὶ τῆς πολιτείας.').[284] Their cause was, again, citizenship, πολιτείας; something which all the other preserved versions of the story also emphasise, with Valerius Maximus linking citizenship directly to the notion that it confers certain rights, as Poppaedius jokingly decries that if it were for the intransigence of the young Cato, they would never enjoy the rights of citizenship (Val. Max. 3.1: *'gratulemur nobis, Latini et socii, hunc esse tam parvum, quo senatore ne sperare quidem nobis civitatem licuisset*; also, *Vir. Illustr.* 80.1).[285]

In any case, not all sources talk exclusively – or even specifically – of *civitas* or πολιτεία, with some authors grounding the claims of the Roman subjects in Italy in other political concepts, such as *libertas,* ἐλευθερία, ἡγεμονία or *imperium*. Ovid lauds the glory of the Paelignians who were compelled to take arms for their love of *libertas* when an anxious Rome feared her allies (Ov. *Am*. 3.15.8-10: *Paelignae dicar gloria gentis ego, quam sua libertas ad*

280 Kendall, 2013, 51-53; Dart, 2014, 31-32; Ten Berge, 2019, 411-438: 423.
281 For Florus' quibbles with the term *bellum sociale,* Rosenberger, 1992, 35-39.
282 Flor. 2.6: 'Though we call this war a war against allies, in order to lessen the odium of it, yet, if we are to tell the truth, it was a war against citizens. For since the Roman people united in itself the Etruscans, the Latins and the Sabines, and traces the same descent from all alike, it has formed a body made up of various members and is a single people composed of all these elements; and the allies, therefore, in raising a rebellion within the bounds of Italy, committed as great a crime as citizens who rebel within a city.'
283 Kendall, 2013, 62-63; Dart, 2014, 32.
284 Plut. *Cat. Min.* 2: '"Come, beg your uncle to help us in our struggle for citizenship."'
285 Val. Max. 3.1: '"We can thank our stars, Latins and allies, that this child is so small, for if he were in the senate we could not even hope for the franchise."'

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honesta coegerat arma, cum timuit socias anxia Roma manus). Strabo describes the Marsic War as the result of rejecting allied claims for 'freedom and citizenship' (*Geo*. 5.4.2: ἐλευθερίας καὶ πολιτείας), and points out that the conflict persisted until the rebels achieved the 'partnership for which they went to war' (*Geo*. 5.4.2: μέχρι διεπράξαντο τὴν κοινωνίαν περὶ ἧς ἐπολέμουν). Eutropius also makes a very similar turn of phrase, arguing that after being obedient to the Romans for many years, they demanded freedom and equality for themselves (*Eutr*. 5.3.1: *cum annis numerosis iam populo Romano obedirent, tum libertatem sibi aequam adserere coeperunt*).[286] In turn, when discussing Marius' life, Plutarch makes a passing reference to the συμμαχικὸς πόλεμος as a conflict where the Italic peoples were trying to end Roman hegemony (Plut. *Mar*. 32: ἡγεμονίαν).

Moreover, the *Rhetorica ad Herennium* includes an example of forensic rhetoric that most probably belongs to a trial *ex lege Varia* conducted during the *bellum sociale,* where an unnamed orator tries to convince the jury that the rebels had some Roman collaborators in the preparations for the coming war.[287] In framing the argument, the prosecutor reflects upon the motivations of the insurgents, and ponders how they thought possible to capture the empire of the Romans [*imperium orbis terrae* (…) *ad se tranferre*] for themselves, when they were the ones who should help defend it:

> *'Quibuscum bellum gerimus, iudices, videtis—cum sociis qui pro nobis pugnare et imperium nostrum nobiscum simul virtute et industria conservare soliti sunt. Hi cum se et opes suas et copiam necessario norunt, tum vero nihilominus propter propinquitatem et omnium rerum societatem quid omnibus rebus populus Romanus posset scire et existimare poterant. Hi cum deliberassent nobiscum bellum gerere, quaeso, quae res erat qua freti bellum suscipere conarentur, cum multo maximam partem sociorum in officio manere intellegerent; cum sibi non multitudinem militum, non idoneos imperatores, non pecuniam publicam praesto esse viderent, non denique ullam rem quae res pertinet ad bellum administrandum? Si cum finitimis de finibus bellum gererent, si totum certamen in uno proelio positum putarent, tamen omnibus rebus instructiores et apparatiores venirent; nedum illi imperium orbis terrae, cui imperio omnes gentes, reges, nationes partim vi, partim voluntate consenserunt, cum aut armis aut liberalitate a populo Romano superati essent, ad se transferre tantulis viribus conarentur. Quaeret aliquis: 'Quid? Fregellani non sua sponte conati sunt?' Eo quidem isti minus facile conarentur, quod illi quemadmodum discessent videbant. Nam rerum inperiti, qui unius cuiusque rei de rebus ante gestis exempla petere non possunt, ii per inprudentiam facillime deducuntur in fraudem; at ii qui sciunt quid aliis acciderit facile ex aliorum eventis suis rationibus possunt providere. Nulla igitur re inducti, nulla spe freti arma sustulerunt? Quis hoc credet, tantam amentiam quemquam tenuisse ut imperium populi Romani temptare auderet*

286 Dietsch, 1883; Dart, 2014, 37-39.

287 For the *Rhetorica ad Herennium* as a specific source for the motivations behind *bellum sociale*, Kendall, 2013, 64-65; Dart, 2014, 36-37.

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> *nullis copiis fretus? Ergo aliquid fuisse necessum est. Quid aliud nisi id quod dico potest esse?'* (*Rhet. Her.* 4.13)[288]

These sources were interpreted as a reference to independence from Rome by those who see the *bellum sociale* as an exclusionary conflict born out of a strong Italian identity.[289] This perspective, which argues that these concepts (be them liberty, ἐλευθερίας, ἡγεμονίαν or *imperium*) should be read in opposition to citizenship, is hardly defensible if one is to take into account how they are used in the texts themselves or in Roman political thought and rhetoric. Although it is true that one could use the term *libertas* to mean simply independence from the arbitrary power of a foreign people, that is not the case for most sources in relation to the *bellum sociale*. In fact, *libertas* is expressly linked to citizenship by Strabo (Strab. *Geo*. 5.4.2) and to equal rights (*aequam*) by Eutropius (Eutr. 5.3.1), placing these concepts in close association and reinforcing their complementary meaning. This ideological proximity is not accidental, as Arena clearly proved that in Republican Rome, if *libertas* could be seen as the precondition of citizenship, citizenship was its guarantee.[290] In Cicero's own words:

> *deinde nihil rationis adfers quam ob rem, si libertas adimi nullo modo possit, civitas possit. Nam et eodem modo de utraque re traditum nobis est, et, si semel civitas adimi potest, retineri libertas non potest. Qui enim potest iure Quiritium liber esse is qui in numero Quiritium non est?* (Cic. *Caec*. 96)[291]

On the other hand, inferring that the peoples from Italy did not want citizenship from the fact that they were said to be contesting Rome's ἡγεμονία (Plut. *Mar*. 32) or trying to take over the *imperium populi Romani* (*Rhet. Her.* 4.13) is the consequence of two

288 *Rhet. Her*. 4.13: 'Men of the jury, you see against whom we are waging war – against allies who have been wont to fight in our defence, and together with us to preserve our empire by their valour and zeal. Not only must they have known themselves, their resources, and their manpower, but their nearness to us and their alliance with us in all affairs enabled them no less to learn and appraise the power of the Roman people in every sphere. When they had resolved to fight against us, on what, I ask you, did they rely in presuming to undertake the war, since they understood that much the greater part of our allies remained faithful to duty, and since they saw that they had at hand no great supply of soldiers, no competent commanders, and no public money – in short, none of the things needful for carrying on the war? Even if they were waging war with neighbours on a question of boundaries, even if in their opinion one battle would decide the contest, they would yet come to the task in every way better prepared and equipped than they are now. It is still less credible that with such meagre forces they would attempt to usurp that sovereignty over the whole world which all the civilized peoples, kings, and barbarous nations have accepted, in part compelled by force, in part of their own will, when conquered either by the arms of Rome or by her generosity. Some one will ask: 'What of the Fregellans?' Did they not make the attempt on their own initiative?' Yes, but these allies would be less ready to make the attempt precisely because they saw how the Fregellans fared. For inexperienced peoples, unable to find in history a precedent for every circumstance, are through imprudence easily led into error; whilst those who know what has befallen others can easily from the fortunes of these others draw profit for their own policies. Have they, then, in taking up arms, been impelled by no motive? Have they relied on no hope? Who will believe that any one has been so mad as to dare, with no forces to depend on, to challenge the sovereignty of the Roman people? They must, therefore, have had some motive, and what else can this be but what I say?'

289 Mouritsen, 1998, 134-137, Pobjoy, 2000, 187-211: 197; *contra*, Kendall, 2013, 72 nº 7.

290 Arena, 2012, 28-29.

291 Cic. *Caec*. 96: 'And in the second place you advance no reason why, if liberty cannot possibly be taken away, citizenship can. For we have inherited the same tradition with regard to both, and if once it is possible to take away citizenship it is impossible to preserve liberty. For how can a man enjoy his rights to the freedom of a Roman citizen if he is not among the number of Roman citizens?'

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misunderstandings. First, it implicitly assumes that those objectives can only be achieved through independence, which is a perspective that owes much more to a nationalist approach than to a situation described by the sources. Second, it disregards the imperial condition of the *status civitatis* and what this means. In fact, both excerpts are pointing out different aspects of the political pursuit of citizenship. First, that the subjects wanted to break from their situation of structural domination (ἡγεμονία, in a lax sense), in which they had bled protecting a power that was not theirs, and nearly achieved it through the force of arms. And second, that this objective was not born out of some misplaced feeling of belonging, but to enjoy the exclusive rewards of being part of the imperial core. In fact, the orator railing against possible collaborators inside the Roman republic in the *Rhetorica ad Herennium* also gives us an extra piece of information that allows us to decipher what challenging the *imperium populi Romani* or taking over the *imperium orbis terrae* actually meant. When wondering about the insurgents and their stated objective of usurping Roman power, he brings up the famous case of Fregellae as a rhetorical comparison (*Rhet. Her.* 4.13: *'Quid? Fregellani non sua sponte conati sunt?'*), the Latin colony that rebelled *precisely* because their attempts to access Roman citizenship were rejected.[292] It is arguable that through this comparison the orator is framing the *bellum sociale* as a harsher version of what had happened with the Fregellans. Even allowing certain space for rhetorical exaggeration, the connection to citizenship as a key component of the political debate is certainly strengthened, not diminished.

Nevertheless, there is one source where *civitas* and *libertas* are presented as concepts that interplay in apparent contradiction. The scant trace we have of Pompeius Trogus' history, preserved in an epitome by Justin, contains a speech attributed to one of the great enemies of Rome, Mithridates VI of Pontus, in which the king accuses the imperial city of having dominated Italy:[293]

> *Iam ipsam Italiam audire se numquam, ut Roma condita sit, satis illi pacatam, sed adsidue per omnes annos pro libertate alios, quosdam etiam pro vice imperii bellis continuis perseverasse; et a multis civitatibus Italiae deletos Romanorum exercitus ferri, a quibunsdam novo contumeliae more sub iugum missos. Ac ne veteribus inmoremur exemplis, hoc ipso tempore universam Italiam bello Marsico consurrexisse, non iam libertatem, sed consortium imperii civitatisque poscentem; nec gravius vicino Italiae bello quam domesticis principum factionibus urbem premi, multoque periculosius esse Italico civile bellum.* (Just. *Epit*. 38.4)[294]

292 Pina Polo, 2025c, forthcoming.

293 Dart, 2014, 30-31.

294 Just. *Epit*. 38.4: 'He was now hearing that Italy itself had never been fully subdued since Rome was founded, but that throughout all the years it had always been at war, some fighting for freedom, others even challenging her leadership; and that Roman armies had been wiped out by many states and by some sent under the yoke as a new form of humiliation. And not to linger over old examples, at this very time all Italy had revolted in the Marsian War, no longer demanding freedom but a share in government and citizenship; nor was the city suffering more seriously from a local war in Italy than from infighting among the leaders and a civil war far more dangerous than their Italian war.'

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If we break down the arguments in this indictment, we find that he points out that for many years after Rome's founding some communities fought her for liberty while others fought for a share in power (*pro libertate alios, quosdam etiam pro vice imperii bellis continuis perseverasse*). Right after this, he expressly moves on from the past to the present, acknowledging that the whole of Italy (*universum Italicum*) was fighting a war (the *bellum Marsicum*) not for liberty but for a share in power to rule and citizenship (*non iam libertatem, sed consortium imperii civitatisque*). *libertas* is used here to refer to something akin to what we would call independence, as in both instances it is contrasted to a share in the power to rule (*pro vice imperii* or *consortium imperii*) and, expressly, citizenship. This meaning of the word is by no means an oddity. In a core sense, *libertas* means the condition of not being subject to the unrestricted power – domination – of a third party. Thus, it is a relational condition that can be applied regarding a foreign community, especially if one is trying to emphasise the nature of *dominatio* that characterises its power. It is fair to assume that this was Mithridates' objective. Thus, even though *libertas* is usually used in close association with *civitas*, especially when discussing the Roman political system from an inside perspective – that is, from the perspective of a Roman or someone trying to become one – it could also mean liberty by breaking away from Rome. In fact, it would not make any sense for a warring king to try to drive a wedge between Rome and her subjects to use *libertas* as linked to Roman citizenship in any way; instead, it would be in his interest to insist that true *libertas* only lies outside Roman structures of power. In any case, something remains without discussion, as even this king recognised what was the main political contention behind this so-called *bellum Marsicum*: *cupiditas civitatis*, yes, but not out of any sense of sentimental belonging, but for the purpose of sharing in the power to rule. That is, *consortium imperii civitatisque*.

To sum up, in the arguments used by our sources to explain the *cupiditas civitatis*, we can recognize the imperial character of the *civitas Romana*. It was a legal and political status in which a body politic exercised power over others and enjoyed the rewards of empire. This condition was made explicit in our sources, which consistently link access to citizenship with the recognition that this status was directly tied to power. This relationship could be expressed in various ways: as *consortium imperii* (Just. *Epit.* 38.4), 'partnership in power' (App. *B. civ.* 1.34: κοινωνοὺς τῆς ἡγεμονίας), or participation in 'empire' itself (App. *B. civ.* 1.39: ἀρχὴν). In any case, this power had been forged through the strength of the arms of the *socii et Latini* (Vell. Pat. 2.15: *cuius imperium armis tuebantur*). However, despite having worked together in building this empire, they were denied access to its civic core, the *civitas* (App. *B. civ.* 1.39: ὅτι πάντα Ῥωμαίοις ἐς τὴν ἀρχὴν συνεργασάμενοι οὐκ ἀξιοῦνται τῆς τῶν βεβοηθημένων πολιτείας). They continued to be treated as subordinates – merely another category of Rome's imperial subjects (App. *B. civ.* 1.34: ὑπηκόων). These were the *argumenta* they articulated

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when demanding admission into the *civitas* of the Romans; and, conversely, these were also the terms that the Romans themselves engaged with when deliberating how to respond to the claims of their subjects. Ideologically, when the *populares* chose to advocate for the extension of the *civitas*, they were, at least in part, adopting this very line of reasoning. They embraced within their own ideological and political tradition a clear demand: that the *socii* and *Latini* ought to be incorporated into the *civitas*, fully participating in and benefiting from the imperial project that defined the Roman Republic. In the following chapter, we will return to one of the foundational moments of *popularis* ideology – the so-called *seditiones Gracchorum* – to address why this was the case and how it came to be.

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4. *SEDITIONES GRACCHORUM*: THE GRACCHI AND THE QUESTION OF CITIZENSHIP (133-121)

Cupiditas civitatis collided with Roman politics at a particularly fractious moment of the *res publica*, a period in which numerous issues were violently contested in the Roman forum due to the actions of two of Rome's most famous tribunes and their allies. This chapter will focus on one aspect of the momentous political activity of this remarkable group of politicians: how they addressed the question of citizenship and how this shaped the emerging *popularis* ideology. Beginning with Tiberius Gracchus' tenure as tribune, our sources present a range of proposals and political arguments concerning citizenship, which were subjected to a persistent tug-of-war between the *popularis* politicians advocating them and the *optimates* opposing them. In the following pages, I will explore how this confrontation – unfolding at one of the defining moments of *popularis* ideology – played out, and to what extent it directly influenced the formation of this ideological family.

According to Freeden's model, an ideological configuration can be analysed along two complementary routes. On one hand, one can begin with the core and adjacent concepts, examining how their meanings, shaped by their interrelations, ultimately justify and sustain the policies and political praxis that emerge from the ideology. Conversely, one can approach from the opposite direction: from the perimeter to the core. Because these relations of mutual interaction between the different building blocks of an ideological matrix are reciprocal, it is also possible to investigate how specific policy proposals – their emergence and recurrence – affect the concepts situated at the core and adjacent levels of the ideological network. In the following sections, we will take both routes, working from the perimeter to the core and vice-versa; there and back again.

4.1 Policies of Enfranchisement: from Praxis to Ideology

4.1.1 Tiberius Sempronius Gracchus (*tr. pl.* 133)

The narratives we possess referencing the vicarious assumption of the Latin and Italic claim for *civitas Romana* by the Romans start with the elder of the Gracchi brothers, Tiberius, in an indirect yet important manner. It is well known that his main political actions revolved not around citizenship but agrarian redistribution, contentiously passing a *lex* intended to divide the land of the *ager publicus* among (at least) all the citizens.[295] Where the subjects of

295 The literature about the Gracchi is abundant, the following are just a few representative works: regarding Tiberius' tribuneship, Badian, 1972, 668-731; for both Gracchi, Stockton, 1979; also, for Tiberius land law, Richardson, 1980, 1-11; for a study regarding whether their policies merited the label 'democractic', see Nicolet, 1983; Gabba, 1990, 671-689, centred on the Gracchan reforms as a reaction to the problems of the traditional citizen-soldier class; for an analysis of the Gracchi's policies focusing on judicial and land reform, as preserved in the Urbino fragments, see Linttot, 1992;

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Italy feature in this plan is not clear, yet it is around the political friction it created when the mantle of mass enfranchisement is first taken by *popularis* politicians. Technically, the *lex agraria* was not targeting the private property of the land owning classes, contrary to what was usual for Greek proposals of the kind, but redistributing the public property of the Roman people; that is, essentially, the land historically expropriated as spoils of war to the different communities vanquished in war during Rome's expansion through Italy.[296] Mostly, Tiberius was targeting the leading classes – both Roman and non-Romans alike – that had occupied these lands in exchange for a canon they were supposed to pay the public treasury, reverting a *de facto* situation where great swaths of territory – the fruits of Roman power over others – were effectively enjoyed by a very small proportion of the political community. In a very straightforward way, Tiberius intended to considerably broaden this proportion taking into account the *populus* as a whole for enjoying the prizes of empire – in fact, it would especially benefit the poor, as they had been driven from this common land.[297]

According to a speech Plutarch attributes to Tiberius, the tribune justified his proposal in terms of justice inside the political community for the poor (πενήτων), making a painful comparison between the animals living in Italy, who have lairs where to take refuge, and those who fought for Rome yet had nothing despite their sacrifices and being the supposed masters of the world:

> ὡς τὰ μὲν θηρία τὰ τὴν Ἰταλίαν νεμόμενα καὶ φωλεὸν ἔχει καὶ κοιταῖόν ἐστιν αὐτῶν ἑκάστῳ καὶ καταδύσεις, τοῖς δὲ ὑπὲρ τῆς Ἰταλίας μαχομένοις καὶ ἀποθνήσκουσιν ἀέρος καὶ φωτός, ἄλλου δὲ οὐδενὸς μέτεστιν, ἀλλ᾽ ἄοικοι καὶ ἀνίδρυτοι μετὰ τέκνων πλανῶνται καὶ γυναικῶν, οἱ δὲ αὐτοκράτορες ψεύδονται τοὺς στρατιώτας ἐν ταῖς μάχαις παρακαλοῦντες ὑπὲρ τάφων καὶ ἱερῶν ἀμύνεσθαι τοὺς πολεμίους: οὐδενὶ γάρ ἐστιν οὐ βωμὸς πατρῷος, οὐκ ἠρίον προγονικὸν τῶν τοσούτων ' Ῥωμαίων, ἀλλ᾽ ὑπὲρ ἀλλοτρίας τρυφῆς καὶ πλούτου πολεμοῦσι καὶ ἀποθνήσκουσι, κύριοι τῆς οἰκουμένης εἶναι λεγόμενοι, μίαν δὲ βῶλον ἰδίαν οὐκ ἔχοντες. (Plut. *Ti. Gracch*. 9)[298]

Instead of reaping the benefits of their power themselves, most of the Romans were fighting and dying for the benefit of others, some privileged members of their community. Therefore, the idea of empire (as power over others, being 'the masters of the world', κύριοι τῆς

for a comprehensive if slightly outdated survey about scholarship on the Gracchi, see Santangelo, 2007b, 465-510; in relation to the Gracchi's use of fiscal issues as blunt weapon against the supremacy of the senatorial aristocracy, Tan, 2017, 144-170; for the *optimate* portrayal of the Gracchi as inherently violent politicians, Gabrielli, 2022.

296 Ferrary, 1982, 750.

297 *FRH* F41 (= Peter F17, Santini F21, Chassignet F20) Non. 149M = 217L: *Quicumque propter plebitatem agro pubico eiecti sunt*; López Barja, 2007a, 49;

298 Plut. *Ti. Gracch.* 9: 'The wild beasts that roam over Italy,' he would say, have every one of them a cave or lair to lurk in; but the men who fight and die for Italy enjoy the common air and light, indeed, but nothing else; houseless and homeless they wander about with their wives and children. And it is with lying lips that their imperators exhort the soldiers in their battles to defend sepulchres and shrines from the enemy; for not a man of them has a hereditary altar, not one of all these many Romans an ancestral tomb, but they fight and die to support others in wealth and luxury, and though they are styled masters of the world, they have not a single clod of earth that is their own.'

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οἰκουμένης) expressed in this speech contained certain elements: one, military service of the common people and all the sacrifices it entailed sustained this state of dominance for the Romans; two, it created clear benefits; and three, there was an unjust disconnect between those sustaining the empire and those benefiting from it that ought to be remedied for the sake of justice, which was precisely what Tiberius agrarian redistribution would try to achieve. Thus, the concept of 'Romans' (Ῥωμαῖοι) as a people was being used in close proximity to that of dominance (κύριοι) and to its material benefits, either in the decadent form experienced by the elite, as 'wealth and luxury' (τρυφῆς καὶ πλούτου), or as the minimalist aspiration of the poor, as a 'clod of earth to call their own' (βῶλον ἰδίαν οὐκ ἔχοντες). In another passage discussing the Roman common practice regarding the territory they conquered from their neighbours, Plutarch specifies that the recipients of rights over the common lands were 'the poor and indigent among the citizens, on payment of a small rent into the public treasury' (Plut. *Ti. Gracch*. 8: τοῖς ἀκτήμοσι καὶ ἀπόροις τῶν πολιτῶν, ἀποφορὰν οὐ πολλὴν εἰς τὸ δημόσιον τελοῦσιν).

Appian gives a somewhat different overview, as it frames the issue not as just Roman but as an Italic one, where he ties the consolidation of the *latifundia* and the enrichment of the few with a perceived problem of depopulation of both the Romans and the allies from Italy (App. *B civ.* 1.8: συμμάχων ἐξ Ἰταλία). The justice of a merited correspondence between those enjoying the benefits of empire and those that helped gain and maintain this condition of dominance underlies the whole argument, as it is implied by the contrasting presentation of the 'Italic people' (Ἰταλικός γένος) as being warlike and related by kinship (τε καὶ συγγενοῦς) to the Romans and the slaves that worked the farms, who were disqualified as meek and disloyal:

> μέχρι Τιβέριος Σεμπρώνιος Γράκχος, ἀνὴρ ἐπιφανὴς καὶ λαμπρὸς ἐς φιλοτιμίαν εἰπεῖν τε δυνατώτατος καὶ ἐκ τῶνδε ὁμοῦ πάντων γνωριμώτατος ἅπασι, δημαρχῶν ἐσεμνολόγησε περὶ τοῦ Ἰταλικοῦ γένους ὡς εὐπολεμωτάτου τε καὶ συγγενοῦς, φθειρομένου δὲ κατ᾽ ὀλίγον εἰς ἀπορίαν καὶ ὀλιγανδρίαν καὶ οὐδὲ ἐλπίδα ἔχοντος ἐς διόρθωσιν. ἐπὶ δὲ τῷ δουλικῷ δυσχεράνας ὡς ἀστρατεύτῳ καὶ οὔποτε ἐς δεσπότας πιστῷ (App. *B Civ.* 1.9)[299]

In fact, it is precisely the social conflict derived from this injustice that had already attracted the preoccupation of the people and the tribunes, who had passed (ineffective) measures to address these problems (App. *B Civ*. 1.8); thus, Tiberius' proposal is presented as the latest attempt to actually reverse this situation and increase the population of the whole of *Ιταλία* (App. *B Civ* 1.11: Γράκχῳ δ᾽ ὁ μὲν νοῦς τοῦ βουλεύματος ἦν οὐκ ἐς εὐπορίαν, ἀλλ᾽ ἐς εὐανδρίαν), along with redressing an unjust redistribution of the benefits of empire inside the

299 App. *B Civ*. 1.9: 'Eventually, while serving as tribune, Tiberius Sempronius Gracchus, a nobleman distinguished for his love of honor, and a very powerful orator, and for these reasons well known to all, delivered and eloquent speech concerning the Italian people, lamenting that such fine warriors, related by blood to the Romans, were being extinguished little by little, driven to destitution and depopulation without any hope of rectifying the situation. He denounced the slaves – they did not fight in the army and they were never faithful to their masters'

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community of 'citizens' and 'those who share in the public interest' – whoever those may be (App. *B Civ*. 1.11: εἰ δίκαιον τὰ κοινὰ κοινῇ διανέμεσθαι καὶ εἰ γνησιώτερος αἰεὶ θεράποντος ὁ πολίτης καὶ χρησιμώτερος ὁ στρατιώτης ἀπολέμου καὶ τοῖς δημοσίοις εὐνούστερος ὁ κοινωνός).[300]

Nevertheless, this political argument is met with several problems precisely because of the blurry position of *Latins* and Ἰταλικός γένος on this project and, potentially, on the political community. First, regarding the support of the Italics, Appian gives us apparently contradictory information. As per his account, part of the *ager publicus* was de facto in the hands of some Italic peoples and allies – presumably of their leading members, as was the case with the Romans –, and when the agrarian commission tried to redistribute this land among the common people it provoked a schism between the Ἰταλιῶται and those that supported the law – referred in different passages as the people (App. *B Civ*. 1.8, 1.21: δῆμος), the many (App. *B Civ*. 1.13: πλῆθος) or the poor (App. *B Civ*. 1.15: πένητες) – and a great deal of political and judicial resistance (App. *B Civ*. 1.19). According to him, it is precisely this very negative reaction that incited some of the political allies of the Gracchi, like the agrarian commissioner Fulvius Flaccus, to promise citizenship to the *Italiotas* when he was consul (125), as their *cupiditas civitatis* was so great that they preferred it over their lands:

> καί τινες εἰσηγοῦντο τοὺς συμμάχους ἅπαντας, οἳ δὴ περὶ τῆς γῆς μάλιστα ἀντέλεγον, εἰς τὴν Ῥωμαίων πολιτείαν ἀναγράψαι, ὡς μείζονι χάριτι περὶ τῆς γῆς οὐ διοισομένους. καὶ ἐδέχοντο ἄσμενοι τοῦθ᾽ οἱ Ἰταλιῶται, προτιθέντες τῶν χωρίων τὴν πολιτείαν. συνέπρασσέ τε αὐτοῖς ἐς τοῦτο μάλιστα πάντων Φούλβιος Φλάκκος, ὑπατεύων ἅμα καὶ τὴν γῆν διανέμων. ἡ βουλὴ δ᾽ ἐχαλέπαινε, τοὺς ὑπηκόους σφῶν ἰσοπολίτας εἰ ποιήσονται. καὶ τόδε μὲν τὸ ἐγχείρημα οὕτω διελύθη, καὶ ὁ δῆμος ἐν ἐλπίδι τέως τῆς γῆς γενόμενος ἠθύμει. (App. *B Civ.* 1.21)[301]

Thus, for Appian the question of citizenship is brought into the Roman forum as a function of agrarian redistribution, with its original proponents being members of the agrarian commission that wanted to break a political standstill forced, in great part, by the allies, 'who were the most vocal opponents of the land reform'. Nevertheless, he also tells us that when Tiberius managed to pass the law, he was 'escorted home by the crowd as though he were the founder, not of a single city or people, but of all the peoples of Italy' (App. *B Civ*. 1.13:

300 App. *B. Civ*. 1.11: 'was it not just to distribute in common what was owned in common? Was a citizen not in all cases more lawfully born than a slave? Was a man who served in the army not more useful than one who did not? Was it not the man who participated in public affairs who was more devoted to the public interest?'

301 App. *B. Civ.* 1.21: 'There were also some who proposed that all the allies, the most vocal opponents of land reform, should be admitted to Roman citizenship so that, in return for this greater favor, they would stop quarreling about the land. The Italians were delighted to accept this, because they preferred citizenship to farms. Fulvius Flaccus, who was at the time both consul and land commissioner, was their main supporter in trying to achieve this, but the senate balked at the idea of making their subjects equal citizens with themselves. For this reason the attempt was abandoned, and the plebeians, who had for so long entertained the hope of getting land, began to lose heart.'

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Γράκχος δὲ μεγαλαυχούμενος ἐπὶ τῷ νόμῳ ὑπὸ τοῦ πλήθους οἷα δὴ κτίστης οὐ μιᾶς πόλεως οὐδὲ ἑνὸς γένους, ἀλλὰ πάντων, ὅσα ἐν Ἰταλίᾳ ἔθνη, ἐς τὴν οἰκίαν παρεπέμπετο.)

Second, on this recounting of the proposal, it is not clear who are the beneficiaries of the agrarian redistribution. A reference by Cicero, where he (via Laelius) accused Tiberius as if he had 'kept faith with his fellow-citizens, but violated the treaty rights of our allies and the Latins' (Cic. *Rep*. 3.41: *Ti. Gracchus ... perseveravit in civibus, sociorum nominisque Latini iura neglexit ac foedera*), has been understood as proof of an exclusivist nature of this proposal.[302] This understanding is certainly consistent with the logic of imperial exploitation established by a Roman *civitas* that systematically increased the distance between its own imperial core and its subjects from *Italia.* Certainly, it would explain the opposition of those allies affected by the redistribution (App. *B Civ.* 1.19). The truth is that we do not have clear proof to determine if the Latins or the Italic *socii* were going to benefit from the redistribution of land – in the same way as the Romans or at all. The case against it is cogent.

However, the fact remains that the most complete narrative we have of the whole affair – Appian's – is clear regarding the fact that the Italics were implicated in an undefined way concerning the aims of the legislation; they are also portrayed as supporters of Tiberius when its bill was actually passed as a law (App. *B Civ.* 1.13). Certainly, I believe the implication here is evident, and it strongly hints towards the inclusion of the Italics;[303] so does Plutarch's insistence that his supporters counted with many Italics. Therefore, *arguendo* for a participation of Latins and *socii* in the agrarian project, it is somehow possible to square the circle of their divergent support for this measure if one assumes a social divide similar to the one present in the Roman *civitas*, with the rich tenants of land opposing any redistribution and the commoners supporting it.[304] Our sources do not expressly reference Tiberius' presenting any formal policies regarding citizenship, however, it is precisely in this fracture where I believe we ought to situate Velleius Paterculus (admittedly) exaggerated claim that he had promised citizenship to all of Italy (Vell. Pat. 2.2: *descivit a bonis, pollicitusque toti Italiae civitatem*).[305] I find it plausible that after facing a strong reaction from the elites of the Italic

302 An exclusivist interpretation is defended by Salmon, 1962, 107–119: 109; Badian, 1972, 701; Perelli, 1983, 80-81; also Wulff Alonso, 1986a 485-504, 1986b, 731-740, and 2021, 73-76, 80; Lintott, 1992, 44; Roselaar, 2010, 243-252; Vervaet, 2023, 54 nº 85.

303 Gabba, 1956, 45; 1967, 29 nº 28.

304 For those that consider Tiberius' proposal as including the Italics, see: Brunt, 1971, 76 nº1, suggests that Gracchus' original intention to include the Italics was 'perhaps frustrated by the attitude of the allied governments', who likely managed to get the land commissioners 'debarred from redistributing public lands occupied by allied magnates'; Stockton, 1979, 43-45, although cautious, favours an inclusive interpretation; so does Richardson, 1980, 1-11, although mediated the prior concession of citizenship; Cornell, 1996, 97-117: esp. 112, also considers the *lex Sempronia* as inclusive of the beneficiaries and linked to citizenship; Howarth, 1999, 282-300, does not consider the statute entailed citizenship, but he defends it did include the Italics; Stone, 2015, 221-234, also considers that the Italics would have been the initial beneficiaries of the *lex agraria,* which they would have integrated into their respective local legal frameworks through a *fundus fieri*.

305 As when dealing with the younger Gracchus (Vell. Pat. 2.6: *dabat civitatem omnibus Italicis, extendebat eam paene usque Alpis*), it appears Velleius had a tendency to overstate the level of commitment the brothers had regarding the enfranchisement of Latins and socii, always presenting their political projects in much more sweeping terms than the other sources. Suggestively, this alleged promise is presented in a very close proximity to Tiberius' political divorce with

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peoples, Tiberius might have extended certain promises regarding their citizenship – at this stage, most likely informal, as it appears that no *rogatio* is presented.[306]

Attributing to Tiberius not any particular enfranchisement proposal but an informal promise regarding the *status civitatis,* most likely of the elites, is not a wild conjecture, and arguably a likely possibility. He certainly belonged to the Roman political milieu where this position was born, specifically, in close association to his agrarian policies. It is possible that this issue was already up for consideration among like-minded politicians since Tiberius was alive. Velleius Paterculus' statement could be read as if Tiberius had made a pledge he did not translate into political action because of his premature murder. It is plausible that many private conversations were established between the tribune and certain Italic elites, as their negotiations with Scipio Aemilianus show their willingness to resort to lobbying. It would have been strange that they had not engaged with the proponent of the law that was worrying them.[307] After all, we know via Appian that members of the agrarian commission created by the *lex Sempronia* will be the ones to spearhead proposals for mass enfranchisement. Appian is adamant that Fulvius Flaccus was the first Roman politician to openly make this promise (App. *B civ.* 1.34) – and he was clearly the most active in that regard (App. *B civ.* 1.21). Although it must remain a hypothesis, I find it plausible that Tiberius himself may have considered citizenship – perhaps in a limited version – as a solution of to get the *socii* on board with agrarian redistribution only for Fulvius Flaccus to fully embrace this policy.

4.1.2 Fulvius Flaccus, Consul *popularis* (*cos.* 125)

As we have seen, Fulvius Flaccus is singled out as the first and main – but not only – proponent of the enfranchisement of the Italic subjects, this becoming the defining political issue of his consulship (App. *B Civ*. 1.21; 1.34). When they where promised citizenship – apparently during Flaccus' consulship, in 125 (App. *B civ*. 1.34) – the Ἰταλιῶται are presented as quickly abandoning their opposition to the *lex Sempronia* and getting on the same page as the δῆμος, the constituency most benefited by the land redistribution. Appian states this was because they preferred citizenship over their farms (App. B civ. 1.21). As we have established when discussing the *cupiditas*, this should neither be dismissed as a vacuous rhetorical exaggeration or taken as proof that the Romans had managed to command such admiration over the Italics that they were willing to abandon their own identities. Instead, the subject communities knew well enough the benefits of belonging to the imperial core, and that

the *boni – descivit a bonis*, maybe a nod to the consistent attitude vis-à-vis enfranchisement the *optimates* will present at every turn.

306 *Contra*, Richardson, 1980, 1-11: 8-9; Cornell, 1996, 97-117: esp. 112; I do not find it enough support in our sources to argue that Tiberius legally paired the allotments to enfranchisement, much less that he simply proposed to enfranchise the Italics, Martin, 2001, 141-174: 154-156.

307 Regarding the importance of private talks among Roman politicians, Rosillo López, 2022.

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obviously included the political and legal tools to defend the tenancy of the lands that were currently under their possession from a position of privilege that no amount of *foedera* or treatises could secure.[308] Yet it is obvious that the elites of those communities, by lending their support to a *lex* such as the *Sempronia agraria* in exchange of citizenship for the whole community, were indeed incurring in a real risk of losing those farms they were currently occupying. In a sense, that quote from Appian was precise, as by accepting that promise they were willing to support a redistribution effort that could develop in unintended ways and deprive them of some lands. Nevertheless, that risk existed anyway, as the redistribution could go through without their backing and by virtue of being an imperial master the Roman republic could, ultimately, take from their subjects what they thought necessary for the well-being of the imperial core (Cic. *Balb*. 22).

According to Appian, the Senate reaction to these proposals was unequivocal. The reason stated behind the position of the Senate is very straightforward: it balked at the idea of making their subjects equal citizens with themselves (App. *B Civ.* 1.21). Therefore, the specific political stances taken by the *optimates* are deployed in an argument next to the concepts of citizenship/πολιτεία – limiting it –, equality of rights/ἰσοπολιτεία – negating it –, and subject/ὑπήκοος – affirming it. In a similar manner to what the opposite stance did for *popularis* ideology, the recurrent and often violent resistance *optimates* presented to the enlargement of the citizen body and to the equality of rights became a pattern and informed this ideology to the point of shaping many of its other concepts.

Regardless of this opposition, Flaccus' uncompromising stance was notorious, as mentioned by Valerius Maximus, who writing under the rubric 'superbia et impotentia' shines a light on both his proposal and his antagonistic relation to the Senate:

> *Atque ut superbia quoque et impotentia in conspicuo ponatur, M. Fulvius Flaccus consul, M. Plautii Hypsaei collega, cum perniciosissimas rei publicae leges introduceret de civitate danda et de provocatione ad populum eorum qui civitatem mutare noluissent, aegre compulsus est ut in curiam veniret: deinde partim monenti, partim oranti senatui ut incepto desisteret, responsum non dedit. tyrannici spiritus consul haberetur, si adversus unum senatorem hoc modo se gessisset quo Flaccus in totius amplissimi ordinis contemnenda maiestate versatus est*. (Val. Max. 9.5.1)[309]

He referenced that, as consul, Flaccus was pursuing baleful legislation regarding the *res publica* (*perniciosissimas leges*), intending to grant citizenship to those *populi* who were willing to accept it and the *ius provocationis* to those not willing to change citizenship[310]. On

308 Howarth, 1999, 282-300.

309 Val. Max. 9.5.1: 'And to put arrogance too and outrageousness conspicuously in view, Consul M. Fulvius Flaccus, colleague of M. Plautius Hypsaeus, was introducing laws highly detrimental to the commonwealth about granting citizenship and about appeal to the people by persons unwilling to change their citizenship status. With difficulty he was compelled to come to the senate house, but then gave no answer to the senate as it partly warned and partly entreated him to give up his program. A Consul would be thought to have the spirit of a tyrant if he behaved to one senator in the manner adopted by Flaccus in contempt of the majesty of the whole most honourable order.'

310 We do not know if both measures were supposed to be implemented with one *rogatio* or with two independent bills.

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top of that, when he reluctantly complied with the request of the Senate and appeared before this body, he was not cowed by the pressure and proudly refused to give up on his plans. This short passage emphasises the defiance to the senatorial order characteristic of *popularis* politicians – which Valerius Maximus disqualifies recurring to the usual *loci* of personal pride (*superbia*) references to the spirit of tyranny (*tyrannici spiritus*).[311] Yet it also makes a connection between this opposition and the complementary proposals of enfranchisement and *provocatio*, dubbed with the politically charged syntagma of *perniciossimas leges* – often used to refer to *popularis* legislation.[312] Plutarch has a similar assessment of Flaccus, remarking that he was turbulent and hated by the Senate, who suspected him – without proof – of causing problems with the Italic allies and inciting them to rebel. It is pointed out that this accusation was made without proof, but was credible because of Flaccus' unsound and violent purpose:

> ὁ δὲ Φούλβιος οὗτος ἦν τοῦ Γαΐου φίλος, καὶ συνάρχων ἐπὶ τὴν διανομὴν τῆς χώρας ᾑρημένος· ἦν δὲ θορυβώδης, καὶ μισούμενος μὲν ὑπὸ τῆς βουλῆς ἄντικρυς, ὕποπτος δὲ καὶ τοῖς ἄλλοις ὡς τὰ συμμαχικὰ διακινῶν καὶ παροξύνων κρύφα τοὺς Ἰταλιώτας πρὸς ἀπόστασιν. οἷς ἀναποδείκτως καὶ ἀνελέγκτως λεγομένοις αὐτὸς προσετίθει πίστιν ὁ Φούλβιος οὐχ ὑγιαινούσης οὐδὲ εἰρηνικῆς ὢν προαιρέσεως. (Plut. *C. Gracch.* 10.3)[313]

Precisely because of his stubbornness, Flaccus was sent on campaign in a ploy by the Senate to keep him busy and away from the assemblies. However, this did not deter him in the long run, as he later decided to stand for the tribunate along with another proponent of an enlargement of the civic body, Gaius Gracchus, 'who was planning to introduce similar measures on behalf of Italy' (App. *B. Civ.* 1.34):

> Φούλβιος Φλάκκος ὑπατεύων μάλιστα δὴ πρῶτος ὅδε ἐς τὸ φανερώτατον ἠρέθιζε τοὺς Ἰταλιώτας ἐπιθυμεῖν τῆς Ῥωμαίων πολιτείας ὡς κοινωνοὺς τῆς ἡγεμονίας ἀντὶ ὑπηκόων ἐσομένους. εἰσηγούμενος δὲ τὴν γνώμην καὶ ἐπιμένων αὐτῇ καρτερῶς, ὑπὸ τῆς βουλῆς ἐπί τινα στρατείαν ἐξεπέμφθη διὰ τόδε. ἐν ᾗ τῆς ὑπατείας αὐτῷ δεδαπανημένης, ὁ δὲ καὶ δημαρχεῖν εἵλετο μετ᾽αὐτὴν καὶ ἔπραξε γενέσθαι σὺν Γράκχῳ τῷ νεωτέρῳ, τοιάδε ἄλλα ὑπὲρ τῆς Ἰταλίας ἐσφέροντι κἀκείνῳ (App. *B Civ*. 1.34)[314]

311 It is interesting that the next story Valerius Maximus compiles under the same rubric, 'superbia et impotentia', deals with a very similar act of defiance by Drusus the younger, also famous for his enfranchisement proposal, who actually refused to appear in front of the Senate when summed (Val. Max. 9.5.2).

312 They are also dubbed as *leges perniciosas* the whole of the Gracchan laws (Flor. 2.1.13: *in perniciem redibant*), the legislation proposed by Sulpicius (Vell. Pat. 2.18; Plut. *Sull*. 8.2: νόμους [...] μοχθηροὺς), the *lex/rogatio Cornelia* (Liv. *Epit*. 79) authored by Cinna, the Clodian legislation (Asc. *Pis*. 8C), and some laws passed by Anthony Cicero wanted to discredit (Cic. *Phil*. 2.72).

313 Plut. *C. Gracch*. 10.3: 'This Fulvius was a friend of Caius, and had been chosen a commissioner with him for the distribution of the public land; but he was a turbulent fellow, and was hated outright by the senators. Other men also suspected him of stirring up trouble with the allies and of secretly inciting the Italians to revolt. These things were said against him without proof or investigation, but Fulvius himself brought them into greater credence by a policy which was unsound and revolutionary.'

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Other sources present similar oppositional reactions by the Senate to any overture made by Roman politicians to the subjects of Italy discussing a change in status, even slightly before Flaccus's consulship. On 126, the tribune of the plebs M. Iunius Pennus passed a law both expelling from the *civitas* those that had usurped the *status civitatis* and physically barring them from the city (Cic. *Off*. 3.47: *Male etiam, qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper*). This tribune is remembered mainly for his opposition to Gracchus during the tribunate of the former and the quaestorship of the latter (Cic. *Brut*. 28.109: *Tuus etiam gentilis, Brute, M. Pennus facete agitavit in tribunatu C. Gracchum, paulum aetate antecedens*). Moreover, *lex Iunia de peregrinis* is expressly linked by Festus (admittedly, in a short and certainly confusing paragraph) both to Gracchus and to the problematic enrolment of new citizens, so it is plausible to draw the conclusion that during these years enfranchisement became a contentious political issue where two general positions can be perceived.[315]

In fact, a year later, during the consulship of Flaccus – arguably due to the failure of his enfranchisement proposals – the Latin colony of Fregellae rebelled because of the discontent among those subjects of *nominis Latini socios*, as we are told expressly by Asconius:

> *Opimius eiectus patria est qui et post praeturam et consul maximis periculis rem publicam liberarat. Non in eo cui facta iniuria est sed in eis qui fecerunt sceleris et conscientiae poena permansit.*
> [Asc.] *Notum est Opimium in praetura Fregellas cepisse, quo facto visus est ceteros quoque nominis Latini socios male animatos repressisse, eundemque in consulatu Fulvium Flaccum consularem et C. Gracchum tribunicium oppressisse, ob quam invidiam postea iudicio circumventus est et in exsilium actus.* (Asc. *Pis*. 17C)[316]

Asconius then goes on to explain how the rebel city was captured by the praetor L. Opimius, who later as consul had Gaius Gracchus and Flaccus killed, an act by which, according to Cicero, he delivered the Republic from a great threat. Here again we can see two clear and conflicting political positions regarding the extension of citizenship in the context of the articulation of a broader ideological divide.[317]

314 App. *B Civ*. 1.34: 'During his consulship Fulvius Flaccus became the very first person to give completely open encouragement to the Italians to set their heart on acquiring Roman citizenship and thus become partners in empire instead of subjects. Having once proposed the idea publicly, he persevered with it resolutely, and for this reason was sent off by the senate on a military expedition. He spent his whole consulship on this campaign, but later decided to stand for the tribunate and succeeded in getting elected along with the younger Gracchus, who also had plans to introduce other similar measures on behalf of Italy.'

315 Fest. s.v. respublica, p. 362 Lindsay: *Resp. multarum civitatum pluraliter dixit C. Gracchus in ea, quam conscripsit de Lege Penni et peregrinis, cum ait: Eae nationes, cum aliis reb. per avaritiam atq. stultitiam, res publicas suas amiserunt.*

316 Asc. Pis. 17C: '*L. Opimius was thrown out of his native land, a man who both after his praetorship and as consul had freed the state from the gravest perils. The taint of criminal conduct and sense of guilt for it has remained attached not to him on whom this outrage was perpetrated, but to those who perpetrated it.* It is known that Opimius in his praetorship captured Fregellae, and thereby appeared to have checked the rest of the allies of Latin status who were disaffected; and that the same man in his consulship suppressed the consular Fulvius Flaccus and the ex-tribune C Gracchus, and on account of the resultant political hostility was the victim of judicial conspiracy and driven into exile.'

317 Pina Polo, 2025c, forthcoming.

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4.1.3 The *ius adipiscendae civitatis Romanae per magistratum*

It is in this context of violence and discontent surrounding Fregellae's revolt when a new legal pathway to Roman citizenship could have been devised, the so called *ius adipiscendae civitatis Romanae per magistratum*. It was a mechanism that allowed for the enfranchisement as Roman citizens of those members of the Latin peoples that accessed the higher magistracies in their respective communities. The precise origins of this *ius* are murky at best, as the first explicit reference can be found in Asconius in relation to the *lex Pompeia de transpadanis* (89).[318] In the midst of the *bellum sociale*, Pompeius Strabo created a new local legal framework by redefining the application of the *ius adipiscendi civitatem Romanam per magistratum*, a *ius* he specifically associates with Latin colonies, but one that he applies differently, creating a new reality, as no population transfer is necessary in the formation of these 'colonies'.

> *Neque illud dici potest, sic eam coloniam esse deductam quemadmodum post plures aetates Cn. Pompeius Strabo, pater Cn. Pompei Magni, Transpadanas colonias deduxerit. Pompeius enim non novis colonis eas constituit sed veteribus incolis manentibus ius dedit Latii, ut possent habere ius quod ceterae Latinae coloniae, id est ut petendo magistratus civitatem Romanam adipiscerentur.* (Asc. *Pis*. 3C)[319]

The unfortunate truth is that we do not have any clear indications about when the *ius per magistratum* was created or by whom: at best, we are working with hypotheses built upon very few points of data. Nevertheless, working backwards from Asconius, the appearance of the *per magistratum* has been interpreted as a concession made by Rome to alleviate the discontent of the Latin colonies after the destruction of Fregellae – that is, circa 125. Traditionally, the foundation of a Latin colony implied the creation of a different *res publica* and the forgoing of their original *status civitatis* by the Romans who were subject to the *deductio* and composed the population of this new community. This abandonment of a privileged status was, to a certain degree, compensated by the granting of certain *iura*: specifically, *conubium*, *commercium*, *suffragium* and, finally, the *ius migrandi*, that allowed these *Latini* to attain Roman citizenship by physically migrating to the city of Rome.[320] Yet, as the benefits from the empire grew the Romans became more jealous of their citizenship,

318 García Fernández, 2001b, 13-29.

319 Asc. *Pis*. 3C: 'Nor can the point be made that this colony was founded in the manner in which several generations later Cn. Pompeius Strabo, father of Cn. Pompeius Magnus, founded Transpadane colonies. For Pompeius established them not with new colonists, but granted the Latin Right to the old inhabitants who remained there, so that they might enjoy the rights held by the rest of the Latin colonies-that is, that by standing for magistracies they might attain Roman citizenship.'

320 Sherwin-White, 1973, 108-116.

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discontinuing during the 2nd century BC both the foundation of Latin colonies – as they were wary of relinquishing their privileged status – and the *ius migrandi*, going as far as actively ejecting many Latins from the city. Although initially acting on the official request of the leading bodies of these communities, Roman encroachment on the imperial core and its many prizes only shed light on the situation of dominance of their supposed kinsman.[321]

These were the background tensions that reached a boiling point with the failure of the proposals by Fulvius Flaccus during his consulship. Fregellae had a tradition of speaking on behalf of the Latins. In the end, she rebelled alone, yet, according to Asconius, the feeling of discontent was widespread among the Latins (Asc. *Pis*. 17C: *nominis Latini socios male animatos*).[322] According to the anonymous and very dramatic orator preserved in the *Rhetorica ad Herennium*, they took arms with the aim of trying to take over imperial power by their own initiative – something presented as a parallel of what the *socii* would try to achieve later with their own insurrection (*Rhet. Her*. 4.13: *Fregellani non sua sponte conati sunt?*). It is fair to assume that the comparison behind the aims of the *Fregellani* and the *socii* rests on the fact that both wanted the privileges of belonging to the imperial core. Therefore, even if there could be doubts about what that meant for the rebel *socii* at the particular point the speech was given, for a lone rebel city it could only mean citizenship.

This is the context where some authors consider more plausible to insert the creation of the *ius per magistratum.*[323] To these very circumstantial evidence it has been added the *Tabula Bembina*, that most likely preserves a *lex repetundarum* authored either by Gaius Gracchus or his political ally, M. Acilius Glabrio, during their tenure as tribunes in the years 123-122.[324] There is a clause preserved in this law from which certain inferences about the existence of the *ius per magistratum* have been made. The lines 76-79 of this legal instrument cover the prizes a plaintiff of a successful accusation *de repetundis* was entitled to vis-à-vis Roman citizenship – and its alternatives. The first clause (vv. 76-78) establishes that those non-citizens that are able a successful accusation *de repetundis* grounded on the provisions of this law would be granted Roman citizenship if they chose to. In turn, the second clause (vv. 78-79), entitles those who fulfilled the following conditions to claim the *ius provocatione* and *vacatio muneris*: a) being members of a Latin community, b) not have been 'IIuir, consul, dictator, praetor or aedile', c) have conducted a successful accusation according to this law, d) have rejected the prize of Roman citizenship to which the first clause entitles:[325]

> [76]^{vvvv} *de ceiuitate danda.* ^{vvvvvv} *sei quis eor*[*u*]*m*, *quei ceivis Romanus non erit, ex hace lege alteri nomen* [— *ad praetor*]*em*, *quoius ex hace lege*

321 On the reluctance for abandoning their citizenship, Wulff Alonso, 2021, 73; on the successive expulsions of the Latins, Broadhead, 2004, 315-335; Laffi, 2017, 85-105.

322 Piper, 1988, 59-68: 59; Conole, 1981, 129-140.

323 Tibiletti, 1953, 46-53; Piper, 1988, 59-68; García Fernández, 2001a, 150-156.

324 On the *Tabula Bembina* as preserving a *lex reptundarum* with origins in the Gaius Gracchus' tribuneship, Crawford, 1996, 39-112; also, Sisani, 2025, 75-145.

325 Crawford, 1996, for the Latin reconstruction of the provisions, 74, for the translation, 94; see also, Sisani, 2025, 75-145: 99-100, 117-118.

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quaestio erit, detolent, et is eo {eo} iudicio hace lege condemnatus erit, tu[*m eis, quei eius nomen detolerint, quoius eorum opera maxume is quoius nomen delatum erit condemnatus erit, ipse ceivis Romanus iustus esto filieique eiei gnatei, quom*]
[77] *ceivis Romanus ex hace lege fiet, nepotesque* [*d*]*um eiei filio gnateis ceiveis Romanei iustei sunto*[*inque eius tribum, quei ex h*(*ace*) *l*(*ege*) *condemnatus erit, sufragiujm ferunto, inque ea(m) tribum censento, militiaeque eis uocatio esto, aera stipendiaque o[mnia eis merita sunto. nei qui magistratus proue magistratu — eius h*(*ace*) *l*(*ege*)]
[78] *nihilum rogato.* vvvvvvv *de provocation*[*e vocation*]*eque danda.* *vac* *sei quis eorum*, *quei* [???*c*(*eivis*) *R*(*omanus*) *ex h*(*ace*) *l*(*ege*) *fieri nolet*, *quei eorum in ceiuitate Latina Ilvir consul*??? *dictator* vv *praetor* a*edilisue non fuerint, ad praetorem, quoius ex hace lege quaestio eri*[*t*, *ex h*(*ace*) *l*(*ege*) *alteri nomen detolerit et is eo iudicio h*(*ace*) *l*(*ege*) *condemnatus erit, turn, quei eius nomen detolerit, quoius eorum opera maxume is condemnatus erit, ei provocatio vocatioque esto vocatioque*]
[79] *eius militiae munerisque poplici in su*[*a quoiusque cei]vitate* *vac* *iudex deinceps faciat pr*[*oposita siet.* vac][326]

This last provision has been taken as proof of the existence, at this point, of *ius per magistratum* among the *Latini.* In a strict sense, the exclusion of those that had served as magistrates only proves that these ex-magistrates had had access to the *provocatio* and *vacatio muneris* as a prize precisely for having served as such; yet it has also been interpreted as presupposing Latin ex-magistrates had access not only to the alternative rewards, but to Roman citizenship itself.[327] It has been presented as an attempt led by the Senate to defuse tensions with the elites from the Latin communities and assure their loyalties by co-opting

326 '[76-8] Concerning the granting of citizenship. If any of those who shall not be a Roman citizen shall have prosecuted someone else according to this statute [— before the praetor,] who shall have power of investigation according to this statute, and if the other person shall have been condemned in that trial under this statute, then [the persons who shall have prosecuted him, by the agency of whichever of them the person who shall have been prosecuted shall have been chiefly condemned, he (the claimant) is to be a lawful Roman citizen and the sons born to him, when] he shall become a Roman citizen according to this statute, and his grandsons provided they are born to that son, are to be lawful Roman citizens, [and] are to cast [their vote in the tribe of the person, who shall have been condemned according to this statute,] and they are to register (them) in that tribe, and they are to have exemption from military service, and their periods of military service and campaigns [are all to be credited to them. No magistrate or pro-magistrate —] nothing [of that] is proposed [by this statute.] [78-9] Concerning the granting of *provocatio* and [exemption.] If any of those, who [???shall not wish to become a Roman citizen according to this statute, whoever of them in a Latin state???] shall not have been [???IIvir, consul, dictator???,] praetor or aedile, [shall have prosecuted someone else according to this statute] before the praetor, who shall have power of investigation according to this statute, [and if the other person shall have been condemned in that trial under this statute, then whoever shall have prosecuted him, by the agency of whichever of them he shall have been chiefly condemned, he (the claimant) is to have *provocatio* and exemption and] the judge (the president of the court) is then to see that his [exemption] from military service and public compulsory service [be published] in his [own] community.'

327 The (dated) presupposition that the *lex Acilia* necessarily implied the *ius per magistratum* is found in Tibiletti, 1953, 46-53, Sherwin-White, 1972b, 83-99: 95-96; and Piper, 1988, 59-68: 61; both Brunt, 1988, 511-512 nº 2; and Crawford, 1996, 111 point out that vv. 78-79 only imply the pre-existence of *provocatio* and v*acatio muneris*; García Fernández, 2001a, 150-156, recognises that a literal reading of the *lex Acilia* only presupposes *provocatio* and *vacatio muneris* while still considering this moment, following the revolt of Fregellae, as a probable place of origin.

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them in a slow and controlled manner. Basically, it has been considered as part of a policy of appeasement in line with other decisions taken by the Senate in the immediate aftermath of the rebellion, such as the denial of the triumph requested by L. Opimius, ostensibly because these ceremonies were reserved for those expanding Rome's power, not simply restoring it (Val. Max. 2.8.4: *quo cautum erat ut pro aucto imperio, non pro reciperatis quae populi Romani fuissent triumphus decerneretur*). Moreover, it was also argued it aligned with the tactical concessions that would be characteristic of the Senate during the tribuneship of Gaius Gracchus and Fulvius Flaccus, just a few years down the road (122). At this juncture, with assistance of a tribune that supported their cause – Drusus the elder –, they certainly proved very skilled in blocking the more revolutionary policies while counter-offering less disruptive proposals (Plut. *C. Gracch.* 9; App. *B Civ*. 1.23).[328]

Certainly, it is not unreasonable to see the aftermath of Fregellae's revolt as a plausible candidate to situate the creation of this new path to citizenship. Even though we do not have concrete evidence, it does not require a great logical leap and the context certainly explains the motivation some Roman politicians may have had to design and implement the *per magistratum*. We can even go as far as to accept that the Senate would be willing to grant the *provocatio* and *vacatio muneris* to those who reached the offices of 'IIvir, consul, dictator, praetor or aedile' in a Latin community.[329] We are certain this right existed and the *optimates* were more than capable of making *certain* accommodations and tactical concessions when they thought it would suit their political objectives, as it is shown by a battery of counter-proposals Drusus the elder made to deflate the popular support to the Gaius Gracchus enjoyed. Nevertheless, we do not have any indication that they would have been willing to concede in the issue of citizenship; in fact, all evidence points to the contrary. Drusus conceded – in very a diluted and disingenuous way – regarding the foundation of colonies and agrarian redistribution, yet in the matter of citizenship, he did not. Here, the proposal was the concession of the *provocatio* to all the Latins, i.e., he was hinting to a broadening to the whole community of the legal protections those provisions the *Tabula Bembina* take as granted for those who reached certain offices (Plut. *C. Gracch.* 9). Therefore, without having any more data on who designed the *per magistratum*, if we are to assign an origin based alone on context and on the political and ideological patterns of the era, the most probable guess would be to consider it the result of some *popularis* policy that our sources do not register.

In fact, I would argue that the willingness of the *optimates* to grant the *ius provocationis* to their Italic subjects while strongly opposing any expansion of the *ius suffraggii* neatly aligned with conventional aristocratic political thought. It implied the effective disaggregation of the rights that composed the *status civitatis* in order to only grant those that had the least

328 Piper, 1988, 59-68; the *per magistratum* as a senatorial concession has also been accepted by Perelli, 1983, 110.

329 Here, by 'Senate', I mean the *optimate* controlled body that had opposed and killed Tiberius and would, in due time, uncompromisingly oppose and murder Fulvius Flaccus and Gaius Gracchus along with nearly 3000 of their followers (Plut. *C. Gracch*. 18).

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influence on the political process – essentially, it would have meant a reification, with another legal form, of the *civitas sine suffragio*. In the Hellenistic treatise entitled *Rhetorica ad Alexandrum*, the anonymous author reflects on how laws and the political configuration of the *polis* relate to the opposed systems of oligarchy and democracy (*Rhet. Alex.* 2.13 [1424a]): περὶ δὲ νόμων πάλιν καὶ τῆς πολιτικῆς κατασκευῆς ὁμοιοτρόπως διέλθωμεν).[330] According to him, oligarchies ought to guarantee an equalitarian access to the offices of the state (either by lottery or election) only to those who share in the government (*Rhet. Alex.* 2.18 [1424b]: περὶ δὲ τὰς ὀλιγαρχίας, τὰς μὲν ἀρχὰς δεῖ τοὺς νόμους ἀπονέμειν ἐξ ἴσου πᾶσι τοῖς τῆς πολιτείας μετέχουσι). In context, this concept – sharing in government (πολιτείας μετέχοντας) –, meant being ruled by 'the few', as it was clearly confronted with the mere citizens (οἱ πολῖται), who were subsequently characterized as both 'the many' (πλῆθος), and 'the weaker' (οἱ ἀσθενέτεροι). Yet, he is also adamant that heavy punishment must be instituted against those of the strong who tried to abuse any other citizen, as 'the many' are much more easily angered by mistreatment than by being excluded from power:

> δεῖ δὲ τὰς ζημίας ἐν τῇ ὀλιγαρχίᾳ μεγίστας ἐπικεῖσθαι τοῖς ὑβρίζειν τινὰς τῶν πολιτῶν ἐπιχειροῦσι· τὸ γὰρ πλῆθος οὐχ οὕτω τῶν ἀρχῶν ἀγανακτεῖ στερόμενον ὡς ἔχει βαρέως ὑβριζόμενον. χρὴ δὲ καὶ τὰς διαφορὰς τῶν πολιτῶν ὅτι τάχιστα διαλύειν καὶ μὴ χρονίζεσθαι, μηδὲ συνάγειν ἐκ τῆς χώρας ἐπὶ τὴν πόλιν τὸν ὄχλον· ἐκ γὰρ τῶν τοιούτων συνόδων συστρέφεται τὰ πλήθη καὶ καταλύει τὰς ὀλιγαρχίας. (*Rhet. Alex.* 2.19 [1424b])[331]

Thus, this situation of helplessness should be remedied as quickly as possible to avoid the simmering malcontent that causes the formation of mobs of common people, as these gatherings are extremely volatile and have the power to bring down oligarchies – therefore, this regime ought to 'discourage those who share in the government from abusing the weaker and persecuting the citizens' (*Rhet. Alex.* 2.20[1424b]: ταῖς ὀλιγαρχίαις ἀποτρέπειν τοὺς τῆς πολιτείας μετέχοντας ὑβρίζειν τοὺς ἀσθενεστέρους καὶ συκοφαντεῖν τοὺς πολίτας). In other words, this anonymous author is recommending for oligarchies exactly what the *optimates* were willing to propose in certain moments of political tension: a way to redress the abuses without actually changing the status quo.[332]

330 Rhet. Alex 2.13 [1424a]: 'Let us go through laws again and political organization in a similar manner.

331 *Rhet. Alex.* 2.19 [1424b]: 'In oligarchies the penalties must be very great for those attempting to abuse any of the citizens. The common people are not as annoyed at being deprived of public offices as they are at being grievously abused. It is necessary to resolve differences among citizens as quickly as possible and not to delay or to have a mob from the countryside collect in the city. The common people gain strength from such meetings and overturn oligarchies.'

332 While this treatise had been attributed to Aristotle by the medieval tradition, this has been challenged since Erasmus, Rackham, 1957, 258-263; Patillon, 1997, 104-125, argued that this work is a compilation of two fundamentally distinct traditions of ancient rhetoric: one practical, centred on the judicial discourse (Coraxian), and another speculative, more rooted in the Sophists – Anaximenes is a possible source for the synthesis that characterizes this second tradition; in turn, Chiron, 2011, 236-262, while defending the authorship by Aristotle is untenable (a position that is dominant in the modern scholarship on the issue), analyses the mutual influences that can be traced between this work and Aristotle's *Rhetoric*; also, Jaskelevicius, 2023, 62-75, explores questions of authorship, rejecting Aristotle and Anaximenes as potential authors, while examining the influence Theodectus and Corax in the text. In any case, the question of

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In addition, from a more idealistic perspective, the *provocatio* – essentially defensive in nature – could also be seen as consistent with the *optimates'* self-conception as inherently virtuous rulers and, therefore, as guarantors of justice. This moral self-image, by definition, entailed a commitment to discouraging abuses of power. Even in its *optimate* form, the Roman *res publica* was regarded as founded upon justice – an ideal that applied not only internally but also to its empire, where other communities were likewise seen as deserving of just treatment. Although we only can gather his arguments in an extremely mangled form, it is clear that this was the position defended by Laelius in Cicero's *De republica*, and he made clear the *socii* were entitled to being treated with justice and not by threat of force. In fact, he specifically accused Tiberius Gracchus of prioritizing the rights of the citizens over the treatises with their subjects, in an oblique reference to his project of agrarian redistribution and the effects that would have on the Italic tenants of these lands (Cic. *Rep*. 3.41). While it is true that concession of the *provocatio* and the keeping of the *fides* implied in the *foedera* are different situations, they both match an ideological conception of justice that could be applied outside the core citizen group without actually changing the political status quo.

4.1.4 Gaius Sempronius Gracchus (*tr. pl.* 123-122), the *Lex Acilia/Sempronia de repetundis* and M. Livius Drusus (*tr. pl*. 122)

The younger and more belligerent of the Gracchi brothers, Gaius, also took the mantle of enfranchisement as one of the political issues tackled during his groundbreaking tenure as a tribune. Yet, despite his confrontational nature, it is probable that he and his colleague, Fulvius Flaccus, worked together to draft a less confrontational path than the one attempted by the latter during his consulship. Our sources preserve two different versions of their plan. As per Velleius Paterculus, Gaius Gracchus promised citizenship to all Italics, wanting to extend this status to almost all the inhabitants south of the Alps (Vell. Pat. 2.6 *dabat civitatem omnibus Italicis, extendebat eam paene usque Alpis*). Nevertheless, the rest of the sources point to a more modest integration scheme. According to Appian, he proposed to the Latins (Λᾶτῖνοι) becoming Romans (Ῥωμαῖοι), that is, he was offering full rights of citizenship, feeling that the Senate could not deny them this on account of the closeness of their kinship (συγγενής). To the rest of the allies, he offered to give the right to vote so as to help him get his legislation passed:

authorship remains unresolved, while its chronology has been placed at an undetermined point between the year 340 (based on the mention of Timoleon's expedition) and 300 (as per Chiron, 2011, 236-262: 240). Ultimately, this is not relevant to the matter at hand. This text is neither brought forward because of its author nor for its connection to Aristotle. My objective is to shed light on the arguments used in Greek political thought to justify how the extension of mechanisms of legal repair functionally akin to the *ius provocationis* could, in fact, serve to strengthen an oligarchic regime. Steeped as the Roman elite was in Greek political thought, it is not a stretch to think that a similar reasoning could be used to justify certain concessions.

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> καὶ τοὺς Λατίνους ἐπὶ πάντα ἐκάλει τὰ τῶν Ῥωμαίων, ὡς οὐκ εὐπρεπῶς συγγενέσι τῆς βουλῆς ἀντιστῆναι δυναμένης· τῶν τε ἑτέρων συμμάχων, οἷς οὐκ ἐξῆν ψῆφον ἐν ταῖς Ῥωμαίων χειροτονίαις φέρειν, ἐδίδου φέρειν ἀπὸ τοῦδε ἐπὶ τῷ ἔχειν καὶ τούσδε ἐν ταῖς χειροτονίαις τῶν νόμων αὐτῷ συντελοῦντας. ἐφ᾽ ᾧ δὴ μάλιστα ἡ βουλὴ διαταραχθεῖσα τοὺς ὑπάτους ἐκέλευσε προγράψαι μηδένα τῶν οὐ φερόντων ψῆφον ἐπιδημεῖν τῇ πόλει μηδὲ προσπελάζειν ἀπὸ τεσσαράκοντα σταδίων παρὰ τὴν ἐσομένην περὶ τῶνδε τῶν νόμων χειροτονίαν (App. *B Civ*. 1.23)[333]

Here, Appian hints at two different conceptions of citizenship regarding what conditions had to be met in order to be considered Roman. As far as Gracchus was concerned, the Senate was more inclined to regard perceived familiarity or closeness in bonds between the members of the *civitas* as prerequisite for attaining citizenship; this is the reason he gives for considering that even the βουλή could not deny the Latins entry to the imperial core. On the other hand, the phrasing Appian gives to Gracchus' motion implies it was the legal act of sharing the status of citizenship what really underpinned the nature of the Ῥωμαῖοι, as the offer of πολιτεία is conveyed in the text simply as proposing to call the Latins *Romans* in every relevant aspect (καὶ τοὺς Λατίνους ἐπὶ πάντα ἐκάλει τὰ τῶν Ῥωμαίων). That is, calling the Latins *Romans* was made possible by the legal act of partaking citizenship with them; not because of kinship or anything else.

Regarding the allies (συμμάχων), the willingness to centre its proposal on the right to vote (ψῆφον) reinforces the argument that *popularis* ideology considered political participation (either in elections, χειροτονίαις, or to pass new legislation, νόμων) something that ought to be enjoyed by a broader section of those that fought for maintaining Roman power. It has been conjectured that the Italics would have been sorted in one tribe in order to exercise their *ius suffragii*, mirroring the system followed with the Latins up to that point.[334] Although this is certainly possible, the reference to their value as voters in order to help him pass legislation hints to a more even distribution, perhaps even among the thirty-five tribes.[335] Certainly, it is hard to defend that being sorted in just one tribe could render their votes significant enough to be helpful during the legislative process, something Appian is aware of, considering how

333 App. *B Civ*. 1.23: 'He also proposed inviting the Latin people to share the full rights of Roman citizenship, since the senate could not decently, so he argued, refuse this privilege to their kinsmen. To the other allies, who were not allowed to vote in Roman elections, he proposed giving the vote in future, so that he would have their help too when it came to the voting on his laws. It was this in particular that disturbed the senate, and they ordered the consuls to make a public proclamation that no one without a vote was allowed to stay in the city or approach within forty stades of it during the upcoming voting on these laws.'

334 Gabba, 1967, 79 nº 99; Badian, 1958, 299-300; Sherwin-White, 1973, 136-147; Perelli, 1982, 109; Laffi, 2017, 85-105: 100; *contra*, Mouritsen, 2006, 418-425, where he argues that Gracchus' intent was to grant full voting rights to the *cives sine suffragio*, bestow Roman citizenship to the Latins, and offer the *ius provocationis* to the other Italian allies.

335 For those arguing that *ius aequi suffragii* could only signify a more or less even enrolment of the Latins (as citizens) and the Italics (as voters) into the existing thirty-five tribes, see Meister, 1967, 113-126; also, Elster, 2020,126-132; Vervaet, 2023, 52 n º8; I find this interpretation the more convincing one.

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prominent the fight of the new citizens to be enrolled into the old tribes would be in his narrative.

Plutarch also makes a similar (although a little confusing) distinction in his biography of Gaius. It is stated that one of the laws he proposed concerned the allies, giving them equal suffrage rights to those of the citizens (Plut. *C. Gracch*. 5.2: συμμαχικός ἰσοψήφους ποιῶν τοῖς πολίταις τοὺς Ἰταλιώτας), while the Latins were invited to share citizenship (Plut. *C. Gracch.* 8.3: κοινωνίᾳ πολιτείας τοὺς Λατίνους) – something that, alongside other popular measures, would have made him 'invincible'. Later, confusingly, it is the Latins who are presented as being offered equal rights of suffrage (Plut. *C. Gracch.* 9: ἔτι δὲ ὁ μὲν τοῖς Λατίνοις ἰσοψηφίαν διδοὺς ἐλύπει). In turn, Iulius Victor preserves a passage where Gaius Fannius opposes Gracchus appealing to the more selfish instincts of the common people of Rome, warning them that if Latins were given citizenship, their places in the games and festivals were going to be occupied by these new influx of citizens (Iul. Vict. 6.4 = FRL3 23 F3: *ut a Gaio Fannio adversus Gracchum dictum: si Latinis civitatem dederitis, credo, existimatis vos ita, ut nunc constitistis, in contione habituros locum aut ludis et festis diebus interfuturos? Nonne illos omnia occupaturos putatis?*).[336] Lastly, the earliest source we have regarding this event, Cicero, could also be interpreted as hinting to this duality of plans differentiating the Latins from the larger community of *socii*, although no precise proposal is defined. In *Brut*., the orator makes an oblique reference to a speech Fannius had given against Gracchus regarding 'the Latins and the allies' (*socii et nomine Latino*), maybe (?) implying there might be different policies for each group, hence their specific mentioning; yet nothing clear is stated here (Cic. *Brut*. 99: *quorum Gai filius, qui consul cum Domitio fuit, unam orationem de sociis et nomine Latino contra C. Gracchum reliquit sane et bonam et nobilem*).[337]

Appian's recounting seems to me the more convincing one, if not very detailed, as it actually creates a coherent proposal that a) smooths the contradictions present in Plutarch b) actually matches the accusation of Fannius preserved in Iulius Victor and c) gives content to the generic statement by Cicero. Moreover, it also made sense to try a more cautious approach after having seen the Senate's uncompromising stance with the more ambitious plans defended by Flaccus during his consulate. Political calculus was also a factor in modelling policies and both Gracchus and Flaccus could very well be weighing his options or prioritizing other policies.

336 Iul. Vict. 6.4 = FRL3 23 F3: 'and as was said by Gaius Fannius against Gracchus [C. Sempronius Gracchus]: "if you [i.e., the Romans] should give citizen rights to the Latins, I believe, you suppose that you, in such a way as you have assumed your place now, will have a place in the public meeting or participate in games and festive days. Don't you think that they [the Latins] will seize everything?"'

337 Cic. *Brut.* 99: 'Of them the son of Gaius, who was consul with Domitius, has left one oration concerning the allies and the Latin name against Gracchus, which is very good and well known.'

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As we have already mentioned when discussing the *ius adipiscendae civitatis Romanae per magistratum*, the *Tabula Bembina* preserves what has been identified as the *lex de repetundis* that is often considered one of the most consequential pieces of legislation authored by Gaius Gracchus' political faction. This law was infamous for taking away the control of the *quaestiones de repetundis* from the Senate and give it to the *ordo equester*, a decision that would be seen as momentous by many. Varro blamed it for creating a *civitas* with two heads (*bicipitem civitatem fecit*) and placed it at the origin of the civil discontent that would fracture the consensus among the leading citizens and push the community to the point of civil war.[338] This is an opinion echoed by Florus when he accuses the Gracchi brothers of dividing the *populus Romanus* and creating a *civitatem bicipitem* (Flor. 2.5.3: *Iudiciaria lege Gracchi diviserant populum Romanum et bicipitem ex una fecerant civitatem*).[339] It is not clear who was the *rogator* of this law, but it is possible that it was not Gaius Gracchus himself but one of his allies, M. Acilius Glabrio, a tribune of the plebs who, according to Cicero, was the author of a very harsh (*severissima*) *lex de repetundis,* passed against the opposition of *homines audacissimi* (Cic. *Verr*. 1.151; Cic. *Verr*. 2.1.26; *Ps. Ascon*. p. 221 and 231).[340] In any case, I assume as correct the identification between the *Tabula Bembina* and *lex de repetundis* passed by the Gracchan faction, either by Gaius Gracchus himself or by Acilius Glabrio. The two main arguments for this identification – the careful establishment of an *album iudicum* among those were not Senate members (vv. 12-15), and the reference to the first recovery law, the *Lex Cornelia,* dated from the year 149, (vv. 73-75), which this *lex* supersedes – certainly seem firmer ground than the objections brandished by Mattingly trying to link the *Tabula Bembina* to the *lex Servilia de repetundis* crafted by Servilius Glaucia, which require an 'unacceptable cumulation of hypotheses.'[341]

It is not the aim of this investigation to analyse in depth the motives and consequences of this *lex de repetundis* and its influence on the politics of the late Republic.[342] It is the aforementioned clauses pertaining to the granting of citizenship or the alternative prizes that interest us. As we have seen, the first clause, articulated in vv. 76-78 of the law (v. 76; *de ceivitate danda*), establishes that any person a) who is not a Roman citizen, b) and mounts a

338 *Bicipitem quod incorporatum est posse dici Varro de uita populi romani lib. IIII aperuit: In spem adducebat non plus soluturos quam vellent; iniquus equestri ordini iudicia tradidit ac bicipitem civitatem fecit, discordiarum civilium fontem* (fr. 108 Pittà = fr. 425 Salvatore = fr. 114 Riposati = Nonio p.728,19L).

339 Regarding Varro's analysis of Gracchan policy, Nicolet, 1979, 276-300; López Barja, 2024, 23-39.

340 On the filiation of the *lex repetundarum*, Badian, 1954a, 374-384, and 1975, 67-75, argued for Glabrio; so does Sisani, 2025, 75-145: 82; Crawford, 1996, 51-52, declares himself 'neutral' on regards to this issue; Ferrary, 2019, prefers attributing this law directly to Gracchus.

341 Arguing for an identification of the *Tabula Bembina* with a later *lex Servilia de repetundis* (Servilius Glaucia being its author), Mattingly, 1969: 129-143; 1970, 154-168; 1975, 255-263; 1987, 71-81; 2013, 87-93; *contra*, Sherwin-White, 1972b: 83-99; also, Crawford, 1996, 51-52; Ferrary, 2019; Sisani, 2025, 75-145, who all reassert a Gracchan date for the *lex repetundarum.*

342 Nicolet, 1966, 517-527, who argues that it was inspired by the democratic constitution of Rhodes; Sherwin-White, 1982, 18-31; Brunt, 1988, 194-203; Ferrary, 2019.

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successful accusation on the basis of this law shall become a Roman citizen if they chose to, and so will his descendants, and they were to be registered in the tribe of the person who was condemned, where they will cast their votes. It is important to emphasise the lack of any other conditions apart from those outlined in order to grant the *civitas Romana*, with no specifications regarding the origin of those prosecuting on the basis of this statute apart from being non-Roman (v. 76: *quei ceivis Romanus non erit*), which leads us to conclude that it applied to *Latini, socii* and *peregrini*.[343] That is, it attached the just compensation of *civitas* to the legal remedy of recovery for any and all of those that could find themselves, by virtue of not being members of the imperial core, in a position of subjection that was exploited in an illegal (and unjust) manner as established by the Roman legal order.[344]

As we have mentioned before, the second clause – that comprises vv. 78-79 – complements the first one and establishes the qualifying conditions for the alternative prizes (in one rejected the *civitas Romana*) of *provocatio* and *vacatio muneris* (v. 78; *de provocation*[*e vocation*]*eque danda*). For being entitled to these prizes, the following conditions had to be met: a) having successfully prosecuted someone before the praetor according to this statute; that is, having qualified for citizenship according to the previous provision, b) having rejected Roman *civitas* c) not having been '*IIvir, consul, dictator, praetor or aedile'* in a Latin community (colony?) (v. 78; *quei* [???(*c*(*eivis*) *R*(*omanus*) *ex h*(*ace*) *l*(*ege*) *fieri nolet, quei eorum in ceivitate Latina IIvir consul*??? *dicta*]*tor praetor aedilisue non fuerint*). We have already established the reason for the last condition, as it implies at least the pre-existence of these *iura* for the ex-magistrates of the Latin communities, making this concession redundant. In any case, this provision gave those that exercised the legal remedy of *repetundae* the possibility of making a choice between acquiring full citizenship or not without forgoing some legal compensation in the form of the *provocatio* and the listed *vacatio muneris*.[345] This choice was a reaction to the still active Roman prohibition against dual citizenship, which meant that acquiring the *civitas* imposed on these *novi cives* the forgoing of their original citizenship and the severing of many legal links inside their native communities (Cic. *Balb*. 28: *duarum civitatum civis noster esse iure civili nemo potest*)

Despite sharing with the *per magistratum* some of their features – like its individual application –, it can be argued that these new pathways to citizenship and *provocatio* had a more radical nature. On the one hand, enfranchisement via *lex de repetundis* shows in a very tangible and real way how *civitas* became a function of *popularis* ideology, linking together the *status civitatis* with a clear anti-senatorial stance. Those that benefited from it were not rewarded for achieving the top of their respective *cursus honorum* but to recompense what

343 Crawford, 1996, 110; cf. Sherwin-White, 1982, 29-31, considers it applies only to Latins and Italians.

344 This, however, appears to leave the local magistrates in somewhat of a bad position, as if they rejected citizenship they would have remained without any prize.

345 Crawford, 1996, 111, defines *vacatio muneris* as exception from military service as well as *munera publica*, with the latter entailing *corvée* labour rather than elite liturgies; regarding the nature of the *munus* as civic duties imposed on an individual by virtue of its belonging to a certain community, Pereira Menaut, 2005, 395-431.

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was, effectively, an action against a high ranking member of the senatorial class. The legislation *de repetundis* was considered *acerbissima* for a reason, as the enfranchisement of someone was linked precisely to the 'ruin of a senator' (*ex senatoris calamitate*), as Cicero points out when considering that if this method of becoming a citizen was allowed by the different *leges repetundarum*, then it was only logical for a less harmful mechanism – *iudicia imperatorum*, by the decision of a commander – to be also legal (Cic. *Balb*. 54). Therefore, these provisions are to be interpreted in their context, and that consisted in a piece of legislation designed for attacking the political hegemony of the senatorial class. Compared with the framework established by the *Lex Cornelia de repetundis*, this new statute not only broadened civic participation by empowering the wider *ordo equester* to sit in judgment over the senatorial ruling class, but also granted the subjects of the empire access to (albeit imperfect) mechanisms for redressing injustices committed by senators.[346] At the same time, it embedded new pathways to citizenship within this accusatory – and therefore legally aggressive – procedure. Ideologically, one might say that the law functioned not merely *for* the subjects, but *against* the Senate itself – a perception clearly shared by the Senate, which spent the following decades struggling with the *equites* for control over the *quaestio de repetundis*.

Moreover, regarding the scope of those that could benefit from these enfranchisement provisions from the *lex iudiciaria*, they have the potentiality to be applied to a much broader segment of those under the Roman *imperium* than those who could qualify to acquire citizenship on the basis of the *ius per magistratum*. First, the latter was restricted to Latin communities – based strictly on Asconius (Asc. *Pis*. 3C), even just to *Latinae coloniae* – while the provisions on the *lex de repetundis* imposed no such limitations, with the potential plaintiff having the possibility of being a member of the *Latini*, *socii* and the *peregrini*. This articulation broadened the scope of those deserving justice through citizenship to potentially encompass the whole of the Roman subjects, reaching past the 'kinship' (συγγενής) that characterised the *Latini* (App. *B Civ*. 1.23) and further than the common interests shared by the *socii* or the broad cultural affinity of the *formula togatorum*, to be enjoyed even by the *peregrini*. Second, the lack of any other legal requirements in the *lex de repetundis* than the ones mentioned does not only expand the variety of communities that could qualify for its protections but it also has consequences regarding the social class of the potential plaintiffs. From a legal standpoint, every free member of a community could potentially resort to this piece of legislation and, provided they succeeded in their accusation, benefit from the provisions regarding citizenship and the *provocatio*. Thus, even if the real possibility of prosecuting a successful accusation is effectively restricted to a relatively small proportion of

346 The judiciary was a political power by all means in a society not ruled by a separation of powers – it was one of the markers of government according to Aristotle (Arist. *Pol*. 3.1275b)

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the population, with an obvious preponderance of those with means, this potential fraction is still far wider than those that could access the higher magistracies of the different subject communities. Higher magistracies were very limited in number and traditionally monopolised, or at least generally controlled, by the elites and required a series of legal requirements just to be able to qualify for them.

The insistence on the potentiality for qualifying to enfranchisement is not a simple technicality nor a consequence of the lack of any precise numbers but a deliberate decision to emphasise the ideological underpinnings of these measures. It is true that the temporality of the magistracies tenure ensured an individual but constant trickle of leading members of the *Latini* that would have the possibility – probably taken by many – of acquiring citizenship, and this trickle would, by the annual nature of it, mean that more former subjects accessed the imperial core through the *ius per magistratum* than due to the provisions of the *leges repetundarum*. Nevertheless, I believe that simply comparing the – hypothetical – global numbers of both methods is misleading due to the different nature of both legal mechanisms, especially if trying to determine their ideological principles. While the *per magistratum* operated rooted on the expected functioning of the state, the *lex Acilia/Sempronia* (?) *de repetundis* is a criminal law; by definition, it is regulating an exception to normally accepted behaviour – even if this 'normalcy' can be seen as nothing more than a legal fiction. Its provisions are supposed to be applied only in those cases where a crime is proved to be committed, something that by the very nature of criminal law ought to be hard; and this is without even factoring in the inevitable bottleneck the *quaestio perpetua* represented or the inherent difficulty present in any society when trying to press charges against someone who wields considerable power and influence. Therefore, the number of people enfranchised by the *lex Acilia/Sempronia* (?) *de repetundis* was always supposed to be lower, yet its underlying principles have a more inclusive conception of citizenship precisely for the reasons we have mentioned before; namely, its broader scope of who could become a *ciuis* both in terms of communities of origin and social standing. And again, we can identify here that ideological pattern where this broader conception of the *civitas* gets paired with anti-aristocratic positions, articulating a recognisable manifestation of *popularis* ideology.

Although the *lex Acilia/Sempronia* (?) *de repetundis* was passed and became the law of the land, other proposals coming from Gaius Gracchus' camp were resisted much more sternly and stopped on their tracks. The Senate had again a position that, although showing flexibility in its tactics, matches well the ideological patterns we have been tracking. Instead of just flatly opposing Gracchus' policies (which they also did), they coordinated a campaign of tactical concessions with one of the tribunes, Livius Drusus the elder (*tr. pl.* 122), with the express intention of placating those constituencies Gaius was engaging with in his programme of reforms. The Senate staunchly opposed Gracchus' proposals and got Livius Drusus to

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exercise his veto over the bills presented to the assemblies (App. *B Civ*. 1.23). Moreover, it urged the consuls to enact a proclamation forbidding those without right to vote (that is, the allies) to stay in the city or even approach it within forty stades during the days the assemblies were to vote on Gracchus' proposals (App. *B. Civ*. 1.23). Plutarch, in turn, presents a variation of this incident, where the Senate convinced Fannius to expel from the city not just the allies, but everyone who was not a Roman (τοὺς ἄλλους πλὴν Ῥωμαίων ἅπαντας). Nevertheless, afterwards, he talks about a proclamation forbidding the 'allies and friends' (τῶν συμμάχων μηδὲ τῶν φίλων) from going near Rome during those days. He then proceeds to tell a story of the following tensions showing Gracchus in a bad light, by having him cowardly backing down from a promise to protect the allies (again, he is writing about the σύμμαχοι) when they in fact came to the city:

> Ἐπανελθὼν δὲ πρῶτον μὲν ἐκ τοῦ Παλατίου μετῴκησεν εἰς τὸν ὑπὸ τὴν ἀγορὰν τόπον ὡς δημοτικώτερον, ὅπου πλείστους τῶν ταπεινῶν καὶ πενήτων συνέβαινεν οἰκεῖν ἔπειτα τῶν νόμων ἐξέθηκε τοὺς λοιπούς ὡς ἐπάξων τὴν ψῆφον αὐτοῖς. ὄχλου δὲ πανταχόθεν αὐτῷ συνιόντος ἔπεισεν ἡ βουλὴ τὸν ὕπατον Φάννιον ἐκβαλεῖν τοὺς ἄλλους πλὴν Ῥωμαίων ἅπαντας. γενομένου δὲ κηρύγματος ἀήθους καὶ ἀλλοκότου, μηδένα τῶν συμμάχων μηδὲ τῶν φίλων ἐν Ῥώμῃ φανῆναι περὶ τὰς ἡμέρας ἐκείνας, ἀντεξέθηκεν ὁ Γάϊος διάγραμμα κατηγορῶν τοῦ ὑπάτου, καὶ τοῖς συμμάχοις, ἂν μένωσι, βοηθήσειν ἐπαγγελλόμενος, οὐ μὴν ἐβοήθησεν, ἀλλὰ ὁρῶν ἕνα τῶν ξένων αὐτοῦ καὶ συνήθων ἑλκόμενον ὑπὸ τῶν ὑπηρετῶν τῶν τοῦ Φαννίου, παρῆλθε καὶ οὐ προσήμυνεν, εἴτε τὴν ἰσχὺν ἐπιλείπουσαν ἤδη δεδιὼς ἐλέγχειν, εἴτε μὴ βουλόμενος, ὡς ἔλεγεν, ἀψιμαχίας αὐτὸς καὶ συμπλοκῆς ἀρχὰς ζητοῦσι τοῖς ἐχθροῖς παρασχεῖν (Plut. *C. Gracch*. 12)[347]

Without a doubt, this was a pragmatic measure designed to prevent the potential for physical intimidation which a mob could exert over the assemblies. Moreover, from an ideological standpoint, it corresponds with the restricted conception of those who should participate in the political process that characterises the *optimates*, with a diminished version of the *populus* where the peoples from Italy ought to remain subjects and had no place partaking in the decision-making process of Rome.

347 Plut. *C. Gracch*. 12: 'On returning to Rome, in the first place Caius changed his residence from the Palatine hill to the region adjoining the forum, which he thought more democratic, since most of the poor and lowly had come to live there; in the next place, he promulgated the rest of his laws, intending to get the people's vote upon them. But when a throng came together from all parts of Italy for his support, the senate prevailed upon the consul Fannius to drive out of the city all who were not Romans. Accordingly, a strange and unusual proclamation was made, to the effect that none of the allies and friends of Rome should appear in the city during those days; whereupon Caius published a counter edict in which he denounced the consul, and promised the allies his support, in case they should remain there. He did not, however, give them his support, but when he saw one of his comrades and guest-friends dragged off by the lictors of Fannius, he passed by without giving him any help, either because he feared to give a proof that his power was already on the decline, or because he was unwilling, as he said, by his own acts to afford his enemies the occasions which they sought for a conflict at close quarters.'

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It has been argued that the reason consul Fannius did not include the *Latini* in his prohibition to approach the city was because he did not consider them a threat.[348] This, in turn, has been read as an indication that the *ius per magistratum* was approved under the guidance of the Senate and was already effective in securing the loyalties of the *Latini*, the process being so effective as to determine their loyalties in the beginning of the *bellum sociale*. Appian's emphasis on the right to vote seems more plausible: even if the consul considered them a menace, it is not clear he would have been able to legally forbid the *Latini* from exercising the *ius suffragii*. If the loyalties of the *Latini* were under doubt but they were legally allowed to vote, forbidding them to exercise a right they were entitled to would have only aggravated them and pushed them irrevocably towards Gracchus' position; precisely what the *optimates* were trying to avert.[349] In addition, even though the *per magistratum* is likely to have played a role in assuring the long term loyalty of the elites from the *Latini*, the same can not be presumed about those not belonging to the office-holding class, nor to the Latin communities as a whole.[350] Furthermore, the inference that this was the main reason for their decision of siding with Rome during the *bellum sociale* seems to underestimate the *cupiditas civitatis* of the common people and their political influence, as well as the swift concessions the Romans made at the beginning of this conflict.

Beside these reactive measures, Drusus himself proposed some calculated bills addressing a few of the grievances Gracchus was trying to fix, yet these promises were delivered with the full backing of the Senate (Plut. *C. Gracch*. 9). These proposals were designed to ingratiate both the people and the Italics to the Senate and dilute the support for the more radical reforms defended by Gracchus by breaking the coalition of interests he was trying to articulate. Thus, where Gracchus was trying to create a number of big colonies composed of six thousand colonists recruited among relatively well-to-do citizens, Drusus promised the foundation of twelve colonies of three thousand colonists each, recruited among the poor. Where Gracchus was redistributing parcels of the *ager publicus* by introducing a new *lex agraria* (or modifying his brother's; we do not know the precise details) which required the beneficiaries to pay a canon for the tenancy of the land, Drusus proposed to abolish the payment of these *vectigalia* while doing away with the status of inalienability of these allotments, effectively opening an avenue for wealthy tenants to reacquire lands that had been taken away from them.[351] Finally, where Gracchus was aiming to give full citizenship to the Latins and *ius suffragii* to the *socii*, Drusus proposed just giving the *ius provocationis* to the Latins:

348 Piper, 1988, 59-68: 60; García Fernández, 2001a, 151.
349 Badian, 1958, 190, n. 5, also posits the idea the Latins were not forbidden to come to Rome because they were legally entitled to a diminished but real right to vote; on the other hand, Gabba, 1976, 167, considers the Latini were in fact affected by the prohibition.
350 Cf. Piper, 1988, 61,68.
351 For the tactical nature of Drusus' proposals and its usage to erode public support for Gracchus, Lacorte, 2025b, 132-138.

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> ἔτι δὲ ὁ μὲν τοῖς Λατίνοις ἰσοψηφίαν διδοὺς ἐλύπει, τοῦ δέ, ὅπως μηδὲ ἐπὶ στρατείας ἐξῇ τινα Λατίνων ῥάβδοις αἰκίσασθαι γράψαντος ἐβοήθουν τῷ νόμῳ. καὶ μέντοι καὶ αὐτὸς ὁ Λίβιος ἀεὶ δημηγορῶν ἔλεγεν ὡς γράφοι ταῦτα τῇ βουλῇ δοκοῦντα κηδομένῃ τῶν πολλῶν ὃ δὴ καὶ μόνον ἀπὸ τῶν πολιτευμάτων αὐτοῦ χρήσιμον ὑπῆρχεν (Plut. *C Gracch.* 9)[352]

It has already been commented how the *provocatio* could very much be squared with *optimate* ideology, if pressed on the issue by necessity. Nevertheless, Plutarch insists the only advantage derived from these measures was that the people became more amicably disposed towards the Senate and the nobles (ὃ δὴ καὶ μόνον ἀπὸ τῶν πολιτευμάτων αὐτοῦ χρήσιμον ὑπῆρχεν). From a tactical point of view, this judgment emphasises the captious nature of these policy proposals, which allowed the *optimates* to co-opt the reform movement so as to deprive it of its most revolutionary initiatives while at the same time giving the Senate the ability to not actually implement those measures that required a sustained political effort, like land redistribution or the foundation of colonies. Also, judging by the sustained appearance of physical abuses in the sources that could be categorised as a form of *verberatio* and the role they play in building up the resentment that led to the *bellum sociale*, it can be safely inferred that the promise of the *ius provactionis* did not came to fruition.[353]

4.2 Ideological Core and Citizenship: What is the City but the People?[354]

Hitherto, the articulation of *popularis* ideology by both Gracchi brothers and their allies in relation to citizenship has generally been examined with a focus on its perimeter – that is, on policy proposals concerning enfranchisement. From this, it follows logically that certain political concepts were subject to shifting decontestations as these pragmatic positions were reiterated and gradually consolidated. The most evident case is the concept of *ciuitas*: although it consistently retained certain core elements – those taken for granted across the political spectrum – other aspects acquired new meanings as a direct result of these initiatives. In other words, by proposing that specific groups of subjects ought to be granted *status civitatis*, these early *popularis* politicians were implicitly contesting the very meaning of *civitas*, since they were advancing a different configuration of the constituent elements of a concept deeply interwoven with other foundational political notions.

As we have seen in when analysing the second *Epistula ad Caesaram* in Chapter 2, *civitas* can refer both to the legally defined status of citizenship and the resulting community these citizens form. Yet, this term could also be used as a synonym for the *res publica* when

352 Plut. *C Gracch*. 9: 'And further, when Caius proposed to bestow upon the Latins equal rights of suffrage, he gave offence; but when Livius brought in a bill forbidding that any Latin should be chastised with rods even during military service, he had the senate's support. And indeed Livius himself, in his public harangues, always said that he introduced these measures on the authority of the senate, which desired to help the common people; and this in fact was the only advantage which resulted from his political measures.'

353 *Contra*, Caspari, 1911, 115-118.

354 Shakespeare, *Coriolanus*, 3.1.249

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the focus was directed to the underlaying common interest shared by the entire community. Conversely, even the term *populus*, that could be laden with so much symbolic and partisan weight, could also be used as a synonym for *civitas*, referencing a particular community in contrast to its foreign counterparts. In any case, a political argument about the human composition of a community is especially relevant considering neither the Roman concepts of *civitas, res publica* and *populus* nor the Greek ones of *polis, politeia* and *demos* convey a distinct separation between the institutions of the community and the people for whom they stood, as this was a later development, associated with the theoretical articulation of the modern State. It is a well known fact that these ancient communities did not strike treatises as a State, but as people. It was the Romans (as the People, the Senate, or both) who established diplomatic relations; neither Rome nor the *res publica*.[355]

Therefore, radical proposals for enfranchisement were, in effect, proposals to reconstitute the composition of the *civitas*, which, in turn, reshaped the political meaning of related concepts such as *res publica* and *populus*. When arguing for the merits of enfranchising the *Latini* and all of the Italic peoples, Fulvius Flaccus was claiming a particular meaning for the concept of *civitas*, one that could – should, indeed – include those subjects that were considered allies. And by virtue of arguing these proposals in public and defending them *in contione*, even if they never came into fruition, he was creating ideology. A similar thing can be said about Gaius Gracchus, even if his contestation of the meaning of *civitas* regarding who ought to be entitled to be part of it was less radical – fully including the Latins yet only partially integrating the Italics. If they were to answer the question of 'who are the Romans?' in a prescriptive manner, the response from a senatorial member of the *boni* would be completely different to the one given by their *popularis* opposition; and so would be their reasoning. For the latter, one could very well envision the Shakespearean interaction between Sicinius and the plebeians in the third act of *Coriolanus*:

> Sicin.
> What is the Citie, but the People?
> All.
> True, the People are the Citie.[356]

This section explores, from a morphological perspective and proceeding from the core outward, how a partisan interpretation of *populus* related to the expanded concept of *civitas*, thereby justifying specific policies and articulating a distinct strand of *popularis* ideology. Regarding *popularis* ideology, it is safe to argue that the *fulcra* of this political movement was to enhance the standing of the *populus* as the rightful subject of certain rights and as seat of

355 Regarding the paradox of conceiving the *populus* as a corpus infused with political personality yet not with a juridical one, López Barja, 2007a, 125-126, 143; for the different conceptualisations of society between the classical past and the modern era (post Hobbes), Bobbio, 1992, 15-33; also on the theoretical origins of the modern State, Skinner, 1989, 90-131; for examples of official international communications conducted by: senate and people, Sherk, *RDGE*, n.º 6, n.º 48, v. 6-7, 12; people, *OGIS* 762, Sherk, *Rome and the Greek East to the Death of Augustus*, n.º 33, Sherk, *RDGE*, n.º 16b; senate, Sherk, *RDGE*, n.º1.

356 Shakespeare, *Coriolanus*, 3.1.249-5.

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political power. The centrality of the *populus* for the Gracchi and their allies is well attested; so is the fact the that term *populus* had different meanings with distinct partisan and symbolic weight.[357] As we have established before, this essential contestability is precisely what characterised the ideological strife for imposing specific meanings on the concepts that underlie politics. Alongside its more partisan meanings, *populus* was also the term used for describing the Roman people as a whole, as a community bound by a common *civitas*; a meaning that survived in the Empire due to is relatively uncontested nature, as it was understood to function as a more or less neutral concept that could mark the Roman self in opposition to foreign non-Roman entities.

Nevertheless, political speech could delineate a much more specific conception of this term, so as to only refer to the Roman people gathered as a political actor in its Assemblies.[358] When our sources talk about *agere cum populo* or *per populum*, they mean carrying out – or at least, trying to – some specific policy with the backing of the *populus* through a political process that involved the Assemblies. This conception of *populus*, rooted in internal politics, gained its meaning through the ideological opposition to other seats of political power, such as the Senate or the magistracies, as the alternative to this route was *agere cum senatu* or *per senatum*; a formulaic choice that positioned the Senate and the *populus* as the opposing ends of a duality. This tendency gained weight with the loss of political and legal relevance of the division between the *plebs* and the *patres*, generally conflating this old political dichotomy with the one that was arising around the last decades of second century before our Era; namely, *populus* versus the Senate. From an ideological perspective, during the late Republic *plebs* and *patres* came to be seen as more or less partisan variations of the political concepts of *populus* and Senate, infusing them with important symbolic nuance, as they usually centred their focus much more on their agonistic meanings. For instance, the term *plebs* was not used to describe the Roman community as a whole, but to shine a light on the mass of citizens, the common people that could also be referred as a *multitudo* – equivalent to the Greek terms, οἱ πολλοί and τὸ πλῆθος, or even the poor, οἱ πένητες.[359]

Popularis politicians used this semantic ambiguity between a broad conception of *populus*, that of the *populus Romanus*, and the more specific and partisan one, as a way to articulate their ideology and denounce the tragedy of the Roman people being the master of the world and yet the very same people, as a *multitudo*, being forced to live in misery because of the greed of the few (Plut. *Tib. Gracch*. 9: κύριοι τῆς οἰκουμένης εἶναι λεγόμενοι, μίαν δὲ βῶλον ἰδίαν οὐκ ἔχοντες; Sall. *Ep*. 2.5.5: *Ita paulatim populus, qui dominus erat, cunctis gentibus imperitabat, dilapsus est et pro communi imperio privatim sibi quisque servitutem*

357 Ferrary, 1982, 748-766; Perelli, 1982, 73-115; López Barja, 2007a, 89-92, 148-150; for the importance of the concept *populus* in articulating Caesar's *popularis* ideology, López Barja, 2019a: 700-714.

358 This conception is particularly important in Millar, 1998.

359 Ferrary, 1982, 748-750; in the case of Sallust, Paananen, 1972, 38, also points out the use of the term *populus* as an 'opposing pole to the senate, referring to the popular assembly'.

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peperit).[360] I believe this core ideological position had two political implications regarding citizenship: one, that it was just to include certain peoples inside the *civitas* as they merited this inclusion on account of their relation to *populus*; and two, that the mass enfranchisement of people strengthened its *libertas*, which in turn was a precondition for a more democratic *res publica*.

4.2.1 Justice

Turning to the first argument, the question would be: why did *popularis* ideology, as a consequence of its partisan conception of the *populus*, consider Italic subjects merited to be included in the *civitas Romana*? Or even, if one had a more cynical approach, why were *popularis* politicians much more accepting of this possibility when forced by political circumstances and how might they have justified it in terms that made sense according to their political ideology? As it shall be seen, the short answer is because it was understood as a matter of justice. The sources show us how it was usual for *popularis* politicians to articulate their proposals of redistribution of the benefits of empire among the whole citizenship by resorting to the concept of justice in relation to those who fought and bled for the *populus Romani* (the polity) and for the common good. Discussing Tiberius, Appian reiterates that bearing this military onus was one of the reasons why it was just for the common people – those who conformed the *demos* in an ideological sense – to be entitled to their rightful share of the spoils of the empire, and it was only because of the unjust monopoly of the few that they were deprived of it (App. *B Civ*. 1.9 and specially, *B Civ*. 1.11). This is the express rationale Tiberius mentioned in a speech discussing his agrarian bill, with the added nuance that he was apparently worrying about the 'Italic people'. Tiberius was not using this argument to advocate for granting citizenship, yet the point remains clear: those who fought for the *res publica* ought to enjoy the benefits of the empire.

Later in the text, when defending the justice behind his proposal for agrarian redistribution, Tiberius asked his audience a battery of succinct questions which were supposed to evoke more complex political arguments: εἰ δίκαιον τὰ κοινὰ κοινῇ διανέμεσθαι καὶ εἰ γνησιώτερος αἰεὶ θεράποντος ὁ πολίτης καὶ χρησιμώτερος ὁ στρατιώτης ἀπολέμου καὶ τοῖς δημοσίοις εὐνούστερος ὁ κοινωνός (App. *B Civ.* 1.11).[361] For sure, he pointed out it was just to divide in common what was owned in common; but after that he immediately contrasted the value of a citizen with that of a slave, and that of a man who served in the army with one who did not, to conclude that those who were partners were indeed more loyal to the

360 Plut. *Tib. Gracch.* 9: 'and though they are styled masters of the world, they have not a single clod of earth that is their own'; Sall. *Ep*. 2.5.5: 'Thus gradually the people, which used to be the master and exercise authority over all nations, became degenerate, and in place of a sovereignty shared in common, each man brought into being his own personal slavery.'

361 App. *B. Civ.* 1.11: 'was it not just to distribute in common what was owned in common? Was a citizen not in all cases more lawfully born than a slave? Was a man who served in the army not more useful than one who did not? Was it not the man who participated in public affairs who was more devoted to the public interest?'

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common interest – as opposed to those who were only subjects, we are to assume. Through these sharp questions, Tiberius – at least Appian's version of him – brings together the concepts of justice, citizenship, the worth of military service and the loyalty reaffirmed by being a partner of the common interest, to put forward the idea of redistribution of what was owned by all.[362] A similar argument is recorded by Plutarch, who has Tiberius comparing the wild beast from Italy to 'the men who fight and die for Italy enjoy the common air and light, indeed, but nothing else' (Plut. *Tib*. *Gracch*. 9: τοῖς δὲ ὑπὲρ τῆς Ἰταλίας μαχομένοις καὶ ἀποθνήσκουσιν ἀέρος καὶ φωτός, ἄλλου δὲ οὐδενὸς μέτεστιν), and 'though they are styled masters of the world, they have not a single clod of earth that is their own.' (*Tib*. *Gracch*. 9: κύριοι τῆς οἰκουμένης εἶναι λεγόμενοι, μίαν δὲ βῶλον ἰδίαν οὐκ ἔχοντες).

Thus, it is clear that taking arms in the name of the *populus Romanus* was one of the reasons given by the *popularis* to argue for the justice inherent in their proposals of redistribution among the multitude; they died and bled conquering an empire and now were being deprived of reaping the benefits, and that disconnect between their key role in defending Rome and their rewards was unfair. There is a clear symmetry between this argument and the one Appian preserves as provided by the *socii* themselves when arguing for their inclusion into the Roman *civitas*, as we have seen when reviewing the *cupiditas* (App. *B Civ.* 1.39: ὅτι πάντα Ῥωμαίοις ἐς τὴν ἀρχὴν συνεργασάμενοι οὐκ ἀξιοῦνται τῆς τῶν βεβοηθημένων πολιτείας).[363] This fact by itself does not *automatically* mean that *popularis* politicians were also using these same *argumenta* in both cases. It is true that ideologies can deal with a certain degree of internal inconsistency, and what applies to the in-group could not be considered applicable to the out-group; yet this sameness is certainly relevant, suggesting there was a commonality in ideological terms between those a priori separate positions. As the staunchly anti-rebel orator preserved in the *Rhetorica ad Herennium* demonstrates, even when the aim was to condemn the *socii* rather than to advocate for their enfranchisement, the fact that they had fought to preserve 'our empire' was nonetheless employed as rhetorical fuel in political argumentation (*Rhet. Her.* 4.13; *Quibuscum bellum gerimus, iudices, videtis – cum sociis qui pro nobis pugnare et imperium nostrum nobiscum simul virtute et industria conservare soliti sunt.*).[364] In fact, this is an argument we do know the Romans themselves used at a later date to argue in favour of granting citizenship to the *socii*, as Veleius Paterculus himself points out:

> *Quorum ut fortuna atrox, ita causa fuit iustissima: petebant enim eam civitatem, cuius imperium armis tuebantur: per omnis annos atque omnia bella duplici numero se militum equitumque fungi neque in eius civitatis ius*

362 Gabba, 1967, 31 nº 44.

363 App. *B Civ.* 1.39: 'although they had worked together in every way with the Romans in building their empire, they were not thought worthy of sharing the citizenship of those they had helped.'

364 *Rhet. Her.* 4.13: 'Men of the jury, you see against whom we are waging war – against allies who have been wont to fight in our defence, and together with us to preserve our empire by their valour and zeal.

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> *recipi, quae per eos in id ipsum pervenisset fastigium, per quod homines eiusdem et gentis et sanguinis ut externos alienosque fastidire posset* (Vell. Pat. 2.15)[365]

Of course, Velleius is writing in the 1st century AD, and one could question if his reasoning is more indebted to a society which, as a result of their background, assumed the values of the *socii* as their own or to the political arguments employed by an outdated political ideology.[366] In any case, this symmetry does not appear in a vacuum, but at the same moment the Gracchi and their allies started talking about this issue and proposing actual policies to address it. The very language used by Appian's Tiberius when defending redistribution seems to hint at the Italic question following this line of reasoning – or at least accommodate it. As we have seen, the tribune praised the 'fine warriors' (εὐπολεμωτάτου) of the 'Italic people' (Ἰταλικοῦ γένους) when justifying the distribution implied by *lex agraria.* Later, on another occasion, he wondered *in contione* about the value of a citizen in contrast to that of slave (App. *B Civ*. 1.11: καὶ εἰ γνησιώτερος αἰεὶ θεράποντος ὁ πολίτη), about those who served in the army opposed to those that did not (App. *B Civ.* 1.11: καὶ χρησιμώτερος ὁ στρατιώτης ἀπολέμου), and about the loyalty of a partner in the common interest (App. *B Civ*. 1.11: καὶ τοῖς δημοσίοις εὐνούστερος ὁ κοινωνός.) This partner, this κοινωνός, is the very same term Appian uses to express what the Italics wanted to be and what the Senate denied them (App. *B Civ*. 1.34: οὔτε γὰρ ἠξίουν ἐν ὑπηκόων ἀντὶ κοινωνῶν εἶναι μέρει οὔτε Φλάκκον καὶ Γράκχον ὑπὲρ αὐτῶν πολιτεύοντας τοιάδε παθεῖν).[367]

I think it is probable that this set of arguments preserved by our sources reflects a coherent line of reasoning that was applied to articulate and justify different proposals regarding two discrete situations that nonetheless had a political threat in common: a strongly partisan decontestation of who formed the *populus*, what they were entitled to and why. This sameness reinforced a meaning of the *populus* as the rightful and just beneficiary of the empire; one strongly shaped by the criterium that those who fought for the dominant position of being masters of the world ought to benefit from this position of dominance. It seems that according to *popularis* rhetoric, this fact was applicable both for the multitude that was levied via *dilectus* to fight under the legions banners, but also for those mobilized *ex formula togatorum*.[368]

365 Vell. Pat. 2.15: 'Their situation was frightful but their cause very just, since they were attacking the very citizen body whose empire they were protecting by arms: in every year and every war, they said, they were supplying double the number of soldiers and cavalry yet were not admitted to the rights of a community which, thanks to them, had reached the very height from which it could slight persons of the same family and blood as if they were foreigners and aliens. The war carried off more than three hundred thousand of the Italian youth.'

366 Dart, 2014, 29-30.

367 App. *B Civ.* 1.34: 'For they did not think it right that they be classed as subjects rather than partners, or that Flaccus and Gracchus should have suffered such a fate while pursuing policies on behalf of the Italians.'.

368 The influence of Stoic philosophy on the Gracchi's policy proposal has been a controversial topic that falls beyond the scope of this study. Great emphasis has been put around the conflicting approach to the question of private property between different strands of Stoic philosophers and how it interfaced with Roman discussions around agrarian reform. Indeed, there is a suggestive correlation between the position that considered the bonds of human equality could trump

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4.2.2 Democracy

Turning now to the next argument, I have stated that the particular conception of *populus* defended by the Gracchi and their allies was also consistent with another ideological argument for enfranchisement: defending the *libertas* through an empowering of the *populus,* which in turn pushed the community towards a more democratic direction. Our Greek sources are adamant in presenting the Gracchi as actively engaged in an effort to curtail the power of the of the aristocracy, in the form of the Senate and the aristocrats, threatening to impose a democratic *politeia*. A fragment of Diodorus Siculus accuses G. Gracchus of 'having delivered public harangues on the subject of abolishing aristocratic rule and establishing democracy' (Ὅτι ὁ Γράκχος δημηγορήσας περὶ τοῦ καταλῦσαι ἀριστοκρατίαν, δημοκρατίαν δὲ συστῆσαι) and frames the jury reform as a scheme to allow the worst part of the *politeia* to gain power over their betters, meaning the Senators (τὸ χεῖρον τῆς πολιτείας τοῦ κρείττονος κύριον ἐποίησε):

> Ὅτι ὁ Γράκχος δημηγορήσας περὶ τοῦ καταλῦσαι ἀριστοκρατίαν, δημοκρατίαν δὲ συστῆσαι, καὶ ἐφικόμενος τῆς ἁπάντων εὐχρηστίας τῶν μερῶν, οὐκέτι συναγωνιστὰς ἀλλὰ καθάπερ αὐθέντας εἶχε τούτους ὑπὲρ τῆς ἰδίας τόλμης. δεδεκασμένος γὰρ ἕκαστος ταῖς ἰδίαις ἐλπίσιν ὡς ὑπὲρ ἰδίων ἀγαθῶν τῶν εἰσφερομένων νόμων ἕτοιμος ἦν πάντα κίνδυνον ὑπομένειν. τῶν μὲν γὰρ συγκλητικῶν τὸ δικάζειν ἀφελόμενος καὶ ἀποδείξας τοὺς ἱππεῖς κριτάς, τὸ χεῖρον τῆς πολιτείας τοῦ κρείττονος κύριον ἐποίησε, καὶ τὴν προϋπάρχουσαν τῷ συνεδρίῳ πρὸς τοὺς ἱππεῖς σύμπνοιαν διαστήσας βαρὺν τὸν ὄχλον κατ' ἀμφοτέρων κατεσκεύασε (Diod. Sic. 34-35.25)[369]

private property and the Gracchi, as Tiberius' mentor, Blossius of Cumas, belonged to a lineage of philosophers (alongside Sphaerus and Antipater of Tarsus) that prioritized what was morally right – *aequum* – over what was legally required – *iustum* –, a distinction that allowed them to justify impinging on private property when *aequitas* demanded it – coincidentally, *aequitas* appears to be one of the principles behind the Gracchan reforms (Flor. 2.1.13: *species aequitas*). Opposite this philosophical position, there was more legalistic approach – followed by Diogenes of Babylon and Panecius and Crisipus–, who tended to conflate *iustitia* and *aequitas*, therefore, recognising the importance human equality but denying it was ground for impinging on the aforementioned right. For a robust defence of this correlation as an indication of real philosophical influence in Roman politics, Erskine, 2011, 150-189 (original, 1990). I find another correlation equally suggestive: *arguendo* the connection between this strand of Stoicism and Gracchi's political reforms is a real one, it is plausible to see the push for *anaplerosis* devised first by Agis IV and later by Cleomenes III as an indication of a more generous disposition for enfranchisement by this faction of the Stoa; a predilection that might hint at a certain philosophical inspiration for similar *popularis* policies in favour of extending the *ciuitas*. In any case, suggestive as it may be, it is not the objective of this study to reify the philosophical bearings of certain politicians nor to establish a philosophical genealogy for their proposals. In the end, for our intent and purposes, the relations between political discourse and political practice that conform ideology care little for the archaeological origins of certain ideas.

369 Diod. Sic. 34-35.25: '. Gracchus, having delivered public harangues on the subject of abolishing aristocratic rule and establishing democracy, and having won credit with all classes, had in these men no longer mere supporters but rather sponsors of his own daring plans. Each man, in fact, bribed by hope of private gains, was ready to face any risk on behalf of the proposed laws, quite as though they were a personal interest. By taking away from the senators the right to serve in the courts and designating the knights as jurors, he made the inferior element in the state supreme over their betters; by disrupting the existing harmony of senate and knights, he rendered the common people hostile towards both'

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In the same vein, Plutarch preserves a profoundly theatrical action regarding the polling process that led to the approval of Gaius' *lex iudiciaria*, when the tribune physically turned his back to the Senate building to address his perorations and attention to the Forum. Plutarch reflects on the symbolism of this action, arguing that with this small modification Gracchus enacted a great revolution, as he somehow was abandoning an aristocratic constitution and ushering in a democracy, figuratively showing how the orators ought to look to the people instead of the Senate:[370]

> τοῦτον τὸν νόμον εἰσφέρων τά τε ἄλλα λέγεται σπουδάσαι διαφερόντως, καὶ τῶν πρὸ αὐτοῦ πάντων δημαγωγῶν πρὸς τὴν σύγκλητον ἀφορώντων καὶ τὸ καλούμενον κομίτιον, πρῶτος τότε στραφεὶς ἔξω πρὸς τὴν ἀγορὰν δημηγορῆσαι, καὶ τὸ λοιπὸν οὕτω ποιεῖν ἐξ ἐκείνου, μικρᾷ παρεγκλίσει καὶ μεταθέσει σχήματος μέγα πρᾶγμα κινήσας καὶ μετενεγκὼν τρόπον τινὰ τὴν πολιτείαν ἐκ τῆς ἀριστοκρατίας εἰς τὴν δημοκρατίαν, ὡς τῶν πολλῶν δέον, οὐ τῆς βουλῆς, στοχάζεσθαι τοὺς λέγοντας. (Plut. *G. Gracch.* 5.4) [371]

The term 'democracy' is brought to the front of both of these reflections as applicable to the Gracchi's proposals, even though according to an important historiographical tradition it is a polemical one.[372] It is true that their proposals were not trying to impose a radical democratic regime equivalent to that of 5th century Athens or even the more moderate Achaian League, as they were simply not changing enough of the political system nor the underlying social structures. Certainly, this is not the place to re-litigate the whole debate around Roman democracy. If political concepts are by their very nature essentially contestable, few have a more disputed history than democracy – especially as the symbolic value it gained during the 20th century appears to weigh down its past iterations, charging any discussion around them with an extra level of tension. It is almost as if every time we used the term – or any of its cognates – we were simultaneously transferring a certain level of credibility to that society while also reflecting on the state of ours. If we accept *that* as a democracy, what does it say about our standards for what this regime ought to be? This is especially relevant when one ventures outside those regimes traditionally considered to be democratic, like in the case of the Roman republic, a polity whose political history is reductively thought to be that of her leading class.[373] In these cases, the role of the people is heavily scrutinized to determine if it

370 Cf. Botteri, Raskolnikoff, 1983, 59-101, esp. 100-101, analyse the Greek authors writing about δημοκρατία regarding the Gracchi to strongly minimise the democratic intentions, who only wanted to ever so slightly redistribute power inside the framework of an aristocratic republic, thus, portraying the claims of democracy as part of the rhetorical reaction concocted by the *optimates*.

371 Plut. *G. Gracch.* 5.4: 'In his efforts to carry this law Caius is said to have shown remarkable earnestness in many ways, and especially in this, that whereas all popular orators before him had turned their faces towards the senate and that part of the forum called the 'comitium,' he now set a new example by turning towards the other part of the forum as he harangued the people, and continued to do this from that time on, thus by a slight deviation and change of attitude stirring up a great question, arid to a certain extent changing the constitution from an aristocratic to a democratic form; for his implication was that speakers ought to address themselves to the people, and not to the senate.'

372 As Hölkeskamp's review of Millar's *The Crowd in Rome in the Late Republic* shows, Hölkeskamp, 2000, 203-223.

373 Syme, 1939, 7; however, this has been so since the beginning of the 20th century, as Millar, 2002, demonstrated that Republican Rome was regarded as a democratic regime by political theorists from the sixteenth century up to Gelzer's

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merits, both under classic and modern criteria, the name of 'democracy'. These pages do not try to make an assessment of the constitutional nature of the Roman polity; the argument here goes along another line of reasoning. Specifically, the questions addressed are the following: were *popularis* politicians consciously challenging the political status quo in way that was recognised at the time – that is, according to criteria relevant to the Romans themselves – as aligned with a more democratic understanding of the *res publica*; and if so, how did the issue of enfranchisement fit – if at all – in this ideological framework?[374]

To clarify what the Romans thought as the main traits which characterize democracy it is enlightening to take into account Cicero's definition of what he tellingly calls a *civitas popularis,* a name he recognises was already being used by other people to define this regime (*Rep*. 1.42: *sic enim appellant*). Engaging with a line of political thought that goes back to Herodotus' famous passage where three Persian nobles argue about the best form of government (Hdt. 3.80-82), Cicero presents three pure regimes according to who wields power in the *res publica*, as in every *civitas* someone ought to command, if the community is to survive: *omnis res publica, quae, ut dixi, populi res est, consilio quodam regenda est, ut diuturna sit* (Cic. *Rep*. 1.41). As was traditional, this 'someone' could be just the one, the few or the many (Cic. *Rep*. 1.42: *Deinde aut uni tribuendum est aut delectis quibusdam aut suscipiendum est multitudini atque omnibus*).[375] Then, for the orator, the defining trait of a *civitas popularis* is that the power to decide over the *res publica* lies on the people; or as Schmitt would have put it, they have sovereignty, 'decisionary' power (Cic. *Rep*. 1.42: *Illa autem est civitas popularis sic* [*enim appellant*]*, in qua in populo sunt omnia*; *Rep*. 3.45; *cum per populum agi dicuntur et esse in populi potestate omnia*).[376]

For Cicero, this regime in its purest form is characterized by the absence of differences among its citizens based on dignity, establishing a kind of equality he finds unjust, and by the omnipotence of the people's assemblies, which had universal jurisdiction to legislate and regulate every aspect of the political life (Cic. *Rep*. 1.43: *et cum omnia per populum geruntur*

Die Nobilität der römischen Republik (1912).

374 The most radical defence of conceiving Rome as a democracy still remains Millar, 1998; for an argument of the Roman regime of the Late Republic evolving towards something akin to a moderate democracy under the parameters of ancient political thought, López Barja, 2007a, 74-98; in turn, Pina-Polo, 2019, 379-397, considers *popularis* ideology in general – and the Gracchi in particular – as possessing a real desire to involve the people more in the decision making processes of the *res publica*, yet he explicitly rejects the term democracy; Ferrary,1982, 759-761, for his part, deems fair to characterise the Gracchi's activities as something of a democratisation of political life (759, '*democratizzazione della vita politica*'). In any case, I find surprising how easily dismissed is the term δημοκρατία – and its cognates – when employed by Greek authors writing under the empire, as if these writers did not understand the implications of the word, its etymology and semantics, or its role as a category in classical thought, and thus, precluding any kind of descriptive value regarding the role of the people in the exercise of political power in the regime they were describing.

375 Cic. *Rep*. 1.42: 'In the second place, this function must either be granted to one man, or to certain selected citizens, or must be assumed by the whole body of citizens.'

376 Cic. *Rep*. 1.42: 'But a popular government (for so it is called) exists when all the power is in the hands of the people'; Cic. *Rep*. 3.45: 'For when everything is said to be administered by the people, and to be in the people's power'; see also, Schmitt, 2005, 5, for his famous dictum 'sovereign is he who decides over the exception'; Schmitt's, 2005, 12-3, on the power to make a decision unbound by law.

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quamvis iustum atque moderatum, tamen ipsa aequabilitas est iniqua, cum habet nullos gradus dignitatis).[377] This contrasts with the powerless position of the multitude in both other regimes, the *regnum* and the *optimatium*, where they are deprived of the power to decide, politically and juridically, over the common good since they hardly partook in *libertas* (Cic. *Rep*. 1.43*: Sed et in regnis nimis expertes sunt communis iuris et consilii, et in optimatium dominatu vix particeps libertatis potest esse multitudo, cum omni consilio communi ac potestate careat*).[378] In fact, when making the case for a democracy – as a rhetorical exercise –, Scipio makes clear that it has been argued that *potestas populi* (indeed, *summa potestas populi*) and *libertas* go hand in hand, as the first guarantees the second to such a degree that only in this regime can *libertas* find its true home (Cic. *Rep*. 1.47: *Itaque nulla alia in civitate, nisi in qua populi potestas summa est, ullum domicilium libertas habet*).[379] Moreover, for Cicero, every constitutional arrangement has a guiding principle that serves as the core value of the regime. For the *regnum*, it is *caritas*, for the *optimates*, it is either *virtus* or a more civil (and to the orator, preferable) version of it, *consilium*, and finally, for the so-called *civitas popularis,* this foundational principle is *libertas*. The same way kings attract by their *caritas* and aristocracies by their *consilium*, popular governments attract by their freedom (Cic. *Rep*. 1.55: *Ita caritate nos capiunt reges, consilio optimates, libertate populi*).[380]

Thus, in the *De republica* Cicero presents us with a set of democratic arguments – not specifically favoured by himself yet present in the political discourse – where the power to decide over the *res publica*, expressed as both *potestas* and *consilium commune*, is linked and even dependent on the *libertas* of the people, specifically on its right to participate in this principle. Therefore, when living under this regime's purest form the people proclaim that 'they are willing to obey neither one nor a few, that nothing is sweeter than liberty even to wild beasts, and that all who are slaves, whether to a king or to an aristocracy, are deprived of liberty' (Cic. *Rep*. 1.55: *Ecce autem maxima voce clamat populus neque se uni neque paucis velle parere; libertate ne feris quidem quicquam esse dulcius; hac omnes carere, sive regi sive optimatibus serviant*).[381]

Consequently, it can be argued that at its purest form a Roman conception of democracy (at least, as presented by Cicero) rested upon two pillars: equality among the citizenry and a *populus* that was both the main subject of *libertas* and the main see of power, ideally 'decisionary' and juridical. As tribunes, both Gracchi brothers clearly acted politically *per*

377 Cic. *Rep*. 1.43: 'And when all the power is in the people's hands, even though they exercise it with justice and moderation, yet the resulting equality itself is inequitable, since it allows no distinctions in rank.'

378 Cic. *Rep*. 1.43: 'But in kingships the subjects have too small a share in the administration of justice and in deliberation; and in aristocracies the masses can hardly have their share of liberty, since they are entirely excluded from deliberation for the common weal and from power.'

379 Cic. *Rep*. 1.47: 'Hence liberty has no dwelling-place in any State except that in which the people's power is the greatest.'

380 Cic. *Rep*. 1.55: 'Thus kings attract us by our affection for them, aristocracies by their wisdom, and popular governments by their freedom.'

381 Cic. *Rep*. 1.55: 'And here also are the people, shouting with a loud voice that they are willing to obey neither one nor a few, that nothing is sweeter than liberty even to wild beasts, and that all who are slaves, whether to a king or to an aristocracy, are deprived of liberty.'

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populum, substituting the Senate for the assemblies as the main entities where deliberations took place – *in contione* – and decisions were made – *in comitia* –, with the people enacting their political will over areas traditionally monopolised by the Senate. The same can be said for Fulvius Flaccus, even when he was consul. It was Millar's argument that Rome's democratic fulcrum was that the people had a monopoly on the legislative power which they, in fact, exercised in a direct manner, free from the intermediation of representatives.[382] Thereupon, it can even be claimed that autonomous legislative activity submitted to the *populus* (*agere cum populo)* was, by its very nature, engaging in a democratic push. Cicero is very clear that in the aristocratic Republic that predated the creation of the tribuneship barely anything was decided *per populum*, while most things where administered by the authority of the Senate (Cic. *Rep*. 2.56: *ut in populo libero pauca per populum, pleraque senatus auctoritate et instituto ac more gererentur*);[383] something he contrasts with Athens, where 'they succeeded in carrying on all their public business by the resolutions and decrees of the people' (Cic. *Rep*. 1.43: *nihil nisi populi scitis ac decretis agebant*).

On the contrary, *optimates* systematically tried to reinforce the role of the Senate as the one institution deciding over the *res publica* and the common good at the expense of the people, for they were much more reluctant to bring political issues to the assemblies, and even when they did, the *rogatio* was carefully authorised by a favourable *senatus consultum*, grounding the whole initiative on the *auctoritas* of the Senate. This logic taken to its extreme is the reason behind Sulla's prohibition to present *rogationes* to the people without the backing of a favourable *senatus consultum*, limiting their legislative power and temporarily ending their capacity for autonomous political action. For Cicero, the more safeguards imposed on the autonomy of the *populus*, the better, as they could be weaponised to block any inconvenient initiatives. This was the justification for a plethora of religious technicalities that must precede any legislative measure emanating from the assemblies (Cic. *Leg*. 2.22; *Leg* 2.31); and this is also why he approved of the tribunes having the power of *intercessio*, as it proved very effective in killing the majority of proposals that threatened the status quo (Cic. *Leg*. 3.42).[384]

This discrepancy over the role of the *populus* as a legitimate entity to decide over the common good came to a head when Tiberius Gracchus' proposal for agrarian redistribution was vetoed by Octavian, despite having a strong popular support. A few years before (137), a similar case of a tense political impasse over a *popularis* bill (the future *lex Cassia tabellaria*) vetoed by a tribune, was solved by the timely intervention of Scipius Aemilianus, who convinced the offending politician to withdraw his *intercessio* and allowed the tribes to move

382 Millar, 1998, 210.

383 Cic. *Rep*. 2.56; 'though the people were free, few political acts were performed by them, practically everything being done by the authority of the senate and in accordance with its established customs.'

384 López Barja, 2007a, 268-270, on Cicero's appreciation of religious technicalities and the *intercessio* as tools to block inconvenient political initiatives.

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ahead and vote. However, a similar solution was not achieved with the *lex Sempronia agraria*, and Tiberius resorted to a political process that, although having precedent, was considered shocking, as it imposed the will of the people over all other considerations. That is, he threatened to dismiss Octavius *per populum* from his position as a tribune. In other words, unless he withdrew his veto, Tiberius would propose to the assemblies a law to abrogate his powers as an official. Octavius did not back down and neither did Gracchus, who carried the motion with the unanimous approval from the 35 tribes, depriving his rival of his mandate by command of the people (App. *B Civ.* 1.12; Plut. *Ti. Gracch*. 12).[385] Tiberius subordinated the right of any politician to remain as a tribune to their effective service to further the interests and power of the people – thus, with a simple corollary, if he were to diminish their power, he would lose his position and thus the absolute protection offered by the *sacrosanctitas* of this office:

> ἔφη γὰρ ἱερὸν τὸν δήμαρχον εἶναι καὶ ἄσυλον, ὅτι τῷ δήμῳ καθωσίωται καὶ τοῦ δήμου προέστηκεν. ἂν οὖν μεταβαλόμενος τὸν δῆμον ἀδικῇ καὶ τὴν ἰσχὺν κολούῃ καὶ παραιρῆται τὴν ψῆφον, αὐτὸς ἑαυτὸν ἀπεστέρηκε τῆς τιμῆς ἐφ᾽ οἷς ἔλαβεν οὐ ποιῶν ἐπεὶ καὶ τὸ Καπετώλιον κατασκάπτοντα καὶ τὸ νεώριον ἐμπιπράντα δήμαρχον ἐὰν δεήσει, καὶ ταῦτα μὲν ποιῶν δήμαρχός ἐστι πονηρός: ἐὰν δὲ καταλύῃ τὸν δῆμον, οὐ δήμαρχός ἐστι. πῶς οὖν οὐ δεινόν εἰ τὸν μὲν ὕπατον ὁ δήμαρχός ἄξει, τὸν δὲ δήμαρχον οὐκ ἀφαιρήσεται τὴν ἐξουσίαν ὁ δῆμος ὅταν αὐτῇ κατὰ τοῦ δεδωκότος χρῆται; καὶ γὰρ ὕπατον καὶ δήμαρχον ὁμοίως ὁ δῆμος αἱρεῖται. (Plut. *Ti. Gracch*. 15)[386]

We can see a clear connection between the people – decontested in a very partisan way, as an ideologically and politically conscious entity – and their power – as the ability to effectively decide over the common good – as a political argument that aligns neatly to specific characteristics Cicero outlined as central to a *civitas popularis*. Which brings us back to the main principle that characterised this kind of regime: *libertas.* The relationship between this political value – central to the Roman conception of democracy – and the *populus* is one that Sallust, as historian, also elaborates upon in many passages of his oeuvre, as will be discussed in the next chapter. Nevertheless, as explored in Chapter 2, it is in the second *Epistula ad Caesarem* that he makes an explicit connection between the strength of the *populus*, its *libertas*, and a systematic policy of enfranchisement:

> *In duas partes ego civitatem divisam arbitror, sicut a maioribus accepi, in patres et plebem. Antea in patribus summa auctoritas erat, vis multo maxuma*

385 Regarding Octavius' destitution, Badian, 1972, 668-731: 700-706; Ferrary, 1982, 757; Flaig, 2017, 399-408: 406; Gabrielli, 2022, 20, 80-83; Lacorte, 2025b, 97-108.

386 Plut. *Ti. Gracch*. 15: 'A tribune, he said, was sacred and inviolable, because he was consecrated to the people and was a champion of the people. "If, then," said Tiberius, "he should change about, wrong the people, maim its power, and rob it of the privilege of voting, he has by his own acts deprived himself of his honourable office by not fulfilling the conditions on which he received it; for otherwise there would be no interference with a tribune even though he should try to demolish the Capitol or set fire to the naval arsenal. If a tribune does these things, he is a bad tribune; but if he annuls the power of the people, he is no tribune at all. Is it not, then, a monstrous thing that a tribune should have power to hale a consul to prison, while the people cannot deprive a tribune of his power when he employs it against the very ones who bestowed it? For consul and tribune alike are elected by the people."'

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> *in plebe. Itaque saepius in civitate secessio fuit semperque nobilitati opes deminutae sunt et ius populi amplificatum. Sed plebs eo libere agitabat, quia nullius potentia super leges erat neque divitiis aut superbia sed bona fama factisque fortibus nobilis ignobilem anteibat; humillimus quisque in arvis aut in militia nullius honestae rei egens satis sibi satisque patriae erat. Sed ubi eos paulatim expulsos agris inertia atque inopia incertas domos habere subegit, coepere alienas opes petere, libertatem suam cum re publica venalem habere. Ita paulatim populus, qui dominus erat, cunctis gentibus imperitabat, dilapsus est et pro communi imperio privatim sibi quisque servitutem peperit. Haec igitur multitudo primum malis moribus imbuta, deinde in artis vitasque varias dispalata, nullo modo inter se congruens, parum mihi quidem idonea videtur ad capessendam rem publicam. Ceterum additis novis civibus magna me spes tenet fore ut omnes expergiscantur ad libertatem; quippe cum illis libertatis retinendae, tum his servitutis amittendae cura orietur. Hos ego censeo permixtos cum veteribus novos in coloniis constituas; ita et res militaris opulentior erit et plebs bonis negotiis impedita malum publicum facere desinet.* (Sall. *Ep*. 2.5)[387]

The political argument is as follows: the aristocracy derived their power from their *auctoritas*, while the people's power was in their numbers (*vis multo maxuma in plebe*). This idea that strength and political power – legitimate or not – lay in numbers is something that underlies many classical writings. Its more obvious and successful examples were, as the text recognised, the secessions of the plebs (*Itaque saepius in civitate secessio fuit semperque nobilitati opes deminutae sunt et ius populi amplificatum*), yet its more dangerous manifestations are present in the many descriptions of the fickle mob trying to influence politics by physically pressuring both officials and the proceedings. It is revealing that the term used in this passage, *vis*, means both strength and violence, as the idea that the *multitudo* could turn violent and try to achieve its means by illegitimate (?) force was something of *locus communis* for those reflecting upon the Roman *res publica*, to the point of becoming a

387 Sall. *Ep*. 2.5: 'I am of the opinion, as I have learned from our forefathers, that our body of citizens was split into two divisions, patricians and plebeians. Previously, supreme authority resided in the hands of the patricians, while by far the greatest might resided in the commons. Therefore secessions occurred within the community rather frequently, and the power of the nobles was constantly diminished, and the right of the people was increased. But the reason why the commons lived in freedom was because no one's personal power was above the laws, and because the nobleman surpassed the commoner not in riches or haughtiness but in good repute and valiant deeds; the humblest citizen, lacking nothing that was honorable on his farm or on military campaign, satisfied his own needs and satisfied those of his native land. When, however, idleness and poverty forced the commons, who had gradually been driven from their lands, to possess no fixed abodes, they began to go after other persons' property and to regard their own liberty and their nation as objects for sale. Thus gradually the people, which used to be the master and exercise authority over all nations, became degenerate, and in place of a sovereignty shared in common, each man brought into being his own personal slavery. Therefore, this throng first having been tainted with evil habits, next having strayed into varied practices and modes of life—not at all sharing the same views—seems to me quite unfitted to govern. But if new citizens are added to their number, I have high hope that all will be stirred to a sense of freedom; for in the new citizens will arise zeal for retaining their liberty, in the others, zeal for shedding their slavery. I therefore advise you to settle these new citizens, along with the old, in colonies; in this way both our military resources will be the stronger, and the commons, being occupied with worthy tasks, will cease to work public mischief.'

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framing device for understanding their past and present.[388] This idea of strength through numbers is also present in Aristotle, with the added caveat that he links it to the establishment of a specific kind of *radical* democracy.

> πρὸς δὲ τὸ καθιστάναι ταύτην τὴν δημοκρατίαν καὶ τὸν δῆμον ποιεῖν ἰσχυρὸν εἰώθασιν οἱ προεστῶτες προσλαμβάνειν ὡς πλείστους καὶ ποιεῖν πολίτας μὴ μόνον τοὺς γνησίους ἀλλὰ καὶ τοὺς νόθους καὶ τοὺς ἐξ ὁποτερουοῦν πολίτου, λέγω δὲ οἷον πατρὸς ἢ μητρός: ἅπαν γὰρ οἰκεῖον τοῦτο τῷ τοιούτῳ δήμῳ μᾶλλον. εἰώθασι μὲν οὖν οἱ δημαγωγοὶ κατασκευάζειν οὕτω, δεῖ μέντοι προσλαμβάνειν μέχρι ἂν ὑπερτείνῃ τὸ πλῆθος τῶν γνωρίμων καὶ τῶν μέσων, καὶ τούτου μὴ πέρα προβαίνειν: ὑπερβάλλοντες γὰρ ἀτακτοτέραν τε ποιοῦσι τὴν πολιτείαν, καὶ τοὺς γνωρίμους πρὸς τὸ χαλεπῶς ὑπομένειν τὴν δημοκρατίαν παροξύνουσι μᾶλλον, ὅπερ συνέβη τῆς στάσεως αἴτιον γενέσθαι περὶ Κυρήνην: ὀλίγον μὲν γὰρ πονηρὸν παρορᾶται, πολὺ δὲ γινόμενον ἐν ὀφθαλμοῖς μᾶλλόν ἐστιν. (Arist. *Pol*. 6.1319b)[389]

In fact, in an earlier instance, when pondering about what being a citizen meant as a function of politics, Aristotle reflected about mass enfranchisement in the face of a democratic revolution, such as when 'mass citizenship was granted at Athens by Cleisthenes after the expulsion of the tyrants, when he enrolled in his tribes many resident aliens who had been foreigners or slaves.' (Arist. *Pol*. 3.1275b: ἀλλ᾽ ἴσως ἐκεῖνο μᾶλλον ἔχει ἀπορίαν, ὅσοι μετέσχον μεταβολῆς γενομένης πολιτείας, οἷον Ἀθήνησιν ἐποίησε Κλεισθένης μετὰ τὴν τῶν τυράννων ἐκβολήν: πολλοὺς γὰρ ἐφυλέτευσε ξένους καὶ δούλους μετοίκους.). It is true that Sallust's proposal does not pursue radical democracy, as he readily concedes that in an *ideal* situation 'the commons obey the senate (as the body does the mind) and carry out its decrees, it is proper for the senators to prevail in counsel' (Sall. *Ep*. 2.10.6: *plebs senatui sicuti corpus animo oboedit eiusque consulta exsequitur*). Yet this acceptance of certain hierarchies – provided those on top are actually worth their salt – must not blind us to the fact that he nevertheless ties the almost violent strength of people, the *vis*, to its numbers, and deems it central to an autonomous political power exercised against the *patres* – through the secessions – in order to preserve *libertas*. It is precisely this autonomous political power that he considers waning in recent times due to social and moral factors, resulting in a weakened *populus* that, despite governing over other polities as a *dominus,* was itself a slave.[390] Thus,

388 This is precisely the idea that underlies the whole argument of Gabrielli, 2022.

389 Arist. *Pol*. 6.1319b: 'With a view to setting up this kind of democracy and making the people powerful their leaders usually acquire as many supporters as possible and admit to citizenship not only the legitimate children of citizens but also the base-born and those of citizen-birth on one side, I mean those whose father or mother is a citizen; for all this element is specially congenial to a to democracy of this sort. Popular leaders therefore regularly introduce such institutions; they ought however only to go on adding citizens up to the point where the multitude outnumbers the notables and the middle class and not to go beyond that point; for if they exceed it they make the government more disorderly, and also provoke the notables further in the direction of being reluctant to endure the democracy, which actually took place and caused the revolution at Cyrene; for a small base element is overlooked, but when it grows numerous it is more in evidence.'

390 As we have seen when discussing the justice of redistribution, Sallust is very deliberately trying to highlight the injustice of the *populus* being subjugated by a *factio paucorum* by contrasting the different meanings of this concept, both as a community who enjoyed a position of power and as a political entity mainly composed of the disempowered plebs.

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what Sallust proposes to reverse this situation is to enrol new citizens, enlarging the *ciuitas,* reinvigorating the people morally, and giving them the strength to pursue their *libertas* and throw of their servitude (Sall. *Ep*, 2.5). Thus, a political argument follows from core to perimeter, from a partisan conception of the *populus* – with Sallust deliberately using the more socially poignant term *plebs* as a synonym for the *populus* – to the enfranchisement of *novi cives* as a way to decontest and give meaning to one of the core principles of Roman political thought, that of *libertas*.

To sum up, during the original articulation of *popularis* ideology, two interlocking phenomena can be observed in relation to citizenship. On the one hand, when examining its perimeter – where political praxis operates – we find a clear recurrence in the policy proposals emanating from the *popularis* camp, accompanied by a consistent pattern of response from their *optimate* counterparts. Taken in isolation, each proposal might be dismissed as a deviation from the norm or as an opportunistic attempt to rally support behind another, more central cause. Yet in aggregate, their consistent iteration reveals a discernible pattern: those politicians credited – by the Romans themselves, no less – with being at the origins of *popularis* ideology were also committed to policies of enfranchisement for the *Latini* and *socii*. Meanwhile, those who violently opposed them, and who stood at the foundations of *optimate* ideology, systematically resisted these same initiatives. On the other hand, when we turn to the core ideological concepts that gave meaning to political action from a *popularis* perspective, we encounter a partisan decontestation of key notions such as *populus* and *libertas*, designed to justify a generous policy of citizenship. From this ideological standpoint, those who toiled and bled to create the power of the *populus Romanus* were deemed worthy of sharing in the benefits of the *civitas* – whether they were the *multitudo* or the *Latini et socii*. Indeed, the more numerous this *plebs* that constituted the ideological centre of the *populus*, the stronger they were in defending the *libertas* that formed the backbone of a *civitas* increasingly characterised as *popularis*.

As a working hypothesis, the sources seem to suggest that the question of mass enfranchisement did not originate at the core of *popularis* ideology. As we have seen, it appears not to have figured prominently either in the policy proposals of Tiberius Gracchus or in the political disputes that preceded his tribunate – debates that revolved instead around the issue of the secret ballot and the gradual implementation of the *leges tabellariae*.[391] Yet the confrontation between those who regarded the Senate as the ultimate seat of political authority and those who claimed this role for the *populus* produced an ideological matrix favourable to

391 The first one of these laws, the *Lex Gabinia,* dates from the year 139, regarding the election of candidates; it was complemented with the *Lex Cassia*, in 137, which dealt with trials; and the *lex Papiria*, actually passed after Gracchus' murder, in 130, extending the secret ballot to the voting of the *rogationes* to see if they passed as laws; for these measures, see López Barja, 2007a, 82-84.

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the idea of mass enfranchisement, even if it did not address it directly. This configuration predisposed the *popularis* camp to sympathise with the plight of the *Latini et socii* to such an extent that, when the issue was thrust to the forefront of political life – through a mixture of circumstance, *ad hoc* alliances, and the *cupiditas civitatis* that so deeply animated the non-Roman peoples of Italy – it was readily embraced. Thus, the question entered *popularis* ideology through its perimeter, no later than the consulship of Fulvius Flaccus, if not earlier, through a series of initiatives that articulated various proposals for enfranchisement – each with its own particularities, yet all animated by a desire to expand the community constituting the core citizenship of the imperial project. Once this occurred, however, *popularis* ideology, by engaging with these policies – through the design of the legal instruments that enacted them, through their justification in political and rhetorical terms *in contione* before the Roman public, and through their defence against those who opposed any substantial enlargement of the citizen body – gradually transformed its own core so as to accommodate this enlarged conception of those deemed worthy of Roman citizenship. As we shall see in the next chapter, this ideological configuration proved to be enduring: once blood began to be shed over it, blurred lines became clear, and previously malleable positions grew entrenched.

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5. SALLUST'S *STASIS*: ARRAYING POLITICAL IDEOLOGIES

In his analysis of the *cupiditas civitatis*, Wulff points out that the Gracchi – more generally, the 'so-called *populares*' – were able to articulate an amalgamation of interests between the *socii* and the masses of Roman *cives* with the aim of pushing 'for a more distributive formulation of imperial exploitation'. For him, this coalition of interests was circumstantial at best and susceptible to sabotage, as the efforts of Fannius to drive a wedge between the people of the city and those lobbying for citizenship by appealing to the former sense of privilege show (Iul. Vict. 6.4 = FRL3 23 F3).[392] In a strict sense, I consider Wulff's position correct: there is nothing deterministic – culturally or politically – neither in the decision of certain Roman politicians to integrate the plight of the subjects from Italy in a broader coalition of interests, nor to conform any ideological project around it. If the history of Athens is proof of anything, is that a more democratic ideology for the in-group of citizens is no guarantee at all for a more inclusive conception of citizenship. In fact, the more democratic features of the Athenian regime developed in parallel to a more restrictive approach to who could be a citizen, with Pericles' law of citizenship as a prime example of this position (Plut. *Per*. 37; [Arist.] *Ath. Pol.* 26.4).[393] In a similar way, the *popularis* ideology that emerged in the last third of the second century BC could have taken a more exclusivist turn while still promoting a more democratic *civitas* for those within the in-group. That tendency was certainly present, as seen in Fannius' warnings to the people and in the many clashes between certain segments of the *plebs urbana* and those seeking citizenship – or even those who had only recently been enfranchised. Yet despite these tensions, this coalition of interests did not collapse. It could have, but it did not. In fact, I would argue that the opposite occurred: an inclusive conception of citizenship became an enduring component of *popularis* ideology. In this section, I turn to Sallust's oeuvre to propose a hypothesis as to why this was the case.

5.1 *FONS ET ORIGO* OF IDEOLOGICAL CONFLICT

One of the main difficulties delving into *popularis* ideology is the frustrating lack of sources produced either by a *popularis* politician or from someone leaning towards this ideological position. It is no secret that most of the narratives preserved are mediated by the perspectives of phylo-aristocratic historians or they were directly produced by an *optimate* politician, as happened with Cicero's writings.[394] The main exceptions to this trend are Sallust and Caesar's respective corpora and arguably, the *Rhetorica ad Herennium*. For his part, Sallust provides us

392 Wulff Alonso, 2021, 80.
393 Lintott, 2009, 510-513.
394 Perelli's analysis of the sources vis-à-vis *popularis* ideology remains a solid one, Perelli, 1982, 25-69.

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with something very valuable; not only an analysis on the origins of the ideological divide articulated from a perspective sympathetic to the *popularis*' ideological principles (if not exactly to their cause), but also one that comes from the inside of this camp.[395] That is, Sallust presents us with a narrative that can be understood as constituting as much memory as history. In fact, it is relevant not as a perfect reconstruction of how this political and ideological schism came to be, but as a critical – yet nonetheless identitarian – reflection by one who had partaken in this ideology and had been closely aligned, at least during his active political years, with one of the *partes* of the political community that ostensibly espoused this ideological family – namely, Caesar's faction. Regardless of the sophisticated Greek frameworks Sallust applied in much of his analysis, and even despite his own proclaimed neutrality (*Hist.* 1.6M = 1.6R), his past implication in the political fray could not be ignored and can certainly be perceived in the way he reflects on political realities both past and present.

It is fair to regard Sallust's reconstruction as an exercise in the intellectualization of the collective memory of the *res publica*; yet this project also involved engaging with the distinctive collective memories – in the plural – of the different political traditions centred on the two main *partes* that constituted the community.[396] It is true that he does not employ the terms *populares* and *optimates* as specific political labels. As we have seen, this, together with the cynicism he attributes to many politicians, led influential scholars such as Gelzer and Syme to dismiss the existence of genuine political ideology at Rome, especially in the case of the *populares*.[397] Nevertheless, Sallust is deeply invested in the division of the political community into distinct *partes* with discrete and often conflicting interests – that is, political entities which served as nuclei of identitarian sentiment and ideology.

5.1.1 *In duas partes ego civitatem divisam arbitror*

In his oeuvre, the *divisio* encapsulated in the well-known formula *senatus populusque Romanus* carries profound symbolic weight, representing a duality of sovereign subjects that constitutes a keystone of Rome's political system, its ideology, and its history: *senatus* and *populus* – or, to use a more ideologically charged pairing, *patres* and *plebs* (Sall. *Ep*. 2.5: *In duas partes ego civitatem divisam arbitror, sicut a maioribus accepi, in patres et plebem*).[398] A

395 For where I situate Sallut's ideological position, Paleo-Paz, 2023a, 259-281; and 2023b, 198-212.

396 Regarding the place of memory and identity in the conflict between *populares* and *optimates*, López Barja, 2014, 33-47: 44-47.

397 Gelzer, 1912, Münzer, 1920, Syme, 1939, followed by Meier, 2017, 116, regarding the *populariter agere* as performance without content to achieve power; more recently, Mouritsen, 2017.

398 Sall. *Ep*. 2.5: 'I am of the opinion, as I have learned from our forefathers, that our body of citizens was split into two divisions, patricians and plebeians.'; even though the division of the *res publica* into two *partes* was fairly standard, by the time Sallust wrote his works (even the *Epistulae*) it was also common to divide the community in three parts, *populus*, *senatus* and *ordo equester* (Plin. *HN*. 33,34); Cicero himself was comfortable with this tripartite division (Cic. *Pis*. 11; *Mil*. 8.20), although he also favoured a model composed of Senate, people and the power of the consuls (Cic.

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common thread of his political thought is undoubtedly the tension between these two entities that perceive themselves as sovereign.[399] Specifically, Sallust's position in this regard in all of his historical works is a variation of the same schema. First, he strongly structures his narratives around different historical figures that use this division as one of the main – if not *the* main – rhetorical devices to galvanize political support. This fact alone explicitly recognizes this duality was a political factor important enough to warrant its inclusion as a central feature of a partisan rhetoric full of references to the *populus* and the *Senate*. In his letter to Marcius Rex, Gaius Manlius expressly refers to the ancient secessions of the plebs, whom 'stirred by a desire to be in control or by the arrogance of the magistrates, have seceded under arms from the patricians.' (Sall. *Cat*. 33.3: *saepe ipsa plebs, aut dominandi studio permota aut superbia magistratuum armata, a patribus secessit)*. The latter term, *patres*, can refer to both patricians and senators, so that Sallust even projects into the past the deep schism between people and Senate that he had witnessed. From the other side of the political spectrum, Philippus warns the Senate of the dangers of restoring the power of the tribunes, origin of all civil unrest (Sall. *Hist*. 1.77.14M = 1.67.14R: *concordiae gratia tribuniciam potestatem restitui, ex qua omnes discordiae adcensae*),[400] while recalling the crimes that Cinna, a character clearly inside the *popularis* tradition, had committed against the senatorial order (Sall. *Hist*. 1.77.19M = 1.67.19R: *ut obliti scelerum Cinnae, quoius in urbem reditu decus ordinis huius interiit*).[401] In fact, this *ordo senatorius* was the very same that Lepidus was betraying (Sall. *Hist*. 1.77.15: *bello concordiam quaeris quo parta disturbatur, nostri proditor, istis infidus, hostis omnium bonorum*!).[402]

Second, the author himself, as a historian and narrator, explicitly describes this *divisio* as an underlying feature of the *res publica*, ascribing to each constituent part certain qualities, both positive and negative. If we focused on the negatives for a moment, just for the sake of establishing that this duality of political entities is very real for Sallust, there is a very clear contrast between the *Bellum Catilinae* and the *Bellum Iugurthinum*. In the *Bellum Catilinae*, he devotes most of his attention to the bad qualities of the people. At this juncture, he is undeniably critical of the Roman *populus* – especially the urban plebs – for its relation to Catiline's *coniuratio*, denouncing how pitiful it was to grant loyalty to the conspirators (Sall.

Rep. 2.56).

399 Paleo-Paz, 2023b, 198-212: 199-204.

400 Sall. *Hist*. 1.77.14M = 1.67.14R: ' and for the sake of harmony to restore the power of the tribunes, which gave rise to all our discords.'

401 Sall. *Hist*. 1.77.19M = 1.67.19R: 'if such torpor has stolen upon your spirits that forgetting the crimes of Cinna, upon whose return to our city the flower of this order perished'

402 Sall. *Hist*. 1.77.15: 'you seek harmony by means of war which is disturbing the harmony already attained, traitor to us, unfaithful to that constituency of yours, an enemy of all good citizens'; as we have already seen, much has been written about the importance of oratory in republican politics, particularly in *contiones;* most radical, Millar, 1998, 126; more recently, Rosenblitt, 2016, 655-688, and Tiersch, 2018, 35-68; cf. Morstein-Marx, 2004, 265 and 277-8, argues for the vacuous nature of public speeches, deeming them mere 'contional' rhetoric destined to reinforce the hierarchy of the speaker, not to convey any meaningful ideological debate;

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Cat. 36.4-5: *Namque duobus senati decretis ex tanta multitudine neque praemio inductus coniurationem patefecerat neque ex castris Catilinae quisquam omnium discesserat; tanta vis morbi aeque uti tabes plerosque civium animos invaserat*).[403] Nevertheless, his portrayal of the plebs was not intrinsically disdainful, as he is always quick to emphasize the social roots of this hunger for 'riots and revolts' (Sall. *Cat*. 37.3: *turba atque seditionibus*), which were none other than rampant inequality, the corruption of the rich and political prosecution (Sall. *Cat*. 37.6–9). The powerful passage where Sallust compares Rome to a sewer and that is often used to exemplify his disdain for the people is referring just to one of the groups longing for a revolution: those criminals the plebs were tempted to follow because of their desperate position (Sall. *Cat*. 37.5: *Primum omnium, qui ubique probro atque petulantia maxume praestabant, item alii per dedecora patrimoniis amissis, postremo omnes, quos flagitium aut facinus domo expulerat, ei Romam sicut in sentinam confluxerant*).[404] The others were composed of desperate people whose reaction was not surprising given their social predicament (Sall. *Cat*. 37.8: *Quo minus mirandum est homines egentis, malis moribus, maxuma spe, rei publicae iuxta ac sibi consuluisse*).[405]

Conversely, in *Bellum Iugurthinum* the spotlight is not on the *popularis* leadership, but on the Senate, the *nobilitas* and, in its more pernicious iteration, on a *factio.* While not synonymous, Sallust's narrative makes the point time and time again that the Senate was always controlled – or in danger of being controlled – by this small number of powerful individuals.[406] The very decision to narrate this particular war is framed by Sallust as part of the backdrop of tension caused by the confrontation between the two *partes* of the community, as we are told it was the 'first time opposition was offered to the insolence of the nobles' (Sall. *Iug*. 5.1: *dehinc quia tunc primum superbiae nobilitatis obviam itum est*). Throughout the book, he portrays a Senate dominated by the *nobiles*, who regarded the political community as their own private domain, set against a populace that consequently perceived their *libertas* as being under threat. For instance, during the momentous senatorial debates that determined what action ought to be taken against the arrogant conduct of Jugurtha, he decried that the 'faction of the senate which rated money and influence higher than integrity' usually triumphed (Sall. *Iug*. 16.1: *vicit tamen in senatu pars illa, quae vero pretium aut gratiam anteferebat*). This meant the public good was often sidelined in the face

403 Sall. *Cat*. 36.4-5: 'Nevertheless, there were citizens who from sheer perversity set out to destroy themselves and the state. For in spite of the two senatorial decrees neither was anyone out of such a great throng induced by a reward to betray the conspiracy, nor did a single individual desert Catiline's camp; a disease of such great intensity, and just like a plague, had infected the minds of a great many of our countrymen.'

404 Sall. *Cat*. 37.5: 'To begin with, men who were especially conspicuous for their shamelessness and impudence, those too whohad squandered their patrimony in disgraceful living, finally all whom disgrace or crime had driven from their homes, such men had all flowed into Rome as into a ship's bilge.'

405 Sall. *Cat*. 37.8: 'And therefore it is not at all surprising that impoverished men of bad character and of unbounded hope, had as little respect for the republic as they did for themselves'; Perelli, 1982, 45-61, especially at 52-3; cf. La Penna, 1968, 113 and Paananen, 1972, 41; an especially contrarian position is that of Shaw, 2021, 196-285.

406 Besides *nobilitas*, Sallust uses other terms – *pauci, factio, partes* – to characterize that small interest group that exerts its control over the Senate; their many nuances and different meanings are explored in Paananen. 1972, 48-59.

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of private interests (Sall. *Iug.* 25.3: *Ita bonum publicum, ut in plerisque negotiis solet, privata gratia devictum*). Later, Sallust openly stated that the nobility seeks greatness and 'unjust power' (Sall. *Iug*. 41.10: *iniustae potentiae*), precisely one that could be exerted over the ever divided people because of the proclivity of the elites to join together (Sall. *Iug.* 41.6: *Ceterum nobilitas factione magis pollebat, plebis vis soluta atque dispersa in multitudine minus poterat*).[407]

Therefore, the roots of Salust's *res publica* lay in the paradox of being comprised of two parts that seem locked in permanent conflict. For an *optimate*, the pre-eminence of the Senate was self-evident: the best government would always be the government of the best, and who were the best if not the members of the Senate, and among them, those belonging to the select circle of the *nobilitas*? Cicero himself defined them as good, *boni*.[408] In contrast, as a historian, Sallust did not seem to answer the question of which of these two parties should be dominant. In his account, both sides coexist in conditions of apparent equality and the focus is on this tension to analyse it and explain the reasons behind it. In fact, the dire consequences of this tension are succinctly summarized in a powerful statement: 'thus the community was split into two rival groups, and the state, which had formerly been shared, was torn to pieces' (Sall. *Iug*. 41.5: *ita omnia in duas partis abstracta sunt, res publica, quae media fuerat, dilacerata*.)[409]

Coincidentally, *pars* was also the term to describe the Caesarean side in which Sallust had fought during the *bellum* civile, which could hint at a certain level of equivalence – or least, a certain overlap of their respective meanings from a political standpoint (Sall. *Hist*. 1.6M=1.6R: *Neque me diversa pars in civilibus armis movit a vero*).[410] If one engages with with his works, it is clear the political groupings (disqualified as *factiones* or not) that arrayed around these *partes* had distinctive traditions and political vocabularies, with their own *topoi* and identitarian references forged in decades of civil conflict. Moreover, for all his proclaimed cynicism as a historian, he never accuses all politicians of being unprincipled and only relating to ideology as pretext. In the *Bellum Catilinae* he lambasts those who assaulted the *res publica* by trying to rule it under pretext (Sall. *Cat*. 38.3: *Namque, uti paucis verum absolvam, post illa tempora quicumque rem publicam agitavere honestis nominibus, alii sicuti populi iura defenderent, pars quo senatus auctoritas maxuma foret, bonum publicum*

407 Sall. *Iug*. 41.6: 'But the nobles had the more powerful organization, while the strength of the commons was less effective because it was incompact and divided among many.'

408 López Barja, 2013, 171-182, at 174-8; for the *populares* as *furiosi*, Cic. *Sest.* 99–100; on the discrepancies between *populares* and *optimates* regarding the legitimate model of government, Mackie, 1992, 49-73.

409 For the *populus* equated with the Assemblies, Millar, 1998; Paananen, 1972, 38, also points out the use by Sallust of the term *populus* as an 'opposing pole to the senate, referring to the popular assembly'; for the people as the repository of *maiestas*, Brunt, 1988, 338-339; for the sovereign nature of the *auctoritas patrum*, Agamben, 2017, 230-42; regarding the absence of a single seat of sovereignty in the Roman Republic, Lowrie, 2007, 31-56, at 32.

410 Sall. *Hist*. 1.6M=1.6R: 'nor did my allegiance to a different side in the civil conflict divert me from the truth'

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simulantes pro sua quisque potentia certabant).[411] Later in his life, in the *Historiae*, he again charges against those who were responsible for the *bella civilia*, those *pauci potentes* – although it is true that here he presents a higher baseline of corruption that affects every citizen:

> *Postquam remoto metu Punico simultates exercere vacuum fuit, plurimae turbae, seditiones et ad postremum bella civilia orta sunt, dum pauci potentes, quorum in gratiam plerique concesserant, sub honesto patrum aut plebis nomine dominationes affectabant; bonique et mali cives appellati non ob merita in rempublicam, omnibus pariter corruptis; sed uti quisque locupletissimus et iniuria validior, quia praesentia defendebat, pro bono ducebatur* (Sall. *Hist*. 1.12M = 1.12R)[412]

However, in his narratives there were also honest politicians that really acted on behalf of those they were saying to defend. Interestingly, such was the case Cato the Younger, a staunch *optimate* that Sallust does not give much credit in the *Epistulae ad Caesarem* (Sall. *Ep*. 2.9.3) yet one he praises effusively in the *Bellum Catilinae*:

> *At Catoni studium modestiae, decoris, sed maxume severitatis erat. Non divitiis cum divite neque factione cum factioso, sed cum strenuo virtute, cum modesto pudore, cum innocente abstinentia certabat; esse quam videri bonus malebat; ita quo minus petebat gloriam, eo magis illum sequebatur.* (Sall. *Cat*. 54.5-6)[413]

On the other side of the isle, quintessentially *populares*, the Gracchi are also characterized as fundamentally honest, even if their passion was somehow too unrestrained. They were never 'pretending' to defend the people, they actually did it. Sallust clearly claims they vindicated the liberty of the plebs and exposed the crimes the few (Sall. *Iug*. 42.1: *Nam postquam Ti. et C. Gracchus, quorum maiores Punico atque aliis bellis multum rei publicae addiderant, vindicare plebem in libertatem et paucorum scelera patefacere coepere*).[414] They paid with their lives for it. Therefore, he did not condemn them as unscrupulous demagogues consumed by the desire to rule. They were earnestly reacting against the *paucorum arbitirio* (Sall. *Iug*.

411 Sall. *Cat*. 38.3: '. For, to tell the truth in a few words, after that time, whoever disturbed the state under the guise of honorable slogans—some as though defending the rights of the people, others so that the senate's influence might be dominant—under pretense of the public good, each in reality strove for his own influence.'; regarding the debate in relation to the meaning of *agitavere*, see López Barja, 2019b, 160-184: 170-171, nº 40.

412 Sall. *Hist*. 1.12M = 1.12R: 'After the fear of Carthage had been removed and the way was clear for pursuing rivalries, there arose a great many riots, insurrections, and in the end, civil wars, while a powerful few, to whose influence the majority had succumbed, aspired to despotism while purporting to act in the honorable name of the senate or commons. It was not on account of their services to the nation that citizens were given the name "good" or "bad," since all were equally corrupt. Rather, each person in proportion to his enormous wealth and superior strength resulting from injustice, was regarded as "good" because he was maintaining the status quo.'

413 Sall. *Cat*. 54.5-6: 'Cato, on the contrary, cultivated self-control, propriety, but above all sternness. He did not vie in riches with the rich, nor in intrigue with intriguers, but with the energetic in merit, with the self-restrained in moderation, with the blameless in integrity. He preferred to be, rather than merely to seem, virtuous; hence the less he sought fame, the more it pursued him.'

414 Sall. *Iug*. 42.1: 'For example, after Tiberius and Gaius Gracchus, whose forefathers had added greatly to the power of the nation in the Punic and other wars, began to assert the freedom of the commons and expose the crimes of the oligarchs'

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42.7) and their cause was just, even if their methods were not. In any case, he concedes they wanted to win so bad that they did not have sufficient moderation, for a good a man should prefer to be defeated rather than to overcome injustice by means of a bad precedent (Sall. *Iug*. 42.2-3: *Et sane Gracchis cupidine victoriae haud satis moderatus animus fuit. Sed bono vinci satius est quam malo more iniuriam vincere*).[415] But in the end, they were not the ones to blame. Those were the *nobiles*, 'for as soon as there were discovered among the nobility those who preferred true glory to unjust power, the state began to be disturbed and civil dissension to arise, like an upheaval of the earth. (Sall. *Iug*. 41.10: *Nam ubi primum ex nobilitate reperti sunt qui veram gloriam iniustae potentiae anteponerent, moveri civitas et dissensio civilis quasi permixtio terrae oriri coepit.*)

For Sallust, as well as for many other historians of the Roman period, the Gracchi were not mere politicians. They represented the beginning of an era of civic turmoil and violence inside the community that was felt, even in the moment, as a turning point.[416] Nevertheless, for him, there is something more attached to the *Gracchanae seditiones.* They were not just an event, important as it may have been. In his narrative, they are a manifestation of his theory about how political discord arises and worsens into civil turmoil; and crucially, about how political ideologies galvanise around the *partes* of the community in conflict, feeding from their distinctive traditions and political vocabularies, alongside their own memories and identities.[417] His description of these processes, I believe, provides insight into why *popularis* ideology and a broader conception of citizenship – manifested in political practice through support for the *Latini et socii* in their pursuit of *civitas* – were from the outset inseparably bound within that political tradition.

5.1.2 The *metus hostilis* and *certamen* of Passions as Creators of Ideology

For Sallust, the process that pitted Senate and people against each other was fuelled by two key phenomena which were relevant not just to a specific schism, but to all periods of stasis that periodically affected the Roman *civitas*: these were the *metus hostilis* and the *certamen* of passions. For Sallust, the almost dialectical opposition between Senate and people was overcome by a mechanism that lay outside the political community: a fear inspired by external enemies, the so-called *metus hostilis.* Although present in all of his books (Sall. *Cat*. 10.1; *Iug*. 41.2; *Hist*. 1.11–12M = 1.9–10, 12R), perhaps the most crisp and complete formulation of how it worked is the one in the *Historiae.* In this instance, he fully

415 Sall. *Iug*. 42.2-3: 'And the Gracchi, to be sure, lacked sufficient restraint in their eagerness for victory; but it is preferable for a good man to be defeated than to triumph over a wrong in a wicked manner.'
416 Gabrielli, 2022, 43-60.
417 For Sallust as a historian of civil war, see López Barja, 2019b, 160-184.

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articulates how this mechanism functioned as an enforcer of ideological and societal cohesiveness:

> *At discordia et avaritia atque ambitio et cetera secundis rebus oriri sueta mala post Carthaginis excidium maxime aucta sunt. Nam iniuriae validiorum et ob eas discessio plebis a patribus aliaeque dissensiones domi fuere iam inde a principio, neque amplius quam regibus exactis, dum metus a Tarquinio et bellum grave cum Etruria positum est, aequo et modesto iure agitatum. Dein servili imperio patres plebem exercere, de vita atque tergo regio more consulere, agro pellere et, ceteris expertibus, soli in imperio agere. Quibus saevitiis et maxime fenore oppressa plebes cum assiduis bellis tributum simul et militiam toleraret, armata montem sacrum atque Aventinum insedit, tumque tribunos plebis et alia sibi iura paravit. Discordiarum et certaminis utrimque finis fuit secundum bellum Punicum.* (...) *Postquam remoto metu Punico simultates exercere vacuum fuit* (...) (Sall. *Hist*. 1.11–12M = 1.9–10, 12R)[418]

Thus, stability was neither a permanent condition nor the result of any institutional solution. At least in his mature thought, the avoidance of civil strife did not depend on a constitutional arrangement or legal remedy, but rather on the wholly contingent existence of an external threat that galvanized the *res publica*.[419] The institutional proposals of the *Epistulae* had long vanished, replaced by a grim diagnosis of the *res publica*'s body – aged and afflicted by an incurable disease. Once this *metus hostilis* faded, the centripetal force that had held its parts together likewise disappeared. The *res publica*, confident in its prosperity, would then surrender itself to moral corruption, descending into internal conflict and decay.[420]

In fact, decadence seems a constant throughout Sallust's oeuvre. Nonetheless, the precise moment at which this evil is unleashed gradually evolves, as he keeps pushing backwards the origin of the civil discord to the point it transcends the contingency of human behaviour to acquire a deterministic nature.[421] In the *Bellum Catilinae*, although the disappearance of *metus*

418 Sall. *Hist*. 1.11–12M = 1.9–10, 12R: 'But disharmony and greed, as well as ambition and other evils typically arising from success increased very greatly after the destruction of Carthage. Indeed, abuses on the part of the stronger and, as a consequence, secessions of the plebeians from the patricians1 and other internal disputes existed right from the beginning. And the fair and moderate exercise of power after the expulsion of the kings did not last any longer than it took to put aside apprehension caused by Tarquin and a serious war with the Etruscans. Afterward, the patricians lorded it over the plebeians as if the latter were slaves, regulated their lives and persons in kingly fashion, drove them from their land, and leaving everyone else without a share, wielded power all by themselves. Oppressed by such savageries, and especially by interest on debt (since as a result of continual wars they were being subjected simultaneously to taxation and military service), the plebeians took up arms and occupied the Sacred Mount and the Aventine. And at that time, they brought into being for themselves the tribunes of the plebs and other rights. The Second Punic War marked an end of disharmonies and struggle on both sides. After the fear of Carthage had been removed and the way was clear for pursuing rivalries'

419 This contrasts with Cicero's approach to civil turmoil, as the orator is indeed interested in those legal and political remedies that will keep the *bella civilia* at bay; a medicine that he will apply with unrelenting violence if necessary; see, Straumann, 2017, 143-4; Paleo-Paz, 2023b, 198-212: 210-212.

420 For *metus hostilis* as a social unifier in Greco-Roman political thought, particularly in Sallust, Kapust, 2008, 353-373 and Kapust, 2011, 27–52, where he argues that for Sallust *concordia cum certamine* was what led Rome to greatness by fostering internal competition for glory; also, La Penna 1968, 232-7; Hammer, 2014, 148-55; Levene, 2020, 214-43.

421 Vassiliades, 2020, 275-6, 472-3, 503-4, proposes that Sallust's conception of decadence evolves: while in the *Bellum Catilinae* and *Bellum Iugurthinum* it results from contingent moral human failings, the *Historiae* present it as the consequence of deterministic factors. This thesis is in line with the 'Hobbesian turn' proposed by Schmal, 2001, 77-95,

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hostilis corresponds to the destruction of Carthage (Sall. *Cat*. 10.1: *Carthago aemula imperi Romani ab stirpe interiit, cuncta maria terraeque patebant, saevire fortuna ac miscere omnia coepit*),[422] decline does not begin until Sulla's return from the East (Sall. *Cat*. 11.6: *Ibi primum insuevit exercitus populi Romani amare, potare; signa, tabulas pictas, vasa caelata mirari; ea privatim et publice rapere, delubra spoliare, sacra profanaque omnia polluere*).[423] In the *Bellum Iugurthinum*, decline is already beginning concurrently with the disappearance of the *metus Punicus*:

> *Nam ante Carthaginem deletam populus et senatus Romanus placide modesteque inter se rem publicam tractabant, neque gloriae neque dominationis certamen inter civis erat: metus hostilis in bonis artibus civitatem retinebat. Sed ubi illa formido mentibus decessit, scilicet ea quae res secundae amant, lascivia atque superbia incessere.* (Sall. *Iug*. 41.2-3)[424]

Yet, as we have seen, proper civil discord only erupts with the Gracchi (Sall. *Iug*. 42.1) and worsens around the time of the war against Jugurtha (Sall. *Iug*. 5.1). In the *Historiae* the seeds that can unleash civil conflict are present from the outset, waiting to emerge after the disappearance of the *metus hostilis* of the day (Sall. *Hist*. 1.11–12M = 1.9–10, 12R).

Certainly, it is difficult not to see here the growing pessimism of someone who lived through such a time of confusion and frenzy that ended in war and the devastation of Italy (Sall. *Iug*. 5.2: *Quae contentio divina et humana cuncta permiscuit eoque vecordiae processit, ut studiis civilibus bellum atque vastitas Italiae finem faceret*).[425] Yet it seems it is precisely because of this gloomy progression that Sallust embraces Thucydides' diagnosis of civil strife as an ever present danger, with its roots fully embedded in human nature. For the Greek historian, internal conflict 'shall be ever as long as human nature is the same' (Thuc. 3.82.2: ἕως ἂν ἡ αὐτὴ φύσις ἀνθρώπων ᾖ).[426] This leads us right to the second element that underlies the outbreak of political stasis in the pages of his Roman counterpart. In the *Proemium* of the *Historiae*, Sallust refers to the same human nature that so depressed Thucydides as afflicted

at 94, following Latta, 1988, 271-88 and 1989, 41-57; see also, Paleo-Paz, 2023b, 198-212: 203.

422 Sall. *Cat*. 10.1: 'when Carthage, the rival of Rome's dominion, had perished root and branch, and all seas and lands lay open, then Fortune began to be savage and to throw all into confusion.'

423 Sall. *Cat*. 11.6: 'There it was that an army of the Roman people first became accustomed to indulge in women and wine; to admire statues, paintings, and chased vessels; to steal them from private houses and public places; to pillage shrines, and to desecrate everything, both sacred and profane.'

424 Sall. *Iug*. 41.2-3: 'For before the destruction of Carthage, people and senate of Rome together managed political affairs between them peacefully and with moderation. There was no strife among the citizens either for glory or for mastery; fear of the enemy abroad kept the state within the bounds of good morals. But when that dread departed from the minds of the people, there arose, of course, those vices which tend to be fostered by prosperity: promiscuity and arrogance.'

425 Sall. *Iug*. 5.2: 'the beginning of a struggle which threw everything, human and divine, into confusion, and rose to such a pitch of frenzy that civil discord ended in war and the devastation of Italy.'; on Sallust's pessimism, Klingner, 2020, 340-9; Reinhold, 2002, 49-50; Latta, 271-88 and 1989, 41-57, also analyses Sallust's pessimism in historical digressions, linking it to his 'philosophy of history' and political ideology.

426 For Thucydides' influence on Sallust, see Vell. Pat. 2.36.2, Quint. *Inst*. 10.1.101; Canfora, 2006, 730-740; the connection between the preface of the *Historiae* and the work of Thucydides has been defended by La Penna and Funari, 2015, 129, and recognized by Martos Fernández, 2018, 372 n. 1006; Paleo-Paz, 2023b, 198-212: 210-212.

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by a permanent flaw that causes civil conflict: the ever lasting contest between a defined set of passions (Sall. *Hist*. 1.7M = 1.8R: *Nobis primae dissensiones vitio humani ingeni evenere, quod inquies atque indomitum semper in certamine libertatis aut gloriae aut dominationis agit*).[427]

The tricolon of *libertas*, *gloria* and *dominatio* presents these elements as the fundamental motor that drives human beings and, by extension, the different parts of the community; this is where their importance lies, and this is why any study of Sallust's political beliefs must necessarily include an analysis of them. As seen in Chapter 2, *libertas* in late Republican literature must be understood as synonymous with non-domination: this is the core that defines this concept for the entire political spectrum.[428] For the Romans of this period, who lived alongside slavery on a daily basis, *libertas* was precisely the negation of this state and, therefore, the condition of non-domination by an arbitrary authority. This transforms it into a relational concept, since it must always be exercised in relation to a third party who wants to impose its dominion and, therefore, servitude: whether a foreign power, a *factio* of the community itself, or a specific individual.[429] Sometimes, Sallust entertains a non-partisan conception of *libertas*, as with the historical expulsion of the kings (Sall. *Cat*. 6.7: *Post ubi regium imperium, quod initio conservandae libertatis atque augendae rei publicae fuerat, in superbiam dominationemque se convortit, immutato more annua imperia binosque imperatores sibi fecere; eo modo minume posse putabant per licentiam insolescere animum humanum*).[430] Nevertheless, as Sallust's major narratives focus on times of civil strife nearing the late Republic it is very common to find a prevalence of more partisan conceptions, with different ideologies giving the same core concept a distinct meaning[431]

In this sense, *libertas* could be claimed by both *optimates* and *populares*; the difference would lie in who the subject of this right is and against whose *dominatio* it is defended. Indeed, his corpus contains a few instances of what could be called *libertas optimate*, whose active subject is a Senate and a *nobilitas* that must defend itself against the attempt of *dominatio* by those who aspire to tyranny. This is Cato's argument when he warned the *Senate* that it was their freedom that was under threat by Catiline (Sall. *Cat*. 52.6: *Non agitur de vectigalibus neque de sociorum iniuriis; libertas et anima nostra in dubio est*).[432] However, it is the *libertas populi*, exercised by the people and threatened by the Senate, the one with a

427 Sall. *Hist*. 1.7M = 1.8R: 'The earliest conflicts arose among us as a result of a defect of human nature, which restlessly and without restraint always engages in a struggle for freedom or glory or power.'; with the reading *in certamine* (R) instead of *inter certamina* (M);

428 Arena, 2012, 14-44.

429 For *libertas* vis-à-vis *optimates* and *populares*, see Arena, 2012, 73-168.

430 Sall. *Cat*. 6.7: 'Later, when royal power, which at first had tended to preserve freedom and advance the state, had changed into haughty tyranny, they altered their past practice and created for themselves annually twin chief executives, thinking that in this way men's minds would be least able to become overbearing through unlimited authority.'

431 Cogitore, 2011, 75-166, shows the adaptability of *libertas*, which could mean the opposite of tyranny, or have a much more concrete and partisan use, as is common in Sallust's works, 108-15.

432 Sall. *Cat*. 52.6: 'At issue is not revenues or the wrongs of our allies; our very lives and liberty are at stake'; a very similar use of *libertas* is made by Philippus when criticizing Lepidus in Sall. *Hist*. 1.77.3,6,10,20M =1.67R; for *libertas* as the opposite of *regnum*, a free city where no tyrant is superior to the law, Wirszubski, 1950, 7-11 and 66.

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greater presence in Sallust's works. He clearly states that this passion, *libertas*, is the natural impulse of the *populus* (Sall. *Iug.* 41.5: *Namque coepere nobilitas dignitatem, populus libertatem in lubidinem vortere, sibi quisque ducere, trahere, rapere*).[433] In fact, it is one of his favourite literary *topoi* when composing the speeches that the *populares* deliver to the Roman people. Lepidus's speech to his fellow citizens is ripe with cries for the lost liberty that belonged to the people (Sall. *Hist*. 1.55.4M = 1.49R: [to his fellow *Quirites*] *Nam quid a Pyrrho, Hannibale, Philippoque et Antiocho defensum est aliud quam libertas et suae cuique sedes, neu cui nisi legibus pareremus?*).[434] In a similar vein, the *libertas* of the people – in opposition to the *nobiles* – is what Macer wants the people to recover by following his lead (Sall. *Hist*. 3.48.2M = 3.15R: *Nunc hortari modo relicuom est et ire primum via qua capessundam arbitror libertatem*)[435] and also what the Gracchi were fighting for (Sall. *Iug*. 42.1: *vindicare plebem in libertatem*).[436]

Dominatio, the power of arbitrary domination over a third party, is the second one of the three passions that constitute the tricolon. As the virtual opposite of *libertas,* it also had a relational nature – you had to dominate someone. Therefore, it must create servitude, *servitus*. Due to its prominence in political debate it functioned as an 'essentially contestable concept' as well, with different decontestations coming from the *popularis* and *optimate* camps. For a Roman, its purest expression is found in the relationship of a master to his slave, a reality continuously referenced for symbolic purposes.[437] Not very controversially for his time, Sallust concedes it is a vice typical of kings, of capricious will (Sall. *Iug*. 113.1: *Sed plerumque regiae voluntates ut vehementes sic mobiles, saepe ipsae sibi advorsae*).[438] Yet in his narratives *dominatio* is closely linked to accusations of tyranny; it is the ultimate goal of those opportunistic politicians who seek to overturn the *res publica* (Sall. *Hist*. 1.12M = 1.12R: *dum pauci potentes, quorum in gratiam plerique concesserant, sub honesto patrum aut plebis nomine dominationes affectabant*).[439]

433 Sall. *Iug*. 41.5: 'For the nobles began to abuse their standing and the people their liberty, and every man took, pillaged, and plundered for himself.'

434 Sall. *Hist*. 1.55.4M = 1.49R: 'For what was kept safe from Pyrrhus, Hannibal, from Philip and Antiochus, if not liberty and each man's abode and our privilege of being subject to nothing except the laws?

435 Sall. *Hist.* 3.48.2M = 3.15R: 'But now it only remains to offer encouragement and be the first to proceed along the path by which freedom, I think, must be grasped.'

436 This liberty is the *honestum nomen* for which Catiline ostensibly fought (Sall. *Cat*. 20, 58.8–11) and features also very heavily in the speech of Memmius (Sall. *Iug.* 30 and 31), as we will see later; while avoiding direct mention of the *populares–optimates* division, Hammer, 2014, 174-9, considers that Sallust emphasizes the role of the *populus* as the guardian of republican *libertas*.

437 Arena, 2012, 244-57; also Patterson, both in 1983 and 1991, explores the dialectical relationship between freedom and slavery as concepts which evolved in mutual relation with each other; as he very poignantly pointed out in the preface of *Freedom and the Making of Western Culture*: 'armed with the weapons of the historical sociologist, I had gone in search of a man-killing wolf called slavery; to my dismay I kept finding the tracks of a lamb called freedom', Patterson, 1991, xiii.

438 Sall. *Iug*. 113.1: 'But as a rule, the desires of kings are as changeable as they are ardent, and often contradictory'; also Sall. *Cat*. 6.7.

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One of the best examples of a tyrant from the *popularis* point of view would be Sulla, a quintessentially *optimate* figure; an assessment that Sallust seems to share (Sall. *Cat.* 28.4: *Sullae dominatione*). In the *Historiae*, Lepidus speech starts taking aim at what he calls the 'tyranny of Sulla' (Sall. *Hist*. 1.55.1=1.49R: *Clementia et probitas vostra, Quirites, quibus per ceteras gentis maxumi et clari estis, plurumum timoris mihi faciunt advorsum tyrannidem L. Sullae*),[440] and he accuses him and his cronies of dominating the *res publica* and even a subservient nobility, a group that was complacent as long as the people were put down (Sall. *Hist*. 1.55.2M = 1.49R: *Satellites quidem eius, homines maxumi nominis optumis maiorum exemplis, nequeo satis mirari, qui dominationis in vos servitium suum mercedem dant et utrumque per iniuriam malunt quam optumo iure liberi agere*).[441] A very similar sentiment is also expressed by Macer:

> *Si, Quirites, parum existumaretis quid inter ius a maioribus relictum vobis et hoc a Sulla paratum servitium interesset, multis mihi disserundum fuit, docendique quas ob iniurias et quotiens a patribus armata plebes secessisset utique vindices paravisset omnis iuris sui tribunos plebis.* (Sall. *Hist*. 3.48.1M = 3.15R)[442]

Nevertheless, writing as a historian after having dropped out of the political arena, Sallust is more than willing to distance himself from the more partisan positions of his youth and he readily denounces political figures from the *popularis* such as Catiline (Sall. *Cat*. 14) or in fact, anyone who falsely claims to speak for the people to, instead, push for domination over the *res publica* (Sall. *Cat*. 38.3).

In any case, the main threat for the *popularis* in Sallust's narrative does not lie in just one powerful individual. In fact, *dominatio* is a passion generally deployed by Sallust as a narrative device in close association with the Senate and, especially, the *nobilitas*; or more pointedly, with an even more pernicious agent, that of a faction. Those terms are not synonymous either in general nor in Sallust's narrative, yet their interplay and relation to *dominatio,* especially in the *orationes*, is so strong that I believe it betrays both an affinity by the author and a foundational trait of *popularis* rhetoric – and by extension, ideology. The *factio* was generally constituted around a group of powerful *nobiles*, themselves senators, 'united as they are by the same desires, the same hatred, the same fears. Such shared feelings

439 Sall. *Hist*. 1.12M = 1.12R: 'A powerful few, to whose influence the majority had succumbed, aspired to despotism while purporting to act in the honorable name of the senate or commons.'; a similar sentiment is famously expressed in Sall. *Cat*. 38.3.

440 Sall. *Hist*. 1.55.1=1.49R: 'Your mercy and integrity, Citizens, which make you supreme and renowned throughout other nations, cause me the greatest apprehension in the face of the tyranny of Lucius Sulla.'

441 Sall. *Hist*. 1.55.2 = 1.49R: 'I cannot wonder enough at Sulla's minions, men bearing very distinguished names and having the excellent models of their ancestors, who submit to their own enslavement as the price of their dominion over you and prefer this double iniquity to living as free men on the securest legal footing.'

442 Sall. *Hist*. 3.48.1M = 3.15R: 'If you were underestimating, Citizens, what a difference there is between the rights left you by your forefathers and this slavery imposed by Sulla, I would have to speak at length, and you would have to be taught the injuries on account of which, and how often, the plebeians took up arms and seceded from the patricians; and also how they established the tribunes of the commons as the protectors of all their rights.'

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among good men constitute friendship; among the wicked it is factiousness.' (Sall. *Iug*. 31.14-15: *quos omnis eadem cupere, eadem odisse, eadem metuere in unum coegit. Sed haec inter bonos amicitia, inter malos factio est*).[443] His firebrand *popularis* politicians are categorical in attacking the 'power of the few' (Catiline in Sall. *Cat*. 58.11: *illis supervacaneum est pro potentia paucorum pugnare*) or a 'clique of nobles' (Marius in Sall. *Iug*. 85.10 *globo nobilitatis*). These *oratores* were quick to characterise those members of the *factio* as 'pushed by a desire to be masters' (Memmius in Sall. *Iug*. 31.16: *illi ad dominationem accensi sunt*) or simply lording their tyranny over the people (Macer in Sall. *Hist*. 3.48.23M = 3.15.23R: *Mihi quidem satis spectatum est Pompeium, tantae gloriae adulescentem, malle principem volentibus vobis esse quam illis dominationis socium, auctoremque in primis fore tribuniciae potestatis*).[444]

When acting in this manner, Sallust himself does not hesitate to characterise the whole order of the *patres* as exerting a 'despotic power', deciding on 'life and punishment as if they were kings' (Sall. *Hist*. 1.11.3M = 1.10.3R: *servili imperio patres plebem exercere, de vita atque tergo regio more consulere*). As we have seen before when referring to this *divisio* of the community, he clearly considers the *nobilitas* 'arrogant' (Sall. *Iug*. 5.1: *superbiae nobilitatis*) and states the power of the *nobilitas factione* lay in their tendency to unite in a *factio* (Sall. *Iug*. 41.6: *Ceterum nobilitas factione magis pollebat*). In their more radical speeches, their opponents even disqualified this *factio* as a 'criminal clique' (Macer in Sall. *Hist*. 3.48.3M = 3.15.3R: *factio noxiorum*). And this was precisely the same position the author defended throughout the second *Epistula,* in which he warned Caesar that the *res publica* was in danger of being subjugated just by one group of people, that is, the *factio nobilitatis* (Sall. *Ep.* 2.2.4; 2.5.5; 2.8.6; 2.9.4; 2.11.6).

The last of the passions of the tricolon – and less relevant for this analysis – is *gloria*, for which the different actors of the *civitas* compete. In its purest version it is born out *virtus* – or a least it must have a positive relation with it, 'for the renown of riches and beauty is fleeting and fragile; excellence is a shining and lasting possession' (Sall. *Cat*. 1.4: *nam divitiarum et formae gloria fluxa atque fragilis est, virtus clara aeternaque habetur.*). This was the case in the Republic at its height, before 'riches began to be held in honour and led to the acquisition of glory, positions of authority, and political influence, then virtue began to lose its edge, poverty to be considered a disgrace, blamelessness to be regarded as spitefulness malevolence' (Sall. *Cat*. 12.1: *divitiae honori esse coepere et eas gloria, imperium, potentia sequebatur, hebescere virtus, paupertas probro haberi, innocentia pro malivolentia duci coepit*). In that golden era, citizens competed 'for glory was with one another; each man

443 Besides *nobilitas*, Sallust uses other terms – *pauci*, *factio*, *partes* – to characterize that small interest group that exerts its control over the Senate; their nuances are explored in Paananen, 1972, 48-59.

444 Sall. *Hist*. 3.48.23M = 3.15.23R: 'For my own part, I am fully convinced that Pompey, a young man of such renown, prefers to be a chief figure with your consent rather than a partner in the tyranny of those men, and that he will take the lead in restoring the power of the tribunes.'

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hastened to strike down the foe, to scale a wall, to be observed while doing such a deed. This they considered riches, this fair fame and high nobility.' (Sall. *Cat*. 7.6: *Sed gloriae maxumum certamen inter ipsos erat; se quisque hostem ferire, murum ascendere, conspici dum tale facinus faceret, properabat; eas divitias, eam bonam famam magnamque nobilitatem putabant*).

However, there is a less admirable way to achieve it, as ambition and avarice are also considered paths to glory, despite the dangers they entail. Ambition has ambiguity in itself, as it lays near *virtus* despite being a vice (Sall. *Cat*. 11.1: *Sed primo magis ambitio quam avaritia animos hominum exercebat, quod tamen vitium propius virtutem erat*).[445] It can lead those who possess good nature to achieve great things, like glory, with honesty; but in those who are wretched it means deceit and deception (Sall. *Cat*. 11.2: *Nam gloriam, honorem, imperium bonus et ignavus aeque sibi exoptant; sed ille vera via nititur, huic quia bonae artes desunt, dolis atque fallaciis contendit*).[446] Similarly, the ambiguity of *gloria* arising from ambition is clarified through the characters with whom it is associated. Two clear examples of this are a *popularis* politician, Marius, 'greedy only for glory' (Sall. *Iug*. 63.2: *tantum modo gloriae avidus*), and an *optimate*, Sulla, ' fond of pleasure but more fond of glory' (Sall. *Iug*. 95.3: *cupidus voluptatum sed gloriae cupidior*).[447] On the other hand, avarice had no redeeming qualities: no *sapiens* could want it (Sall. *Cat*. 11.3: *Avaritia pecuniae studium habet, quam nemo sapiens concupivit*)[448] as it is like a wild beast that will rob everything out of everyone; reputation, chastity, children, country and parents (Sall. *Ep*. 2.8.4: *Ceterum avaritia belua fera, immanis, intoleranda est ... fama, pudicitia, liberis, patria atque parentibus cunctos mortalis spoliat*)[449]

MacGushin considers that this triad of *libertas*, *gloria* and *dominatio* corresponds, in a linear fashion, to different phases of Roman history narrated by Sallust.[450] However, I believe that these passions do not mark different stages of political evolution, as they exist in a situation of permanent confrontation. In the words of Sallust himself, they are a defect of human nature, always forcing a struggle (Sall. *Hist*. 1.7M = 1.8R).[451] It is precisely here, in

445 Sall. *Cat*. 11.1: 'But at first men's minds were stirred less by avarice than a desire for advancement—a fault, yet one not so far removed from virtue'

446 Sall. *Cat*. 11.2: 'for the noble and the ignoble man alike crave for themselves glory, public office, and power; but the former strives by the true path, whereas the latter, being without noble qualities, contends with craft and deception'

447 We also find it motivating Jugurtha (Sall. *Iug*. 6.1, 6.2, 7.1, 8.2, 10.2) and the Numidians (Sall. *Iug*. 18.12) and, tellingly, the *nobilitas* in general (Sall. *Iug*. 31.9); for *virtus* and its relationship with *gloria* and the Greek concept of *aretē*, see McDonnell, 2006, 293-5 and 363.

448 Sall. *Cat*. 11.3: 'Avarice entails the pursuit of money, which no wise man covets.'

449 Sall. *Ep*. 2.8.4: 'But avarice is a wild beast, monstrous and irresistible … it robs all men of their repute, their chastity, their children, country and parents.'; the characterization of avarice and wealth as terrible vices is a common topos in Sallust's oeuvre; for other examples, see Sall. *Cat*.11, 52.7,22; *Iug*. 45.2; *Hist*. 1.11M = 1.9–10R.

450 McGushin, 1977, 75.

451 Sall. Hist. 1.7M = 1.8R: *Nobis primae dissensiones vitio humani ingeni evenere, quod inquies atque indomitum semper in certamine libertatis aut gloriae aut dominationis agit* [*in certamine* (R), instead of *inter certamina* (M)]; the relationship between the three passions defended above is based on López Barja 2019, 172-5.

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their coetaneous interplay, where we can locate the appearance of ideological conflict. In the absence of *metus hostilis* this *certamen* stops being held in check by an external force and turns inwards. As it comes to pass, civil strife appears and out of this dissension comes ideological conflict.

In Sallust's account, we find three major instances of this phenomenon. The first one took place when the corruption of the monarchy meant *superbia dominatioque*, provoking the expulsion of the kings and the formation of a new regime along a particular kind of Republican ideology around the idea of *libertas* (Sall. *Cat*. 6.7). It was immediately followed by period of harmony imposed by the *metus a Tarquinio* were the *patres* governed with equity and fairness (Sall. *Hist*. 1.11M = 1.9-10R: *neque amplius quam regibus exactis, dum metus a Tarquinio et bellum grave cum Etruria positum est, aequo et modesto iure agitatum*).[452] Yet after the *metus Etruscus* faded, the *patres* again turned on the plebs, and treated them as slaves (Sall. *Hist*. 1.11M = 1.9-10R: *Dein servili imperio patres plebem exercere*). This angered the plebeians and provoked the repeated successions of the people, who managed to institute the tribunes of the plebs and gained access to the consulship (Sall. *Hist*. 1.11M = 1.9-10R: *armata montem sacrum atque Aventinum insedit, tumque tribunos plebis et alia sibi iura paravit*; *Hist*. 3.48.15 = 3.15.15R: *ne vos ad virilia illa vocem, quo tribunos plebei, modo patricium magistratum, libera ab auctoribus patriciis suffragia maiores vostri paravere*).[453]

The third and final manifestation of this phenomenon came hand in hand with the apparition and demise of the *metus Punicus*, which coalesced the community before opening a new cycle of political conflict (Sall. *Hist*. 1.11M = 1.9-10R: *At discordia et avaritia atque ambitio et cetera secundis rebus oriri sueta mala post Carthaginis excidium maxime aucta sunt*).[454] As we have seen, this phase begins with the Gracchi brothers (Sall. *Iug*. 42.1) and worsens around the time of the war against Jugurtha (Sall. *Iug*. 5.1-2), and it is in this period were Sallust places the emergence of the ideological families of the *optimates* and the *populares*. The new stasis it produces was the one that engulfed Sallut's life, one full of riots, seditions and eventually civil wars (Sall. *Hist*. 1.12M = 1.12R = 1.12R: *plurimae turbae, seditiones et ad postremum bella civilia*);[455] and it this iteration of *dissensio civilis* that occupies most of his extant works.[456] Here, the *partes* in conflict where the ones we have been

452 Sall. *Hist*. 1.11M = 1.9-10R: 'And the fair and moderate exercise of power after the expulsion of the kings did not last any longer than it took to put aside apprehension caused by Tarquin and a serious war with the Etruscans.'

453 Sall. *Hist*. 1.11M = 1.9-10R: 'the plebeians took up arms and occupied the Sacred Mount and the Aventine. And at that time, they brought into being for themselves the tribunes of the plebs and other rights.'; Sall. *Hist*. 3.48.15 = 3.15.15R: 'Next—have no fear that I shall urge you to those manly deeds whereby your ancestors established tribunes of the commons, gained access to a magistracy previously patrician and voting free of patrician oversight)'

454 Sall. *Hist*. 1.11M = 1.9-10R: 'But disharmony and greed, as well as ambition and other evils typically arising from success increased very greatly after the destruction of Carthage.'

455 Sall. Hist. 1.12M = 1.12R = 1.12R: 'there arose a great many riots, insurrections, and in the end, civil wars'

456 For Sallust, there is a type of conflict that can be clearly differentiated from the previous ones: *seditio*. This is characterized by a very specific social origin, connected to the plebs – with a traditional link to the patrician-plebeian conflict (Sall. *Hist*. 1.11M = 1.9-10R; *Iug*. 31.17) – or to the poor (Sall. *Cat*. 37.3, *Iug*. 66.2; *Hist*. 1.77.7M = 1.67.7R).

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establishing throughout this chapter: the Senate and the *factio nobitlitatis* on one side, and on the other, the people, susceptible themselves to the charisma of both honest and dishonest politicians (Sall. *Cat*. 37.2-3: *Id adeo more suo videbatur facere. Nam semper in civitate quibus opes nullae sunt bonis invident, malos extollunt, vetera odere, nova exoptant, odio suarum rerum mutari omnia student; turba atque seditionibus sine cura aluntur, quoniam egestas facile habetur sine damno*).[457] As we will explore in the next section, for Sallust, here lies the creation of *popularis* ideology, fixed in place by the blood of their murdered.

5.2 Deciding on the Enemy From Within

In the following pages, I will argue that when Sallust is describing the ignition of processes of civil conflict he is indeed presenting a 'process of politicization'. Namely, a moment where the 'political', using Carl Schmitt's terminology, expands bringing into its own logic many aspects of society which were previously not deemed as such.[458] In turn, I find this 'politicization' fundamental in why the question of a more generous citizenship became inextricably linked to *popularis* ideology. Famously, for Schmitt the political criterium is the one that allows for the public distinction between enemy and friend. According to this model, when periods of *stasis* occur we witness the appearance of internal enemies. In these times of internal discord, an enemy is not to be understood as a simple competitor or an adversary, nor as a metaphor or a symbol.[459] As Schmitt explains, enemies in the 'political' sense constitute a concrete and existential threat: they are those with whom one has a public opposition so fundamental that, in the extreme case, it may culminate in armed conflict. Schmitt is referring here to the *hostis* and the πολέμῐος, not the *inimicus* and the ἐχθρός.[460] Thus, the division between enemies and friends which usually precedes and presupposes the existence of a political community is, dangerously, turned inwards, exacerbating the rivalries to the point they are irreconcilable and have to be resolved by force.[461]

Although it may be aimed at recovering *libertas* or repressing injustice, the lack of moderation and the violence it entails delegitimize it (Sall. *Iug*. 42.3); this is why most politicians try to distance themselves from it (Sall. *Cat*. 33.4; 34.2; *Iug*. 31.18; *Hist*. 1.55.16M = 1.49.16R; 3.48.17M = 3.15.17R), although it is clear that the *popularis* tradition is more inclined to support it, as delineated by López Barja, 2019b, 160-184: 166.

457 Sall. *Cat*. 37.2-3: 'This, indeed, they appeared to do according to their usual custom; for in every community those who have no wealth envy men of substance, exalt the disreputable, hate the old, long for something new, and from hatred of their own lot desire a general upheaval. Amid turmoil and rebellion they maintain themselves without concern, since poverty is easily provided for and can suffer no loss.'

458 The process of politicization being discussed would be similar to that advocated by Meier for 5th century B.C. Greece, Meier, 1990. Although he explicitly rejects this ever happened for Rome, Meier, 2015, 593-697: 595, 624, 634, 635, 669, I find his stern opposition to draw any kind of comparison between Rome and Greece is based on his overblown understanding of Roman political culture as a monistic society where *consensus* was not only key but ever-present and all powerful. This whole dissertation is meant as refutation of this position, so I will not develop it here any further; in any case, Meier builds upon the concept of the political famously provided by Schmitt, 2007, 26; see López Barja, Paleo-Paz, 2025, 77-99.

459 Schmitt, 2007, 26.

460 Schmitt, 2007, 27-29.

461 Schmitt, ever the theorist of the state, famously started *The Concept of the Political* with the powerful dictum, 'The concept of the state presupposes the concept of the political', Schmitt, 2007, 19. Nothing in his logic, I believe, prevents us from extending this to any other form of community that is political in nature – that is, insofar as it holds the

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According to the German jurist, every political community must make one or more fundamental decisions about which issues will define who belongs to its in-group and who falls outside it. This adjudication carries particular weight, for it always contains the potential to override all other forms of association and culminate in the physical elimination of the enemy. [462] Therefore, in a schmittian sense, *stasis* signifies the 'primacy of internal politics'[463]; a primacy that produces an identity so powerful that all others are subordinated to the political – and thus dominant – one. Hence, within this model, the precondition for a functioning community is the minimization of internal discord, lest it becomes 'political.' By its very nature, this political identity entails the possibility of killing; accordingly, it should remain the concern of foreign, not domestic, politics, since its intrusion into the latter leads to civil war – or, at the very least, to a state of internal conflict. [464]

Using this model as an analytical tool to understand the moments of civil turmoil described by Sallust, one can discern how the articulation of competing ideologies served as a defining criterion for two contrasting political identities, thereby rupturing the consensus that was meant to sustain a shared public identity. The construction of these political identities involved, among other things, making fundamental decisions on specific issues that delineated the contours of each group's ideological litmus test. According to Schmitt's model, not all issues are inherently political: some remain neutral – or have been neutralized – insofar as they are not employed to distinguish friend from enemy. Yet any issue can be drawn into the political arena and become politically charged once it is endowed with the power to define the boundaries of the in-group. This process becomes particularly significant in periods of *stasis*, when the ever-present potential for violence lends an intensity to political decision-making often absent in ordinary times.[465] The determinations made under the pressure of civic violence – regarding how to relate to those issues deemed political – may depend on a range of cultural and circumstantial factors, as in the case of an expansive conception of citizenship and *popularis* ideology. Yet once such determinations are made, they cannot easily be undone.

During periods of *stasis*, theoretical questions about what separates friends from enemies acquire an immediate and dramatic reality. When a political identity becomes the target of repression, violence, and killing, the core tenets that constitute this identity – such as a

monopoly over the decision concerning the friend–enemy distinction.

462 Schmitt, 2007, 25-37; famously for him, sovereign 'is he who decides on the exception', Schmitt, 2005, 5, which means sovereignty should be 'juristically defined (…) not as the monopoly to coerce or to rule, but as the monopoly to decide', 2005, 13, and the most fundamental of all decisions – the one from which all other decisions are to emanate (Schmitt, 2007, 30) – is the political one: who is our enemy?

463 Schmitt, 2007, 32.

464 Schmitt, 2007, 31-33.

465 Schmitt, 2007, 37-45; it is very revealing that for Schmitt political language has a fundamentally polemical meaning; that is, when used with political force, terms derive their content from a particular opposition grounded on friend-enemy groupings, Schmitt, 2007, 30-32; thus, the usage of language when elevating certain issues and concepts to the forefront of politics is never mere artifice, as it presupposes someone 'to be affected, combated, refuted or negated by such a term', Schmitt, 2007, 31.

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guiding ideology – tend to become fixed. Once members of the in-group begin to die and to kill for the markers which define their collective self, those markers gain weight in the group's own self-understanding. It is only natural that, once a cause has martyrs, the real and perceived reasons for which they died acquire greater significance and become increasingly resistant to change. As memories, narratives, and symbols accumulate around these contested issues, any shift in position risks being perceived as a betrayal of those who have suffered for them. This does not mean that a group's relevant issues, or its relation to them, become entirely immutable. Yet once blood has been spilled over them, a malleable – though deeply enduring – cast is forged.[466]

In the late Republic this 'process of politicization' was heavily mediated by ideology, as the main issues were conceptualized, selected, addressed and contested precisely by different political ideologies, which served to determine the line between enemies and friends. In turn, this meant that these ideologies were profoundly moulded by whatever morphological configuration they had acquired during these testing times, especially if this initial deployment, already hardened by blood, was validated often enough to the point of establishing a pattern. I believe that the killing of the Gracchi and their allies played such a role in the original configuration of *popularis* ideology. This traumatic event incited an ire that appears to be shared both by the people from Italy and those Romans of *popularis* leanings. With regard to this, the speech Sallust writes for the tribune of the plebs Gaius Memmius is very telling.[467] Fifteen years after that outburst of senatorial repression that took over three thousand lives (Plut. *C. Gracch*. 17.5), Memmius addressed the plebs *in contione* to reproach them that the murder of their defenders went unavenged (Sall. *Iug*. 31.2: *quam foede quamque inulti perierint vostri defensores*) by a faction that embodied the 'insolence of the few' (Sall. *Iug*. 31.2: *superbia paucorum*) who 'want to dominate' (Sall. *Iug*. 31.23: *Dominari illi volunt*), that is, to wield unrestrained power over the people. A *factio* which was enjoying the spoils of a power that was *not* theirs, but that of the Roman people. This *populus Romanus* was the master of many other peoples and yet the tribune was dismayed that they were content with retaining a mere breath of life (Sall. *Iug*. 31.20: *hoc est populus Romanus, invicti ab hostibus, imperatores omnium gentium, satis habebatis animam retinere*).[468]

As Memmius explained to those lending their ears, this *populus* was the seat of power in relation to other communities – as they were *imperatores omnium gentium* – but it was also

466 The nexus between the repression and dissension in contemporary societies has been widely studied by social sciences, with a variety of results regarding the exact effect the former has on the latter, as presented by deMeritt, 2016, 7-8. The non-conclusive nature of these findings is due to the multiplicity of methodologies applied and the wide range of variables that each case study presents, making the creation of a general and verifiable hypothesis difficult. Nonetheless, it is revealing that Siegel, 2011 993-1010, presents the case that repression is especially prone to harden dissension and cause backlash when applied inconsistently in societies with closely knit social networks, a description I find applicable to our case of study; for how political aims, fear and memory intertwined in late republican politics, see López Barja, 2014, 33-47: 42-47; for the memory surrounding *popularis* politicians, Rosillo-López, 2021b, 101-126.

467 Rosenblitt, 2016, 655-688, for Memmius' speech, especially 666-669.

468 Sall. *Iug*. 31.20: 'that is to say the Roman people, unconquered by your enemies, rulers of all nations, were content to retain the mere breath of life.'

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the *loci* of internal sovereignty. *Maiestas* – that quality of being 'greater than' – belonged to the *plebs* as heirs of those who twice seceded to the Aventine in order to assert their rights (Sall. *Iug*. 31.17: *Maiores vostri parandi iuris et maiestatis constituendae gratia bis per secessionem armati Aventinum occupavere*).[469] Yet this *maiestas*, was betrayed by a few nobles – those that formed the *factio* –, and traded to their enemies along with their laws and everything else that pertained to the human and the divine (Sall. *Iug*. 31.9: *itaque postremo leges, maiestas vostra, divina et humana omnia hostibus tradita sunt*).[470] For Memmius, this ought to be intolerable to someone that was a Roman citizen. The tribune was clear about the imperial nature of this citizenship; by virtue of being *Quirites*, they were shareholders of this imperial power, it was 'born' in it, and thus, ought not to be a slave (*Iug*. 31.11: *vos, Quirites, in imperio nati, aequo animo servitutem toleratis?*).[471]

And who were those defenders praised by Memmius that 'perished' and remained unavenged? Who were those who wanted to restore their rights to the commons and were killed because their demands were equated to aspiring to royal power? (Sall. *Iug*. 31.8: *Sed sane fuerit regni paratio plebi sua restituere*).[472] They were the Gracchi brothers and Fulvius Flaccus, alongside many of their followers. Memmius reminded his listeners that after Tiberius was murdered and accused of *regum parare*, prosecutions were launched against the plebs; and after his younger brother Gaius and his ally, Fulvius Flaccus, were also violently killed, many people from the plebeian order were executed in prison. In both cases, these defeats were not ended by law but by the whims of the aggressors – something which is the very definition of unrestrained power (Sall. *Iug*. 31.7: *Occiso Ti. Graccho, quem regnum parare aiebant, in plebem Romanam quaestiones habitae sunt. Post C. Gracchi et C. Fulvi caedem item vostri ordinis multi mortales in carcere necati sunt. Utriusque cladis non lex verum lubido eorum finem fecit*).[473]

The Memmius presented by Sallust is very deliberate in remaining inside the law: openly, he does not preach violent vengeance but peaceful political opposition, in this case, through the courts (Sall. *Iug*. 31.18: *Dicet aliquis 'quid igitur censes?' Vindicandum in eos qui hosti prodidere rem publicam. Non manu neque vi, quod magis vos fecisse quam illis accidisse*

469 Sall. *Iug*. 31.17: 'Your forefathers, for the sake of gaining legal rights and establishing their sovereignty, twice seceded and took armed possession of the Aventine;' for the people as the repository of *maiestas*, Brunt, 1988, 338-339; Ferrary, 1982, 723-804: 757-758.

470 Sall. Iug. 31.9: 'And so at last the laws, your sovereignty, and all things human and divine have been handed over to our foreign enemies.'

471 Sall. *Iug*. 31.11: Do you, Citizens, born to power, endure slavery with resignation?

472 Sall. Iug. 31.8: 'But let's assume that restoring to the commons their entitlements was the same thing as aspiring to kingship.'

473 Sall. *Iug*. 31.7: 'After the murder of Tiberius Gracchus, whom they accused of trying to make himself king, trials were instituted against the Roman commons. After the slaughter of Gaius Gracchus and Marcus Fulvius, many mortals of your order were put to death in the prison house. In both cases bloodshed was ended, not by law but at the pleasure of the victors.'

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indignum est, verum quaestionibus et indicio ipsius Iugurthae).[474] He recognises there is tension growing inside the *res publica* but lays the blame for the present violence squarely on the *factio nobilitatis.* They were the ones transforming personal enmities into public ones to benefit for their domination of the *populus*. Memmius dubs those in the *factio* as *inimicis* (Sall. *Iug*. 31.3: *obnoxiis inimicis*) and he reserves the term *hostes* for Jugurtha and other foreign foes (Sall. *Iug.* 31.9; 31.18; 31.20; 31.24; 31.25). Yet it is clear from his speech that the *nobiles* did not extend to their political rivals the same consideration, having no qualms in killing and butchering them without mercy.

In Sallust's narrative, Memmius is deliberately indicting the characterization of illegitimate violence as a rubric of *popularis* politicians. The tribune is painting a contrast between the *popularis*, who were very careful in presenting peaceful and legitimate opposition, and the *optimates*, who were the ones truly abusing violence as a political tool. Yet behind this rhetorical façade of restrain, the threat of violence is very clear. A heavy use of verbal irony permeates his speech. In a similar manner as when the shakesperean Anthony was preaching that Brutus was an honourable man while reminding everyone of the great feats Caesar achieved for the people,[475] so was Memmius advocating for non-violence while constantly recalling the value of such popular violence. He is very clear that their rights were the product of the armed (*armati*) secessions of their forefathers (Sall. *Iug*. 31.17); also, he emphasises that the *nobiles* ought to be *afraid* of them (Sall. *Iug*. 31.3: *qui ne nunc quidem, obnoxiis inimicis, exsurgitis atque etiam nunc timetis eos quibus decet terrori esse*);[476] and he warned them that if the criminals that composed the *factio* were not prosecuted now they would have to defend their *libertas* by their own hand (*Iug*. 31.22: *et vobis aeterna sollicitudo remanebit, cum intellegetis aut serviundum esse aut per manus libertatem retinendam*).[477]

As Gabrielli rightfully points out, the so-called *Gracchanae seditiones* were perceived by the Republic's elites as a traumatic attack on the *concordia*, one where the violence unleashed was so severe that transcended its simple nature of event and became a political concept, one that constructed ideology – and ideological divergence. Both *optimates* and *populares* made ideological efforts in categorising violence (*vis*/βία) as legitimate or not, justifying its use in certain moments and condemning their rivals in their attempts to counteract – to the point they became *hostes*. Nevertheless, because of the general prevalence of the pro-aristocratic tradition, we are mainly familiar with the political discourse coined by *optimate* ideology.[478] As per Grabrielli's analysis, this was a multifaceted discourse that manifested itself at three

474 Sall. Iug. 31.18: 'Someone will say, 'What then do you advise?' My view is that those who have betrayed their country to the enemy must be punished, yet not by might and not by violence (which it is a less becoming act for you to perform than for them to suffer) but rather by the courts and by Jugurtha's own testimony'

475 Shakespeare, Julius Caesar, Act 3, Scene 2, lines 73–108.

476 Sall. *Iug*. 31.3: 'Even now you take no action, when your enemies are at your mercy, and even now you fear those in whom you should be inspiring fear.'

477 Sall. *Iug*. 31.22: 'And you will be left in eternal anxiety, when you realize that you must either submit to slavery or use force to maintain your freedom.'

478 Gabrielli, 2022, 43-60; for a review of Gabrielli's work, Paleo-Paz, 2023c, 251-254.

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different levels: politically, legally, and historiographically. However, the common thread that united all of them was the disqualification of the *modus popularis* of making politics as inherently violent, radically clashing with the *mos mairoum* and always deviously aimed at imposing tyranny. If the *adfectatio regni* was the real ultimate objective of any and all *popularis* politicians then any measure they were trying to implement was nothing more than a subterfuge not worthy of discussion.[479]

This is precisely the image that Memmius is reacting against with his carefully worded speech. He must have been acutely aware of the dangers inherent in this perception of *popularis* politics as dominated by violence and ambition – whether or not such perceptions were true. Laden with heavy irony, Memmius concedes not that the Gracchi were seeking tyranny, but that the restoration of the people's rights was *as if* they sought kingship – something he clearly does not believe. But the stakes are unmistakable: the ambition to reign, *regni paratio*, legitimised a violent response in defence of the *res publica* (Sall. *Iug*. 31.8: *Sed sane fuerit regni paratio plebi sua restituere. Quidquid sine sanguine civium ulcisci nequitur, iure factum sit*).[480] *Popularis* politicians who suffered violent deaths were not, therefore, simply murdered; they were justly executed as *homini seditiosi*, as *furiosi* or as tyrants – they were *iure caesus*, as Scipio Aemilianus proclaimed when informed of the murder of his brother-in-law, Tiberius Gracchus (Cic. *De or*. 2.106: *ut eidem Carboni tribuno plebis alia tum mente rem publicam capessenti P. Africanus de Ti. Graccho interroganti responderat iure caesum videri*).[481]From both rhetorical and ideological perspectives, the *optimates* became fixated on levelling the accusation of *adfectatio regni* against any *popularis* politician who sought to gain popular support to implement reforms. They drew on the Greek archetype of the demagogue who became a tyrant and curtailed the liberty of his community – especially that of the aristocratic ruling class. This logic even retroactively shaped the narratives about the great demagogues of the fifth and fourth centuries BC, such as Sp. Cassius, Sp. Maelius, and M. Manlius, all of whom were accused of aspiring to kingship[482]. Indeed, the *optimates* developed an entire arsenal of legal and political instruments – from the *senatus consultum ultimum* to the declaration of *hostis* – designed to sanction the exercise of legitimate violence under the private law principle *vim vi repellere licet*.

Thus, repression against *popularis* politicians could take many different forms, yet it was embedded in the development of *optimate* ideology from its very inception. The pervasive use of legally sanctioned violence produced a shared catalogue of martyrs, one claimed both by the *popularis* leaders and by the peoples of Italy striving for citizenship. The genealogy of

479 Gabrielli, 2022, 61-102.

480 Sall. *Iug*. 31.8: 'But let's assume that restoring to the commons their entitlements was the same thing as aspiring to kingship. Suppose that whatever cannot be avenged without shedding the blood of citizens was justly done.'

481 Cic. *De or.* 2.106: 'Or as when Publius Africanus made answer to that very Carbo (by then a tribune of the commons with changed political views and putting a question as to Tiberius Gracchus), that "his death appeared to be justifiable."'

482 Gabrielli, 2022, 96-98.

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tribunes unjustly slain by their enemies preserved in a speech of the *Rhetorica ad Herennium* is very telling:

> *Tiberium Graccum rem publicam adminstrantem prohibuit indigna nex diutius in eo commorari. Gaio Gracco similis occisio est oblata, quae virum rei publicae amantissimum subito de sinu civitatis eripuit. Saturninum fide captum malorum perfidia per scelus vita privavit. Tuus, o Druse, sanguis domesticos parietes et vultum parentis aspersit. Sulpicio, cui paulo ante omnia concedebant, eum brevi spatio non modo vivere, sed etiam sepeliri prohibuerunt.* (*Rhet. Her.* 4.31)[483]

Tiberius and Gaius Gracchus, Saturninus, Drusus, and Sulpicius: the particular emphasis of each politician might have varied, but they were all perceived as belonging to a common tradition – one that linked together the defence of the prerogatives of *populus Romanus* and a more inclusive conception citizenship. Beyond the ways in which the respective political agendas of *popularis* and *socii et Latini* might have complemented one another on an ideological level (as they indeed did), or how they were occasionally brought together by circumstance (as they undoubtedly were), both groups were ultimately compelled to confront the same fundamental question: whom did they regard as their enemies? Memmius's deep resentment for the murdered members of his pars was by no means unique to him. Appian reports that, when the Italics knew both Gaius Gracchus and Flaccus were killed while pursuing policies on their behalf so they could become partners rather than subjects, they were roused to anger (App. *B Civ.* 1.34: ἀναιρεθέντοιν δὲ ἀμφοῖν, ὥς μοι προείρηται, πολὺ μᾶλλον ἠρέθιστο ἡ Ἰταλία· οὔτε γὰρ ἠξίουν ἐν ὑπηκόων ἀντὶ κοινωνῶν εἶναι μέρει οὔτε Φλάκκον καὶ Γράκχον ὑπὲρ αὐτῶν πολιτεύοντας τοιάδε παθεῖν).[484] Sallust himself, talking as a narrator, condemned Licius Opimius, the vanquisher of Fregellae, for making cruel use of the victory of the nobles over the people after the murder of Gaius Gracchus and Flaccus, their most ardent defender (Sall. *Iug*. 16.2: *Cuius legationis princeps fuit L. Opimius, homo clarus et tum in senatu potens, quia consul C. Graccho et M. Fulvio Flacco interfectis acerrume victoriam nobilitatis in plebem exercuerat*).[485]

Moreover, Sallust's re-creation of *popularis* rhetoric reveals this shared sense of enmity between the *Italici* campaigning for citizenship and the *populares*, even in the absence of explicit reference to the Gracchi. In an extant speech from the *Historiae*, Lepidus (or at least,

483 *Rhet Her*. 4.31: 'An undeserved death by violence prevented Tiberius Gracchus, while guiding the republic, from abiding longer therein. There befell Gaius Gracchus a like fate, which of a sudden tore from the bosom of the state a hero and staunch patriot. Saturninus, victim of his faith in wicked men, a treacherous crime deprived of life. O Drusus, your blood bespattered the walls of your home, and your mother's faced They were only now granting to Sulpicius every concession yet soon they suffered him not to live, nor even to be buried.'

484 App. *B. Civ.* 1.34: 'When they were both killed, as I have explained above, the Italians were much more irritated. For they did not think it right that they be classed as subjects rather than partners, or that Flaccus and Gracchus should have suffered such a fate while pursuing policies on behalf of the Italians.'

485 Sall. *Iug*. 16.2: 'The chief of this commission was Lucius Opimius, a distinguished person, who was influential in the senate at that time because as consul, after Gaius Gracchus and Marcus Fulvius Flaccus had been killed, he had made use of the victory of the nobles against the commons with great severity.'

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Salluts's version of it) denounces to his fellow citizens the contradiction of a *populus Romanus* that had been the arbiter of peoples until it was stripped by Sulla of any trace of a power that actually belonged to them:

> *hac tempestate serviundum aut imperitandum; habendus metus est aut faciundus, Quirites. Nam quid ultra? Quaeve humana superant, aut divina inpolluta sunt? Populus Romanus, paulo ante gentium moderator, exutus imperio, gloria, iure, agitandi inops despectusque, ne servilia quidem alimenta relicua habet. Sociorum et Lati magna vis civitate pro multis et egregiis factis a vobis data per unum prohibentur et plebis innoxiae patrias sedes occupavere pauci satellites mercedem scelerum.* (Sall. *Hist*. 1.55.10-12M = 1.49R)[486]

Sulla is presented here as a force of nature who disregarded human and divine constraints, so the only way forward for the citizens, the *Quirites* that composed the *populus Romanus*, was to either impose fear and regain their power or to be fearful and remain slaves. Immediately afterwards, he makes a very revealing observation. He references the *socii* and *Latini* as being granted citizenship by the people for their many great deeds. Putting aside the clear whitewashing of omitting the *bellum sociale* from its recounting, this was an ideologically coherent statement for a *popularis*, since according to this ideology the *socii* and *Latini* have indeed proven themselves worthy of this honour. Yet these new citizens were now suffering under the tyrant's boot just as the common people were. While the former were being excluded from the *civitas,* the latter's ancestral places were being occupied by his minions. Both the people of Rome and the *socii* and *Latini* (who by that point were also legal citizens, and thus, part of the *populus Romanus*) had been terrorized, dominated and victimized by the same enemy, Sulla. Hence, the blood of both continued to strengthen ideology, placing them on the same side time and time again.

Indeed, the connection between a strong *populus* and a more inclusive conception of citizenship is something Sallust himself defended in explicit terms – not crafting arguments for another politician within his narrative, but in his own voice. As discussed in Chapter 2, in the second *Epistula ad Caesarem* (Sall. *Ep.* 2.5), he was adamant that mass enfranchisement constituted an effective means of strengthening *libertas*. This was so for two main reasons: first, the strength of the people lay in their numbers; and second, granting citizenship on a large scale to new groups would renew the moral spirit of the *populus* itself, as the newly enfranchised would defend their recently acquired rights, prompting the older citizens, by

486 Sall. *Hist*. 1.55.10-12M = 1.49R: 'In this era, one must be a slave or a commander; one must feel fear, Citizens, or inspire it. For what other choice is there? Or what human principles remain, or what divine principles are unsullied? The Roman people, a short while ago the controller of the nations, has been stripped of power, glory and rights; without the means to live and an object of contempt, it does not have left even the rations of slaves. Through the act of one man, a large throng of our Italian allies and of those belonging to communities classified as Latin are deprived of the citizenship granted by you in return for their many distinguished services. The ancestral abodes of the guiltless commons have been seized by a few of his minions as the wages for their crimes.'

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imitation, to rise up and cast off the yoke of servitude. This conception, I believe, was distinctly *popularis* and arose, among other factors, as a response to a recurring pattern of violence, repression, and civil unrest which had deepened the political divide in an ideologically consistent way.

This does not mean that every *popularis* politician from the time of the Gracchi onward was primarily motivated by the question of enfranchisement, nor that an expansive conception of citizenship was always central to their ideological stance. *Popularis* ideology was a flexible phenomenon, taking different forms depending on the political moment and the particular preferences of its advocates. Yet it did mean that whenever the issue of citizenship resurfaced, the alignment of the two sides remained the same: the *optimates* opposing the enlargement of the citizen body, and the *populares* championing it. This was true even when repression and shifting political circumstances pushed the question of citizenship from the forefront of public debate, as will become clear in the next chapter.

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6. THE QUESTION OF CITIZENSHIP AFTER THE REPRESSION AGAINST THE GRACCHI

Repression and the overwhelming use of force certainly had consequences in the short term regarding the strength of the *popularis* movement. As Memmius made clear when he chastised the people, political opposition appeared to have been cowed into submission for the next few years (Sall. *Iug*. 31.2), at least regarding its more radical positions. Along with Gaius Gracchus, Fulvius Flaccus and a multitude of their followers, their ambitious proposals for mass enfranchisement were also killed. Agrarian reform, one of their flagship policies, was not immediately discontinued but it was subject to a counter-reform under the supervision of the Senate until 111BC, when it was finally abandoned.[487] If we take the first *popularis* proposal brought before the Assemblies after the mass repression of 122 – Marius's bill of 119 for the narrowing of the voting bridges (*Plut. Mar.* 4.2) – and compare it with the profound reforms advocated by the Gracchi, it becomes clear that the repression had an immediate impact on what those on the *popularis* side of the political spectrum dared to propose. In any case, modest as it may appear at first glance, this proposal proves *popularis* ideology continued to motivate political action. In fact, the *lex Maria* was in line with the tabellarian legislation, designed to make more difficult to the senatorial elites to exert their control over the voting process – in this case, physically, as a narrow bridge meant no aristocratic overseer could be placed near the urn to ensure what the common man voted.[488]

Nevertheless, try as the *optimates* might, the status quo that had existed before the Gracchi could not be restored, nor could their memory be erased from the political arena. For one thing, agrarian legislation never truly disappeared from the political life of the *res publica*, continuing to play a major role in fuelling its future conflicts.[489] The same can be said about the corn dole. As much as Cicero railed against Gracchus emptying the treasury and fomenting the indolence of the people (Cic. *Off*. 2.21.72; *Tus*. 3.20.48), investing part of the benefits of the empire into financing grain at a stable price became a part of the new state of play. What it is more, it became such a pivotal issue, so hard to tackle without dangerously angering the *plebs urbana*, that even a staunch *optimate* such as Cato considered wise to placate the people by authoring himself a *lex frumentaria* (Plut. *Cat. Min.* 26.1).[490] Still, I

487 App. *B civ.* 1.27; Perelli, 1982; 117-118; López Barja, Lomas Salmonte, 2004, 116-117; cf: Linttot, 1992, 87.
488 Yakobson, 1995, 426-442: 433; López Barja, 2007a, 82-83.
489 Roselaar, 2010, 284-288.
490 Pina-Polo, 2021: 127-162; cf. Mouritsen, 2017, 113; I disagree with the reading that Cato's policy proves that the *leges frumentarias* were disconnected from the ideological conflict between *populares* and *optimates*. I believe that a key aspect was the fact that Cato's proposal was a *senatus consultum* – that is, for him, what had to be preserved at all costs was the primacy of the Senate; even a grain distribution measure was admissible, provided it was put forward by the Senate.

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would argue the most clear case of Gaius Gracchus' consequential influence over politics was the judicial reform that he and his followers enacted. According to Varro, it caused such a schism among the leading classes – creating a bicephalous city – that it actually laid the basis for the *discordia civilis* that shook the *res publica* to its core during its last century:

> *Bicipitem quod incorporatum est posse dici Varro de vita populi romani lib. IIII aperuit: In spem adducebat non plus soluturos quam vellent; iniquus equestri ordini iudicia tradidit ac bicipitem civitatem fecit, discordiarum civilium fontem* (fr. 108 Pittà = fr. 425 Salvatore = fr. 114 Riposati = Nonius p.728,19L).[491]

As many of our sources decry, once the *ordo equester* had the power of rendering judgment over ex-magistrates and members of the Senate, the *equites* effectively acquired a political conscience and autonomy which they were not willing to abandon and set them into a collision course with the senatorial class.[492]

But what about the question of citizenship? Did it persist as a political focal point that motivated different and distinct reactions from *optimates* and *popularis*? In the medium term, the answer is evident. In that regard, Appian traces a very clear line from the first time this matter arose in Roman politics, with Fulvius Flaccus (App. *B civ*. 1.21, 34) to the contentions over tribal distribution on the aftermath of the great *bellum civile* of the 80's (App. *B civ.* 1.55); a connection that he deliberately runs through Gaius Gracchus, Drusus the younger and, obviously, the *bellum sociale* (App. *B civ.* 1.34-35). Yet in the short term things are not so clear cut. At first glance, it appears that during the 110's and 100's discussions over enfranchisement of *Latini* and *socii* were, at least in Roman politics, 'dormant',[493] only to re-emerge as a political driver during the 90's – especially in the second half of that era. I contend in the following pages that, despite not having the pressing nature it would gain in the 90's, it is possible to locate political contestation over the bounds of the *civitas* during these decades.

6.1 Hints of preservation: the *lex Aemilia de libertinorum suffragiis* (115)

From what we can tell, the question of citizenship did resent the repression, as one does not see the sweeping proposals spearheaded by the Gracchi and Flaccus re-appear during the 110's and 100's. Nevertheless, it did not disappear. As we shall explore here, it merely receded into the background, where it latched on to other conflicts, influencing them and giving them weight. In fact, there are clues – admittedly, slight ones – that this contestation

491 'Varro, in Book IV of On the Life of the Roman People, shows that "two-headed" can also be said of something incorporeal: "he gave them hope that they would not have to pay more than they wanted; the unjust one handed over judgements to the equestrian order and made a two-headed city, the source of civil discord"'

492 With no exhaustive purpose, Tac. *Ann*. 12.60; Cic. *Cluent*. 140; Cic. *De or*. 1.225; Cic. *Scaur*. 1.2; Asc. *Scaur*. 21C; Diod. Sic. 34/35.25.1; see also, López Barja, 2024: 23-39.

493 To borrow an expression from Sherwin-White, 1972b: 83-99, 97.

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found other ways to manifest itself besides the enfranchisement of *Latini et socii.* In the mid 110's there is a tantalising hint of political discussion over the *civitas*, not regarding its extension but its meaning and performance as a political status. Sadly, the information we have to go on regarding this particular piece of policy is minimal, and basically consists of a brief excerpt where the *De Viris llustribus* recollects that, during his consulship (115), M. Aemilius Scaurus managed to get the assemblies to pass a law regarding the right of suffrage of the freedmen and sumptuous consumption (*Vir. Illus.* 72: *consul legem de sumptibus et libertinorum suffragiis tulit*).[494] By contrast, Pliny the Elder only mentioned the sumptuary legislation regarding the serving of dormice and other extravagant animals at banquets, not any measure aimed at the *ius suffragii* of freedmen (Plin. *HN*. 8.223: *sicut glires, quos censoriae leges princepsque M. Scaurus in consulatu non alio modo cenis ademere quam conchylia aut ex alio orbe convectas aves*).[495]

Frustratingly, this is all the information we have on this piece of legislation; that is, barely anything to go on. Yet, *arguendo* that Scaurus actually passed a law regarding the *ius suffragii* of the freedman we could venture to make an educated guess regarding the intent of this measure. Taking into account our lack of definitive evidence for the actual content, any and all of our hypotheses would have to be based on what we know of Scaurus political leanings and what contentions were common regarding the *ius suffragii libertinorum* from the perspective of a potential legislator. Here, we do have a little more substance to make our case. The grounds supporting Scaurus conservative approach to ideology and policy are many. Cicero bestowed upon him a great deal of admiration (Cic. *Font*. 23-24: *Ecquem hominem vidimus, ecquem vere commemorare possumus parem consilio, gravitate, constantia, ceteris virtutibus, honoris, ingeni, rerum gestarum ornamentis M. Aemilio Scauro fuisse?*)[496] and was eager to praise his opposition to G. Gracchus (Cic. *Sest*. 101: *permanent illi soli atque omnia rei publicae causa perferunt qui sunt tales qualis pater tuus, M. Scaure, fuit, qui a C. Graccho usque ad Q. Varium seditiosis omnibus restitit, quem numquam ulla vis, ullae minae, ulla invidia labefecit*).[497] It is also apparent Scaurus' support to Opimius, responsible for the killing of Gaius Gracchus and Fulvius Flaccus and the repression of his followers (*Vir. Ill.* 72.9: *Tantumque auctoritate potuit* [Scaurus]*, ut Opimium contra Gracchum, Marium contra*

494 Rotondi considers it would be best to think about two distinct laws given that, according to him, *rogationes per saturam* were already forbidden before the *lex Caecilia Didia* (98BC), Rotondi, 310-32; Elster, 175-179, also treats this initiatives as two distinct laws.

495 Plin. *HN*. 8.223: 'as do dormice, which sumptuary legislation and Marcus Scaurus the *princeps senatus* during his consulship ruled out from banquets just as they did shell-fish or birds imported from other parts of the world.'

496 Cic. *Font*. 23-24: 'Is there a man whom we have seen or whom we can truly name as the peer in discretion, dignity, and strength of will, and all other great qualities, or in the distinctions of a great career, a brilliant intellect, and splendid achievements, of Marcus Aemilius Scaurus?'

497 Cic. *Sest*. 101: 'But among those who have wished to be defenders of the State, the weaker desert, the more timid are not to be found, those only remain firm and endure everything for the sake of the State who are like your father, Marcus Scaurus, who resisted all revolutionaries from Gaius Gracchus to Quintus Varius, whom no violence, no threats, no unpopularity ever caused to waver'

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Glauciam et Saturninum privato consilio armaret). Importantly, we also know he expressly manifested a conservative streak regarding the voting process, very much in line with *optimate* ideology. In *De Legibus*, Cicero makes his brother Quintus tell a story about his grandfather, who garnered the approval of Scaurus when he opposed his compatriot, M. Gratidius, trying to pass a secret ballot law in their home-town of Arpinum:

> *Et avus quidem noster singulari virtute in hoc municipio, quoad vixit, restitit M. Gratidio, cuius in matrimonio sororem aviam nostram habebat, ferenti legem tabellariam. Excitabat enim fluctus in simpulo, ut dicitur, Gratidius, quos post filius eius Marius in Aegaeo excitavit mari. ac nostro quidem . . . cui cum res esset ad se delata, M. Scaurus consul: "Utinam," inquit, "M. Cicero, isto animo atque virtute in summa re publica nobiscum versari quam in municipali maluisses!* (Cic. *Leg.* 3.36)[498]

By contrast, Sallust is much more critical of him, consistent with this author more *popularis* leaning approach. He appears prominently in the *Bellum Iugurthinum* as one of the most prominent representatives of that *nobilitas* that colluded in a faction that valued riches over justice and often prevailed in the Senate (Sall. *Iug*. 16.1: *Vicit tamen in senatu pars illa, quae vero pretium aut gratiam anteferebat*). In fact, Scaurus was described as full of energy yet very crafty in concealing his flaws:

> *sed ex omnibus maxume Aemilius Scaurus, homo nobilis, impiger, factiosus, avidus potentiae, honoris, divitiarum, ceterum vitia sua callide occultans. Is postquam videt regis largitionem famosam impudentemque, veritus, quod in tali re solet, ne polluta licentia invidiam accenderet, animum a consueta lubidine continuit.*(Sall. *Iug*. 15.4-5)[499]

To sum up, it is not unfair to characterise Scaurus as a pro-aristocratic politician with sufficient zeal to engage in controversial partisan initiatives and to use his considerable influence – 'he, who unsworn well-nigh controlled the earth by his nod' (Cic. *Font*. 24: *Tamen huius cuius iniurati nutu prope terrarum orbis regebatur*) – to drive his aristocratic agenda forward.[500]

498 Cic. *Leg*. 3.36: 'And in fact our grandfather, during his whole life, opposed with the greatest energy the passage of a balloting law in this town, although his wife (our grandmother) was the sister of Marcus Gratidius, the man who was proposing such a law. For Gratidius raised a storm in a wine-ladle, as the popular saying goes, just as his son Marius did later in the Aegean Sea. Indeed . . . to our [grandfather] . . . when the matter was reported to him, Marcus Scaurus the consul said to him: "Marcus Cicero, I wish you had chosen to dedicate your efforts to the welfare of the great republic with the same spirit and energy which you have shown in the affairs of a small town."'

499 Sall. *Iug*. 15.4-5: 'Conspicuous among these was Aemilius Scaurus, a noble full of energy, a partisan, greedy for power, distinction and riches, but clever in concealing his faults. As soon as this man saw the king's notorious and brazen bribery, fearing that which usually results in such cases, namely, that the tainted exercise of unrestrained power would rouse popular resentment, he curbed his usual wantonness.'

500 For Scaurus' political trajectory, Bloch, 1908; also Bates, 1986, 251-288, who intends to free Scaurus from the shadow of Sallust's negative characterization and makes the case for an honest politician; no matter the nuances, both present him as fundamentally conservative; for a much updated analysis of the *princeps senatus* ambivalent yet dominant career, especially regarding his fraught relation to judicial prosecutions as a function of partisan politics, see Lacorte, 2025a, 257-286; in addition to the section where the author summarises the glowing portrait ancient sources paint of Scaurus as a bulwark of the *res publica* (Cic. *Ses*. 101: *propugnatores autem rei publicae*), *pace* Sallust, 260-269, it is particularly relevant for our purposes Lacorte's presentation of a politician that was forceful enough to pursue his aims resorting to

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Then, the next question is clear: was there a commonly held aristocratic stance regarding the right to vote of the freedmen? On this issue, there was a clear precedent during the censorship of T. Sempronius Gracchus – the father of the famed tribunes – and C. Claudius Pulcher, in the year 169. It is most probable that at this moment in time freedmen were registered into the four urban tribes. This appears to have been the case since the year 234, at least according to an *Epitome* of Livy that claims that 'freedmen were registered in four tribes (Esquilina, Palatina, Suburana and Collina) while until then they were distributed between all of them' (Liv. *Epit*. 20.14-16: *Libertini in quattuor tribus redacti sunt, cum antea dispersi per omnes fuissent, Esquilinam, Palatinam, Suburanam Collinam*) The consequences of this concentration were clear, as it was basically a way to reduce the electoral power of the *liberti*, as their votes would only count in four out of the thirty-five electoral districts that participated in the *comitia tributa* – arguably those that were already more crowded. However, this already diminished electoral power was still not good enough for certain politicians, such as T. Gracchus senior. From a mangled passage in Livy we know that he made some sort of extreme proposition that was opposed by his fellow censor, Claudius, before reaching a compromise that was praised by the Senate:

> *In quattuor urbanas tribus discripti erant libertini praeter eos, quibus filius quinquenni maior ex se natus esset,—eos, ubi proximo lustro censi essent, censeri iusserunt—et eos, qui praedium praediave rustica pluris sestertium triginta milium haberent, . . . censendi ius factum est. Hoc cum ita servatum esset, negabat Claudius suffragii lationem iniussu populi censorem cuiquam homini, nedum ordini universo adimere posse. Neque enim, si tribu movere possit, quod sit nihil aliud quam mutare iubere tribum, ideo omnibus quinque et triginta tribubus emovere posse, id est civitatem libertatemque eripere, non, ubi censeatur, finire, sed censu excludere. Haec inter ipsos disceptata; postremo eo descensum est, ut ex quattuor urbanis tribubus unam palam in atrio Libertatis sortirentur, in quam omnes, qui servitutem servissent, conicerent. Esquilinae sors exiit; in ea Ti. Gracchus pronuntiavit libertinos omnis censeri placere. Magno ea res honori censoribus apud senatum fuit. Gratiae actae et Sempronio, qui in bene coepto perseverasset, et Claudio, qui non impedisset.* (Liv. 45.15.1-7)[501]

all levers of the *res publica*, be them political or judicial, 269-283.

501 Liv. 45.15.1-7: Freedmen had been distributed among the four city tribes except for those who had a son over five years old (these they ordered to be reckoned where they had been enrolled at the census immediately previous), and those who had an estate or estates in the country valued at over thirty thousand sesterces . . . the privilege of enrolling was granted. Although this arrangement had become established in this way, Claudius said that it was impossible for a censor without a decree of the people to deprive any individual of his ballot, let alone a whole class. For if, said Claudius, the censor could move a man from his tribe, which was exactly what ordering him to change his tribe meant, he could remove him from all thirty-five tribes, that is, deprive him of citizenship and status as a free man—not determine where he should be enrolled but exclude him from enrolment. This was argued between the two censors; finally they resorted to the following solution: they drew lots publicly in the Hall of Liberty for one of the four city tribes, to which they would consign all those who had been slaves. The lot of the Esquiline tribe was cast; Tiberius Gracchus announced that they had decided to enrol all freedmen in this tribe. This matter was regarded by the senate as greatly to the credit of the censors. Thanks were voted to Sempronius, for having persisted in a praiseworthy undertaking, and to Claudius, for not interfering.'

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What we can parse from this less than ideal explanation is that there was a legal framework in force for the distribution of the freedmen when Gracchus and Claudius came to a disagreement over how to proceed regarding its modification. This structure established that the bulk of the freedmen were registered into the four urban tribes with two apparent exceptions: one, those who had a son of over five years of age, and second, those owning one estate or more valued at more than thirty thousand sesterces. These exceptions appear to be criteria from one the recent censuses (perhaps the one in 174). Taking this into account, one could conjecture that past censors were generous in their treatment of those *liberti* they thought to have proved their worth either by collaborating in the human perpetuation of the *civitas* or by possessing a certain amount of respectable wealth – i.e. tied to the land. Presumably, these *liberti* were probably rewarded by being registered into the rural tribes, probably in the same one as their patrons.[502]

Moreover, Gracchus appears to have proposed a highly radical measure concerning the general enrolment of freedmen into the tribes. The surviving excerpt does not preserve the exact wording of his proposal, but from the arguments advanced by his colleague, we may infer that his original intention was probably to deprive the freedmen of the right to vote by removing them from the tribal lists. In response to this initiative, Claudius warned of the dangers of depriving a citizen of tribal membership – an act which would also have stripped him of the right to vote – by decree of a censor rather than by that of the people. In effect, this would have meant depriving an individual, or worse still, an entire social group (*ordo*), of civic liberty itself (*id esse civitatem libertatemque eripere*). Ultimately, the two censors reached a compromise and, after a vote held in the symbolically charged *atrium Libertatis*, they drew lots to select one of the urban tribes in which to register all those who had been slaves. The Esquiline tribe was chosen, although it remains uncertain whether this applied only on that occasion or became a general rule.[503]

For his part, Cicero – speaking through his character of Scaevola Augur – differs on the specific number of tribes used to confine the *liberti* but presents a much clearer political bottom line:

> *Ego vero si velim et nostrae civitatis exemplis uti et aliarum, plura proferre possim detrimenta publicis rebus quam adiumenta, per homines eloquentissimos importata; sed ut reliqua praetermittam, omnium mihi videor, exceptis, Crasse, vobis duobus, eloquentissimos audisse Ti. et C. Sempronios, quorum pater, homo prudens et gravis, haudquaquam eloquens, et saepe alias et maxime censor saluti reipublicae fuit: atque is non accurata quadam orationis copia, sed nutu atque verbo libertinos in urbanas tribus transtulit, quod nisi fecisset, rem publicam, quam nunc vix tenemus, iam diu nullam haberemus. At vero eius filii diserti et omnibus vel naturae vel doctrinae*

502 North, 2022, 524-536: 529-530; regarding how this census would interface with tribal enrolment of the freedmen and their place in the Servian *classis* system, López Barja, 2022, 374-386: 375-377; also, López Barja, 2007b, 125-131: 127.
503 North, 2022, 524-536: 530, favours the possibility that this selection was to be repeated every year.

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> *praesidiis ad dicendum parati, cum civitatem vel paterno consilio vel avitis armis florentissimam accepissent, ista praeclara gubernatrice, ut ais, civitatum eloquentia rem publicam dissipaverunt.* (Cic. *De or.* 1.38)[504]

In this brief account, Gracchus the Elder did not transfer the *liberti* into a single tribe but into the four urban tribes – which seems to be a mistake, as that was the arrangement in force *before* this intervention. In any case, for Cicero, what mattered was not the specific number of tribes to which the *liberti* were confined, but the fact that they were indeed so restricted. His character, *Mucius Scaevola Augur*, passionately argued that it was thanks to this measure devised by Gracchus the Elder that the Republic still survived – a decision he then contrasted with the political careers of Gracchus' sons, who, abandoning their father's principles, pursued an opposite course, seeking to undermine the *res publica* through the power of their oratory. This contrast is revealing of how such an electoral policy was understood from an *optimate* perspective, in which the father is sharply opposed to his sons – the archetype of *popularis* politicians in the mind of someone like Cicero. Indeed, following the obscure law of Aemilius Scaurus, the question of the *liberti*'s tribal distribution appears in our sources as a highly partisan issue, repeatedly invoked by various tribunes of the plebs in times of acute political polarization. Such was the case with Sulpicius in the aftermath of the Social War; Cinna, during his consulship; Carbo, after Cinna's death; Cornelius and Manilius in the 60s; and Clodius, during his career as a firebrand agitator in the 50s. These later developments, of course, could not have influenced Scaurus himself, yet they undoubtedly shaped Cicero's judgment of Gracchus the Elder's decision and helped establish a clear pattern in how this issue was perceived by both political camps.[505]

Thus, coming back to Aemilius Scaurus's hypothetical law, it remains a distinct possibility that it prefigured the common disagreement over what political role ought to be played by those who, paraphrasing Livy, 'had served in slavery' (Liv. 45.15.5: *qui servitutem servissent*). Again, before coming to any sweeping conclusions, it is important to underscore how little we know about said statute. For that matter, we even ignore if Gracchus senior's legal framework was still the law of the land, although at a certain point before the *bellum sociale* there was a return to the system used before 169. As we have seen, Cicero himself did

504 Cic. *De or*. 1.38: 'For my part, indeed, should I care to use examples from our own and other communities, I could cite more instances of damage done, than of aid given to the cause of the State by men of first-rate eloquence, but putting all else aside, of all men to whom I have listened except you two, Crassus, it seems to me that the most eloquent were Tiberius and Gaius Sempronius, whose father, a man of discretion and character, but no speaker whatever, was many a time and most particularly when Censor the salvation of the commonwealth. Yet it was not any studied flow of speech, but a nod and a word of his that transferred the freedmen into the city tribes; and had he not done so, we should long ago have lost the constitution which, as it is, we preserve only with difficulty. His sons, on the other hand, who were accomplished speakers and equipped for oratory with every advantage of nature or training, after they had taken over a State that was flourishing exceedingly because of their father's counsels and their ancestors' military achievements, wrecked the commonwealth by the use of this eloquence to which, according to you, civil communities still look for their chief guidance.'

505 López Barja, 2022, 374-386: 378-380.

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not have a very clear grasp regarding what exact measures were taken by Gracchus senior and thought that the registration practice that confined the *liberti* to the four urban tribes was his doing. Yet attending to what we can puzzle of Scaurus's political leanings – especially his pro-aristocratic stance regarding voting procedure –, precedent, and even how this issue would evolve in the subsequent decades, it is fair to make a plausible guess. Namely, if it existed, the *lex Aemilia* was probably intended to somehow reduce the electoral power of the *liberti.* It is improbable – though not impossible – that a measure as far reaching as Gracchus senior's decision would have passed without leaving any trace in our sources. Nevertheless, we know precisely from Liv. 45.15.1-7 that not all freedmen had to be treated equally regarding registration. In the same manner that one could privilege certain categories of freedmen, such as those with sons or over a certain wealth, one could also target other groups to limit their tribal distribution or even impose some other kind of procedural onus that we do not know about.[506]

Total disenfranchisement seems far less probable. It is worth recalling here the arguments advanced by Claudius when he opposed Gracchus' extreme proposal: without a decree of the people, a censor was not entitled to deprive anyone of the right to vote, since this constituted a core element of a citizen's liberty. *Civitas*, *libertas*, and *ius suffragii* were interdependent concepts, and this relationship could manifest ideologically in various ways. It could take the form of debates over who ought to qualify for enfranchisement; questions to which *optimates* and *populares* systematically offered different answers. In other words, who deserved to belong to the *civitas*? Were the peoples of Italy worthy of such a privilege? Yet it could also emerge in arguments about what membership in the *civitas* actually entailed, particularly with regard to certain rights, such as the aforementioned *ius suffragii*. How much political power should former slaves, now incorporated into the citizen body, be allowed to exercise? In the case of the hypothetical *lex Aemilia de libertinorum suffragiis*, I would argue that it represents an instance of the latter type of debate – and I suspect it embodied the archetypal *optimate* answer: as little as possible.

506 López Barja, 2007b, 125-131: 127, does not place too much credence on the existence of this law on account of the unreliability of the *auctor de viris illustribus*; yet in López Barja, 2022, 374-386: 378, he ventures that if such a law ever existed it would probably have been contrary to the freedmen's interests, given the 'political stance of its author'; so does Treggiari, 1969, 49; in turn, Williamson, 2005, 461, simply categorizes this law to be 'uncertain or conjectural'; cf: Taylor, 1960, 141-143, considered that Scaurus was, indeed, 'trying to improve the condition of certain freedmen by allowing them to register in rural tribes'; she fundamentally based this on a different interpretation of Cic. *De or*. 2.257. This passage presents a corruption in the manuscript that has been usually emended to read 'ut Stati a Scauro stomachante'; meanwhile, she proposed it should be read as 'ut Stati Scauro stomachanti', what would make Scaurus the recipient of the verse 'st, tacete, quid hoc clamoris? Quibus nec mater nec pater, tanta confidentia? Auferte istam enim superbiam'. Thus, she defends that Scaurus was being berated for having rewarded certain freedmen ('those without mother nor father') who might have been of service, for example, in supporting the consul Opimius against the Gaius Gracchus. Clever as it may be, I do not find this interpretation convincing as it clashes with Scaurus' proven conservative stance regarding the electoral process and it is doubtful that Cicero, who deemed T. Gracchus senior measure as having saved the *res publica*, would have bestowed such admiration over someone who had passed such a law. In any case, Cic. *De or.* 2.257, is analysed in depth in the next chapter when discussing *lex Licinia Mucia*; in turn, Lintott, 1999, 52, simply states that this law improved their electoral position, although he fails to provide an explanation.

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6.2. *ACERBISSIMA LEX SERVILIA*

The case for a more generous policy of enfranchisement did also persist inside *popularis* ideology, where it remained a function of other policies. It appears that the granting of citizenship as a reward for those mounting a successful accusation *de repetundis* continued to be the law of the land – with some possible caveats –, even though our sources are very scarce regarding the legal evolution of this mechanism. As we have already seen, it was introduced by the *lex Acilia de repetundis*, so this method of enfranchisement became entangled with the question of judicial reform and the tug of war between the *ordo equester* and the senatorial class, with both sides trying to take control of the juries out of the hands of each other. Taking all our evidence into account it is possible to piece together that two apparently contradictory *leges de repetundis* were passed through the assemblies in close temporal proximity. Both measures tackled head on who would control the juries while also regulating matters of judicial procedure and, consequently, the question of citizenship as the prize for a successful accusation of extortion. Confusingly, both share the same abbreviated name, *lex Servilia*, derived from the *nomen* of their *rogatores*, Q. Servilius Caepio (*cos*. 106) and G. Servilius Glaucia (*trib*. 104 or 101); yet each one had opposing aims as to whose ranks would compose the juries.[507]

Under Caepio's law the senatorial class recovered the control of the *album iudicum*, as Tacitus points out:

> *Claudius omne ius tradidit, de quo toties seditione aut armis certatum, cum Semproniis rogationibus equester ordo in possessione iudiciorum locaretur, aut rursum Serviliae leges senatui iudicia redderent, Mariusque et Sulla olim de eo vel praecipue bellarent. sed tunc ordinum diversa studia, et quae vicerant publice valebant.* (Tacit. *Ann*. 12.60)[508]

This law was forcefully defended by L. Licinus Crassus (*cos*. 95), co-author during his consulship of the infamous *lex Licinia Mucia*. In the *Brutus*, Cicero succinctly mentions he defended a *lex Servilia* when he was 34 years old (106), when he had delivered a famous speech that was later published and was widely circulated – Cicero assumes Brutus has read it several times (Cic. *Brut*. 161). According to the date, it is clear it was the *lex Servilia Caepionis*. During this oration, he had aggressively attacked the moral quality of the *ordo*

507 Both *leges* have been subject of extended academic discussion, Badian, 1954b: 101-102; Nicolet, 1966, 531-535; Gruen, 1969: 8-11; Sherwin-White, 1972b: 83-99; Mattingly, 1970: 154-168, 1975: 255-263 and 1983: 300-310; Lintott, 1981, 162-212: 186-197; Kołodko, 2020: 83-92, among others.

508 Tac. *Ann*. 12.60: 'Now Claudius handed over in full the judicial power so often disputed by sedition or by arms—when, for instance, the Sempronian rogations placed the equestrian order in possession of the courts; or the Servilian laws retroceded those courts to the senate; or when, in the days of Marius and Sulla, the question actually became a main ground of hostilities. But the competition was then between class and class, and the results of victory were universally valid.'

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equester and their performance as juries, to the point that his words were later used by a certain M. Brutus to put him on the spot:

> *Ego vero in isto genere libentius cum multorum tum hominis eloquentissimi et sapientissimi, L. Crassi, auctoritatem sequor qui, cum Cn. Plancum defenderet accusante M. Bruto, homine in dicendo vehementi et callido, cum Brutus duobus recitatoribus constitutis ex duabus eius orationibus capita alterna inter se contraria recitanda curasset, quod in dissuasione rogationis eius quae contra coloniam Narbonensem ferebatur quantum potest de auctoritate senatus detrahit, in suasione legis Serviliae summis ornat senatum laudibus, et multa in equites Romanos cum ex ea oratione asperius dicta recitasset quo animi illorum iudicum in Crassum incenderentur, aliquantum esse commotus dicitur.* (Cic. *Cluent*. 140)[509]

If one had any doubt regarding what kind of accusations were brandished by Crassus to denigrate the *equites* as juries, Cicero also provides a clue in the *De oratore*:

> *Quod si ea probarentur in populis atque in civitatibus, quis tibi, Crasse, concessisset, clarissimo viro et amplissimo et principi civitatis, ut illa diceres in maxima contione tuorum civium, quae dixisti? "Eripite nos ex miseriis, eripite ex faucibus eorum, quorum crudelitas nisi nostro sanguine non potest expleri; nolite sinere nos cuiquam servire, nisi vobis universis, quibus et possumus et debemus."* (Cic. *De or.* 1.225) [510]

Whatever political capital Caepio had combined with Crassus rhetoric skills appears to have won the day. Most probably the bill was passed into law the very same year of Caepio's consulship (106) and had very little trajectory, as just a few years later the control of the *album iudicum* was brought back to the *equites* by another *lex de repetundis* authored by the tribune G. Servilius Glaucia – whether this was in the year 104 or 101 it is not clear.[511] We know this new measure was written and presented to the assemblies by Glaucia – a long-time ally of the firebrand *popularis* Saturninus – by a combination of sources, all gravitating around Cicero. On the one hand, we are informed of the existence of *lex Servilia Glaucia de repetundis,* as it was mentioned by the Pseudo-Asconius regarding a particular procedural

509 Cic. *Cluent*. 140: 'For myself, I should prefer, on a point of this kind, to follow, among many other authorities, that of the eloquent and learned L. Crassus. He was defending Gn. Plancus against M. Brutus, a forcible and skilful speaker; and Brutus put forward two readers, causing them to read in turn contradictory passages taken from two of his speeches; in one of which when opposing a bill introduced to prevent the founding of a colony at Narbo, he did his utmost to disparage the senate; while, when supporting the statute of Servilius, he had praised that body in the highest terms; and then, meaning to inflame the jurors of those days against Crassus, Brutus had a further passage from this speech read out in which he had made many bitter attacks upon the Roman knights.'; this very same trick by M. Brutus is also recounted in Cic. *De or*. 2.223.

510 Cic. *De or*. 1.225: 'But if his ideas were approved in real nations and States, who would have allowed you, Crassus, for all your high reputation, and all your splendour as a political leader, to express yourself as you did before a densely crowded assembly of your fellow-citizens? "Deliver us out of our woes, deliver us out of the jaws of those whose ferocity cannot get its fill of our blood; suffer us not to be in bondage to any, save to yourselves as a nation, whose slaves we can and ought to be."'

511 Broughton, 1951, 553, for Caepio and 571-572, for Glaucia, whom he favours to have served as tribune in the year 101 (also, Broughton, 1952, 645, where he prefers the year 101 although it recognises the possibility of 104 as an alternative date).

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issue (Ps. Ascon. p.230-28-31: *Glaucia primus tulit. Ante legem Glauciae de comperendiatione aut statim sententia dicebatur, si absolvendus est reus …*). Moreover, a truncated extract of Cicero' *Pro Scauro* mentions the case of someone accused by Q. Servilius Caepio under the provisions of a *lex Servilia* that had given the control of the juries to equestrian order, making even the innocent anxious, as the recent unjust condemnation of P. Rutilius showed (Cic. *Scaur*. 1.2: *reus est factus a Q. Servilio Caepione lege Servilia, cum iudicia penes equestrem ordinem essent et P. Rutilio damnato nemo tam innocens videretur ut non timeret illa*).[512] Later, Asconius tells us this passage refers to the accusation of Caepio, the homonymous son of the *rogator* of the *lex Servilia Caepionis de repetundis*, against Aemilius Scaurus (*cos*. 115) under the *lex Servilia Glaucia de repetundis*:[513]

> *Reus est factus a Q. Servilio Caepione lege Servilia, cum iudicia penes equestrem ordinem essent et P. Rutilio damnato nemo tarn innocens videretur ut non timeret ilia.*
> [Asc.] *Q. Servilius Caepio Scaurum ob legationis Asiaticae invidiam et adversus leges pecuniarum captarum reum fecit repetundarum lege quam tulit Servilius Glaucia. Scaurus tanta fuit continentia animi et magnitudine ut Caepionem contra reum detulerit et breviore die inquisitionis accepta effecerit ut ille prior causam diceret; M. quoque Drusum tribunum plebis cohortatus sit ut iudicia commutaret..* (Asc. *Scaur*. 21C)[514]

We also have a reference to a *lex Servilia* under which two men were indicted yet found innocent by fault of their accusers. One was G. Cosconius, who was patently guilty but declared innocent because his accuser, a certain Valerius Valentinus, lost the favour of the jurymen by crudely joking about abusing children:

> (absol. 7) *Subnectam duos accusatorum suorum culpa absolutos.*(...) (absol 8) *C. etiam Cosconium Servilia lege reum, propter plurima et evidentissima facinora sine ulla dubitatione nocentem, Valerii Valentini accusatoris eius recitatum in iudicio carmen, quo puerum praetextatum et ingenuam virginem a se corruptam poetico ioco significaverat, erexit, si quidem iudices iniquum rati sunt eum victorem dimittere qui palmam non ex alio ferre, sed de se dare merebatur. magis vero Valerius in Cosconii absolutione damnatus quam Cosconius in sua causa liberatus est.* (Val. Max. 8.1 absol. 7-8)[515]

512 Cic. *Scaur*. 1.2: 'He was prosecuted by Quintus Servilius Caepio, under the Servilian law, at the time when the tribunals of judges were furnished exclusively by the equestrian body; and after Publius Rutilius was condemned, no one could appear so innocent as to have no reason to fear that tribunal'

513 Lacorte, 2025a, 257-286: 276-282.

514 Asc. *Scaur*. 21C: *'He was indicted by Q. Servilius Caepio under the Lex Servilia at a time when the courts were in the hands of the equestrian order, and after the condemnation of P. Rutilius no one appeared blameless enough not to fear it.* [Asc.] Q. Servilius Caepio indicted Scaurus on account of political resentment from his Asian posting and for taking monies contrary to law, and did so under the statute on extortion carried by Servilius Glaucia. Scaurus was cool-headed and spirited enough to enter a counter-accusation against Caepio, and by obtaining an earlier date for the trial contrived that the latter should plead his case first—and he also urged M. Drusus, tribune of the plebs, to reform the courts.'

515 Val. Max. absol. 7-8: '(absol. 7) I shall add two persons acquitted through the fault of their accusers. (…) (absol. 8) C. Cosconius was charged under the Servilian law, guilty beyond a doubt by reason of many fully evident criminal acts. He was put on his feet by a poem of his prosecutor Valerius Valentinus recited in court, in which by way of a literary joke

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This excerpt does not specify under which *lex Servilia* this G. Cosconius was indicted. Mattingly made a prosopographical reconstruction of the family tree of the accused, where he places this G. Cosconius as one of the three sons of M. Cosconius (*pr*. 135), uncle to the homonymous G. Cosconius that would be a legate during the Social War, in the year 89. This author considers that the accused was prosecuted under Glaucia's law and situates the trial between 100 and 91, after those of the Latins reported in Cic. *Balb*. 53 (a passage which will be analysed later). In fact, he considers Cosconius was exonerated because of these two successful cases of Latins that acquired citizenship in this manner, as one more would be to many for the taste of the Roman jurymen.[516]

Although the reconstruction of the family tree of the Cosconii seems plausible enough, I do not find the explanation for the exculpatory sentence grounded in anything more than mere conjuncture. In fact, it contradicts the only source we possess. As we have seen, the excerpt from Valerius Maximus explicitly lays the fault for the exculpatory sentence at the feet of the plaintiff, who lost the sympathies of the jury in a major way by showing a remarkable absence of morals. For lack of any other evidence, the story seems plausible enough. Vitriolic attacks were common-place in the character assassination that usually accompanied accusations, and the perception of morality played an important part on how the verdict played out – something that Valerius Valetinus appears to have found out the hard way. In any case, just attending to a matter of probability, and considering the number of years the *lex Servilia Glaucia de repetundis* appear to have been in force – especially when compared to the short lived *lex Servilia Caepionis* – the fact remains that it is much more probable that this case was conducted under the provisions of the *lex Glaucia*.[517]

In any case, a question remains: on top of the ever-contentious control of the *album iudicum*, did the conflicting array of *leges Serviliae* collide over the issue of conceding citizenship as a prize for a successful accusation of extortion? The answer is simple. We do not know for certain. On the one hand, there is express confirmation that one of these Servilian laws had sufficient weight to originate some tralatician clauses, as many other statutes that superseded each other regulating the same phenomena. Indeed, in the *Pro Rabirio Postumo*, Cicero expressly refers to the *lex Iulia de repetundis* as having certain clauses, regulating the recovery of extorted money, that went back to a *lex Servilia* (Cic. *Rab. Post.* 9: *sin hoc totidem verbis translatum caput est quot fuit non modo in Cornelia sed etiam ante in lege Servilia, per deos immortalis! quid agimus, iudices, aut quem hunc morem novorum*

Valerius had intimated that a boy under age and a free-born girl had been seduced by himself. The jury thought it improper to send away victorious a man who deserved not to win victory over somebody else but to yield the same over himself. However, Valerius was condemned in Cosconius' acquittal rather than Cosconius acquitted in his own case.'

516 Mattingly, 1972: 1-19, 14-15.

517 The *lex Servilia Caepionis* was in force from the 106BC to the 104/101BC, when the *lex Servilia Glauci*a would have superseded it. This new statute would be current until the 80BC.

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iudiciorum in rem publicam inducimus?).[518] Nevertheless, this information by itself does not give any particular clue regarding the citizenship clause. First, Cicero is most probably mentioning the *lex Glaucia*, not the prior *lex Caepionis.* The former was much more long-lived than the latter; moreover, he also mentioned the *lex Cornelia*, which was the Sullan law that superseded Glaucia's statute. Secondly and more importantly, this passage is not referring to the prize of citizenship but to the recovery of the extorted money (Cic. *Rab. Post.* 8).

The *status civitatis* as a *praemium* for a successful accusation is mentioned by Cicero in a notorious and much commented passage from the *Pro Balbo*:

> *Quodsi acerbissima lege Servilia principes viri et gravissimi et sapientissimi cives hanc Latinis, id est foederatis, viam ad civitatem populi iussu patere passi sunt neque ius est hoc reprehensum Licinia et Mucia lege, cum praesertim genus ipsum accusationis et nomen et eius modi praemium, quod nemo adsequi posset nisi ex senatoris calamitate, neque senatori neque bono cuiquam nimis iucundum esse posset, dubitandum fuit, quin, quo in genere iudicum praemia rata essent, in eodem iudicia imperatorum valerent? Num fundos igitur factos populos Latinos arbitramur aut Serviliae legi aut ceteris, quibus Latinis hominibus erat propositum aliqua ex re praemium civitatis?* (Cic. *Balb*. 54)[519]

Even though this excerpt directly addresses the question of enfranchisement via successful accusation, it also presents two new problems. The first one is the fact is that Cicero does not specify which *lex Servilia* he is referring to; the second is whether one could take this passage as proof that this *acerbissima lege Servilia* reduced the scope of possible plaintiffs to just the Latins – in contrast to the more generous conditions established by the *lex Acilia*. As it is expected when the sources are so meagre, both issues have been interpreted differently by the historiography. Regarding which statute is the one being invoked, some authors consider Cicero is talking about the *lex Servilia Caepionis*, as those *principes viri et gravissimi et sapientissimi* could not be Glaucia and his allies, widely condemned in senatorial circles. This interpretation is often followed by a reading of the sentence *Latini, id est foederatis*, in combination to the fact that Cicero's *exempla* only includes Latins, as a literal assertion that the wide scope of the *lex Acilia* was reduced to just those plaintiffs coming from Latin communities. Under this reading of the sources, this restriction is the motivation for Cicero

518 Cic. *Rab. Post.* 9: 'But if the clause is conveyed entire and word for word not only from the Cornelian law but from the yet earlier Servilian law, then in the name of heaven, gentlemen, what is it that we are doing, or what is this novel principle of judicial procedure that we are foisting upon the state?'

519 Cic. *Balb*. 54: 'But if, under that most harsh measure the Servilian Law, our leading men and our most influential and sagacious citizens left this way to citizenship open to Latins, that is, to federated allies by a resolution of the Roman People; and if this privilege was not revoked by the Licinian and Mucian Law, and that too although the very nature of the accusation, although its name, and although a reward which could be won only by the ruin of a senator, could not be too pleasing either to a senator or to any honest man, could there be any doubt that, in a matter in which rewards conferred by jurymen were allowed validity, in that same matter the decisions of commanders should be of equal force? Are we then to think that the Latin peoples "gave their consent" either to the Servilian Law or to other laws, under which a reward of citizenship for some reason or other was offered to individuals of Latin status?'

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deeming the *lex Servilia* as *acerbissima*, as it reduced those that could opt to acquire Roman citizenship.[520]

I find parts of this reading colourable, even if not convincing. It certainly makes thematic sense: as 'the gist of the whole passage is that Latin persons secured citizenship under the old extortion law [i.e. the *lex Acilia*] ('*populi iussu*'), and even the restrictions of the *Lex Servilia* and of the *Lex Licinia* preserved their position' – thus, implying the two *leges* were cited precisely because they were restrictive and *still* they kept open this pathway for the *Latini*.[521] On top of this, from an ideological perspective, the fact that someone with such a pro-senatorial stance as Caepio would also have a restrictive view of citizenship – especially one achieved at the expense of a senator – is to be expected. Therefore, the fact that Cicero may be hinting to a reduction of scope by deeming the *lex Servilia Caepionis acerbissima* very harsh, is also plausible. If this mechanism of enfranchisement was restricted to Latins, this statute could certainly be considered a 'very harsh' one from the perspective of someone trying to redress a case of extortion and attain Roman *civitas.* Speaking as a lawyer who is trying to uphold the acquired citizenship of his client, one could certainly imagine Cicero taking this rhetorical stance – even if his personal conviction may have been more nuanced. Nevertheless, this reading of the Cic. *Balb*. 54 is not without its problems.

In fact, one could bring up multiple contrarian arguments. In Cicero's narrative, it is also plausible that the negative connotations behind the adjective *acerbissima* were connected to the enfranchisement via successful accusation, as this mechanism is framed as cruel immediately after referencing the fact that the *lex Licinia Mucia* did not modify it. The orator is clear that this road to *civitas* is not a happy one, as it entails the misfortune of a senator, something he considers 'could not be too pleasing either to a senator or to any honest man' (Cic. *Balb*. 54). Thus, when calling a *lex Servilia* (whichever one he is referring to) *acerbissima*, Cicero may not be criticizing a supposed reduction of its scope, but making a moral judgment over a mechanism he finds abhorrent. Following this line of thinking, it is clear that giving control of the juries to the *ordo equester* made much more probable achieving a successful accusation against a senator, to the point that even innocent ones were being declared guilty (Cic. *Scaur*. 1.2). Therefore, if one was to cite a *lex Servilia* and deem it *acerbissima*, it makes sense that the statute invoked was the one actually used (and maybe abused) against the senatorial class to the point of making a name of being a weapon in the hands of would-be accusers; that is, the *lex Servilia Glaucia*.[522]

Moreover, the moniker *principes viri et gravissimi et sapientissimi* has also been used as a clue, as it has been rightfully pointed out that Cicero would never use this laudatory expression to designate Glaucia and his allies; hence, he had to be talking about Caepius and

520 Badian, 1954b: 101-102; Gruen 1969: 8-11; Linttot, 1981: 162-212: 186-188, defended Cic. *Balb*. 54 references the *lex Servilia Caepionis,* which he considered may have reduced the scope of plaintiffs through the institution of *divinatio*; Kołodko, 2020, 83-92: 84-85.

521 Sherwin-White, 1972b, 83-99: 97.

522 Levick, 1967: 256-258; also, Mattingly, 1975: 255-263, 258; I find this interpretation the most plausible one.

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his *lex Servilia*. Although the premise behind this reasoning is firm – Cicero is certainly not trying to rehabilitate Glaucia's reputation – the conclusion – that he must therefore be speaking about Caepius – can be disputed. As it has been already referenced, the text presents another possibility as to whom he is commending for being 'our leading men and our most influential and sagacious citizens', even if it is not the most grammatically sound explanation. The adjective *sapientissimus* is one Cicero repeatedly uses in his writings to refer to L. Licinius Crassus and Q. Mucius Scaevola, the consuls behind the *lex Licinia Mucia*, the other law explicitly mentioned in *Balb*. 54 (Cic. *Off*. 3.47: *sapientissimi consules Crassus et Scaevola*; Asc. *Corn.* 67C: *Legem Liciniam et Muciam de civibus redigendis video constare inter omnis, quamquam duo consules omnium quos vidimus sapientissimi tulissent*). Thus, it is also plausible to defend a reading of *Balb*. 54 where that phrase, *principes viri et gravissimi et sapientissimi*, was a reference to Crassus and Scaevola rather than a validation of Servilius Caepius as influential and wise – admittedly, a linguistically clunky one.[523]

Another argument can be mustered to try and shore up the interpretation of *Balb*. 54 as referencing the *lex Servilia Glaucia.* From the standpoint of chronology, this statute was the latest of these *leges repetundarum* that regulated said mechanism, superseding that of Caepio and being the law of the land when the *lex Licinia Mucia* was passed a few years later, in 95 (in fact, it was in force until 80). Thus, if one was to invoke the *lex Licinia Mucia* as having respected certain provisions of one *lex Servilia*, it makes sense that the statute cited was the one that was still standing and not the one that had already been superseded.

In addition to all this, at no point does this excerpt of the *Pro Balbo* explicitly affirm that the path to citizenship was reduced or only applied to Latin communities. Cicero just states that, regarding Latins, neither the *lex Servilia* nor the *lex Licinia Mucia* closed the possibility of enfranchisement via a successful accusation. Here, he is focusing on the Latins because he had just used two men of that condition as *exempla* for gaining citizenship under this mechanism: Lucius Cossinius and Titus Coponius, both native from Tibur:[524]

> *Audebo etiam hoc contendere, numquam esse condemnatum, quem constaret ab imperatore nostro civitate donatum. Cognoscite nunc populi Romani*

523 Levick, 1967: 256-258; also, Mattingly, 1970: 154-168, 165 and 1983, 300-310: 303; contra, Sherwin-White, 1972b, 83-99: 97, nº 86, who argues that this phrase is constitutes 'strong stylistic chiasmus': *Si acerbissima lege Servilia* (A) . . . *hanc viam populi iussu patere passi sunt* (B) *neque ius est hoc reprehensum* (B) *Licinia et Mucia lege* (A). According to this interpretation, *populi iussi* relates *patere* and *lege Servilia* with *passi sunt*, while precluding the *Licinia et mucia lege* to do the same. Therefore, for him, the *principes viri* could only be put in connection to the *lex Servilia*, not the *lex Licinia Mucia.*

524 Sherwin-White, 1972b: 83-99: 96-97; in a similar vein, Linttot, 1981: 162-212: 186-188: 188; cf. Mattingly, 1970: 154-168, 163-168, identified the *lex Servilia* in Cic. *Balb*. 54 with the *lex Servilia Glaucia* (and with the *Tabula Bembina*) and defended that this statute limited its generosity to Latins; later, Mattingly came to (somewhat) change his perspective regarding the scope of what he continued to identify as the *lex Servilia Glaucia*, but accepting Sherwin-White's argument that Cicero's *Balb*. 53-54 do not enable us to assume it only covered *Latini*, Mattingly, 1975: 255-263, 257-258 and 1983: 300-310, 301-305. Also, as we have already argued in Chapter 4, we do not accept the identification of the *Tabula Bembina* with the *lex Servilia Glauci*a, but with the *lex Acilia de repetundis*, following, Sherwin-White, 1972b: 83-99; Crawford, 1996, 51-52; and Ferrary, 2019.

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> *iudicium multis rebus interpositum atque in maximis causis re ipsa atque usu comprobatum. Cum Latinis omnibus foedus esse ictum Sp. Cassio Postumo Cominio consulibus quis ignorat? Quod quidem nuper in columna ahenea meminimus post prostra incisum et perscriptum fuisse. Quo modo igitur L. Cossinius Tiburs, pater huius equitis Romani, optimi atque ornatissimi viri, damnato T. Caelio, quo modo ex eadem civitate T. Coponius, civis item summa virtute et dignitate (nepotes T. et C. Coponios nostis), damnato C. Masone civis Romanus est factus?* (Cic. *Balb*. 53)[525]

Thus, the possibility of Caepio's statute legally curtailing the scope of this mechanism of enfranchisement is far from clear cut. Nevertheless, I would argue that it is possible to defend that the *lex Servilia Caepionis* was, by the very nature of its content, less generous in its application of who deserved to attain citizenship as a remedy for extortion. If control of the juries was one of the central issues contended by the successive *leges repetundarum* – as it appears it was, even more than the specific regulation for the crime of extortion –, then, enfranchisement per successful accusation *de repetundis* was a function of this conflict, giving this tug-of-war even more political weight. Therefore, fights over the scope of who qualified for this mechanism were no doubt important yet not as crucial as who controlled the juries. In other words, if the Senate managed to control the *album iudicum* this path to *civitas* would exist only in theory, with its actual enaction in court being much more difficult. No matter what, this made the *lex Servilia Caepionis*, in practice if not in theory, a much more restrictive law regarding enfranchisement. And in that regard, it is important to remember that the Senate lost the fight in clear manner to a coalition between *popularis* politicians, who were trying to counterbalance the power of this institution, and the *ordo equester*, who benefited from this assumption of political power. Indeed, the *equites* continued to control the juries until Sulla assumed the dictatorship *legibus faciendis et reipublicae constituendae causa* and returned this power to the Senate, swinging the pendulum back again in the direction of the Senate.

On a slight tangent, I find it is necessary to make a few clarifications around the contentious sentence *Latinis, id est foederatis*. This conflation of apparently incompatible categories (*colonia Latina* vs *civitas foederata*) was traditionally dismissed as a rhetorical exaggeration of Cicero.[526] Basically, it was understood as a lie or a misrepresentation of a zealous lawyer that was more concerned about proving that no *foedus* nor *fundus fieri* could

525 Cic. *Balb*. 53: 'I will even go so far as to maintain that no one has ever been condemned, when it was clear that citizenship had been conferred upon him by one of our commanders. And now let me inform you of a verdict of the Roman People, which has been declared on many occasions and confirmed in fact and practice in most important cases. Who does not know that a treaty was struck with all the Latins in the consulship of Spurius Cassius and Postumus Cominius, which not so long ago we remember was engraved and written out upon a column of bronze standing behind the Rostra? How then did Lucius Cossinius of Tibur, father of this Roman Knight here present, a most excellent and distinguished man, become a Roman citizen after the condemnation of Titus Caelius; how did Titus Coponius also of the same city, a man likewise of the highest merit and position (you know his grandsons Titus and Gaius Coponius), become a Roman citizen after the condemnation of Gaius Maso?'

526 Mattingly, 1970: 154-168, 164; also Sherwin-White, 1973, 97, although a more nuanced evaluation was made in 119; for Levick, this conflation on the part of Cicero risked a 'snigger', Levick, 1967: 256-258, 257.

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forbid someone from becoming a Roman citizenship under certain circumstances than with detailing the differences between these two categories. Recently, this clear separation was contested, pointing out that the sources, both epigraphic and literary, in no way preclude the possibility of a *foedus* between a Latin colony and the Roman *res publica*, with this interpretation being the most obvious explanation for the many references that point in that direction.[527]

What is more, I would argue that even if Cicero's conflation of *Latinis, id est foederatis* was based on a misrepresentation characteristic of forensic rhetoric – which does not seem probable, as we have seen –, it would not change what Cicero is trying to prove. In the *Pro Balbo*, he is constructing his case from a *communis opinio* shared by any imperial polity, that is, its relation to its subjects is based on domination. The clause in the *foedus Gaditanus* was clear, Rome's *maiestas* must be preserved (Cic. *Balb*. 35: *maiestatem populi Romani comiter conservanto*). As any imperial entity would, Rome insisted that the control over her core interests was hers and hers alone. In fact, Cicero expressed this position in no uncertain terms, saying that if it was 'a question of our own State, of our Empire, of our wars, of our victory or of our welfare, our forefathers did not desire that states should "give consent"' (Cic. *Balb*. 22: *de nostra vero re publica, de nostro imperio, de nostris bellis, de victoria, de salute fundos populos fieri noluerunt*). Access to the Roman *civitas*, being essential for the *res publica*, could and would not be vetoed by others if Rome did not allow it first – indeed, he was clear that the *fundus fieri* was a *beneficium* given by Rome, not a right of the subjects (Cic. *Balb*. 21-22: *ut fundi populi beneficio nostro, non suo iure fiant*). In the end, no *foedus* could prevent the good governance of the *res publica* (Cic. *Balb*. 47: *sibi non fuisse dubium, quin nullo foedere a re publica bene gerenda impediretur*). Thus, regarding the access to the *status civitatis*, via *lex Servilia de repetundis* or any other disposition, *Latini* and *socii* stood on the same level and could be equated, provided the Roman legal order established so. That was Cicero's bottom line.

Taking all of this into account, it is obvious that the scarcity of information imposes a baseline of uncertainty that we must accept. It may well be that we are simply unable to prove beyond any reasonable doubt which law was being referenced in *Balb*. 54 nor if the *lex Servilia Caepionis* had legally restricted the scope regarding enfranchisement. Still, I would argue that both of the more plausible readings of the situation are actually in line with the main thesis defended here. Namely, that the pattern of the *populares* having a more generous enfranchisement policy continued through the 100s, even when this question was not at the

527 Sánchez, 2016, 50-82; this reality is also consistent with the other passages of the *Pro Balbo*, as *Balb*. 48, where Cicero asked about whom of those *novi cives* that came from a *civitas foederata* were sued, to immediately afterwards ponder about a T. Matrinius, enfranchised by Marius and former citizen of a Latin colony; cf. García Fernández, 2016, 305-324: 316-318, argues that Cicero's expression was intended to exclude from his reasoning the Latin colonies, a decision he later reinforces by bringing up Matrinius' case to quickly dismiss it.

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forefront of politics but relegated to a function of another conflict. If we were to summarise both arguments, they would read like this: Lets say we assume as correct that *Balb*. 54 is a reference to the *lex Servilia Caepionis*. Even if we are to take no other conclusions from this contested passage, from all of our other sources we know that it conferred the control of the *album iudicum* to the senators, making it practically impossible to actually prosecute a former magistrate for extortion – which would factually block this path to citizenship regardless of who could present an accusation. Yet one could go further and assume that, taken in its context, the adjective *acerbissima* is a hint to a reduction in the scope of those that qualified to be plaintiffs in an extortion accusation. This would only rub salt into the wound, restricting access to citizenship not only in practice but also in theory and, therefore, reinforcing the *optimate* pattern of having a more restrictive citizenship.

Nevertheless, this interpretation is far from certain, so let us consider the alternative – one that, incidentally, seems more plausible to me. If Cicero was in fact referring to the *lex Servilia Glaucia*, then the passage must be read differently, taking into account what we know of Roman political dynamics. In that case, the *principes viri et gravissimi et sapientissimi* must refer to Crassus and Scaevola, since it is evident that Cicero would never have described Glaucia and his supporters in such terms. Under this interpretation, Cicero would not be suggesting any change in scope; here, *acerbissima* would simply allude to the mechanism of enfranchisement through a successful *accusatio de repetundis*. Hence, in this passage, Cicero would merely be stating that the Latins possessed this route to citizenship – one that remained unaffected by both the *lex Servilia* and the *lex Licinia Mucia*. Yet he regarded it as a harsh and brutal one, since it entailed the downfall of a fellow senator.

In any case, a point remains clear: and that is the continued existence of this path to *civitas* as a redress for acts of extortion committed by the senatorial elite. This alone must have heightened the stakes surrounding control of the juries, effectively subsuming this particularly symbolic manifestation of the broader question of citizenship within the highly contested struggle over judicial authority.

6.3 Gaius Marius and Lucius Appuleius Saturninus: Enfranchising the Veterans?

Finally, there are other few pieces of evidence that hint towards a persistence of the question of citizenship as a politically contentious issue during the last years of the 2nd century BC. They are anecdotal, as everything else we have for these years, yet they reinforce the clear pattern that we have seen established by the Gracchi and their allies of pairing *popularis* ideology with a more generous conception of citizenship. They all gravitate around G. Marius and Lucius Appuleius Saturninus, two politicians who strongly partook in the *popularis* political tradition. The first one is the case of the concession of *civitas ob virtutem* to two cohorts from Camerium. Both our sources for this event concur on the basic outline of what

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happened: Marius gave two cohorts (around a thousand men) citizenship for their extraordinary valour on the field of battle, something that caused a stir among certain sectors, who accused him of doing this in an illegal manner. He countered by quipping that the thunderous noise of the battle hindered him from listening the words of the law. Valerius Maximus painted Marius' generosity as outstanding but arrogant and asserted that this concession was contrary to the *foedus* that presided the relation between Rome and Camerinum. Nevertheless, he conceded Marius' expediency was indeed correct, as the Cimbrian invasion was a time to protect the laws and not abide by them:

> *Nam C. quidem Marii non solum praecipuus sed etiam praepotens gratae mentis fuit impetus: duas enim Camertium cohortes, mira virtute vim Cimbrorum sustinentes, in ipsa acie adversus condicionem foederis civitate donavit. quod quidem factum et vere et egregie excusavit dicendo inter armorum strepitum verba se iuris civilis exaudire non potuisse. et sane id tempus tunc erat quo magis defendere quam audire leges oportebat.* (Val. Max. 5.2.8)[528]

In this excerpt one could see the logic of the imperial community expressed by Cicero in *Balb*. 47, as no *foedus* could prevent the good governance of the *res publica* nor doing whatever was necessary for its survival; but also hints at the resentment any mass enfranchisement caused among certain politicians, even when made in the middle of a literal battle for survival.

In Plutarch's recounting, Marius' concession is framed against the backdrop of his *levitas* regarding popular opinion, an accusation commonly levied against *popularis* politicians.[529] Here, he is presented as being firm in battle but very susceptible to the whims of the people when he was no longer a general but a politician, scorning him for being afraid of the 'shouting in the assemblies' – that is, of being publicly criticized. For Plutarch it was precisely this courting of popular favour, wanting to be great at the cost of being the best, what put him in conflict with the aristocrats:

> καίτοι λέγεται Καμερίνων ἄνδρας ὁμοῦ χιλίους διαπρεπῶς ἀγωνισαμένους ἐν τῷ πολέμῳ δωρησάμενος πολιτείᾳ, δοκοῦντος εἶναι τούτου παρανόμου καί τινων ἐγκαλούντων, εἰπεῖν ὅτι τοῦ νόμου διὰ τὸν τῶν ὅπλων ψόφον οὐ κατακούσειεν. οὐ μὴν ἀλλὰ μᾶλλον ἔοικεν ἐκπλήσσεσθαι καὶ δεδιέναι τὴν ἐν ταῖς ἐκκλησίαις κραυγήν. ἐν μέν γε τοῖς ὅπλοις ἀξίωμα καὶ δύναμιν εἶχε διὰ τὴν χρείαν, ἐν δὲ τῇ πολιτείᾳ περικοπτόμενος τὰ πρωτεῖα κατέφευγεν ἐπὶ τὴν τῶν πολλῶν εὔνοιαν καὶ χάριν, ὑπὲρ τοῦ μέγιστος γενέσθαι τὸ βέλτιστος εἶναι

528 Val. Max. 5.2.8: 'To C. Marius came an impulse of gratitude not only preeminent but prepotent. In the heat of battle he gave citizenship contrary to treaty terms to two cohorts of Camertes who were resisting the assault of the Cimbri with extraordinary valour. He excused his action with a true and excellent saying, that in the din of weapons he could not hear the words of civil law. And indeed the time was such that it behoved to defend the laws rather than to hear them.'

529 Cic. *Phil*. 7.4; also, Yavetz, 1969, 51-52, 98.

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> προϊέμενος. πᾶσι μὲν οὖν προσέκρουε τοῖς ἀριστοκρατικοῖς (Plut. *Mar*. 28.3-4)[530]

If the first case involved a single act of mass enfranchisement – nearly a thousand men – the second represents a far more deliberate and far-reaching policy of citizenship grants, one that likely consisted of two interrelated mechanisms: one spearheaded by Saturninus and another directly connected to Marius. We know that after the war against the Cimbri and Teutones, the victorious general allied himself with Saturninus to establish a series of colonies intended primarily for his veterans. These communities would expand from Africa (*Vir. Ill.* 73.1) to Sicily, Achaia and Macedon (*Vir. Ill*. 73.5). In addition, large tracts of land in Gaul, conquered during the Cimbric Wars, were also distributed through *viritane* assignments (App. *B civ.* 1.29).[531] It is clear that many of these veterans were *socii* and *Latini*. In fact, Cicero certifies that a number of them had this status, as one of the laws Saturninus had passed was a *lex Appuleia* that expressly entitled Marius to grant Roman citizenship to three (?) members of each colony founded under said statute:[532]

> *Itaque, cum paucis annis post hanc civitatis donationem acerrima de civitate quaestio Licinia et Mucia lege venisset, num quis eorum, qui de foederatis civitatibus esset civitate donatus, in iudicium est vocatus? Nam Spoletinus T. Matrinius unus ex iis, quos C. Marius civitate donasset, dixit causam ex colonia Latina in primis firma et illustri. Quem cum disertus homo L. Antistius accusaret, non dixit fundum Spoletinum populum non esse factum (videbat enim populos de suo iure, non de nostro fundos fieri solere), sed, cum lege Appuleia coloniae non essent deductae, qua lege Saturninus C. Mario tulerat, ut in singulas colonias ternos cives Romanos facere posset, negabat hoc beneficium re ipsa sublata valere debere.*
> *Nihil habet similitudinis ista accusatio; sed tamen tanta auctoritas in C. Mario fuit, ut non per L. Crassum, adfinem suum, hominem incredibili eloquentia, sed paucis ipse verbis causam illam gravitate sua defenderit et probarit.* (Cic. *Balb*. 48-49)[533]

530 Plut. *Mar*. 28.3-4: 'And yet we are told that when he had bestowed citizenship upon as many as a thousand men of Camerinum for conspicuous bravery in the war, the act was held to be illegal and was impeached by some; to whom he replied that the clash of arms had prevented his hearing the voice of the law. However, he appeared to be in greater fear and terror of the shouting in the popular assemblies. At any rate, while in war he had authority and power because his services were needed, yet in civil life his leadership was more abridged, and he therefore had recourse to the goodwill and favour of the multitude, not caring to be the best man if only he could be the greatest. The consequence was that he came into collision with all the aristocrats.'

531 It is possible that both these projects (the one which entailed overseas territories and the one regarding the land distributions) were passed in a single act *per saturam,* Lacorte, 2025b, 182.

532 The number of citizens Marius was empowered to create in each colony has been disputed by some, with *terno* (3) considered to be a mistake of the copyist and *trecenos* (300) being proposed as an amendment by Ihne, 1882, 163 nº 1; this reading is supported by Perelli, 132, nº50; while Badian agrees that *ternos* was 'an absurdly small figure on any interpretation of the scheme' he considered three hundred as too many and does not land on any specific number, Badian, 1958, 206, nº1; cf. Brunt opposes any modification on the grounds that we do not have any indication this figure ought to be amended, Brunt, 1965, 90-109: 106; personally, I do not believe there are enough reasons to simply accept the change of what our sources preserve, although one could certainly exercise a certain amount of caution as it is well known that numbers are easily bungled in the process of transmission of the text and the figure does read suspiciously low.

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According to Appian, the fact that these colonies would have greatly benefited the *socii* from Italy angered the Roman populace (App. *B. civ*. 1.29: πλεονεκτούντων δ', ἐν τῷ νόμῳ τῶν Ἰταλιωτῶν ὁ δῆμος ἐδυσχέραινε.), who had to be dispersed from the *comitia* recurring to violence to finally pass the *lex agraria*. This author is also insistent that Saturninus consistently relied on 'those who came from the countryside' (App. *B. civ*. 1.29: τοῖς οὖσιν ἀνὰ τοὺς ἀγρούς), 'rustics' (App. *B. civ* 1.30: τοὺς ἀγροίκους), many of whom – predictably – were Marius' veterans (App. *B. civ*. 1.29: οἷς δὴ καὶ μάλιστ᾽ ἐθάρρουν ὑπεστρατευμένοις Μαρίῳ), to provide both muscle and voting power. It seems very probable that the ranks of these 'rustics' – a word that appears to be a direct translation of the Latin *agrestes* – may have been composed by many *socii* and *Latini*, as they also had served with distinction under Marius' eagles.

Besides the expected senatorial backlash, popular opposition also appears to have been strong, reportedly driven by the urban *plebs'* resentment at the targeted nature of these measures, which seemed to favour Marius's veterans while excluding them. This reaction could simply be interpreted as a question of access to land; however, Beness has intriguingly suggested that it may also have been motivated by another factor – namely, a reluctance among part of the population to share in the political and material benefits of Roman citizenship. Badian and Gabba have posited that the colonies proposed by Saturninus were of Roman status. If this was indeed the case, the colonists would have automatically acquired Roman citizenship upon registration as members of the new Roman colonies.[534] The same would have applied to those assigned land in Gaul, since, according to Appian, this territory was now considered *ager Romanus*.[535] In effect, this policy would have extended Roman citizenship to thousands of *socii* and *Latini* who had played a crucial role in defending Rome's power and very survival – a stance consistent with *popularis* ideology in general, but one that seems to have been particularly close to Marius's heart.[536]

533 Cic. *Balb*. 48-49: 'And so, when a few years after this gift of citizenship by Marius, the question of citizenship was subjected, under the Licinian and Mucian Law, to an investigation of the utmost severity, was anyone of those from the allied states, upon whom citizenship had been bestowed, ever brought to trial? Titus Matrinius of Spoletium was, in fact, the only one of those upon whom Gaius Marius had conferred citizenship, who had to defend himself, and he came from a Latin colony that was specially powerful and distinguished. His prosecutor, the eloquent Lucius Antistius, did not say that the people of Spoletium had not "given their consent" (for he knew that peoples were in the habit of "giving consent" about legal points that concerned themselves and not us); but, since the colonies under the Appuleian Law, a law which Saturninus had passed in the interest of Marius empowering him to confer Roman citizenship upon three members of each colony, had not been founded, he maintained that Marius' grant of citizenship should be invalid since the measure itself had been annulled. That prosecution has no resemblance to our case. But so great was the prestige of Gaius Marius, that, without employing the services of Lucius Crassus, his kinsman by marriage, a man of surpassing eloquence, he himself undertook the defence and in a few words won the case by his own personality.'

534 Gabba, 1967: 102-103, nº 130 and 104-105 nº 132; Badian, 1970-1971: 373-409; 403-404; Beness, 1991, 33-62: 45-46, nº 58; this possibility is also developed cogently in Lacorte, 2025b, 184-187.

535 Beness, 1991, 33-62: 45-46, nº 58, following Richardson, 1980, 1-11: 6-8.

536 Moreover, Saturninus' willingness to accommodate his proposal to the interests of these communities can also be tentatively surmised from the fact that none of his (and Marius') colonial initiatives touched their territory, being confined to the provinces, Perelli, 1982, 132-133; regarding Saturninus relation to the *Italici*, there are two suggestive

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Why, then, would Marius also have been entitled to grant Roman citizenship to three individuals per colony? Beness has proposed that this prerogative constituted a separate, discretionary provision, allowing for an earlier conferral of citizenship than those enfranchisements dependent on the establishment of colonies or on *viritane* assignments. It was, moreover, a powerful political symbol: in addition to having indirectly granted citizenship – through his alliance with Saturninus – to his non-Roman soldiers, Marius could now directly reward a select few. Through this clause, he could personally choose those he deemed worthy of this *maximum beneficium*, expediting their acquisition of Roman *civitas* and reinforcing his image as a generous leader to his men and a defender of the interests of the *socii* and *Latini.*[537]

However, in the end, Saturninus' proposals were destined to fail. The alliance between Marius and him broke, with fatal consequences for the tribune. He was stoned to death in the Curia Hostilia and these colonies were not founded. Nevertheless, Marius did make use of this power to enfranchise certain individuals, as the plaintiff in T. Matrinius' trial pointed out. Indeed, it is implied that he enfranchised more than one person by Cicero, as he talks about the aforementioned Matrinius as 'one among those' whom Marius' gave citizenship to (Cic. *Balb* 48: *Nam Spoletinus T. Matrinius unus ex iis, quos C. Marius civitate donasset*).

In any case, considering all these pieces of evidence, it seems fair to conclude that both Marius and Saturninus adopted generally favourable public positions regarding the enfranchisement of the *Latini* and the *socii*. This is not to say that large-scale enfranchisement, in any of the forms proposed by the Gracchi or Fulvius Flaccus, constituted one of their main political priorities; other concerns certainly occupied that place. Yet both appear to have been entirely comfortable with the idea of granting *civitas* to a large contingent of *socii et Latini* who desired it. In fact, it is plausible that they actually devised specific policies with the aim of crafting a path towards citizenship for some of those who had fought and bled for the *populus Romanus* – whether *ob virtutem,* right on the battlefield, or afterwards, as part of the rewards due to military service. Such an attitude aligned perfectly with *popularis* ideology.[538]

Marius' trajectory, particularly later in life, lends itself perfectly to the characterization of those firebrand politicians that railed against the leading senatorial class because they were consumed by a lust for power. In fact, Marius' relation to *popularis* ideology has been

papers that argue for a stronger ideological connection based on the minting of a coin by the *popularis* firebrand that had an image of Saturn, a deity related in the Roman cosmology to the rustic inhabitants of Italy, Rowland, 1967: 185-189 and 1969, 38-40; contra, acrimoniously, Crawford, 1969: 37-38.

537 Beness, 1991, 33-62: 45-46, nº 58; Lacorte, 2025b, 186-187.

538 For Marius' stance as generally favourable towards enfranchisement of the *Italici*, see, Rowland, 1967: 185-189: 187 and, 1969: 38-40, 39-40; also Perelli, 1982, 125-126; Santangelo, 2016, 72, 88; in turn, Gabba, 1972: 764-805, 782, considers Marius' relation with the *Italici* as mutually beneficial yet he does not see in Marius a politician willing to tackle that issue head on, as Gaius Gracchus did; cf. Brunt, 1965: 90-109, 106-107; a similar position was taken by Meier, 2017, 210; also Crawford, 1969: 37-38: 38.

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questioned even by those historians that accept the existence of an ideological conflict. Perelli considers he was no true *popularis* but simple an ally of this tradition.[539] According to this author, he never wished to democratise the *res publica* and his alliance with real *popularis* politicians was a tactical arrangement at best; one that he was very willing to abandon when necessary. Of course, this image as unreliable or self-serving may also be influenced by his willingness to turn against Saturninus and Glaucia, massacring them along with their followers under the legal protection of a *senatus consultum ultimum* backed by the *optimates*; or by his blatant desire to secure the command against Mithridates over any other considerations. Even Sallust, with his relative dose of sympathy for those that partook in the *popularis* political tradition points out that he was 'greedy only for glory' (Sall. *Iug*. 63.2: *tantum modo gloriae avidus*).

This is not place for re-litigating Marius' intimate convictions or the truthfulness of his commitment to certain political values. The fact remains that our sources are in concord regarding his, at least, public – one could even call it performative – opposition to the senatorial class for most of his life. This was evident when observing his career on the whole: from cutting his teeth in politics with his legislation regarding voting bridges to his bloody repression against the senatorial ranks once he finally took Rome by force in his old age; from the way he resorted to the assemblies to acquire the command over the war against Jugurtha (Sall. *Iug*. 73.7) to his attempt to snatch the command over the war against Mithridates (App. *B civ.* 1.55); from the colonization projects for his veterans to the right to bestow citizenship to some of those *coloni*. To a great degree, Marius' trajectory was traced against that senatorial nobility of 'ancient lineage and many portraits' (Sall. *Iug*. 85.10: *hominem veteris prosapiae ac multarum imaginum*)' whom he furiously denounced for being a closed block that exercised an unjustified level of control over the political community.

He may well have been an unscrupulous opportunist, yet his political vocabulary and most of his policies fall squarely into the *popularis* camp – and this is precisely the case regarding the question of citizenship. Case in point: the enfranchisement of the cohorts from Camerium – nearly a thousand Latins. It could be dismissed as a simple matter of expediency and nothing more; a promise made in the thick of battle to motivate the troops. But a commander trying to steady his men with promises of prizes to be won ought to have been a common enough occurrence in the warring years of the late 2nd century BC and we find that no citizenship was bestowed en masse by other generals of this period.[540] When they had to be expedient, they resorted to other rewards. The same could be said about the power to enfranchise a certain number of individuals in colonial foundations. It has been simply dismissed as tactic used by Marius to shore up his *clientela* and reward his allies. However,

539 Perelli, 1982, 124-125.
540 *Cf*. Livy, 24.16-17, Sempronius Gracus, in the year 214,

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many other politicians would have been subject to the same set of incentives and, despite this, they had not pushed for a clause that entitled them to act in such a way. Their priorities were different as well as how these translated into discrete political actions.

This is one of the multiple ways ideology and ideological conflict manifest. They are not always meant to be this overriding force pushing to the forefront of the decision-making process to impose its own logic over everything else. Not everyone is an ideologue, consciously making decisions according to some ideal representation of how the world ought to be. It is undeniable that other motivations play their part in whatever political decisions are taken; but even in these cases, ideology acts as a substratum over which positions are taken and patterns are formed. It constrains and moulds political actions both in an internal psychological manner and an external societal one. Internally, a person would choose between a certain array of possibilities and not others according to ideological compatibility; and externally, these actions are not taking place in a vacuum but have to be justified and made intelligible to political groups in a context. Even if Marius was an ambitious and unscrupulous politician, it is interesting that, when he wanted to present himself as a *popularis*, he readily accepted the incorporation of new citizens. What matters is not determining what his 'true' ideas were – which, in any case, we cannot know – but rather the rhetoric he employed, his way of presenting himself to the Romans: in other words, anyone who wished to appear as a *popularis* had to adopt a favourable attitude toward the expansion of citizenship. As we have already established in the previous chapter, it was usual for *popularis* politicians to justify their proposals for redistribution of the prizes of empire on the worthiness of those who had fought, bled and died for the *populus Romani*. Marius' treatment of those non-citizen veterans who had fought against the *Cimbrii* and *Teutones* follows this pattern to the letter.

To sum up, it seems clear that during the 110s and 100s Roman politics continued to grapple with the boundaries and composition of the *civitas*. This conflict may not have possessed the momentous character it would assume in the mid- to late 90s – with the *lex Licinia Mucia* and the *rogatio Livia* – nor the explosive violence of the *bellum sociale* and the decisive tribal redistribution that followed it, intertwined with the first great Roman civil war. *Eppur si muove.* The *civitas* remained a coveted status, transforming its recipient into a member of an imperial community: the *populus Romanus*. As a *civis*, one enjoyed *libertas* and *provocatio*, participated in politics through the assemblies, elected magistrates, and exercised power over others – passing legislation to be obeyed *iussu populi*, 'by order of the people', a *populus* to which one now belonged. This was true even for those who had once been slaves – individuals who, by definition, had experienced absolute domination. It is hardly surprising that, in a society with a strong aristocratic ethos, such a transformation raised eyebrows: how much collective political power could a group of former slaves wield? We know this question had already been asked during the censorship of Gracchus senior, and it would be raised again

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later. The answer given by those invested in a *res publica* governed by 'the best' remained consistent: very little. It is plausible that Scaurus posed the same question – and reached the same conclusion.

However, this was not the only point of friction. The *populares*' attempts to curb senatorial power and hold its members accountable became entangled with the question of access to *civitas* for those outsiders who dared to bring charges against their social superiors. Unsurprisingly, this provoked indignation and resistance. Citizenship grants made in the heat of battle by *popularis*-leaning generals were likewise contested, even when they had saved the *res publica* from a formidable enemy. Similarly, the incorporation of those seeking citizenship into colonial schemes encountered opposition – made worse by the fact that some of these beneficiaries (or all of them) were to be made citizens themselves. Throughout all this, the same pattern first visible under the Gracchi persisted. The drive to expand the *civitas* consistently arose from one side of the political spectrum, and its resistance from the other. As we shall see in the next chapter, this pattern only intensified during the 90s, when the question of citizenship moved squarely to the centre of Rome's political chessboard.

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7. *AD BELLUM SOCIALE*: EXCLUSIONARY POLICIES IN THE WAKE OF THE SOCIAL WAR

If the 110s and 100s were characterized by a relative remission of the question of citizenship as a matter of political contention among the Romans, in the mid 90's this issue came back with full force to the centre of political chessboard as it was tackled head on by the *lex Licinia Mucia*. This legal instrument and the fallout it generated serve here as a focal point for parsing the Roman political response to the rising tensions that would lead up to the *bellum sociale*. In fact, it lays bare the main contributing factors inciting resentment among the *socii*: on the one hand, the intransigence among certain sections of the Roman *civitas* to grant their subjects access to their imperial citizenship; and on the other, their willingness to act in order to block any possibility of this change of status ever happening, either informally or legally.

It is clear that there was a strong sentiment inside Rome, especially rooted in the dominant ideology of its senatorial class, that would not accept *socii* or even *Latini* as equals. The Romans had created a hierarchy in Italy and the *optimates* took aggressive action to protect it: whether by enacting a law that expressly removed from the citizen body those trying to illegally infiltrate it, or by prosecuting those that did not comply with their demand of reverting to the status quo. And to further reinforce this intolerable state of affairs, those at the helm of the Roman *res publica* did not falter in weaponising the *cura morum* against any institution they perceived as fostering dissent, as was the case with the schools of rhetoric, all against the backdrop of a census that – had it happened – would have scrutinized the lists of news citizens with rigorous detail. Their position was made clear time and time again and barely changed from when they lashed out against Fulvius Flaccus' proposals. The second half of the 90s is the story of the mishandling of a crisis; a mishandling I would argue which stems from *optimate* ideology. Paraphrasing Appian, the Italics wanted to become partners in empire instead of subjects, yet the Senate balked at the idea of making their subjects equal citizens to themselves (App. *B Civ*, 1.21; 1.34). As we will see, nearing Drusus' tribuneship, the gravity of the situation might have become clear to some of those implicated in pushing this agenda; yet the damage done by decades of exclusionary politics would prove difficult to revert, even by someone as adept as Drusus.

7.1 THE RE-EMERGENCE OF THE QUESTION OF CITIZENSHIP: THE *LEX LICINIA MUCIA* (95)

In order to fully grasp the level of frustration that led to the *bellum sociale*, I find it symptomatic that the issue of mass enfranchisement was brought back into the Roman political arena not with an expansive new proposal, but with a staunchly exclusionary law.

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From the perspective of those motivated by the *cupiditas civitatis*, it is easy to see how they could feel their political aims not only not coming closer, not even stalling, but actually being pushed back. Passed in 95, the *lex Licinia Mucia* was devised by the consuls of the year, L. Licinius Crassus and Q. Mucius Scaevola. What little we know about this law is preserved by a certain number of references in Cicero (*Brut*. 16.63; *De or.* 2.257; *Balb*. 48, 54; *Off*. 3.47) and some of his commentators (Asc. *Corn*. 67-68; *Schol. Bob.* p.129), allowing for a tentative reconstruction of both its contents and its probably dire consequences. In *Off.* 3.47, Cicero clearly defines its objective as preventing usurpation of the *status civitatis* by acting as a citizen, but not to physically expel the offenders from the *urbs*:

> *Male etiam, qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere; quam legem tulerunt sapientissimi consules Crassus et Scaevola; usu vero urbis prohibere peregrinos sane inhumanum est.* (Cic. *Off*. 3.47)[541]

As mentioned when discussing the *leges Serviliae*, Cicero also brought up the *lex Licinia Mucia* in the *Pro Balbo*, arguing that the latter did not limit the possibility of gaining citizenship as a reward for conducting a successful accusation of extortion (Cic. *Balb*. 54: *Quodsi acerbissima lege Servilia principes viri et gravissimi et sapientissimi cives hanc Latinis, id est foederatis, viam ad civitatem populi iussu patere passi sunt neque ius est hoc reprehensum Licinia et Mucia lege*). Therefore, both these excerpts put together allow us to understand that the *de iure* objective of this law was neither to restrict the mechanisms of acquiring citizenship nor to physically expel from the city of Rome those that usurped this status, but to legally remove them from the body politic, the *civitas*.[542]

Moreover, with respect to its intended scope of application, it is clear that these usurpers were supposed to be citizens of Latin communities and *socii* from the *Italici populi.* In *Balb.* 48, Cicero expressly states that this law was applied against potential usurpers from the *Latin colonies* while apparently inscribing these among the *foederati*. Namely, he rhetorically interrogates the jury about whom of those coming from the *civitates foederatae* who had Roman citizenship bestowed upon them *virtutis causa* were investigated by the *quaestio* created under the *lex Licinia Mucia.* Immediately thereafter, he explores the case of a Roman citizen who came into the *civitas Romana ex colonia Latina.* On this occasion, the *lex Licinia Mucia* was used to unsuccessfully accuse a certain T. Matrinius, from Spoletum, who had his citizenship granted by Marius (Cic. *Balb*. 48: *Itaque, cum paucis annis post hanc civitatis*

541 Cic. *Off*. 3.47: 'They, too, do wrong who would debar foreigners from enjoying the advantages of their city and would exclude them from its borders, as was done by Pennus in the time of our fathers, and in recent times by Papius. It may not be right, of course, for one who is not a citizen to exercise the rights and privileges of citizenship; and the law on this point was secured by two of our wisest consuls, Crassus and Scaevola. Still, to debar foreigners from enjoying the advantages of the city is altogether contrary to the laws of humanity.'

542 Tweddie, 2012, 126.

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donationem acerrima de civitate quaestio Licinia et Mucia lege venisset, num quis eorum, qui de foederatis civitatibus esset civitate donatus, in iudicium est vocatus? Nam Spoletinus T. Matrinius unus ex iis, quos C. Marius civitate donasset, dixit causam ex colonia Latina in primis firma et illustri).[543]

Moreover, it is important to remember that a little later in the same oration – again, *Balb*. 54 – Cicero made the aforementioned statement that apparently equates the *Latini* to the *foederati* (Cic. *Balb*. 54: *Latinis, id est foederatis)* in order to specify that the via towards citizenship opened by the *lex Servilia* was not affected by the *lex Licinia Mucia*. We have already commented how this apparent contradiction was, most probably, not at all contradictory.[544] In any case, the implications of this debate regarding whether the Latins were, indeed, precluded from the possibility of striking *foedera* with Rome do not affect the scope of the *lex Licinia Mucia*, as the inclusion of the *socii* under its jurisdiction is attested by other sources. This is precisely what a medieval commentator of Cicero states, with both *socii et Latini* suffering under this measure.[545] In turn, Asconius focuses on the *socii,* whom he also calls *Italici populi*, while ignoring the *Latini.* Nevertheless, this omission does not seem to be meant as exclusionary of the *Latini* but a result of his argument, as he is linking the *lex Licinia Mucia* with the *bellum sociale*, a conflict where the Latins as a whole remained loyal to Rome:

> *Legem Liciniam et Muciam de civibus redigendis video constare inter omnis, quamquam duo consules omnium quos vidimus sapientissimi tulissent, non modo inutilem sed perniciosam rei publicae fuisse.*
> [Asc.] *L. Licinium Crassum oratorem et Q. Mucium Scaevolam pont. max. eundemque et oratorem et iuris consultum significat. Hi enim legem eam de qua loquitur de redigendis in suas civitates sociis in consulatu tulerunt.*
> *Nam cum summa cupiditate civitatis Romanae Italici populi tenerentur et ob id magna pars eorum pro civibus Romanis se gereret, necessaria lex visa est ut in suae quisque civitatis ius redigeretur. Verum ea lege ita alienati animi sunt principum Italicorum populorum ut ea vel maxima causa belli Italici quod post triennium exortum est fuerit.* (Asc. *Corn*. 67-68).[546]

543 See Section 6.3.

544 Sánchez, 2016: 50-82; García Fernández, 2016, 305-324: 316-318; also, see Chapter 6, 158-159.

545 Schol. Bob. p. 129: *Nihil acerbius socii et Latini ferre soliti sunt quam se ex urbe exire a consulibus iuberi.* Huiusmodi leges ferri dicebantur de civibus redigendis. Qualem tulerat L. Licinius Crassus et Q. Mucius Scaevola: ut redire socii et Latini in civitates suas iuberentur.

546 Asc. *Corn*. 67-68: '*I perceive that there is universal agreement that the Licinian and Mucian law on the restoration of proper citizen status, although the two consuls were the wisest men of all we have seen, was not only of no use to the state but actually damaging.*
He means L. Licinius Crassus the orator and Q. Mucius Scaevola, pontifex maximus, who was also himself an orator and legal expert. For these two in their consulship passed the law of which he speaks on restoring the allies to their own local citizenships. For a time when the Italic peoples were gripped by extreme eagerness for the Roman citizenship, and on that account a large portion of them was behaving as if they were Roman citizens, legislation appeared to be a necessity so that each man should be restored to his proper legal rights in his own community. However, by this law the loyalties of the magnates of the Italic peoples were alienated, so that this was the most important cause of the Italian War which broke out three years later.'

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Taking all these sources into account, it is fair to say that the practical target of this law were the *Latini* and *socii* who, during the census of 97-96, registered themselves as Roman without having received a grant of citizenship. A number has not been preserved regarding this census, and how many 'usurpations' were carried out is not known, but the number must have been big enough to warrant consular action to reverse the situation. This, combined with the figures of the Roman censuses of this period, hints towards a 'problem' counted in the thousands and not hundreds. Taking this magnitude into account, it has been pointed out that the censors had to be relatively amicable to the plea of those trying to attain citizenship in order for such a massive fraud to be carried out.[547] It seems a pretty reasonable supposition to me. Those elected for that *lustrum* were M. Antonius 'Orator' and L. Valerius Flaccus. I believe convincing arguments can be made for any of them turning a blind eye towards those trying to pass as Romans.

At that moment in time, neither seemed particularly partisan, which would lend them some ideological flexibility and a certain malleability if pressured by someone with a more resolute disposition. Moreover, the two of them appeared to be in good terms with Marius, which had shown a positive predisposition towards enfranchising *Latini et socii*. During his career, Flaccus proved he was amenable enough to survive the fractious bouts of civil war of the 80's without antagonising any major player despite his prominent position in the Senate as *princeps senatus*.[548] He had been a consular colleague of Marius in 100, a role in which he was so inconspicuous and demure that prompted Rutilius Rufus to dismiss him as 'more a servant than a colleague' (Plut. *Mar*. 28.5: Οὐαλλέριον δὲ Φλάκκον ὑπηρέτην μᾶλλον ἢ συνάρχοντα τῆς ὑπατείας λαβεῖν). Badian interprets this in terms of simple allegiance to factional politics and considers Flaccus' actions to be an extension of Marius' well known generosity.[549] Yet we do not need to take Rutilius' jab at face value and deprive Flaccus of all agency. Attending to his personable and conciliatory nature, and considering enfranchisement would have been a known position articulated by the *populares*, it is also reasonable to assume he may have seen this path forward as a happy compromise. In turn, Marcus Antonius 'Orator', even though he will end up backing Octavius against Cinna (and losing his life because of it), actually had a record of supporting and defending *popularis* politicians such as Norbanus or M. Marius Gratidianus.[550] This fact again is presented by Badian as proof of a circumstantial alliance with Marius, yet I will argue it could also hint towards a certain sympathy – or least non-belligerency – towards their positions.[551]

Be that as it may, it is clear that many non-Romans managed to inscribe themselves in the census rolls as citizens, and this massive fraud prompted a swift reaction in the form a major

547 Badian, 1964, 46-48.
548 Seager, 1994, 165-207: 181; Livy. *Epit*. 83.
549 Badian, 1964, 48
550 Cic. *De or*. 2.202; Cic. *Off*. 3.67.
551 Badian, 1964, 47.

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piece of legislation. Both consuls passed the *lex Licinia Mucia* with the clear objective of expelling from the Roman political body those *illegally* posing as Romans and, as per Asconius, forcing their reincorporation into their respective civic communities of origin (Asc. *Corn*. 67: *de redigendis in suas civitates sociis*). Most probably, those who were registered in any other community before the last census had the obligations of either providing proof of Roman citizenship or registering again in their former polities.[552] Failing to do so would open the possibility of being prosecuted under a *questio de civitate* especially constituted for that aim, as implied by *Balb*. 48: *acerrima de civitate quaestio Licinia et Mucia lege venisset*.

De facto, this created three categories of people affected by the *lex Licinia Mucia* – or more precisely, the reaction to this law from those who had 'usurped' citizenship put them in three distinct situations, with probably vastly different numbers in each one. First, there would be some that acquiesced with the new law and would register back into their communities – thus, effectively removing themselves from under the jurisdiction of this law. With them, the *lex*, as an instrument of coercion, had achieved its goal. But there would also be some who tried to keep their newfound status and maintain the farce, opening themselves up to the possibility of prosecution. They would constitute the second class of those affected, namely, those living in fear of the *questio de civitate*. Lastly, among them, there would be a fraction composed of those unlucky enough to be subjected to a trial, who would form the fourth category. What is more, depending on how granular we want to make our categorization, one could even argue that this last section could be split into two groups: acquitted and guilty.

The fact that the *Pro Balbo* only mentions one trial, that of Matrinius, does not mean that this was a unique case. What Cicero says is that he was the one to be brought to trial *among those* who had been enfranchised by Marius (Cic. *Balb*. 48: *Nam Spoletinus T. Matrinius unus ex iis, quos C. Marius civitate donasset*). Therefore, it is fair to conclude that there could have been many other trials among those given citizenship by other politicians or integrated irregularly under the supervision of the censors.[553] In fact, this is the impression that arises from other passages of Cicero, like *Brut*. 63, from which we can gather the mere name of the *lex Licinia Mucia* came to be regarded as a byword for zealously gatekeeping access to citizenship:

> *Catonis autem orationes non minus multae fere sunt quam Attici Lysiae, cuius arbitror plurimas esse—est enim Atticus, quoniam certe Athenis est et natus et mortuus et functus omni civium munere, quamquam Timaeus eum quasi Licinia et Mucia lege repetit Syracusas—et quodam modo est non nulla in eis etiam inter ipsos similitudo. Acuti sunt, elegantes faceti breves; sed ille Graecus ab omni laude felicior.* (Cic. *Brut*. 63)[554]

552 Tweedie, 2012: 123-139, 134-135.

553 Bauman, 1983, 367, considers the actual number of trials was probably low, yet profoundly offensive for the *socii*; Tweedie, 2012: 123-139, 135, defends that the sum of all references – especially the phrase *acerrima quaestio* – hint towards the existence of a 'larger number of trials occurred than is commonly imagined'.

554 Cic. *Brut*. 16.63: 'But to come back to Cato; his orations are scarcely less numerous than those of Lysias the Athenian, and to him far too many I am sure are assigned;—I call him Athenian since he was certainly born at Athens, died there, and performed all the offices of citizenship, though Timaeus, as if in accordance with an Athenian law like our Licinian

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As we have already seen, our sources do create the perception of a multitude of trials: this is implicit in Cicero's characterisation of this law as 'not useful but harmful to the *res publica'* (Asc. *Corn*. 67); as well as in his judgment of its *quaestio de civitate* as *acerrima* (Cic. *Balb*. 48). Corroborating this image, Asconius' also highlighted that the shock caused by this statute greatly alienated elites of the *socii*, the *principes Italicorum*, constituting the main motive of the *bellum Italici* (Asc. *Corn*. 67-68) – a bitterness also emphasised by the *Scholia Bobiense*, as we have seen (*Schol. Bob*. p. 129)

I believe Asconius' claim is to be taken seriously.[555] It is fair to assume that this law revealed to the *populi Italici* how intransigent the Romans – or at least, a subsection of them – could be regarding citizenship, as our sources emphasise time and time again how harsh a measure it was and how dire its consequences were. The message was clear enough, there would be no shortcuts to *civitas* nor mass enfranchisement; and those who were caught trying to bypass proper procedure would be severely prosecuted no matter how important their station was in their communities. Asconius' insistence that it alienated not only the different *populi* but the *principes Italicorum* points to probable social extraction of some of those charged: those under trial or under threat of prosecution may have been the elites of the *socii* or people in their circles.[556] In fact, if one is to ascribe a certain deterrent nature to this piece of legislation, which is reasonable enough, then it is also plausible to assume that the targeting of the elites was indeed intentional. I believe the consuls were very much aware of this and they were trying to make an example of those unfortunate enough to be put on trial. Therefore, I concur with Bauman's rationale that even a small number of cases could have caused great trauma if they were humiliating enough and targeted against the leadership of the allies.[557]

In any case, harsh as this statute may have been, the fact is that we do not know what kind of punishment it entailed. Badian proposed the penalty for infringing this law could be capital punishment.[558] It seems too extreme and to a certain degree even at odds with the claims made by Cicero that the two *sapientissimi consules* had achieved a good balance between severity and *humanitas* (Cic. *Off*. 3.47). Certainly, Tweedie's proposal of flogging seems much more plausible as it aligns neatly with the aim of the disposition and also reinforces the symbolism around citizenship. That is, it imposes expulsion from the Roman body politic and reintegration into the original community while at same time stressing that only the *cives* were free from *ius virgarum.* Indeed, it even reinforced, symbolically and

and Mucian, remands him to Syracuse. Between the two men there is in some sense a likeness: both are acute, precise, clever, brief. But in respect of fame the Greek has been altogether more fortunate.'

555 Brunt, 1965, 92 and Tweedie, 2012: 123-139, also agree with Asconius; for Dart, it is an exaggeration, 2014, 63.

556 Brunt, 1965, 92, paid special attention to this reference of the *principes* by Asconius.

557 Bauman, 1983, 367.

558 Badian, 1970-1971, 373-409: 407.

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physically, Rome's position of domination. Flogging was a much resented but common method of punishment imposed by magistrates on non-citizens precisely to emphasise their subordinate status, to the point that Pliny the Elder discusses the accusation against Balbus for usurping Roman citizenship as litigation around his liability to be flogged (Plin. *HN*. 7.136: *sed accusatus atque de iure virgarum in eum iudicum in consilium missus*). Moreover, contrary to capital punishment, flogging was not in contradiction with the *humanitas* Cicero praises of this law. This value, *humanitas*, was perfectly compatible with a *severitas* that did not exclude physical punishment, as befitted non-citizens, but that allowed them to be reintegrated into their respective communities.[559]

Certainly, this harsh treatment would lend credence to Asconious' claim that the *lex Licinia Mucia* was causally linked to the outbreak of the *bellum social*. Lest we forget, this opinion was based on the critical assessment Cicero's made of the political consequences of this statute, saying that it was not only useless, but actually harmful to the *res publica*. *Political* is the key word here, as the orator had high esteem for its *rogatores*, to the point of considering them 'very wise' (Asc. *Corn*. 67: *sapientissimi*) and actually praising the law from a philosophical perspective (Cic. *Off*. 3.47), as we have seen. Nevertheless, Cicero was above all a politician, not a philosopher; and one that prided himself that, unlike Cato, was starkly aware of living not in 'Plato's republic but in Romulus' cesspool' (Cic. *Att*. 2.1: *dicit enim tamquam in Platonis πολιτείᾳ, non tamquam in Romuli faece sententiam*). Moreover, speaking as a lawyer in the *Pro Cornelio de maiestat*e, he must have taken into account the feelings of the jury – and even the public – about any particular issue; and in this predicament he was adamant about the catastrophic *political* consequences – regardless of intent or philosophical merit – of the *lex Licinia Mucia*. Thus, he condemned it in strong terms.

From a philosophical perspective, Behrends has argued that it is possible to see Crassus' stoic influences as the theoretical framework that underlaid this law.[560] Following this line, he presents this legal instrument as the juridical translation of a philosophical conundrum. On the one hand, Stoicism had a universalist outlook that conceived a universe created for being appropriated by all humans and gods, while on the other, the different *poleis* and *civitates*, like Athens or Sparta, were created by their *populi* precisely to define the limits of the in-group with their own laws (Cic. *Nat. D.* 2.154: *Ut igitur Athenas et Lacedaemonem Atheniensium Lacedaemoniorumque causa putandum est conditas esse omniaque, quae sint in his urbibus eorum populorum recte esse dicuntur, sic, quaecumque sunt in omni mundo, deorum atque hominum putanda sunt.*) In this vein, he argues it is plausible to see the *lex Licinia Mucia* as a legal measure designed to square these two contradictory principles. That is, an attempt to navigate the tensions that arise between a *ius civile* which is, by definition, exclusivist in its

559 Tweedie, 2012: 123-139, 135-136; for the use and abuse of the *ius virgarum* by Roman magistrates, Liv. *Per*. 55; Gell. *NA*. 10.3; Cic. *Att*. 5.11.2; Plut. *Caes*. 29.2.
560 Behrends, 2002, 15-34: 22-23.

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nature, and a *ius gentium* that conversely, applies to all.[561] In *Off*. 3.47, a passage we have already seen, Cicero *philosophically* reflects about the contradictions between what is expedient and what is just, lauding how this law respects *humanitas* much more than the *Lex Iunia* or the *lex Papia*, as it manages to preserve the integrity of the *civitas* without physically removing the infringing parties from the city of Rome.

As it was the case with the Gracchi and their possible connections to a certain strand of Stoicism, I do not think the influence of the philosophical framework of the *rogatores* of the *lex Licinia Mucia* ought to be disregarded, nor do we have any reason to doubt the validity of Cicero's philosophical musings on the law. Nevertheless, I think the main motivation behind this essentially political decision was, unsurprisingly, political – something most contemporary authors are willing to accept.[562] Yet for certain historiographical tendencies, this meant its aims were both partisan and personal. In this vein, the fact that the only trial we can attest based on this law was that against T. Matrinius of Spoletum was used to present it as an attack aimed mainly at eroding Marius' position, as he was the one who had enfranchised the accused (Cic. *Balb*. 48-49). Under this interpretation, the censors in charge of the 97-96 census, L. Valerius Flaccus and M. Antonius, were political allies of Marius and, presumably for this reason, fairly flexible in the process of registering the *socii* and *Latini,* with the result of many individuals usurping the *status civitatis*. This was claimed to be in line with Marius' interests because, as the vanquisher of *cimbrii* and *teutones* and saviour of *tota Italia*, he was favourable to the *socii*, many of whom were his clients and allies. Hence, the *lex Licinia Mucia* is read a partisan reaction against his encroachment on the *res publica*, as proved by the fact that the only trial we know of resulted from this law was pointedly directed against him.[563]

I do not find this interpretation satisfactory. It aligns easily with the historiographical tendency that sees late republican politics as a *contentio dignitatis* generally devoid of ideology, where almost all actions taken in the public sphere can be explained as tactics to acquire power or deprive a rival of it. Furthermore, it also relies on an outdated conception of the *clientelae* as the be-all and end-all of Roman politics. For this explanation to make sense, it would have required for Marius to express his power through a rigid network of *clientes* that became, in turn, objectives in a proxy battle with their patron. On top of this, it also necessitates for the *clientelae* to be the overriding political factor of the Republic. Both of these premises have been proven to be built upon flimsy evidence. As mentioned repeatedly, this understanding of Roman patronage was profoundly indebted to Gelzer's

561 Behrends, 2002, 15-34: 25-27.

562 Gruen, 1966: 32-64, 40; Bates, 1986, 251-288: 272-273, and Brunt: 90-109, 92, present the law as rooted in a combination of partisan politics and a reaction to the *civitas* being percolated by Latins and Italics; also, Tweedie, 2012: 123-139, 128, situates the main motivation of this law as essentially political, however, she divorces this from its more partisan manifestations and focuses more on the 'contemporary ideas of citizenship.'

563 Badian, 1958, 211-214.

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Habilitationsschrift but it was successfully challenged by Brunt in the late 80s.[564] Moreover, even if it were true that T. Matrinius was attacked for his connections to Marius, it is not sensible to analyse the motivation behind a general law on account of just one of the trials that were conducted as a result of its passing, especially when we have indications that these proceedings were many and their threat extended to thousands.[565]

Additionally, this explanation for the *lex Licinia Mucia* directly sidesteps the overt ideological conflict that permeated the post Gracchan politics; a schism that it has been established that permeated to the question of citizenship.[566] The point is not that ideology was an impediment for personal animosities or political opportunism to also influence politics but that political actions tend to play out according to certain ideological layouts. I believe this is the case for the *lex Licinia Mucia*, as it represents a re-emergence of the question of citizenship to the forefront of the political chessboard following the exact pattern we have established to have emerged during the 30s and 20s of the II century BC. Namely, those that partook of a more *optimate* leaning ideology were more restrictive regarding the inclusion of non-Romans inside the imperial core while those that shared *popularis* ideology advocated for a more inclusive approach. This is the ideological framework to which we can attach those personal ambitions and vendettas to understand them in context. In fact, we actually have (anecdotal) evidence regarding the inception of the *lex Licinia Mucia* that can shed light on the ideological background of at least one of its *rogatores*:

> *Saepe etiam versus facete interponitur, vel ut est vel paululum immutatus, aut aliqua pars versus, ut Stati a Scauro stomachante; ex quo sunt non nulli, qui tuam legem de civitate natam, Crasse, dicant: st, tacete, quid hoc clamoris? Quibus nec mater nec pater, tanta confidentia? Auferte istam enim superbiam.* (Cic. *De or*. 2.257)[567]

In this passage of the *De Oratore*, Cicero makes one of the protagonists of his dialogue, Caesar Strabo, reference one angry retort that Scaurus pointed against someone – a plurality of people, attending to the grammar of the quote – that was bothering him. Scaurus quoted a verse of Statius and hectored that multitude for being insolent and making noises while berating them for having 'neither mother nor father'. Then, Caesar Strabo addresses Crassus specifically and mentions that many people attribute to this event the origin of his law of citizenship.[568]

564 Brunt, 1988, 382-442.

565 In the same vein as Tweedie, 2012, 123-139: 132, I do not have any problems in conceding that the trial of Matrinius may also have been conducted as an attack on Marius.

566 Although very briefly, Perelli does place the *lex Licinia Mucia* as a manifestation of the optimate preoccupation with a more restrictive citizenship, Perelli, 1982, 139-140.

567 Cic. *De or*. 2.257: 'Often a verse is thrown in humorously, either as it is or slightly changed, or part of a verse, as a verse of Statius was by Scaurus when he was angry; from which some say that your law about the citizenship, Crassus, was born: 'Shh! Quiet! What is this row? You who have neither mother nor father, such assurance? Be off with that pride of yours.'; this particular translation is taken from Tweedie, 2012, 123-139: 126.

568 It is interesting that he speaks of *tuam legem*, in singular, and not of *vestram legem*, maybe hinting to Crassus having a more active role in the process of crafting and passing the law; cf. see, nº 20, chapter 6, where I already mentioned the

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Gabba places this exchange during G. Norbanus trial of *minuta maiestas.*[569] This seems very plausible, as this trial is mentioned multiple times during that section of *De Oratore* and we know Scaurus intervened as a witness for the accusation (Cic. *De or.* 2.197-202; Val. Max. 8.5.2). According to Cicero, the *princeps senatus* was even hit by a stone during this raucous process (Cic. *De or*. 2.197: *deinde principem et senatus et civitatis, M. Aemilium, lapide percussum esse constabat*). Moreover, Gabba argues that Norbanus himself was a *novus civis* and that, on account of this, when he was charged by P. Sulpicius Rufus many members of the *socii* had come to Rome to support him. According to him, the fallout of this intervention is what led the outraged *princeps senatus* to influence Crassus to pass his citizenship law.[570] Conversely, Gruen doubts Norbanus's condition of *novus civis* but still believes Scaurus's resentment was behind the law.[571] Nonetheless, I concur with Tweedie's consideration that there is not sufficient proof to cast this event as the main motivation behind the *lex Licinia Mucia*. It is true that we are not certain of the status of Norbanus as a new citizen and it is also unlikely that a major piece of legislation was created just because Scaurus was annoyed by a 'noisy group of allies'.[572]

Yet Tweedie goes a step further. She claims that 'to understand the *ratio* of the law (...) it is preferable to look beyond the immediate factional context to contemporary ideas about citizenship.'[573] I disagree. It think it is clear that the factional context is directly linked to those contemporary ideas about citizenship, and one ought to take both into account to understand this passage and the motivation behind the *lex Licinia Mucia*. Even if Norbanus was not a new citizen and even if this statute would not have resolved the 'immediate problem of the Italian allies disrupting the trial',[574] the fact remains that during a politically charged trial there was an attempt of interference from some people Scaurus deemed to be alien to the Roman *civitas* – literally, for they had 'neither mother nor father'. They were not a legitimate part of the imperial core and yet they had the insolence of shouting their opinions and heckling during the administration of justice as if they were citizens, even throwing stones at their betters. Indeed, the fact that they had *nec mater nec pater* does not seem to reference a non-citizen but a new one. From the perspective of the *civitas* a new citizen had no legal predecessors, as they were outside of the boundaries of the body politic.

If one then introduces the reference to the *lex Licinia Mucia* into the mix, it would appear that they were presenting themselves as new citizens and that loud and forceful demonstration

uncommon approach Taylor, 1960, 141-143, took to this passage, where she emended the line usually understood as 'ut Stati a Scauro stomachante' as 'ut Stati Scauro stomachanti', which would make Scaurus the recipient of the verse 'st, tacete, quid hoc clamoris?, as well as my misgivings with this reconstruction.

569 Gabba, 1953: 259-272: 265.

570 Gabba, 1953: 259-272, 265.

571 Gruen, 1966: 32-64, 46 nº 85; cf. Badian 1964, 34-70: 49, considered he seemed to be 'not of Roman birth'.

572 Tweedie, 2012, 123-139: 127.

573 Tweedie, 2012, 123-139: 128.

574 Tweedie, 2012, 123-139: 127

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was the straw that broke the camel's back. *Nam esse pro cive, qui civis non sit* (Cic. *Off.* 3.47). This is not to say that Scaurus' resentment was so intense it motivated a major piece of legislation nor that this event, in isolation, was so traumatic that it provoked a change in policy. But if we take Cicero's claim seriously (through 'Caesar Strabo') that many people believed this confrontation had played a major role in the inception of the *lex Licinia Mucia* – and there is no reason to doubt it – it seems reasonable to conclude that this episode in fact brought to light the problem of the *socii* and *Latini* who were pretending to be citizens, at least for that part of the *nobilitas* which was ideologically opposed to any expansion of the *civitas* – even when such expansion was carried out by legal means.

It did not matter that it was not a solution for the immediate problem of a rowdy crowd. The heckling was a subversion of the proper hierarchy, as those that were subjects – *Latini et socii* – were acting as if they were something they were not: masters, Romans, citizens. From an *optimate* perspective, they were adding insult to injury, as they were twice disrespecting their betters: one, by presenting themselves as Romans; and two, by shouting at the members of the Senate. In that regard, the *lex Licinia Mucia* may not have stopped them interfering in the trial but it did restore hierarchy, what they considered to be the proper order of things. What is more, the causality between this verbal exchange and the *lex Licinia Mucia* did not even need to be real. What this excerpt makes clear is that it was perceived as such by 'not few people' (*non nulli)*, so at least it reflects how this altercation was processed by many. It became part of the narrative that surrounded this piece of legislation, one that reinforced an ideological pattern that at this point had almost forty years of tradition. Namely, that while *popularis* ideology had a much more generous conception of citizenship, the opposite was true of the *optimate* framework.

What constituted the *civitas* was not the same from both perspectives, neither regarding who could – or should – partake in this status nor in what it actually meant in terms of political substance. Scaurus' pro-senatorial ideological framework has already been explored when analysing the *lex Aemilia de suffragiis libertinorum*. That he may have taken special offence in being harassed by a multitude of new citizens is by no means a stretch of the imagination. On the other hand, it is more than probable that this aligned with Crassus's ideological framework, who in his maturity was definitely very comfortable with the senatorial primacy that was so dear to the *optimates*.[575] His tribuneship of the plebs (107)[576] was so devoid of any action that Cicero was surprised that he had served in this office and would not have believed it if he had not come upon it reading the poet Lucilius (Cic. *Brut*. 160: *sed ita tacitus tribunatus ut, nisi in eo magistratu cenavisset apud praeconem Granium*

575 During his youth he appears to have had flirted with a more radical political stance, as the contradictions between his speech supporting the foundation of a colony in Narbo Martius, delivered when he was in his early twenties, and his defence of the *lex Servilia Caepionis*, more than a decade later, were highlighted by a rival lawyer during a trial, see Cic. *Cluent*. 140, and Section 6.2 of this dissertation.

576 Broughton, 1951, 551.

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idque nobis bis narravisset Lucilius, tribunum plebis nesciremus fuisse).[577] A year later, his support to the *lex Servilia Caepionis* and its restitution of senatorial power was fierce. Indeed, this was not the last time he would antagonize *Latini et socii*, as we will see. Similar prior ideological bearings can be assumed for Quintus Mucius Scaevola 'Pontifex', who had an identical quiet tribuneship (one year later)[578] and was his colleague in all other offices, apart from his future censorship, showing an excellent public relationship among them:

> *Ita prorsus, inquit Brutus; sed ne de Scaevolae quidem tribunatu quicquam audivisse videor et eum collegam Crassi credo fuisse. Omnibus quidem aliis, inquam, in magistratibus, sed tribunus anno post fuit eoque in rostris sedente suasit Serviliam legem Crassus; nam censuram sine Scaevola gessit: eum enim magistratum nemo umquam Scaevolarum petivit.* (Cic. *Brut*. 161)[579]

Thus, regarding the *lex Licinia Mucia*, it appears we have an alignment between political circumstance, ideology and philosophy. Behind it were many factors, but all of them led to the very same result: the legal expulsion of the imperial *civitas* of those that did not belong there, those that were not equal but subjects – an ejection that would be enforced, if necessary, through a *quaestio* specifically constituted to that task and that ought to be completed by the next census. Its consequences would be dire and were soon to be felt by everyone; and Crassus, in turn, was soon to make another decision that exacerbated the tensions with the *socii* even more.

7.2 Heightened Tensions: The Censorship of Licinius Crassus and Domitius Ahenobarbus (92-91)

After becoming the law of the land in the year 95, the heavy weight of the *lex Licinia Mucia* was felt during the run-up to the failed census of 92-91. Crassus was now one the censors; the other one being Cn. Domitius Ahenobarbus. Even though their working relationship was so notoriously contentious that it caused them to step down from office, they did find agreement on certain issues.[580] Indeed, they famously issued an edict that foreclosed the schools of rhetoric in the city of Rome and forbade the opening of new ones, accusing them of corrupting the youth and going against long established precedent and *mos maiorum*.[581] Even

577 Cic. *Brut*. 160: 'However, his tribuneship passed with so little mention, that, had he not during his term of office dined with Granius the crier, and had not Lucilius twice told the story of that dinner, we should never know that he had been tribune of the people at all.'

578 Broughton, 1951, 553.

579 Cic. *Brut*. 161: '"Quite true," said Brutus, "but neither do I recall hearing anything about the tribuneship of Scaevola, and I assume that he was Crassus's colleague in that office." "In all other offices, yes," I replied, "but Scaevola was tribune in the year following, and while he was on the platform as presiding officer, Crassus urged the passage of the *lex Servilia.* The censorship, to be sure, he did hold without Scaevola, for no Scaevola ever stood for that one office."'

580 Broughton, 1952, 17.

581 Regarding this edict, Pichon, 1904, 37-41; Barbagallo, 1910, 481-514; Manfredini, 1976, 99-148, Luzzato, 2002, 301-346; Gabrielli, 2015, and Herrero Medina, 2020, 241-271.

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if the connection between this very particular manifestation of the *cura morum* and the *lex Licinia Mucia* can appear tenuous at first glance, I believe they are very much related. Here, I will argue that it has to be read against the political and ideological background created by pieces of legislation like the *lex Servilia Glaucia* and, particularly, the *lex Licinia Mucia*, as it is best understood as an attempt to close down spaces primed to foster political debate around precisely these issues. Suetonius preserves the terse pronouncement in full:

> *De eisdem interiecto tempore Cn. Domitius Aenobarbus, L. Licinius Crassus censores ita edixerunt: "Renuntiatum est nobis, esse homines qui novum genus disciplinae instituerunt, ad quos iuventus in ludum conveniat; eos sibi nomen imposuisse Latinos rhetoras; ibi homines adolescentulos dies totos desidere. 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. Quapropter et eis qui eos ludos habent, et eis qui eo venire consuerunt, videtur faciundum ut ostenderemus nostram sententiam, nobis non placere.* (Suet. *Rhet*. 1)[582]

In turn, Cicero gives more information on the topic. In *De Oratore,* he makes his 'Crassus' rail against the lack of moral quality of these Latin teachers of rhetoric, accusing them of teaching the youth of Rome the art of public speaking without any of the philosophical and moral substance necessary to direct their newfound abilities towards something worthy. Even if he is dismissive of the Greeks, at least he grants them a modicum of learning, and some civility and dignified knowledge. Yet the Latin teachers had nothing of the sort: in his eyes, they only instructed their alumni to be bold without any of the constraints of morality; therefore, their school was one of impudence and was rightly closed:

> *Verborum eligendorum et conlocandorum et concludendorum facilis est vel ratio vel sine ratione ipsa exercitatio; rerum est silva magna, quam cum Graeci iam non tenerent ob eamque causam iuventus nostra dedisceret paene discendo, etiam Latini, si dis placet, hoc biennio magistri dicendi exstiterunt; quos ego censor edicto meo sustuleram, non quo, ut nescio quos dicere aiebant, acui ingenia adulescentium nollem, sed contra ingenia obtundi nolui, conroborari impudentiam. Nam apud Graecos, cuicuimodi essent, videbam tamen esse praeter hanc exercitationem linguae doctrinam aliquam et humanitate dignam scientiam, hos vero novos magistros nihil intellegebam posse docere, nisi ut auderent; quod etiam cum bonis rebus coniunctum per se ipsum est magno opere fugiendum: hoc cum unum traderetur et cum*

582 Suet. *Rhet*. 1: 'Some time afterwards the censors Gnaeus Domitius Ahenobarbus and Lucius Licinius Crassus issued the following edict about the same class of men: "It has been reported to us that there be men who have introduced a new kind of training, and that our young men frequent their schools; that these men have assumed the title of Latin rhetoricians, and that young men spend whole days with them in idleness. Our forefathers determined what they wished their children to learn and what schools they desired them to attend. These innovations in the customs and principles of our forefathers do not please us nor seem proper. Therefore it appears necessary to make our opinion known, both to those who have such schools and to those who are in the habit of attending them, that they are displeasing to us.'; this edict is also preserved in Gell. *NA*. 15.11.2.

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> *impudentiae ludus esset, putavi esse censoris, ne longius id serperet, providere.* (Cic. *De or*. 3.93-94)[583]

It is known that among the *rhetores* targeted by the edict *coercendis rhetoribus Latinis* was Lucius Plotius Gallus. From Cicero we know Plotius was a controversial figure. He was much admired by Marius for his skills (Cic. *Arch*. 20: *itaque ille Marius item eximie L. Plotium dilexit, cuius ingenio putabat ea quae gesserat posse celebrari*)[584], while being intensely disliked by a group of *doctissimi homines* who actively discouraged a young Cicero to attend his school.[585] He was even dismissed as a 'barley-bread rhetorician' by Marcus Caelius, for the supposedly coarse and over-inflated style:

> *L. Plotius Gallus. De hoc Cicero in epistula ad M. Titinnium sic refert: "Equidem memoria teneo pueris nobis primum Latine docere coepisse Plotium quendam. Ad quem cum fieret concursus et studiosissimus quisque apud eum exerceretur, dolebam mihi idem non licere. Continebar autem doctissimorum hominum auctoritate, qui existimabant Graecis exercitationibus ali melius ingenia posse". Hunc eundem -nam diutissime vixit- M. Caelius in oratione quam pro se de vi habuit significat dictasse Atratino accusatori suo actionem subtractoque nomine hordearium eum rhetorem appellat deridens ut inflatum ac levem et sordidum.* (Suet. *Rhet*. 2)[586]

When mentioning *doctissimorum hominum auctoritate* it is hard not to see a reference to conservative characters such as Mucius Scaevola and Crassus himself. Suggestive as these contrasting opinions may be, this alone is not proof of any particular political filiation of the *ludi* nor of a connection with the question of citizenship. Yet this pronouncement does not take place in a vacuum; and at the end of the day, an edict of the censors is a fundamentally

583 Cic. *De or*. 3.93-94 'There is no difficulty about the theory, or if you prefer the purely practical problem, of the choice of words and their position in sentences and combination to form periods; and there is a large stock of ideas, which were no longer kept to themselves by the Greeks, with the result that our young students virtually unlearned them in the process of learning them, so that in the last two years there actually arose, heaven help us! Latin professors of rhetoric; but these I had used my authority as censor to abolish by edict, my motive not being the one that was said to be attributed to me in certain quarters, unwillingness to let the rising generation sharpen their wits, but on the contrary I was unwilling for their wits to be blunted and their conceit increased. For I was aware that whatever the demerits of the Greek professors, they did nevertheless possess some sort of system and knowledge not unworthy of the humanities, in addition to this practice in tongue-wagging, but so far as I could see these new masters had no capacity to teach anything except audacity, which even when combined with qualities of value is in itself to be carefully avoided, but as this was the only thing that they imparted, and as their school was a seminary of conceit, I decided that it was a censor's duty to take measures to prevent the movement from spreading further.'

584 Cic. *Arch*. 20: 'Therefore, the great Marius was also exceedingly attached to Lucius Plotius, because he thought that the achievement which he had performed could be celebrated by his genius.'; regarding Plotius Gallus, Rawson, 1985, 78.

585 Regarding Plotius Gallus and the historiography surrounding him, Manzoni, 2007: 159-178.

586 Suet. *Rhet*. 2: 'Of Lucius Plotius Gallus, Cicero gives the following account in a letter to Marcus Titinnius: "I well remember that when we were boys, a certain Plotius first began to teach in Latin. When crowds flocked to him, for all the most diligent students of the subject were trained under him, I regretted not having the same privilege. But I was deterred by the advice of certain men of wide experience, who believed that one's mind could better be trained by exercises in Greek". Marcus Caelius, in a speech in which he defended himself against a charge of violence, implies that this same Plotius, for he lived to a great age, supplied Caelius's accuser, Atratinus, with his plea; and without mentioning him by name, Caelius calls him a "barley-bread rhetorician," mocking at him as "puffy, light, and coarse".'

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political decision that must be analysed in the context of, again, the political and social tensions of the late 90s.[587] It was issued just three years after the *lex Licinia Mucia* (95) took aim at the status quo of the previous census (97-96) and one year before the outbreak of the *bellum sociale* (91). Importantly, it was promulgated during the run-up to their corresponding (and failed) census. We know for a fact that the question of citizenship was a contentious subject and that there was lobbying going on by the *socii.* Pompaedius Silo's playful attempt to bully the stubborn young Cato to 'beg your uncle [Drusus the younger] to help us in our struggle for citizenship' (Plut. *Cat. Min.* 2: ὅπως ὑπὲρ ἡμῶν δεήσεσθε τοῦ θείου συναγωνίσασθαι περὶ τῆς πολιτείας) took place during those years, and we can be certain it was not the only attempt made to that end. As Pompaedius Silo recognises when his attempts to intimidate the young Cato failed, the people had to be convinced for them to cast their votes in one way or another (Plut. *Cat. Min.* 2: μίαν οὐκ ἂν οἶμαι ψῆφον ἡμῖν ἐν τῷ δήμῳ γίνεσθαι);[588] and that was achieved through public speaking.

Moreover, forensic oratory was a key discipline if one was going to engage with the Roman courts. As we have seen, these were both the *loci* of political contention between senators and *equites* and the place where disputes around the legality of citizenship that could arise from the application of the *lex Licinia Mucia* or accusations of *repetundis* under the *lex Servilia* would be determined. Born out of this context, the *Rhetorica ad Herennium* is proof of the breadth of sensitive political topics one could and should engage with when studying rhetoric. Although accompanied also by conservative characters, its pages are full of martyrs from *popularis* memory like the Gracchi, Saturninus, Livius Drusus and Sulpicius Rufus (*Rhet. Her.* 4.31) and discussions of politics (*Rhet. Her.* 1.8; 1.20-21; 2.17; 2.45; 3.2; 4.12; 4.13; 4.22, for example).

Therefore, those accusations of disregarding *consuetudinem ac morem maiorum* (Suet. *Rhet*. 1) take on obvious political connotations. Gabrielli argues that in a society whose elites were highly dependant on the mastery of rhetoric, controlling who had access to this privileged education and what this instruction consisted of was critical in creating political consensus. For that reason, the existence of the *rhetores Latini* outside of the *nobilitas*' control was perceived as a dangerous challenge to said consensus. On the one hand, by discussing civil unrest and arguing from the perspective of those that were (allegedly) *iure caesi*, they were disregarding the consensus part the *nobilitas* was trying to impose. On the other, by giving rhetorical education to those affluent enough to pay for it outside the Greek-speaking *nobilitas*, they were broadening the social class of those who could master techniques central to the way the *res publica* conducted its public business. In fact, it has been argued that many of those attending this education were probably elites of Italic extraction and members of the

587 Especially critical with the political interpretation of this edict is Luzzato, 2002: 301-346; conversely, Pichon, 1904: 37-41 understands the decree through a partisan lens; Gabrielli, 2015, articulates a more holistic approach to this legal instrument, combining both cultural and political analysis.

588 Plut. *Cat. Min.* 2: '…"I do not think we could get a single vote among the people"'.

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ordo equester, as both these groups were directly engaged in two of the main political conflicts of the moment: one striving for the control of juries and one surrounding the question of citizenship.[589] To this, I would add that the magnitude of those affected by the *lex Licinia Mucia* must have given this issue an especially pressing nature that, most probably, had an effect on which political topics were discussed in those schools.

Therefore, I find Gabrielli's characterization of the motivations behind the edict convincing, as she succinctly parses the myriad of crossed incentives behind it. Nevertheless, I think the consensus she references was always a mirage, a never fully realized objective of certain part of the political community. At least from the Gracchi onwards there was a clear schism in the political community that could not be breached and had a translation into contrasting ideologies. As with any other group aspiring to achieve or maintain political hegemony, creating consensus in the long term may have been the ultimate goal of those members of the *nobilitas* that espoused the *optimate* ideology. Yet it is hard to imagine this being the far more immediate motivation behind this particular edict. In a society where political ideology was primarily expressed through the art of rhetoric, I consider much more plausible that through this ban the *optimates* were trying to suppress the spread of an ideology that was already there. The less public spaces they had to express those ideals the better; and as Gabrielli points out, if one could at the same time dismantle spaces where alternative social groups were educating their young and establishing networks of power, again, all the better.[590]

In turn, Tweedie posits that there is evidence that the censors' objection to these schools was more 'deeply founded' than being places of Latin agitation in Rome;[591] for her, this means philosophically rooted. I would counter that this fact was deep enough as a manifestation of an ideological schism that took different forms, with citizenship being one of them. This was especially true considering that at that time there was a census to be made and, although the double resignation from both censors prevented it from being finished, it is reasonable to believe that the whole process was under the shadow of the *lex Licinia* Mucia.[592] No doubt, this added a dire sense of urgency in the mind of many Italics and gave extra weight to any political action taken by the magistrates in charge of registering the new citizens. In such a politically charged context, what would actually be rare is for the edict *de coercendis rhetoribus Latinis* not to be related in any form to one of the main issues of those years.

589 Zecchini, 2011, 63-72: 66-67 highlights the connection the *Italici* had to these schools of rhetoric; Gabrielli, 2015, based on David, 1979: 134-181, argues for the prevalence of both *equites* and *Italici*, supplemented by many young members of the aristocracy, as the bulk of the alumni in these *ludi*; also, Manzoni, 2007: 159-178: 168.
590 Gabrielli, 2015.
591 Tweedie, 2012: 123-139, 136.
592 Regarding the resignation of Crassus and Domitius, Degrassi, 1954, 190.

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7.2.1 Summoned by the Tribunes: The March of Pompaedius Silo against Rome

In his *Bibliotheca historica*, Diodorus Siculus preserves a momentous event that I believe sheds further light on the consequences of both the *lex Licinia Mucia* and the aggressive *cura morum* wielded by Crassus and Domitius as censors. This author wrote about a march on Rome by the future rebel leader Pompaedius Silo ahead of ten thousand men, not in military gear but armed under their cloaks. Ostensibly, they were going to Rome under the summons of the tribunes. Their covert plan was to use their physical presence near the Senate to put pressure on this body and get it to agree to extend citizenship; even if this came no avail, they would attack by surprise the seat of government:

> Ὅτι ὁ τῶν Μαρσῶν ἡγούμενος Πομπαίδιος6 ἐπεβάλετο μεγάλῃ καὶ παραβόλῳ πράξει. μυρίους γὰρ ἀναλαβὼν ἐκ τῶν τὰς εὐθύνας φοβουμένων, ἔχοντας ὑπὸ τοῖς ἱματίοις ξίφη, προῆγεν ἐπὶ τῆς Ῥώμης. διενοεῖτο δὲ περιστῆσαι τῇ συγκλήτῳ τὰ ὅπλα καὶ τὴν πολιτείαν αἰτεῖσθαι, ἢ μὴ πείσας πυρὶ καὶ σιδήρῳ τὴν ἡγεμονίαν διαλυμήνασθαι. ἀπαντήσαντος δὲ αὐτῷ Γαΐου Δομιτίου καὶ ἐρομένου, Ποῖ προάγεις, Πομπαίδιε, μετὰ τοσούτου πλήθους; εἶπεν, Εἰς Ῥώμην ἐπὶ τὴν πολιτείαν, κεκλημένος ὑπὸ τῶν δημάρχων. ὁ δὲ Δομίτιος ὑπολαβὼν ἔφησεν ἀκινδυνότερον αὐτὸν καὶ κάλλιον τεύξεσθαι τῆς πολιτείας, ἂν μὴ πολεμικῶς ἐπὶ τὴν σύγκλητον παραγένηται· ταύτην γὰρ βούλεσθαι τὴν χάριν δοῦναι τοῖς συμμάχοις μὴ βιασθεῖσαν ἀλλ᾽ ὑπομνησθεῖσαν. ὁ δὲ ἱεράν τινα τὴν συμβουλὴν τἀνδρὸς θέμενος καὶ πεισθεὶς τοῖς λόγοις ἐπανῆλθεν ἐπὶ τὴν οἰκείαν. Δομίτιος μὲν οὖν φρονίμοις λόγοις ἐκ μεγάλων κινδύνων ἐξήρπασε τὴν πατρίδα, πολὺ κρείττονα τὴν ὁμιλίαν ποιησάμενος τῆς γενομένης Σερουιλίῳ τῷ στρατηγῷ πρὸς Πικεντίνους. ἐκεῖνος γὰρ οὐχ ὡς ἐλευθέροις καὶ συμμάχοις ὁμιλῶν, ἀλλ᾽ ὡς δούλοις ἐνυβρίζων καὶ φόβων μεγάλων ἀπειλαῖς παρώξυνεν τοὺς συμμάχους ἐπὶ τὴν καθ᾽ ἑαυτοῦ καὶ τῶν ἄλλων τιμωρίαν. οὗτος δὲ πεφρονηματισμένων ἀποστατῶν ἀλόγους ὁρμὰς ἐπιεικέσι λόγοις εἰς εὔνοιαν προετρέψατο. (Diod. Sic. 37.13)[593]

Keeping in line with his hypercritical approach to the sources, Mouritsen dismisses this story as ‘too fantastic to be accepted at face value’. I do not agree. I believe it is a perfectly possible event to have happened in the politically charged *ante bellum* climate, especially when one of the consuls behind the *lex Licinia Mucia* was now a censor and persevered in his

593 Diod. Sic. 37.13: ‘The Marsic leader Pompaedius embarked on a grandiose and fantastic venture. Assembling ten thousand men drawn from the ranks of those who had occasion to fear judicial investigations, he led them on Rome, with swords concealed beneath their garb of peace. It was his intention to surround the senate with armed men and demand citizenship, or, if persuasion failed, to ravage the seat of empire with fire and sword. Encountering Gaius Domitius, who asked him, “Where are you going, Pompaedius, with so large a band?” he said, “To Rome, to get citizenship, at the summons of the tribunes.” Domitius retorted that he would obtain the citizenship with less risk and more honourably if he approached the senate in a manner which was not warlike; the senate, he said, was in favour of granting this boon to the allies, if instead of violence a petition was presented. Pompaedius took the man’s advice as in some way sacred, and persuaded by what he said returned home. Thus by his prudent words Domitius rescued his country from grave danger, having proved far more effective in this interchange than the praetor Servilius in his dealings with the Picentines. For the latter did not speak with them as to free men and allies, but treated them despitefully as slaves, and by his threats of fearful punishments spurred the allies to seek vengeance on him and the other Romans. Domitius, however, by speaking with moderation converted the unthinking impulses of spirited rebels into a sentiment of goodwill.’

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hostility towards the *socii*, even closing down the places of education for their young.[594] It clearly appears to be a public demonstration of force; a thinly veiled threat calculated to show that they were not willing to accept being excluded any more nor being punished for pursuing what they felt they deserve. There is nothing fantastic in the fact that those who had spent years trying to get admitted into citizenship, even by illegal means, the very same people that in a year's time would be in open rebellion, would engage in a stunt like this.

Moreover, I maintain that this excerpt contains an important clue regarding the scale of the consequences unleashed by the *lex Licinia Mucia*. We are told that by Diodorus Siculus that those accompanying Pompaedius were drafted among 'those who had occasion to fear judicial investigations (Diod. Sic. 37.13: μυρίους γὰρ ἀναλαβὼν ἐκ τῶν τὰς εὐθύνας φοβουμένων,'). It is hard not to conclude these public enquiries, these εὐθύνας, the men feared were the potential accusations that could be brought upon them under the *lex Licinia Mucia*. If we are to take this story seriously – and I do not see why we should not – those impacted by this law could be counted in the thousands, as the host that accompanied Pompaedius was recruited among those fearing investigation – meaning that in actuality there were even more people affected. Diodorus writes he was accompanied by μυρίους, which literally means 'ten thousand' but it could also be read figuratively as a multitude. Again, this could be dismissed as an exaggeration, and as every time we are dealing with numbers provided by ancient sources, we ought to take them with a pinch of salt. Nevertheless, considering census numbers were on a magnitude of hundreds of thousands, the fact that there could have been a fraud involving a few thousands – even tens of thousands – seems plausible enough.

In addition, it is plausible that this short passage also contains another hint pointing towards Crassus' activities as a censor. As the story continues, when they were marching to (against?) Rome they were met by a certain Gaius Domitius. When interrogated, Pompeadius told him that they were answering the summons of the tribunes while reiterating their claim to the Roman πολιτεία. Nevertheless, this Roman representative was able to convince them to abandon their march and to try a more peaceful approach, promising that this would gain them a favourable Senate. It has been pointed out that the *Domitii* did not use the praenomen Gaius at this point in time, so this has been understood to be a reference to Gneus Domititus Ahenobarbus, the censor and co-author of the edict *de coercendis rhetoribus Latinis*.[595]

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594 Mouritsen, 1998, 125 nº 51; Kendall, 2013, 238-239, is open to the story being false, yet he concedes that most authors treat it as a real historical event, 238, nº 20; conversely, Tweedie, 2012: 123-139, 137-138 and Dart, 2014, 86- 88 consider it authentic.

595 Walton, 1967, 219 nº 1; this reading has also been favoured by Tweedie, 2012: 123-139, 138 and Dart, 2014, 86; cf. Mouritsen, 1998, 130, defends he could have been a *praetor* sent to investigate the rumours; a similar argument is put forward by Keaveney, 2005b, 117-118, although he also considers the possibility of him being the censor; yet Broughton, 1952, 20-21 does not include him as a praetor, contrary to Servilius, who is indeed on the list.

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In this passage, Diodorus contrasted this story, where tactful diplomacy was able to de-escalate a potentially dangerous situation, with the arrogant behaviour of Servilius, that so incensed the people of Asculum that they resorted to violent insurrection, prompting the *bellum sociale*. This meant that it is usual to place both events in close chronological proximity. Often, the march is supposed to have occurred at the tail end of Drusus's tribuneship, just before his assassination or immediately after, when rumours of rebellion started to flare up.[596] Certainly, it is very unlikely that after such a bloody affair the Senate would have sent a small delegation to deal with a contingent of armed men marching towards the capital. Moreover, the march itself would have lost its meaning if open hostilities had been declared; their stated plan was to enter Rome unopposed and exert their pressure when already in the *forum*, and certainly no Italic leader worth its salt would try and march against the city with only ten thousand lightly armed men.

Tweedie argues, convincingly, that the only *terminus post quem* we ought to take into account was the elections for being a sitting tribune during 91, as it is evident that when Pompaedius claimed they were summoned by the tribunes he was referencing Livius Drusus. It is probable that there was truth in that statement, as one of Drusus' cornerstone policies would be enfranchisement and such a show of support would undoubtedly have sent a very clear message. Aside from signalling their commitment to the tribune, fear of prosecution also constituted a powerful motivation for this forceful demonstration. But as Tweedie pointed out, this sentiment would be especially heightened when combined with the pressure of an impending census, especially one supervised by the severe author of the *lex Licinia Mucia*. This suggests a date sooner rather than later in Drusus' tenure – maybe even before he actually assumed this position, as he could have simply been a tribune-elect. In any case, it made extra sense that the Domitius sent to negotiate was the other censor, with the hope that he could use his authority to defuse the situation. Even if he had proven to be equally unafraid of ruffling some Italic feathers with the closure of the schools of rhetoric, he did not have Crassus' track record and could act as a mediator. What is more, he spoke with the authority of someone who was *pontifex maximus* and also in charge of the census; that is, someone with the sufficient political clout to maybe broker a deal with his colleague.[597]

We do not know what arguments and promises he may have given to Pompaedius, apart from the vague assurance that the Senate would be amenable to granting them citizenship if approached peacefully. But whatever they were, it worked, as the Marsic leader and his followers abandoned their plan and returned home. Much has been made of Crassus' support towards Drusus' policy proposals, considering how, to a certain degree, they contradicted

596 Keaveney, 2005b, 117-118, discusses Domitius's delegation in the context of those envoys sent to investigate in the 'closing weeks' of Drusus's life; Kendall, 2013, 238-239, tentatively situates the march while Drusus was alive, at the end of his tribuneship, yet in 239, nº 21, he claims it is common for the historiography to place it after Drusus's murder; Dart, 2014, 86-89, frames the march as a consequence of the tribune's failure at securing citizenship, while he concedes that it may have happened before, nº 85.

597 Tweedie, 2012: 123-139, 138.

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much of his political trajectory.[598] Determining whether he had a real change of heart or he was just engaging in transactional politics is probably beyond our reach, considering how little information we have to go on. In any case, I would argue that Pompaedius' march was certainly bound to be an eye opener, and considering how consistent his support to Drusus' political efforts was, it is not unlikely that a real agreement could have been reached in order to, at least, abstain from further opposing any attempts made to enfranchise the *socii*. As we shall see in the next chapter, in the end it was not enough.

598 Bauman, 1983, 370 doubts if Crassus supported Drusus' citizenship bill, while Tweedie, 2012: 123-139, 139, points to Crassus' personal commitment to *humanitas* to defend that, indeed, he could have realized that his past approach regarding the *socii* was mistaken.

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8. A CRISIS WITH AN ALTERNATIVE: THE *ROGATIO LIVIA* (91)

In the impactful *Res Publica Amissa*, Meier famously described the crisis and eventual downfall of the Roman Republic as a *Krise ohne Alternative*, a crisis without an alternative.[599] To say that this concept has had a profound impact on the field is an understatement. To this day, many question the existence of ideological conflict in the late Republic because, apparently, the *populares* failed to articulate a clear and revolutionary enough political alternative for the system that was crumbling all around them.[600] There were no Jacobins among their ranks, nor any Bolsheviks. In turn, Flower's insightful *Roman Republics* questioned how appropriate it is to use the term 'crisis' for a period of a hundred years. A crisis is supposed to be a short and traumatic event, not a long and gradual process that spans over century. In fact, she argues that during this period of time what is commonly referred to as *the Roman Republic* suffered multiple crises followed by periods of reconfiguration so profound that, in fact, it is best to think about a succession of distinct republics and not a single continuous political system.[601]

Without a doubt, the *bellum sociale* represented such a crisis. It affected the very foundation of classical political communities: their citizen body. After this single event the *civitas* was transformed beyond recognition, roughly tripling its size and forever changing what the concept *populus Romanus* meant. In Chapter 7, I have argued that this crisis was brought about by the stubborn mishandling of the situation by the *optimates*. Obviously, they had not created the state of domination that spurred the Latins and *socii* to adopt the *cupiditas civitatis* as a pressing political aim. This was simply the result of the growing Roman imperialism in Italy and overseas – a state of affairs that greatly (yet unequally) benefited an imperial core composed of those that partook in the Roman citizenship, the *optimus status civitatis*. Yet when the discontent among their Latin and Italic subjects festered and their claims of integration into the *civitas* grew louder and louder, the *optimates* stubbornly blocked any policy proposal aimed at redressing this structural problem and zealously guarded the boundaries of the polity, resorting to exclusionary policies every time someone dared to cross them. Thus, it became untenable, and a crisis involving the *socii* appeared in the horizon. Nevertheless, all this time, there was an alternative. The one articulated by *popularis* politicians: the imperial core ought to be enlarged and the benefits of empire should be more fairly redistributed.

599 Meier, 2017.
600 Mouritsen, 2017, esp. 112-123; Hölkeskamp, 2019, esp. 181-182.
601 Flower, 2010; while the proposal at the root of Flower's thesis has not been embraced by historiography, I find her exercise in trying to determine what the defining political characteristic of each of her Republics was interesting in its own right.

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As will be explored in this chapter, Drusus' *rogatio de civitate* (alongside his other proposals) was the last iteration of this alternative before the full-blown crisis of the *bellum sociale* – one distinct enough that it almost came to fruition yet ambitious enough to, if we are to trust our sources, have had the backing of the *socii*. If passed, it is more than probable that this particular crisis, the war against the allies, would never have happened. Following Flower's model, a new republic would have been inaugurated: mass enfranchisement south of the Padum was such an enormous change that it would necessarily imply a new conception of the *res publica*. It would still be imperial and riddled with many structural problems, yet this political shift would have been achieved without the immense violence the war was to bring.[602] Alas, it was not meant to be.

8.1 A Seemingly Contradictory Array of Sources: Marcus Livius Drusus the Younger

Marcus Livius Drusus is presented in our sources as a complex figure, with a mixed legacy that, *prima facie*, lie in-between different political traditions, apparently half-*popularis* and half-*optimate*. I believe this image conveys a certain truth – we are, in fact, confronted by a clearly multifaceted and nuanced politician. Yet it also perpetuates the very common trope of a level-headed – that is, *optimate* – politician that as soon as he falls slave to his passions becomes a *furiosus,* which in turn leads him to disregard tradition and act as a *popularis*. This public persona was the result, first, of a consensus-driven battery of proposals that he tried to push forward, ideally (and perhaps idealistically) with the support of both the Senate and the people. And second, it was the reputational outcome of a tribuneship that was fraught with conflict with a very antagonistic consul, Philippus, and praetor, Caepio;[603] a *tribunatus* which apparently ended up in an encroachment over positions increasingly *popularis* and a correspondingly more and more hostile Senate. To this mixed bag, one ought to add his dramatic murder, slain in his own atrium by an unknown assailant that stuck a shoemaker's knife in his hip (App. *B civ*. 1.36).

8.1.1 Two Traditions, Not Alike in Dignity: *popularis* or *optimate?*

I would argue that this contrasting and dramatic career resulted in two traditions regarding Drusus' memory, one that claimed him as a clearly *popularis* politician and another one that placed him firmly as a defender of the Senate. And what is more surprising, both competing strands of memory seem to be active from very early on after Drusus' murder. Unfortunately,

602 Flower, 2010, 111-112, ends the last the republics of the *nobiles* with the enfranchisement of the *socii*, as this model of *res publica* was dependant on the poRoman dominion over the other communities of Italy: when that dominion ended, via integration, it entailed a reinvention of the *civitas* and the system it underpinned.

603 Broughton, 1952, 20-21.

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the amount of sources preserved from one and the other are not alike. We have just one piece of information that has a clear origin inside the *popularis* tradition. Nonetheless, as shall be seen, the nature and chronology of this source grants it great relevance while its content is unequivocally framed in ideological terms. Contrasting this characterization, there are the numerous references to Drusus in Cicero's writings. The orator seems to hold a consistently positive image of the tribune, painting him as a responsible and eloquent young aristocrat squarely in the camp of the Senate. In addition, the two portrayals served as the inspiration for later reinterpretations of the tribune, which ranged from squarely describing him as a fundamentally *optimate* politician (such is the case for Diodorus Siculus or Velleius Paterculus) to characterize him resorting to the common trope of someone sadly seduced by the dangers posed by *populariter agere.* That is, a politician who had started as a clear-headed reformer but, through a mixture of ambition and lack of scruples, ended as a *popularis* firebrand that disregarded the Senate's authority and had no qualms in promising everything to everyone.

Chronologically, the first of our literary sources is also one of the most unique regarding the unapologetically *popularis* character it infuses into Drusus. Conventionally dated to the late 80's, not even a decade after the tribune's murder, the anonymous treatise *Rhetorica ad Herennium* preserves an extract of a speech with a clear *popularis* message that presents him as a martyr.[604] One that followed the unfortunate tradition of the Gracchi brothers and Saturninus, and one that prefigured the fate of the soon to be slain Sulpicius. Therefore, he is displayed alongside a collection of heroes, all tribunes of the plebs, unjustly murdered in defence of the *res publica* – a *res publica* that, if we are to judge by the catalogue of its fallen defenders, was very connected to the *libertas* of the people:

> '*Tiberium Graccum rem publicam administrantem prohibuit indigna nex diutius in eo commorari. Gaio Gracco similis occisio est oblata, quae virum rei publicae amantissimum subito de sinu civitatis eripuit. Saturninum fide captum malorum perfidia per scelus vita privavit. Tuus, o Druse, sanguis domesticos parietes et vultum parentis aspersit. Sulpicio, cui paulo ante omnia concedebant, eum brevi spatio non modo vivere, sed etiam sepeliri prohibuerunt'* (*Rhet. Her*. 4.31)[605]

For the orator in question, Drusus' allegiance to the *popularis* cause was enough of a political common place to be drawn upon to address the people and expect a positive reaction, as he was invoking their murdered champions. Moreover, this opinion appears to be undisputed

604 Regarding the date, Calboli, 1993, 12-17; Gaines, 2007, 163-180: 170; Kennedy, 1972, 112-113; *contra*, Douglas, 1960, 65-78 who dates it during the 50's; for the excerpt in question, Calboli, 1993, 345 nº 134.

605 *Rhet Her*. 4.31: 'An undeserved death by violence prevented Tiberius Gracchus, while guiding the republic, from abiding longer therein. There befell Gaius Gracchus a like fate, which of a sudden tore from the bosom of the state a hero and staunch patriot. Saturninus, victim of his faith in wicked men, a treacherous crime deprived of life. O Drusus, your blood bespattered the walls of your home, and your mother's faced They were only now granting to Sulpicius every concession yet soon they suffered him not to live, nor even to be buried.'

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enough that the author introduced another reference to Drusus in the same vein to exemplify an allegory based on comparison – as opposed to one based on contrast: we are told that the former has its roots in the similarities established from one person (or place or object) to another, in order to magnify or minimize them, as one can see in calling Drusus 'a faded reflection of the Gracchi' (*Rhet. Her.* 4.46: *ut si quis Drusum Graccum nitorem obsoletum <dicat>*).[606]

I believe both references are especially relevant. On the one hand, they prove the existence of a genealogy of martyrs, all tribunes of the plebs who had fought and died in their defence of popular interests. Not only that, but it is clear that Drusus was considered a part of said tradition at least from the moment the *Rhetorica ad Herennium* was written: most likely, even from before, as the anonymous author was preserving an excerpt of an earlier speech here. The orator that was willing to recognise him as such, but also an audience that will accept his belonging in a catalogue of popular heroes that had, during their lives, espoused much more radically *popularis* ideas. Most likely, this was a contional speech, made to elicit a strong reaction from the public. At this point in time, Drusus' tribuneship would have still been a recent memory, only a few years behind. Most of the public of this oration would have been alive and would have remembered his activities before he was slain in office. If his activities had been seen as defending the Senate's interests over the people, the rhetorical appeal would have lost effectiveness. Therefore, the fact that Drusus was presented to this audience as a paragon of popular politics means that only a few a years after his murder he was being celebrated as such by those who had witnessed his tribunate. In interpreting his time in office and determining his ideological bearings, I believe this is a piece of information that cannot be ignored.

Nevertheless, despite this early partisan portrayal of Drusus as a fiery *popularis*, a somewhat later Republican tradition presents him in a markedly different light. Cicero, in particular, held him in high esteem and regarded him as essentially a pro-senatorial politician – a characterization clearly reflected in the *De Oratore:*

> *Cum igitur vehementius inveheretur in causam principum consul Philippus, Drusique tribunatus, pro Senatus auctoritate susceptus, infringi iam debilitarique videretur; dici mihi memini, ludorum Romanorum diebus, L. Crassum, quasi colligendi sui causa, se in Tusculanum contulisse; venisse eodem, socer eius qui fuerat, Q. Mucius dicebatur, et M. Antonius, homo et consiliorum in republica socius, et summa cum Crasso familiaritate*

606 The the text is corrupt, *nitorem* M; *numitoremque* E Mx; I follow Calboli, 1993, 185, 395 nº 219; the translation follows the Loeb's translation in Caplan, 1954, 345; similar tradition can be at the root of the verses in [Sen.] *Octavia,* 882-889, where the Gracchi and Livius Drusus share the same fateful end because of their great love of the plebs; it is revealing that when Cicero produces similar genealogies he does not include Drusus, *Har. Resp*. 41 and 43, as he has a great deal of respect for the tribune.

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> *coniunctus. Exierant autem cum ipso Crasso adolescentes duo, Drusi maxime familiares, et in quibus magnam tum spem maiores natu dignitatis suae collocarant, C. Cotta, qui tum tribunatum plebis petebat, et P. Sulpicius, qui deinceps eum magistratum petiturus putabatur.* (Cic. *De or*. 1.24-26)[607]

Cicero made clear that Drusus *tribunatus* was being conducted *pro Senatus auctoritate*; at least this was his characterization up to the *Ludi Romani*, around the *Idus* of September 91. In fact, his good standing among many prominent members of the senatorial *nobilitas*, especially from Lucius Licinius Crassus, can be gathered from the dramatic setting in *De Oratore.* The setting of this work takes place in Tusculum, where Crassus, the *rogator* of the *lex Licinia Mucia* conducted a meeting in his country villa to discuss current political events. Due to its refined manners, what started as a fairly mundane endeavour seamlessly evolved into a philosophical discussion in the mould of Plato's *Phaedrus* (Cic. *De or*. 1.7.24-26). Cicero cast Philippus' particularly obtrusive consulship in a bad light as he framed his actions, including his acrimonious relation with Drusus, as a furious attack on the cause of the *principes*, the leading men of the Senate. He tells us that this meeting in Crassus' manor was attended by Quintus Mucius Scaevola Augur and Marcus Antonius Orator along with two other young politicians: Gaius Aurelius Cotta, who was at the time conducting an ultimately unsuccessful campaign for the position of tribune of the plebs, and Publius Sulpicius, who would, in turn, become a tribune of the plebs and a firebrand *popularis* himself.

This reunion took place during the *Ludi Romani*; a few days later, the last day of the games, Crassus's came back to Rome and, summoned by Drusus to the Senate house along with other senators, had a fiery confrontation with Philippus. There, he delivered a speech denouncing the consul's remarks before the people, in which he had argued that another council was needed, as it was impossible to govern the *res publica* in accord with the present Senate. Crassus' remarkable oration, which virtually aligned him with Drusus, turn out to be his 'swan song' (Cic. *De or*. 3.2.6: *Illa tamquam cycnea fuit divini hominis vox et oratio*), as he suddenly died a few days later:

> *Ut enim Romam rediit extremo ludorum scaenicorum die, vehementer commotus oratione ea, quae ferebatur habita esse in contione a Philippo, quem dixisse constabat videndum sibi esse aliud consilium; illo senatu se rem publicam gerere non posse, mane Idibus Septembribus et ille et senatus frequens vocatu Drusi in curiam venit; ibi cum Drusus multa de Philippo*

607 Cic. *De or*. 1.24-26: 'I remember then being told how, at the time when Philippus though consul, was furiously assailing the policy of the leading men, and the tribune-ship of Drusus, undertaken in support of the power of the Senate, had begun to show symptoms of shock and weakness, Lucius Crassus, on the plea of recruiting his energies, betook himself during the days of the Roman Games to his seat at Tusculum, whither (as the story went) there came Quintus Mucius, once his father-in-law, and Marcus Antonius, a partner in the political designs of Crassus, and a man united with him in the closest intimacy. There had also gone out of town, in the company of Crassus, two young men who were very great friends of Drusus, and in whom the older generation at that time reposed high hopes of their maintaining the traditions of their order: they were Gaius Cotta, just then seeking the tribuneship of the commons, and Publius Sulpicius, who was thought likely to become a candidate for that magistracy in succession to him.'

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> *questus esset, rettulit ad senatum de illo ipso, quod in eum ordinem consul tam graviter in contione esset invectus.* (Cic. *De or.* 3.2)[608]

Moreover, when expressing his frustration against Clodius' confiscation and demolition of his own house, Cicero mentioned that Drusus had counted with the technical advice – and thusly, we can also surmise he also counted with the political support – of respected members of the *optimates*, such as Crassus and Scaurus. In the end, even this proved ineffective, as Drusus' laws were somehow annulled by a technicality, probably regarding a single casting of the lots – if we are to infer a cause by the accusation Cicero throws at his personal enemy:

> *Quot modis doceo legem istam, quam vocas, non esse legem? Quid, si etiam pluribus de rebus una sortitione tulisti, tamenne arbitraris, id, quod M. Drusus in legibus suis plerisque, nobilissimus ille vir, M. Scauro et L. Crasso consiliariis non obtinuerit, id te posse, hominem omnium facinorum et stuprorum, Decumis et Clodiis auctoribus obtinere?* (Cic. *Dom*. 50)[609]

Nevertheless, Cicero himself, even with the high regard he has for Drusus, did recognise there was another less favourable tradition (in his eyes) that contrasted him with his father and, by implication, placed him alongside the Gracchi. According to Cicero, the year right after Drusus's murder (90), he heard the new elected tribune, C. Papirius Carbo Arvina addressing the people *in contione* in the following terms:

> *Me stante C. Carbo C. F. tribunus plebis in contione dixit his verbis: 'O Marce Druse, patrem appello'* (...) *'Tu dicere solebas sacram esse rem publicam'*; (...) *'Quicumque eam violavissent, ab omnibus esse ei poenas persolutas'* (...) *'Patris dictum sapiens temeritas fili comprobavit.'* (Cic. *Orat*. 213-214)[610]

On the one hand, I believe this oblique reference can be taken as another proof that reinforces the existence of a *popularis* memory of Drusus' activities. The speaker that Cicero was referencing used the contrasting images of father and son to draw a picture of a politician,

608 Cic. *De or*. 3.2: 'When he returned to Rome on the last day of the theatrical entertainments, he was put into a violent emotion by that speech which was reported to have been delivered in an assembly of the people by Philippus, who, it was agreed, had declared, 'that he must look for another council, as he could not carry on the government with such a senate;' and on the morning of the thirteenth of September, both Crassus and a full senate came into the house on the call of Drusus. There, when Drusus had made many complaints against Philippus, he brought formally before the senate the fact that the consul had so grievously vilified their order, in his speech to the people.'; this translation is in particular is from J. S. Watson, 1860.

609 Cic. *Dom*. 50: 'By how many methods can I demonstrate that the measure of yours which you call a law was none at all? Furthermore, even though you did pass a measure dealing with several matters by a single casting of lots, do you in spite of this think that you, a man stained with every form of crime and debauchery, could win, with such men as Decumus and Clodius to back you, what the exemplary Marcus Drusus failed in many of his enactments to win, even with the expert advice of Marcus Scaurus and Lucius Crassus?'

610 Cic. *Orat*. 213-214: 'I was standing in an assembly when the tribune of the people, Gaius Carbo the younger, spoke in these words: "O Marcus Drusus, father of the dead, on thee I call" (…) "Your were wont to call the state sacred"; (...) "that all who had harmed her had paid the penalty."(…) "The rashness of the son demonstrated the wisdom of the father."

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Drusus the younger, that had abandoned his respect for the *res publica* and, deservedly, paid the price – most likely, a reference to his murder. Cicero himself did not render a verdict on the characterization Papirio Carbo Arvina made of his predecessor in office. He does not give any indication of whether he considered this unfavourable comparison as warranted or not. However, it is fair to assume that he did not partake in such an opinion, as all his other references are lacking the invective that characterized his attacks against those politicians he was trying to disqualify – either in his present or in the past. It appears that for Cicero, Drusus' remained an accomplished speaker and a generally responsible politician, one who acted with the best interests of the Senate at heart.

This is not the case for his commentator Asconius, who, taking Cicero as a starting point, presents a more conflicted portrait of the tribune. Even though he claims that Drusus' early legislative proposals aligned with the Senate's interests, he also introduced the other main trait of his *tribunatus*: a dramatic fallout with the Senate late in his tenure. Cicero's commentator actively differentiates between a moment when Drusus defended the interests of the *Senatus* and passed laws for the *optimates*, and a generic 'later' (*postea*), where he abandoned measure and tradition to finally have all his measures annulled by a *senatus consultum* spearheaded by Philippus, on account of having his measures approved despite negative auspices:

> *Alterum, quae lex lata esse dicatur, ea non videri populum teneri: ut L. Marcio Sex. Iulio coss. de legibus Liviis.*
> [Asc.] *Puto vos reminisci has esse leges Livias quas illis consulibus [69] M. Livius Drusus tribunus plebis tulerit. Qui cum senatus partes tuendas suscepisset et leges pro optimatibus tulisset, postea eo licentiae est progressus ut nullum in his morem servaret. Itaque Philippus cos. qui ei inimicus erat obtinuit a senatu ut leges eius omnes uno S.C. tollerentur. Decretum est enim contra auspicia esse latas neque eis teneri populum.* (Asc. *Corn*. 68-69C)[611]

This perception, where there is a rupture between an early pro-senatorial version of Drusus and a later one, *popularis* leaning, is also present in Sallust. Although coming from an ideological tradition partial to the *populares*, he also presented a tribune that, for a time, consistently worked for the interest of the *nobilitas*, not taking any measure without their permission. Yet later in this tribunate, when it became apparent the tremendous influence he would gain by bestowing the 'utmost benefit' (*maxumum beneficium*) – a clear reference to his citizenship proposal – on a multitude of people, the *factio* among the nobles turned against him, even if that was detrimental to their own interests. Despite its similarities, there is a stark

611 Asc. *Corn.* 68-69C: *'A second, [a resolution that] when law is said to have been passed, it does not appear that the people is bound by it -as in the case of the Livian laws in the consulship of L. Marcius and Sex. Iulius.*
I think you remember that these are the Livian Laws which in that consulship M. Livius Drusus passed as tribune of the plebs. He, after undertaking to defend the senate's interests and passing laws to the advantage of the optimates, later went on to abandon inhibition to the point of disregarding all established practice in these matters. And so Philippus the consul, who was his personal enemy, procured from the senate a vote that all his laws should be disallowed by a single senatorial decree. It was decided that they had been passed contrary to the auspices, and that the people were not bound by them.'

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difference with Asconius' account, as for Cicero's commentator it is Drusus who, unprompted by any context, 'decided to abandon inhibition to the point of disregarding all established practice in these matters' (Asc. *Corn*. 69C: *eo licentiae est progressus ut nullum in his morem servaret*.) Conversely, for Sallust, who in the *Epistulae* was channelling his most partisan version, the blame regarding the breaking point in Drusus' tribuneship lies squarely at the *factio nobilitatis*'s feet:

> *M. Druso semper consilium fuit in tribunatu summa ope niti pro nobilitate; neque ullam rem in principio agere intendit, nisi illei auctores fuerant. Sed homines factiosi, quibus dolus atque malitia fide cariora erant, ubi intellexerunt per unum hominem maxumum beneficium multis mortalibus dari – videlicet sibi quisque conscius malo atque infido animo esse – de M. Druso iuxta ac se existumaverunt. Itaque metu ne per tantam gratiam solus rerum poteretur, contra eam nisi, sua et ipseius consilia disturbaverunt. Quo tibi, imperator, maiore cura fideique amici et multa praesidia paranda sunt.* (Sall. *Ep*. 2.6)[612]

8.1.2 Diodorus Siculus: Drusus as a Paragon of the Senate

Alongside Cicero, one of the most unequivocally *optimate* characterizations of Drusus' is that present on Diodorus Siculus' *Bibliotheca historica*, which unfortunately has come to us in a very fragmentary state. This portrayal as a pro-senatorial politician is clear in both lines of preservation of this work – Photius's *Epitomes* and Constantine VII Porphyrogenitus *Excerpta*. According to Photius, the Sicilian author attributes the ultimate causality for the Μαρσικὸν πόλεμον to the moral rot of the Romans, who had abandoned their ancient virtues. This caused a state of civil discord between the Senate and the people, with the former promising the Italics citizenship in exchange for their support. When the law confirming this change in status failed, war broke out:

> Ὅτι τὸν Μαρσικὸν ὀνομασθέντα πόλεμον ἐπὶ τῆς αὐτοῦ ἡλικίας Διόδωρος μείζονα πάντων τῶν προγεγονότων ἀποφαίνεται. ὠνομάσθαι δέ φησι Μαρσικὸν ἐκ τῶν ἀρξάντων τῆς ἀποστάσεως, ἐπεὶ σύμπαντές γε Ἰταλοὶ κατὰ Ῥωμαίων τοῦτον ἐξήνεγκαν τὸν πόλεμον. αἰτίαν δὲ πρώτην γενέσθαι τοῦ πολέμου τὸ μεταπεσεῖν τοὺς Ῥωμαίους ἀπὸ τῆς εὐτάκτου καὶ λιτῆς ἀγωγῆς καὶ ἐγκρατοῦς, δι' ἧς ἐπὶ τοσοῦτον ηὐξήθησαν, εἰς ὀλέθριον ζῆλον τρυφῆς καὶ ἀκολασίας. ἐκ γὰρ τῆς διαφθορᾶς ταύτης στασιάσαντος τοῦ δημοτικοῦ πρὸς

612 Sall. *Ep*. 2.5: 'Marcus Drusus' consistent intention was to exert himself to the utmost during his tribunate for the benefit of the nobles; and at first, he took no step without their sanction. But when partisan politicians, to whom treachery and wickedness were dearer than honesty, perceived that a single individual was conferring an enormous benefit on many mortals – just because each of them was conscious of having an evil and disloyal mind – they held the same opinion of Marcus Drusus as they did of themselves. And out of fear that through such great influence he might gain sole mastery of affairs, they strove against that influence, and thus upset their own planned course of action and Drusus' as well. Hence, commander, you must more carefully provide for yourself both trustworthy friends and many defenses.'

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> τὴν σύγκλητον, εἶτα ἐκείνης ἐπικαλεσαμένης τοὺς ἐκ τῆς Ἰταλίας ἐπικουρῆσαι καὶ ὑποσχομένης τῆς πολυεράστου Ῥωμαιικῆς πολιτείας μεταδοῦναι καὶ νόμῳ κυρῶσαι, ἐπεὶ οὐδὲν τῶν ὑπεσχημένων τοῖς Ἰταλιώταις ἐγένετο, ὁ ἐξ αὐτῶν πόλεμος πρὸς Ῥωμαίους ἐξεκαύθη, ὑπατευόντων ἐν τῇ Ῥώμῃ Λευκίου Μαρκίου Φιλίππου καὶ Σέξτου Ἰουλίου· ὀλυμπιὰς δ' ἤχθη δευτέρα πρὸς ταῖς ἑκατὸν ἑβδομήκοντα. (Diod. Sic. 37.2)[613]

Diodorus's emphasis on the moral failings of the Romans is further developed in several fragments preserved in Constantine's *Excerpta*, all of which deal with luxury, corruption, and their consequences for the good governance of the Republic (*Diod. Sic.* 37.3-8). Conversely, amid this picture of moral decadence, Drusus is commended as a virtuous politician, as true to his word as his father was; a man whose true calling was to become the leader of the Senate:

> Ὅτι Μάρκος Λίβιος Δροῦσος ἀνὴρ νέος μὲν ἦν τὴν ἡλικίαν, κεκοσμημένος δὲ πᾶσι τοῖς πρωτείοις. πατρός τε γὰρ ἦν ἐπιφανεστάτου καὶ παρὰ τοῖς πολίταις δι' εὐγένειαν καὶ ἀρετὴν θαυμαστῶς ἀγαπωμένου, αὐτός τε ὑπῆρχε λόγῳ μὲν δεινότατος τῶν ἡλικιωτῶν, πλούτῳ δὲ πάντας τοὺς πολίτας ὑπερβάλλων, μεγάλην δὲ ἀξιοπιστίαν ἔχων καὶ κατὰ τὰς ὑποσχέσεις ὢν βεβαιότατος, ἔτι δὲ πλήρης εὐγενοῦς φρονήματος. διὸ καὶ μόνος ἔδοξεν ἔσεσθαι προστάτης τῆς συγκλήτου. Ὅτι πλεῖστον ἴσχυεν ἡ τῶν Δρούσων οἰκία διὰ τὴν εὐγένειαν τῶν ἀνδρῶν καὶ διὰ τὴν πρὸς τοὺς πολίτας ἐπιείκειαν καὶ φιλανθρωπίαν. διὸ καὶ νόμου τινὸς προκειμένου καὶ προσφάτως κεκυρωμένου, τῶν πολιτῶν τις ἐν παιδιᾷ τῷ νόμῳ προσέγραψεν ὅτι Ὅδε ὁ νόμος κύριός ἐστι τῶν πολιτῶν πλὴν δυεῖν Δρούσων. (Diod. Sic. 37.10.1-2)[614]

Immediately after this characterization, Constantine's *Exerpta* inserted an interaction where Diodorus showcased Drusus' reasonable approach to politics. To the extent that when the Senate threatened to annul his laws, he did not interpose his veto, instead just informing them that doing so would also mean the end of his judiciary law. Indeed, he made it very clear

613 Diod. Sic. 37.2: 'Diodorus declares that the so-called Marsic War, which fell in his lifetime, was greater than any war in the past. He says that it was called Marsic after those who led the revolt, for certainly it was the united Italians who went to war against Rome. The primary cause of the war, he says, was this, that the Romans abandoned the disciplined, frugal, and stern manner of life that had brought them to such greatness, and fell into the pernicious pursuit of luxury and licence. The plebs and senate being at odds as a result of this deterioration, the latter called on the Italians to support them, promising to admit them to the much coveted Roman citizenship, and to confirm the grant by law; but when none of the promises made to the Italians was realized, war flared up between them and the Romans. This occurred when Lucius Marcius Philippus and Sextus Iulius were consuls at Rome, in the course of the one hundred and seventy-second Olympiad. '

614 Diod. Sic. 37.10.1-2: Marcus Livius Drusus, though young in years, was endowed with every advantage. His father was a man of very great distinction, whose nobility and virtues had won him the particular affection of his fellow citizens. Drusus himself was the most competent orator of his generation, and was the wealthiest man in the city; he was highly trustworthy, and most faithful to his promises; he was, moreover, imbued with a generous magnanimity. Hence it was thought that he alone was destined to become the champion of the senate. Drusus' family enjoyed great influence due to its noble origin and humanity towards the citizens. The family of the Drusi wielded very great influence because of the nobility of its members and the kindness and consideration that they displayed to their fellow citizens. Hence when a certain law was brought forward and had just received approval, one citizen added the facetious amendment: "this law is binding on all citizens—except the two Drusi."'

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that he had power to veto any senatorial decrees, but he refused to do so, as he thought this fact alone ought to scare guilty and innocent alike, as both groups would be subjected to prosecution, whether they deserved it or not:

> Ὅτι ὁ Δροῦσος τῆς συγκλήτου τοὺς νόμους αὐτοῦ ἀκυρούσης ἔφη ἑαυτὸν ἐξουσίαν ἔχοντα πᾶσαν τῶν νόμων δυνάμενόν τε ἑαυτὸν κωλῦσαι δόγματα γράφειν, τοῦτο μὲν ἑκουσίως μὴ ποιήσειν, καλῶς εἰδότα τοὺς ἐξαμαρτήσαντας ταχὺ τευξομένους τῆς προσηκούσης δίκης. ἀκυρουμένων δὲ τῶν ὑφ᾽ αὐτοῦ γραφέντων νόμων ἄκυρον ἔσεσθαι καὶ τὸν περὶ τῶν κριτηρίων νόμον· οὗ συντελεσθέντος τὸν μὲν ἀδωροδοκήτως βεβιωκότα μηδεμιᾶς τεύξεσθαι κατηγορίας, τοὺς δὲ τὰς ἐπαρχίας σεσυληκότας ἀχθήσεσθαι πρὸς τὰς τῆς δωροδοκίας εὐθύνας· ὥστε τοὺς διὰ φθόνον καθαιροῦντας τὴν ἑαυτοῦ δόξαν τοῖς ἰδίοις δόγμασι καθάπερ αὐτόχειρας κινδυνεύειν γενέσθαι. (Diod. Sic. 37.10.3)[615]

Nevertheless, due to the fragmentary nature of Book 37 of the *Bibliotheca historica*, we do not know if Diodorus followed the pattern established by other sources, whereby Drusus abandoned all restrain nearing the end of his *tribunatus*. The preservation of the Italic oath – again via Constantine's *Excerpta* –, where those who would gain citizenship if the *rogatio Livia* became law, swore fealty to Drusus, can be read as part of an accusation of personal ambition.[616] It is true that those who took the oath were vowing to take Rome as their country but they were also, very expressly, pledging their life and property and that of their children to the advantage of their Roman benefactor:

> Ὄμνυμι τὸν Δία τὸν Καπετώλιον καὶ τὴν Ἑστίαν τῆς Ῥώμης καὶ τὸν πατρῷον αὐτῆς Ἄρην καὶ τὸν γενάρχην Ἥλιον καὶ τὴν εὐεργέτιν ζῴων τε καὶ φυτῶν Γῆν, ἔτι δὲ τοὺς κτίστας γεγενημένους τῆς Ῥώμης ἡμιθέους καὶ τοὺς συναυξήσαντας τὴν ἡγεμονίαν αὐτῆς ἥρωας, τὸν αὐτὸν φίλον καὶ πολέμιον

615 Diod. Sic. 37.10.3: 'When the senate pronounced his legislation invalid Drusus declared that the laws were within his sphere of competency and that he had the power, in his own person, to veto the senatorial decrees; this, however, he would not willingly do, since he knew full well that the offenders would in any case soon meet with the retribution they deserved. But if the laws drawn up by him were invalidated, so likewise, he claimed, would the law relating to the courts be null and void; and while, under this law, had it been put into effect, no one whose life had remained untainted by bribery would be liable to accusations, those who had plundered the provinces would be haled up to give an accounting before special courts for cases of bribery; thus the men who through jealousy were engaged in demolishing his reputation were in effect the assassins of their own decrees.'

616 Mouritsen, 1998, 6, disregards the so-called 'Oath of Philippus' as a probable 'piece of political fabrication against Drusus', on the other hand, both Koch, 1933, 89, and Taylor, 1949, 46-47 defend its authenticity; in turn, Harris, 1979, 122-123, posited that Diodorus preserved a free rendition of a real quotation, without actually weighing in regarding if it was a real oath or a political fabrication; Kendall, 2013, characterizes it as 'almost certainly a piece of fiction' relying on Haug, 1947, 100-139: 119, who tries, unconvincingly in my opinion, to systematically discard Diod. 37.11 and 37.13 on the assumption that the 'public enquiries', εὐθύνας, feared by the *Italici* were those conducted under the *lex Varia* and, therefore, it made no sense to have any kind of negotiation between an uncompromising Senate and Pompaedius Silo (moreover, Haug, simply refuses to engage with Diodorus Siculus' text as work on its own but just as a proxy of Posidonius); Dart, 2014, 80-81, defends that whether the oath is real or not is beyond the point, as it reflects a general *de facto* agreement among the Italic elites.

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> ἡγήσεσθαι Δρούσῳ, καὶ μήτε βίου μήτε τέκνων καὶ γονέων μηδεμιᾶς φείσεσθαι ψυχῆς, ἐὰν μὴ συμφέρῃ Δρούσῳ τε καὶ τοῖς τὸν αὐτὸν ὅρκον ὀμόσασιν. ἐὰν δὲ γένωμαι πολίτης τῷ Δρούσου νόμῳ, πατρίδα ἡγήσομαι τὴν Ῥώμην καὶ μέγιστον εὐεργέτην Δροῦσον. καὶ τὸν ὅρκον τόνδε παραδώσω ὡς ἂν μάλιστα πλείστοις δύνωμαι τῶν πολιτῶν. καὶ εὐορκοῦντι μέν μοι ἐπίκτησις εἴη τῶν ἀγαθῶν, ἐπιορκοῦντι δὲ τἀναντία. (Diod. Sic. 37.11)[617]

Be it real or not, the political parameters present in this oath are very personal and may well be included in order to fully articulate the transition from an honest politician to one mainly concerned with attaining power. Diodorus Siculus is a strongly pro-aristocratic author, as it is clear when one engages with his characterization of *popularis* leaders, who are strongly portrayed as moved by personal passion and their will to dominate.[618] This is the case of Gaius Gracchus, who divided the ruling class and incited the people against them, taking advantage of the disunion to try and establish his tyranny (Diod. Sic. 34, 35.25-27, 28a; 37.9). And that was also Saturninus' aim, who resorted to the people to advance his interests and materialize his hate towards the Senate (Diod. Sic. 36.13, 15). Thus, it may be reasonable to assume that, if he perceived or wanted to signal that Drusus' later actions were indeed *popularis*, he would have presented him as motivated by personal ambition.[619] However, we have no certainty that this was the case, and for all we know Diodorus maintained a clear differentiation between Drusus and other tribunes dismissed as *popularis* firebrands.

617 Diod. Sic. 37.11: '"I swear by Jupiter Capitolinus, by Vesta of Rome, by Mars her ancestral god, by Sol the founder of the race, and by Terra the benefactress of animals and plants, likewise by the demigods who founded Rome and by the heroes who have contributed to increase her empire, that I will count the friend and foe of Drusus my friend and foe, and that I will spare neither property nor the lives of my children or parents except as it be to the advantage of Drusus and of those who have taken this oath. If I become a citizen by the law of Drusus, I shall consider Rome my country and Drusus my greatest benefactor. This oath I will transmit to as many citizens as I can. If I swear faithfully may all good things come to me; if I am forsworn, the reverse."'

618 The question of the sources for Diodorus Siculus is a strongly discussed one; Busolt, 1890, esp. 436-437, argued that Diodorus closely following Polybius, and after the end of this author's oeuvre, his only source became Posidonius; this thesis, which considered Diodorus a mere copyist of Posidonius was prevalent throughout much of the 20th century, but has now been amended; some authors plainly dismissed Posidonius' as being the main inspiration for Diodorus, Botteri, Raskolnikoff, 1983, 59-101; Malitz, 1983, 41-42, and 368 nº 73, rejects Botteri's and Raskolnikoff's arguments and reiterates the reliance of Diodorus on Posidonius, placing the latter in a strong *optimate* political tradition; in turn, others accept Posidonius as the main source for Books 33-37, while at the same time presenting a more agential view of Diodorus and his work; such is the case for Sacks, 1994, 213-232: 221, who argues that although 'from book 32 until the final book, 40, Diodorus follows Polybius and Posidonius closely', this does not imply his work is simply derivative material; this reconsideration of Diodorus is also proposed by Rubincam, 1998, 67-87; Ambaglio, 2008, 3-102, esp. 27, 65-71, also mentioned the reliance of the Diodorus on Posidonius, while characterizing the former as not having a particular political tendency; in that sense, I disagree; alongside being comfortable in using Posidonius' histories as a source, which should indicate at least a certain degree of ideological similarity, how Diodorus approaches the description of *popularis* leaders betrays a clearly pro-senatorial stance, as recognised also by Perelli, 1982, 62.

619 This would also align reasonably well with the already commented march of the ten thousand Italics living under fear of investigation towards (or against) Rome. Their leader, Pompaedius Silo, actually claimed to be responding to the summons of the tribunes (Diod. Sic. 37.13: κεκλημένος ὑπὸ τῶν δημάρχων). If this was a reference to Drusus, which appears to be the most probable, then the implication could be considered as politically damning. Although the situation was de-escalated by a certain Domitius (most probably the censor), this was not a peaceful protest, and the threat of violence was very present. It is fairly easy to argue that anyone inviting such a peril to their own city was not a responsible politician, but someone partaking in the *popularis* proclivity to engage in political violence.

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Certainly, if the praise he bestowed on the tribune is any indication, it is also possible that he did not carry out a character assassination when he proceeded to recount the actions from the latter part of this tribuneship.[620]

8.1.3 The Livian Tradition: Seduced by the *populariter agere*

In turn, in the Livian tradition, Drusus' image is presented in much more negative terms, resorting to the well-known trope of an originally *optimate* politician that is swept away the currents of the *populariter agere.*[621] In Livy's *Epitomes*, the tribune's overtures to the Italic peoples regarding citizenship appear as a tactical concession aimed at securing their support for his efforts to advance the cause of the Senate. The very brief account that follows his fall from this pro-senatorial stance to being hated even by the Senate merely notes that he used the backing of the *populi Italici* to pass, through political violence, laws concerning the distribution of land and grain, together with the corresponding *lex iudiciaria*. The epitomist also portrays him as the *auctor* – at least by negligence – of the *bellum sociale*, since it was his broken promise that finally pushed the allies over the edge.

> *M. Livius Drusus tribunus plebis, quo maioribus viribus senatus causam susceptam tueretur, socios et Italicos populos spe civitatis Romanae sollicitavit; iisque adiuvantibus per vim legibus agrariis frumentariisque latis iudiciariam quoque pertulit, ut aequa parte iudicia penes senatum et equestrem ordinem essent. Cum deinde promissa sociis civitas praestari non posset, irati Italici defectionem agitare coeperunt. Eorum coetus coniurationesque et orationes in consiliis principum referuntur. Propter quae Livius Drusus invisus etiam senatui factus velut socialis belli auctor, incertum a quo domi occisus est.* (Liv. *Epit*. 71)[622]

620 If Diodorus is indeed as influenced by Posidonius as many believe, it is suggestive to ponder how the latter's attitude to Roman rule could have influenced his consideration of Drusus. In line with Erskine, 2011, 202, if Posidonius followed Panaetious' theory of empire, the nature of imperial rule would be justified insomuch as it was just, otherwise it would contradict its imperial purpose. In this sense, it may be argued that Posidonius saw Roman rule over the Italic peoples as having become unjust, especially after the Romans' moral decay preserved in Diodorus' narrative; therefore, his characterization of Drusus as a virtuous politician could be the consequence of his efforts to redress this situation. Moreover, Ambaglio's consideration that Rome fulfilled, to a certain degree, Diodorus' ideal of a cosmopolitan entity, could also partly explain why a politician that argued for extending the rights of its imperial core is seen under a favourable light, Ambaglio, 2008, 70-71.

621 Regarding the typical characterization of the *popularis* politicians in the Livian tradition, Seager, 1977, 377-390; for Livy's general framing of civil war, Hoyos, 2019, 210-238, esp. 219-221, for Livy's negative portrayal of those engaged in political reform.

622 Liv. *Epit*. 71: 'Marcus Livius Drusus, tribune of the commons had undertaken to support the cause of the senate; in order to bring greater resources to the maintenance of this task, he stirred up the allies and the peoples of Italy to hope for Roman citizenship. With the assistance of the Italians he carried by force laws on the distribution of land and grain, and also pushed through a law on the courts, to the effect that control of the courts should be equally shared by the senate and the order of knights. When after these events the promised grant of citizenship for the allies could not be effected, the Italians were enraged and began to promote a revolt. Their gatherings and conspiracies, and the speeches in conference of their leading men are reported in the book. These events made Livius Drusus detested even by the senate as being a promoter of rebellion among the allies; he was cut down in his own home by an unknown assassin.'

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Although brief and devoid of personal evaluation, the essential features of the portrait that the Livian tradition would paint of Drusus are already present in the *Epitomes*. We find his initial championing of the Senate, followed by the weaponization of other causes – especially that of the *Italici*; his reform package, passed by means of violence, which included both a *lex iudiciaria* favouring the Senate and quintessentially popular measures; and finally, his failure to fulfil his promises to the allies, thus triggering the *bellum sociale* through his irresponsibility. The epitomist seemed to resort to both images of the tribune to sketch his political outcome. He started as an *optimate* akin to the responsible man that Cicero had in good esteem, aiming to strengthen the Senate; however, throughout the course of his tribunate he lost his way, engaging with *popularis* issues, acting violently as other tribunes did, and stirring a revolt because of his *populariter agere*. Despite occasional variations, this basic pattern informs all portrayals of Drusus that emerge from the Livian tradition.[623]

For his part, while taking Livy's characterization as a starting point, Florus had a much more negative view of Drusus. For him, the tribune was someone who, starting as an *optimate*, debased himself by succumbing to a known *popularis* defect, the will to dominate.[624] As is the case in Livy, Drusus is initially presented as a defender of the Senate. Nevertheless, his political activities are framed as a direct continuation of other *popularium seditiones,* actually being placed on a genealogical line that originates in the section about the *legibus Gracchanis* and follows both Gracchi brothers and Saturninus to end up in what he dubbed as the *seditio Drusiana*. Drusus is said to have started his tenure not only relying on his tribunitian powers, but also backed by the *auctoritas senatus* and with the consensus of the whole of Italy. Despite his lofty ambitions, conflict soon ensued.

Florus places the struggle for the control of the juries as the main issue of the day, emphasising the pernicious nature of Gracchus' legislation, echoing Varro's claim that Gaius had created a republic with two heads (Flor. 2.5.15).[625] It is against this backdrop that he frames Drusus' radicalization. According to him, it was a reaction against the abuses of power by the *ordo equester*, who was purging the Senate and usurping the *vectigalia*. In this conflict, that had the enmity of a civil war without its battles, Caepio aligned with the *equites* and Drusus with the Senate. And it was precisely as a reaction against the charges the former levelled at Scaurus and Philippus that Drusus resorted to the Gracchan legislation and promises of citizenship with the aim of ensuring the support of both the plebs and the *socii*. Florus is adamant that Drusus was trying to court different groups via *largitiones* and preserves a quote that underscores his prodigality, where he claimed the only remaining things

623 In relation to Drusus, the following authors are placed as included inside the Livian tradition: Florus, Lucius Ampelius, Orosius, *De Viris Illustribus*, and most likely, Valerius Maximus.

624 In relation to Florus' very teleological framing of civil war, Ten Berge, 2019, 411-438: esp. 422-430, where he analyses this author's narrative of internal turmoil, with the Gracchi and their heirs (Drusus being one of them) playing a crucial role.

625 Varro's claim is preserved in fr. 108 Pittà = fr. 425 Salvatore = fr. 114 Riposati = Nonio p.728,19L; for an analysis of Varro's claim, López Barja, 2024, 23-39.

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yet to be divided were the sky and the dirt. It was then that he managed to pass his laws, resorting to violence and with the opposition of the consul Philippus. But the promises made to the *socii* remained unfulfilled and the tribune's murder, combined with his political irresponsibility, led to the outbreak of the *bellum sociale*:

> *Seditio Drusiana*
> *Postremo Livius Drusus non tribunatus modo viribus, sed ipsius etiam senatus auctoritate totiusque Italiae consensu easdem leges adserere conatus, dum alium captat ex alio, tantum conflavit incendium, ut nec primam illius flammam posset sustinere et subita morte correptus hereditarium in posteros suos bellum propagaret. Iudiciaria lege Gracchi diviserant populum Romanum et bicipitem ex una fecerant civitatem. Equites Romani tanta potestate subnixi, ut qui fata fortunasque principum haberent in manu, interceptis vectigalibus peculabantur suo iure rem publicam; senatus exilio Metelli, damnatione Rutili debilitatus omne decus maiestatis amiserat. In hoc statu rerum pares opibus animis dignitate (unde et nata Livio Druso aemulatio) equitem Servilius Caepio, senatum Livius Drusus adserere. Signa, aquilae et vexilla deerant: ceterum sic urbe in una quasi in binis castris dissidebatur. Prior Caepio in senatum impetu facto reos ambitus Scaurum et Philippum principes nobilitatis elegit. His ut motibus resisteret, Drusus plebem ad se Gracchanis legibus, isdemque socios ad plebem spe civitatis erexit. Extat vox ipsius, nihil se ad largitionem ulli reliquisse, nisi si quis aut caenum dividere vellet aut caelum. Aderat promulgandi dies, cum subito tanta vis hominum undique apparuit, ut hostium adventu obsessa civitas videretur. Ausus tamen obrogare legibus consul Philippus, sed adprehensum faucibus viator non ante dimisit quam sanguis in os et oculos redundaret. Sic per vim latae iussaeque leges. Et pretium rogationis statim socii flagitare, cum inparem Drusum aegrumque rerum temere motarum matura, ut in tali discrimine, mors abstulit. Nec ideo [minus] socii promissa Drusi a populo Romano reposcere armis desierunt.* (Flor. 2.5)[626]

626 Flor. 2.5: 'The Revolution of Drusus: Lastly, Livius Drusus, relying not only upon the powers of the tribunate but also upon the authority of the senate itself and the general agreement of all Italy, tried to carry out the same proposals, and by courting one party after another, kindled so violent a combustion that he could not withstand even its first outburst, and carried off by sudden death, left the struggle as an inheritance to his successors. The Gracchi by their judiciary law had created a cleavage in the Roman people and had destroyed the unity of the State by giving it two heads. The Roman knights, relying on the extraordinary powers, which placed the fate and fortunes of the leading citizens in their hands, were plundering the State at their pleasure by embezzling the revenues; the senate, crippled by the exile of Metellus and the condemnation of Rutilius, had lost every appearance of dignity. In this state of affairs Servilius Caepio and Livius Drusus, men of equal wealth, spirit and dignity – and it was this which inspired the emulation of Livius Drusus – supported, the former the knights, the latter the senate. Standards, eagles and banners were, it is true, lacking; but the citizens of one and the same city were as sharply divided as if they formed two camps. First of all Caepio, attacking the senate, singled out Scaurus and Philippus, the chief men of the nobility, and prosecuted them for bribery. In order to counteract this move, Drusus rallied the commons to his support by the bait of the Gracchan laws, and used the same means to rally the allies to the support of the commons by the hope of receiving the citizenship. A saying of his has survived, that "he had left nothing for anyone else to distribute, unless he wished to share out the mire or the air." The

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Florus considers the *bellum sociale* a sad and calamitous event, going so far as to claim it was real *bellum civile* in all but name.[627] He conceived the *populus Romanus* as a body formed by different members (Romans, Etruscans, Latins and Sabines); thus, the rebellion of the *socii* was a crime (*flagitio*) comparable to those citizens that rebelled against their own city. Yet even though taking arms against their own 'mother' was dishonourable, he was ready to concede that their cause, fighting for the *ius civitatis*, was *iustissima*. Nevertheless, unlike Velleius, he was quite clear that his sympathies did not extend to Drusus. The tribune's promise did not ennoble him, because his motivation was not justice but a desire to dominate, *cupido dominationis*:

> *Bellum Adversum Socios*
> *Sociale bellum vocetur licet, ut extenuemus invidiam, si verum tamen volumus, illud civile bellum fuit. Quippe cum populus Romanus Etruscos, Latinos Sabinosque sibi miscuerit et unum ex omnibus sanguinem ducat, corpus fecit ex membris et ex omnibus unus est; nec minore flagitio socii intra Italiam quam intra urbem cives rebellabant. Itaque cum ius civitatis, quam viribus auxerant, socii iustissime postularent, quam in spem eos cupidine dominationis Drusus erexerat, postquam ille domestico scelere oppressus est, eadem fax, quae illum cremavit, socios in arma et expugnationem urbis accendit. Quid hac clade tristius? Quid calamitosius? Cum omne Latium atque Picenum, Etruria omnis atque Campania, postremo Italia contra matrem suam ac parentem urbem consurgeret; cum omne robur fortissimorum fidelissimorumque sociorum sub suis quisque signis haberent municipalia illa prodigia, Poppaedius Marsos et <Paelignos>, Latinos Afranius, Vmbros Plotius, Egnatius Etruscos, Samnium Lucaniamque Telesinus; cum regum et gentium arbiter populus ipsum se regere non posset, et victrix Asiae et Europae a Corfinio Roma adpeteretur* (Flor. 2.6)[628]

day for the promulgation of the bills was at hand, when on a sudden so vast a multitude appeared on all sides that the city seemed to be beset by a hostile force. Philippus the consul, nevertheless, ventured to oppose the bills; but the tribune's attendant seized him by the throat and did not let go until blood poured into his mouth and eyes. Thus the bills were brought forward and passed by violence. Thereupon the allies immediately demanded the price of their support; but death carried off Drusus, who was unequal to the occasion and weary of the disturbance which he had rashly aroused – a death opportune at such a crisis. But for all that the allies did not cease to demand from the Roman people by force of arms the privileges promised by Drusus.'

627 Regarding Florus' quibbles with the term *bellum sociale,* Rosenberger, 1992, 35-39.

628 Flor. 2.6: 'The War against the Allies: Though we call this war a war against allies, in order to lessen the odium of it, yet, if we are to tell the truth, it was a war against citizens. For since the Roman people united in itself the Etruscans, the Latins and the Sabines, and traces the same descent from all alike, it has formed a body made up of various members and is a single people composed of all these elements; and the allies, therefore, in raising a rebellion within the bounds of Italy, committed as great a crime as citizens who rebel within a city. So when the allies very justly demanded the rights of citizenship, for which Drusus, in his desire for power, had encouraged them to hope as members of a State which they had aggrandized by their exertions, the same brand which had consumed him kindled the allies, after he had fallen through the perfidy of his fellow-citizens, to take up arms and attack the city. What could be sadder, what more disastrous than this calamity? All Latium and Picenum, all Etruria and Campania, and finally all Italy rose against their mother and parent city. The flower of our bravest and most trusted allies were led, each under their several standards, by the most eminent leaders from the country towns, Poppaedius commanding the Marsians and Paeligni, Afranius the Latins, Plotius the Umbrians, Egnatius the Etruscans, and Telesinus the Samnitee and Lucanians. The people who had

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Also influenced by Livy, Lucius Ampelius' very brief reference to Drusus in his *Liber Memorialis* is similar to Florus, thematically at least, as his activities are placed in a direct line with popular seditions instigated by tribunes of the plebs with clear *popularis* tendencies.[629] These seditions were four: the first one in this genealogy of uprisings was provoked by Tiberius Gracchus (Ampel. 26.1), followed up by the one led by his little brother, Gaius (Ampel. 26.2); then, the mantle was passed to Saturninus (Ampel. 26.3) to, finally, be taken on by Drusus, in his confrontation against Caepio. Again, the tribune's initial defence of the Senate against Caepio and the *ordo equester* is mentioned, but what really leads to the insurrection according was his promise to the Italics on account of their *cupiditas civitatis*:

> *Quarta seditio fuit Livi Drusi et Quinti Caepionis, cum ille senatum, hic equestrem ordinem adsereret. Praecipua tamen ad motus excitandos fuit causa, quod Drusus civitatem omnibus Italicis pollicebatur; sed tum a Philippo consule in domo sua interfectus est.* (Ampel. 26.4)[630]

The latest reference to Drusus' activities as tribune inside the Livian tradition is by the fourth to fifth century author Orosius, who in his *Historiae Adversus Paganos* succinctly put the blame for the social war directly on his shoulders.[631] During the consulship of Sextus Iulius Caesar and Lucius Marcius Philippus, he was the one who promised liberty to the Latins and, when unable to deliver, incited them to rebel. Orosius mentions only the Latins, a term he appears to use in a general and imprecise manner, as he actually talks about a war encompassing the whole of Italy:

> *Anno ab urbe condita DCLVIIII Sex. Julio Caesare et L. Marcio Philippo consulibus intestinis causis sociale bellum tota commovit Italia. siquidem Liuius Drusus, tribunus plebi, Latinos omnes spe libertatis inlectos cum placito explere non posset, in arma excitavit.* (Oros. 5.18)[632]

Chronologically written near Orosius' *History*, yet generally considered unreliable, *De Viris Illustribus* paints a Drusus that is influenced by the Livian tradition – most likely, Florus,

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been the arbiters of the fates of kings and nations failed to rule themselves, and Rome, the conqueror of Asia and Europe, was attacked from Corfinium.'

629 Aßmann, 1941, 303-329: 327, argues that chapters 26-29 and 31-36, which include inner unrest, are noted for their close relation to Florus, even in their headings.

630 Ampel. 26.4: 'The fourth sedition was that of Livius Drusus and Quintus Caepio, when the one defended the Senate and the other the equestrian order. However, the main cause for inciting revolt was that Drusus was promising citizenship to all Italics, but then he was killed in his house by the consul Philippus'; personal translation, based on Woelfflin, 1873.

631 For Orosius' belonging to the Livian tradition and his partaking in Livy's treatment of *popularis* politicians, Seager, 1977, 377-390.

632 Oros. 5.18: 'In the six hundred and fifty-ninth year of the City and during the consulship of Sextus Julius Caesar and L. Marcius Philippus, all Italy was in the throes of the War against Allies. This war was caused by domestic quarrels. For Livius Drusus, a tribune of the plebs, was unable to appease the Latins by a decree after they had been deceived in their hope of gaining liberty and thus he roused them all to arms.'; translation, Raymond, 1936.

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as the expression *ipse etiam professus nemini se ad largiendum praeter caelum et caenum reliquisse* (*Vir. Illus. 66.5*), closely resembles that in Florus, *extat vox ipsius, nihil se ad largitionem ulli reliquisse, nisi si quis aut caenum dividere vellet aut caelum* (Flor. 2.5).[633] The tribune is presented as the descendant of a noble family with great eloquence and great ambition; someone who considered himself especially placed to decide over the *res publica*. Regarding his policy proposals, they are succinctly described as citizenship for the Latins, land for the plebeians, access to the Senate for the *equites* and judicial authority for the Senate (*Vir. Illustr.* 66.4). Despite its brevity, the lines of political friction that emerged from these proposals are also evinced: while the people that benefited from the land grants were happy about it, those dispossessed lamented their situation; while some *equites* were pleased for being accepted to the Senate, those excluded complained; and while the Senate was content to regain control of the juries, they resented their alliance to the knights.

Moreover, the acrimonious political opposition to his proposal from Philippus and Caepio is also mentioned, along with two traits that place the tribune among other *popularis* politicians.[634] One is his propensity to reckless liberality, a common accusation levelled against those trying to redistribute the benefits of the empire among a broader section of society. The other one is a case of political violence committed by the people, in the assemblies no less, at the behest of the tribune. Despite this, the author credited him from actually unmasking a plot from the Latins to kill the consul Philippus, his personal enemy, and one of the main suspects of his eventual murder. Finally, Drusus delayed delivering on his promises of citizenship because of the opposition his other measures had received, frustrating the Latins. Like Orosius, in this narrative the recipients of the promise were the *Latini*, not the *socii*. However, a similar imprecision seems to affect the meaning of this term – in fact, when Drusus collapsed in public, offerings were made throughout Italy:

> *Marcus Livius Drusus, genere et eloquentia magnus, sed ambitiosus et superbus, aedilis munus magnificentissimum dedit. Ubi Remmio collegae quaedam de utilitate reipublicae suggerenti: Quid tibi, inquit, cum republica nostra? Quaestor in Asia nullis insignibus uti voluit, ne quid ipso esset insignius. Tribunus plebis Latinis civitatem, plebi agros, equitibus curiam, senatui iudicia permisit. Nimiae liberalitatis fuit: ipse etiam professus nemini se ad largiendum praeter caelum et caenum reliquisse; ideoque cum pecunia egeret, multa contra dignitatem fecit. Magudulsam Mauritaniae principem ob*

633 Although declaring the question of 'specific sources of the *DVI* is beyond solution', Sage, 1978, 217-241, recognised the connection between this work and the Livian tradition; moreover, Sage, 1980, 83-100, dismisses the authorship of Pliny the elder or Aurelius Victor and defended it was written by a Scholiast in the second half of the fourth or early fifth century.

634 The author of *De Viris Illustribus* placed Drusus' biography (*Vir. Illustrib.* 66), between Gaius Gracchus (*Vir. Illustrib.* 65) and Gaius Marius (*Vir. Illustrib*. 67); alongside many other famous *populares*, such as Tiberius Gracchus (*Vir. Illustrib.* 64), Gaius Marius the son (*Vir. Illustrib*. 68), Lucius Cornelius Cinna (*Vir. Illustrib.* 69) and Flavius Fimbria (*Vir. Illustrib.* 70); while not a conclusive proof, this placement may hint towards the identification of Drusus with the *populares*, as from numbers 64 to 70, all biographies belong to politicians from this political tradition; a similar argument is made by Sage, 1978, 217-241: 233.

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> *regis simultatem profugum accepta pecunia Boccho prodidit, quem ille elephanto obiecit. Adherbalem filium regis Numidarum obsidem domi suae suppressit redemptionem eius occultam a patre sperans. Caepionem inimicum actionibus suis resistentem ait se de saxo Tarpeio praecipitaturum. Philippo consuli legibus agrariis resistenti ita collum in comitio obtorsit, ut multus sanguis efflueret e naribus; quam ille luxuriam opprobrans muriam de turdis esse dicebat. Deinde ex gratia nimia in invidiam venit. Nam plebs acceptis agris gaudebat, expuisi dolebant, equites in senatum lecti laetabantur, sed praeteriti querebantur; senatus permissis iudiciis exaltabat, sed societatem cum equitibus aegre ferebat. Unde Livius anxius, ut Latinorum postulata differret, qui promissam civitatem flagitabant, repente in publico concidit sive morbo comitiali seu hausto caprino sanguine, semianimis domum relatus. Vota pro illo per Italiam publice suscepta sunt. Et cum Latini consulem in Albano monte interfecturi essent, Philippum admonuit, ut caveret: unde in senatu accusatus, cum domum se reciperet, immisso inter turbam percussore corruit. Invidia caedis apud Philippum et Caepionem fuit.* (*Vir. Illustrib.* 66)[635]

Although having a larger array of sources, Valerius Maximus presents a characterization of Drusus that echoes that of the Livian tradition – even more extreme in his dismissal, as he focuses on his acrimonious opposition to the Senate, relying heavily on popular support.[636] Valerius mentioned Drusus on two occasions. First, while painting a portrait of Cato the younger, he describes a notorious vignette that is supposed to illustrate the stubborn nature of the *optimate* leader. When Cato was a child, Pompaedius Silo was a friend of his uncle, Livius Drusus, with whom the boy was living at the time. On one occasion, the Marsic leader was staying at their house as a guest on behalf of the Latins (sic) who were pursuing citizenship. He was trying to convince Drusus to help them with their struggle and attempted, jokingly, to

635 *Vir. Illustrib.* 66: 'Marcus Livius Drusus was pre-eminent in birth and eloquence, but ambitious and proud. As aedile he gave a very splendid games. When his colleague Remmius suggested certain things for the benefit of the state, he said, "What concern have you with our republic?" As quaestor in Asia, he refused to use any distinguishing emblems of office, so that nothing might seem more distinguished than he was himself. As tribune of the plebs, he granted citizenship to the Latins, lands to the plebs, membership of the senate to the knights, and membership of juries to the senate. He was excessively generous, even declaring that he had left nothing for anyone to give away with except the sky and the soil; therefore, because he had need of money, he did many things unworthy of his dignity. He betrayed Magudulsa, a prince of Mauritania who had fled because of enmity with the king, to Bocchus in return for money; and the king threw him under an elephant. He kept Adherbal, the son of the Numidian king, as a hostage in his house, hoping for a secret ransom from his father. He said he would throw Caepio, who opposed his actions, from the Tarpeian Rock. He twisted the neck of the consul Philippus, who was opposing the agrarian laws in the assembly, and caused blood to gush from his nostrils; but, reproaching the extravagance of Philippus, Drusus said that it was just the sauce from thrushes.'

636 Regarding the use of Livy and Cicero by Valerius Maximus, Helm, 1940, 241-273; for Marius, Carney, 1962, 289-337, suggested that the general's portrait was the result of a multiplicity of sources, hence, its more nuanced view; however, this does not seem to be the case for Drusus; Welch, 2013, 67-82, also explored the use of Cicero and Livy, among others, while emphasising Valerius' own authorial intent; Briscoe, 2019, 6-9, focusing on Book 8, also proposes a heavy reliance of Cicero and Livy; Valerius Maximus negative characterization of Drusus appears to me to not be taken from Cicero, who holds a much more positive view, while it aligns neatly with the portrait it emerges from the Livian tradition.

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enlist Cato to his efforts to ensure their uncle's support. The stubborn child refused to collaborate and held firm even when Silo, again, jokingly, grabbed him and threatened to throw him to the floor from the top floor of the house. Defeated, Pompaedius put the boy down and remarked that if the Latins were to deal with Cato as a senator franchise would be impossible to attain.[637] In the way the story is recounted, I believe this author drew a clear ideological distinction between the young *optimate* and his uncle, Drusus, as he insisted how even from a tender age, Cato assumed in his spirit the *gravitas* of the Senate. Therefore, being motivated by such an aristocratic *ethos,* he unflinchingly endorsed all its policy outcomes, including a restrictive citizenship:

> *Hic spiritus ne M. quidem Catonis pueritiae defuit: nam cum in domo M. Drusi avunculi sui educaretur et ad eum tribunum plebis Latini de civitate impetranda convenissent, a Q. Poppaedio, Latii principe, Drusi autem hospite, rogatus ut socios apud avunculum adiuvaret, constanti vultu non facturum se respondit. iterum deinde ac saepius interpellatus, in proposito perstitit. tunc Poppaedius in excelsam aedium partem levatum abiecturum inde se, nisi precibus obtemperaret, minatus est: nec hac re ab incepto moveri potuit. expressa est itaque illa vox homini: 'gratulemur nobis, Latini et socii, hunc esse tam parvum, quo senatore ne sperare quidem nobis civitatem licuisset.' tenero ergo animo Cato totius curiae gravitatem praecepit, perseverantiaque sua Latinos iura nostrae civitatis apprehendere cupientes reppulit.* (Val. Max. 3.1.2)[638]

In fact, Valerius Maximus' opinion of Drusus becomes much more clear later in his work, when he strictly focused on his *superbia*, clearly casting him as an archetypical *popularis* politician.[639] Firstly, he placed Drusus' reference just below a scathing attack on another *popularis* who was trying to extend the *civitas* to the whole of Italy, Fulvius Flaccus, the famous ally of Gaius Gracchus. Chosen to exemplify the vices of *superbia et impotentia*, Flaccus was compelled to go to the Senate on account of his pernicious laws (*leges perniciosas*) yet he was still defiant. We are told he contested the *maiestas* of the whole senatorial order with the spirit of a tyrant (Val. Max. 9.5.1: *tyrannici spiritus consul haberetur, si adversus unum senatorem hoc modo se gessisset quo Flaccus in totius amplissimi ordinis*

637 As we will see below, this story is also referenced in Plutarch *Cat. Min.* 2 and *Vir. Illustr.* 80.1.

638 Val. Max. 3.1.2: 'Neither was such spirit wanting to the boyhood of M. Cato. He was being brought up in the house of his uncle M. Drusus. To Drusus, who was Tribune of the Plebs, came Latins to discuss their demand for the franchise. Q. Poppaedius, their leader and a guest of Drusus, asked Cato to put in a word for the allies with his uncle. Cato firmly replied that he would do no such thing, and when solicited a second and a third time, stuck to his resolve. Then Poppaedius took him up to a high part of the house and threatened to throw him down if he did not comply with what was asked. Even this could not move him from his determination. So these words were drawn from the Latin: "We can thank our stars, Latins and allies, that this child is so small, for if he were in the senate we could not even hope for the franchise." So in his tender mind Cato assumed ahead of time the gravity of the whole senate house and by his steadfastness rebuffed the Latins in their eagerness to lay hold of our citizen rights.'

639 For the importance of moderation as a political value – understood precisely as the control of *superbia* – in Valerius Maximus, see Westphal, 2015, 191-208.

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contemnenda maiestate versatus est). It is immediately after this characterization when Valerius Maximus decided to introduce another example of the same species of politician, in this case Drusus, who also attacked the *maiestas* of the Senate in a very similar manner. One could argue his defiance was even more pronounced than Flaccus', as the consul at least had the decency of responding the summons and presenting himself in front of the Curia. Drusus, instead, dared the Senate that if they wanted something from him, a tribune, the *senatores* themselves should come to the *rostra*. Valerius Maximus gives a clear reading, stating that the tribune despised the *imperium* of the Senate, and at least on this occasion he got them to obey his commands:

> *Quae a M. quoque Druso tribuno plebis per summam contumeliam vexata est: parum enim habuit L. Philippum consulem, quia interfari se contionantem ausus fuerat, obtorta gula, et quidem non per viatorem sed per clientem suum, adeo violenter in carcerem praecipitem egisse ut multus e naribus eius cruor profunderetur; verum etiam, cum senatus ad eum misisset ut in curiam veniret, 'quare non potius' inquit 'ipse in Hostiliam curiam propinquam rostris, id est ad me, venit?' piget adicere quod sequitur: tribunus senatus imperium despexit, senatus tribuni verbis paruit.* (Val. Max. 9.5.2)[640]

8.1.4 Velleius Paterculus: Drusus, *vir clarissimus.*

A more aristocratic characterization of Drusus is that of Velleius Paterculus, much more in line with Cicero's image, or with the portrait in Diodorus Siculus. For the imperial author, Drusus paints a dramatic figure: an honourable and brilliant man who wanted to restore the Senate its former dignity, even against the worst impulses of some of its members. In his account, the tribune was a fundamentally *optimate* politician betrayed by the short-sightedness of his own class, who could not conceive he was making some tactical concessions to the plebs in order to appease them and achieve the real prize, returning the control of the juries to the Senate.[641] The tragedy of his predicament was that the senatorial

640 Val. Max. 9.5.2: 'That order was also harassed in the most insulting fashion by Tribune of the Plebs M. Drusus. He was not content with throttling Consul L. Philippus (using a client of his own, not an orderly) because he had dared to interrupt him as he was addressing a public meeting and driving him headlong to prison with such violence that a quantity of blood gushed from his nostrils. He actually said when the senate sent him a message to come to their house, "Why don't they come to the Curia Hostilia close to the rostra, that is to say, to me?" It pains me to write what follows. The Tribune despised the command of the senate, the senate obeyed the words of the Tribune.'

641 Velleius' praise and almost teleological presentation of the imperial regime as the effective foil against the internal conflicts and civil wars that afflicted the *res publica* is well established, see Hellegouarc'h, 1964, 669-684; Woodman, 1983; Gerhard, 2014, 205-228; Cowan, 2019, 239-262; in turn, Cogitore, 2009, 51-72, argued that the portraits of characters described in Velleius Paterculus' work are carefully crafted to serve political and structural functions – they incarnate the most relevant moral and political tendencies of each political moment, and they could be negative (*repoussoirs*), nuanced, or positive; for Velleius, Drusus falls clearly in the latter category, possessing an eminently moral character that contrasts with the Senate of his era, incapable of rising above their immediate interests – and therefore justifying the existence of a *princeps* who ought to supervise the correct and honest functioning of the *res publica,* including its senatorial class.

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order, whose interest he had close to his heart, in the end preferred the slights and bad proposals of his rivals rather than the excellent measures he was trying to enact:

> *Deinde interiectis paucis annis tribunatum iniit M. Livius Drusus, vir nobilissimus, eloquentissimus, sanctissimus, meliore in omnia ingenio animoque quam fortuna usus. Qui cum senatui priscum restituere cuperet decus et iudicia ab equitibus ad eum transferre ordinem (quippe eam potestatem nacti equites Gracchanis legibus cum in multos clarissimos atque innocentissimos viros saevissent, tum P. Rutilium, virum non saeculi sui, sed omnis aevi optimum, interrogatum lege repetundarum maximo cum gemitu civitatis damnaverant), in iis ipsis, quae pro senatu moliebatur, senatum habuit adversarium non intellegentem, si qua de plebis commodis ab eo agerentur, veluti inescandae inliciendaeque multitudinis causa fieri, ut minoribus perceptis maiora permitteret. Denique ea fortuna Drusi fuit, ut malefacta collegarum quam quaevis optime ab ipso cogitata senatus probaret magis, et honorem, qui ab eo deferebatur, sperneret, iniurias, quae ab illis intendebantur, aequo animo reciperet, et huius summae gloriae invideret, illorum modicam ferret.* (Vell. Pat. 2.13)[642]

It was only then, after his early attempts to restore the Senate to its proper status, in exchange for some *commoda plebis,* fared so bad, that he turned to the allies and promised them enfranchisement. In this account, Drusus' intentions continued to be noble until the very end, never faltering.[643] When the tribune was finally slain, Velleius makes a very concise and favourable evaluation of his character: 'thus ended the life of an illustrious men'. And then he proceeds to tell a story exemplifying his transparency and moral strength, not having anything to hide even in the privacy of his own home:

> *Tum conversus Drusi animus, quando bene incepta male cedebant, ad dandam civitatem Italiae. Quod cum moliens revertisset e foro, immensa illa et incondita, quae eum semper comitabatur, cinctus multitudine in area domus suae cultello percussus, qui adfixus lateri eius relictus est, intra paucas horas decessit. Sed cum ultimum redderet spiritum, intuens circumstantium maerentiumque frequentiam, effudit vocem convenientissimam conscientiae*

642 Vell. Pat. 2.13: 'Then, after an interval of a few years, Marcus Livius Drusus embarked on his tribunate, the most noble, most eloquent and most scrupulous of men, whose talent and heart were in general better than the fortune he experienced. Although his desire was to restore to the senate its old-fashioned esteem and to transfer the courts from the equestrians to that order (the equestrians, having obtained that power under the Gracchan legislation, had directed their savagery against many distinguished and innocent men and in particular, under the extortion law, had arraigned Publius Rutilius, the best not just of his own generation but of every era, and, to the vocal dismay of the community, had condemned him), he found the senate opposed to him in the very matters on which he was working on the senate's behalf, since it failed to understand that, whatever business it conducted to the plebs' advantage, the reason was to bait and beguile the masses so that, if they acquired lesser things, they might allow larger ones. In the end it was Drusus' misfortune that the senate was more approving of his colleagues' malpractice than of the best of intentions from himself; that it spurned the respect that was being conferred by him, while accepting with equanimity the insults that were being aimed by others; and that it resented his great glory, while tolerating their mediocre'

643 Cogitore, 2009, 51-72: 65-66.

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> *suae: ecquandone, inquit, propinqui amicique, similem mei civem habebit res publica? Hunc finem clarissimus iuvenis vitae habuit: cuius morum minime omittatur argumentum. Cum aedificaret domum in Palatio in eo loco, ubi est quae quondam Ciceronis, mox Censorini fuit, nunc Statilii Sisennae est, promitteretque ei architectus, ita se eam aedificaturum, ut liber a conspectu immunisque ab omnibus arbitris esset neque quisquam in eam despicere posset, tu vero, inquit, si quid in te artis est, ita compone domum meam, ut, quidquid agam, ab omnibus perspici possit.* (Vell. Pat. 2.14)[644]

It is clear that for Velleius the general concession of citizenship for the *populi Italici* was long overdue and a good thing.[645] Yet Drusus' murder precluded this possibility. In his story, it was his death (not the tribune *per se*, nor his ambition or incitement) that started the fire of the *bellum Italicum*. Velleius was very proud of his ancestor, Magius Minatius of Aeculanum, who remained loyal to the Romans and proved himself to be such a resourceful commander that he was granted citizenship as a reward for his loyalty and service (Vell. Pat. 2.16: *Cuius illi pietati plenam populus Romanus gratiam rettulit ipsum viritim civitate donando*). Nevertheless, he was also truly sympathetic to those moved by the *cupiditas civitatis* and he stated very plainly that their fortune was as cruel as their cause was just:

> *Mors Drusi iam pridem tumescens bellum excitavit Italicum; quippe L. Caesare et P. Rutilio consulibus abhinc annos centum viginti, universa Italia, cum id malum ab Asculanis ortum esset (quippe Servilium praetorem Fonteiumque legatum occiderant) ac deinde a Marsis exceptum in omnis penetrasset regiones, arma adversus Romanos cepit. Quorum ut fortuna atrox, ita causa fuit iustissima: petebant enim eam civitatem, cuius imperium armis tuebantur: per omnis annos atque omnia bella duplici numero se militum equitumque fungi neque in eius civitatis ius recipi, quae per eos in id ipsum pervenisset fastigium, per quod homines eiusdem et gentis et sanguinis ut externos alienosque fastidire posset. Id bellum amplius trecenta milia iuventutis Italicae abstulit.* (Vell. Pat. 2.15)[646]

644 Vell. Pat. 2.14: 'Since his fine undertakings were proving unsuccessful, Drusus next turned his attention to giving the citizenship to Italy. When he was working on this and had returned from the forum, surrounded by the famously big and chaotic crowd that always accompanied him, in the atrium of his house he was stabbed with a small knife that was left sticking in his side, and within a few hours he passed away. When he was rendering up his last breaths, however, he looked at the numbers of grieving bystanders and uttered words well suited to his self-knowledge: "Relatives and friends," he said, "when will the commonwealth ever have a citizen like me?" So ended the life of this most distinguished young man, evidence of whose moral character should not be omitted. When he was building his house on the Palatine—in the place where stands the one that was formerly Cicero's, then Censorinus', and is now Statilius Sisenna's—and the architect was promising to build it in such a way that he would be free of people's gaze and safe from all viewers and no one would be able to look into it, he said: "Use all your skill to design my house in such a way that whatever I do can be seen by everyone."'

645 Dart, 2014, 29-30.

646 Vell. Pat. 2.15: 'The death of Drusus caused the Italian War to break out, which had already been gathering to a head beforehand. In the consulship of Lucius Caesar and Publius Rutilius, 120 years ago, the whole of Italy (the disorder had arisen among the people of Asculum—they had slain the praetor Servilius and his legate Fonteius—and had then been

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8.1.5 Appian's Italic Champion and Plutarch's Moral Vignettes

One of the most detailed accounts we possess of Drusus' *tribunatus*, that of Appian, strikes a discordant note. Unlike other sources, which clearly subordinate every other proposal to the ultimate aim of reasserting senatorial control over the juries – or to his personal *cupido dominationis,* for the Alexandrian, Drusus' main political objective was the enfranchisement of the allies. In a seminal study, Gabba argued that the main source for Appian in Book 1 of the *Bellum civile*, particularly regarding the 'allied problem', was most likely Asinius Pollio.[647] This hypothesis, however, has been strongly contested by more recent investigations, pointing out the many weaknesses of this proposal.[648] In any case, I believe one of the central issues that led Gabba to consider Asinius Pollio as the main source is still particularly relevant and worthy of consideration – even if not to reconstitute his hypothesis. That is, Appian's narrative focused on the Italics on their own terms, treating the allies as real political actors with their own interests and agency. This meant, Gabba argued, that the tradition on which he was relying was most likely one with favourable sentiments towards the *Italici*.[649] This is one the reasons Gabba's explanation resorted to Asinius Pollio, who had an Italic origin, as his grandfather was an insurgent leader probably killed during the *bellum sociale*.[650]

Certainly, I am not trying to rehabilitate Gabba's hypothesis – engaging in a discussion about *Quellenforschung* regarding Appian's *Bellum Civile* is beyond the scope of this investigation. However, his reflections on the Alexandrian's sensibility to the *cupiditas civitatis* are well warranted. In fact, I would argue that such approach extended to his characterization of Drusus. Unlike the Livian tradition, he did not present his plan to enfranchise the *Italiotas* as a secondary ploy, designed to gain support from a new constituency when goodwill in Rome disappeared; in his narrative, enfranchisement was his ultimate goal. Moreover, Appian portrayed Drusus as neither a conservative politician

caught by the Marsi and had penetrated into all areas) took up arms against the Romans. Their situation was frightful but their cause very just, since they were attacking the very citizen body whose empire they were protecting by arms: in every year and every war, they said, they were supplying double the number of soldiers and cavalry yet were not admitted to the rights of a community which, thanks to them, had reached the very height from which it could slight persons of the same family and blood as if they were foreigners and aliens. The war carried off more than three hundred thousand of the Italian youth.'

647 Gabba, 1956, 79-88.

648 For a clear analysis of Appian's sources, Westall, 2015, 125-167; the problems with considering Asinius Pollio as being directly Appian's main source for this section range from questions of thematic overlap (Pollio's histories were unlikely to explore in great detail events prior to 60BC, Cuff, 1967, 177-188: 186-187), to the use of the Olympiad system to articulate time (which is unlikely to be taken from a Roman historian, Westall, 2015, 125-167: 146), as well as inconsistencies and plain errors that would be inexplicable if Pollio were, indeed, the main source, Westall, 2015, 125-167: 156. Moreover, Gabba's consideration of Appian as a mere copyist has also been heavily amended, emphasising the strong authorial intent and intellectual project that underpinned the Alexandrian's work, see Bucher, 2000, 411-458; Hidberg, 2004, 175-185; Welch, 2019, 439-466.

649 Gabba, 1956, 25.

650 Gabba, 1956, 83.

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operating to strengthen the Senate's position – such as Cicero, Diodorus Siculus, or Velleius Paterculus – nor as an ambitious opportunist that cynically proposed *largitiones* to attain *dominatio* – characteristic of the Livian tradition as well. Therefore, it seems to me that whoever Appian's source(s) was, it hints towards the existence of this other portrayal of Drusus present in the *Rhetorica ad Herennium*. One that characterized him as a genuine reformer whose political aims were beyond the interests of the Senate; even a popular hero that could be grouped with other martyrs of the *popularis* cause, such as the Gracchi, Saturninus, and Sulpicius.

For the Alexandrian, Drusus' main political objective was the enfranchisement of the allies.[651] However, the Italics were the ones that approached him with the intention of enlisting to their cause a man of the highest rank and he accepted. Then, he tried to soften the expected resistance from the two main traditional constituencies in the *res publica*, the people and the Senate, by crafting certain laws specifically designed to appeal to their interests. To the *demos*, he offered to found colonies already voted and approved but never really materialized. And to the Senate, he proposed to incorporate three hundred new members from the *ordo equester*, based on merit. The idea was then to draw the *album iudicum* from this reinforced institution, while also making the knights liable to prosecution for bribery. From the Senate's perspective, this would mean co-opting into the senatorial fold a good portion of those who were locked with them in a power struggle, while also recapturing the control of the juries and equalizing, to a certain degree, both competing *ordines* in the eyes of criminal law. From the *equites*' point of view, although they had to relinquish their monopoly over the judicial power, this allowed them to exert their influence inside the Senate by effectively making up half of its ranks:

> Ἐπὶ δὲ ἐκείνοις καὶ Λίβιος Δροῦσος δημαρχῶν, ἀνὴρ ἐπιφανέστατος ἐκ γένους, δεηθεῖσι τοῖς Ἰταλιώταις νόμον αὖθις ἐσενεγκεῖν περὶ τῆς πολιτείας ὑπέσχετο· τούτου γὰρ δὴ μάλιστα ἐπεθύμουν ὡς ἐνὶ τῷδε αὐτίκα ἡγεμόνες ἀντὶ ὑπηκόων ἐσόμενοι. ὁ δὲ τὸν δῆμον ἐς τοῦτο προθεραπεύων ὑπήγετο ἀποικίαις πολλαῖς ἔς τε τὴν Ἰταλίαν καὶ Σικελίαν ἐψηφισμέναις μὲν ἐκ πολλοῦ, γεγονυίαις δὲ οὔπω. τήν τε βουλὴν καὶ τοὺς ἱππέας, οἳ μάλιστα δὴ τότε ἀλλήλοις διὰ τὰ δικαστήρια διεφέροντο, ἐπὶ κοινῷ νόμῳ συναγαγεῖν ἐπειρᾶτο, σαφῶς μὲν οὐ δυνάμενος ἐς τὴν βουλὴν ἐπανενεγκεῖν τὰ δικαστήρια, τεχνάζων δ᾽ ἐς ἑκατέρους ὧδε. τῶν βουλευτῶν διὰ τὰς στάσεις τότε ὄντων μόλις ἀμφὶ τοὺς τριακοσίους, ἑτέρους τοσούσδε αὐτοῖς ἀπὸ τῶν ἱππέων εἰσηγεῖτο ἀριστίνδην προσκαταλεγῆναι καὶ ἐκ τῶνδε πάντων ἐς τὸ μέλλον εἶναι τὰ δικαστήρια· εὐθύνας τε ἐπ᾽ αὐτῶν γίγνεσθαι δωροδοκίας προσέγραφεν, ἐγκλήματος ἴσα δὴ καὶ ἀγνοουμένου διὰ τὸ ἔθος τῆς δωροδοκίας ἀνέδην ἐπιπολαζούσης. ὁ μὲν δὴ τάδε πρὸς ἑκατέρους ἐπενόει,

651 Gabba, 1967, 116-117, nº 155, 156.

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> περιῆλθε δὲ ἐς τὸ ἐναντίον αὐτῷ. ἥ τε γὰρ βουλὴ χαλεπῶς ἔφερεν ἀθρόως αὐτῇ τοσούσδε προσκαταλεγῆναι καὶ ἐξ ἱππέων ἐς τὸ μέγιστον ἀξίωμα μεταβῆναι, οὐκ ἀδόκητον ἡγουμένη καὶ βουλευτὰς γενομένους κατὰ σφᾶς ἔτι δυνατώτερον τοῖς προτέροις βουλευταῖς στασιάσειν· οἵ τε ἱππεῖς ὑπώπτευον, ὅτι τῇδε τῇ θεραπείᾳ πρὸς τὸ μέλλον ἐς τὴν βουλὴν μόνην τὰ δικαστήρια ἀπὸ τῶν ἱππέων περιφέροιτο, γευσάμενοί τε κερδῶν μεγάλων καὶ ἐξουσίας οὐκ ἀλύπως τὴν ὑπόνοιαν ἔφερον. τό τε πλῆθος αὐτῶν ἐν ἀπορίᾳ σφᾶς ἐποίει καὶ ὑποψίᾳ πρὸς ἀλλήλους, τίνες ἀξιώτεροι δοκοῦσιν ἐς τοὺς τριακοσίους καταλεγῆναι· καὶ τοῖς λοιποῖς φθόνος ἐς τοὺς κρείσσονας ἐσῄει· ὑπὲρ ἅπαντα δ᾽ ἠγανάκτουν ἀναφυομένου τοῦ τῆς δωροδοκίας ἐγκλήματος, ὃ τέως ἠγοῦντο καρτερῶς ὑπὲρ αὐτῶν πρόρριζον ἐσβέσθαι. (App. *B civ.* 1.35)[652]

The moderate and targeted nature of these proposals was supposed to be their main appeal, bringing their respective constituencies on board with Drusus' ultimate aim, enfranchisement. At least, that was the theory. In practice, it suffered from a malaise typical of many compromises: it failed to sufficiently convince almost anyone, as pre-existing political dynamics and enmities were too strong to overcome. In the end, only the people were happy. Both the Senate and the *ordo equester* plainly opposed the scheme, mainly out of political calculus and distrust of each other. Thusly, the former did not want to devalue its membership and feared the influence this new faction might attain, while the latter considered unacceptable to lose control over the juries, as only a fraction of their order would be accepted into the Senate, leaving the rest in an unenviable position. Appian tells us that even the Italics, whose desire for citizenship was the main motivating factor for Drusus' battery of initiatives, retracted their support over fears that their lands could be targeted by the colonization efforts. In fact, discontent over this very issue was so prevalent that it moved Etruscans and Umbrians to act. Prompted by the consuls, they sent a delegation to the city to publicly oppose any

652 App. *B civ.* 1.35: 'After them, another to hold the tribunate was Livius Drusus, a man of the highest rank by birth, who on receiving a request from the Italians, promised them he would reintroduce legislation on the citizenship. They were particularly keen to have this because by this single means they would become rulers instead of subjects. To reconcile the plebeians to the measure beforehand, Drusus tried to win them over with the founding of several colonies in Italy and Sicily that had been voted some time ago, but not yet established. He also tried by means of nonpartisan legislation to bring together the senate and the equestrian order, who were at the time completely at loggerheads over the law courts. He could not openly restore the courts to the senate, so he devised the following scheme to deal with both sides. As a result of the civil disturbances, the number of senators had fallen to scarcely three hundred, and Drusus now proposed that an equal number of equestrians, chosen on merit, should be added to the senate register, and that the courts should in future be made up from the whole number. He included a clause making the equestrian order liable to prosecution for bribery, a charge that was all but ignored, given that the practice of taking bribes was so prevalent and unchecked. This was the plan he devised for the two groups, but it turned out contrary to his expectations. For the senate resented such a large number being added to their roll en masse and being promoted from the equestrian order to the highest rank. They also thought it likely that once they entered the senate they would form a separate group and quarrel with the existing senators more forcefully than ever. The equestrians, on the other hand, suspected that this attempt to gain their favor would eventually see the courts transferred from their order to the senate exclusively. Having tasted huge profits and power, they were disturbed by this suspicion. And their sheer numbers put them in a quandary and made them suspicious of each other about who would be thought most deserving to be included in the list of three hundred. Envy of the stronger ones began to affect the rest. Above all, the equestrians were angry at the revival of the charge of bribery, which they thought had been entirely eliminated by this stage, as far as it applied to themselves.'

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rogatio that may affect them and, if possible, actually murder Drusus. Appian does not expressly say they were the ones to commit the crime, although it is heavily implied, as just after this revelation, he describes the actual assassination of the tribune, slain in a poorly lit portico with a cobbler's knife:

> Οὕτω μὲν δὴ καὶ οἱ ἱππεῖς καὶ ἡ βουλή, καίπερ ἔχοντες ἀλλήλοις διαφόρως, ἐς τὸ Δρούσου μῖσος συνεφρόνουν, καὶ μόνος ὁ δῆμος ἔχαιρε ταῖς ἀποικίαις. οἱ Ἰταλιῶται δ᾽, ὑπὲρ ὧν δὴ καὶ μάλιστα ὁ Δροῦσος ταῦτα ἐτέχνάζε, καὶ οἵδε περὶ τῷ νόμῳ τῆς ἀποικίας ἐδεδοίκεσαν, ὡς τῆς δημοσίας Ῥωμαίων γῆς, ἣν ἀνέμητον οὖσαν ἔτι οἱ μὲν ἐκ βίας, οἱ δὲ λανθάνοντες ἐγεώργουν, αὐτίκα σφῶν ἀφαιρεθησομένης, καὶ πολλὰ καὶ <αὐτοὶ> περὶ τῆς ἰδίας ἐνοχλησόμενοι. Τυρρηνοί τε καὶ Ὀμβρικοὶ ταὐτὰ δειμαίνοντες τοῖς Ἰταλιώταις καί, ὡς ἐδόκει, πρὸς τῶν ὑπάτων ἐς τὴν πόλιν ἐπαχθέντες ἔργῳ μὲν ἐς ἀναίρεσιν Δρούσου, λόγῳ δ᾽ ἐς κατηγορίαν, τοῦ νόμου φανερῶς κατεβόων καὶ τὴν τῆς δοκιμασίας ἡμέραν ἀνέμενον. ὧν ὁ Δροῦσος αἰσθανόμενός τε καὶ οὐ θαμινὰ προϊών, ἀλλ᾽ ἔνδον ἐν περιπάτῳ βραχὺ φῶς ἔχοντι χρηματίζων ἀεὶ καὶ περὶ ἑσπέραν τὸ πλῆθος ἀποπέμπων ἐξεβόησεν ἄφνω πεπλῆχθαι καὶ λέγων ἔτι κατέπεσεν. εὑρέθη δὲ ἐς τὸν μηρὸν αὐτῷ σκυτοτόμου μαχαίριον ἐμπεπηγμένον. (App. *B civ.* 1.36)[653]

The last of our sources, Plutarch, presents a much less comprehensive picture of Drusus, consisting of only two vignettes. Both of these images strongly focus on certain moral qualities, as it is characteristic of his conception of history.[654] The first one is a variation of the already discussed encounter between Pompaedius Silo and the Cato the younger, in which Drusus plays only a secondary character. In this version of the story, Silo asked for citizenship in the name of the Italic *socii.* Thus, when he is finally defeated by the unyielding nature of the child, he remarks that if the Italics were to deal with him as an adult they would not be able to get a single vote among the people:

> Ἔτι δὲ παιδὸς τοῦ Κάτωνος ὄντος ἔπραττον οἱ σύμμαχοι τῶν Ῥωμαίων ὅπως μεθέξουσι τῆς ἐν Ῥώμῃ πολιτείας· καί τις Πομπαίδιος Σίλλων, ἀνὴρ πολεμικὸς καὶ μέγιστον ἔχων ἀξίωμα, τοῦ δὲ Δρούσου φίλος, κατέλυσε παρ᾽

653 App. *B civ.* 1.36: 'So it turned out that the senate and the equestrians, although in disagreement with each other, were united in their hatred of Drusus. Only the plebeians were pleased with the colonies. Even the Italians, in whose particular interest Drusus was devising this scheme, were apprehensive about the colonization law, because they thought that the land belonging to the Roman state which had not yet been redistributed, but which they were farming – some appropriating the land by force, others secretly – would immediately be taken away from them; and that in many cases they might even have trouble over their own land. The Etruscans and the Umbrians had the same fears as the Italians, and when they were brought to the city on the order, so it appeared, of the consuls, supposedly to accuse Drusus, but in reality to kill him, they noisily opposed the law and waited for the day when it would be scrutinized. Drusus became aware of this and did not go out often, but conducted all his business inside, in a poorly lit portico. One evening as he was sending the crowd away he shouted out suddenly that he had been stabbed, and fell down dead with the words on his lips. A cobbler's knife was found sticking into his hip.'

654 Regarding Plutarch's conception of history, Hersbell, 1997, 225-243; most recently, specifically focused on his representation of internal conflict and civil war, Santangelo, 2019, 320-350.

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> αὐτῷ πλείονας ἡμέρας, ἐν αἷς γεγονὼς τοῖς παιδίοις συνήθης, "Ἄγε," εἶπεν, "ὅπως ὑπὲρ ἡμῶν δεήσεσθε τοῦ θείου συναγωνίσασθαι περὶ τῆς πολιτείας." ὁ μὲν οὖν Καιπίων διαμειδιάσας ἐπένευσε, τοῦ δὲ Κάτωνος οὐδὲν ἀποκριναμένου καὶ βλέποντος εἰς τοὺς ξένους ἀτενὲς καὶ βλοσυρόν, ὁ Πομπαίδιος, "Σὺ δέ," εἶπεν, "ἡμῖν, ὦ νεανία, τί λέγεις; οὐχ οἷος εἶ τοῖς ξένοις συλλαμβάνεσθαι πρὸς τὸν θεῖον, ὥσπερ ὁ ἀδελφός;" μὴ φθεγγομένου δὲ τοῦ Κάτωνος, ἀλλὰ τῇ σιωπῇ καὶ τῷ προσώπῳ δοκοῦντος ἀπολέγεσθαι τὴν δέησιν, ἀράμενος αὐτὸν ὁ Πομπαίδιος ὑπὲρ θυρίδος ὡς ἀφήσων ὁμολογεῖν ἐκέλευεν ἢ ῥίψειν ἔφασκεν, ἅμα τῇ τε φωνῇ τραχυτέρᾳ χρώμενος καὶ ταῖς χερσὶν ἀπηρτημένον τὸ σῶμα πολλάκις ὑπὲρ τῆς θυρίδος κραδαίνων. ἐπεὶ δὲ πολὺν χρόνον οὕτω διεκαρτέρησεν ὁ Κάτων ἀνέκπληκτος καὶ ἀδεής, καταθέμενος αὐτὸν Πομπαίδιος ἡσυχῇ πρὸς τοὺς φίλους εἶπεν· "Οἷον εὐτύχημα τῆς Ἰταλίας ὅτι παῖς οὗτός ἐστιν· εἰ δὲ ἀνὴρ ἦν, μίαν οὐκ ἂν οἶμαι ψῆφον ἡμῖν ἐν τῷ δήμῳ γίνεσθαι." (Plut. *Cat. Min.* 2)[655]

This story obviously reinforces the idea, stated by Appian, that it was the Italics who actively approached Drusus for his support. Moreover, it also strengthens the plausibility that the summon of the tribunes Pompaedius was responding to in Diod. Sic. 37.13 was indeed Drusus', as the link among them was both personal and political. As was the case with Valerius Maximus, the main argument of the story is that of a recalcitrant senatorial scion that, even in his childhood, was unwilling to compromise regarding a policy that he considered unbecoming of an *optimate*. Obviously, Plutarch's point in recounting Cato's intransigence was to foreshadow his notoriously inflexible morality. However, I do not think the matter over which he decided to be unyielding was inconsequential. Again, it reinforces the clear pattern we have been establishing up to this point: that is, the *optimate* ideological tradition was opposed to the extension of the *civitas* – and conversely, one might infer, *popularis* ideology supported it. Finally, the other reference to Drusus preserved in Plutarch is a short one, not related to his political career but to his moral character. It refers to an anecdote also recalled by Velleius Paterculus (Vell. Pat. 2.14), regarding the honourable nature of Drusus, who could actually boast of having nothing to hide from the public even in his own home:

> εἰκότως οὖν Λιούιος Δροῦσος ὁ δημαγωγὸς εὐδοκίμησεν ὅτι, τῆς οἰκίας αὐτοῦ πολλὰ μέρη κάτοπτα τοῖς γειτνιῶσιν ἐχούσης καὶ τῶν τεχνιτῶν τινος

655 Plut. *Cat. Min*. 2: 'While Cato was still a boy, the Italian allies of the Romans were making efforts to obtain Roman citizenship. One of their number, Pompaedius Silo, a man of experience in war and of the highest position, was a friend of Drusus, and lodged at his house for several days. During this time he became familiar with the children, and said to them once: "Come, beg your uncle to help us in our struggle for citizenship." Caepio, accordingly, consented with a smile, but Cato made no reply and gazed fixedly and fiercely upon the strangers. Then Pompaedius said: "But thou, young man, what sayest thou to us? Canst thou not take the part of the strangers with thy uncle, like thy brother?" And when Cato said not a word, but by his silence and the look on his face seemed to refuse the request, Pompaedius lifted him up through a window, as if he would cast him out, and ordered him to consent, or he would throw him down, at the same time making the tone of his voice harsher, and frequently shaking the boy as he held his body out at the window. But when Cato had endured this treatment for a long time without showing fright or fear, Pompaedius put him down, saying quietly to his friends: "What a piece of good fortune it is for Italy that he is a boy; for if he were a man, I do not think we could get a single vote among the people."'

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> ὑπισχνουμένου ταῦτ' ἀποστρέψειν καὶ μεταθήσειν ἀπὸ πέντε μόνων ταλάντων, "δέκα", ἔφη, "λαβὼν ὅλην μου ποίησον καταφανῆ τὴν οἰκίαν, ἵνα πάντες ὁρῶσιν οἱ πολῖται πῶς διαιτῶμαι." καὶ γὰρ ἦν ἀνὴρ σώφρων καὶ κόσμιος. (Plut. *Mor. Prae. ger. Reip*. 4)[656]

In conclusion, it appears that, due to his complex tribunate, Drusus' memory was being contested by two opposing political and ideological traditions during the late Republic. On the one hand, there was a very early co-option by the *populares*, who arrayed him in their speeches alongside a catalogue of other tribunes slain in defence of the people in order to arouse the masses. On the other hand, Cicero had him in high regard and considered him someone who had acted in pursuit of a stronger Senate. This division led to the articulation of different historiographical traditions, depending on which personal traits or policy proposals were given priority in painting his portrait. Thus, contrasting images appeared, often at odds with each other: *popularis* martyr, *optimate* reformer, and the opportunistic combination of both worlds.

8.2 Drusus' Political Activities and Ideology: Moderation from Where?

Taking this multiplicity of historiographical traditions into account, one might ask how to parse Drusus' political activities, in the first instance, and secondly, his ideological bearings. If reduced to the broadest of strokes, the most plausible explanation is that he was a moderate politician who hardened his position due to political circumstance. As a purposefully vague characterization, it certainly conveys a certain reality. Based on his battery of proposals, it is reasonable enough to assume Drusus' ideological bearings were moderate.[657] Regarding the highly contentious issue of the juries, he tried to devise a path that would be acceptable for both the Senate and the *ordo equester* even if the bottom line was to return the control of the *album iudicum* to the Senate (Diod. Sic. 37.10.3; Liv. *Epit*. 71; Vell. Pat. 2.13; Flor. 2.5.15; App. *B Civ.* 1.35; *Vir. Illustr.* 66.4).[658] Moreover, this pro-senatorial – one could argue *optimate* – stance was contrasted with some measures that clearly engaged with the *populus* as the rightful recipient of some *commoda populi* (Vell. Pat. 2.13; Flor. 2.5.15). These benefits took a form that by the late nineties was fairly common, as our sources talk about grain dole

656 Plut. 'With good reason, therefore, did Livius Drusus the tribune gain in reputation because, when many parts of his house were exposed to the view of his neighbours and an artisan promised to turn them the other way and change their position for only five talents, Drusus replied, "Take ten and make the whole house open to view, that all the citizens may see how I live." For he was a man of temper and well-ordered life.'

657 For the basic chronology of Drusus' tribunate, see Dart, 2014, 69, nº1: 10th of December of 92, Drusus took up his office alongside the other tribunes, as he was supposed to; 13th of September of 91, he was still alive, when Crassus defended him against Philippus; Crassus' sudden death a week later preceded Drusus' assassination, which places his murder between the 20th of September and the 10th of December of 91, when the new tribunes were scheduled to take up office.

658 For Drusus' jury reform, Gruen, 1966, 32-64: 60-63; Griffin, 1973, 108-126: 116-120; Brunt, 1988, 206-210; Dart, 2014; 70-73; Morell, 2015: 235-255; Vervaet, 2023, 66-70; *cf*. Gruen, 1968, 206-214.

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(Liv. *Epit*. 71) and land distribution (Liv. *Epit*. 71; *Vir*. *Illustr*. 66.4); we also know about the foundation of some colonies that were already voted but had not been executed yet (App. *B civ*. 1.35-36). The details are scant, but they seem run of the mill *popularis* proposals.[659]

To these measures we also have to add his (arguably) most radical *rogatio*, and the one that concerns this analysis the most: the promise of citizenship to Latins and Italics. In his hypercritical approach to the sources, Mouritsen considers Drusus' proposal only promised access to the Roman *civitas* to the Latins, while floating the idea of him maybe broadening the scope later – although he appears to later recant it, as he considers Drusus' Italic sympathies a mere political smear. In any case, he deems the whole scheme as a desperation move without any real political credence. As does most of the historiography, I disagree.[660] Our sources consistently present him as pushing for the enfranchisement of a group of communities wider than the *Latini*, with express mentions of the Italics (Diod. Sic. 37.2.1-2: Ἰταλίας; Liv. *Epit*. 71: *Italicos populos*; Vall. Pat. 2.14: *Italiae*; 2.15: *Italicum*; Flor: 2.5.15: *Italiae*; 2.6.18: *socii intra Italiam*; App. *B Civ.* 1.35: Ἰταλιώταις; Amp. 26: *omnibus Italicis*). In addition to these, the anecdotes preserved that recounted Pompaedius Silo lobbying Drusus also imply and state, depending on the author, that the integration being discussed affected both *socii* and *Latini* (Plut. *Cat. Min*. 2 Ἰταλίας: Val. Max. 3.1.2: *Latini et socii*). The only sources that refer just to the Latins are *De Viris Illustribus* (*Vir. Illus*. 66.4: *Latinis civitatem*) and Orosius (Oros. 5.18: *Latinos*), yet both use this term in a loose and imprecise way, with references to Italy in close proximity (*Vir. Illus.* 66.12: *Vota pro illo per Italiam publice suscepta sunt*; Oros. 5.18: *sociale bellum tota commouit Italia*).[661]

I believe full enfranchisement was on the table from the beginning. The *lex Licinia Mucia* had turned the *cupiditas civitatis* into outrage and the new census added a pressing concern to the *socii*, who at least had personal connections to Drusus through Pompeadius Silo. If one is to believe the oath preserved in Diodorus, the Marsic leader was not his single Italic ally, as many more were about to pledge fealty to him. And on top of this, there was an active ideological tradition in Rome, incarnated by the *populares*, who consistently (if at different paces) pushed for a more generous citizenship policy: indeed, one that had already produced a

659 Regarding Drusus' land proposals, very succinctly, Roselaar, 2010, 283-282; for a dedicated analysis see, Tweedie, 2011: 573-590, where she defends the centrality of these proposals and draws a connection between them and the rest of the reform programme, particularly to the citizenship bill, disputing Gabba's claim that by that time of Drusus' tribunate the agrarian issue was no longer relevant to the *socii*, overshadowed by the magnitude of their *cupiditas civitatis* (Gabba, 1976, 70-72); for his *lex frumentaria*, which may have amended the *optimate* leaning *lex Octavia frumentaria* (Cic. *Brut*. 222; Cic. *Off*. 2.71; Sall. *Hist*. 1.62M = 1.54R), Vervaet, 2023, 71-73; in addition to these proposals, we also know Drusus pushed for a devaluation of the *denarius* (Plin. *HN*. 33.46), Barlow, 1980, 202-219: 203.

660 Mouritsen, 1998: 121-122, 124, 137; contra, supporting the idea that Drusus' proposal entailed the enfranchisement for both *socii et Latini*; Brunt, 1965, 90-109: 92-3, 107; Sherwin-White, 1973, 137-139; Gabba, 1976, 70-74, 132-133; Perelli, 1982, 143; Bispham, 2007, 178; Tweedie, 2011, 573-590: 582-583; Kendall, 2013: 215-216; Dart, 2014, 73-81; Vervaet, 2023, 75-76.

661 Sherwin-White, 1973, 136-137 and Kendall, 2013, 215-217, harmonize the different terminology preserved in the sources arguing that, initially, Drusus followed Gaius Gracchus' plans and proposed citizenship to the Latins and Latin rights to the Italics, while later in his tribunate he embraced the more radical approach of full enfranchisement for *socii et Latini*;

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general enfranchisement proposal with Fulvius Flaccus. Taking all of this into account, it is more than probable that Drusus' proposal actually tried to enfranchise both groups, *socii* and *Latini*, from its inception. In what terms and, importantly, with what tribal distribution, we do not know. Nevertheless, that if this *rogatio* were to be passed into law would have heavily affected the *populus* is evident, as it would literally alter its composition in a major way, massively expanding its boundaries and effectively redrafting all – or a particular subsection – of its tribal constituencies.

It has been argued that Drusus' institutional strategy was to draft several *rogationes* that, ideally, would have been passed into a corresponding array of laws, yet all of this process would be carried out with just one drawing of the lots (Cic. *Dom*. 50: *si etiam pluribus de rebus uno sortitore tulisti*). We do not know exactly what this unconventional procedure entailed, but it appears to have been intended to lock the order in which the tribes were to cast their votes and avoid different proposals to be vetoed individually.[662] There is also a certain amount of uncertainty regarding what laws were actually passed. Our sources seem to imply that the only *rogatio* Drusus could not manage to successfully get through the assemblies was the citizenship bill. His insistence to the Senate that an annulment of his *leges* would entail that the reform of the juries was void implies that at that moment it was, in fact, in force (Diod. Sic. 37.10.1-2). From this passage, it is also reasonable to assume the other pieces of legislation were also passed, as Diodorus Siculus was clear that the Senate was annulling the tribune's laws, plural. Indeed. Drusus' warning only makes sense if they primarily were targeting another *lex* and the jury reform was treated as collateral damage.

Indeed, we have epigraphic confirmation in an *elogium* dedicated to Drusus that at least two distinct agrarian laws were passed in the same year, a *lex* (*sua, ie.*) *Livia* and a *lex Saufeia,* that established two commissions (a decemvirate and a quinquevirate, respectively) with authority for *agris dandis adsignandis*.[663] Moreover, Appian mentioned he also tried to found several colonies throughout Sicily and Italy, which some have linked to his father's proposals (App. *B civ.* 1.35).[664] Be it through the allotment of lands (*agris adsignandis*) or the foundation of colonies (*coloniae deducendae*), these policies of land redistribution appear to have irked to some degree some of the *socii,* especially the Etruscans and Umbrians, who according to Appian came to Rome to make their discontent heard (App. *B Civ.* 1.36).[665]

662 Lintott's explanation seems convincing, 1968, 142-143; see also, Tweedie, 2011, 573-590: 584; and Dart, 2014, 83.

663 Regarding the *elogium*, CIL, 1^2,1 p.199; there is also a partial list of the commissioners preserved in an inscription from Vibo, CIL, 10, 44 (see also, *Inscr. Ital*. 13.3.74), which lists Drusus and Licinius Crassus among others, confirming their alliance through the former's crucial tribuneship; regarding the agrarian legislation Tweedie, 2011, 773-590; Dart, 2014, 83-85.

664 Tweedie, 2011, 573-590: 588.

665 Gabba, 1976, 73, argued that the Etruscans actually opposed Drusus' citizenship bill not out of concerns over lands but because they were afraid of a possible rupture of their traditional social hierarchies; I found more convincing Tweedie's argument that although Appian mangles the chronology of the Etruscans and Umbrian delegation (she situates the δοκιμασίας, the voting process to which they were reacting, during an assembly in the summer of 91) he is correct in linking their discontent to the agrarian question, Tweedie, 2011, 573-590: 587-589; this is the same line followed by

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Although only mentioned by Livy, it appears Drusus may have also passed a frumentary law that was intended to expand grain distributions, which would explain his popular support and the insistence by authors like Florus that he turned to the 'Gracchan laws' (Flor. 2.5.15: *Gracchanis legibus*) and had engaged in many *largitiones*, giving away 'the dirt and the sky' (Flor. 2.5.15: *nihil se ad largitionem ulli reliquisse, nisi si quis aut caenum dividere vellet aut caelum*).[666] Furthermore, Appian's claim that, in the end, only the plebeians were happy about Drusus' activity also hints at this legislative activity being perceived as a success (thusly, in force) by the people (App. *B civ*. 1.36).

In any case, all of our sources are in concord regarding his failure to deliver his promise to the Italics and *socii*, which combined with the tensions created by his agrarian legislation, explain the growing conspiracies among the allies (Liv. *Epit*. 71) – with the most notorious being the plot to kill the consuls in the Alban Hills (*Vir. Illus*. 66.12: *Et cum Latini consulem in Albano monte interfecturi essent, Philippum admonuit, ut caveret*).[667] As we will explore later, the relation of priority between these laws – that is, which ones were his real targets and which ones, if any, were tactical concessions – is far from clear.

In any case, the fact that his *leges* were somehow procedurally linked opened them to a single attack devised by Philippus, which led the Senate to approve a *senatus consultum* that declared the whole battery of legislation void because of a technicality. Apparently, according to Asconius, on account of being passed despite having bad auspices (Asc. *Corn.* 68-69C); in turn, both Livy and Florus speaks of the *leges* being passed with violence, *per vim*, which would have rendered them vulnerable to be declared void (Liv. *Epit*. 71; Flor. 2.5.15).[668] This decree, which Drusus abstained from vetoing in a last gamble to gain over the support from the Senate, was probably enacted from mid-September (91) onwards, as if we are trust Cicero's recounting, it was only after Crassus' death that Drusus lost the support of the Senate (Cic. *De or*. 1.7.24). We have very little information from this period of his tribuneship, although it is reasonable to place here the acrimonious confrontation with the Senate recounted by Valerius Maximus (Val. Max. 9.52).

Whatever his activities were, it appears that during these last days he continued to be considered enough of a problem to orchestrate his murder, which probably took place between the 20th of September and the 10th of December. There is one tradition by Appian who points to the Etruscans and Umbrians, incited by Philippus, as the probable perpetrators, enraged by his agrarian legislation and failure to deliver citizenship; this echoes the claim that in the end,

Dart, 2014, 93-94, who also places the Etruscans and Umbrians opposition earlier in Drusus' tribunate, when the members for the land commission were being elected, doubting these delegations were in Rome when the murder of the tribune happened.

666 Pina Polo, 2021a, 127-162: 143.

667 Dart, 2014, 81-83.

668 Cicero did claim that Philippus annulled Drusus' measures acting as augur (Cic. *Leg*. 2.31: *Quid, legem si non iure rogata est tollere, ut Titiam decreto conlegi, ut Livias consilio Philippi consulis et auguri*s?), while also saying that his laws were infringing the *lex Caecilia Didia* and, therefore, were not binding to the people (Cic. *Dom*. 41: *sin eadem observanda sunt, iudicavit senatus M. Drusi legibus, quae contra legem Caeciliam et Didiam latae essent, populum non teneri*), implying they were technically passed *per saturam*.

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he was detested by both Romans and Italics alike (Liv. *Epit*. 71; Flor. 2.5.15) On the other hand, Cicero accused Q. Varius Severus Hybrida of plotting his murder (*Nat. D.* 3.81: *Summo cruciatu supplicioque Q. Varius homo importunissumus periit; si, quia Drusum ferro, Metellum veneno sustulerat, illos conservari melius fuit quam poenas sceleris Varium pendere*).[669] If true, it would probably implicate part of the *ordo equester*, considering its connections to Varius through the *lex Varia de maiestate.* As we will see, this statute was apparently aimed, nominally, to prosecute those who were charged of inciting the *socii* to rebel yet it was wielded as a blunt instrument to indiscriminately take to court those considered enemies by the *equites*, with the close collaboration of said Varius. In turn, Suetonius simply states that Drusus was slain by a faction of his opponents while planning dissensions similar to those of the Gracchi (Suet. *Tib*. 3.2: *Eius abnepos ob eximiam adversus Gracchos operam patronus senatus dictus filium reliquit, quem in simili dissensione multa varie molientem diversa factio per fraudem interemit.*) Indeed, this could refer to the very same accusation made by Cicero, or it may instead allude to another of Drusus' opponents, such as Philippus or Caepio. Be that as it may, Drusus lay dead in a portico, and his project of enfranchisement was at an end.

8.2.1 Questions of ideology: Chasing Drusus

With this tentative reconstruction of his tenure, how are we to delineate his ideological framework? First, as a caveat, it is undisputable that a great deal of the political turmoil that gripped Drusus' tribuneship cannot be explained simply by resorting to the ideological schism between *optimates* and *populares*. There is something in Philippus' and Caepius' opposition to Drusus that does not map neatly into a pre-existing ideological framework. Particularly in the case of Caepio, our sources speak about a personal enmity between him and the tribune, having been brothers-in-law in the past.[670] Inter-personal hatred is both a common trope that allows to personalize more complex conflicts yet it is also a perennial trait of political conflict. Shedding light on the ideological frameworks and conflicts present in a particular political moment does not negate the existence of other factors – ranging from self-interest to simple personal preference – but rather highlights the role ideology played and how it interacted with these other dimensions.

Before, I have stated that he was most certainly a moderate who acted more radically forced by political circumstance. This is a bare-bones depiction many can agree with, yet when it is fleshed out by modern scholars, it is often accompanied by the characterization of a politician who acted with the Senate's best interests at heart (and *optimate*). For many, only the short-sightedness of his opponents made him abandon his pro-senatorial stance and

669 In turn, Ampel. 26.4, lays the blame of Drusus' murder directly at the feet of Phillipus.
670 Badian, 1964, 40-52; Dart, 2014, 71-72; see, Cic. *Dom*. 120; Plin. *HN*. 28.148; 33.20; Dio Cass. 28.96.3, among others.

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embrace *popularis* means and tactics to achieve some of his political goals.[671] Other modern portrayals of Drusus are more cynical, rejecting his supposed moderation and presenting him as deeply entrenched in the factional conflict of his era. His aim was not to mediate a compromise between different groups nor to reform the polity and make it more stable. He was an ambitious politician who tried to manipulate popular sentiment to advance his own ends, just as his father had done before him; and when this was not enough and this agenda stalled, he resorted to the Italics, seeking to acquire a wide following that would allow him to break the stalemate.[672]

I do not think these characterizations are warranted. In fact, I believe both positions are articulated on the basis of two premises: first, that the enfranchisement of the *socii* could not have been a genuine political aim for Drusus; and second, that since this momentous proposal was merely instrumental, no ideological bearings or political identity can be extrapolated from it. In relation to the first assumption, I suspect it stems from the conflation most of our sources made between what was undoubtedly the main political goal of certain *optimates* who were supporting him with the tribune's own priorities and motivations. In other words, his definition as an *optimate* is, to a great degree, rooted in the assumption that his ultimate intent was to restore the Senate's control over the juries, and all of his other proposals were subordinate to this aim.[673] After all, this is how most of our sources frame his package of measures, as one tactically designed to appeal to many groups but with the main aim of shoring up the power of the senatorial order (Diod. Sic. 37.2.1-2; Liv. *Epit*. 71; Vell. Pat. 2.13: *Flor*. 2.5.15). However, as we have seen, this was not the only tradition regarding Drusus' memory.

In relation to the prioritization of his policies, the main exception is Appian, who structured the political activities of his tribunate around his will to enfranchise *socii* and *Latini* (App. *B civ.* 1.35-36). If not detailed, he presents a coherent and well organized narrative, one that makes a lot of logical and internal sense, as Drusus was actually offering tactical concessions to those constituencies who had institutional power and could, both *de facto* and *de iure*, do the most to hinder or support his foremost goal in a very clear and direct manner.

671 For Drusus' characterization as essentially *optimate* or, when shying away from this terminology, pro-senatorial: Brunt, 1965, 107, is especially adamant, stating that 'no one doubts that Drusus, advised by L. Crassus and M. Scaurus, acted in 91 in the interests of the Senate'; Gabba, 1976, 131-132; Perelli, 1982, 141-142; Tweedie, 2011, 573-590: 574, although she admits that 'his programme for Italy show greater vision than Gabba allows'; Kendall, 2013, 212, talks about Drusus thinking of himself as *Senatus propugnator*; Dart, 2014, 70; in turn, although Vervaet, 2023, 234, does not characterize Drusus as an *optimate,* he does consider that ultimately he intended to strengthen 'the supremacy of the Senate within the Roman polity', 234; also, 85-87, he does contrast him with the Gaius Gracchus, as the former is presented as a unifier aiming at reconciliation while the latter is deemed a divider, 'partly driven by vindictive resentment against the powerful senatorial faction.'

672 Gruen, 1968, 206-214, is a prime example of this characterization, presenting him as the instrument of the so-called 'Metellan *factio*', his main aim was to erode the power of the *equites* and vindicate Rutilius Rufus, an objective he pursued to a fault (due to his arrogant and volatile nature), as his decision to resort the Italics caused a crisis among his more conservative allies.

673 Kendall, 2013, 212-126; Dart, 2014, 70-73; although Gabba, 1976, 131-133, does not exactly subordinate the citizenship bill to jury reform – he argues that both would, in fact, broaden the base for the oligarchy – he does consider the agrarian legislation of Drusus just a price to be paid for strengthening the aristocracy.

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This is not to say Italic and Latin elites did not have informal influence nor that the multitudes that peregrinated to Rome to actively engage in physical lobbying and even intimidation were irrelevant, nor that it did not make sense for a politician to court the support of those that remained outside the *civitas*. Yet if one is to assume Drusus' programme had a primary aim and a bundle of concessions to advance it, it is also reasonable that the compromises should have been made towards those who wielded a certain amount of power; those he wanted to mollify, and not to those who, by definition, were excluded from the core and its institutional resorts of authority. In other words, it makes more sense to ingratiate yourself with the Senate and the *populus* – while somehow trying to maintain a certain rapport with the *equites* – in order to try and pass a piece of legislation that extended citizenship to a group that was in a situation of domination, rather than the other way around, and appease with concessions those who were, effectively, subjects of empire with limited political capabilities.

All of this is not to say that we should take Appian's reconstruction of Drusus' tribuneship as accurate or even that it is free of problems. It is clear that in the Alexandrian's narrative the political conflict of the 91 functions as a prelude for the *bellum sociale*, which in turn its placed as a hinge in-between the more contained form of stasis from the likes of the Gracchi and Saturninus and the full blown civil wars from the eighties onwards. Thus, it is arguable that the issue of citizenship was put front and centre as a structural device, as Appian is writing with full knowledge about how Drusus' murder will ignite the Social War and how the concession of *civitas* and its implementation would trickle down and influence the first militarized civil war.[674] Moreover, this recounting never goes into much detail regarding how these different legislative measures were supposed to be carried out nor into the procedural architecture we know, via Cicero, that Drusus and his allies devised in order to somehow link all his battery of proposals. This leaves many loose ends, as we are not sure, for example, what particular law were Umbrians and Etruscans opposing when they came to the city summoned by 'the consuls'.[675]

Nevertheless, other narratives fare no better. Take for example, Velleius Paterculus. As we have seen, he insists the main objective of his honest Drusus was to restore the Senate its ancient prestige but was foiled by the short-sightedness of his peers, incapable of seeing concessions for what they were. Only then, after his best efforts fared so badly, did he turn to the issue of citizenship (Vell. Pat. 2.13-14). Are we supposed to believe that only after failing in his more grounded efforts, which were being battled as late as the *ludi Romani*, in mid-September, was Drusus to turn to the much more ambitious scheme of extending Roman *civitas* to the whole of Italy?[676] Or, as per Florus (2.5.15), are we to assume that although his

674 Regarding the Drusus' place in relation the *bellum sociale* in Appian's narrative and its relation to the civil wars, Gabba, 1956, 13-34.

675 For the opposition of Etruscans and Umbrians to a difficult to ascertain δοκιμασίας, see nº 665.

676 A similar position is defended by Mouritsen, 1998, 122-125.

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clear objective was to give the juries back to the Senate, something distinct enough, he descended down a ladder of ever increasing promises to different and more expansive groups – the *equites*, the *populus*, and finally the *Latini* et *socii?* What I am trying to argue is that we do not have a strong enough indication to determine what particular measure Drusus himself considered his flagship – if any, as this subordination of one policy to others is also an assumption.[677]

Certainly, it is fair to assume that control of the juries was the key proposal for certain pro-senatorial politicians who supported Drusus, many of whom were particularly distressed after the guilty verdict and exile of Rutilius Rufus and the judicial confrontations between Scaurus and Caepio – Drusus himself probably resented this situation and wanted to correct what could be perceived as a power imbalance.[678] We know, per Cicero, that both Crassus and Scaurus politically supported Drusus and opposed his rival, the consul Philippus (Cic. *De or.* 1.7.24-26; 3.1.2; *Dom*. 50). Furthermore, although we do not know for certain what their particular thoughts were in this moment in time regarding each one of the issues tackled by the tribune, based on their prior political positions, it is reasonable to consider that their distinct political aim was to restore the Senate's control over the juries and not, say, expand Roman citizenship. Taking this as a starting point, it is easy to imagine a situation where *they* were willing to support a moderate politician, even one planning to implement certain measures that they disapproved of, if that guaranteed their larger goal. Simply put, they were willing to compromise. One could even argue that, given the recent march on Rome by Pompaedius, someone like Crassus could have had a *volte-face*, despite his previous opposition to enfranchisement.[679] In fact, there are hints that point towards this change of mind. A few days before his sudden death, when Crassus had come in support of Drusus and harshly confronted Philippus, the consul is reported to have made a remark in front of the people about needing a new council in substitution of the Senate, as the current one made it impossible to govern the *res publica*. This late in the year, it is very probable that the question so intractably being discussed in the Senate was the enfranchisement of *socii et Latini*, which Philippus opposed adamantly. Even if it was a rhetorical exaggeration, the fact that the sitting consul expressed such a radical opinion is an indication on how this particular issue had become the *main* political fracture of the moment; one deliberately promoted by Drusus and supported, indirectly at least, by Crassus himself (Cic. *De or.* 3.2-5).[680]

677 On the other hand, while I do not believe we can infer a hierarchy of priorities between the different policies, I do think that they ought to be considered as a coherent whole rather than a piecemeal assortment of proposals, as their interconnectedness demonstrates a combination of deliberate purpose and a great deal of tactical awareness; for a similar assessment, Gabba, 1976, 131; Keaveney, 2005b, 87-89; Vervaet, 2023, 65-66; contra, Mouritsen, 1998, 122-125; Dart, 2014, 69-76.

678 Weinrib, 1970, 414-443; Dart, 2014, 70-73; Lacorte, 2025a, 257-286: 279-280.

679 Lewis, 2006, 275, considered both consuls of the year 95 as belonging to the 'reformist end of the aristocratic spectrum in Roman politics'; Vervaet, 2023, 63, considers Crassus a 'moderate' among the pro-senatorial elite.

680 Lacorte, 2025b, 225-230; it is necessary to clarify that Crassus' speech did not address, from what we can tell, the question of citizenship. The question Drusus brought to the floor that day was the vilification Philippus had made of the senatorial order, and that was what the fiery orator had discussed, apparently to the delight of the full house. However,

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Taking his policies on aggregate, what we know is that he drafted a number of bills that let us infer a moderate political disposition, as they combine one pro-senatorial measure with many other *rogationes* that benefited and greatly redefined the *populus.* One of them, the *rogatio de civitate*, was of such an importance in terms of political consequences that is difficult to exaggerate it or to frame it as an afterthought. Furthermore, as there is no proof nor strong indications that any of his proposals were presented as an instrumental ploy, I consider that the more solid epistemological position is to assume that these policies he was proposing actually represented something of value he wanted done in the *res publica,* and constituted by themselves important statements of his real political intentions. In that case, the politician that emerges from this picture is far from an *optimate*.

As we have seen, there is more than one historiographical tradition regarding Drusus' ideological position, and they are as conflicting as they are important, especially because some of the authors are actually engaged in the lived memories of their own ideological lineages. That is, when Cicero speaks highly of Drusus and claims him as a fellow *optimate*, he may be misinterpreting the past, but he is most certainly echoing a tradition that placed the tribune squarely in the pro-senatorial camp – which in turn signals how Drusus was perceived, at least from a part of the community.[681] As mentioned before, this portrait as a defender of the Senate was not a marginal one, as it was also the also present in Diodorus Siculus and Velleius Paterculus. And this characterization was not coming only from pro-aristocratic authors. Sallust himself, who certainly partook and sympathised with *popularis* ideology, wrote in the *Epistulae ad Caesarem* that Drusus did try, at the beginning of his tenure, to accommodate the nobles' will at every turn – probably referencing his jury reform – before they turned on him (Sall. *Ep*. 2.6). Moreover, it is also true that the Livian tradition, which placed him as continuator of the *popularis* project was not painting him as a hero and a defender of the people, but casting him as a villain – one who had succumbed to the vices that led down the road of this pernicious type of politics.

Thus, it may be tempting to disregard his connections to the Gracchi as mere invective created by authors that abhorred their ideology writing long after Drusus' murder. However,

this clash between the consul and the senatorial order had, no doubt, been caused by the continuous clashes between Drusus and Philippus, clashes which by that point were most likely centred around the issue of citizenship.

681 Cicero had witnessed the devastation of the *bellum sociale*, and his career unfolded within a *civitas* irrevocably transformed by the near-universal enfranchisement of the peoples south of the Ariminum–Pisa line. It is difficult to believe that he did not perceive history as vindicating, post mortem, Drusus' proposal for citizenship. This, however, placed him in the uneasy position of praising what had, until then, been a quintessentially *popularis* policy – one directly linked to the political legacy of the Gracchi. For an optimate, such an acknowledgment would have meant conceding that their ideological tradition had been misguided and accepting some responsibility for the catastrophic consequences of the *bellum sociale*. Relinquishing both Drusus' memory and his most prominent initiative to the *popularis* camp would therefore have been problematic. A far better alternative was to retain those aspects of Drusus' character that permitted a different kind of memorialization – one that muted any radical overtones and recast him as a more palatable figure, even one who might be seen as a fellow optimate.

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this would ignore our earliest attested tradition and, arguably, the most relevant piece of information about how he was perceived by his political contemporaries. In fact, it reveals how Drusus was presented by self-proclaimed *populares* and perceived *by the public*. As we have seen when discussing the sources, the *Rhetorica ad Herennium* preserves an excerpt of a speech, obviously one delivered by a *popularis* speaker, that articulated in very clear terms a genealogy of martyrs for the *popularis* cause *(Rhet. Her*. 4.31). According to the orator, these five heroes were killed for defending *res publica*, and he draws a bloody line from the first to the last one. All of them were Tribunes of the Plebs: both Gracchi brothers, Saturninus, Drusus and Sulpicius. Later in the same book, the author again resorts to the political imagery of his time to exemplify what an analogy is, describing Drusus as the 'faded reflection of the Gracchi' (*Rhet. Her.* 4.46). Therefore, it is clear where Drusus was placed in the ideological spectrum of the 80's by a section of the community, claiming him as the heir of an illustrious – if ill fated – tradition of *popularis* martyrs. What is more, this identification was not made in private, it was done in the public sphere through public rhetoric, in a speech that, based on its tone and imagery, was most likely designed to be delivered in front of the people (*in contione*). It is reasonable to assume that many in the audience retained not only a living but a recent memory of his tribunate; indeed, some may have been his former supporters. If the orator drew that connection, it must have echoed sentiments already present among those he sought to stir. Thus, our most contemporaneous source on Drusus' political affiliation places him squarely within the *popularis* tradition – indeed, in the company of its foremost exemplars. With this claim came an expectation: that he be acknowledged as a legitimate heir to this genealogy of martyrs by the very people who had likely supported him and seen him slain by their enemies.

In addition to these competing traditions over Drusus' figure, I argue it is possible to make an educated guess regarding Drusus' ideological bearings according to his own self-presentation. Of course, with the lack of information on the issue, we must be honest that it must remain a guess. Although there is nothing in our possession equivalent to a speech or any other major piece of rhetorical communication that allows us to look into what political arguments he used in any detail, we do have little snippets that are supposed to preserve quotations or very close reconstructions of a few of his public interventions. They do not change his image dramatically, but if they are superposed to the battery of proposals he articulated, they hint towards the use of certain political arguments that, in turn, delineate an ideological framework functioning in the background.

First, Florus mentioned that a direct quotation of Drusus had survived, where he claimed 'he had left nothing for anyone else to distribute, unless he wished to share out the dirt and the sky (Flor. 2.5.15: *Extat vox ipsius, nihil se ad largitionem ulli reliquisse, nisi si quis aut caenum dividere vellet aut caelum*) – an expression reproduced in a very similar terms by *Vir.*

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Illustr. 66.5: *ipse etiam professus nemini se ad largiendum praeter caelum et caenum reliquisse*. I would argue that this emphasis on redistribution comes straight out of the *popularis* tradition, as this ideology placed great prescriptive value on the aspiration that the benefits of the empire ought to be enjoyed by a wider section of the community: that is, sociologically speaking, by the many, the *multitudo*, or politically speaking, by the *populus*.[682] But did Drusus put the *populus* at the centre of his political language and ideology? Did the *populus* represent for him the ultimate seat of political power; or was this place taken by the Senate as the institution who should decide over the *res publica*?

When confronted by the possibility of the Senate invalidating all his laws, Drusus famously abstained from vetoing the Senate proceedings, as told per Diodorus Siculus. Superficially, this could be read as Drusus accepting the Senate's supremacy over his own position as tribune and, by implication, that of the people. However, it is important to clarify that in said anecdote, before willingly restraining from exerting his power, Drusus explicitly states that he himself had complete authority over the laws and could veto any senatorial decree – he, being a tribune of the plebs, that is. I find this position is greatly in line with what we know about his moderate nature; he wanted to give the Senate the opportunity to come to the right conclusion by itself, yet he also reminded the senators that, in the end, the power lay in the hands of the people – something quintessentially *popularis*.[683]

Lastly, we have a scene that gives us an overtly *popularis* position. When Drusus was summoned by the Senate, he not only refused to recognise its authority but instead he demanded that if they wanted something from him, they ought to come closer to the *rostra*, where the tribune and the people interfaced and made their power manifest (Val. Max. 9.5.2: *'quare non potius' inquit 'ipse in Hostiliam curiam propinquam rostris, id est ad me, venit*?).[684] As mentioned before, regarding this interaction, Valerius Maximus confides on the reader that Drusus despised the *imperium* of the Senate. Obviously, for this author this behaviour was an example of the classical vices, *superbia et impotentia*, that affected a certain kind of politician, such as Drusus or the ferociously *popularis* Fulvius Flacus, as both of them are presented together. But we do not have to partake Valerius Maximus values and moral judgment regarding these tribunes and their motivations. I would argue that the powerful symbolism behind Drusus' retort is clear: as a tribune, an elected defender of the *populus*, he had the power of giving orders to the Senate, and they should obey, as it was the Senate who was subordinate to the people and not vice-versa.

Following Asconius' characterization, it is tempting to breach the gap between the restrained politician portrayed by Diodorus Siculus and the belligerent firebrand present in

682 Ferrary, 1982, 723-804: 750-755.
683 Ferrary, 1982, 723-804: 755-761.
684 The powerful symbolism of the Rostra as point of interface between the people and the orator is very clear in Cic. *Flacc.* 57, as pointed out by Millar, 1998, 226.

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Valerius Maximus anecdote simply by arguing he let licentiousness overtake him. That is, the classical trope of the *popularis* politician that became *furiosus*, letting passions dictate his actions. Or put in terms according to Meier's description of *popularis* political activities, when he was unable to achieve his goals through the conventional path – that is, with the support of the Senate – he fell back on a well tried play-book, resorting to the people and performing a popular affectation. He 'acted' *popularis – populariter agere*.[685] But I believe this description would be mistaken. Drusus' more radical positions are not a betrayal of his earlier ideology, but a manifestation that, when push came to shove, he considered the power of the people to be superior to that of the Senate. He had warned them. As a tribune, he reminded them he had the power to act, but he preferred not to do it and let the Senate come around to his proposals willingly. But when this failed, he appears to have taken a more forceful approach, confronting the Senate – or at least, a certain section of it – in front of the people, using the bully pulpit in a more aggressive way and symbolically reaffirming the position of the people. He was a moderate, yes, but during his tribunate he was a moderate *popularis*.[686]

8.3 A Crisis unravelled: The Outbreak of the *Bellum Sociale* and the *Lex Varia* (90)

It appears that despite any possible frictions they might have had during his tenure, Drusus' murder represented for the *socii* and *Latini* an intolerable pushback in their aim of attaining Roman citizenship. It only reinforced their conviction that the Romans were unwilling to grant them access to an imperial core to which they believed themselves entitled. Indeed, their overlords were so uncompromising that they were prepared, once again, to murder the noble scion of one of their most illustrious families in order to thwart such an attempt. For those Romans who rejected their claim, it did not even matter that their enfranchisement was linked to a proposal to restore control over the juries to the Senate. Moreover, this murder neither occurred in a vacuum nor was it an isolated event. It was the culmination of half a decade of exclusionary politics, beginning with the *lex Licinia Mucia* – a law that obstructed an informal pathway to citizenship and probably affected a great number of people – followed by the ensuing *quaestio de civitate*, which specifically targeted and deeply angered the *principes Italicorum* (Asc. *Corn*. 67-68), and whatever subsequent trials may have taken place; and, to add insult to injury, it was capped by the closure of the rhetorical schools that educated – among others – the children of these elites.

685 Meier, 2017, 116; in fact, due to his consideration of the *populares* as simply those that engaged in a certain political method, Meier did include Drusus – both father and son – in his catalogue of *populares,* Meier, 1965: 549-615: 578-579.

686 This restraint was not uncommon even with much more consistently and radical *popularis* politicians. During his consulship, Caesar himself will enact a much more uncompromising version of this strategy, first giving the Senate the possibility of discussing in good faith his proposals before entirely superseding this institution with the assemblies once it became clear that a critical mass of its members was unwilling to cooperate (Dio Cass. 38.1-4).

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Even worse, this was the tail end of a history of disrespect and rebuffed political demands that dated back at least to the consulship of Fulvius Flacus, and arguably to the eldest Gracchi brother, Tiberius. Since then, every attempt to broaden the imperial core by acting on the *cupiditas civitatis* and bringing the *socii* and *Latini* into the Roman *civitas* was met by uncompromising opposition and, more often than not, by political violence against those spearheading these policies. Such was the fate of the Fregellans, whose city was made an example of and utterly destroyed; and such was the fate of Gaius Gracchus, Fulvius Flaccus and three thousand of their followers, persecuted and violently killed. Thus, when Drusus was killed, the writing was on the wall. Certainly, it was not the murder *per se* that drove the *socii* to rebel. If a serious negotiation were immediately started and those pushing for citizenship could see a path forward, it is unlikely they would have taken up arms against Rome – this was not a personal vendetta.[687] Yet the path the Romans followed was the complete opposite.

It is clear that a coordinated rebellion such as the one that led to the *bellum sociale* was not improvised in the heat of the moment. Our sources talk about conspiracies and oaths taken in secrecy, as well as hostages being exchanged; as much is reported by Livy (Liv. *Epit*. 71) and Appian (App. *B civ.* 1.38). The situation was becoming untenable. The hatred against the Romans was reaching such a degree that Diodorus Siculus recounts an instance of mob mentality appeased just by appealing to the common empathy of being under Roman subjection. When an audience of unruly Romans lynched a comedian on stage and the Picentines wanted to pay them in kind by killing a performer they liked, the astute actor was able to placate them just by casting himself also as a fellow downtrodden subject of the *fasces*, mollifying the bloodthirsty crowd (Diod. Sic. 37.12). Such was the level of animosity against Rome.

The tipping point came in the city of Asculum, in late 91 or early 90. Appian recounts that the Romans, unaware of the depth of the conspiracy before them but fearing some kind of unrest, sent envoys to certain towns to quietly gather information. One of these men witnessed a hostage taken from Asculum and promptly informed a certain Servilius, who according to our sources was either a praetor (App. *B civ*. 1.38; Diod. Sic. 37.13.2) or a proconsul (Liv. *Epit*. 72). He descended upon Asculum accompanied by his legate, Fonteius, and his retinue. There, it is possible that he discovered the plans of the conspirators (App. *B civ.* 1.38). Well informed or not, he addressed the townspeople in harsh terms, treating them as if they were not free men and allies, but slaves, insulting them with scorn and contempt (Diod. Sic. 37.13.2). This proved too much to bear and incited a violent reaction among the population of Asculum. They assaulted and killed him, his legate Fonteius, his retinue and, in an explosion of violence, every Roman they could find in town (App. *B civ.* 1.38; Diod. Sic. 37.13.2). After this, one last effort was made to solve the issue through negotiations, and the would-be rebels

687 Dart, 2014, 96-97.

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sent ambassadors to Rome to present their grievances and demands: they had cooperated in building their empire yet they were not accepted into citizenship. Ever stubborn, the Senate demanded subjection, so a large contingent of the *socii* – not seeing any other solution – finally took up arms against Rome (App. *B civ.* 1.39).[688]

Early in the year 90, one of the tribunes of the year, Q. Varius Severus Hybrida, was convinced by the *equites* to present and pass a law that established a *quaestio* to prosecute those accused of inciting the *socii* to take arms against Rome (Val. Max. 8.6.4: *quorum dolo malo socii ad arma ire coacti essent*; *Vir. Illust.* 72.11: *quasi socios et Latinum ad arma coegisset*).[689] Apparently, this law was passed even despite the veto of one his colleagues when some *equites*, armed with knives, surrounded and intimidated the tribunes (App. *B civ.* 1.37). As it happens with many events during the tumultuous outbreak of the *bellum sociale*, we do not know exactly the chronology of this law. Appian places the creation of this dedicated tribunal before the massacre in Asculum, which does not seem convincing as the official aim of the law presupposes the existence of an open rebellion. The most plausible time-frame to place this contentious piece of legislation was between the uprising in Asculum and the full realization of the gravity of the situation, something that was not apparently immediately, as the news of defections slowly trickled to Rome during the first winter months.[690] In any case, the *quaestio* must have been operative when the magnitude of the war finally dawned of the Romans, as when they decided to suspend the activity of all other courts we are told by Cicero that the prosecutions under the *lex Varia* continued (Cic. *Brut*. 304-305: *exercebatur una lege iudicium Varia, ceteris propter bellum intermissis*). For sure, having many of their supporters prosecuted did nothing to placate those *socii* who were actively deciding to side with the rebels during those winter months after the massacre in Asculum,

The *Rhetorica ad Herennium* preserves a segment of a speech that appears to have been delivered in the context of one these trials. This extract, reproduced in full in Chapter 3, gives a sample of the kind of forensic and political arguments used to prosecute those charged with inciting rebellion. How could some of the *socii*, said the unnamed orator, who were well aware of their own lack of strength compared to Rome dared to attempt and take over the empire of the Romans? Especially after they bore witness to the terrible fate of the Fregellans (*Rhet. Her*. 4.13). The implication is clear: someone had to be helping them from within the Roman *civitas*. Considering how there were virtually no major cases of Roman elites betraying their community and siding with the rebels, it is more than fair to agree with our other sources regarding the strongly partisan nature of these proceedings.

688 Regarding the last effort made by the *socii* after the killings in Asculum to avoid all out war and acquire citizenship, Kendall, 2012, 105-121; also, Dart, 2014, 99-104; truly, the *socii* appear to have abided by the adage 'hope for the best but prepare for the worst'.

689 On the *lex Varia*, Gruen, 1965, 59-73; Seager, 1967, 37-43; Gruen, 1968, 215-220; Badian, 1969, 447-491; Gabba, 1976. 87-99 and 133-134; Kendall, 2013, 252-253, nº 41; Dart, 2014, 104-106; Elster, 2020, 329-335; Vervaet, 2023, 82, nº58.

690 Dart, 2014, 105; Vervaet, 2023, 82, nº58.

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Then, if most likely, this was a case of lawfare, the question is: against whom and with what objective? Appian is very clear that the *questio* was intended to investigate those accused of helping the Italics in their public affairs, either openly or secretly (App. *B. civ.* 1.37: κρίσεις εἶναι κατὰ τῶν τοῖς Ἰταλιώταις ἐπὶ τὰ κοινὰ φανερῶς ἢ κρύφα βοηθούντων). Nevertheless, he is also adamant about the factional abuse the *equites* made of this tribunal, wielding its power to punish their enemies, mainly illustrious senators, and assert their power (App. *B civ.* 1.37: ἐλπίσαντες τοὺς δυνατοὺς ἅπαντας αὐτίκα εἰς ἔγκλημα ἐπίφθονον ὑπάξεσθαι καὶ δικάσειν μὲν αὐτοί, γενομένων δ' ἐκείνων ἐκποδὼν δυνατώτερον ἔτι τῆς πόλεως ἐπάρξειν). In turn, Asconius preserved Cicero's claim that the accusations brought under the *lex Varia* were charges of treason (Asc. *Scaur*. 22C: *proditionis est in crimen vocatus*), yet he immediately presented an apparently contradictory characterization: the *lex Varia* had been passed when the nobility was under suspicion because citizenship had been denied to the allies so that an investigation should be held against those who had helped or counselled those allies to take up arms against Rome (Asc: *Scaur*. 22C: *Non multo ante, Italico bello exorto, cum ob sociis negatam civitatem nobilitas in invidia esset, Q. Varius tr.pl. legem tulit ut quaereretur de iis quorum ope consiliove socii contra populum Romanum arma sumpsissent*).

Certainly, it appears perplexing that the anger against those that had blocked the granting of citizenship to the *socii* would have been used to pass a law to prosecute the very same people that had been pushing for such an extension of the *civitas*. There may be a point of convergence between Asconius and Appian: the hatred against the *nobilitas* mentioned by Asconius may well correspond to that of Appian's *equites*. In both cases, responsibility for the rebellion is laid upon the *nobilitas* – not because they encouraged it, but because they provoked it through their obstinate refusal to extend citizenship. This, however, is not the most obvious reading of Asconius, who seems to suggest a more willing participation (*iis quorum ope consiliove socii contra populum Romanum arma sumpsissent*). Gruen suggested that Varius had actually redefined Saturninus' legal concept of *maiestas* in a way which gave it a lot of flexibility as a double-edged sword to prosecute different kinds of spuriously defined political enemies. This allowed whichever group could impose its political will to indict those they wanted to ruin, and it explained how this very same *questio* could be used, first, to prosecute Drusus' allies yet ended up condemning Varius, its promoter.[691]

As Drusus appear to have been supported (at times) by a relatively broad church, it does not appear Varius and his allies targeted *popularis* politicians specifically – or primarily. Although some doubt the weaponization of the *questio* by the *equites*,[692] it is probable that partisan politics prevailed – as claimed by Appian – and prosecutions were launched against

691 Gruen, 1965, 59-73, also Kendall, 2013, 252-253, nº 41; in turn, Gabba, 1976, 133-134 argued for a tactical alliance between the more conservative senatorial faction and the *equites* to 'smash the reformist *nobiles'*.

692 Gruen, 1968, 219-220.

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many of the different groups that had allied with Drusus. The jurors being *equites*, it is fair to assume many of the accused could be more implicated in the passing of the law regarding jury reform rather than actively pushing for the enfranchisement of *socii* and *Latini.* The personal alliances that many *nobiles* maintained with the *principes Italici* may have been construed as manifestations of de facto support for the rebels, thereby enabling the use of this court as a blunt instrument to curtail the power of the *nobilitas* – a move reminiscent of the *quaestio Mamilia* against those accused of corruption by Jugurtha. In any case, given the volatility of the political climate – so much so that Varius himself was ultimately condemned by his own tribunal – it would hardly be surprising if certain *popularis* politicians were among those prosecuted, through the clearest available proxy: namely, their having supported, in one way or another, the integration of the allies into the *civitas*.

Noticing the way the wind was blowing, some of the accused voluntarily went into exile without waiting for the verdict (G. Cotta) or even without appearing before the court (Calpurnius Bestia). Other notorious politicians were also indicted, like Q. Pompeius or Marcus Antonius Orator; L. Mummius, the conqueror of Corinth, was found guilty, being exiled to Delos for the rest of his life (App. *B civ.* 1.37). True to form, Philippus participated in these trials both as a witness and a prosecutor (Cic. *Brut*. 304); in turn, Caepio incited Varius to charge M. Aemilius Scaurus (Asc. *Scaur*. 22C). Nevertheless, this last indictment did not prosper. The elder statesman was acquitted simply on account of his unquestionable authority, as Quintilian preserves his brief but effective defence when addressing the jury: 'Quintus Varius of Sucrum alleges that Aemilius Scaurus has betrayed the common interest of the Roma people; Aemilius Scaurus denies it.' (Quint. *Inst*. 5.12.10: '*Q. Varius Sucronensis ait Aemilium Scaurum rem publicam populi Romani prodidisse: Aemilius Scaurus negat*').[693] Unsurprisingly, Varius' actions made him a hated figure among the senators and in an ironic twist of fate, he himself was finally prosecuted and convicted under his own statute (Cic. *Brut*. 305). Partisan politics could be just as unforgiving as the ideological opposition that drove the *socii* to rebellion.

693 A similar story is preserved by Asconius (Asc. *Scaur*. 22C), who is more precise with the charges, as Scaurus claims he was accused of inciting the allies to take up arms against Rome ('*Q. Varius Hispanus M. Scaurum principem senatus socios in arma ait convocasse; M. Scaurus princeps senatus negat; testis nemo est: utri vos, Quirites, convenit credere?'*); also, Val. Max. 3.78.

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9. THE QUESTION OF ENFRANCHISEMENT

The winter of year 90 was not good for the Romans. In the City, the *questio Variana* continued for a time to prosecute those suspected of harbouring sympathy for the rebels, further damaging the already strained relations between the imperial overlord and its subjects. A delegation of the later was sent to Rome to try and reach a deal *in extremis* that allowed the *socii* to join the Roman *civitas* but it was rebuffed (App. *B civ.* 1. 39). Not fully grasping the magnitude of the insurgency, the Senate was not in the mood to make concessions. Roman blood had been spilled and an official magistrate murdered: they wanted repentance and compliance, not to negotiate as if they were talking to their equals. There was a block of now former *socii* that immediately commenced hostilities after Asculum, led by the Marsi and the Samnites. Some communities were more indecisive, waiting longer to declare for one side or the other. Others were forced by the insurgents, who deftly exploited their momentum marching against certain cities that remained loyal before the Romans could mobilize. Apparently, news of cities joining the insurgency were reaching the City on a daily basis (Asc. *Corn*. 73-74: *crebraeque defectiones Italicorum nuntiarentur*).[694]

The initial push of the social war really caught Rome on the wrong foot, even when the gravity of the situation became apparent and both consuls of the year took to the field – L. Iulius Caesar and P. Rutilius Lupus. The Roman mobilization effort was intense and their commands multiplied, aiming to confront their enemies in as many fronts as was necessary. Yet when early spring came and campaign season commenced in earnest, military defeats accumulated. Some Latin colonies were conquered by the Italic forces and Roman armies were scattered or lay slain in the fields of battle along many of their leaders. Even their consular armies were having problems. Lucius Caesar was badly beaten several times before achieving a clear yet indecisive victory against the Samnites (App. *B civ*. 1.41-2, 1.45; *Liv*. *Epit*. 73; Oros. 5.18.14-15).[695] In turn, the consul Rutilius Lupo was vanquished by the Marsic general Vettius Scato when crossing the river Tolenus, in June, losing his life and many of his men as a result. His legate Gaius Marius, having traversed the river downstream with part of the army, only managed to narrowly save the day by taking Scato's camp and depriving the victorious army of supplies, forcing them to retreat (App. *B civ.* 1.43; Liv. *Epit.* 73). Later that summer, Q. Servilius Caepio, Drusus' old enemy, was put in command of part of the army recently saved by Marius just to be shrewdly led by Pompaedius Silo to an ambush where he was killed, alongside the detachment accompanying him (App. *B civ.* 1.44). It took

694 Dart, 2014, 99-123.

695 Appian mistakenly lists the operations of commanded by Lucius Iulius Caesar around Aesernia as conducted by Sextus Iulius Caesar.

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the combined efforts of Marius and Sulla to stabilize the front (App. *B civ.* 1.46). In Picenum, Pompeius Strabo was also defeated and temporarily blocked in Firmum before mounting a successful counter-attack that allowed him to lay siege to Asculum Picenum (App. *B civ.* 1.47).[696]

The Romans were persevering but only just. Then in late 90, to further complicate matters, some Etruscans and Umbrians rebelled. Livy and Orosius are very explicit that not only did they join the insurgency but also actual battles took place (Liv. *Epit*. 75; *Oros*. 5.18.17). Roman commanders were sent to deal with what appeared to be, at the moment, a relatively minor revolt (Flor. 2.18.6-7; Liv. *Epit*. 74; Oros. 5.18.17). We are told that a number of cities were destroyed, like Ocriculum in Umbria or Faesulae in Etruria (Flor. 2.18.11), and victory only came after some bloody encounters (Oros. 5.18.17: *plurimo sanguine inpenso et difficillimo labore vicerunt*). In turn, Appian does not mention this uprising as actually taking place, but as something both these peoples were contemplating (App. *B civ.* 1.49). In fact, their intentions were taken seriously by all sides involved. For their part, the insurgents dispatched an army during the winter of 90/89 to Etruria in order to unite with any potential new rebels (App. *B civ.* 1.50). However, when this force arrived in the area it was too late, as the Romans themselves had already noticed the looming danger and taken action as well. Either as a response to an actual revolt or a potential one, all our sources agree that the situation in Etruria and Umbria pushed the Romans to take a radical political action: they passed the *lex Iulia*, finally acquiescing to enact mass enfranchisement with the aim of shoring up flailing loyalties.

9.1 A Forced Tipping point: *Lex Iulia de civitate danda* (90)

Brought to the assemblies by the consul Lucius Iulius Caesar, the *lex Iulia* was most likely passed in late 90. For most of the year, the consul was busy leading the army against the Samnites. It was only after achieving a sound victory in the field of battle and relieving the city of Acerrae that he could return to the City – at this point, the situation was perceived by the Romans as secure enough to 'lay down their military garb' (Liv. *Epit*. 73: *Ob eam victoriam Romae saga posita sunt*).[697] Although often unreliable regarding the chronology of the *bellum sociale*, Appian's narrative also hints towards a date in late 90 or, at the most, early 89, as we are told that the Senate, fearing an insurrection among Etruscans and Umbrians, garrisoned the coast between Cumae and Rome with freedmen and voted to concede citizenship to those Italics that stayed loyal – that is, it recommended that a law should be passed to that effect. The effect this measure had in ensuring the loyalty among the allies is described as immediate:

> Καὶ τάδε μὲν ἀμφὶ τὴν Ἰταλίαν ἦν τὴν περὶ τὸν Ἰόνιον· αἰσθόμενοι δ᾽ αὐτῶν οἱ ἐπὶ θάτερα τῆς Ῥώμης Τυρρηνοὶ καὶ Ὀμβρικοὶ καὶ ἄλλα τινὰ αὐτοῖς ἔθνη

696 Dart, 2014, 125-147.
697 Very similar, Oros. 5.18.15.

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> γειτονεύοντα, πάντες ἐς ἀπόστασιν ἠρεθίζοντο. δείσασα οὖν ἡ βουλή, μὴ ἐν κύκλῳ γενόμενος αὐτοῖς ὁ πόλεμος ἀφύλακτος ᾖ, τὴν μὲν θάλασσαν ἐφρούρει τὴν ἀπὸ Κύμης ἐπὶ τὸ ἄστυ δι᾽ ἀπελευθέρων, τότε πρῶτον ἐς στρατείαν δι᾽ ἀπορίαν ἀνδρῶν καταλεγέντων, Ἰταλιωτῶν δὲ τοὺς ἔτι ἐν τῇ συμμαχίᾳ παραμένοντας ἐψηφίσατο εἶναι πολίτας, οὗ δὴ μάλιστα μόνον οὐ πάντες ἐπεθύμουν. καὶ τάδε ἐς Τυρρηνοὺς περιέπεμπεν, οἱ δὲ ἄσμενοι τῆς πολιτείας μετελάμβανον. καὶ τῇδε τῇ χάριτι ἡ βουλὴ τοὺς μὲν εὔνους εὐνουστέρους ἐποίησε, τοὺς δὲ ἐνδοιάζοντας ἐβεβαιώσατο, τοὺς δὲ πολεμοῦντας ἐλπίδι τινὶ τῶν ὁμοίων πραοτέρους ἐποίησεν. (App. *B civ.* 1.49)[698]

Later, Appian explained the rebels decided to send an army to Etruria *before* they learned about the Etruscans change of heart, in a clear reference to the *lex Iulia*. Then, with this force already operating in the region, Pompeius Strabo ambushed and scattered them, forcing the survivors to retreat while foraging acorns through barren land in the middle of a severe winter (App. *B civ.* 1.50). Therefore, it is fair to assume this law was indeed passed in the last months of 90, probably in November or December.[699]

As we have seen, the rationale behind it is fairly clear. Appian is very straightforward that it was *fear* (δείδω – being afraid, 'δεισᾶσα') that moved the Senate to propose a measure that would have been inconceivable only a year before. Fear of being surrounded by enemies who were former allies and subjects. Fear that the stability they managed to create in the front would disintegrate if more peoples joined the rebellion. Fear that they would not be able to defend themselves and could eventually lose the war. Simply put, it was the most expedient and politically sound way to deactivate any possible or current insurrection in Etruria and Umbria and take the wind out of the sails of the rebellion.[700]

Historical circumstance – that is, a full-on war with many of their former *socii* still undecided and the looming danger of many more joining the rebellion – had transformed mass enfranchisement from a policy consistently rejected by the majority of the Senate to a political necessity. Per Appian, it is most likely that a *senatus consultum* was passed backing this decision with the full authority of the Senate and recommending the consuls to craft a law

698 App. *B civ.* 1.49: 'Such were the events on the side of Italy along the Ionian gulf. When news reached those who lived on the other side of Rome, the Etruscans and Umbrians and other neighbouring peoples, they all began to agitate for revolt. The senate were afraid that if they were surrounded by war on all sides they would not be able to defend themselves, and so they now garrisoned the coast between Cumae and Rome with freedmen. This was the first time they were enrolled in the army, a situation brought about by the shortage of men. The senate also voted that those Italians who had stayed loyal to their alliance should be Roman citizens, which was the one thing virtually all of them most desired. They sent news of this around among the Etruscans, who gladly accepted the citizenship. With this grant the senate made the well-disposed even more enthusiastic, gave strength to the waverers, and rendered those who were fighting them less belligerent in the hope of receiving similar treatment.'

699 Most authors favour a date in late 90 or early 89; so is the case for Rotondi, 1912, 338-339; Gabba, 1976, 89-90; Bispham, 2007, 164-165; Gagliardi, 2013, 43-58: 43; Kendall, 2013, 780-782; Dart, 2014, 172-173; *contra*, Badian, 1962, 197-245: 227-228, considered the hypothesis of the *lex Iulia* passing early in 90 sound.

700 Kendall, 2013, 356-357; Dart, 2014, 172-174.

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to that intent. The resulting statute was authored by a politician, Lucius Iulius Caesar, that was not a *popularis.* Along with his future colleague in the censorship, Publius Crassus, they were characterized by Cicero as *nobilissimorum hominum* (Cic. *Tusc*. 5.19.55); later, he would become the victims of Cinna when he retook Rome in 87, already in the midst of the first civil war.[701] We do not have references to any opposition, which although not being conclusive, may hint towards a new political state of play – one where the absolute necessity for the extension of citizenship had finally been accepted by the senatorial elite. This forced acceptance did not mean that the hierarchical system they had defended tooth and nail was simply tossed aside by the *optimates,* nor that these newcomers would be deemed by the *optimates* as full citizens, deserving to be on par with the old ones – a fact that will become abundantly clear as we delve into the enfranchisement process. It simply meant that they were deft enough to accept the inevitability of enfranchisement and directed their efforts towards reconstructing a new political hierarchy, this time inside the *civitas*.

In any case, finally, a law tackling the enlargement of the Roman *civitas* was successfully brought to the *comitia tributa* and passed. Although there may have been some precedent at a much minor scale, as we will discuss when analysing the *lex Cornelia*, this was the first major law of a series of statutes and political decisions, some of which remain unknown to us, that extended Roman citizenship to all of the peoples south of the line Pisa-Rimini. Nevertheless, despite its transformative nature, defining what the provisions of the *lex Iulia* were is not as straightforward as it may appear at first glance. Our main sources regarding this legal instrument are Cicero (Cic. *Balb*. 21-22), Appian (App. *B civ*. 1.49) and Velleius Paterculus (Vell. Pat. 2.16 and 2.20), alongside a very brief reference in Aulus Gellius (Gell. 4.4.3) and a short but crucially important epigraphic inscription, the so-called 'bronze of Ascoli' (*CIL* I^2 709). Due to this level of uncertainty, there is disagreement among scholars about whether this was an emergency measure that had to be rushed without much attention to detail or, on the contrary, it was a well-thought and comprehensive measure. This has been especially argued in relation to the much contested tribal distribution, as we shall see shortly.[702]

In any case, there are a number of issues that we can be certain were established by this law. First, it is clear that it was intended to extend citizenship to a certain subsection of the *Latini et socii* in a collective, communal, manner. Cicero is very clear that the integration of these *populi* to the *civitas* was dependant on the realization, by each community, of a *fundus fieri*:

701 Regarding L. Iulius Caesar's death at the hands of Marius, Cic. *De or*. 3.3.10 and *Tusc*. 5.19.55; Liv. *Epit*. 80; Asc. *Scaur*. 25; Flor. 2.9.21.14; Val. Max. 9.2.2.

702 Among those who defend it was a hasty measure, Biscardi, 1951, 241-256: 241; Bispham, 2007, 163; in turn, Badian seems to have shifted his position, as in 1958, 226, he considered the *lex Iulia* may have enfranchised everyone down to 88, while in 1962, 197-245: 227-228, he did concur with Biscardi that it was most likely an emergency measure without many details; on the other hand, other authors consider it must have included more detailed provisions: that is the case for Gabba, 1976, 92; Gagliardi, 2013, 43-58; Dart, 2014, 174-178; on his part, Kendall, 2013, 360-362 is open to the possibility of the *lex Iulia* being somehow vague in certain aspects, but he attributes this more to political calculus rather than to rashness.

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> *Tulit apud maiores nostros legem C. Furius de testamentis, tulit Q. Voconius de mulierum hereditatibus, innumerabiles aliae leges de civili iure sunt latae; quas Latini voluerunt, adsciverunt; ipsa denique Iulia, qua lege civitas est sociis et Latinis data, qui fundi populi facti non essent, civitatem non haberent. In quo magna contentio Heracliensium et Neapolitanorum fuit, cum magna pars in iis civitatibus foederis sui libertatem civitati anteferret.* (Cic. *Balb*. 21-22)[703]

It is important to remark that *fundus fieri* is a constitutional term, one that affects the community as a whole and not just the individual. It consists of the decision from a constitutionally independent community, according to its own volition, to adopt a certain Roman law (or set of laws) as part of its own legal order. Otherwise, a Roman *lex* would not be applicable to them on account of being, in its most basic sense, a legal mandate – *iussum populi* – given by the Roman people to regulate its own affairs.[704] From a legal standpoint, when the *lex Iulia* was passed it was a command given by the Roman people to grant citizenship to a certain number of communities, provided that they accepted it. The significance of this specific *fundus fieri* was rooted in the fact that it did not simply entail the integration of a particular law (or even a set of laws) inside their own legal order: it effectively meant the legal auto-dissolution of that community by virtue of accepting Roman citizenship and becoming a *municipium*.[705] Moreover, at this point in time, Rome operated under a different premise to the Greek *poleis*, as she did not allow for her citizens to hold dual citizenship. At least legally, Roman *civitas* was an exclusivist civic commitment. Cicero was clear in this regard: *Duarum civitatum civis noster esse iure civili nemo potest* (Cic. *Balb*. 2.28). Thus, it becomes clear why Heraclea and Neapolis had some reluctance on doing a *fundus fieri*, as both their legal orders and civic identities would have been overridden by the Roman *civitas* and cease to exist. Despite this, both communities accepted, as the benefits from accessing the imperial core were too important to disregard.[706]

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703 Cic. *Balb*. 21-22: 'In the days of our forefathers Gaius Furius passed a law concerning wills, Quintus Voconius one concerning women's inheritances, and countless other laws were passed dealing with civil law; of these the Latins adopted what they pleased. Last of all came the Julian Law itself under which citizenship was offered to the Allies and the Latins on condition that those states which had not "given consent," should not hold the citizenship. This was the cause of a lively dispute among the citizens of Heraclea and of Neapolis, since a great part of the inhabitants of those states preferred to our citizenship the freedom enjoyed under their own treaty.'

704 Regarding the *fundus fieri* in general, Elmore, 1916, 35-42; Albanese, 1973, 1-24: 22; Iso, 1995, 53-60; Capogrossi, 2000, 148-153; Cuena Boy, 2010, 163-186; Roselaar, 2016, 145-165: 159-162; for the Roman law only being binding for the Roman citizens, D'Ors, 2004, 70 and nº1; on the nature of Roman law as mandate of the people, Cic. *Flac*. 7.15: *quae scisceret plebes aut quae populus iuberet;* Gell. 10.20.2: *"Lex," inquit, "est generale iussum populi aut plebis rogante magistratu.";* Gai. *Inst*. 1.3: *Lex est quod populus iubet atque constitut.*

705 For the consequences of making a *fundus fieri* regarding the *lex Iulia*, De Martino, 1973, 54, 357 and nº 54; Capogrossi, 2000, 152-153; Roselaar, 2016, 145-165: 159-162; García Fernández, 2010b, 151-169: 152-154; 2016, 305-324: 306-308.

706 For the prohibition of dual citizenship and his possible nuances regarding the limited survival of internal juridical systems of the communities that assumed the Roman *civitas* during the late Republic, see Capogrossi, 2000, 178-184,

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Secondly, we also have express confirmation that this legal instrument had a provision investing army commanders with the power to award individual grants of citizenship *virtutis causa.* This much is clear from an epigraphic inscription commemorating Pompeius Strabo' *singulatim* enfranchisement of the members of a squadron of Hispanic horsemen precisely on these grounds.[707] As we will see later, by incorporating such a clause the *lex Iulia* was most likely superseding an earlier law that regulated this very same prerogative, the *lex Calpurnia* mentioned by Sisenna.[708] In any case, considering how cardinal citizenship was to the contenders in the *bellum sociale*, it is not unusual for pieces of legislation like the *lex Iulia* to be as reiterative as possible with certain issues, especially those dealing with the actual mechanisms of enfranchisement. Laws are as much a political and ideological instrument as a legal one.

Next, we ought to focus our attention on the scope of this statute and ask: who was this law enfranchising? If we take as a starting point Cicero's fairly generic claim that citizenship was offered to *Latini* and *socii* and try to narrow down which communities were actually enfranchised *ex lege Iulia*, it is possible to clarify a few points. Regarding the *Latini*, Gellius was fairly unequivocal when he mentioned this statute as conferring citizenship to the whole of Latium (Gell. 4.4.3: *Hoc ius sponsaliorum observatum dicit Servius ad id tempus quo civitas universe Latio lege Iulia data est*).[709] Furthermore, this claim is consistent with the intent of this policy, as it was a measure taken under duress aimed at shoring up support from those who were wavering and rewarding those who were loyal. Latin communities had overwhelmingly decided to remain loyal to Rome and had defended their cities against the rebels in the early stages of the war, acting as bulwark for the Romans. It has been fairly common to explain this loyalty as a by-product of the *ius per magistratum.* If we accept the hypothesis that the creation of this mechanism was a consequence to the destruction of Fregellae and, consequently, situate it in its chronological proximity, it would have had over thirty years to continuously create a leading class of newly-minted Roman citizens at the helm of their respective Latin communities. If this were the case, it is fair to assume this played a part.[710] However, I would argue that the promise of total enfranchisement extracted from a debilitated Rome anxious about 'becoming surrounded' (App. *B civ.* 1.49) was crucial in their

based on De Visscher, 1956, 37-62;

707 *[c]N · POMPEIUS · SEX [· f. imperator virtutis causa] EQUITES · HISPANOS · CEIVES [romanos pronuntiavit de consili sententia] EX · LEGE · IULIA · IN · CONSILIO [fuerunt]* (= Dess ILS 8888); next come the names of those who at that time formed the *consilium* of Pompeius Strabo, followed by the names of the members of the *turma Salluitana* who received citizenship; cf. Simón Cornago, 2018, 41-48; the conventional dating of the act preserved in the inscription is the 17th of November, 89, a chronology stated by Dessau in the ILS, and followed by Stevenson, 1919, 95-101: 95-96; Brunt, 1965, 90-109: 107, Kendall, 2013, 788; Dart, 2014, 176, nº 18; contra, (unconvincingly) favouring 90, Ashby, 1909, 158-159; Pais, 1918, v.1, 174.

708 Sis., *FRH* F71 (=Peter F120, Barabino F98, Chassignet F65), Non. 107M = 153L: *milites, ut lex Calpurnia concesserat, virtutis ergo civitate donari.*

709 Gell. 4.4.3: 'Servius Sulpicius says that this law of betrothal was observed up to the time when citizenship was given to all Latium by the Julian law.'

710 See Sherwin-White, 1973, 111-112; Piper, 1988, 59-68: 68; Keaveney, 2005b, 119; Dart, 2014, 174; *contra*, Mouritsen, 1998, 151-166.

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final decision of seeing their imperial overlord over the finish line.[711] Whatever the reason, the fact remains that they took Rome's side, and it would have been tremendously short-sighted to extend citizenship to some *socii* who were considering defection while failing to reward those who were, in fact, playing a major role in supporting Rome during the conflict.

The question regarding who were those targeted by the *lex Iulia* is far more difficult to address once we turn our attention to the *socii*. As we have just seem, Cicero simply asserts that citizenship was granted to *Latini* and *socii*.[712] This is most likely a rhetorical simplification. For a start, when the *lex Iulia* was passed the rebellion was still in full swing, even if the fortune of the insurgents was beginning to change. We can be fairly certain that those still fighting against Rome did not benefit from its provisions. If we turn to our narrative sources, Appian and Velleius Paterculus, they both delineate a somehow similar outline, one deceitfully simple yet with some clear differences and ambiguities. For a start, neither of them mentioned the statute by name. As we have seen, Appian (App. *B civ*. 1.49) presents a Senate that, fearful that Rome could become engulfed by insurgents and hearing restlessness and misgiving of Etruscans and Umbrians, decided to make a pre-emptive move to stop the domino of defections. In his narrative, citizenship is extended through a decree of the Senate to those peoples that stayed loyal to make sure they remained that way. And importantly, it worked: Etruscans and Umbrians did not defect. In turn, Velleius' even briefer outline claims a slightly different process. He states that the Romans were progressively regaining their strength by accepting into their citizenship those that did not take up arms against Rome but also, importantly, those that deposed them quickly:

> *Paulatim deinde recipiendo in civitatem, qui arma aut non ceperant aut deposuerant maturius, vires refectae sunt, Pompeio Sullaque et Mario fluentem procumbentemque rem populi Romani restituentibus.* (Vell. Pat. 2.16)[713]

Thus, while those actively waging war against Rome can be disregarded as beneficiaries of the *lex Iulia*, a question arises regarding what other *socii* were affected by it. Was it only aimed at those that did not openly take up arms – even if they consider to do so – or also at those that did but, in the face of Rome's newfound generosity, decided to quickly depose their

711 While not discounting the possible impact the *ius civitatis per magistratum adipiscendae*, I find Kendall's approach, 2013, 347-351, more compelling. He paints a more nuanced picture of Latin loyalties, with a restrained support at the beginning of the conflict, centred in defensive self-preservation, until the *lex Iulia*, when they fully committed to the war effort; the one exception among the *Latini* was Venusia, a geographically isolated Latin colony that was militarily compelled to side with the insurgents in the early stages of the war (App. *B civ*. 1.42).

712 Sherwin-White, 1973, 158, argues the *lex Iulia* probably contained a formula similar to the one used in the agrarian law of 111, FIRA, i^2.8.21.50: '*sociumve nominisve Latini quibus ex formula togatorum milites in terra Italia imperare solent*.'; one might add, with the proviso of being loyal to Rome, for obvious reasons.

713 Vell. Pat. 2.16: 'Then little by little the strength of the Romans was recruited by admitting to the citizenship those who had not taken arms or had not been slow to lay them down again, and Pompeius, Sulla, and Marius restored the tottering power of the Roman people.'

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arms? Considering the context and political objectives of the *lex Iulia*, I believe the second option is the more plausible one, with its provisions being not only applicable to those more consistently loyal, like the Latins, but also to those that may have a more explicit intention of rebelling but did not act on it. Taking into consideration that this statute was conceived at a time when the Senate had managed to stabilize the military front but was still struggling on the diplomatic one – as evidenced by the fact that some Etruscans and Umbrians did, in fact, rebel – the most reasonable assumption is that the Romans were willing to turn a blind eye to those recent insurgents from Etruria and Umbria who were prepared to lay down their arms and return to the fold. This logic seems especially convincing when we know, per Appian, that the *lex Iulia* itself was devised – in a proximal sense – to pacify these regions and prevent the opening of new major fronts. In fact, from an extremely brief excerpt from Sisenna, we know that certain communities had to be enfranchised later, via distinct legislation.[714] On the one hand, this suggests that the bulk of these regions accessed *civitas* through another path – probably the *lex Iulia*; on the other hand, it suggests that some communities decided to continue fighting and forego the primary method of enfranchisement.[715]

And finally, the next great query presented by the *lex Iulia* focuses on what will be the great controversial issue that underpinned the whole process of integration in the Roman *civitas*: that is, the tribal distribution of the new citizens. It is well known that the first scheme

714 Sisenna, *FRH* F78 (= Peter F119, Barbino F60, Chassignet F64) Non. 130M = 189L: *tamen Tudertibus senati consulto et populi iusso dat civitatem.*

715 A similar opinion can be found in Bispham, 2007, 168; also, Kendall, 2013, 776, 784, who argues its beneficiaries were those loyal and those that deposed their arms 'swiftly' as well; in turn, Sherwin-White, 1973, 147-148, takes Velleius 2.16 expression '*aut deposuerant maturius*' as indication that the *lex Iulia* itself contained a formal period of surrender for those that, despite being actively engaged in a war against Rome, decided to take advantage of this statute; a similar argument is advanced by Renz, 2023, 203, who also considers probable that this law had formal period of surrender; in turn, Brunt did not engage deeply with this question; so much so that in 1965, 90-109: 107, he appeared to have left the possibility open for a period of surrender while in 1971, 91, he just mentioned those that had *already* returned voluntarily to their allegiance; Gagliardi, 2019, 19-39: 25-26 argues that Velleius 2.16 is just an inaccuracy and the *lex Iulia* only encompassed those that did not rebel or, if they did, they had already deposed their arms when this statute was passed – hence, the use of *deposuerant* and not *desposuissent*; personally, I do not believe there is enough evidence to support the case that the *lex Iulia* incorporated a *formal* period of time that allowed for a surrender in order to be beneficiary of its provisions – certainly, if this was the case, no major insurgents seem to have resorted to this mechanism. I do not consider they were the intended beneficiaries of this law: for those leading the rebellion, a formal *deditio* was the objective. With its provisions of *fundus fieri* carefully crafted to balance the will of the communities affected, the *lex Iulia* appears to have been designed to appease those that, at the end of the summer of 90, had just decided to engage with the rebellion but were still not fully committed. Regarding these somewhat disloyal communities, I do not think applicability of the *lex Iulia* depended necessarily on having 'deposed their arms' – whatever this action meant in actuality – before this law was passed. Discretion was probably exercised on a case by case basis, judging the gravity of their rebellious activities. 'Taking arms' against Rome could mean a whole range of different actions that were placed in a spectrum from being a loyal and steadfast ally to being in open rebellion. For sure, if certain small garrisons were attacked and captured without great carnage as a demonstration of force, this constituted 'taking arms' against the *res publica* and the formal devolution of hostages and strongholds could have been demanded before the passing of law in order to qualify for its provisions. Yet one might ask: was not responding to Rome's demands for active military support being in open rebellion? Does sending only logistical support when the demand is for troops qualify as act of insurgency? What about establishing cordial negotiations with the insurgents while hinting you might switch sides if and when certain conditions are met? Was that rebellion? And more importantly, what form did 'deposing your arms' take in those situations. Taking all this into account, I find it plausible that many different criteria might have been used to determined what communities qualified to be enfranchised via the *lex Iulia* due to have swiftly deposed their arms (*arma deposuerant maturius*).

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brought before the assemblies addressing this matter established the incorporation of the mass of *novi cives* not throughout the traditional thirty-five tribes but instead in a few tribal units that, most likely, would have been created especially for them and would vote after the original ones. The first question one might ask is: was this policy of confinement indeed articulated by the *lex Iulia* or did it originate in some other unknown measure? For many scholars the connection between this statute and this particularly detrimental distribution is evident.[716] Appian's narrative seems to connect both policy decisions, at least implicitly. Immediately after explaining how the Senate had decided by decree to extend citizenship in order to avert the rebellion of Etruscans and Umbrians – *id est*, an indirect and somewhat confusing reference to the *lex Iulia* –, the Alexandrian succinctly explained how the Romans devised a particular institutional framework for this accommodation which consisted in the creation of these new tribes (ten, in all likelihood) with the clear political intention of minimizing the electoral power of the new citizens:

> Ῥωμαῖοι μὲν δὴ τούσδε τοὺς νεοπολίτας οὐκ ἐς τὰς πέντε καὶ τριάκοντα φυλάς, αἳ τότε ἦσαν αὐτοῖς, κατέλεξαν, ἵνα μὴ τῶν ἀρχαίων πλέονες ὄντες ἐν ταῖς χειροτονίαις ἐπικρατοῖεν, ἀλλὰ δεκατεύοντες ἀπεφηναν ἑτέρας, ἐν αἷς ἐχειροτόνουν ἔσχατοι. καὶ πολλάκις αὐτῶν ἡ ψῆφος ἀχρεῖος ἦν, ἅτε τῶν πέντε καὶ τριάκοντα προτέρων τε καλουμένων καὶ οὐσῶν ὑπὲρ ἥμισυ. ὅπερ ἢ λαθὸν αὐτίκα ἢ καὶ ὡς αὐτὸ ἀγαπησάντων τῶν Ἰταλιωτῶν ὕστερον ἐπιγνωσθὲν ἑτέρας στάσεως ἦρξεν. (App. *B civ*. 1.49)[717]

Thus, it seems logically sound to link both measures, especially when considering how difficult it would have been to convince the Romans to support such a groundbreaking piece of legislation without first clarifying the electoral situation they would face once the mass incorporation of *novi cives* had been completed. Nevertheless, others argue that Appian must have garbled different phases of this process, since this harshly restrictive framework would have defeated the main purpose of the *lex Iulia,* as its unfair nature would have insulted the very peoples whose loyalties were being ensured and rewarded.[718] In other words, if this law

716 Taylor, 1960, 102, nº 6; Brunt, 1965, 90-109: 108; Gabba, 1976, 92; Crawford, 2010, 97-101: 98-99; Gagliardi, 2013, 43-58: 49-50.

717 App. *B civ.* 1.49: 'The Romans did not enrol these new citizens in the existing thirty-five tribes, for fear they would outnumber and outvote the old ones in the elections, but incorporated them in ten new tribes, which voted last. So it often happened that their vote had no effect, since the thirty-five tribes were called on to vote first and formed a majority. The Italians either did not notice this immediately or they were content with the situation as it was, but it was noticed later and caused new political conflict.'

718 Biscardi, 1951, 241-256: 248, links this tribal arrangement to the *lex Calpurnia*; Salmon, 1958, 159-184: 179-184, argues that the *lex Iulia* most likely did not specify how many new tribes would contain the new citizens but that these would be created two by two, to maintain the total number uneven; also, Lewis, 1968, 273-291: 282; similarly, Kendall, 2013, 360-365, generally agrees that some kind of restrictive mechanism 'made its way into Caesar's law', he argues for a much more ambiguous and less detailed framework, one where the number of tribes would not be defined a *priori* by the *lex Iulia* but developed later, as the numbers of new citizens became clearer; Dart, 2014, 177-178, seems to not give much credence to Appian's narrative, as he does not consider it was probable the *lex Iulia* 'stipulated the tribes that new citizens were to be enrolled into', essentially due to the fact that the Romans 'could have not presumed what number of

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needed to be appealing to someone, it was precisely to the Latins and *socii* its provisions were going to enfranchise.[719] Knowing very well how contentious this issue would become, even Appian struggles to understand how could they have accepted this new status quo and wonders whether the new citizens were in fact initially content or if they truly understood what it meant. In turn, Velleius Paterculus does not say anything about how this policy of tribal confinement came to be, simply mentioning that at the time of Cinna's consulship (87) a small number of tribes (eight) were being used to allocate the *novi cives:*

> *Itaque cum ita civitas Italiae data esset, ut in octo tribus contribuerentur novi cives, ne potentia eorum et multitudo veterum civium dignitatem frangeret plusque possent recepti in beneficium quam auctores beneficii, Cinna in omnibus tribubus eos se distributurum pollicitus est: quo nomine ingentem totius Italiae frequentiam in urbem acciverat.* (Vell. Pat. 2.20)[720]

Despite some of these reconstructions being presented as incompatible, I do not think that is the case. Certainly, legal texts have never been impervious to ambiguities and such a substantial law was bound to be underpinned by a myriad of political promises and extra legal agreements. Bearing these factors in mind, I believe it is not difficult nor far-fetched to imagine a law that could simultaneously placate the *novi cives* and those who wanted them confined and marginalised. This could have taken the form of a provision whereby new citizens would be registered into new tribes created *ex profeso* for them, with the precise details of how many or how they would integrate into the electoral system to be ironed out later, with further statutes.[721] At a certain point, ten tribes may have been projected or created – indeed, some may have already been created before the *lex Iulia* was even passed. And this is just one of the many scenarios that could be articulated to explain why the *novi cives*

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new citizens would be enfranchised', which in turn would impede 'knowledge of how the distribution to tribes might affect future votes in the assembly'; especially contrarian is Bispham, 2007, 169-172, who defends that tribal distribution was addressed not by the *lex Iulia*, who would have failed in its aims if it disrespected the *socii* in such a way, but by an unnamed law passed immediately after. Indeed, he goes as far as to argue that Appian did not link both measures in *B civ*. 1.49, as this excerpt has two differentiated subjects: on the one hand, the enfranchisement which is proposed by the Senate (βουλὴ), and on the other, the creation of the new tribes that was decided by the Romans (Ῥωμαῖοι), with both sentences separated by μὲν δὴ in adversative function.

719 Taylor, 1960, 107-111, argues that the Latin colonies were not affected by this restriction as their citizens would have been enrolled into the same tribes their magistrates had been entering as beneficiaries of the *ius adipiscendae*; Dart, 2014, 178, agrees with this assessment; *contra*, Brunt, 1965, 108, whose rebuttal I find convincing. He points out that Taylor's argument relied heavily on Rome's willingness to treat (some of) her subjects with generosity regarding their communal access to political power, something our sources disprove time and time again for this moment. To distance the Latins from those that resented this restrictive framework, she strongly differentiated between the Latin colonies (not restricted to a handful of tribes) and other Latin communities, like Tibur, who were marginalized and did show support for Cinna; as Brunt points out, this was a distinction without a difference regarding the treatment afforded to them by Rome, as 'innumerable references to Latins or the *nomen Latinum* never differentiate between Tibur etc. and the Latin colonies'.

720 Vell. Pat. 2.20: 'Hence, although citizenship had been given to Italy in such a way that the new citizens would be distributed in only eight tribes (lest their influence and number should infringe the importance of the old citizens, and the recipients of the benefit have more capability than the instigators of the benefit), Cinna promised he would distribute them among all the tribes; for this reason he had summoned into the City a huge crowd from the whole of Italy.'

721 This is in line with Kendall, 2013, 360-362, which I find convincing in this regard.

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apparently agreed to accept a law which marginalized them politically, assuming it actually contained such a provision.

On the other hand, if we conjecture this politically contentious issue was left untouched or barely delineated, then a similar thought exercise can be made in order to justify why the people agreed to pass a law that had the potentiality to dilute their electoral power. The *contiones* that led up to its passing were bound to be, no doubt, filled with explanations and justifications about what this statute meant and what its implications were. Its necessity towards the war effort could have been severely stressed, framed as a condition sine qua non. On top of this, promises about its future development, involving the creation of new tribes, could have been made publicly and privately in way that reassured the voters. In the end, we do not have enough information to determine with any level of certainty how much detail regarding tribal distribution was included in the *lex Iulia*, although I agree it is hard to image that such a momentous policy would have not included some visage of it, even if it had to be further developed later on.

In any case, this is far from being the only question that arises when dealing with this original scheme of tribal distribution. Our sources also disagree regarding the number of tribes the *novi cives* were supposed to be enrolled into. As we have seen, Appian (App. *B civ.* 1.49) is most likely talking about ten new tribes which he explicitly describes as, first, distinct from the old ones (οὐκ ἐς τὰς πέντε καὶ τριάκοντα φυλάς); second, being created anew for the νεοπολίτας (ἑτέρας); and third, voting after the traditional thirty-five tribes (ἐν αἷς ἐχειροτόνουν ἔσχατοι). It is true that the verb he uses to describe this process, δεκατεύοντες, leaves room for ambiguities. Literally, it just means to 'decimate', something that in the context of the passage can most likely be interpreted as meaning 'being divide into ten'. Therefore, most authors have interpreted this as indirect way of expressing that the subject of the verb, the Romans (Ῥωμαῖοι), divided the object of the sentence, the new citizens, into ten tribes.[722] In turn, Velleius Paterculus (Vell. Pat. 2.20) does also concur that a certain number of

722 The precise meaning of this term has been hotly debated, with two general positions: those that considered it was an obscure way of expressing the creation of ten new tribes and those who refuse to give it any numerical value, arguing that it just communicated a way of dividing the citizens: for those who favour the first option, see Mommsen, 1844, 11; Taylor, 1960, 103-104, nº 6, although she proposes the amendment δέκα τινάς, she agrees that Appian 'seems to be referring to ten new tribes'; also, Brunt, 1965, 90-109: 108; Dart, 2014, 177; Gagliardi, 2013, 43-58: 44, nº4 and 46; in turn, Gabba, 1976, 94, refused to ascertain a number behind the term δεκατεύοντες, deeming it a 'desperate undertaking'; for those critical with this interpretation, see Salmon, 1958, 158-184: 181, who argues it may be a textual error; also, Lewis, 1968, 273-291: 286, where he connects it to the Latin word *decuria*, as 'a group or unit for purposes of organisation'; in turn, for Nicolet, 1980, 226-234, it meant 'decimating' the already existing tribes. That is, selecting one in ten in order to integrate the new communities. Under this scheme, the chosen tribes would have been duplicated, creating a twin tribe that would have always voted after all the originals had cast their votes – I find this scheme as overly convoluted and without textual support; Bispham, 2007, 190, links δεκατεύοντες to the term *decuriare* as in 'to control' and straightforwardly claims 'it cannot be the creation of ten tribes'; Crawford, 2010, 97-101: 97-100, argues for decimating, that is as 'taking on in ten' citizens to be inscribed in these new tribes, which he understands as as reference to the low number of *novi cives* affected by this scheme; also, Kendall, 2013, 361-362; Elster, 2020, nº 104, 324-329; Renz, 2023, 207-209, considers that this passage in Appian is referring to ten tribes, although she does not give weight to this testimony.

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tribes were being used to concentrate the *novi cives*, yet he does not say they were new – nor does he 'imply' they were the old ones, as some authors state.[723] Moreover, he provides another figure when he talks about tribes – *octo tribus*.

This apparent contradiction has been approached from many angles. Some have tried to solve this with the isolated fragment of Sisenna where he references the possible creation of two new tribes *ex senatus consulto* by Lucius Calpurnius Piso.[724] In my opinion, this harmonization attempt has been convincingly rebutted. Appian made his reference to the new ten tribes in the context of the initial decision to confine the *socii* (late 90 or early 89), whereas Velleius talked about *octo tribus* when he was discussing Cinna's decision to redistribute them during his consulship, nearly two years later in 87. Therefore, the suggestion that these two tribes, in addition to Velleius' eight, could make up Appian's ten tribes does not seem feasible from a chronological sense (Sis. *FRH* F38).[725] Others have opted for prioritizing Velleius, as he is the one who provided a clear and certain number over Appian's δεκατεύοντες ambiguity, who they interpret simply as 'divide', without a reference to a number.[726] Salmon in particular presents a very different reading of events, where he discards the verb δεκατεύοντες as a probable textual error, therefore, giving no credence to its translation of 'dividing into ten tribes'. For him, the Senate did want to confine the *novi cives* into a few new tribes that would have been created e*x profeso*, yet this scheme had effectively no impact aside from a *senatus consultum* authorizing the creation of two new tribes – a reference to Sisenna (Sis. FRH F38). When faced with this plan, the *novi cives* enfranchised by the *lex Iulia* and the subsequent *lex Plautia Papiria* – that is, those that had been (mostly) loyal to Rome – simply refused to go along. And they succeeded, backed, of course by 'certain politicians' that acted motivated by their 'own factional' interests. In the end, they were to be enrolled into the thirty-one rustic tribes. Under this interpretation, Velleius is

723 Salmon, 1958, 159-184: 180, Dart, 2014, 178; Renz, 2023, 207-209; contra, Gabba, 1976, 84, nº 172, 233, who pointed out that the implication that Velleius is talking about the old tribes derives from the translation of *contribuere* as 'to aggregate', an action that can only be done over a collective that already exists – hence, the implication he was talking about the *old tribes*. Nevertheless, he clarified that this verb can also mean 'to join together, to compress, to concentrate', which is exactly what the Romans were doing in the case of the *novi cives*; to Gabba's opinion I would add that even if we take it as a valid that these citizens were being 'aggregated' into *existing* units, this by no means implies that they had to be the original 35. First, brand new tribes, created *ex professo* to this very end, would have been real and exist from the point the Roman people commanded so via *lex.* Second*,* even without descending into the finer legal points of when these tribes came into being, their existence in a short recounting of the whole process did not need to correspond with any real, institutional creation. They existed because, from a narrative standpoint, they needed to exist. It is perfectly reasonable to assume Velleius was simply claiming these new citizens were 'allotted/assigned' (OLD, 1968, 436) to eight tribes without reading any further implications. Thus, positing a conflict with Appian's claim that new tribes were being created to contain the *novi cives* is a choice – in my opinion, one unjustified and completely unnecessary attending to the text.

724 Sis., *FRH* F38 (= Peter F17, Barabino F50, Chassignet F53) Non. 484 = 777L: *Lucius Calpurnius Piso ex senati consulto duas novas tribus*; Levi, 1928, 159.

725 Gagliardi, 2013, 43-58: 45-46; although Brunt, 1965, 90-109: 108, in his usual succinct manner, seems to entertain the possibility.

726 Gabba, 1976, 94; Bispham, 2007, 189-190; contra, Gagliardi, 2013, 43-58: 47, argues that the *final* number of tribes created were ten, although this was a gradual process that was confusingly reported by our sources: thus, Appian was probably projecting backwards the final number of tribes while Velleius was projecting forward an earlier number.

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correct to talk about *octo tribus*: this was the actual number of tribes – old ones, not new – where the rebels, mistakenly called in this excerpt *novi cives*, were going to be enrolled.[727]

Much like Sherwin-White, I find the particular discussion around the exact number of tribes somewhat profitless, destined to remain without a definitive answer.[728] Simply put, there is not enough evidence to confidently accept either Appian's or Velleius' account. From what can be gathered from our sources, we can know with a high degree of certainty the following: first, the Romans passed certain measures that confined the bulk of the *novi cives*/ νεοπολίτας into a reduced number of tribes. According to Appian, this decision can be traced back to the first phase of the enfranchisement process, probably to the *lex Iulia* itself. Per Velleius, we know it still was a matter of contention in the year of Cinna's consulship, something Appian's narrative also confirms, with his heavy emphasis on the political infighting derived from this marginalization. Second, these tribal units were to vote last, after the original ones had already done so. Third, most probably, these tribes were to be new, distinct from the traditional thirty-five, and created *ex profeso* to accommodate this influx of citizens. This is something Appian expressly claimed in *B civ.* 1.49 for those initially enfranchised and implicitly reiterated as still being the case for those whose who were given citizenship later, in the last stages of the Social War (App. *B civ.* 1.53: ἐς δὲ τὰς φυλὰς ὅμοια τοῖς προτυχοῦσιν ἕκαστοι κατελέγοντο, τοῦ μὴ τοῖς ἀρχαίοις ἀναμεμιγμένοι ἐπικρατεῖν ἐν ταῖς χειροτονίαις, πλέονες ὄντες.).[729] I do not see any good reason to disregard this clear piece of information, especially when we have parallel confirmation that the creation of new tribes was sanctioned by the Senate (per Sisenna) and Velleius does not contradict it.[730] Although he did not characterize his *octo tribus* as new, he neither stated (nor implied) that they were a part of the traditional array.

And last but not least, there is another key piece of information both of our narrative sources absolutely agree upon: namely, the ideological and political motivation behind this marginalization attempt. Appian (App. *B civ.* 1.49) is unambiguous that this scheme was conceived as a response to the perceived threat of the new citizens outvoting the old ones, due to the fact that they outnumbered them. By reducing their enrolment to a few tribes and making them vote last, the Romans were trying to limit the voting power of the *novi cives,*

727 Salmon, 1958, 159-184: 179-184; although generally partial to it, Kendall, 2013, 362-363, nº 22, rightly points out this theory fails to account why Velleius himself presented this scheme of tribal distribution as the '*cause* of later agitation, not as the outcome of it'; moreover, even if one is to disregard any reference to ten tribes as implicit in δεκατεύοντες, Appian is unequivocal that the νεοπολίτας, those enfranchised by the *lex Iulia*, were going to be integrated into new tribes distinct from the old, as well as the fact that these new tribes were supposed to vote last, after the traditional set of 35 tribes.

728 Sherwin-White, 1973, 155; or as Taylor, 1960, 103 nº 6, forcefully put it: 'the number of new tribes, which never came into being, is unimportant for this discussion'.

729 App. B civ. 1. 53: 'Each Italian people was enrolled in the tribes in the same manner as those who had been admitted to citizenship before, to avoid the possibility that in outnumbering the existing citizens they might outvote them if they were mixed in with them.'

730 The creation of these new tribes referenced in Sisenna, *FRH* F38, does not need to have occurred *after* the *lex Iulia*; in fact, as it shall be discussed later when discussing the *lex Calpurnia*, I believe it actually preceded the statute authored by L. Iulius Caesar.

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effectively reducing to a minimum their influence in forming a majority. In turn, Velleius explained its rationale as a way of protecting the *dignitas* of the old *cives* from the power and the numbers of the new ones. The beneficiaries of this great favour that was citizenship ought not to have more influence than their benefactors, effectively perverting what should have been relation of gratitude (Vell. Pat. 2.20: *ne potentia eorum et multitudo veterum civium dignitatem frangeret plusque possent recepti in beneficium quam auctores beneficii*).[731]

Put simply, those devising the integration of the *socii et Latini* immediately after the *lex Iulia* – that is, Lucius Iulius Caesar, a majority of the Senate and any other politician that might have further developed Caesar's legislation under these parameters – wanted to minimise, as much as possible, the *political* consequences of the enlargement of the *populus Romanus*. A bloody war *ad portas* had showed them that maintaining the present *status quo* in Italy was not feasible. Nevertheless, when inclusion inside the *civitas* became non-negotiable, *optimate* ideology was flexible enough to adapt to this new framework, reifying a situation of political subordination *among* citizens while sharing in the non-political aspects of *civitas*.

This was a staple of oligarchic ideology. As the *Rhetorica ad Alexandrum* (*Rhet. Alex.* 2.18) highlighted: oligarchies were supposed to guarantee equal access to political power to the few, to the strong – the author talked about those who shared in the *politeia*: πολιτείας μετέχοντας – at the same time that they gave recourse to the mere 'citizens' (οἱ πολῖται; also characterized as 'the many', πλῆθος, or 'the weaker', οἱ ἀσθενέτεροι,) to redress any mistreatment at the hands of the powerful. It was the situation of helplessness and abuse, not their political marginalization, that really angered the common people and, therefore, it was what really needed to be addressed. Ideally, the *optimates* tried to achieve this while maintaining the *Latini et socii* outside the *civitas*, while giving them limited rights and being partial – at least nominally – to share with them the right of *provocatio*. In the past, these

731 There have been attempts to argue against Appian's logic: De Martino, 1962, 241-264: 259, considered that if there were, in fact, ten tribes, then no political marginalization would have occurred. With the increment of the new tribes, his argument reads, the majority in the tribal assembly would have been increased from 18 affirmative votes to 23. Therefore, over two thirds of the old 35 tribes would have had to vote in a certain direction in order to effectively block the new citizens from participating. As this level of consensus would have been difficult to achieve, he continued, then the Italics would not be, usually, prevented from voting. De Martino's solution is to posit that the *novi cives* would have been concentrated not in ten tribes (or eight) but just into two; in turn, Crawford, 2010, 97-101: 100, argued that Appian's claim that the old tribes formed a majority would have only made sense if the number of new tribes were higher, closer to twenty. If there were only ten, pointing out they were in a minority was so obvious it renders such a statement useless; I find both arguments utterly unconvincing. On the one hand, the core of De Martino's argument lies in the assumption that if some fraction of the supernumerary tribes could vote in certain occasions, then the claim that the Italics' vote 'had no effect' was void. Obviously, two tribes – as he claims were created – would have been a more restrictive framework than eight or ten. Nevertheless, I find that to discard Appian's assertion on the ground that *sometimes some* new tribes would have been able to cast a vote in a process overwhelmingly determined by the old tribes, is plainly fallacious. On the other hand, Crawford seems to be ignoring the crux of Appian's reasoning: the Alexandrian is stating that, as the new citizens would have exceeded in number the old ones if enrolled in the traditional tribes – which would have allowed them to take control of these voting units –, then a new 'gerrymandered' framework was devised. They would have been confined into just ten new tribes that voted last, something that would have made their votes ineffectual due to the old citizens retaining the control of the old tribes, and therefore, being able to achieve a functioning majority among themselves in most cases. Nothing in this line of argument needs amendment or is irrelevant.

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oligarchical tendencies had also found an expression inside the Roman *civitas* itself. The Romans had experimented with the *civitas sine suffragio*, which represented a hierarchical grading of the *cives* vis-à-vis their rights of political participation. By the time of the Social War, this limited version of citizenship had long been discontinued – at least from a legal standpoint. However, the oligarchical ideological conception of *civitas* that underpinned it never went away: *videlicet*, a *civitas* where all citizens partook of what today would have been called civil rights, but not everyone possessed political ones – in fact, the fewer who wielded 'decisionary' power, the better. Now, in the wake of mass enfranchisement, *optimate* ideology produced a watered-down version of this two tier *status civitatis*.[732]

In a sense, the motivating animus and certain aspects of the scheme had yet another precedent. The idea that there were certain categories of people that, despite being citizens *cum suffragio,* were still not fully deserving of deciding over the *res publica* was not new. As we have seen in Chapter X, the *libertini* were already limited to enrolment in just the four urban tribes.[733] Over and above that, even this restrictive framework had been deemed by certain politicians as bestowing too much decisionary power upon those that should not be wielding any real political authority. Shy of total disenfranchisement by removing them from the tribes, which was deemed illegal without a decree of the people, they could even be restricted to just one tribe, as the agreement between Tiberius Gracchus senior and his colleague C. Claudius Pulcher had shown (Liv. 45.15.1-7).

In fact, if we want to gauge what tone the discourse surrounding the decision to marginalize the *novi cives* might have had, we just need to turn to what Cicero wrote about Gracchus' senior redistribution of the *libertini*. The evaluation the orator puts in the mouth of Scaevola Augur is nothing short of glowing, as this character credits the father of the Gracchi of literally having saved the Republic with the simple decision of confining the *libertini* into the urban tribes (Cic. *De or.* 1.38).[734] If a manageable stream of freedmen was treated as an existential threat, one could only image how the *optimates* felt about the incorporation of the *socii*, with their overwhelming numbers and coherent ethnic structures supporting their interests. No wonder they wanted to go the extra mile and create a few new tribes to contain this recent swelling of the body politic. Most likely, Lucius Iulius Caesar and the *optimates* behind this new restrictive policy were presenting their decision in very similar terms. From their ideological point of view, they were preserving the *res publica* from the influence of those that were undeserving of *consortium imperii,* even if they partook in their *civitas* due to political circumstance.

732 This analogy is also made by Salmon, 1948, 159-184: 181; Kendall, 2013, 359; and Dart, 2014, 2014, 185-186.
733 This parallel is also noted by Gabba, 1976, 94.
734 Cf. Liv. 45.15.1-7, instead mentioned Gracchus' decision as confining the *libertini* in just one tribe; the irony is that with this misunderstanding of the extreme scope of Gracchus' senior decree, Cicero is describing a situation much more similar to the one faced by *novi cives*.

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9.2 *Leges Calpurniae*, *Plautia Papiria* and *Pompeia*: Partial Glimpses of a Crucial Process

9.2.1 *Leges Calpurniae* (90/89)

It is important now to turn to the ill-attested *lex Calpurnia*, an elusive statute that we know of by virtue of a brief excerpt in Sisenna. As we have seen already, this author mentioned that some soldiers were enfranchised *virtutis causa* (Sis., *FRH* F71: *milites, ut lex Calpurnia, concesserat virtutis ergo civitate donari*). The extremely brief and isolated nature of this excerpt makes it very difficult to situate chronologically with any certainty. In addition to this brief piece of information, there is another passage where Sisenna claimed that L. Calpurnius Piso created (or was planing to create, the verb of the sentence is not preserved) two new tribes *ex senatus consulto* (Sis., *FRH* F38: *L. Calpurnius Piso ex senati consulto duas novas tribus*). Therefore, at a certain point during the *bellum sociale* two distinct political decisions were taken: on the one hand, a law was passed by a certain Calpurnius that invested generals with the power to grant citizenships *ob virtutem*, and on the other, Lucius Calpurnius Piso counted with the formal backing of the Senate via *senatus consultum*, to – probably – create two new tribes. We do not know if these excerpts may be hinting at different provisions of the same law or even to separate measures; that much is not clear.[735]

A problem then arises regarding their chronology: from what we can piece together from Sisenna's work, he already described events referencing the year 89 in his third book (Sis. fr. 44). Following this schema, it could be argued that any reference to measures included in Book IV, such as the one present in Sis., *FRH* F71, and the enfranchisement of the *milites* ought to be interpreted as taking place in 89, after the *lex Iulia*. Nevertheless, this interpretation has one major flaw. Pompeius Strabo's grant was made under the provisions of the *lex Iulia* in November of 89, when he was already styling himself as imperator – that is, over a year after the passing of the *lex Iulia.* If the *lex Calpurnia* was a later statute, destined to clarify certain aspects of the *lex Iulia*, then Pompeius Strabo would have grounded his grants in his provisions. The fact remains we do not know enough about the structure of Sisenna's work to use it as firm ground for the chronology of the *lex Calpurnia*, as Brunt points out. It is not difficult to imagine that a book mostly recounting the events of one year could discuss others that had taken place before.[736]

Based on these scant pieces of information, some have placed the *lex Calpurnia* mentioned in Sis. fr. 120 as a follow up to the *lex Iulia* and even to the *lex Plautia Papiria*; a statute devised to develop the details that those 'hasty war measures' were not able to provide, including the creation of the two tribes present in Sis. *FRH*, F38.[737] Contrary to this position,

735 Although this connection is by no means certain, I believe Gabba's assertion that it is 'arbitrary' is a step too far.
736 Brunt, 1965, 90-109: 107-108; Indeed, even the grammatical tenses line up with this possibility, with the main verb *concesserat* being a pluperfect that could have expressed something that had occurred in 90.
737 Niccolini, 1946, 110-124: 121; Biscardi, 1951, 241-256: 248; Sherwin-White, 1973, 153; also, Broughton, 1952, 33-34.

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and although no certainty is assured, I find the information we do have makes much more sense when one conceives of the law in Sis. fr. 120 as a prefiguration of the *lex Iulia* – passed in early to mid-90.[738] From a military and political point of view, it made sense for Roman commanders to be invested with power to reward those *milites* that were serving under arms from the early stages of the Social War. Generals like Marius had already relied on this prize for shoring up morale even without a legal mandate to do so. Yet not everyone operated under his generous conception of citizenship nor was equally comfortable in flaunting legality in a way the Senate would disapprove. With citizenship being such an enormously contentious issue at that moment (in the most literal and bloody sense of the word), it is reasonable to assume that a law with such a provision could have been passed before the more comprehensive *lex Iulia* was devised.[739] This was probably the statute that entitled Caesar to offer citizenship to a Cretan man (presumably a soldier) who had promised to help the Romans defeat their enemies with a subterfuge (Diod. Sic. 37.18), a proposition he made still in the field before returning to Rome to pass his *lex Iulia*. It also may be that the *lex Calpurnia* was the legal instrument used to enfranchise Velleius Paterculus' ancestor, Minatius Magius, as a reward for his unwavering loyalty from the very beginning of the war (Vell. Pat. 2.16: *Cuius illi pietati plenam populus Romanus gratiam rettulit ipsum viritim civitate donando, duos filios eius creando praetores, cum seni adhuc crearentur*).[740]

Therefore, we are left with the fragment of Sis., *FRH* F38, mentioning the creation of two new tribes as the last piece of the puzzle. It has been connected to the aforementioned *lex Calpurnia*, as one of its provisions, arguing that these new tribal units could have been created to accommodate those *milites* enfranchised *ob virtutem*. Although it is not impossible that the Senate and L. Calpurnius Piso may have devised them in prevision of a fairly constant trickle of grants bestowed by commanders *cum imperio*, it does not seem a proportional response for what would have been manageable numbers. Nevertheless, I believe it is far more probable that this was another measure taken shortly after the *lex Iulia*, in all likelihood as a development of the framework sketched in said statute. It is clear that the Senate was supporting L. Calpurnius Piso, who may have been a praetor or a tribune, as they were sanctioning his actions – either past or future, we do not know – via a *senatus consultum*.[741] There is so much information that we do not possess regarding the complex process of

738 Brunt, 1965, 90-109: 107-108; Gabba, 1976, 89-91, although he does not link Sis. *FRH* F38, and the creation of the two new tribes *ex senato consulto* to the *lex Calpurnia*; similarly, Kendall, 2013, 776-780, argues for the existence of two *leges Calpurniae*, one prior to *lex Iulia* and one passed immediately after; Dart, 2014, 180-181, without commenting on the connection between the two fragments of Sisenna.

739 There have been attempts to determine the difference between the provisions that allow for enfranchisement *ob virtutem* present in the **lex** *Calpurnia* and those in *lex Iulia* in order to explain their possible overlap, Niccolini, 1946, 110-124: 119-120; I do not consider their potentially reiterative nature a problem. Citizenship was at the heart of the conflict and it is normal that laws, being not only legal but ideological and political artefacts, could indeed have ignored principles of juridical economy and consciously reiterate those provisions they thought sent a positive message.

740 Vell. Pat. 2.16: 'The Roman people expressed full thanks to him for his devotion by presenting him as an individual with citizenship and by appointing his two sons as praetors at a time when six were still being appointed.'

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enfranchisement that it is possible – indeed, very probable – that there were many more political decisions besides the ones we can attest to. Therefore, I consider it is wise to resist the urge to bundle together what may have been different decisions just to keep our information concentrated on those few measures we can name. In any case, there is no doubt that these new tribes – even if they had already been created by L. Calpurnius Piso in 90 – would have been part of the framework created to control and marginalize the *novi cives*, responding to the very same ideological and political logic.[742]

9.2.2The *lex Plautia Papiria* (89)

The next named statute we know of is the *lex Plautia Papiria,* preserved – fundamentally – by Cicero's *Pro Archia*, a speech given in defence of the poet Archias. Contrary to the *lex Iulia*, which is referenced by our sources from a relatively general perspective, the only piece of information we posses about this new statute is delineating a very detailed and precise provision:

> *Interim satis longo intervallo, cum esset cum M. Lucullo in Siciliam profectus et cum ex ea provincia cum eodem Lucullo decederet, venit Heracliam: quae cum esset civitas aequissimo iure ac foedere, ascribi se in eam civitatem voluit, idque, cum ipse per se dignus putaretur, tum auctoritate et gratia Luculli ab Heracliensibus impetravit. Data est civitas Silvani lege et Carbonis, si qui foederatis civitatibus ascripti fuissent: si tum, cum lex ferebatur, in Italia domicilium habuissent et si sexaginta diebus apud praetorem essent professi. Cum hic domicilium Romae multos iam annos haberet, professus est apud praetorem Q. Metellum familiarissimum suum. Si nihil aliud nisi de civitate ac lege dicimus, nihil dico amplius, causa dicta est.* (Cic. *Arch*. 4.6-8)[743]

This short paragraph constitutes the basis for our current understanding of the chronology and content of the *lex Plautia Papiria*. First, regarding its dating, we are told that Archias received his citizenship by a law passed by Silvanus and Carbo. From Asconius, we know M. Plautius Silvanus served as tribune of the plebs in the second year of the *bellum sociale* (that

741 Broughton, 1952, 33-34, links both fragments in a single *lex Cornelia* that he attributes to the tribune of the plebs L. Calpurnius Piso Frugi (*pr.* 74); Gabba, 1976, 91.

742 Keaveney, 2005b, 170; Mouritsen, 1998, 155-156; Kendall, 2013, 776-780.

743 Cic. Arch. 4.6-8: 'After a lapse of some few years he went to Sicily with Marcus Lucullus, and, returning with him from that province, came to Heraclea. Full civic privileges had been accorded to this town by the terms of its treaty with Rome, and Archias expressed a wish to be enrolled among its burgesses. His personal qualities would have been sufficient recommendation, even had Lucullus not thrown the influence of his own popularity into the scale, and his wish was readily gratified by the inhabitants. He was granted the franchise by the terms of the law of Silvanus and Carbo, which enacts "that all who have been admitted to citizenship in federate townships must have been resident in Italy at the time of the passing of the law, and must have reported themselves to the praetor within sixty days." My client had for many years resided at Rome, and reported himself duly to the praetor Quintus Metellus, who was his personal friend. If the validity of Archias' enfranchisement and his compliance with the law are the only points at issue, I now close the case for the defence.'

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is, 89), and that he allied with the nobility to pass a *lex iudiciaria* that opened the juries to fifteen members selected by each tribe, including senators and non senators alike (Asc. *Corn*. 79C: *M. Plautius Silvanus tribunus plebis Cn. Pompeio Strabone L. Porcio Catone coss*.). No doubt, this is the Silvanus who co-authored the *lex Plautia Papira*. The other *rogator* was, most likely, G. Papirius Carbo, probably the brother of Cinna's future consular colleague, Cn. Papirius Carbo (*cos*. 85, 84, 82).[744] This aligns as well with the fact that Q. Metellus Pius, the praetor mentioned by Cicero as being friends with Archia, is known to have been commanding armies in Apulia by mid 88 (Diod. 37.2.10-11; App. *B civ*. 1.53). This entailed that he already had to be of praetorian rank (he was probably a proconsul, according to Broughton, when waging this campaign), which in turn is perfectly consistent with having served as praetor the year before, 89.[745]

Secondly, focusing on its contents, Cicero is very specific. He described a provision according to which those who were *adscripti* of the federate cities (*civitates foederatae*) could access Roman citizenship if, by the time of the passage of the law, they met two concurrent conditions: they had to be domiciled in Italy and present themselves to a praetor within a sixty day period. This was exactly the case for Archias, a Greek that had gained citizenship in Heraclea – a community enfranchised *ex lege Iulia*. Later, when the *lex Plautia Papiria* was enacted, he was domiciled in Rome, where he had presented himself to the praetor, thus, attaining his *status civitatis*. That is, it only established a path towards citizenship for a very specific type of individuals: namely, it was aimed at those *adscripti* domiciled in Italy but not in their respective *civitates foederata* – communities that *ex lege Iulia* had legally become Roman *municipia*. On top of this, there is a medieval scholiast of Cicero that, commenting the very same excerpt, paraphrases this very same argument.[746] The only difference is an alternate phrasing of the condition of 'being *adscripti*' (*ascripti fuissent*), which he substitutes for the more general 'all who were from a *populus foederatus*' (*omnes qui essent ex foederatis populis*). Given the distance of the commentator from the passage in question, it is safe to assume it is a distinction without a difference. In any case, this is the extent of what our sources convey regarding this statute.

The *lex Plautia Papiria* has sometimes been presented in a similar vein to the *lex Iulia*: as a measure destined to enfranchise whole communities – specifically, those that had made their *deditiones* as a result of the successful multi-front campaigns of 89.[747] I believe this is a

744 Niccolini, 1934, 223; followed by Broughton, 1952, 2, 30-31, nº 8 and 34.

745 Broughton, 1952, 33, 42; Kendall, 2013,

746 *Schol. Bob*. 175: *Tunc Silvanus et Carbo cos. legem tulerunt ut omnes qui essent ex foederatis populis civitatem Romanam consequerentur, si modo illo tempore quo lex lata esset domicilium in Italia haberent et intra diem sexagensimum professi aput praetorem fuissent.*

747 Gabba, 1967, 157, nº 231; 1976, 92 (although he seems to somehow agree to a more 'limited application' in 94, nº 171) and 2001, 126, nº61; Luraschi, 1978, 321-379: 348, 353-360, 370; Dart, 2014, 181-185; *contra*, Badian, 1962, 197-245: 227-228; Brunt, 1965, 90-109: 95-96 and 1988, 107-109; Sherwin-White, 1973, 151-152; Bispham, 2007, 172; Gagliardi, 2013, 43-58: 45 and 2021, 155-180; Kendall, 2013, 816-830.

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mistake. In the provision we can attest there is no claim, implicit or explicit, that citizenship was extended to new communities. First, we know for a fact that it was being applied to the *adscripti* of those communities already enfranchised by the *lex Iulia*, as this was the case of Archias and his city of adoption, Heraclea (Cic. *Balb*. 21). Second, unlike the *lex Iulia,* it is clear it did not target communities but individuals – in fact, the procedural onus to attain Roman citizenship is put on them, not on their respective *civitates*. For this to be the mechanism to integrate the whole of the *dediticii* would have run counter to both Roman political thought and praxis. As Sherwin-White rightfully pointed out, 'since *deditio* is a term not of personal but constitutional law, and the act implied is the act of a community, it is clear that these allies also entered the Roman state as *populi*.'[748] Moreover, from a logistical and military perspective, the thought of contingents of thousands of recently defeated *socii* marching towards Rome – or wherever the six praetor were supposed to oversee this operation – is certainly not a feasible one.[749] Therefore, I contend it is fair to conclude that no citizens of other recently defeated *populi* – that is, *dediticii* not enfranchised by the *lex Iulia* – could take advantage of this stipulation.

In any case, it could be argued that even if this provision was not extending citizenship to the *dediticii per se*, it may well be that another clause in the *lex* did – one which did not survive.[750] Of course, this can not be ruled out with certainty, nor can it be proved that this specific law did not contain other clauses as well, dealing with a variety of unknown situations. Nevertheless, I consider the balance of probability does not lead us to this conclusion regarding the enfranchisement of the mounting number of recently defeated insurgent communities. As shall be argued bellow, I believe our sources indicate that the enfranchisement of the *dediticii* took place in 88, not in 89, which would point towards a later unnamed measure rather than the *lex Plautia Papiria*. This would be explored in detail in the next section, yet from a political and diplomatic perspective it certainly made good sense for Rome to wait and have actually defeated the currently much weaker insurgents before actually addressing the situation of these communities en masse – a sentiment echoed by Velleius (Vell. Pat. 2.17), as we shall see. Again, as when discussing the *lex Calpurnia* and the creation of two new tribes by L. Calpurnius Piso, I do not think that grouping the information we possess around the handful of preserved named laws constitutes the basis for a good reconstruction of the process – especially, considering how wide and plentiful our lacunae are.

9.2.3 *The lex Pompeia de Transpadanis* (89)

Nevertheless, before advancing to enfranchisement of the *dediticii*, there is another political decision related to citizenship that took place in 89. It was a measure devised by one

748 Sherwin-White, 1973, 151.
749 Kendall, 2013, 826-828, explores at length the difficulties in this scenario.
750 Luraschi, 1978, 321-379: 356.

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the consuls, Cn. Pompeius Strabo. A Pompey, maybe him, is reported by Pliny the Elder to have passed a *lex Pompeia* dealing with the certain *civitates* that were attached to various *municipia* (Plin. *HN*. 3.138: *item adtributae municipiis lege Pompeia*). Pliny was commenting on the peoples defeated by Augustus as listed in a triumphal arch, to which he then subtracted some communities that had not shown hostility and those that had being *adtributae municipiis.*[751] In addition to this brief mention, we also have a much commented excerpt from Asconius (Asc. *Pis*. 3C) where he stated that Pompeius Strabo founded some colonies in the Transpadana that were regulated by a new legal schema. As per this author, these foundations would not entail the physical relocation of the population that would create the colony – as it was the norm in colonial foundation. Instead, the old inhabitants – therefore, Gallic *foederate* communities – would be granted the very same *ius Latii* that ruled the other Latin colonies, which Asconius then reifies as the *ius adipiscendi*.

> *Neque illud dici potest, sic eam coloniam esse deductam quemadmodum post plures aetates Cn. Pompeius Strabo, pater Cn. Pompei Magni, Transpadanas colonias deduxerit. Pompeius enim non novis colonis eas constituit, sed veteribus incolis manentibus ius dedit Latii, ut possent habere ius quod ceterae Latina coloniae, id est ut per magistratus civitatem Romanam adipiscerentur.* (Asc. *Pis*. 3C)[752]

It has been pointed out that this was the origin of the institution of the later called 'Latin *municipium*', although at this embryonic state it still bore the somewhat misleading designation of 'colony'.[753] Pompeius Strabo's policies were, in fact, implementing a new institutional framework which combined traits from two different legal instruments, one characteristic of the Latins – the *ius Latii* – and one specific to the Romans – the *municipium*. The first one entailed the already discussed *ius adipiscendi* alongside other rights that defined the *Latini* in their relations to Rome – namely, *conubium*, *commercium*.[754] The second one, the *municipium*, was an institutional model that, up to this point, was exclusive to communities of *cives Romani*. Traditionally, articulation as a *municipium* entailed the legal promotion of a

751 This literal 'adscription to the *municipia*' has been taken by some as indication that Pompeius Strabo extended Roman citizenship to certain alpine communities, for example, see Vervaet, 2023, 68; I find it improbable, and most likely it is an anachronistic statement by Pliny, who was reflecting the situation at his time, as per García Fernández, 1991, 32, nº 39; in a later article, García expresses doubt that this passage actually refers to Pompeius Strabo's action in 89, García Fernández, 2001b, 13-29: 16, nº 8.

752 Asc. *Pis*. 3C: 'Nor can the point be made that this colony was founded in the manner in which several generations later Cn. Pompeius Strabo, father of Cn. Pompeius Magnus, founded Transpadane colonies. For Pompeius established them not with new colonists, but granted the Latin Right to the old inhabitants who remained there, so that they might enjoy the rights held by the rest of the Latin colonies – that is, that by standing for magistracies they might attain Roman citizenship.'

753 Regarding the inception, development and characteristics of this new model of *Latinitas*, García Fernández, 1998, 209-211; 2001a; 2001b, 13-29; also, 2020, 75-99; and 2023, 21-55.

754 García Fernández negates the survival of both the *ius migrandi* and the *ius suffragii* under this new model of *Latinitas*, in 1998, 209-221: 219, nº 20; 2001a, 94; 2023; 21-55: 24, nº 13.

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pre-existing community that already partook in Roman *civitas*, so it did not involve the actual transfer of population nor the redistribution of lands nor the creation of a new constitution – it actually allowed for the local mores and legal codes to regulate the *municipium* as long as they were compatible with Roman law.[755] Attending to its hybrid nature, this legal chart has been pinpointed as a reformulation of the *Latinitas*, decoupled from its original and more ethnically grounded boundaries and adapted as a new reality in tune with the Roman imperial demands.[756]

It has been conjectured that, given its technicality, Pompeius Strabo was probably aided in crafting the *lex Pompeia* that allowed for these colonial foundations by expert jurists like Q. Mucius Scaevola, co-author of the *lex Licinia Mucia*.[757] We do not know its precise scope beyond the fact that it was applied to a certain number of communities beyond the Padum. In any case, it has been interpreted as a general measure that targeted the communities on both sides of this river – something I find convincing. On the one hand, there was no sense in excluding the *foederate civitates* in the Gallia Cispadana while the Gallia Transpadana was being incorporated into the *ius Latii*; on the other, no legislative process ever differentiated between them.[758]

I believe this new framework aligned perfectly with the post-insurgency *optimate* attitude towards enfranchisement and *civitas* – one that was pragmatic as well as ideological. Even though there is no actual proof that communities from Cisalpine Gaul had participated in the rebellion, the chronology and nature of the measure squares neatly with their fearful (per Appian, *B civ*. 1. 49: δεισασα) realization that the pro-war status quo was no longer stable nor safe. The massive rebellion and its cascade of defections and various disloyalties made it clear that the imperial manner in which Rome related to her subjects had to change, both in Italy and, by virtue of its geographical proximity, in Cisalpine Gaul. Nevertheless, this transformation, initially devised by the *optimates*, was supposed to maintain an oligarchical structure as far as possible. Regarding the *Latini* and those *socii* deemed loyal, the *lex Iulia* – and whatever legal development it required – made it clear they would be accepted into the *civitas* but with diminished political rights – for them, citizenship was a condition *sine qua non*, so they had to operate within these constrains. But for those communities in Cisalpine

755 García Fernández, 2001a, 73-124, explores how this new framework loses the colonial denomination with Caesar's reorganization of the Narbonensis and adopts the municipal title in Hispania during Augustus' reign.

756 Sherwin-White, 1973, 96, 157-159, regarding the role *Latinitas* played as an 'instrument of Romanization'; García Fernández, 2001a, 13-29, notes the combination of Roman institutional models with the continued existence of local mores as fundamental in the process of 'Romanizing' indigenous communities; also, García Fernández, 2001b, 13-29: 22-23; and García Fernández, 2020, 75-99.

757 Luraschi, 1979, 331; García Fernández, 2001b, 13-29: 17; recently, Sánchez-Moreno, 2025, 3-16, has explored this possibility in greater depth, although it remains a hypothetical one. In any case, it would have been consistent with the character of someone who had co-authored the *lex Licinia Mucia* to have participated, once the *bellum sociale* began, in the drafting of a statute that established a legal middle ground – one that extended certain privileges associated with Roman citizenship (most notably the *ius adipiscendae*) while stopping short of full enfranchisement. In doing so, it effectively granted limited civic rights and allowed for a controlled influx of new citizens, all while keeping the status quo as intact as possible.

758 Luraschi, 1979, 148; García Fernández, 2001b, 13-29: 21.

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Gaul, perhaps less motivated at this point by the *cupiditas civitatis* and certainly less politically active to attain it, the answer was the *lex Pompeia.* It entailed the granting of certain rights, mostly civic ones, while maintaining the boundaries of the polity mostly impervious but for the elites, who benefited from the *ius adipiscendae* – a right that, long after its probable moment of inception, had demonstrated both its usefulness minting a local elite that acted inside the Roman order and its non-threatening nature.

9.3 The Enfranchisement of the *dediticii* and the Failed Census L. Iulius Caesar and P. Licinius Crassus (89-88)

According to the schema we have established, the array of laws preserved – that is, the *leges Iulia*, *Calpurniae*, *Plautia Papiria* and *Pompeia* – did not target practically any of the rebel peoples. Besides a few Umbrian and Etruscan communities that promptly laid their arms after the promulgation of the *lex Iulia*, all of the insurgents that had been defeated during the bloody years of the *bellum sociale* remained outside the Roman *civitas*. By the beginning of 88, the overwhelming majority of rebel peoples had been beaten into submission and made their *deditiones*, prostrating themselves before Rome. Only Nola and the recalcitrant Lucans and Samnites continued to fight (Vell. Pat. 2.17; App. *B civ*. 1.53). As we shall see, it is probably at this moment when Rome decided to extend her citizenship to the bulk of these communities, unilaterally redrawing the outer boundaries of her *civitas* to include the recently defeated *populi*, while at the same time maintaining the very detrimental framework of tribal distribution that originated with the *lex Iulia.*[759]

As with many events during the social war, the scarce and contradictory nature of our sources imposes a baseline level of uncertainty in relation to the chronology and nature of this measure. Although Velleius Paterculu's text can lead to some equivocation, it seems to me the most straightforward reading places this concession in 88, as it is clearly linked to the new consuls. Velleius mentioned it was the year Quintus Pompeius and Lucius Cornelius Sulla were consuls, and the *bellum Italicum* was almost over – only Nola remained. In fact, this author stated that it was only then, when Italics were defeated and broken, rather than when they were intact, when the exhausted Romans consented to give them citizenship:

> *Finito ex maxima parte, nisi quae Nolani belli manebant reliquiae, Italico bello, quo quidem Romani victis adflictisque ipsi exarmati quam integri universis civitatem dare maluerunt, consulatum inierunt Q. Pompeius et L. Cornelius Sulla* (Vell. Pat. 2.17)[760]

759 The hypothesis followed here for enfranchisement of the *dediticii* is based on Bispham, 2007, 177 and grows from the assumption that the *lex Plautia Papiria* did not integrate the surrendered communities into the Roman *civitas*; see the section for that law, for an overview of the scholarship regarding the nature of said statute, including those that see it as general *lex de civitate danda.*

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This reading of the events is also validated by Appian. Although in the structure of his narrative enfranchisement is placed before the debt crisis and the consequent murder of Sempronius Asellio (App. *B civ.* 1.54), which took place in 89, the context of the concession provides a clue regarding its dating.[761] The operations commanded by Q. Caecilius Metulus (Diod. Sic. 37.2.10; *Vir. Ill.* 63) and the defeat and death in battle of Q. Pompaedius Silo occurred in 88 (Liv. *Epit*. 76; Diod. Sic. 37.2.10; *Vir. Ill.* 63);[762] it was only then, Appian said, that citizenship was granted to almost everyone but the Lucans and Samnites, who persevered in their fight. Most likely, the decision to arrange the narrative in this way responds to thematic reasons, in order to avoid breaking up its narrative about the internal civic strife prompted by the likes of Sulpicius, Marius, and Sulla, to insert a brief mention describing a few operations in an almost finished war.[763] In any case, he explained that they were enrolled into the tribes under the restrictive framework that originated in the *lex Iulia*, reiterating that its aim was that the new citizens could not outnumber and, thus, outvote the old ones:

> Καικίλιος δ᾽ αὐτῷ Μέτελλος ἐπελθὼν ἐπὶ τὴν στρατηγίαν διάδοχος, ἐς Ἰάπυγας ἐμβαλὼν ἐκράτει καὶ ὅδε μάχῃ τῶν Ἰαπύγων. καὶ Ποπαίδιος, ἄλλος τῶν ἀφεστώτων στρατηγός, ἐνταῦθα ἔπεσεν· οἱ δὲ λοιποὶ σποράδην ἐς τὸν Καικίλιον διέφυγον. καὶ τάδε μὲν ἦν περὶ τὴν Ἰταλίαν ἀμφὶ τὸν συμμαχικὸν πόλεμον, ἀκμάσαντα δὴ μάλιστα μέχρι τῶνδε, ἕως Ἰταλία πᾶσα προσεχώρησεν ἐς τὴν Ῥωμαίων πολιτείαν, χωρίς γε Λευκανῶν καὶ Σαυνιτῶν τότε· δοκοῦσι γάρ μοι καὶ οἵδε τυχεῖν, ὧν ἔχρῃζον, ὕστερον. ἐς δὲ τὰς φυλὰς ὅμοια τοῖς προτυχοῦσιν ἕκαστοι κατελέγοντο, τοῦ μὴ τοῖς ἀρχαίοις ἀναμεμιγμένοι ἐπικρατεῖν ἐν ταῖς χειροτονίαις, πλέονες ὄντες. (App. *B civ*. 1.53)[764]

Conversely, there are two other sources that place the enfranchisement of the *dediticii* later, in 87. This is the case of Livy's *Epitomes*, in which the epitomist recounted the citizenship grant as taking place during Cinna's consulship, after Marius' sack of Ostia and the beginning of the siege of Rome (Liv. *Epit*. 79), succinctly stating that 'the citizenship was granted by the senate to the peoples of Italy' (Liv. *Epit*. 80: *Italicis populis a senatu civitas*

760 Vell. Pat. 2.17: 'For the most part, except for such remnants of the war as remained around Nola, the Italian War had ended (in which the Romans preferred to give them the citizenship when they were conquered and stricken—and themselves exhausted—rather than when all of them were unimpaired), and there entered upon the consulship Quintus Pompeius and Lucius Cornelius Sulla.'

761 Gabba, 1967, 156, nº 230; 2001, 127, nº 62; Kendall, 2013, 817, nº4.

762 Keaveney, 2005b, 158; although Dart attributes the enfranchisement of the *dediticii* to the *lex Plautia Papiria*, he does place the operations listed in App. *B. civ.* 1.53 in 88, Dart, 2014, 168-170.

763 Bispham, 2007, 177; *contra*, Gabba, 1967, 158-157, nº 231; and 2001, 126-127, nº 61.

764 App. B civ. 1.53: 'Caecilius Metellus now arrived as his successor in the command, and attacked the Iapygians; he too was victorious in battle. Poppaedius, another of the rebel generals, lost his life here, and the survivors took refuge with Caecilius in scattered groups. Such was the course of events in Italy during the Social War, which had raged with intensity up to this point, until the whole of Italy had gained Roman citizenship, except, for the time being, the Lucanians and the Samnites. It was only later, I believe, that they too succeeded in getting what they wanted. Each Italian people was enrolled in the tribes in the same manner as those who had been admitted to citizenship before, to avoid the possibility that in outnumbering the existing citizens they might outvote them if they were mixed in with them.'

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data est). Granius Licinianus also seems to date this concession in 87, as he first described the deal between Cinna and the Samnites (Granius Licinianus, 35.21) and later in the text he claims that everyone who surrendered was granted citizenship; they promised to supply many thousands of soldiers, but sent scarcely sixteen cohorts. (Granius Licinianus, 35.34-35: *Dediticiis omnibus civita<s> data*, *qui polliciti mult<a> milia militum vix XV<I> cohortes miserunt*.)[765]

I believe Bispham provides a good set of arguments to overcome this contradiction in our sources. On the one hand, he establishes a hierarchy of sources, giving priority to those authors that furnish us with a more complete retelling of the event, while relegating those that have a much more fragmentary narrative or just an abridgement.[766] Therefore, first on the list he places Appian, closely followed by Velleius Paterculus; after them comes Granius Licinianus, and lastly, Livy's *Epitomes*. This sorting responds, essentially, to questions of internal logic, narrative coherence, and political circumstance. Both Appian and Granius differentiated the enfranchisement of the *dediticii* from Cinna's deal with the Samnites; yet the former's recounting makes more sense than the latter, which to complicate it further is very fragmented. For Appian, enfranchisement first came for the *dediticii* when the war entered its final phase and all that remained could be considered, to a point, bloody clean-up operations against a few radicals. That is, in 88; the same year when Q. Pompeius Rufus and the staunchly *optimate* Sulla were seated in the consular chair. Later, in 87, when civil strife had already arisen, Cinna, undoubtedly *popularis* and already acting as a deposed consul, struck a deal with some of those very radicals, the Samnites, in order to integrate them inside the Roman *politeia* in exchange for their support in his conflict against the *optimates* (App. *B civ.* 1.68). As we have seen, this sequence of events is also coherent with Velleius' narrative, even though he did not mention any entente between Cinna and the Samnites.

Instead, what appears to transpire – *prima facie* – from Granius' incomplete narrative is that the *dediticii* would have lingered without enfranchisement for over a year, until Cinna and Marius were waging war against Octavius and Pompeius Strabo. It was at this moment, after the Senate failed to gain the support of the Samnites through the intermediation of Cecilius Metellus, when this author argued that citizenship was granted to all those that had surrendered. This was done with a promise from the beneficiaries of military assistance – one which did not pay off in the end, as they only sent a meagre contribution. Taken at face value, this seems to indicate the counter-intuitive decision of the Senate to first reach out to the still defiant Samnites instead of resorting to negotiate with those communities that, already defeated and surrendered, awaited in the legal limbo of their *deditiones*.[767] Certainly, this is a less appealing reconstruction – one that implies that all the civil strife that surrounded

765 Criniti, 1981.
766 Bispham, 2007, 181-183.
767 Bispham, 2007, 181.

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Sulpicius and his confrontation with Sulla, a conflict where we know that the political rights of the new citizens played a central role, was restricted to those that had been loyal to Rome and did not involve any of the *populi dediticii*.[768] Instead, while conceding that Granius' narrative may have wanted to convey this message, Bispham argues that the fragmentary nature of this source allows for other interpretations. Indeed, he posits that an argument can be made for the quote *Dediticiis omnibus civita<s> data* (supplemented with the finite part *erat*), to be read as a reference to a past action: a transactional concession made the year before that, in the end, was rather disappointing for the Senate.[769] This is only a conjecture, yet one that proves that Granius can be read without contradicting Appian and Velleius' sequence of events.

Finally, we come to Livy's *Epitomes.* I concur with Bispham that the very nature of these abridgements, more concerned with selecting and compressing notable events rather than creating a coherent narrative, should preclude us from discarding our other sources in favour of an interpretation grounded on the *Epitomes*.[770] This is especially true when this 'Livian' alternative sequence of events goes against the grain of our other evidences. Moreover, the very succinct nature of the statement (*Italicis populis a senatu civitas data est*), without any further contextual reference, could be interpreted as a garbled reference to the negotiations the Senate established with the Samnites, which we know were conducted in 87. In any case, and even if we assumed the more straightforward meaning behind this sentence, I believe that when weighted against the more coherent narratives provided by Appian and Velleius, this discrepancy can be safely cast away as a 'misplaced reference'.[771]

In addition to this, there is another piece of information that points towards 88 as the year the decision to enfranchise the *dediticii* was taken. It was then when tribal distribution took the centre of the political debate and became a real problem, as shall be seen later in detail. Therefore, this eruption of discontent perfectly lines up with a considerable increment in the number of *populi* entering the boundaries of the polity and realizing their integration was coming hand in hand with political marginalization. In fact, it was a worrying signal to the loyal *socii* as well, confirming that this limitation on their *ius suffragii* was not a temporal measure; quite the contrary, not only were they to remain in this detrimental situation, but they were also lumped together with those that had been fighting against Rome until very recently, diminishing the value of their loyalty.[772]

In any case, despite the array of hints that point towards this decision as being taken during the consulship of L. Cornelius Sulla and Q. Pompeius, the fact is that we do not know the precise legal form it took. *Per se*, this is not surprising, considering how little has been preserved of the complex legal process that extended Roman citizenship to the former *socii*. I

768 Brunt, 1965, 90-109: 109, argued precisely that, something that I do not find consistent with Appian's account.
769 Bispham, 2007, 181-182.
770 Bispham, 2007, 182-183.
771 Bispham, 2007, 182.
772 Bispham, 2007, 180; a similar chronology and sequence of events is defended by Kendall, 2013, 409-418, 816-821.

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agree with Bispham that most likely it was codified as a law. Aside from the named statutes that had been referenced, we know that there were legal instruments passed that dealt with the enfranchisement of certain communities. As we have mentioned before, a truncated excerpt in Sisenna shows an example of this legislative approach, whereby the assemblies, with the backing of a *senatus consultum,* granted citizenship to the city of Tuder (Sis., *FRH* F78: *tamen Tudertibus senati consulto et populi iusso dat civitatem*). While this particular measure appears to had been a targeted concession to a specific community, it is far more likely that, for questions of political expediency, a general law would have been passed that granted citizenship to the bulk of the *dediticii*. Considering how big a role the rights of the *novi cives* played in the sequence of events that led to Sulla's march against Rome, in August of 88, it is fairly reasonable to assume that this unnamed lex would have been passed in the first half of the year. If so, this would have been the last one of the big pieces of legislation regulating access to Roman citizenship as a consequence of the Social war.[773]

Finally, I also find convincing Bispham's argument that, contrary to the *lex Iulia*, Roman *civitas* was probably imposed on the surrendered peoples without any requirement nor opportunity to realize a *fundus fieri*.[774] In contrast to those who remained loyal, their new status was the result of being defeated in war and making a formal *deditio*, relinquishing any ability to decide over their own destiny. Therefore, it is likely that Rome simply decided for them, exercising her sovereignty. In fact, Cicero was clear that the possibility of making a *fundus fieri* was indeed a concession of Rome, not a right inherently possessed by any particular foreign community:

> *Postremo haec vis est istius et iuris et verbi, ut fundi populi beneficio nostro, non suo iure fiant. Cum aliquid populus Romanus iussit, id si est eius modi, ut quibusdam populis sive foederatis sive liberis permittendum esse videatur, ut statuant ipsi non de nostris, sed de suis rebus, quo iure uti velint, tum, utrum fundi facti sint an non, quaerendum esse videtur; de nostra vero re publica, de nostro imperio, de nostris bellis, de victoria, de salute fundos populos fieri noluerunt. (*Cic. *Balb*. 21-22)[775]

773 Bispham, 2007, 183; Kendall, 2013, 414-415, argues for the passing of a law in late 89 or early 88 that allowed the commanders to enfranchise whole communities as a by-product of surrender within a similar framework as the one devised by the *lex Iulia* et al; cf. Sherwin-White, 1973, 155-156, did not favour the existence of other laws *de civitate danda*, but posited that the Senate, via *senatus consulta*, decided to which communities to apply the *leges Iulia* and *Plautia Papiria,*

774 Bispham, 2007, 183.

775 Cic. Balb. 21-22: 'Finally, the force both of that principle of law and of its terms is that states become "consenting," not of their own legal right but by our favour. When the Roman People have made any law, and if this law is of such a kind that it seems likely to give certain states, whether bound to us by treaty or free, an option to decide themselves, not with reference to our but to their own concerns, what legal principle they desire to adopt, in that case we clearly ought to ask whether these states have, or have not, "given consent." But when it is a question of our own State, of our Empire, of our wars, of our victory or of our welfare, our forefathers did not desire that states should "give consent."'

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As in imperial polity, Rome did not make her interests contingent on the will of others. Indeed, when core aspects of Roman sovereignty were involved they could even be considered to have a self-legitimizing nature. Paraphrasing Cicero, only Rome's own will mattered when the *res publica*, her power, her fate in war, or her health were involved. By mid-88, after almost three years of bloody conflict in Italy and with a war looming in the Near East, this was most certainly the case. Therefore, I find it very probable that Rome exerted her decisionary power by unilaterally regulating the issue at the root of the *bellum sociale*, that is, the citizenship status of her former subjects.

On the other hand, there is the question of the failed census of P. Licinius Crassus (*cos*. 97), and L. Iulius Caesar, the author of the *lex Iulia* (*cos*. 90).[776] In 89, one year after the consulate of the latter, they were elected for this office for the customary eighteen-month period that would run until mid-to-late 88 – depending on when they took office. Contrary to Cn. Domitius Ahenobarbus and L. Licinius Crassus in 92, this new pair of censors is reported to have served until the end of their term and conducted the *lustrum*, as the *Fasti* preserved in Antium showed.[777] The validity of this ritual has been called into question based on a reference in Festus, who deems it 'unfortunate' (*parum felix*) because the censors had rescheduled without the necessary decree of the augurs.[778] However, the fact remains that whether their *lustratio* was later declared unlucky or even anulled, the censors did conclude their service and performed the customary ritual sacrifice of the *suovetaurilia.* Even if the date of the *lustrum* was slightly brought forward, it is safe to assume that most of the customary eighteen months were indeed fulfilled in office, which would have placed their time of service parallel to a profound redrawing of the boundaries of the *civitas*, as we have seen. This would mean that, in theory at least, their census would have been tremendously momentous, as it would have dealt with the consequences of the enfranchisement of the loyal *socii* by the *leges Calpurniae, Iulia* and *Plautia Papiria* and, most likely, those *populi dediticii* who were incorporated into the Roman *civitas* at some point during 88.

Nevertheless, despite this – or maybe, precisely *because* of it –, L. Iulius Caesar and P. Licinius Crassus failed to complete the census, as Cicero claimed in no uncertain terms (Cic. *Arch*. 11: *primis Iulio et Crasso nullam populi partem esse censam*). No figure is given regarding how many citizens might compose the *civitas* nor any cause is provided regarding this failure.[779] Of course, many explanations have been advanced by scholars to shed some light on this anomaly. Some have blamed the internal and external strife the *res publica* was suffering removing any intentionality on the part of the censors.[780] In turn, Wiseman links the

776 Broughton, 1952, 32-33.

777 *Fasti. Ant.: P. Licini(us) M. f. Crass(us) L. Iuli(us) L. f. Cae[s(ar) cens(ores)] lu[st]rum fec[er]unt*; also, *Fast. Cap.*

778 Festus, *De Verborum Significatione*, Lindsay 289.21-27M: *Referri diem prodictam, id est anteferri, religiosum est, ut ait Veranius in eo, qui est auspiciorum de comiiis: idque exemplo conprobat L. Iuli et P. Licini censorum, qui id fecerint sine ullo decreto augurum, et ob id lustrum parum felix fuerit.*

779 Kendall, 2013, 471;

780 Haug, 1947, 201-258: 249.

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validity of the *lustrum* to that of the census, arguing the former could not be held without the latter. Based on Festus and the fact that censors were to be elected just three years later – in 86, instead of the traditional *quinquennium* –, he argues that the *lustrum* of Caesar and Crassus was considered invalid and, therefore, both ceremony and census were not counted. In fact, he proposes a complex process whereby both *lustra* – 89 and 86, as well – were at certain points annulled due to partisan politics. First, the ceremony and census of 89 would have been deemed invalid by Marian supporters, who pushed for a new *lustrum-census* in 86. This state of affairs would have been countermanded by Sulla, who restored the validity of the 89 *lustrum* at the expense of that of 86, only for this decision to be reversed after Sulla's death, which would have left us with the current situation, where the *lustrum* of the 89 is listed in the Atium's *Fasti* – which Wiseman suggested dates back to Sulla's dictatorship – but no census count is preserved.[781]

For his part, Linderski agrees with Wiseman's assessment that this *lustrum* was invalid, but instead of arguing for a competing cascade of annulments, he just posited that the *lustrum* became *vitiosum* and void due to infringement of augural law. Due to the experience of the censors, particularly L. Iulius Caesar, this obvious 'procedural blunder' is explained as committed on purpose to delay their registration in the census rolls as citizens.[782] Another theory, brought forward by Kendall, postulates that Sulla – *cos*. 88, and already a very successful commander in 89 – brought 'a great deal of persuasion to bear' onto the censors to 'dilute the powers of the new citizens still further by preventing a census'. While conceding the evidence for his hypothesis is indirect, he places it alongside Sulla's reversal of all *leges Sulpiciae*, and grounds it in the *nobilitas*' unwillingness to the extend citizenship to the Italics, a position he argues was especially clear in Sulla's specific case.[783]

Although certainly not devoid of merit, Wiseman's interpretation seems overly convoluted and requires for a series of measures and counter-measures for which we do not have any proof – in fact, it contradicts Cicero's plain statement that no citizens were counted. On the other hand, Kendall appears to cast most of the blame for the failed census solely (or mostly) on Sulla's shoulders, presenting him as the man in the shadows that killed the census. This seems to me unnecessarily reductionist. Influential and contrarian to new citizens' interests as the new consul might have been, he was just one among many *optimate* politicians active in politics. There was a whole array of statesmen that partook of an ideology that had been consistent from its very beginning in its rejection of the *socii* as deserving *consortium imperii*. It is important to remember the Senate was, even if depleted by the war, essentially the very same body that, just two years before, had opposed tooth and nail Drusus' enfranchisement proposal. It had shown itself willing to throw away the baby with the

781 Wiseman, 1969, 69-75: 63-64.
782 Linderski, 1986, 2146-2312: 2186-2189.
783 Kendall, 2013, 471-475.

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bathwater, repelling a highly beneficial *lex iudiciaria* as long as it meant annulling Drusus' other *popularis* policies. In this milieu, it seems unnecessary to pin the blame primarily on Sulla, as if he were the only one who resented giving the *socii* access to the core imperial citizenship. Instead, I believe it is more reasonable to imagine that the main actors behind the whole fiasco, that is, the censors, had prime responsibility – especially, when we know that L. Iulius Caesar was behind the a piece of legislation that served as the basis for limiting the *novi cives*' right to vote. Most likely, both Caesar and his colleague's actions counted with the support of many senators, one of whom might have been Sulla, but I find no good reason to deprive them of their political agency.

Nevertheless, I do consider both scholars are correct in placing the census at the centre of political strife at this particular moment in time. During the eighteen month period where the censors were serving their time in office, the restrictive nature of tribal distribution became infuriatingly apparent to the *novi cives* and they were clearly not only manifesting their displeasure, but actively opposing it. This was already discussed when dealing with the enfranchisement of the *dediticii* and it shall be further expander later, exploring the civil discord propitiated by the likes of Sulpicius, Marius, Sulla, Octavius and Cinna. In any case, it is hard to imagine how a census that was supposed to be conducted from early-89 to mid-88 would not have been a heavily politicized and contested process. In this regard, Linderski's assertion is a sound one, even though he does not explore in great depth the political consequences of such actions. In a process of such high stakes and so heavily charged with partisan politics, it is reasonable to assume that the procedural error surrounding the *lustrum* was a deliberate one – particularly given the involvement of influential and experienced politicians such as L. Iulius Caesar.[784]

The question is, then: why? To what end? Here, as in many other places, the lack of sources regarding the specific dynamics around this process makes any answer a conjectural one. In any case, and considering the political patterns of the era, some educated guesses can be envisioned. First and foremost, it appears that the *optimates* and L. Iulius Caesar wanted to delay, as much as they could, the real integration of the *novi cives* into the political reality of the *civitas*. On the one hand, the wealth assessment necessary to determine the social class and the respective *centuria* of each *sui iuris* – and their dependants – was one of the core functions of the census. These requirements, class and century, were central to the exercise of a citizen's *ius sufraggii* in the *comitia centuriata* and, traditionally, to their position in the *dilectus*. Therefore, even though the *novi cives*' political power in the tribal assembly was under control by the framework put in place by the *lex Iulia* and its following apparatus, the

784 Linderski, 1986, 2146-2312: 2186-2189; López Barja, 2007a, 268-269, points out that Cicero (esp. Cic. *Leg*. 2.21, 2.31) conceived religion as one of his 'remedies' against *popularis* ideology, especially resorting to the power of the *augures* as technical hurdle that could be weaponised against any law passed without following proper procedure – yet Cicero was just verbalizing what was already a common practice, and he was by no means the first one to propose the abuse of religion with a clearly partisan aim. Bibulus' opposition to Caesar during their joint consulate was a flagrant case of this conduct (Suet. *Iul*. 20.1).

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optimates may have felt further action ought to be taken in order to delay and hinder their integration in the centuriate assembly.[785]

On the other hand, according to Laffi, *adscriptio* – that is, the actual enrolment in each tribe – was a prerogative of the censors, even if the assignment of said tribes (or their creation when anew, their *additio*) was undoubtedly determined by the people via legislation. That is, although they were acting on the people's will and executing their order, the *adscriptio* was an intermediate step that was expected to be taken by the censors.[786] This has been determined based on Festus, who claimed as much regarding those citizens enrolled in the Oufentine tribe by the censors (s.v. *Oufentinae tribus,* Linsay 212: *postea deinde a censoribus alii quoque diversarum civitatum eidem tribui sunt adscripti).* An overtly formalistic reading of this step may very well imply the *adscriptio* was a prerequisite to fully participate in any all the assemblies, not just the *comitia centuriata*.

Certainly, the foundational nature of the census as the traditional fulcrum of the political system is well established, especially during the mid-Republic. Nevertheless, the mostly harmonious alignment of census and political system had changed during the late-Republic, with the old equilibrium between the different seats of sovereignty being disputed.[787] While still important, the dominant role of the censors had been challenged by the assemblies. As Clemente argued, the assemblies, the institutional embodiment of the people, had been passing legislation that directly took control over areas that had been the traditional purview of the censors, striping these once prominent magistrates of more and more practical functions. This was especially evident regarding the *iudicia publica* after the *lex Calpurnia de repetundis* (149). Although the prerogatives of the censors had not been openly rejected, the host of *leges* instituting a *iudicium publicum* as a *de facto* mechanism that determined the loss of senatorial status certainly devalued the combined power of the *cura morum* and the *lectio senatus* to determine the status of Rome's governing class. *Popularis* politicians deepened this clash consistently over-legislating matters of public penal law, and the *bellum sociale*, with its foundational transformation over the extension of the *civitas*, seems to had supercharged it.[788]

Taking this dynamic into account, it is possible to envision a very obvious point of friction. Even though the *optimates* had established a framework that diluted the power of the *novi cives* in the tribal assembly, by 88, with the incorporation of the *dediticii*, it was clear they were not going to accept it. In fact, they were already actively opposing it, aligning with those that had proved time and again to possess a more inclusive conception of the *civitas*: the *popularis*. It may have been clear that it was a matter of time that they legally contested (and maybe upended) the validity of tribal distribution. Faced with a strong opposition, the censors

785 Tibiletti, 1959, 94-127: 119; Wiseman, 1969, 59-75: 64; Linderski, 1986, 2146-2312: 2188-2189; Dart, 2014, 180.
786 Laffi, 2019, 169-182: 170-172.
787 The most articulate manifestation of this thesis (if dated) continues to be Nicolet's, 1980.
788 Clemente, 2022, 193-205: 201-203.

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had two possibilities. They could try, nonetheless, to successfully conduct the census and reassert the authority of their office and the viability of the tribal framework that the *lex Iulia* had originated. Compliance with a census' summons was mandatory and the potential penalty for disregarding it could be very harsh: with the right amount of political backing, this obligation could be used as leverage to expedite the whole process and chastise their opponents.[789] Nevertheless, pursuing this option would mean a harsh and open confrontation with the very same communities Rome had just tried to appease and their political allies in the City. It would mean summoning estranged allies and resentful ex-insurgents alike to Rome, physically controlling the multitude of those that complied while punishing those that stood in defiance. It would mean formally integrating them into the system, even in one designed to minimize their influence, hoping to have the sufficient political force to keep the framework that constrained them in place in the long term. And all of this would have to be done overcoming the resistance of a plethora of newly enfranchised communities and the opposition of the *populares* with a looming war against an eastern king in the horizon – for the first Mithridatic war had erupted precisely in 89.[790]

Confronted with these prospects, it is easy to understand why the censors could have purposefully invalidated their own census. Most likely, it was a pre-emptive attempt to side-step a full-blown confrontation over the issue, delaying its resolution while maintaining the new citizens in a limbo regarding their political rights. It even provided the *optimates* with a potential trump card in the form of a legal technicality to be used if needed: as no census was conducted and no *adscriptio* had been done, it allowed them to disregard as fraudulent any voting process were these *novi cives* participated, be it in the *comitia centuriata* or the *tributa*. They could go as far as to consider it a form of violence, framing the resulting procedures as conducted *per vim.* Certainly, this void census was to prove very convenient in case their worst fears came to fruition and a law redistributing the *novi cives* passed through the assemblies. It impinged directly upon their very right of political participation while simultaneously defanging this potential new framework, since it would not formally ensure their tribal enrolment without the mediation of a new pair of censors. As we shall see, this was precisely what happened.

789 Nicolet, 1980=1876, 65-67.

790 Regarding the chronology of the starting phases of the First Mithridatic War leading to the infamous Asian Vespers, Nicolet, 1984, 654-657.

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10. RADICAL POLITICS: TRIBAL REDISTRIBUTION AND CIVIL WAR

In the previous chapter, we examined the deliberate sabotage of the census by L. Iulius Caesar and the *optimates* as a means of delaying the political integration of the newly enfranchised citizens. It is precisely within this context that Publius Sulpicius' decisive yet ill-fated alliance with the *novi cives* over their tribal distribution must be situated. Chosen as tribune of the plebs for 88, Sulpicius was a well-bred and well-connected aristocrat that frequented the same circles as Drusus the younger. The two of them had been close friends, sharing an early career that had been traditional enough to be praised by Cicero throughout his works – especially in *De Oratore* (Cic. *De or*. 1.25; 1.30; 1.96-97; 2.202-203; 3.11). Yet like his late companion, he proved to be positively predisposed to support the political cause of the former *Latini et socii* to attain political equality, *consortium imperii.* This had put him in a collision course with the Senate during his tenure as tribune, but unlike Drusus, he appears to have developed a much more radical profile both in terms of ideology and political praxis. Therefore, our sources present him with the conventional character assassination reserved for those who came to partake of *popularis* ideology and decisively act in the political realm according to this vision of the political sphere. His personality traits are those of the archetypical *popularis* firebrand. Plutarch insisted that he was wicked, violent and rapacious (Plut. *Sull*. 8.1-2; Plut. *Mar*. 35.1-2), acting politically 'by force and the sword' (Plut. *Sull*. 8.2: βίᾳ καὶ σιδήρῳ). Velleius Paterculus praised his upbringing, his talents and his early career, but as with many *populares*, it all went astray because of his ambition when he realized that his good actions only brought him disappointments (Vell. Pat. 2.18.5-6). In turn, Asconius asserted that he was 'justifiably crushed by force of the consuls' arms' for having taken possession of the *res publica* with violence (Asc. *Corn*. 64C: *et propter quod ipse Sulpicius consulum armis iure oppressus esse visus est*).[791]

However, behind the often dismissive and tendentious descriptions of Sulpicius lies a politician whose position can, with some effort, be discerned. The year 88 was marked not only by disputes over the census and the tribal distribution of the newly enfranchised citizens, but also with clashes around the fate of those exiled for political reasons and command over the war against Mithridates VI.[792] Added to these were the inevitable rivalries of a highly

791 The main discordant note is presented by Cicero's portrait of the tribune, which is much more nuanced; Chapman, 1979, 61-72, explained this discrepancy by a combination of factors, such as admiration for his brilliant oratorical talent, his personal connections to people Cicero held in great esteem, and a true respect for his stubborn opposition to Caesar Strabo's illegal candidacy for the consulship.

792 Regarding the political conflicts that plagued the year 88, among others, Badian, 1958, 230-234; Lintott, 1971, 442-453; Mitchell, 1975, 197-204; Powell, 1990, 446-460; Seager, 1994, 165-207: 165-173; Stone, 2002, 191-212; Bispham, 2007, 179-183; Steel, 2013, 87-97; Tatum, 2022, 555-567; Vervaet, 2023, 129-146.

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competitive *res publica,* conflicts in which Sulpicius was fully embroiled. Certainly, the tribune's confrontation with Caesar Strabo – brother of the *rogator* of the *lex Iulia*, L. Iulius Caesar – was as acrimonious as many of the other rivalries of this age, staunchly opposing his illegal bid for consulship.[793] It is undeniable that ideology and partisan politics often intertwined in specific and difficult to reconstruct ways, with Sulpicius apparently changing his position on the fate of the exiled based on the precise denomination of those that had been 'ejected with violence' (*Rhet. Her.* 2.45: *sed vi eiectos*).[794] Yet, what was undoubtedly consistent was both his alliance to Marius and his support to a fairer distribution for the *novi cives*.

There is no denying the relevance of the *contentio dignitatis* behind the conflict for the command of the war against Mithridates. All our sources agree that Marius coveted the glory this expedition would bestow upon his already impressive accomplishments: Eastern wars were also thought of as highly profitable (App. *B civ*. 1.55; Liv. *Epit*. 77; Vell. Pat. 2.18; Plut. *Sull*. 8.1-2; *Mar*. 34.1; Diod. Sic. 37.2.12). Nevertheless, Sulla was the obvious choice and counted with the Senate's support.[795] Much younger, he was one of the consuls of the year and possessed a glowing military track-record. Consequently, he was allotted the command and, early in the year, left Rome to take charge of the army besieging Nola, which he was to lead East after quashing the last fires of the *bellum sociale* (Plut. *Sull*. 7.2; Vell. Pat. 2.18). Once he left Rome, the political situation got out of hand.

10.1 PUBLIUS SULPICIUS (*TR. PL.* 88)

10.1.1 'Instrument for the Destruction of the Commonwealth'[796]

The most detailed account of the stasis that gripped the city is Appian's, as in his narrative this sequence of events is truly the pivotal moment where escalation in civic turmoil fully led into civil war (App. *B civ*. 1.55: μετὰ δὲ τοῦτο στρατοῖς μεγάλοις οἱ στασίαρχοι πολέμου νόμῳ συνεπλέκοντο ἀλλήλοις, καὶ ἡ πατρὶς ἆθλον ἔκειτο ἐν μέσῳ). Marius is presented as the senior partner in the alliance, imposing his will upon Sulpicius – an idea which is also reflected by our other authors. The Alexandrian is clear that resorting to the new citizens was

793 Asc. *Scaur*. 25C; Powell, 1990, 446-460: 457-458; Stone, 2002, 191-212: 200; Tatum, 2022, 555-567: 556-557; Vervaet, 2023, 130-132; while I do not agree with Powell's dismissal of the *optimate-popularis* division as an 'inflexible, preconceived opinion about the nature of Roman politics', 460, I do believe he correctly revealed that Sulpicius' inconsistencies can be greatly exaggerated.

794 For the question of who these *exules* were*,* Gruen, 1965, 59-73: 71-73, Badian, 1969, 447-491: 487-490; and Linttot, 1871, 442-453: 453, do not accept that they were those affected by the *lex Varia*; *contra*, Lewis, 1998, 195-199: Stone, 2002, 191-212: 203-205; and Vervaet, 2023, 133-134, as they argue that the victims were indeed the victims of the Varian *quaestio*; in turn, both Powell, 1990, 446-460: 457, and Kendall, 2013, 434-5, remain open to various possibilities.

795 Gabba, 1976, 84, 95, argued that Marius' support was strong among the *equites* mainly for economic reasons; this position is followed also by Vervaet, 2023, 136; cf. Wulff Alonso, 2021, 298-302, warns against this overly straightforward characterization of the internal economic dynamics of Roman imperialism, especially regarding the interest of the *socii*.

796 Plut. *Mar*. 35.1.

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an entirely instrumental play by Marius. Those recently enfranchised were a frustrated constituency with a clear political aim and huge electoral potential if properly integrated into the tribes – if so, they 'would have everything that they wanted' (App. *B civ.* 1.55: οὗ κυρωθέντος ἔμελλε πᾶν ὅ τι βούλοιτο Μάριος ἢ Σουλπίκιος ἔσεσθαι). As tribune, Sulpicius' mission was to use redistribution to bring them to their side while Marius kept his ultimate aim secret. Therefore, a law ought to be passed to that end. Only afterwards, when they had secured their full electoral support and 'willing assistance', was Sulpicius to bring a bill to the assemblies giving Marius command over the war:

> Μάριος δὲ τὸν πόλεμον εὐχερῆ τε καὶ πολύχρυσον ἡγούμενος εἶναι καὶ ἐπιθυμῶν τῆς στρατηγίας ὑπηγάγετό οἱ συμπράσσειν ἐς τοῦτο Πούπλιον Σουλπίκιον δήμαρχον ὑποσχέσεσι πολλαῖς καὶ τοὺς ἐκ τῆς Ἰταλίας νεοπολίτας, μειονεκτοῦντας ἐπὶ ταῖς χειροτονίαις, ἐπήλπιζεν ἐς τὰς φυλὰς ἁπάσας διαιρήσειν, οὐ προλέγων μέν τι περὶ τῆς ἑαυτοῦ χρείας, ὡς δὲ ὑπηρέταις ἐς πάντα χρησόμενος εὔνοις. καὶ νόμον αὐτίκα ὁ Σουλπίκιος ἐσέφερε περὶ τοῦδε· οὗ κυρωθέντος ἔμελλε πᾶν ὅ τι βούλοιτο Μάριος ἢ Σουλπίκιος ἔσεσθαι, τῶν νεοπολιτῶν πολὺ παρὰ τοὺς ἀρχαίους πλειόνων ὄντων. (App. *B civ.* 1.55)[797]

Appian tells us that when the old citizens knew of such a distribution bill they violently opposed it, *motu proprio*, the new ones, realizing how their political power was going to be diminished. With the voting session approaching, fights involving clubs and stones broke out in the streets. In response, Sulla came back to the City and, alongside Quintus Pompeius Rufus, declared a suspension of regular business (ἀργία – most likely a *iustitium*) to prevent any possible vote to take place under such circumstances:

> οἱ δ' ἀρχαιότεροι συνορῶντες ταῦτα ἐγκρατῶς τοῖς νεοπολίταις διεφέροντο. ξύλοις δὲ καὶ λίθοις χρωμένων αὐτῶν ἐς ἀλλήλους καὶ μείζονος αἰεὶ γιγνομένου τοῦ κακοῦ, δείσαντες οἱ ὕπατοι περὶ τῇ δοκιμασίᾳ τοῦ νόμου πλησιαζούσῃ προύγραψαν ἡμερῶν ἀργίας πολλῶν, ὁποῖον ἐν ταῖς ἑορταῖς εἴωθε γίγνεσθαι, ἵνα τις ἀναβολὴ γένοιτο τῆς χειροτονίας καὶ τοῦ κακοῦ. (App. *B civ.* 1.55)[798]

797 App. *B civ*. 1.55: 'But Marius thought that it would be an easy and profitable war and wanted the command. For this purpose, by making many promises, he prevailed upon the tribune, Publius Sulpicius, to help him get it. He also encouraged the new Italian citizens, who were at a disadvantage in the elections, to hope that they would be distributed among all the tribes. He said nothing beforehand, however, about his own objectives, merely that he intended to employ their willing assistance in the achievement of all his plans. Sulpicius immediately brought forward a law on the matter. If it were enacted, Marius and Sulpicius would have everything they wanted, because the new citizens far outnumbered the old ones.'

798 App. *B civ.* 1.55: 'The old citizens saw this and violently opposed the new ones. They fought each other with clubs and stones, and the problem kept on getting worse. Eventually the consuls, alarmed that the day for voting on the law was approaching, proclaimed a suspension of public business for several days, as was usual for religious festivals, in order to postpone the voting and the danger.'

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However, Sulpicius did not back down. He loudly declared the *iustitium* illegal and demanded its termination.[799] He even attacked the consuls when they were in public, prompting another tumultuous fight that forced the consuls to flee while the son of Quintus Pompeius was killed in the fray. Finally, Sulla relented and annulled the *iustitium* before hastily escaping back to his army. Now in control of the city, Sulpicius was free to bring to the assemblies whatever bills he considered appropriate. According to Appian, he got his 'law' (νόμον, singular) passed and immediately took advantage of the new redistribution to vote Marius as the new commander of the war against Mithridates – that is, we are to understand that this was achieved through a second piece of legislation presented before the tribal assembly:

> Σουλπίκιος δὲ τὴν ἀργίαν οὐκ ἀναμένων ἐκέλευε τοῖς στασιώταις ἐς τὴν ἀγορὰν ἥκειν μετὰ κεκρυμμένων ξιφιδίων καὶ δρᾶν, ὅ τι ἐπείγοι, μηδ᾽ αὐτῶν φειδομένους τῶν ὑπάτων, εἰ δέοι. ὡς δὲ αὐτῷ πάντα ἕτοιμα ἦν, κατηγόρει τῶν ἀργιῶν ὡς παρανόμων καὶ τοὺς ὑπάτους Κορνήλιον Σύλλαν καὶ Κόιντον Πομπήιον ἐκέλευεν αὐτὰς αὐτίκα ἀναιρεῖν, ἵνα προθείη τὴν δοκιμασίαν τῶν νόμων. θορύβου δ᾽ ἀναστάντος οἱ παρεσκευασμένοι τὰ ξιφίδια ἐπεσπάσαντο καὶ τοὺς ὑπάτους ἀντιλέγοντας ἠπείλουν κτενεῖν, μέχρι Πομπήιος μὲν λαθὼν διέφυγε, Σύλλας δ᾽ ὡς βουλευσόμενος ὑπεχώρει. κἀν τῷδε Πομπηίου τὸν υἱόν, κηδεύοντα τῷ Σύλλᾳ, παρρησιαζόμενόν τι καὶ λέγοντα κτείνουσιν οἱ τοῦ Σουλπικίου στασιῶται. καὶ ὁ Σύλλας ἐπελθὼν ἐβάστασε τὴν ἀργίαν ἔς τε Καπύην ἐπὶ τὸν ἐκεῖ στρατόν, ὡς ἐκ Καπύης ἐς τὴν Ἀσίαν ἐπὶ τὸν Μιθριδάτου πόλεμον διαβαλῶν, ἠπείγετο· οὐ γάρ πώ τινος τῶν ἐπ᾽ αὐτῷ πραττομένων ᾔσθετο. ὁ δὲ Σουλπίκιος, ἀναιρεθείσης τῆς ἀργίας καὶ Σύλλα τῆς πόλεως ἀποστάντος, ἐκύρου τὸν νόμον καί, οὗ χάριν ἅπαντα ταῦτα ἐγίγνετο, Μάριον εὐθὺς ἐχειροτόνει τοῦ πρὸς Μιθριδάτην πολέμου στρατηγεῖν ἀντὶ Σύλλα. (App. *B civ.* 1.56)[800]

799 Sulla's recourse to the *iustitium* as a way to block an inconvenient legal initiative highlights the prevalence of a full panoply of emergency measures that generally empowered the Senate – or in the case of the *iustitium*, the consul, praetor or dictator – to decide over the exception and virtually bring the functioning of the community to a halt when it was deemed necessary. This is explored in Duplá Ansuategui, 1990; Lowrie, 2007, 31-55: 34-39; also, López Barja, 2018, 57-84: 65-84.

800 App. *B civ*. 1.56: 'Sulpicius, however, did not wait for the end of the suspension of business, but ordered his partisans to come to the Forum with concealed daggers and to do whatever the emergency required, not even sparing the consuls if need be. When he had everything ready he denounces the suspension of business as illegal and ordered the consuls, Cornelius Sulla and Quintus Pompeius, to end it at once, in order to proceed with the voting on the legislation. A riot now broke out, and those who had been briefed beforehand drew their daggers and threatened to kill the consuls, who were refusing to comply. Finally Pompeius escaped unnoticed and Sulla withdrew on the pretext of taking advice. In the meantime Sulpicius' partisans assassinate Pompeius' son, Sulla's son-in-law, who was speaking his mind rather freely. Sulla now returned and, having cancelled the suspension of business, hurried away to the army at Capua, intending to cross from there to Asia to take command of the war against Mithridates, for he was unaware as yet of the plans being made against him. With the suspension now cancelled and Sulla having left the city, Sulpicius enacted his law, and immediately had Marius voted commander of the war against Mithridates in place of Sulla – which was the reason for all this activity in the first place.'

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Our other sources generally validate the main picture Appian delineates, with certain nuances. This is the case regarding Sulpicius' relation to Marius, who is consistently presented as the senior partner, although with a relevant caveat regarding the tribune's relative autonomy. With their characteristic brevity, Livy's *Epitomes* simply considered Sulpicius a proxy of Marius, who instigated him to act:

> *Cum P. Sulpicius tribunus plebis auctore C. Mario perniciosas leges promulgasset, ut exules revocarentur et novi cives libertinique in tribus distribuerentur et ut C. Marius adversus Mithridatem Ponti regem dux crearetur* (...) (Liv. *Epit*. 77)[801]

Nevertheless, I would argue that the main difference between these narratives and authors like Velleius, Plutarch, or Asconius, resides in Sulpicius' agency and intentions. In Appian's account (and in Livy's *Epitomes*), while the tribune acts decisively and violently when the situation requires it, he appears to be just the executor of Marius' will; nothing more, nothing less. Therefore, his ultimate aim is irrelevant; the only thing that matters is attaining Marius' command. However, the other descriptions have more nuance, even if they still emphasise Marius' role. Sulpicius may have been a junior partner, but he had more political agency: destructive and corrupting for the *res publica*, yes, yet one separate from Marius'.[802]

Velleius gave Sulpicius a little more autonomy, as it was the tribune who willingly, on account of his frustrated ambition, attached himself to Marius and proposed a law giving him his much desired command:

> (...) *P. Sulpicius tribunus plebis, disertus, acer, opibus gratia amicitiis vigore ingenii atque animi celeberrimus, cum antea rectissima voluntate apud populum maximam quaesisset dignitatem, quasi pigeret eum virtutum suarum et bene consulta ei male cederent, subito pravus <se> et praeceps C. Mario post septuagesimum annum omnia imperia et omnis provincias concupiscenti addixit legemque ad populum tulit qua Sullae imperium abrogaretur, C. Mario bellum decerneretur Mithridaticum aliasque leges perniciosas et exitiabiles neque tolerandas liberae civitati tulit. quin etiam Q. Pompeii consulis filium eundemque Sullae generum per emissarios factionis suae interfecit.* (Vell. Pat. 2.18)[803]

801 Liv. *Epit*. 77: Publius Sulpicius, tribune of the commons, instigated by Gaius Marius, proposed ruinous laws – that the exiles should be recalled, that new citizens and freedmen should be distributed among the tribes, and that Gaius Marius should be appointed commander to oppose Mithridates King of Pontus.

802 Most modern scholars do present Sulpicius as having political agency, even when accepting his relative subordination to Marius, such is the case of Badian, 1958, 230-234; Lintott, 1971, 442-453; Mitchell, 1975, 197-204; Powell, 1990, 446-460; Kendall, 2013, 441; Tatum, 2022, 555-567; Vervaet, 2023, 129-141.

803 Vell. Pat. 2.18: '(…) Publius Sulpicius, the articulate and fierce tribune of the plebs, celebrated for his wealth, charm, friendships, and intellectual and emotional energy, and who had previously acquired the highest importance with the people on account of his correct disposition, suddenly, as if he were disgusted with his own virtues and his good intentions were proving unsuccessful, conceived a perverted and precipitate attachment to Gaius Marius, who, though past seventy, was craving any and every command and province. So he carried a law before the people by which Sulla's

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For his part, Asconius bestowed a great deal of autonomy on the tribune, to the point that he did not even mention Marius. Prompted by Cicero's attack on Manilius' own attempt to enact a law redistributing the *libertini* among the thirty-five tribes, in 66, Sulpicius is recalled by this author as having passed such a measure. However, this was only possible because he had already taken control of the *res publica* with violence, which in turn caused the outbreak of the civil wars and justified his killing:

> *Legem, inquit, de libertinorum suffragiis Cornelius C. Manilio dedit. Quid est hoc "dedit"? Attulit? an rogavit? an hortatus est? Attulisse ridiculum est, quasi legem aliquam aut ad scribendum difficilem aut ad excogitandum reconditam: quae lex paucis his annis non modo scripta sed etiam lata esset.*
> [Asc] *P. Sulpicium in tribunatu hanc eandem legem tulisse iam significavimus. Tulit autem L. Sulla qui postea Felix appellatus est Q. Pompeio consulibus ante XXIII annos quam haec dicta sunt, cum per vim rem p. possedisset et ab initiis bonarum actionum ad perditas progressus esset: quod et initium bellorum civilium fuit, et propter quod ipse Sulpicius consulum armis iure oppressus esse visus est.* (Asc. *Corn*. 64C)[804]

In turn, Plutarch drew a much more complex picture, where agency and 'instrumentalization' coexist side by side. In order to achieve his command, Marius 'let [Sulpicius] loose upon the people' (Plut. *Sull*. 8.2: οὗτος εἰς τὸν δῆμον ἀφεθεὶς ὑπὸ τοῦ Μαρίου), as if he were a hunting dog. In fact, he argued that the old general found in the tribune's audacity an 'instrument for the destruction of the commonwealth' (Plut. *Mar*. 35.1: εὐφυέστατον εὑρόντος ὄργανον Μαρίου πρὸς τὸν κοινὸν ὄλεθρον τὸ Σουλπικίου θράσος). However, at the same time, his virulent characterization of Sulpicius emphasised his villainy to such a degree that he appeared to be a destructive force of nature, and he even placed him at the far end of the same political tradition of Saturninus:

> ταῦτα τὴν πόλιν ἐκ πολλῶν χρόνων ὕπουλον γεγενημένην καὶ νοσοῦσαν ἀνέρρηξεν,εὐφυέστατον εὑρόντος ὄργανον Μαρίου πρὸς τὸν κοινὸν ὄλεθρον τὸ Σουλπικίου θράσος, ὃς διὰ τἆλλα πάντα θαυμάζων καὶ ζηλῶν τὸν

command was revoked and the war against Mithridates was decreed to Marius; and he carried other pernicious and baleful laws that should not be tolerated by a free community. Moreover, by means of emissaries from his faction, he even killed the man who was son of the consul Quintus Pompeius and son-in-law of Sulla.'

804 Asc. *Corn*. 64C: '*Cornelius, he says, 'gave' Manilius the law on suffrage for freedmen. What does he mean -'gave' it? Presented him with a draft? Or passed it for him? Or urged his passage? That he presented a draft is absurd, as if it were some piece of legislation that was difficult to compose or an obscure matter to think out: indeed this law for the last few years had not only been on written record but actually passed.'*
We have already indicated that P. Sulpicius in his tribunate passed this same law. He passed it in the consulship of L. Sulla, who was later called Felix, and Q. Pompeius twenty-three years before this speech was delivered, at a time when he had taken control of the state by violence and after starting with good measures had gone on to bad. This was the start of the civil wars, and the reason why Sulpicius himself was regarded as having been justifiably crushed by force of the consuls' arms.'

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> Σατορνῖνον ἀτολμίαν ἐπεκάλει τοῖς πολιτεύμασιν αὐτὸν καὶ μέλλησιν. (Plut. *Mar*. 35.1)[805]

In fact, Plutarch strongly focused on his antagonism against the Senate, an institution he violently opposed not only politically, but physically in the streets. In his text, the tribune is a power by his own right – or *might*, as all his actions are presented as stemming from violence. We are told that he relied on a bodyguard of three thousand armed men (Plut. *Sull*. 8.2); at the same time, he also gathered a body of young *equites*, who acted as his retinue and, symbolically, called them his anti-Senate (Plut. *Sull*. 8.2; *Mar*. 35.2: αὐτὸς δὲ μὴ μέλλων ἑξακοσίους μὲν εἶχε περὶ αὑτὸν τῶν ἱππικῶν οἷον δορυφόρους, καὶ τούτους ἀντισύγκλητον ὠνόμαζεν). And importantly, Marius' command was not his only piece of legislation. In fact, he passed a law targeting the Senate, closely regulating the financial status of its members – just one of a number of measures Plutarch deems νόμοι μοχθηροί, vicious laws:

> ἔτρεφε δὲ τρισχιλίους μαχαιροφόρους, καὶ πλῆθος ἱππικῶν νεανίσκων πρὸς ἅπαν ἑτοίμων περὶ αὐτὸν εἶχεν, οὓς ἀντισύγκλητον ὠνόμαζε. νόμον δὲ κυρώσας μηδένα συγκλητικὸν ὑπὲρ δισχιλίας δραχμὰς ὀφείλειν, αὐτὸς ἀπέλιπε μετὰ τὴν τελευτὴν ὀφλήματος μυριάδας τριακοσίας. οὗτος εἰς τὸν δῆμον ἀφεθεὶς ὑπὸ τοῦ Μαρίου, καὶ συνταράξας πάντα τὰ πράγματα βίᾳ καὶ σιδήρῳ, νόμους ἔγραφεν ἄλλους τε μοχθηροὺς καὶ τὸν διδόντα Μαρίῳ τοῦ Μιθριδατικοῦ πολέμου τὴν ἡγεμονίαν. (Plut. *Sull*. 8.2)[806]

This precise Greek turn of phrase for characterizing Sulpicius' legislation has a Latin equivalent very common in disqualifying *popularis*' legislation, one that is fairly prevalent regarding Sulpicius' measures: *leges perniciosae*. Livy's *Epitomes*, probably using language present in the original, characterized Sulpicius' measures as such (Liv. *Epit*. 77); so does Velleius, who disqualifies them as unfit for a free city (Vell. Pat. 2.18: *leges perniciosas et exitiabiles neque tolerandas liberae civitati*). Cicero himself used this *syntagma* against Mark Anthony – speaking as if he were the triumvir parodically claiming 'I sponsored pernicious laws' (Cicero. *Phil*. 2.72: *ego leges perniciosas rogavi*). And although he did not use it to specifically denounce Sulpicius' measures, the orator did apply it to another very similar situation. Asconius preserved and commented this quote from the *In Pisonem*, regarding the

805 Plut. *Mar*. 35.1: 'These things brought to a head the secret disease from which the state had long been suffering, and Marius found a most suitable instrument for the destruction of the commonwealth in the audacity of Sulpicius, who was in all things an admirer and an imitator of Saturninus, except that he charged him with timidity and hesitation in his political measures.'

806 Plut. *Sull*. 8.2: 'Moreover, he maintained three thousand swordsmen, and had about him a body of young men of the equestrian order who were ready for everything, and whom he called his anti-senate. Further, though he got a law passed that no senator should incur a debt of more than two thousand drachmas, he himself left behind him after death a debt of three millions. This man was now let loose upon the people by Marius, and after confounding all things by force and the sword, he proposed certain vicious laws, and particularly one offering to Marius the command in the Mithridatic war.'

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aforementioned tribunate of Manilius and his policy of redistributing the *libertini* among all the tribes:

> *Nam cum is tr.pl. duas leges in eo magistratu tulisset, unam perniciosam, alteram egregiam: quod summae rei p. nocuisset ab illo ipso tr. abiectum est, bonum autem quod . . . summa resp. manet et (?)in vestri ordina . . . dis fuit.*
> [Asc.] *Dictum est iam supra de his legibus, quarum una de libertinorum suffragiis, quae cum S.C. damnata esset, ab ipso quoque Manilio non ultra defensa est: altera de bello Mithridatico Cn. Pompeio extra ordinem mandando, ex qua lege tum Magnus Pompeius bellum gerebat* (Asc. *Pis*. 65C)[807]

Therefore, Cicero wielded that precise denomination, *lex perniciosa*, against the law passed by Manilius – a measure also condemned by the Senate – which redistributed the *libertini* among the thirty-five tribes. This brings us back to Sulpicius' battery of proposals, his own set of *leges perniciosae*. For Appian, these were only two: the *instrumental* redistribution just for the new citizens – freedmen were not mentioned at all – and Marius' command law. Conversely, the other sources present a more complete package of reforms with at least two distinct measures regarding tribal distribution: one regarding the *novi cives*, in line with Appian's account, and another one that dealt with the *libertini*. As we have seen, Asconius, precisely commenting on the *lex Manilia* and its intended redistribution of the freedman explained how its genealogical origin could be traced to an equivalent *lex Sulpicia* (Asc. *Corn*. 64C). In a similar manner, Livy's *Epitomes* did not restrict Sulpicius' redistribution efforts to the *novi cives*, but argued that the *libertini*'s tribal affiliation also constituted part of his baleful legislation (Liv. *Epit*. 77: *et novi cives libertinique in tribus distribuerentur*). Lastly, while using more general terms, Plutarch seemed to be hinting at both initiatives, accusing him of selling 'the Roman citizenship to freedmen and aliens at public sale, and counted out the price on a money-table which stood in the forum' (Plut. *Sull*. 8.1: ὅς γε τὴν Ῥωμαίων πολιτείαν ἐξελευθερικοῖς καὶ μετοίκοις πωλῶν ἀναφανδὸν ἠρίθμει τιμὴν διὰ τραπέζης ἐν ἀγορᾷ κειμένης).[808]

There has been a discrepancy about these measures, regarding whether they were carried out in a single law or as two distinct pieces of legislation. Personally, I concur with Vervaet and favour the latter option, insofar as the *novi cives* would have considered a disrespect to be

807 Asc. *Pis*. 65C: '*For whereas he did, as tribune of the plebs, carry two laws in that office (one of them damaging, the other outstanding), the harm that he did to the vital interests of the state was set aside by that tribune himself; but the good that the state's vital interests* [*demanded*] *remains and ... was to the gods*. Something has already been said above on these laws. One of them was on the voting rights of freedmen, which when it was condemned by senatorial decree, was not defended any further even by Manilius himself; the other concerned entrusting, outside normal practices, the Mithridatic War to Cn. Pompeius, and in accordance with this law Pompeius Magnus at that time was waging the war.'

808 The claim that freedmen purchased their citizenship may be an evocative way of suggesting that they had bribed Sulpicius to implement his policy of tribal redistribution. Taken literally, however, the accusation implies that they had bought their actual citizenship – something redundant, since *libertini* already possessed Roman citizenship. To resolve this contradiction, López Barja has proposed that these were cases of informal manumission, which did not confer citizenship but did grant a de facto freedom under the praetor's protection, López Barja, 2007c, 72-73.

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grouped together with former slaves, with all the social connotations those who had been subjected to this status carried with them.[809] In any case, be it in a singular statute or two, the consensus in our sources regarding Sulpicius's legislative efforts is overwhelmingly negative. In fact, the accusations were twofold. First, they all concur in the fact that his legislation was passed *per vim*, that is, illegitimately and by means of political violence (Liv. *Epit.* 77). While allied with Marius, Sulpicius commanded the loyalty of armed street gangs and even had a personal bodyguard that counted in the thousands (Plut. *Sull*. 8.2; *Mar*. 35.2) Indeed, he went as far as to attack the consuls and force their hand to annul a *iustitium* that was put in place precisely to contain him (App. *B civ.* 1.56; Plut. *Sull*. 8.3). It was only then, after 'confounding all things by force and the sword' (Plut. *Sull*. 8.2) that he was able to violently take control of the Republic (Asc. *Corn*. 64C) and go before the tribal assembly to enact his laws. It is the (il)legality of his statutes what Sulla fiercely objected when he first marched against Rome, according to Cicero:

> *Utrum hoc bellum non est, an etiam tantum bellum quantum numquam fuit? Ceteris enim bellis maximeque civilibus contentionem rei publicae causa faciebat: <contendebat> Sulla cum Sulpicio de iure legum quas per vim latas esse dicebat; Cinna cum Octavio de novorum civium suffragiis; rursus cum Mario et Carbone Sulla ne dominarentur indigni et ut clarissimorum hominum crudelissimam puniretur necem. Horum omnium bellorum causae ex rei publicae contentione natae sunt. De proximo bello civili non libet dicere: ignoro causam, detestor exitum.* (Cic. *Phil*. 8.7)[810]

And second, it is also clear from our sources that his reforms represent almost nothing of merit. Certainly, he was not attempting to bring about positive change or pursue any lofty ideal. According to the most sober assessments, his policies were an expression of corruption: he was either enabling Marius to obtain his coveted command (Appian, *B. civ.* 1.55–56) or seeking to impose a legal framework that empowered him and his associate to exercise domination over the *res publica*, as implied by Velleius's remark that his laws were incompatible with a free city (Vell. Pat. 2.18; also, Liv. *Epit*. 77). As reported by the worst

809 For those that propose that Sulpicius combined in one statute the redistribution of *novi cives* and *libertini*, Rotondi, 1912, 346; Flach, 1973, 265-295: 284; Mouritsen, 2011, 77; Kendall, 2013, 436, nº 35; Elster, 2020, 357-360; *contra*, Lintott, 1971, 442-453: 453; Powell, 1990, 458; Tatum, 2022, 555-567: 558; Vervaet, 2023, 133-4, nº 19; to this discussion I would add that Asconius spoke of a law, singular, that redistributed the *libertini* (Asc. *Corn*. 64C: *P. Sulpicium in tribunatu hanc eandem legem tulisse iam significavimus*), which would hint towards a discrete measure, precisely the very same that would be later annulled by Sulla, who we know respected the tribal redistribution of the *novi cives.*

810 Cic. *Phil.* 8.7: 'Is this not a war, or even a war on a scale such as never before existed? In other wars, and particularly civil wars, the conflict originated from a political issue: Sulla fought Sulpicius about the validity of laws which according to Sulla had been passed by violence. Cinna fought Octavius about voting rights for the new citizens. Sulla again fought Marius and Carbo to put an end to the rule of the unworthy and to avenge the terribly cruel deaths of illustrious men. All these wars had their origins in political disputes. As for the last civil war, I would rather not speak of it: I do not know its cause, and I abominate its outcome.'

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evaluations, like Plutarch (Plut. *Sull*. 8.1-2; *Mar*. 35.1-4), he was just following his depraved nature, wantonly trying to destroy the commonwealth.

10.1.2 Publius Sulpicius Through the Lens of Ideology

I maintain that we do not need to blindly follow such assessments. As we have discussed before, Gabrielli has convincingly deconstructed the common tropes that lay behind the *populares*' characterization that permeates our phylo-aristocratic sources. Every *popularis* politician always manifested, in one way or another, the following three traits. First, whatever measure or policy they were trying to enact, there was always a personal motivation behind it. Second, illegitimate violence was always their preferred way of engaging with politics, imposing their will on the political process through the use of force. And third, their ultimate aim, once their petty personal vendettas were achieved, was the ambition to reign, to dominate the *res publica*, the so-called *adfectatio regni*. A corollary that follows from these three maxims is that their rhetoric, their stated objectives, or the measures they implemented were irrelevant, as they constituted just stepping stones designed to either confound their rivals or ingratiate themselves with the *populus* in their path towards tyranny. Sulpicius presentation follows this scheme to the letter – something that Gabrielli herself has pointed out.[811]

Modern scholarship has long been aware of the tendentiousness of our sources, pushing back against the more outlandish claims of villainy. Despite this, it is hard to deny the effectiveness of the sources in creating a *discourse*, an organized and coherent body of knowledge were you can pick apart individual claims while still assuming the broader framework – and its ideological corollary, I would say.[812] This is especially true in cases like Sulpicius', who allied himself with an ambitious military man and resorted to violence in the face of political opposition, seemingly validating the *optimate* picture of a *popularis'* demagogue. Many modern historians do recognise he was tackling a real problem with profound consequences – those of tribal distribution – and they rightfully dismiss or contextualize claims of *adfectatio regni.* Nevertheless, as there was violence and ambition involved, it seems to me that the overarching discourse around him still manages to permeate the analysis: he may not be a 'villain' after all but, considering his tactics and Marius' desire for glory and loot, it is still safer to approach him with a cynical eye, judging his policies as instrumental, not at as an end by themselves, and certainly not as any manifestation of a pre-existing ideology.[813]

811 Gabrielli, 2022, 61-102.

812 Without the intention of descending into the discipline of discourse analysis, I do consider that ancient sources constitute a system that can be fairly categorized as 'discursive', for they have considerable power in actively shaping what comprises knowledge – in fact, in their near monopoly for studying certain issues, they can replicate the cultural asymmetries, prejudices and preconceptions present in the societies that gave birth to them; 'criticism should make it its business to reveal (…) other forms of impressive, perhaps even repressive, and displacing forms of human activity', as Said, 1983, 225 rightfully proposed.

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As it will become clear in the following paragraphs, I disagree with this assessment. It is possible to disregard the discourse so cleverly crafted by our sources around the *populares*, engage with their ideology, and still account for the clear manifestations of violence, ambition and opportunism that exist in the narratives that have survived. It is evident that in the case of Sulpicius there was truth in that accusation that he used violence to achieve his ends.[814] Certainly, if someone like Sulla, by no means a timid person, could be forced to annul a *iustitium* on which his career depended and to flee from the City to the safety of his army, the sheer intimidation capacity of Sulpicius and his allies must have been real and should not be underestimated. This is not a place to morally evaluate the use of political violence. However, context must be brought forward to fully understand Sulpicius' actions and tactics.

As we have seen since the Gracchi, the fate of every one of those politicians, many of them fellow tribunes of the plebs, who had tried to enact *popularis* reforms had been the same. They had all been overpowered and violently slain by their opponents – murdered or justly executed depending on the perspective – with the full backing of the institutions of the community, particularly the higher magistrates and the Senate. As we have seen in Chapter 5, violence and repression have a strong effect in solidifying *political* identities in a schmittian sense: those which differentiate themselves from a set of enemies against whom violence is – potentially – always a recourse. I believe this process was at full display here. In fact, the underlying sense of violence was referenced by the *populares* themselves. The danger looming over Sulpicius' life is the main theme present in a clearly *popularis* speech preserved in the *Rhetorica ad Herennium*, as we have seen when discussing Drusus. He was to be the last one in a genealogy of martyrs that started with the Gracchi brothers, followed by Saturninus and Drusus. Here, the orator bemoaned that Sulpicius, who at a point appeared to be achieving his political aims, would follow the fate of those who had preceded him, not

813 Mitchell, 1975, 197-204: 203, considered Sulpicius as epitomizing a tendency of 'idealistic and self-willed *nobiles*' whose pride and obstinacy led them, no matter how 'firmly attached to the traditionalists' they were, to 'explosive weapons of demagoguery and to an extremism characteristic of embittered defectors' if they felt 'affronted or impeded'; Kendall, 2013, 480, claimed that it was 'highly unlikely that he [Sulpicius] was any more motivated by simple altruism than his friend Drusus or the earlier Gracchus had been', he simply 'wanted to amplify Allied voting rights so he could then use the gratitude he would earn thereby to increase his own following'; Vervaet, 2023, also characterizes most of Sulpicius' decisions as essentially motivated by interest, as when he presents the tribune's support for the return of the exiled as a 'manoeuvre' aimed at 'dividing the nobility and building their [Sulpicius and Marius] own support base', 134. He also puts the onus for the outbreak of the *bellum civile* squarely on Sulpicius' legislation, arguing that faced with repeated humiliation 'Sulla thus took the rather understandable if unprecedented and hugely consequential step of marching a large Roman army against his enemies in Rome', 137-8; in turn, other authors try to challenge and revise this more traditional portrayal; this is the case of Lintott, 1971, 442-453, who identified the tribal redistribution of the *novi cives* as Sulpicius' 'main aim', 451, as he wanted 'to improve the lot of the newly enfranchised Italians', 442, while also describing his tribunate 'not so much a story of plot and counter-plot as a tragedy of errors in any case', 453; nevertheless, even for those that present a more balanced image, ideology is a non-factor in order to figure out his motivations, nothing more than an inconvenience, as expressed by Lintott, 1971, 442-453: 447, 'the breeze of demagogy carried too far on the offshore course on which he had set out for a short voyage'; also, Powell, 1990: 446-460: 460, 'carried away by the breeze of popular favour further than he wished';

814 Lintott, 1968, 75, 143; also, Lintott, 1971, 442-453: 451.

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allowed to live or even to be buried (*Rhet. Her.* 4.31: *'Sulpicio, cui paulo ante omnia concedebant, eum brevi spatio non modo vivere, sed etiam sepeliri prohibuerunt'*). Claiming that self-defence was the only motivation to surround himself with a bodyguard may be overly naive, yet disregarding the tremendous hostility *popularis* politicians faced by virtue of their ideology seems equally out of touch with political reality. What is more, instead of disproving his relation to *popularis* ideology, I would argue that the use of a certain degree of violence and intimidation is perfectly in line with someone who shared and understood the deeply traumatic *popularis* memory.[815]

On the other hand, there is the accusation that he was not acting in accordance with any lofty ideal of what the *res publica* ought to be, but as an opportunistic operator in search of a cause to lead and/or as an instrument of Marius. It is undeniable that partisan politics had played a part in bringing Marius and Sulpicius together and informed their actions. Marius' desire for glory and fortune is not in discussion here.[816] Nevertheless, I argue it is also beyond a doubt that the tribune was acting in accordance with *popularis* ideology, particularly regarding its conception of citizenship and its relationship to the functioning of the body politic. Through his reforms, Sulpicius was actively and aggressively redrawing the internal political boundaries of the *civitas.* While the outer limits of the *politeia* had been the main object of contention from the Gracchi onwards – primarily because of the driving force of the *cupiditas civitatis* as a fiery political issue – the inner composition of the *civitas* had also been a disputed field. From all we can tell, he inserted himself in such a conflict with forceful resolution.

As we have seen when dealing with the possible content of a *lex Aemilia de libertinorum suffragiis* (Chapter 6), the tribal distribution of those deemed by some as a lesser kind of citizen could be a matter of political disagreement – indeed, it had been so. Cicero considered that former slaves possessing any real political weight was a danger, going as far as to attribute the salvation of the *res publica* to their containment in a few tribes (Cic. *De or*. 1.38). In a similar vein, when discussing a *rogatio Clodia* that sought to implement a distribution similar to the one proposed by Sulpicius, he described it in equally dire terms: 'there were being engraved at this home laws which would have bound us over to our slaves' (Cic. *Mil*. 87: *Incidebantur iam domi leges quae nos servis nostris addicerent*) Conversely, the anti-aristocratic potential of a wider distribution was already exploited by Apius Claudius Caecus during his famous censorship, when he virtually opened the gates for at-will tribal enrolment,

815 Kalyvas, 2006, 118-125, explores the importance of violence – both suffered and inflicted – as an active force in shaping and articulating group identities during periods of civil war, provoking polarization and leading to a 'universalization of the friend-enemy distinction' as a by-product. In these situations of internal conflict, even the capacity to inflict violence is relevant in forging and reinforcing group identity.

816 I consider that this particular issue can be understood from an identitarian lens as well, even one with ideological reverberations – although this fact by no means negates the sheer naked ambition behind Marius' command bid. On the one hand, it is not unusual for a particular political identity to prefer that those in positions of authority be people that partook from their ideology – or at least were sympathetic to it. Moreover, investing Marius' via law was not a mere instrumental move; it can also be seen as the people exerting their sovereign power to decide over issues which were not traditionally their purview, but the Senate's, as Ferrary, 1982, 723-804: 760, defends was typical of the *populares*.

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allowing the citizens to register in whichever tribe they chose. This decision is rightly considered a direct attack on the aristocratic foundations of the *res publica*, as it legally allowed 'the many' to use their numbers to exert political power through the already much more egalitarian *comitia tributa*. The backlash from 'the few' was strong and the reform was reverted a few years later by another pair of censors, who imposed the restrictive framework on the *libertini* that Cicero praised – ironically, the one attacked by Tiberius Gracchus senior for allowing too much leeway to freedmen.[817]

This was the political tradition in which Sulpicius was inserting himself in, although now mediated by *popularis* ideology, which had placed redistribution alongside a pattern of other recurring themes which generally revolved around a politically enhanced *populus* – one in line with a more democratic approach to politics. This is how this ideological strand interfaced with tribal redistribution. As we have seen when dealing with the Gracchi, Cicero distilled the Roman conception of democracy – which he reminded us that in his time was called a *civitas popularis* – as resting on two keystones: the first one was equality among its citizens (Cic. *Rep*. 1.43) and the second was a *populus* that was sovereign in exerting its *libertas* and its political power (Cic. *Rep*. 1.43; 1.47). Up until the mass enfranchisement consequence of the *bellum sociale*, those partial to *popularis* ideology consistently tried to extend citizenship to those they considered worthy of being treated as equals – that is, *Latini et socii*, those who had fought and bled for the Republic. Bringing them inside the *civitas* represented an equalizing act in itself, irrespective of their specific tribal distribution, as they would be entering the core status of an imperial regime and (at least partially) partaking in the benefits of citizenship. Moreover, as per Sallust (Sall. *Ep*. 2.5), by extending the outer boundaries of the *civitas*, the *populus* would be strengthened and better equipped to guard its *libertas,* the foundational principle of the *civitas popularis* (Cic. *Rep*. 1.55). Nevertheless, once citizenship had already been attained, tribal distribution became a defining fight for political equality: paraphrasing Velleius, an equitable tribal distribution would imply breaking the hierarchical relation that placed those who had been given citizenship as a *beneficium* – the old citizens – above those who had benefited from it (Vell. Pat. 2.20). In fact, if citizenship was indeed considered to be the *maximum beneficium*, as Sallust reminded Caesar, this would only reinforce the expected gratitude and subordination owed by those entering the *civitas* in the eyes of the *optimates* (Sall. *Ep*. 2.6.4). As we have seen, the *optimates* had consistently opposed any meaningful extension of citizenship. Now, forced by the circumstances, they

817 Regarding Appius Claudius Caecus and his decision to redistribute the *humiles*, Fraccaro, 1933, 150-172: 159; Taylor, 1960, 10 nº 23, 135 nº 10; in turn, Richardson, 2011, 454-463, argued that this *humiles* were indeed non citizens that were being enfranchised by Claudius, also, for a brief reflection on the importance of this censor in the development of the censorship as an institution, Clemente, 2022, 193-205: 197.

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were trying to reify a situation of political subordination from inside the *civitas* – reinforcing an inequality they considered a matter of justice.[818]

Coming from an opposing political tradition, Sulpicius' redrawing of the inner boundaries of citizenship was an undisputable subversion of this hierarchy. He was literally, as Cicero explained was typical for the democratic *civitas popularis*, promoting 'an equality that was unjust, as it did not account for distinctions based on dignity' (Cic. *Rep*. 1.43: *tamen ipsa aequabilitas est iniqua, cum habet nullos gradus dignitatis*). In addition, as a testament to the tribune's *popularis* convictions, this erasure of 'distinctions based on dignity' was not restricted to the *novi cives*. It was applied to the *libertini* as well, and by doing so, former slaves were elevated to a position of political equality – relative but intolerable – with their former masters vis-à-vis the *comitia tributa*.

Moreover, I contend that Sulpicius' actions also embodied, to a degree that is not usually recognised, the second characteristic of Cicero's *civitas popularis*: namely, that of a sovereign *populus* that was the ultimate see of political power, not in a theoretical way but in a very real one. In a *civitas popularis*, the people's assemblies had *summa potestas* to legislate over whatever aspect of political life was deemed necessary (Cic. *Rep*. 1.47: *Itaque nulla alia in civitate, nisi in qua populi potestas summa est, ullum domicilium libertas habet*; *Rep*. 3.45: *cum per populum agi dicuntur et esse in populi potestate omnia*). In the case of Sulpicius, this takes us back to the much discussed census of L. Iulius Caesar and P. Licinius Crassus. It has already been established how this census was not completed, with the *lustrus* being conducted in such a way which was deemed unfortunate. Moreover, it has also been explained why this was, most likely, a conscious move made by the censors to, on the one hand, avoid a direct confrontation with the *novi cives* over a framework they clearly resented and, on the other, to delay full integration into the political system.[819]

The latter was an especially important point, as during the eighteen months of their tenure as censors – starting in 89 and continuing over the first half of 88 – they must have witnessed mounting political opposition; in fact, Sulpicius made it the centrepiece of his political activities. As we have discussed, their probable response was to invalidate their own census by purposefully infringing upon augural law. From their perspective, this ought to have frozen the situation of the new citizens in a limbo regarding which voting centuries would correspond to them, as this depended on their wealth assessment, but also their tribal status. By law, new tribes had been created and those recently enfranchised had been assigned to them; however, the censors had not yet executed the will of the people, neglecting both the formal *additio* of the new tribes and, importantly, the *adscriptio* of the *novi cives* into said

818 Ferrary, 1982, 723-804: 760, argued that the *populares* did not fully reject the 'censitary suffrage' that underpinned the electoral system, never wanting to fully attain political equality; although this statement is correct, I would counter that the effective integration of *novi cives* into the tribes did represent an amendment of tremendous magnitude, even if it did not imply *nullos gradus dignitatis* (Cic. *Rep.* 1.43).

819 See Chapter 9.3.

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tribes.[820] If political mores had been stronger, this could have prevented the actual participation of the *novi cives* in the assemblies until a new census was performed. As things stood, it merely opened the door for the people to assume the role where the censor had failed, further diminishing the authority of what had once been an influential office.[821]

Accordingly, when presented with this situation, the answer from Sulpicius was quintessentially *popularis.* He resorted to the *comitia tributa*. This was far more than a simple tactical choice. From a radical *popularis* perspective, the will of the people, as expressed through their institutional incarnation – the assemblies – represented the be all and end all of any political process. Since sovereignty laid with the people, everything could be decided *per populum* (Cic. *Rep.* 3.45). Therefore, the *populus* not only passed a set of laws determining a new redistribution and, accordingly, dismantling the framework devised by the *optimates*; the people's *iussa* also created a new legal reality that came into full force independently of any act of mediation or formalization made by the censors. It was a manifestation of 'decisionary' power. Consequently, even if no census had been conducted, those new citizens had now been legally integrated into the tribes by command of the Roman people. They no longer had to restrict their participation in politics to informal actions and proxy battles; instead, they could exercise their *ius suffragii* in a suddenly much more equalitarian *comitia tributa*. In fact, their formal qualification to vote in every tribe was an essential part of Sulpicius' and Marius' plan, even as told by our very critical sources – it was the necessary condition to pass further legislation, including the statute that invested Marius as the new commander for the Mithridatic War.[822]

When approaching this conflict from a legal perspective, it may be tempting to assume that this was a simple *de facto* decision born out of violence and dressed out to have the appearance legality. To a degree, it may be true; certainly, this was the case from the *optimate*'s perspective. Nevertheless, I consider this misses a larger point. This was not a question of acting outside the realm of what was legal, but one of two conflicting legitimacies with different sets of expectations, at odds with each other, about how the political and the juridical domains worked. From the standpoint of *popularis* ideology, Sulpicius was not acting illegally: he was simply enforcing how legality ought to work, as a direct manifestation of the will of the people. The assemblies had the *summa potestas* to decide what was legal or not: it may be the new commander of a war, regardless of the opinion of the Senate, or the

820 For the *additio* and *adscriptio* as a formal prerogative of the censors, Laffi, 2019, 169-182: 170-176.

821 The foundational yet slightly dated analysis of the disintegration of the census as the central plank that connected the different aspects of the civic life in Rome still remains Nicolet, 1980; for an updated but brief overview of the relation between the emergence of the *populares* and the crisis of the censorship, Clemente, 2022, 193-205: 201-204.

822 According to Ferrary, 1982, 723-804: 755-757, from the fateful confrontation between Octavius and Tiberius Gracchus onwards, the *popularis* tradition highlighted the power of the *populus* for imposing their will, to the point of subordinating all other considerations to their effective service of the people – even inviolability of the tribunate was subject to that condition; this supremacy also carried forward to the legislative realm, were *popularis* politicians strongly defended the nature of the *lex* as a mandate of the *populus*, a command.

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new distribution of the *novi cives* and the *libertini* with immediate binding power, irrespective of the censors. It may have been radical, but it was the logical consequence of asserting the sovereignty of the *populus*.[823]

10.1.3 Sulla's First March on Rome

From the political perspective of the *optimates*, the enactment of Sulpicius' laws was a debacle. Not only were the legislative efforts to marginalise the *novi cives* of the past two years thwarted in a day, allowing the beneficiaries to attain greater power than their benefactors, but now they were to 'bound them to their former slaves', paraphrasing Cicero (Cic. *Mil*. 87), who could now enrol in their very same tribes. It is no wonder that their opposition was fierce. It is also reasonable to assume that part of the people was on their side. As Fannius' warnings about something as mundane as seats in the theatre demonstrate (Iul. Vict. 6.4 = FRL3 23 F3), the Roman people could very much be swayed by appeals to their self-interest and sense of status. Indeed, the fact that they had managed to pass through the assemblies their original plan for a limited tribal distribution shows that, at least, they could count with the support of a sizeable portion of the *populus* to vote for such measures. Therefore, it is not surprising that some 'old citizens' could interpret this new arrangement as aimed at diluting their political power in a sea of new citizens and former slaves. Before bringing his laws to the assemblies, Sulpicius had tried to counter this by addressing the people with regularity from the very beginning of his tribunate, as mentioned by Cicero (Cic. *Brut*. 306: *tum P. Sulpici in tribunatu cotidie contionantis totum genus dicendi penitus cognovimus*).[824] Nevertheless, the outburst of violence that had led to the *iustitium* proved many of them could not be mollified, no doubt primed and backed by the *optimates* in general and the consuls in particular.[825]

In any case, the most infamous and well-known reaction was that of Sulla, who marched against Rome at the head of his army to, in his words, 'deliver her from tyrants' (App. *B civ.* 1.57: ὁ δ' εἶπεν, ἐλευθερώσων αὐτὴν ἀπὸ τῶν τυραννούντων). It was so that the first proper *bellum civile* in Roman history started. He was joined by the other consul, Q. Pompeius, and they quickly overcame the defence mounted by the populace and took the City by force of arms. Marius and Sulpicius managed to flee to the countryside for the time being. In the following days, the consuls implemented a series of measures destined to aggressively annul Sulpicius' reforms, impose an institutional reform that reinforced the aristocratic features of

823 I believe this was a manifestation of the phenomenon insightfully explained by Lowrie, 2007, 31-55, whereby sovereignty, and all it entails, did not have a permanent locus in the Roman republic, instead it 'emerged sporadically but repeatedly in a series of acts over a century of civil war until it crystallised in the person of Augustus'.

824 Cic. *Brut*. 306: 'Publius Sulpicius was tribune at that time and addressed the people almost daily, so that I came to know his style thoroughly.'

825 The sometimes hostile relation between the *plebs urbana* and the Italics as a function of diverging interest is explored in Beness, 1991, 33-62, as an explanation for what the author refers to as Saturninus 'urban unpopularity'; similar dynamics, rooted on the protection of privilege, were at play here.

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the *res publica* and prosecute their enemies, who now were officially declared *hostes publici*, enemies of the state. After a turbulent escape, Marius was able to reach Africa; Sulpicius was less fortunate and was captured in the Laurentine marches; he was immediately killed and his severed head was mounted in the Rostra, where the tribunes addressed the people, for everyone to see.[826]

1. Appian is our main source for this battery of legislation, promptly passed through the assemblies and given full force.[827] They were as follows: first, one law forbade any *rogatio* from being brought before the assemblies if it had not been previously approved by the Senate – that is, any bill now required a positive *senatus consultum*. Second, another statute prescribed that voting should not be conducted by the tribes but by the centuries, as established by Servius Tullius – that is, legislative power was to shift from the *comitia tributa* to the *comitia centuriata*. Appian argued that these particular laws were designed with the express intention of taking away control of 'voting' from the poor and irresponsible classes and empower those with a certain wealth. Third, another measure restricted the power of the tribunes. Appian concedes they had become tyrannical, yet no details are given regarding what this restriction entailed – most likely, they were stripped of the power to present legislation. Fourth, three hundred new members were selected for the Senate. And fifth, every measure enacted by Sulpicius after the *iustitium* had been enacted was declared void and null:

> ἅμα δ᾽ ἡμέρᾳ τὸν δῆμον ἐς ἐκκλησίαν συναγαγόντες ὠδύροντο περὶ τῆς πολιτείας ὡς ἐκ πολλοῦ τοῖς δημοκοποῦσιν ἐκδεδομένης, καὶ αὐτοὶ τάδε πράξαντες ὑπ᾽ ἀνάγκης. εἰσηγοῦντό τε μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι, νενομισμένον μὲν οὕτω καὶ πάλαι, παραλελυμένον δ᾽ ἐκ πολλοῦ, καὶ τὰς χειροτονίας μὴ κατὰ φυλάς, ἀλλὰ κατὰ λόχους, ὡς Τύλλιος βασιλεὺς ἔταξε, γίνεσθαι, νομίσαντες διὰ δυοῖν τοῖνδε οὔτε νόμον οὐδένα πρὸ τῆς βουλῆς ἐς τὸ πλῆθος ἐσφερόμενον οὔτε τὰς χειροτονίας ἐν τοῖς πένησι καὶ θρασυτάτοις ἀντὶ τῶν ἐν περιουσίᾳ καὶ εὐβουλίᾳ γιγνομένας δώσειν ἔτι στάσεων ἀφορμάς. πολλά τε ἄλλα τῆς τῶν δημάρχων ἀρχῆς, τυραννικῆς μάλιστα γεγενημένης, περιελόντες κατέλεξαν ἐς τὸ βουλευτήριον, ὀλιγανθρωπότατον δὴ τότε μάλιστα ὂν καὶ παρὰ τοῦτ᾽ εὐκαταφρόνητον ἀθρόους ἐκ τῶν ἀρίστων ἀνδρῶν τριακοσίους. ὅσα τε ὑπὸ Σουλπικίου κεκύρωτο μετὰ τὴν κεκηρυγμένην ὑπὸ τῶν ὑπάτων ἀργίαν, ἅπαντα διελύετο ὡς οὐκ ἔννομα. (App. *B civ*. 1.59)[828]

826 For a brief recounting of the events of Sulla's first march on Rome, Vervaet, 2023, 137-139.

827 Some authors consider these reforms as untrustworthy for being an 'anticipation of identical measures enacted by Sulla as dictator, Stone, 2002, 191-212: 208 nº 78; also, Flower, 2010, 120, citing the relative weakness of his political position; *contra*, other authors do defend their authenticity, Gabba 1976, 135-136; Ferrary, 2012, 3-37: 34-37; Elster, 2020, 372-380; Vervaet, 2023; 141-146, Lanfranchi, 2024, 174-175, esp. nº 23; personally, I do not see any reason to doubt their historicity.

828 App. B civ. 1.59: 'At dawn they summoned the people to an assembly and deplored the condition of the state, which had for so long been at the mercy of demagogues, and said that their own actions had been dictated by necessity. They were

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As a reaction to Sulpicius' reforms, I believe these countermeasures function as a photographic negative, revealing the ideology of their promoters but also showing the outline of the political values they were hoping to suppress. They represent a good proxy for understanding what the perceived problem the consuls were trying to address was – in fact, their profoundly oligarchic nature is openly commented by Appian, who brings considerations of wealth and the irresponsibility of the masses to the forefront of his political reasoning. On the one hand, it was an effort designed to reassert the Senate as the institutional repository of sovereignty over a clearly subordinate *populus*. On the other hand, this politically diminished *populus* was to be controlled by the well-to-do and virtuous, not the poor and irresponsible – in other words, it empowered the wealthy, who could be expected to partake in the *consilium* Cicero attributed to the *optimates*, over the poor and irresponsible, the many.[829] At a minimum, not only was legislative power shifted from the more egalitarian *comitita tributa* to the much more timocratic *comitia centuriata*; it was made conditional to the Senate's acquiescence. Actually, the consuls probably went further than that, stripping the tribunes of the plebs, the very magistrates created to the defend the interests of the people, of the power to engage in legislation.[830]

Obviously, this was in stark opposition to Sulpicius' reforms, which they annulled, not as statutes that had been in force and now were being superseded, but as being void *ex tunc* for being passed during a *iustitium*. According to the consuls, they had been passed *per vim* and in direct contravention of the *iustitium* – the implication being that Sulla had only lifted this particular state of emergency by being illegitimately forced by Sulpicius.

What followed was a complete invalidation of tribal redistribution, both for the *novi cives* and the freedmen – alongside Marius' command law, for obvious reasons. Therefore, from the perspective of the *civitas*, all those who had been enfranchised from the onset of the *bellum sociale* returned to limbo they had inhabited before Sulpicius. This meant that the hated legal framework originated by the *lex Iulia* came back into full force, marginalizing again the *novi cives* in a handful of tribes into which they ought to be enrolled by the next censors. Indeed, I believe this re-marginalization of the *novi cives* was not simply coincidental with the oligarchical counter-reform of the consuls, it was a central part of it, at the same level of, say,

going to propose a law that no issue should henceforth be brought to the people that had not been approved beforehand by the senate, an ancient practice long since abandoned; also that the voting should be conducted not by tribes, but by centuries, as King Servius Tullius had prescribed. They thought that these two measures – namely, that no law should be brought before the people unless it had prior senate approval, and that the voting should be controlled by property owners and right-minded people rather than by the poor and irresponsible classes – would prevent the occasion of further civil unrest. They took many other powers from the office of the tribunate, which had become extremely tyrannical, and enrolled en bloc three hundred of the best citizens as members of the senate, which had dwindled in this period to a very small number and had for that reason become an object of disdain. They also annulled as illegal all the measures enacted by Sulpicius after the suspension of business had been proclaimed by the consuls.'

829 This was a stark reinforcement of what Ferrary, 1982, 723-804: 738-743, called 'l'ideologia censitaria', which placed dignity and wealth as pre-requisites for real participation in politics.

830 It was a clear reinforcement of one of the fundamental tenets of *optimate* ideology, the *auctoritas senatus*, Ferrary, 1982, 723-804: 743-748.

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transferring the capacity to legislate from the *comitia tributa* to the *centuriata*. In an inversion of Cicero's description of the *civitas popularis*, it was a way of re-establishing an inequality based on a difference in dignity. When redrawing the internal boundaries of the *civitas* themselves, the *optimates* chose again to recreate a hierarchy that heavily restricted the ability of the *novi cives* to participate in politics, even though by then they knew it was so hated that it actually incited civil unrest.

When interrogating the reason for Sulla and Q. Pompeius to go far beyond a simple restoration of the status quo prior to Sulpicius' reforms, I find very revealing Appian's claim that the tribunes 'had become extremely tyrannical'. In other words, for the consuls (and for the Alexandrian author as well), their power – and by extension that of the people – had grown unchecked and arbitrary, not subjected to any legitimate control; it had metamorphosed into *dominatio*. Therefore, theirs was a reaction against more than mere violence committed by a tribune to pass legislation; it was about unrestrained power to decide over everything, trampling the Senate's authority, the *imperium* of the consuls, and the *potestas* invested on the censors to perform the *census*. It seems that, for the *optimates*, Sulpicius' radical ideology and political praxis demanded an equally forceful intervention in the public sphere, so that the conditions that allowed for his rise were no more. As we will see, it was far from over.[831]

10.2 Cinna, 'an Honourable man'[832]: Redeeming the Promise of Redistribution

Unfortunately for Sulla and Q. Pompeius, the situation was far from stable. Many among the people showed their 'hatred and indignation' by rejecting Sulla's 'candidates for offices, and appointed others, whose preferment they thought would be most vexing to him' (Plut. *Sull*. 10.3). Even when conducted under their supervision, the results from the consular elections for the year 87 were a fractal reflection of the divided politics of the moment. Although one of the new consuls, Cn. Octavius, was aligned with the *optimates*, the other one, L. Cornelius Cinna, was certainly not.[833] His sympathies for the exiled and the *novi cives* must have been well known enough for Sulla to take the extra step of making both new consuls-elect to swear an oath that they were to abide and uphold the *acta Sullana*, that is, the recently enacted measures he and his colleague had spearheaded. The oath was explicit, as Cinna publicly

831 Both Cornell, 1983, 101-120: 116, mentioned the 'archaising tendency' of these reforms, while Lanfranchi, 2024, 179-180, defended the possible influence of the antiquarian movement; as Hurlet, 1993, 172, argued, Sulla was not only a conservative, but a traditionalist; to this I would argue that even if he went further than others, his political reasoning was quintessentially *optimate*, advocating for an aristocratic constitution while framing the tribunes' power as arbitrary and tyrannical.

832 As Brutus' motives in Anthony's famous speech (Shakespeare, *Julius Caesar*, Act 3, Scene 2, lines 73–108), Cinna's relation to the *novi cive*s has often been portrayed as less than honourable; the following pages argue against this position.

833 Broughton, 1952, 45-53.

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declared that if he forfeited his word, he 'might be cast out of the city, as the stone from his hand, he threw the stone upon the ground in the sight of many people' (Plut. *Sull*. 10.3-4; Cass. Dio. 31.102-1; *Schol. Gronovo.* p. 286 Stangl.). It was all for naught. The new status quo began to unravel as soon as Sulla sailed for Greece. Almost immediately, opposition to the regime organized around two distinct issues. One was the return of those exiled by the former consuls, pushed by a number of influential people in the city – many of whom were women (App. *B civ*. 1.63). The other was the question of tribal redistribution, advanced by the *novi cives*, who wanted to return to Sulpicius' framework.

Cinna took the mantle of both causes with an intensity matching that of the slain tribune, but in a much more successful way. Precisely for this reason, our sources cast his activities under a very negative light and characterized his motivations as driven by either partisan logic or crude self-interest. He is often presented in a similar light to Marius – an ambitious and unscrupulous politician without any real ideological core willing to go as far as necessary to attain and maintain *dominatio* over the *res publica*. For their *factio*, tribal redistribution was a circumstantial cause; one conveniently in want of a leader, which allowed a few opportunist politicians to successfully weaponize it in their bid for power. However, for them, the *novi cives* were no more than a suitable ally, one whose interests were not a priority and were only to be accommodated as long as they were useful. In the end, our sources agree that he was not an honourable man, but one of the 'stasiarchs' of the era, and partial to *popularis* ideology to boot. I shall posit here that this characterization permeated the discourse so profoundly that modern scholarship tends to portray Cinna's commitment to the cause of the *novi cives* as extremely transactional, which in turn has led to underscore his influence in the final settlement surrounding tribal redistribution.

As it happened with Sulpicius, Appian presents the more detailed account of how quickly civil violence escalated during early phases of Cinna and Octavius' consulship. For the Alexandrian author, the friends of those that had been exiled by Sulla – *motu proprio* – approached the new citizens and stirred them with Marius' memory, inciting them to demand integration in all the tribes, as the exiled old commander and his tribune had established. Again, as had happened with Sulpicius' reforms, this rapprochement between the factions was completely instrumental – a step taken to facilitate Marius' recall. Faced with a repetition of the events of the previous year, the old citizens vigorously opposed the proposal, with Octavius's backing. For his part, Cinna sided with the new citizens, although his reasons were far from honest. Appian claimed that the friends of the exiles were confident they had Cinna's support (οἱ φίλοι τῶν φυγάδων), so his actions could be the result of partisan loyalty; yet this narrative also mentions a story according to which his intervention was bought for the price of three hundred talents:

> Ἐξαγγελθέντος δ᾽ ἐς τὴν πόλιν τοῦ Πομπηίου φόνου, αὐτίκα μὲν ὁ Σύλλας περιδεὴς ἐφ᾽ ἑαυτῷ γενόμενος τοὺς φίλους περιήγετο πανταχοῦ καὶ νυκτὸς ἀμφ᾽ αὑτὸν εἶχεν, οὐ πολὺ δ᾽ ἐπιμείνας ἐς Καπύην ἐπὶ τὸν στρατὸν κἀκεῖθεν

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> ἐς τὴν Ἀσίαν ἐξήλασεν. οἱ δὲ τῶν φυγάδων φίλοι Κίννᾳ, τῷ μετὰ Σύλλαν ὑπατεύοντι, θαρροῦντες τοὺς νεοπολίτας ἠρέθιζον ἐς τὸ ἐνθύμημα τοῦ Μαρίου, ταῖς φυλαῖς πάσαις ἀξιοῦν ἀναμιχθῆναι, ἵνα μὴ τελευταῖοι ψηφιζόμενοι πάντων σιν ἄκυροι. τοῦτο δὴ προοίμιον τῆς αὐτοῦ τε Μαρίου καὶ τῶν ἀμφὶ τὸν ἄνδρα καθόδου. ἀνθισταμένων δὲ τῶν ἀρχαίων κατὰ κράτος, Κίννας μὲν τοῖς νεοπολίταις συνέπραττε, νομιζόμενος ἐπὶ τῷδε τριακόσια δωροδοκῆσαι τάλαντα, τοῖς δ᾽ ἀρχαίοις ὁ ἕτερος ὕπατος Ὀκτάουιος. (App. *B civ.* 1.64)[834]

Be that as it may, once Cinna was on board with the *novi cives*, they started to agitate even further and occupied the Forum armed with concealed daggers to demand their redistribution. Conversely, the more 'respectable part of the people' (App. *B civ*. 1.64: τὸ δὲ καθαρώτερον πλῆθος) – among the old citizens, one is to understand – opposed this mob, equally armed.[835] When a section of the tribunes of the plebs vetoed any proposal to proceed with redistribution, violence soon erupted. However, Octavius was quick to react and once news about the turmoil reached him at home, he charged down the Via Sacra at the head of a multitude of old citizens and scattered Cinna and his supporters – during this commotion many of them were killed without orders:

> καὶ οἱ μὲν ἀμφὶ τὸν Κίνναν προλαβόντες τὴν ἀγορὰν μετὰ κεκρυμμένων ξιφιδίων ἐβόων ἐς τὰς φυλὰς πάσας ἀναμιγῆναι· τὸ δὲ καθαρώτερον πλῆθος ἐς τὸν Ὀκτάουιον ἐχώρει, καὶ οἵδε μετὰ ξιφιδίων. ἔτι δ᾽ αὐτῷ κατὰ τὴν οἰκίαν τὸ μέλλον περιορωμένῳ ἐξαγγέλλεται τοὺς πλέονας δημάρχους κωλύειν τὰ γιγνόμενα, θόρυβον δὲ τῶν νεοπολιτῶν εἶναι καὶ ἀπογύμνωσιν ἤδη τῶν ξιφιδίων περισταδὸν ἐς τοὺς ἀντιλέγοντας δημάρχους ἀναπηδώντων ἐπὶ τὰ ἔμβολα. ὧν Ὀκτάουιος πυθόμενος κατέβαινε διὰ τῆς Ἱερᾶς ὁδοῦ μετὰ πυκνοῦ πάνυ πλήθους καὶ οἷα χειμάρρους ἐς τὴν ἀγορὰν ἐμπεσὼν ὥσατο μὲν διὰ μέσων τῶν συνεστώτων καὶ διέστησεν αὐτούς· ὡς δὲ κατέπληξεν, ἐς τὸ τῶν Διοσκούρων ἱερὸν παρῆλθε, τὸν Κίνναν ἐκτρεπόμενος. ὅσοι δ᾽ αὐτῷ συνῆσαν, χωρὶς ἐπαγγέλματος ἐμπεσόντες τοῖς νεοπολίταις ἔκτεινάν τε πολλοὺς καὶ ἑτέρους φεύγοντας ἐπὶ τὰς πύλας ἐδίωκον. (App. *B civ*. 1.64)[836]

834 App. *B civ.* 1.64: 'When the murder of Pompeius was reported in the city, Sulla quickly became afraid for his own safety and surrounded himself with his followers wherever he went, even keeping them with him at night. He did not, however, remain long in the city, but made his way to the army at Capua and from there to Asia. The supporters of the exiles, confident they had the backing of Cinna, Sulla's successor in the consulship, now encouraged the new citizens to demand the introduction of Marius' scheme for distributing them among all the old tribes, so that they would not be completely deprived of influence by having to vote last. This was, of course, a preliminary to recalling Marius and his associates from exile. Although the old citizens vigorously resisted the proposal, Cinna sided with the new ones, having received a bribe of three hundred talents, so it was believed, for his support. The other consul, Octavius, championed the old citizens.'

835 Considering how the *acta Sullana* had shifted the legislative power from the *comitia tributa* to the *comitia centuriata*, it is evident why the more respectable part of the people – most likely, the more wealthy old citizens – sided with Octavius. Moreover, this support also hints toward how fragile Sulla's reforms seemed to most people.

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As was common for the *populares*, Cinna's way of engaging in politics was defined by violence. Appian openly claimed that Cinna was encouraged by the νεοπολῖται to enact political change by force – a force that was, one is to remember, in the numbers (Sall. *Ep*. 2.5: *vis multo maxuma in plebe*). Nevertheless, he was defeated by the fewer. It is interesting that, despite not having mentioned any bills put forward regarding the redistribution of the freedmen by neither Sulpicius or Cinna, Appian states that the latter did turn to the slaves and incited them to join his cause and rebel, summoning them to act for the sake of freedom (App. *B civ.* 1.65: Κίννας δὲ θαρρήσας μὲν τῷ πλήθει τῶν νεοπολιτῶν καὶ βιάσεσθαι προσδοκήσας, παρὰ δόξαν δ᾽ ὁρῶν τὸ τόλμημα τῶν ὀλιγωτέρων ἐπικρατοῦν, ἀνὰ τὴν πόλιν ἔθει τοὺς θεράποντας ἐπ᾽ ἐλευθερίᾳ συγκαλῶν).[837] Apparently, none of them did (App. *B civ*. 1.65: οὐδενὸς δ᾽ αὐτῷ προσιόντος) and Cinna had to flee the City in a hurry. Clearly, the disqualifying nature of this accusation played a role in its inclusion in the narrative. In a society as profoundly grounded in slavery as classical Rome was, the claim that one was willing to subvert such a fundamental pillar was a grave one, as the elevation of the slave over their master represented a virtual violation of proper hierarchy.[838] However, I believe it could also be read as a reflection of the *popularis* propensity for integrating the political rights of the freedman, via tribal redistribution, into their ideology and political praxis. Indeed, Cinna was guilty of holding such a position.

The outline for the outbreak of the *bellum Octavianum* is roughly validated by our other sources.[839] A passage by Cicero mentioned earlier summarized the civil war between Cinna and Octavius as one fought over the right of suffrage for the new citizens (Cic. *Phil*. 8.7: *Cinna cum Octavio de novorum civium suffragiis* [*contendebat*]). In turn, Livy's *Epitomes* used the much maligned and *popularis* coded expression of *leges perniciosas* to describe Cinna's proposals to the assemblies; indeed, it is argued that these measures were actually passed *per vim.* The summary of Book 79 also provides a useful piece of information that shows that Cinna was not alone in his pursuits: it is claimed that he was driven from the City alongside six tribunes of the plebs – out of ten tribunes in total, which illustrates that the plebs had elected a majority of the college from those that opposed the *acta Sullana* (Liv. *Epit*. 79:

836 App. *B civ.* 1.64: 'Cinna's men occupied the Forum armed with hidden daggers, and made loud demands to be distributed among all the tribes, while the out-and-out plebeians, these too armed with daggers, adhered to Octavius. While Octavius was still at home waiting to see how things turned out, news is brought to him that the majority of the tribunes had vetoed the proceedings, and that the new citizens had started a riot, even drawing their daggers in the mêlée, and jumping up on the rostra to threaten the opposing tribunes. On hearing this Octavius marched down the Via Sacra with a very tightly packed crowd, burst into the Forum like a torrent, pushed through the middle of the crowd, and separated them. When he had intimidated them, he went on to the temple of the Dioscuri, and drove Cinna away, and the men in his company fell upon the new citizens without orders, killed many of them, and chased the rest as they fled to the city gates.'; Plutarch claims that almost ten thousand men were killed in that occasion, Plut. *Ser*. 4: οὐ πολλῷ ἐλάττους τῶν μυρίων.

837 App. *B civ*. 1.65: 'Cinna had been encouraged by the large number of new citizens to expect that he could achieve his aims by force, and seeing how the daring of a smaller number had unexpectedly prevailed, he ran through the city calling on the slaves to strike for freedom.'

838 A similar accusation was made repeatedly by Cicero against Clodius, esp. Cic. *Mil*. 87, 89; Gabrielli, 2022, 160-161.

839 *Cf*. Florus, 2.21.9 grounds the conflict strictly on the question of the exiled.

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L. Cornelius Cinna consul cum perniciosas leges per vim atque arma ferret, pulsus urbe a Cn. Octavio collega cum sex tribunis plebis).[840]

A very similar story is recounted by Velleius Paterculus, who characterizes Cinna as 'no more restrained than Marius and Sulpicius' (Vell. Pat. 2.20: *Non erat Mario Sulpicioque Cinna temperatior*). As we have seen, his main political promise was to redistribute the *novi cives* among all the tribes, diverting from the current practice of enrolling them in 'eight'. To fulfil his aim, Velleius argued that the consul 'brought together into to the city a great multitude from all parts of Italy, yet he was driven from the city by the united strength of his college and the optimates, and set out for Campania.' (Vell. Pat. 2.20: *Cinna in omnibus tribubus eos se distributurum pollicitus est: quo nomine ingentem totius Italiae frequentiam in urbem acciverat. E qua pulsus collegae optimatiumque viribus cum in Campaniam tenderet*.)[841]

In turn, Exsuperantius outlined a matching narrative whereby Cinna passed a law so that the new citizens could vote with the old one with no distinction. This statute, aimed at pleasing those that had supported Marius – i.e., the *novi cives* – was said to be unfair, as its equality diminished the dignity of the old citizens:

> *Dum haec aguntur, Cinna et Octavius facti sunt consules: quorum Cinna de partibus Marianis fuit. Hic legem tulit ut novi cives, qui aliqua ratione Romanam acceperant civitatem, cum veteribus, nulla discretione suffragium ferrent. Hoc videlicet in eorum gratiam faciebat qui Marium suis suffragiis extulerant, et amplissimis honoribus decorarant. Sed haec lex iniuriosa erat in veteres cives qui meritum dignitatis videbantur amittere, si cum novis indignis in ferendo suffragio iungerentur*. (Exsup. 23-24)[842]

10.2.1 *Bellum Octavianum* (87)

Which brings us to the events following Cinna's escape to the countryside. Unlike Marius when he fled Sulla's henchmen, Cinna was a sitting consul, and he acted as one. Appian recounted 'he hurried off to the towns nearby recently admitted to Roman citizenship –

840 Liv. *Epit*. 79: 'When Consul Lucius Cornelius Cinna was passing ruinous laws by violence and force of arms, he along with six tribunes of the commons, was driven from the city by his colleague Gnaeus Octavius.'

841 Vell. Pat. 2.20: 'Cinna was no more restrained than Marius and Sulpicius. Hence, although citizenship had been given to Italy in such a way that the new citizens would be distributed in only eight tribes (lest their influence and number should infringe the importance of the old citizens, and the recipients of the benefit have more capability than the instigators of the benefit), Cinna promised he would distribute them among all the tribes; for this reason he had summoned into the City a huge crowd from the whole of Italy. But he was banished from the City by the forces of his colleague and of the optimates, and, as he was making his way to Campania.'

842 Esxup. 22-24: 'While this was taking place, Cinna and Octavius were elected consuls. Of these, Cinna belonged to Marius' side, passed a law so that new citizens, who had received Roman citizenship by a certain method, should be able to vote alongside the old citizens, with no distinction. He evidently did this to favour the men who had elevated Marius with their votes and had granted him the greatest honours; but this law was unjust to the old citizens, who seemed to lose the value of their dignity if they were mixed to cast their votes with the new and unworthy citizens'; personal translation based on Zorzetti, 1982.

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Praeneste, and the others as far as Nola – inciting them all to revolt, and collecting money for the war.' (App. *B civ.* 1.65: ἐξέδραμεν ἐς τὰς ἀγχοῦ πόλεις τὰς οὐ πρὸ πολλοῦ πολίτιδας Ῥωμαίων γενομένας, Τίβυρτόν τε καὶ Πραινεστὸν καὶ ὅσαι μέχρι Νώλης, ἐρεθίζων ἅπαντας ἐς ἀπόστασιν καὶ χρήματα ἐς τὸν πόλεμον συλλέγων.) There, he was joined by a group of senators that 'shared his views', presumably in addition to the six tribunes that had accompanied him per Livy. Appian singles out 'Gaius Milonius and Quintus Sertorius and another Gaius Marius' (App. *B civ.* 1.65: ταῦτα δ' ἐργαζομένῳ τε καὶ ἐπινοοῦντι τῷ Κίννᾳ προσέφυγον ἀπὸ τῆς βουλῆς οἳ τὰ αὐτὰ ἐφρόνουν, Γάιός τε Μιλώνιος καὶ Κόιντος Σερτώριος καὶ Γάιος Μάριος ἕτερος.)[843]

Faced with Cinna's defiance and the emerging articulation of a cadre of politicians around him – many of whom were in office –, the Senate chose to reassert its authority. His consulship was abrogated by the Senate's own authority and L. Cornelius Merula, priest of Jupiter, was chosen consul in his place (Vell. Pat. 2.20: *ex auctoritate senatus consulatus ei abrogatus est suffectusque in eius locum L. Cornelius Merula flamen dialis*).[844] The legal form of this abrogation is not clear, with Velleius claiming that 'this injustice was more worthy of the man than as a precedent' (Vell. Pat. 2.20: *Haec iniuria homine quam exemplo dignior fuit*). Per Granius Licinianus, we know that the Sybilline Books were consulted and used as the base for this irregular decision (Gran. Lic. 35.1-5). Livy's *Epitome* simply stated that his *imperium* was abrogated (Liv. *Epit*. 79: *imperioque ei abrogato*). I would argue that this was not a question of legality *per se,* but one of sovereignty. The Senate chose to decide over the exception and, as sovereign, transforming might into right – or at least trying to do so.[845] According to Appian, this decision was taken by the Senate on the grounds that Cinna had proclaimed freedom for the slaves and had abandoned the City in danger. Therefore, he was to be deposed from this magistracy and deprived of his citizenship:

> ἡ μὲν δὴ βουλὴ τὸν Κίνναν, ὡς ἐν κινδύνῳ τε τὴν πόλιν καταλιπόντα ὕπατον καὶ δούλοις ἐλευθερίαν κηρύξαντα, ἐψηφίσατο μήτε ὕπατον μήτε πολίτην ἔτι εἶναι καὶ Λεύκιον Μερόλαν ἐχειροτόνησαν ἀντ᾽ αὐτοῦ, τὸν ἱερέα τοῦ Διός. (App. *B civ.* 1. 65)[846]

Unsurprisingly, neither Cinna nor his allies accepted this resolution, and he continued to act as a consul. It was precisely as a magistrate of the *populus Romanus* that he presented

843 App. *B civ.* 1.65: 'While Cinna was busy with these tasks and developing his plans, certain senators who shared his views fled to him, Gaius Milonius and Quintus Sertorius and another Gaius Marius.'

844 Vell. Pat. 2.20: 'His consulship was revoked on the senate's authority and Lucius Cornelius Merula, the Flamen Dialis, was substituted in his place.'

845 Regarding the decision to abrogate Cinna's position, Duplá Ansuátegui, 1990, 110-112; also, Lovano, 2002, 35-36; Kendall, 2013, 492-493; this was again a manifestation of Lowrie's insight about the contested nature of sovereignty in Republican Rome, Lowrie, 2007, 31-55, based on Schmitt's famous *dictum*, Schmitt, 2005, 5: 'Sovereign is he who decides on the exception'.

846 App. *B civ.* 1.65: 'The senate decided that because Cinna had abandoned the city in danger, in spite of being consul, and had proclaimed freedom for the slaves, he should be deposed as consul and deprived of Roman citizenship; and they elected Lucius Merula, the priest of Jupiter, in his place.'

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himself before an army stationed near Capua and a handful of senators who were staying in this city. Appian's narrative preserves a piece of oratory that places Cinna within a tradition that harkens back to the Gracchi:

> Κίννας δ᾽ ἐς Καπύην τραπόμενος, ἔνθα Ῥωμαίων στρατὸς ἄλλος ἦν, τούς τε ἄρχοντας αὐτοῦ καὶ ὅσοι ἀπὸ τῆς βουλῆς ἐπεδήμουν, ἐθεράπευε καὶ παρελθὼν ὡς ὕπατος ἐς μέσους τάς τε ῥάβδους καθεῖλεν οἷα ἰδιώτης καὶ δακρύσας ἔφη· "Παρὰ μὲν ὑμῶν, ὦ πολῖται, τὴν ἀρχὴν τήνδε ἔλαβον· ὁ γὰρ δῆμος ἐχειροτόνησεν· ἡ βουλὴ δ᾽ ἀφείλετό με χωρὶς ὑμῶν. καὶ τάδε παθὼν ἐν οἰκείοις κακοῖς ὑπὲρ ὑμῶν ὅμως ἀγανακτῶ· τί γὰρ ἔτι τὰς φυλὰς ἐν ταῖς χειροτονίαις θεραπεύομεν, τί δὲ ὑμῶν δεόμεθα, ποῦ δὲ ἔσεσθε τῶν ἐκκλησιῶν ἢ χειροτονιῶν ἢ τῶν ὑπατειῶν ἔτι κύριοι, εἰ μὴ βεβαιώσετε μέν, ἃ δίδοτε, ἀφαιρήσεσθε δ᾽, ὅταν αὐτοὶ δοκιμάσητε;" (App. *B civ.* 1.65)[847]

In a few words he managed to intertwine his cessation as consul, where the Senate had unilaterally overruled a prior decision taken by the people, with the recent castration of the *comitia tributa*.[848] As with many pieces of oratory in ancient histories, one could argue that there is no proof that Cinna actually delivered this speech. That, of course, is true. However, I would argue that the arguments presented by Appian as Cinna's are not only appropriate but relevant to understand the politics of the moment. In fact, they are the manifestation of how intertwined tribal redistribution as a precondition of proper citizenship, the role of the *comitia tributa*, and the sovereignty of the people, had become. From the symbology of laying his *fasces* at the feet of an army of citizen-soldiers, to pointedly asking what was the need for the people if their decisions could be reverted by the Senate, Cinna was framing his case as the latest manifestation of the tug-of-war between the people and the Senate. I would posit that he may well have been acting moved by a sense of self-preservation, but this did not make his claims less valid from an ideological standpoint.[849]

Moreover, Cinna did not only reference the people or the assemblies in general: he singled out the *tribes* (φυλὰς), the more egalitarian of these bodies, and subject to become

847 App. *B civ.* 1.65: 'Cinna made course for Capua, where there was another Roman army, whose officers he courted along with the senators who were staying in the town. Making an official public appearance among them as consul, he then laid down the fasces as though he were a private citizen, and with tears flowing, said, "It was from you, fellow citizens, that I received this office. For the people voted me in, and without consulting you, the senate has removed me from office. What I have suffered is my personal misfortune, but it is on your behalf that I am angry. Why should we still canvass the tribes at elections? Why do we need you? How will you have any authority in the assemblies or when voting or electing consuls, if you cannot guarantee the decisions you make, but have them reversed, after you yourselves have given approval?"'

848 Regarding Sulla's and Cinna's open appeals to legitimacy during their respective consulships, Morstein-Marx, 2011, 259-278.

849 Morstein-Marx, 2011, 259-278: 266-271: points out that Cinna addressed the soldiers not as mercenaries but as members of the civic community, as voters, in a speech 'remarkably reminiscent of public political speeches in Rome'; this clearly political appeal disputes the traditional interpretation of the Late republican army as a force of *capite censi* that functioned almost as a mercenary force at the hands of their generals; a decisive refutation of this conception is present in Cadiou, 2018; for a sample of the very influential traditional conception, Badian, 1958, 236, Gabba, 1976, 26-28.

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even more so if the *novi cives* were to be redistributed and the one consequently targeted by Sulla and Q. Pompeius with their laws. He was rhetorically emphasising the role of the people (of *all* the people, including the new citizens, I would say) as a political actor. His deposition did not happen in a vacuum, but as a reaction against the *acta Sullana*, which had greatly diminished the power of the tribes and were themselves downstream of the conflict around tribal redistribution. Cinna may not have explicitly referred to the plight of the *novi cives* in the few words preserved by Appian, but his meaning is clear. After following Sulpicius' lead in proposing a major redrawing of the tribes that advanced the cause of the new citizens, and being ejected from Rome and deposed of consulship precisely for this reason, I believe his vindication of the power of the *comitia tributa* must be read from the perspective of an assembly that embodied not only the old citizens, but also the new ones, on equal footing. By this point, it is probable that everyone listening to him understood as much – and especially the *novi cives,* who most likely composed a good portion of the ranks of those listening.

According to Appian, it was an effective performance: the soldiers returned his *fasces* and accepted his leadership, swearing an oath of support along with their officers. He then resorted to the 'allied cities' (συμμαχίδας πόλεις), who immediately pledged their support and contributed to his cause with both money and soldiers (App. *B civ*. 1.66: οἱ δὲ χρήματά τε αὐτῷ καὶ στρατιὰν συνετέλουν). He was soon becoming a focal point of political resistance, and attracted many others to his side, including many powerful men from Rome who came to join him as he travelled from one place to another. As with every action taken by Cinna, Appian is fairly critical and deliberately paints a portrait of someone who was careful to say and do the proper things without necessarily believing them. When recounting the effect his speech had on the soldiers, he expressly told his readers that Cinna 'said this to stir the men up' (App. *B civ*. 1.66: Ταῦτ᾽ εἰπὼν ἐς ἐρέθισμα), using the same verb, ἐρεθίζω, with which he had defined his intentions when resorting the allied cities (App. *B civ.* 1.66: ἐπὶ τὰς συμμαχίδας πόλεις διέθει καὶ ἠρέθιζε κἀκείνους). While lingering in the consul's pathos, he described it in the following terms: 'after trying to arouse much pity for his own situation, he tore his clothes, leaped down from the speakers' platform, and threw himself into the middle of the crowd, where he lay for a long time.' (App. *B civ.* 1.66: καὶ πολλὰ περὶ αὑτοῦ κατοικτισάμενος τήν τε ἐσθῆτα κατέρρηξε καὶ ἀπὸ τοῦ βήματος καταθορὼν ἔρριψεν αὑτὸν ἐς μέσους καὶ ἔκειτο ἐπὶ πλεῖστον). Moreover, regarding his appeal to the (former) *socii*, Appian described Cinna as '*claiming* (ὡς, a conjunction introducing reported speech) that it was chiefly on their behalf that he had met with disaster' (App. *B civ.* 1.66: ὡς διὰ τούσδε μάλιστα τὴν συμφορὰν αὐτῷ γενομένην). Indeed, this negative presentation was extended to his whole cause, as those powerful men from Rome who joined his cause were dismissed as 'dissatisfied as they were with the stability of the constitution' (App. *B civ.* 1.66: καὶ πολλοὶ καὶ τῶν ἐν Ῥώμῃ δυνατῶν ἕτεροι πρὸς αὐτὸν ἀφικνοῦντο οἷς ἀπήρεσκεν ἡ τῆς πολιτείας εὐστάθεια).[850]

850 After Cinna's death, Appian is much more explicit on the inconsistency between the official line of the regime and the reality, overtly claiming that 'For public opinion heavily favored the consuls [Norbanus and Scipio], since Sulla's course

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Other authors are even harsher with the manner in which Cinna was able to secure his position after fleeing Rome. Livy's *Epitomes* argued that he 'brought the army of Appius Claudius under his control by bribery' (Liv. *Epit*. 79: *corruptum Appii Claudii exercitum in potestatem suam redegit*). A similar claim was also made by Velleius Paterculus, who accused Cinna of taking control of the army at Nola by 'having first bribed the centurions and tribunes and then the soldiers too with the hope of largesse' (Vell. Pat. 2.20: *Tum Cinna corruptis primo centurionibus ac tribunis, mox etiam spe largitionis militibus, ab eo exercitu, qui circa Nolam erat, receptus est*).[851] Marius, who disembarked in Italy and joined Cinna in his efforts to capture Rome, was characterized as equally duplicitous regarding the interest of the *novi cives* about tribal redistribution. Appian recounted how he sailed to Etruria and toured around many communities 'presenting a pathetic appearance, boasting of his battles, his victories over the Cimbri, and his six consulships, and making promises about the voting, a matter of intense interest to them' (App. *B civ.* 1.67: ῥυπῶν δ' ἔτι καὶ κόμης ἔμπλεως ἐπήει τὰς πόλεις, οἰκτρὸς ὀφθῆναι· μάχας τε καὶ τρόπαια αὐτοῦ Κιμβρικὰ καὶ ἓξ ὑπατείας ὑπερεπαίρων καὶ περὶ τῆς χειροτονίας σφόδρα αὐτοῖς ἐπιθυμοῦσιν ἐπαγγελλόμενός). As he did when portraying Cinna, the Alexandrian was careful in portraying Marius as someone performing a façade that did not correspond with the reality, claiming that 'as he *seemed* (δοκῶν) to be trustworthy, he was able to collect six thousand Etruscans and made his way over to Cinna, who was glad to accept him as a partner in the present enterprise' (App. *B civ.* 1.67: τε καὶ πιστὸς εἶναι δοκῶν, συνήγαγε Τυρρηνῶν ἑξακισχιλίους καὶ ἐς Κίνναν διῆλθεν ἀσμένως αὐτὸν ἐπὶ κοινωνίᾳ τῶν παρόντων δεχόμενον).

Irrespective of what we think of their actual honesty, it is clear that the *novi cives* placed much more trust on Cinna and Marius' word rather than any overture or promise made by the Senate. We are told that Cinna was able to conduct his military operations 'relying on the huge number of new citizens, from whom he had conscripted more than three hundred cohorts by means of a levy and had filled the equivalent of thirty legions' (Vall. Pat. 2.20: *patriae bellum intulit, fretus ingenti numero novorum civium, e quorum delectu trecentas amplius cohortes conscripserat ac triginta legionum instar impleverat*). Contrary to this zealous commitment, the Senate only managed to extract a promise from the *dediticii*, after granting them the citizenship, 'to supply many thousands of soldiers, but sent scarcely sixteen cohorts' (Granius Licinianus, 35.34-35:*qui polliciti mult<a> milia militum vix XV<I> cohortes miserunt*).[852]

of action in marching against his country appeared to be that of an enemy, while the consuls, even if they were acting in their own interests, could pretend they were defending the fatherland' (App. *B civ.* 1.82: ἡ γὰρ εὔνοια τῶν ἀνδρῶν ἐς τοὺς ὑπάτους παρὰ πολὺ ἐποίει, ὡς τὸ μὲν ἔργον τὸ Σύλλα, χωροῦντος ἐπὶ τὴν πατρίδα,.) δόξαν ἔχον πολεμίου, τὸ δὲ τῶν ὑπάτων, εἰ καὶ περὶ σφῶν ἔπραττον, πρόσχημα τῆς πατρίδος

851 Lovano, 2002, 37, while not dismissing the possibility that Cinna may have also promised material rewards to the soldiers, he convincingly framed the question of 'bribery' as a matter of bias on the part of our sources.

852 Lovano, 2002, 51, argued that 'Cinna could not claim that he had the support of *tota Italia*, but he came very close to it'; Vervaet, 2023, 156.

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In fact, this selective display of confidence was not restricted to the communities that had already been accepted into the *civitas*; recalcitrant insurgents, like the Samnites, who were still waging war against Rome, also had a clear preference for one side of the political divide – as it became apparent quite quickly. When the consul Octavius and the Senate grew worried by the increasing power of the combined forces of Cinna and Marius, they ordered Caecilius Metellus, who was operating against the Samnites, to come to 'the most respectable terms'(App. *B civ.* 1.68: ὅπῃ δύναιτο εὐπρεπῶς διαλυσάμενον) for truce. Considering the end result of this overture, it is important to pre-empt a caveat: as reported by our sources, the Senate was not trying to enlist the Samnites in their cause. They were just trying to broker a truce so Metellus' army could be free to confront the rogue consul and his partner (App. *B civ.* 1.68; also, Cass. Dio. 30-35. fr. 102).

Negotiations were established, but we are told by Appian that Metellus deemed their demands unacceptable; Marius did not share this compunction and quickly accepted the rebels' conditions, not only securing their neutrality but also recruiting them for their cause (App. *B civ*. 1.68). This event is also referenced by Granius Licinianus and Cassius Dio, which allows us to better understand what it entailed. Both authors listed the Samnites' main demands as revolving around *civitas*: they were to be granted citizenship alongside those who had deserted to their side:

> *senatusque per Metelli legatos consultus de voluntate Samnitium, qui se negab<a>nt aliter in pacem venturos, nisi civitas ipsis et per<f>u<g>is omnibus daretur bon<aque> reddere<n>tur, abnuit, dignitatem anti<qua>m P. R. <tu>entibus patribus. quibus cognitis Cinna per Flavium Fimbriam <in> leges, quas postulabant, eo<s> recepit et copiis suis iunxit.* (Gran. Lic. 35.29-31)[853]

In addition, Dio mentioned that they were to retain all the booty they had plundered, their captives were to be released and their deserters returned:

> ὅτι οἱ Ῥωμαῖοι στασιάσαντες πρὸς ἀλλήλους τὸν Μέτελλον μετεπέμψαντο, κελεύσαντες αὐτῷ πρὸς τοὺς Σαυνίτας, ὅπως ποτ᾽ ἂν δύνηται, συμβῆναι: οὗτοι γὰρ ἔτι τότε μόνοι τὴν Καμπανίαν καὶ τὴν ἐπέκεινα αὐτῆς ἐκακούργουν. ὁ δὲ τούτοις οὐκ ἐσπείσατο: τήν τε γὰρ πολιτείαν ἠξίουν οὐχ ἑαυτοῖς μόνον ἀλλὰ καὶ τοῖς ἠὐτομοληκόσι πρὸς σφᾶς δοθῆναι, καὶ οὔτε τι τῆς λείας ἣν εἶχον ἀποδοῦναι ἤθελον, καὶ τοὺς αἰχμαλώτους τούς τε αὐτομόλους σφῶν πάντας ἀπήτουν, ὥστε μηδὲ τοὺς βουλευτὰς τὴν εἰρήνην ἔτι τὴν πρὸς αὐτοὺς ἐπὶ τούτοις ἐλέσθαι. (Cass. Dio. 30-35. fr. 102)[854]

853 Gran. Lic. 35.29-31: 'The Senate, being consulted by Metellus' envoys on the will of the Samnites – who rejected peace unless citizenship was granted to themselves and all the deserters, and their properties restored – refused, as the senators wanted to preserve the ancient dignity of the Roman people. When Cinna learned about this, through Flavius Fimbria, he accepted the terms which they demanded, and joined their forces his.'; personal translation, based on Criniti, 1981.

854 Cass. Dio. 30-35. fr. 102: 'The Romans, having become at odds with one another, sent for Metellus, bidding him come to terms with the Samnites as best he might; for at this time they alone were still ravaging Campania and the district beyond it. Nevertheless, he did not conclude a truce with them, since they demanded that citizenship be given not alone

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While Granius did not mention prisoners nor spoils of war, he did add that their property was to be returned as well. In both these narratives, it was the senators, not Metellus, who reject these terms. For Granius, this rejection was rooted on their wish 'to preserve the ancient dignity of the Roman people'; something, of course, that did not bother Cinna, who sent Flavius Fimbria to negotiate and 'enlisted the Samnites on the terms which they requested, and joined their forces to his.'[855]

This was no coincidence; neither was it the overwhelming support for Cinna and Marius from the *novi cives,* nor their ability to strike a deal with the rebel Samnites where they had secured their neutrality as well as their active help in the war effort. Our sources present this rapport framed as a not so veiled critique: they were able to command such support by pretending to care about the plight of the *novi cives* and accepting the demands of those that still fought against Rome. In other words, lying and disregarding the ancient dignity of the Roman people by not trying to come to the most respectable terms possible. However, we can accept their recounting of the basic facts without sharing their moral condemnation. I would argue that this mutual relation of confidence was predicated on the understanding, from all sides involved, that *popularis* ideology had consistently advocated for a more generous integration for the *Latini et socii*. As we have seen, this position was not born out of an opportunistic decision made in the last few years; indeed, it could be traced as far back as Fulvius Flacus and Gaius Gracchus.

For more than forty years, at every juncture where the Romans had to decide over the contested boundaries of their *civitas*, the patterns had been always the same. Those that partook in – or at least were amenable to – *popularis* ideology systematically chose to further integrate *socii et Latini*; conversely, those who held *optimate* beliefs made their best efforts to maintain the imperial core as restricted as possible. Indeed, the mass enfranchisement consequence of the *bellum sociale* did not erase these opposing positions, but rather superimposed discussions around how this integration ought to be conducted over the pre-existing divisions regarding the extension of *civitas.* In fact, this new situation only accentuated this ideological disagreement, as it brought the discord over the inner and outer boundaries of citizenship to the centre of the political sphere. It forced the Romans to articulate their stances with renewed urgency and showed to the former *socii* and *Latini,* once again, who were those willing to fight for their interests. I would argue that doubts over the

to themselves but also to those who had deserted to their side, refused to give up any of the booty which they had, and demanded back all the captives and deserters from their own ranks. As a result even the senators no longer chose to make peace with them on these terms.'

855 Badian, 1958, 239, 297 nº T; Brunt, 1965, 90-109, 97; Lovano, 2002, 40, Kendall, 2013, 515-517; Dart, 2014, 197; Vervaet, 2023, 106, 156, nº 25; neither of these authors consider ideology as one of the factors that may have played a part in facilitating Cinna and Marius to reach a deal where Metellus had failed; most of them consider this a matter of rigidity on the part of the Senate, while Lovano, 2002, 40, explained it as a consequence of Metellus' intransigence, something he deemed a family trait, and Cinna's opportunism to take advantage of the situation.

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degree of sincerity behind any other politician are warranted but somewhat irrelevant. As far as the *novi cives* and the last insurgents were concerned, what mattered was the consistency *popularis* ideology had shown time and time again.

Both Marius and Cinna converged on Rome and took it after a bloody siege, a prolonged operation that caused a deadly outbreak of plague that ended out killing the fickle ally of consul Octavius, Pompeius Strabo, among many others. Cinna entered Rome as consul recognised by the Senate after apparently pledging he would not 'purposefully' kill his enemies. When Marius returned to the City after the tribes had voted to annul the legislation declaring him a public enemy, this compromise was promptly forfeited and the victors engaged in deadly political repression. Octavius was killed, alongside many other high ranking senators, such as P. Licinius Crassus, Marcus Antonius Orator, Lucius and Gaius Caesar or P. Cornelius Merula; others were driven to suicide, like Q. Lutatius Catulus. Although some of these murders are attributed directly to Cinna, like Octavius', our sources emphasise that the main driver behind this wave of cruelty was Marius.[856] He apparently surrounded himself by a unit of freed slaves whom he used as enforcers of his vengeance. They were said to be so savage that they were unceremoniously slaughtered by Cinna and Sertorius following Marius' untimely death, just a few days after his inauguration as consul for the seventh time (Plut. *Mar*. 44; App. *B civ*. 1.74).[857]

As per our sources, this terror was the foundation of what has been characterized by some as the *Cinnae dominatio* (Cic. *Phil*. 1.34). However, despite a supposedly far-reaching massacre and his force of arms, the picture that emerges is not of a military junta that could exert power without restraint. This fact alone casts a shadow of doubt on the narrative of a carnage that had terrorized the city for five straight days (Cass. Diod. 30/35.102.8, 10-11). This is not an attempt to minimize what was clearly a violent case of political repression and a settling of scores. Civil wars tend to produce such events as they are predicated, by definition, on the existence of internal enemies deserving of such a treatment.[858] Nevertheless, it appears that what happened during this hostile takeover of Rome was more of a decapitation of a rival

856 Cic. *De or*. 3.8-10; *Sest*. 38; *Tusc*. 5.55-56; *Brut*. 307; Asc. *Scaur*. 23, 25; Liv. *Epit*. 80; Diod. Sic. 38-39.4; Val. Max. 9.2.2; Flor. 2.9.13-17; Plut, *Mar*. 43-44; *Sull*. 12; *Crass*. 4; App. *B civ.* 1.71-74; Diod. Cass. 31.102.8-10; Oros. 5.19.19-23.

857 The continuous references to the use of slaves (or freedman liberated just for political and para-military purposes) by Sulpicius, Marius and Cinna had a clear defamatory aim. In a society were slavery was such an omnipresent institution as it was in Roman Italy, breaches in this most basic social division (free-slave) represented a fundamental violation of hierarchy, one that our sources seem more than happy to attach to *popularis* ideology, an already subversive tradition in regards to the more aristocratic or oligarchic tendencies inside the *res public*a. However, beyond this disqualifying nature, I wonder to what extent this trope could hint towards the genuine connection between *popularis* ideology and the role of freedmen as a more prominent political constituency, a link that was manifested in the recurrent fights over the tribal redistribution of the *libertini*; for the connection between populares and freedmen, López Barja, 2007b; 125-131; López Barja, 2022, 274-386.

858 Beyond the practical reasons and the personal vendettas, the active exercise of violence can also strengthen the articulation and cohesion of political identities in times of civil war, Grossman, 1995, 210-211; Kalyvas, 2006, 330-331, nº 33.

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faction, mixing political and personal grievances, rather than the massacre some of our ancient sources present.[859] In fact, in light of the functioning of the *res publica* during the so-called *Cinnae dominatio*, it is hard to make the case for an overwhelming or systematic repression of those who opposed Cinna's power, as his capacity to intimidate the *nobilitas* into compliance was not that of someone acting in lieu of a master.

Despite the fact that a deep analysis of this hybrid regime is not the aim of this investigation, I do regard Lovano's characterization convincing: Cinna's '*triennium sine armis*' (Cic. *Brut*. 308) did not establish a *dominatio*, but a hegemony. It appears that under his influence and power, the *res publica* and its institutions, magistrates and assemblies, continued to function with a certain degree of normality; so did Rome's relation to the provinces, with the obvious exception of those under Sulla's control. While it is true that he and his allies maintained a tight control of the consulship and were able to pass legislation, many of the levers of power remained in the hands of their rivals. I believe this is relevant to understand the nature, hypothetical chronology, and final responsibility for the much promised and much desired tribal redistribution – alongside some related but crucial events, like the census of 86-85.[860]

10.2.2 Tribal Redistribution: a Promise Fulfilled (86?)

Regrettably, our sources paint a woefully inadequate picture regarding the 'when' and 'how' tribal redistribution came to be. From a chronological perspective, it is useful to establish both a *terminus post quem* and *ante quem* to demarcate a period of time when to situate this policy. On the one hand, it is logical to take Cinna and Marius' retaking of Rome, in late 87, as the earliest time this measure could have been passed through the assemblies. On the other side of the spectrum, the first reference that explicitly attests the redistribution as a *fait accompli* is in Livy's *Epitomes*, where an agreement that Sulla struck in 82 with the *new cives* is mentioned. According to this excerpt, he 'came to terms with the peoples of Italy, to preclude his being regarded as a threat to their recently gained status as citizens with the right to vote.' (Liv. *Epit*. 86: *Sylla cum Italicis populis, ne timeretur ab his velut erepturus civitatem et suffragii ius nuper datum, foedus percussit*.)

In fact, I would argue that the existence of a new tribal framework is already clear – although implicit – in Cicero's recounting of Sulla's negotiation with L. Cornelius Scipio Asiagenus, in 83. During this meeting, the future dictator was accompanied by the flower of the *nobilitas* while the Scipio was surrounded by the *socii.* We are told that they discussed the

859 Originally, Bennett, 1923; 24-35; Badian, 1964, 221-222, 231; Rawson, 1987: 163-180, 175; Lovano, 2002, 45-50; Kendall, 2013, 526; cf. Vervaet, 2023, 153, although he characterizes the event as a 'wholesale massacre and despoliation of their senatorial, equestrian and other opponents', it does not appear that he generalizes the killing to all the inhabitants of Rome.

860 Badian, 1964, 215-16, 222-226; Lovano, 2002, esp. 138; Rosenblitt, 2019, 59; Vervaet, 2023, 243-244.

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laws and conditions on the authority of the Senate, the suffrage of the people, and the right of citizenship (Cic. *Phil*. 12.27: *Sulla cum Scipione inter Cales et Teanum, cum alter nobilitatis florem, alter belli socios adhibuisset, de auctoritate senatus, de suffragiis populi, de iure civitatis leges inter se <et> condiciones contulerunt*).[861] According to Cicero, the political and ideological points of tension were clear: the power of the Senate, the right of *suffragii* for the people, and the definition itself of who composed the *populus*. All of them contested issues, and all the object of legislation in recent years: either by Sulla, with his *acta Sullana* following his first march on Rome, or by the *populares*, who in the meantime had reverted this situation and pushed through their measures.

Therefore, one must situate tribal redistribution during this four-year period – from late 87 to 83. In Appian's narrative, there is no direct reference to this event, only clues that hint towards it happening – neither did he allude to the census of 86-85, for that matter. Nevertheless, despite this glaring omissions, both the new citizens and the Italics play a central role in his recounting of the conflict. While Sulla was conducting a successful campaign against Mithridates, Cinna and Carbo tried to strengthen their position by leaning heavily on the *novi cives*. They 'sent representatives to all Italy to collect money, soldiers and supplies' (App. *B civ.* 1.76: ὅ τε Κάρβων καὶ ὁ Κίννας ἐς ὅλην τὴν Ἰταλίαν τινὰς περιέπεμπον, χρήματα καὶ στρατιὰν καὶ σῖτον αὐτοῖς ἀθροίζειν), continually 'claiming that it was on their account that they were in so much danger' (App. *B civ*. 1. 76: ὡς δι᾽ αὐτάς ὄντες ἐν τοσῷδε κινδύνου). Here again, Appian's choice of words highlights his doubts about their sincerity, as he is very careful to remark that Cinna and Carbo *claimed* (ὡς) to be in jeopardy because they were defending the rights of the νεοπολίται, not that this was the actual reason.

During the winter of 85-84, Sulla sent an arrogant (φρονέματος) letter to the Senate boasting about his great deeds and promising retribution to his enemies; yet he was careful enough to assure the *novi cives* 'that he did not blame them for anything' (App. *B civ*. 1.77: τοῖς δ᾽ ἄλλοις πολίταις τε καὶ νεοπολίταις προύλεγεν οὐδενὶ μέμψεσθαι περὶ οὐδενός) – if they did not actively choose to oppose him now, it is understood.[862] This fairly general statement, from which we can infer that Sulla knew where the main strength of Cinna's regime laid and was trying to weaken it, is the last time in Appian's narrative in which the *novi cives* appeared as a distinct group with common political interests. From this point onward, all his references would be to specific groups with a particular ethos (like the Samnites or Lucanians) or to Italy, as a general denomination. After this missive, when a fearful Senate tried to broker a truce and forbade Cinna and his allies to continue to amass soldiers, the latter would simply ignore it and carry on with their recruitment.[863] Apparently,

861 Cic. *Phil*. 12.27: 'Sulla and Scipio met between Cales and Teanum, one with the flower of the nobility at his side, the other with his wartime allies, to discuss terms and conditions relating to the authority of the senate, the votes of the people, and the right of citizenship.'

862 Badian, 1964, 226, doubted the authenticity of Sulla's assurance to the *novi cives*; contra, Lovano, 2002, 107; Keaveney, 2005b, 186; Vervaet, 2023, 166.

863 According to Liv. *Epit*. 83, the Senate tried, unsuccessfully, to enact a policy of conciliation; it is most likely that the consuls ignored the Senate's advice, as argued by Lovano, 2002, 106-107; Kendall, 2013, 572; Vervaet, 2023, 166, nº 60;

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they *declared* themselves consuls for the next year (84) so as not to bother themselves with the elections and 'travelled around Italy, collecting an army' (καὶ τὴν Ἰταλίαν περιόντες στρατιὰν συνῆγον).[864] In early spring, when Cinna was murdered by a group of mutinous soldiers (App. *B civ*. 1.78), Carbo and his allies continued to lead a war effort that, from now on, would be as successful in recruiting forces as disastrous in actually fighting. In any case, they could count with the sustained support from the peoples of Italy, who continued to provide soldiers, provisions and money despite a string of ever mounting defeats (App. *B. civ*. 1.81).

In turn, Velleius Paterculus last and only mention to the plight of the *novi cives* is even earlier than Appian's, as it is coetaneous with Cinna's retaking of Rome, where it is noted that he counted with the support of '*ingenti numero novorum civium*' (Vell. Pat. 2.20). It is Livy's *Epitomes* that preserve a short sentence that appears, *prima facie*, to be referring to said redistribution. When describing the events of the year 84, the epitomist states:

> *Sylla legatis, qui a senatu missi erant, futurum se in potestate senatus respondit, si cives, qui pulsi a Cinna ad se confugerant, restituerentur. Quae condicio cum iusta senatui videretur, per Carbonem factionemque eius, cui bellum videbatur utilius, ne conveniret effectum est. Idem Carbo cum ab omnibus Italiae oppidis coloniisque obsides exigere vellet, ut fidem eorum contra Syllam obligaret, eonsensu senatus prohibitus est. Novis civibus senatus consulto suffragium datum est. Q. Metellus Pius, qui partes optimatium secutus erat, cum in Africa bellum moliretur, a C. Fabio praetore pulsus est, senatusque consultum per factionem Carbonis et Marianarum partium factum est, ut omnes ubique exercitus dimitterentur. Libertini in quinque et triginta tribus distributi sunt. Praeterea belli apparatum, quod contra Syllam excitabatur, continet.* (Liv. *Epit*. 84)[865]

This paragraph has been interpreted as describing, much abridged, two distinct policies regarding the *comitia tributa*: on the one hand, the redistribution of the *novi cives*, which is

contra, Konrad, 2006, 167-189: 181, who argued they complied with the order from the Senate.

864 Liv. *Epit*. 83; both Badian, 1964, 224-226, 233, nº 12, and Lovano, 2002, 107-108, defended that both consuls most likely resorted to the electoral assemblies in order to legitimize their position; cf. Kendall, 2013, 567-568, nº 27, posits the possibility of an early election, while treating any attempt to 'cast these two as scrupulous adherent to the letter of the law' with scepticism; Vervaet, 2023, 154-155, nº 21. characterizes Badian's portrayal of Cinna's re-election as 'natural and excusable' as euphemistic.

865 Liv. *Epit*. 84: 'Sulla replied to the envoys who had been sent by the senate that he would submit to the authority of the senate, if the citizens who had taken refuge with him after being driven out by Cinna were reinstated. Although this stipulation seemed fair to the senate, agreement was prevented by Carbo and his party, who thought that war was more to their interest. The same Carbo wished to demand hostages from all the towns and colonies of Italy, in order to secure their loyalty against Sulla, but he was prevented by the united sentiment of the senate. The right to vote was given by decree of the senate to the new citizens. Quintus Metellus Pius, who had taken the side of the better sort, began to stir up war in Africa, but was defeated by Praetor Gaius Fabius; a decree of the senate that all armies everywhere should be disbanded was passed by the party of Carbo and the followers of Marius. Freedmen were distributed among the thirty-five tribes. The book also contains the preparations for the campaign which was being drummed up against Sulla.'

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phrased as 'the right to vote was given by decree of the Senate to the new citizens'; and on the other, the redistribution of the *libertini*, who 'were distributed among the thirty-five tribes'. Under this reconstruction, who has garnered significant scholarly support, Cinna did not immediately redeem his promise to the *novi cives* when he retook Rome in late 87.[866] During the whole *triennium sine armis* (or most of it) when he held power, tribal redistribution was in a limbo, without actually being legislated or implemented. This has generally been explained as a matter of priorities: while Cinna did not want to antagonise his allies, he did not have the political capital nor the willingness to push through the assemblies such a contentious measure.[867] As Badian put it: 'the explanation is that once again the Italians were to be sacrificed to *concordia*.' It was only when this *concordia* was wearing thin and Cinna had already been murdered that his successor, Carbo, wanting to secure the flailing support of the Italics, finally took the necessary steps to redeem this old promise.[868]

Moreover, this is usually paired with the scant pieces of information we have from the census of 86-85 in order to bolster the hypothesis of a late redistribution. The censors elected (or *selected*, if one is to assume that they were designated by Cinna as a compromise with the Senate) were L. Marcius Philippus, Drusus' former *inimicus*, and M. Perperna.[869] Their nomination has been seen as proof of an *entente cordiale* negotiated between Cinna and his senatorial opposition after *bellum Octavianum* and the initial bout of repression and extra-judicial killings. If this were the case, this compromise must have left no doubts to the *socii* about the (i)rrelevance of their interest for the new regime, especially when the virulent opposition of Philippus towards enfranchisement was no secret. Nonetheless, this pair of censors is presented as being entrusted by Cinna (or at least, being tolerated by him as the price of a compromise) to conduct a census, finally updating the citizen rolls.[870] That is, they were the ones to execute the formal act of enrolling each citizen in their new tribe according to the pre-arranged framework established by the relevant piece (or pieces) of legislation that were in force regulating such distribution. At this point in time, provided that Sulpicius' law had not been reinstated as the law of the land, this ought to be the schema that had its origins in the *lex Iulia*, precisely the one that confined the new citizens into a handful of tribes.

866 For those who defend a redistribution in 84, tied to Liv. *Epit*. 84, see Badian, 1958, 241-242; also, 1964, 223, 233 nº 8; Salmon, 1967, 376-378; Gabba, 1976, 95; Mouritsen, 1998, 168; Lovano, 2002, 61-63, with nuances, as he concedes it may have been a measure enacted in 85; Gagliardi, 2013, 43-58: 54-57; Kendall, 2013, 541, nº 111, 568-569, 845-847; Santangelo, 2017, 232-253: 248; Vervaet. 2023, 170-171, nº 69; *contra*, arguing for an earlier redistribution, Frank, 1924, 329-341: 335-336; Taylor, 1960, 105-107; Brunt, 1965, 90-109: 109; 1971, 92-93; Bispham, 2007, 192-196; also, 2018, 1-43: 11; de Ligt, 2012, 112-116; Steel, 2013, 101; Bradley, 2019, 167-190: 185.

867 Kendall, 2013, 845-847.

868 Badian, 1958, 241.

869 Broughton, 1952, 54.

870 Taylor, 1960, 105 nº 12, claims that Philippus' election proves that he must have been collaborating with Cinna; Vervaet, 2023, 162, argues that the election of Philippus 'substantiates Cinna's eagerness to build support among the ranks of the conservative senatorial nobility' and shows a 'carefully calibrated policy of compromise and conciliation'; *contra*, Brunt, 1965, 90-109: 109; 1971, 92-93; Bispham, 2007, 196, with whom I agree, warned that 'the election of Philippus and Perperna should be seen not as evidence that they had decided to work with Cinna, but that Cinna had been forced to compromise on this issue by the Senate.'

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Additionally, they were also to conduct the wealth evaluation necessary to participate in the *comitia centuriata* and a much needed *lectio Senatus*.

A relevant detail we possess of the census 86-85 pertains to its general tally. The only figure we have is preserved in Jerome's *Chronicon*, in which the total figure provided is 463,000.[871] This represents a meagre seventeen percent increase over the last census figure prior to this one, that of the year 115 (Liv. *Epit*. 63), which numbered in 394,000 those inscribed in Rome's citizen rolls. This suspiciously low increment has been approached from many perspectives. On the one hand, some proposed that the figure itself should be emended to 934,000, as numbers are easily corruptible and many other census figures by later chroniclers are demonstrably incorrect.[872] While it is true that a scribal error might be a possibility, I agree with De Ligt when he argues that 'it seems methodologically unwarrantable to reject a census figure just because it is anomalous, without having explored the viability of other possible explanations.'[873] Certain authors like Sisani had explained this low count as a consequence of the logistical problems that moving from a more limited version of the census to one that encompassed the whole of Italy might have entailed.[874] Others argue that this disappointing final tally may be the result of a partisan decision: to wit, behind it there was the express political will to somehow block and reduce the quantity of those that tried to get their names into the census rolls.[875] In any case, for some defenders of the hypothesis of the late redistribution, this relatively low number is proof of Cinna's strategy of deliberately de-prioritizing the interests of the *novi cives* in order to attain a compromise with the Senate.[876] In fact, it has also been argued that this underwhelming result may have been utilized by Cinna himself to maintain the support of the *novi cives*, presenting himself as their frustrated champion and their main hope of *finally* attaining political equality, as well as their defender against the coming attack at the hands of Sulla.[877]

871 Hier. *Chron*. p. 151, Helm, 1956: *descriptione Romae facta inventa sunt hominum CCCCLXIII milia.*

872 Beloch, 1886, 352; Brunt, 1965, 90-109: 109 and 1971, 92-93, admits corruption is a possibility yet in the end he finally rejected the amended figure, claiming that 'none the less, I believe the transmitted figure is sound', 1965, 90-109: 109.

873 De Ligt, 2012, 113.

874 Sisani 2016, 9-55: 42; De Ligt, 2012,115, while open to the possibility of political interference, also takes into account the myriad of logistical problems that may have faced the conducting of a new decentralized census; Gagliardi, 2013, 43-58: 54 also blames this meagre increment of logistical problems, yet operating under the framework of a centralized census; similarly, Dart, 2014, 198, seems to favour 'the instability in Italy' as an explanation, while assuming a single centralized process.

875 For an explanation based on partisan politics, see Brunt, 1965, 90-109: 109 and 1971, 92-93; De Ligt, 2012, 115; in turn, Kendall, 2013, 541-545, argues that the censors would not have been keen in enrolling a great multitude of *novi cives,* although he also entertains the possibility that many Italics would not have been keen to be included in the census, either by the disinterest of the less wealthy to participate in the *comitia tributa*, either by general fear of being subjected to draft or taxes in what was still a very volatile situation; *contra*, Badian, 1958, nº 2, as he considered these numbers represent 'creditable effort on the part of the censors', who 'enrolled all the Italians that could find.'; a similar line of reasoning is also followed by Vervaet, 2023, 163 nº 54, who seems to characterize Brunt's explanation as 'rather implausible'.

876 Badian, 1958, 241-242; Vervaet, 2023, 162-163.

877 Kendall, 2013, 541-545.

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While the absence of definitive evidence makes a number of reconstructions possible and Livy's *Epitomes* seem to indicate the contrary, I disagree with the hypothesis that Cinna did not redeem his promise to the *novi cives* when he retook power in Rome. Considering our sources, it is difficult to cast major doubts on the steady support for the regime by those recently enfranchised, something that was especially true when Cinna was alive. Certainly, this loyalty, which Sulla had tried to weaken from his infamous letter to the Senate onwards, is not consistent with a constituency that felt betrayed by their allies. There may have been moments of doubt or flailing allegiances, such as after Cinna was murdered and Carbo wanted to collect hostage from all the towns and colonies of Italy or when the military defeats continued to pile up despite the constant stream of reinforcements. Nevertheless, the *novi cives* in particular and the *Italici populi* in general proved a much more reliable partner than many other constituencies. Contrary to the Senate, who continually tried to sidestep the will of the consuls; or the people of Rome, who surrendered the city almost without a fight; or the *nobiles*, who flocked to Sulla's camp as soon as he disembarked in Italy; the newly enfranchised communities provided consistent support to the Cinnan regime, some while the dynamics of war allowed it, others until the very end. In other words, Cinna's main source of military and political strength laid with the *novi cives*, who had a very distinct set of political objectives and must have been greatly conscious of their essential nature to the regime. I see no hints in the behaviour of both parts that this agreement had been broken: Cinna and his successors expected to be assisted by their main allies and so they were.

On the other hand, even if they are not explicit, we do have some hints that tribal redistribution may have been implemented soon after Cinna and Marius retook Rome. Appian did state that after the massacre of their enemies 'the laws passed under Sulla were annulled' (App. *B civ.* 1.73: ἀνατροπαὶ τῶν ἐπὶ Σύλλα τεθέντων νόμων). Clearly, he was referencing the *acta Sullana.* If applied consistently and to its logical conclusion, their annulment would entail that tribal distribution was reverting back to Sulpicius' framework, which had been briefly the law of the land before being annulled by Sulla. Most probably, this would have satisfied the *novi cives* aspirations, as it was supposed to be a very generous statute, considering that its objective was precisely to empower the newly enfranchised to outvote the old citizens. However, I do not think this was the case. For one, we do have an express reference to tribal redistribution regarding the *libertini* in Liv. *Epit*. 84 as being enacted in the year 84, probably by Carbo and his allies. Considering the distribution of freedmen was the object of one of the laws passed by Sulpicius, this indicates the annulment of the *acta Sullana* was not applied consistently.

I find it convincing that Cinna wanted to personally address such an issue. His supposed marginalization of this policy rests on the assumption that questions of citizenship and redistribution were secondary at best and most likely opportunistic for him, something to be

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dropped if it faced strong opposition. Under this perspective, he may not have felt especially happy about not delivering results, but he was not going to spend his political capital on this particular topic.[878] Nevertheless, recent *popularis* history suggests otherwise: citizenship, understood as *consortium imperii*, had been at the forefront of the political debate for several years, arguably since Drusus. It had become one of the main issues of its day, and several renowned *popularis* politicians had been murdered trying to address it directly, along with many of their supporters. Tribal redistribution was the latest practical iteration of this matter, and beyond this, it interfaced with other highly sensitive topics for the *populares*, such as the internal composition of the *populus* and how it exerted its power. Therefore, I do not believe it was something Cinna could simply ignore. I would go as far as to argue that confronting it directly was a political necessity for him.[879] After being chased out of Rome for trying to bring a *rogatio* to the assemblies, he had to be seen by everyone bringing to a successful end the relevant piece of legislation that got him deposed from the consulship in the first place. And more relevant still for strengthening his position, he had to be seen by his main allies and supporters redeeming his promise, performing as a successful and reliable politician.

Moreover, besides being a demonstration of power and fulfilling a promise central to the stability of his regime, I think it is important to remember that enacting tribal redistribution would have given Cinna a key political edge in controlling the will of the tribal assembly. I find it hard to believe that he would have relinquished the possibility to dictate how the new citizens were to be distributed, either by simply leaving this immensely influential decision unaddressed or even resorting to a law (that of Sulpicius) he had no hand in crafting and was susceptible to attacks for being passed *per vim*. If we assumed the old characterization of this period as *Cinnae dominatio*, then the ability to command a majority in the legislative body par excellence is moot – a military tyrant could simply impose his arbitrary power through the use of force or coercion. Nevertheless, Cinna was far from an all-powerful tyrant and his hegemony allowed for the normal functioning of most institutions. In fact, his pre-eminence within the *res publica* coexisted with alternative centres of power – most notably the Senate – which at times pursued a political agenda directly opposed to that of the consuls.This was evident during the negotiations to sidestep the consuls and try to broker a compromise with Sulla after his infamous letter was read in the Senate's floor (App. *B civ*. 1.77; esp. Liv. *Epit*. 83). This multi-polarity also became apparent after Cinna's murder, when both Carbo's faction and the Senate itself were competing with each other to try and gain the support from the *novi cives* (Liv. *Epit*. 84). In fact, this rivalry did not fade with time despite the senatorial desertions prompted by Sulla's return to Italy, but soured. It was the reason the young Marius,

878 This is expressly Badian's argument, 1958, 242; Kendall, 2013, 845-847.
879 Taylor, 1960, 105; Bispham, 2007, 194-197; De Ligt, 2012, 115.

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in a desperate move to maintain his power after a string of defeats, ordered his allies to physically purge his enemies on the Senate (App. *B civ.* 1.88; Liv. *Epit*. 86)

In this context, where Cinna's hegemony was real enough but fragile, it is logical to assume that one of his first actions was to establish a legal framework for the tribes that allowed him to pass legislation with the support of those that had proven to be his most reliable allies. If he intended to legislate – and it is fairly certain that he was a consul engaged in crafting legislation – this re-framing was indeed key to command a majority in the *comitia tributa*, a condition that was prior to enacting any and all of his future *rogationes*. Most likely, such a measure would have taken the form of a *lex* – the people were the ones to decide over their own internal and external boundaries, as they had done in the past.[880] This being so, and considering how contentious redistribution had proven to be for the *optimates* and a section of the old citizens, I would argue that the moment to pass such a piece of legislation was during the first months of 86, when the fear of the purge that followed Rome's retaking was still present in the minds of everyone.

In spite of this, even if this *lex* did gave Cinna the ability to pass legislation in the *comitia tributa*, it did not invest him with unfettered power. In fact, the limits of his influence were on display regarding the election of Philippus as a censor. Despite the tight control his faction retained over consulship, the success of such an antagonistic politician showed that the *comitia centuriata* were not under his control – at least not in all occasions. He may have decided to conduct a census, yet he could still not ensure who the censors would be.[881] He could exert his hegemony over the *res publica,* even impose his will in certain domains, but it is evident that the *optimates* still wielded great influence. Each side had enough force to influence the political sphere in different degrees, but not enough to single-handedly control all the levers of power or eliminate their rival. This forced a coexistence that could be cordial at times, as the naming of the conciliatory L. Valerius Flaccus as *princeps Senatus* suggests, yet it could very often manifest in a hostile equilibrium as well.[882] The same way we should not assume every decision taken during this *trienniun sine armis* had its origin in Cinna and his circle, it will also be a mistake to assume it was the result of a deal or a compromise. Many decisions could have been taken in an oppositional way, trying to dismantle what the other side did and working from different legal standpoints and legitimacies – often times conflicting and even contradictory.

I believe this was the case with tribal redistribution and the census, which ought to be read in tandem as two conflicting policies. In fact, I would argue that the latter is best

880 Bispham, 2007, 194-196, argues instead that Cinna passed an 'enabling law' in which the question of the tribal distribution was probably only dealt 'in principle', rather than a detailed statute; consequently, this would have allowed the censors to distribute the *novi cives,* under the supervision of the Senate, reflecting a final redistribution that was probably conceived behind closed doors, through negotiation and compromise; conversely, I favour a much more detailed statute, one which would clearly have communicated to the *novi cives* Cinna's compromise to their cause.

881 Brunt, 1965, 90-109: 109, claimed – perhaps too bleakly – that he 'had few partisans and that he had to regard all as for him who had not been strongly against him'.

882 Vervaet, 2023, 162.

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understood as an *optimate* reaction to the former. This is what the election of Philippus suggests. He was an infamously difficult politician with a particularly strong aversion towards the integration of the *Latini et socii* so his conduct was one to be expected. Furthermore, he was elected censor soon after the chief advocate of the newly enfranchised, backed by their support, had violently seized power in Rome; from this powerful office he was to oversee the census in which these *novi cives* would first be registered – excluding the unsuccessful attempt of 89-88. It is reasonable to understand that his objective was to counterweight the consequences of said redistribution, at least as far as possible. In other words, in a moment were hundreds of thousands of new citizens were eligible to be enrolled in the census under a more egalitarian framework, the reaction from those that had opposed integrating their former subjects into the imperial core in the first place was to elect as a censor a politician who they knew would do as much he could to block such a possibility.

I find especially suggestive Sisani's hypothesis that the last part of the famous and much debated *Tabula Heracleensis* was based on a *lex Cornelia* passed by Cinna between 86 and 85, arguing that this was a major piece of legislation which laid the foundations of the municipal structure of the post *bellum sociale* Italy.[883] This author has presented a detailed rebuttal of those arguments that rendered a *terminus post quem* for the *Tabula Heracleensis* incompatible for a municipal charter produced during the *triennium sine armis* under Cinna.[884] Moreover, he bases the connection of the *Tabula Heracleensis* to the *lex Cornelia* on four main arguments. First, on the category of the *municipia fundana,* as most likely these were the communities enfranchised under the provisions of the *lex Iulia de civitatis*, one of which was Heraclea itself. This suggests that its charter probably dated to just a few years after the *lex Iulia*, passed in the year 90.[885] Second, he focuses on the final clause of the *Tabula Heracleensis* (lines 159-163), which established a time limit of one year for the *constitutores* to enact modifications to the corresponding *leges datae*, a provision that he argues only made sense to be included in a *lex municipalis* with a general purview. This was precisely what would characterize a law passed after the *bellum sociale* with the aim of organizing the numerous new *municipia fundana*.[886] Third, Sisani identifies this general municipal law with the *lex Cornelia* mentioned in three inscriptions of Petelia, which he considers likely to be a reference to Cinna – this law may have also articulated the institution of the *quattuorviratus*, a

883 Sisani, 2016, 9-55: 39; also, Sisani, 2023, 446-480: 448.

884 Sisani, 2016, 9-55: 32-36, essentially, these arguments are: 1) the *actio de dolo* (line 111), traditionally thought to be introduced in 66, which Sisani argues it is in fact attested as early as 77-76 (Cic. *Nat. D*. 3.74 2); 2) the mention '*ob caput civis Romani referendum*' (line 122), regularly connected to Sulla's proscriptions – establishing a *terminus post quem* in 78, if not in 64, when these crimes started to be prosecuted –, which Sisani in turn links to the *delatio dolosa*; and finally, 3) the clause regarding the *praecones* (lines 94, 104-105), normally coupled with Cic. *Fam.* 6.18 to place it around 45, to which Sisani counters that all Cicero's letter does is hinting at fear of a change in a pre-existing practice, which probably meant that the *praecones* prohibition was a tralatician clause.

885 Sisani, 2016, 9-55: 36-37.Sisani, 2023, 446-480: 480.

886 Sisani, 2016, 9-55: 37-38;

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magistracy that appeared after the *bellum sociale*.[887] Finally, fourth and more important for our case, the *Tabula Heracleensis* presupposes the existence of a decentralized census mechanism, an innovation that Sisani attributes to the *lex Cornelia* in order to solve the logistical hurdles that the massive increase of new citizens would have entailed. To this end, local *census* would have had to be harmonized temporally and substantively with the central procedure conducted by the censors in Rome – it is likely that this was one of the objectives of said *lex Cornelia*:

> [142] ***Quae municipia coloniae praefecturae c(ivium) R(omanorum) in Italia sunt erunt, quei in eis municipieis coloneis*
> [143] *praefectureis maximum mag(istratum) maxim[a]mve potestatem ibei habebit, tum cum censor aliusve*
> [144] *quis mag(istratus) Romae populi censum aget, is diebus LX proxumeis, quibus sciet Romae c[e]nsum populi*
> [145] *agi, omnium municip{i}um colonorum suorum queique eius praefecturae erunt q(ui) c(ives) R(omani) erunt censum*
> [146] *ag[i]to, eorumque nomina praenomina patres aut patronos tribus cognomina et quot annos*
> [147] *quisque eorum habe<bi>t et rationem pecuniae ex formula census, quae Romae ab eo qui tum censum*
> [148] *populi acturus erit proposita erit, a[b]ieis iurateis accipito, eaque omnia in tabulas publicas sui*
> [149] *municipi referunda curato, eosque libros per legatos, quos maior pars decurionum conscriptorum*
> [150] *ad eam rem legarei mittei censuerint tum cum ea{s} res consule{re}tur, ad eos quei Romae c[e]nsum agent*
> [151] *mittito, curatoque utei, quom amplius dies LX reliquei erunt ante quam diem ei queiquomque Romae*
> [152] *censum age[nt] finem populi ce<n>sendi faciant, eos adea[nt] librosque eius municipi coloniae praefecturae*
> [153] *edant, isque censor seive quis alius mag(istratus) censum populi aget, diebus V proxumeis quibus legatei eius*
> [154] *municipi coloniae praefecturae adierint, eos libros census quei ab ieis legateis dabuntur accipito*
> [155] *s(ine) d(olo) m(alo), exque ieis libreis quae ibei scripta erunt in tabulas publicas referunda curato, easque tabulas*
> [156] *eodem loco, ubei ceterae tabulae publicae erunt in quibus census populi perscriptus erit, condenda<s> curato*.

887 *CIL* X, 113: *M'. Megonio M' f.* | *M'. n. M'. pron. Cor(nelia tribu)* | *Leoni* | *aed(ili)*, *IIIIvir(o) leg(e) Cor(nelia)*, *q(uaestori) p(ecuniae) p(ublicae)*, | *patrono municipii*, | *IIIIvir(o) q(uin)*k(*uennali*) | *decuriones*, *Augustales popu|lusque ex aere conlato* | *ob merita eius*; *ILS* 6468: *M'. Megonio M' f.* |*M'. n. M'. pron. Cor(nelia tribu)* | *Leoni* | *aed(ili)*, *IIIIvir(o) leg(e) Cor(nelia)*, | *q(uaestori) p(ecuniae) p(ublicae)*, *patrono mu|nicipii*, *IIIIvir(o) q(uin)q(uennali)* | *decuriones, Augus|tales populusque* | *ex aere conlat(o)* | *ob merita eius*; *CIL* X, 114: *M'. Megonio M'f.* |*Cor(nelia tribu) Leoni* | *aed(ili)*, *IIIIvir(o) leg(e) Cor(nelia)*, | *quaest(ori) pec(uniae) p(ublicae)*, | *patrono municipi* | *Augustales patrono* | *ob merita eius*. | *L(ocus) d(atus) d(ecreto) d(ecurionum)*); as per Sisani, 2016, 9-55: 38-39, nº 156, where he argues for the strong archaizing nature of these inscriptions; also, Sisani, 2023, 446-480: 448.

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> [157] ******Qui pluribus in municipieis coloneis praefectureis domicilium habebit et is Romae census erit, quo magis*
> [158] *in municipio colonia praefectura h(ac) l(ege) censeatur, e(ius) h(ac) l(ege) n(ihilum) r(ogatur).*[Vac888]

Lines 142-158 in the *Tabula Heracleensis* contained two provisions regarding census' procedure in *municipia*, *coloniae* and *prefecturae*: one establishing the characteristics and time limits of the local census and another one carving an exception for those with more than one *domicilium*, who could register in Rome. The *Tabula Heracleensis* also established as duty for each single *municeps* to declare before the magistrate in charge of the local census in which tribe they were to be enrolled, proving the decoupling between the *municipium* as a whole and a single tribe. Sisani suggests that this requirement might be a reflection of the transitory nature of tribal distribution during this period, before the Senate finally confirmed it in 84 via a *senatus consultum* (Liv. *Epit*. 84).[889]

I find Sisani's argument regarding the chronology of the *Tabula Heracleensis* convincing, even if a definitive answer appears impossible. However, I would argue a few caveats vis-à-vis the implementation of the decentralized model of conducting the census and its relation to tribal redistribution.[890] First, I believe such a measure was far from a technical decision just intended to address the logistical problems of dealing with a much more voluminous citizen body: it can be construed as a profoundly ideological decision. It showed a Roman *civitas* that chose to define itself in a process that was not wholly dependent on a single centre of power, but one that took place in a plurality of nuclei. It may have been only from an administrative perspective, as the censors remained in charge of the whole process, yet the ability of local

888 7 (ll. 142-156): 'Whichever *municipia*, colonies, or prefectures of Roman citizens exist or shall exist in Italy, whoever in those *municipia*, colonies, or prefectures holds the highest magistracy or the supreme authority, when the censor or another magistrate at Rome conducts the general census, within sixty days following the notification that the general census is being held at Rome, shall conduct the census of all the inhabitants of his *municipium*, of his colony, and of all who belong to his prefecture and are Roman citizens. He shall record under oath from them their names, praenomina, the identity of their fathers or patrons, their tribes, cognomina, and the age of each individual, as well as the amount of their property, in accordance with the guidelines of the census that shall have been published at Rome by the person who at that time is about to conduct the general census. He shall ensure that all these data are entered in the public registers of his *municipium*, and that these registers are sent to those who are conducting the census at Rome through the envoys whom, by majority decision, the decuriones and *conscripti* shall have determined to dispatch and appointed for this purpose. He shall further ensure that these envoys, more than sixty days before the date on which those who are conducting the census at Rome – whoever they may be – are to conclude the general census, go to them and deliver the registers of that *municipium*, colony, or prefecture. And the censor, or whichever magistrate shall conduct the general census, within five days of the arrival of the envoys from that *municipium*, colony, or prefecture, shall formally receive the census registers delivered by those envoys, and shall ensure that the data contained in these registers are entered into the public records, and that these records are kept in the same place where the other public registers relating to the general census are deposited.
8 (ll.157–158): As for any person who shall have a domicile in more than one *municipium*, colony, or prefecture, and who shall have been registered at Rome, nothing in this law provides that he be registered, under this law, in any *municipium*, colony, or prefecture.'; the text has been taken from Sisani, 2023, 446-480, with his Italian translation adapted to English.

889 Sisani, 2016, 9-55: 41-42, nº 170; also, Sisani, 2019, 85-131: 121-122

890 Regarding the decentralization of the census, Sisani, 2019, 85-131: 117-122.

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magistrates to conduct and supervise the process at a local level was crucial if we take into account the context in which this census was conducted. It took place after a war disputing the outer limits of the *civitas* and several bouts of *bellum civile* in which its inner boundaries were one of the main matters of contention. That the former subjects – those whose position in relation to the *populus Romanus* had been so disputed – were able to actively participate in the formal process of defining the composition of this very same *populus* had a clearly symbolic weight.

On the other hand, politically, local magistrates conducting their own local census would have been a guarantee that these rolls faithfully reflected the status of their newly Roman communities – and each one of its individual members – regarding the general census. This would have been especially relevant if, as I believe, this *lex Cornelia* decentralizing the census was passed *after* the measure enacting tribal redistribution – most likely, the latter providing Cinna with the structural and political support necessary to successfully pass this far reaching *rogatio*.[891] In my opinion, this endowed each *municeps'* declaration of his tribe with special significance, as it effectively invested the multitude of local magistrates taking their oaths with the authority to accept or reject such enrolment. Thus, tribal *adscriptiones* were delegated to those who were holding the highest local magistracy, who would have entered this information into the public records of their *municipium.* Then, a copy of these books would have been sent via envoys to whoever was carrying out the census. Once approached by these envoys, the censors in Rome had five days to receive the *libri* in order to incorporate its information to the general census of the people – in fact, they were to be stored in the same place.[892] Beyond any logistical requirements, I believe this was a way of sidestepping the obvious resistance which tribal redistribution was expected to cause and dilute the power of the censors to formalize tribal enrolment through the act of *adscriptio*. At least this may have been the intention behind it. In the end, the result was not what Cinna nor the new citizens would have hoped.

Even though Sisani does not expressly clarify if he believes the census of 86-85 was conducted under this new decentralized framework, it is implied that decentralization was a reaction to the failure of this census to meaningfully increase the number of citizens – if compared to the 115. For him, it appears that logistical problems, not a wilful political decision, was the main reason behind the small increase in the number of citizens.[893] Other authors argue that this decentralized framework already played a part in the census of 86-85.[894] De Ligt, followed by Vervaet, proposes that the censors may have 'asked all or most of the self-governing communities between the Po and the Ionian Sea to hold local censuses and

891 Bispham, 2007, 193; I find his logic persuasive when he asks, rhetorically, if it was probable 'that Cinna would have appointed censors for 86/85, but not instructed them to oversee the redistribution of the *novi ciues*?'.
892 Crawford, 1996, 377-378; Sisani, 446-480: 479-480.
893 Sisani, 2016, 9-55: 42.
894 Brunt, 1971, 38-43; De Ligt, 2012, 115-116; Vervaet, 2023, 164-165, nº 58.

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to send the results to Rome.'[895] Following this assumption, it is their opinion that the low general tally might be the consequence of the rejection by 'the censors or their assistants' of many 'results of local censuses on the grounds of inaccuracy, deviation from normal Roman procedures or suspected invalid grants of citizenship to foreigners'.[896] Although they both acknowledge a host of potential practical problems that may have prompted the invalidation of local results, it is implied that the extreme aversion Philippus had towards the extension of citizenship was likely to have played a part. I would go a step further and posit that Philippus' main objective was probably to overturn as many local censuses as possible in order to mitigate the consequences of redistribution without actually subverting the *lex Cornelia* itself.

It is clear that without the wealth assessment that came hand-in-hand with being enrolled in the census a citizen would not be able the participate in the *comitia centuriata*, as their belonging to the centuries was directly dependant on the constitutive power of this act of juridical categorization. Therefore, it followed that those *novi cives* who were not registered in the census rolls were precluded from participating in the assemblies in charge of the elections of the most prestigious magistracies of the community. On the other hand, there is the assumption on the part of many scholars that census registration was not necessary to participate in the *comitia tributa*, as tribal distribution was a matter being regulated by law and there is clear evidence that the *novi cives* voted in the tribes before their enrolment in a census could have been conducted.[897] This being so, it would have left most of the *novi cives* in a position of juridical inconsistency in relation to where they could exercise their *ius suffragii*, being legally entitled to participate in the tribal assembly but not in the *centuriata* – at least between the census of 86-85 and that of 70-69. It is my belief that this reasoning is correct, yet only from the *popularis* perspective.

That is, this assumption is valid as long the sovereign power of the people to create a new juridical reality without the requirement of any intermediate actions by any other institutions or magistrates is taken as writ. As we have seen, this was the case for Sulpicius, as far as his beliefs can be inferred from his actions. He brought a bill to the *comitia tributa* redistributing the new communities; the bill was passed into a law and a new legality where the *novi cives* could vote in their respective tribes was immediately enacted. Nevertheless, this was not an undisputed issue, especially considering how tribal *adscriptio* fell under the jurisdictional responsibility of the censors.[898] Therefore, as mentioned when discussing Sulpicius' contested

895 De Ligt, 2012, 115-116; Vervaet, 2023, 164.
896 De Ligt, 2012, 115.
897 Taylor, 1960, 105-106; Lovano, 2002, 62; De Ligt, 2012, 115-116; Gagliardi, 2013, 43-58: 54-55; Santangelo, 2014, 1-27: 18-19; Kendall, 2013, 543; *contra*, Brunt, 1965, 90-109: 109; 1971, 92-93, considered that while provisional arrangements had allowed the *novi cives* to vote in their respective tribes prior to the census of 86-85, the censors used it as an instrument to deprive of their voting rights those who were not included into rolls; also, Vervaet, 2023, 219, who defends that until the realization of the census 70-69 'none of those not enrolled in the census of 86-85 or by Sulla in 81 would have been able to cast their votes in both the *comitia tributa* and *centuriata*'.
898 Laffi, 2019, 169-182: 170-176.

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redistribution, it is credible that the *optimates*, whose values placed the will of the people as a force to be mediated and controlled by their betters, could have found fault in the tribal situation of the *novi cives.*[899] Their tribes had been determined by law, yes, but the required act by the censors formally ascribing them to these units was missing. That the absence of this step may have been considered by some an invalidating procedural deficiency is not a far-fetched position. I defend that it is credible that when Philippus and Perperna were excluding many new citizens from the census, they were not only severing their *ius suffragii* regarding the *comitia centuriata*. They were also casting doubt on their ability to participate in the tribal assembly and opening potential avenues to attack and annul laws that would have been passed by such participation, as they could have easily been framed as being passed *per vim* by virtue of being tainted by the votes of many citizens in an irregular electoral status – or at least, that was their aim.

This explained the Livian reference: *novis civibus senatus consulta suffragium datum est* (Liv. *Epit*. 84). When the epitomist succinctly stated that the Senate had given the *ius sufragii* to the *novi cives* by virtue of *senatus consultum*, it is my opinion that he was conveying that the Senate was agreeing to accept Cinna's redistribution and all its implications regarding their right to vote. On the most basic level, it was a formal declaration that this institution was not going to try and annul said *lex Cornelia* nor pass another piece of legislation that contradicted its spirit. Nevertheless, this *senatus consultum* ought to be read also against the restrictive total tally of the census of 86-85 and the irregular situation in which it had left many *novi cives*, having been granted citizenship but being bereft of a formal enrolment in the census. Therefore, beyond accepting that the tribal distribution was a *fait accompli*, they were dispelling the legal uncertainty that Philippus and Perperna's census had cast on the *ius suffragii* of so many unregistered citizens. To the great number of *novi cives* that had been excluded from the census and, consequently, were deprived of a formal *adscriptio*, they were communicating that their participation in the *comitia tributa* counted with the acquiescence of the Senate.

Why now, one might ask? Most likely, it was question of political circumstance. The census had proven to the Italics that the *optimates* had still enough power to disrupt their integration, while the *novi cives* considerable and continued military support to bolster Cinna's ranks may have indicated to the Senate how valuable their loyalty was. Now, with their main champion slain, some (?) recently enfranchised communities may have had doubts. Their loyalty might have been wavering, and each interested party was making overtures to try and secure their support – or at least, their neutrality. Carbo may have suspected their long term commitment and tried to get hostages to prevent any desertions. This attempt was thwarted by the Senate, who unanimously blocked it. This is the context where Livy's *Epitomes* placed the Senate's *senatus consultum* giving the *suffragium* to *novi cives*, most

899 Brunt, 1965, 90-109: 109; 1971, 92-93; his arguments follow precisely this line of thinking, although he presents as a descriptive evaluation what I believe to be a prescriptive claim on the part of the *optimates*.

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likely a concession this traditionally averse institution made to signal a more amenable approach and, hopefully, drive a wedge between Carbo's faction and their main allies. In any case, in terms of political allegiances, it appears to have been too little and too late as, by and large, the *socii* mostly ignored the Senate's calling and continued to support those who had been consistent in upholding their political rights.

In addition, Livy's *Epitomes* informs us of another measure taken regarding tribal redistribution. In fact, contrary to the relative vagueness of the claim that the 'right of vote was granted to the new citizens by decree of the Senate', the text is very express about the nature of this new policy enacted. The freedmen were distributed into the thirty-five tribes (*Libertini in quinque et triginta tribus distributi sunt*). This was the same *popularis* measure notoriously taken by Sulpicius and Marius, yet one that was considered much more radical by the reactions it elicited (Cic. *De or*. 1.38). *Libertini* were seen as much more lower status than the *socii et Latini*, so empowering them politically was much more of a transgression. At the current juncture, with their leader recently slain and the loyalty of their allies apparently in question, it was politically savvy for Carbo to have looked to strengthen his electoral base of support, ensuring a working majority in the tribes. Nevertheless, as I have reiterated many times before, it is no coincidence that this policy was enacted when the government was led by a *popularis*-leaning coalition. Many other politicians may have had misgivings about their position, and yet only *popularis* ones wanted to empower former slaves in such a politically relevant way. Alas, contrary to the redistribution of the recently enfranchised *socii* and *Latini*, this reform would not have time to consolidate.[900]

900 López Barja, 2007b; 125-131; López Barja, 2022, 274-386.

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11. A NEW STATUS QUO?

By 84, it seemed that everyone was more or less resigned to the Cinnan framework for the *novi cives* as the new status quo. The senatorial majority, who had been so averse to a more equal redistribution scheme, had not only accepted it but publicly endorsed it via a *senatus consultum* (Liv. *Epit*. 84). Antagonistic as he had been, even Sulla changed his public position. After his departure to Greece, his approach to the political demands of the *novi cives* seems to have been tempered by a great deal of pragmatism. It seems clear that the rebel proconsul had a keen awareness of the importance of the former *socii et Latini* for the Cinnan regime – both in military and political terms – and consistently sought to neutralize the strength of his core opposition as far as he could.

First, this entailed a negotiating position in which he carefully avoided condemning the *novi cives in toto*, going out of his way to signal that he did not lay the blame for his current predicament on them (App. *B civ.* 1.77). Second, during the civil war proper, when he was already engaged in military operations in Italy, he shrewdly demonstrated his willingness to enter repeatedly into negotiations over the rights of the recently enfranchised. In fact, he even employed these reassurances in an astute combination of force and diplomacy to induce massive desertions from his enemies' ranks (Cic. *Phil*. 12.27; App. *B civ.* 1.85; Plut. *Sull*. 28). As we shall see below, it was precisely by tactically compromising on the matter of tribal redistribution that he was able to strike a deal which secured collaboration in exchange for respecting the voting rights of the Italic peoples – that is, Cinna's redistribution (Liv. *Epit*. 86). However, I would argue that this temperance should not obscure, on the one hand, the strong opposition he encountered among many recently enfranchised communities, and on the other, the clear signs of his genuine reluctance to regard as full equals those who, until only recently, had been mere subjects.

11.1 The Pragmatic Antagonism of Sulla

It appears that from the moment he set foot in southern Italy, Sulla was fully aware that his most ardent opponents were further north, around Capua, Samnium, and Etruria. Therefore, he was careful enough to traverse the regions of Calabria and Apulia avoiding harming the local communities, ingratiating them to his cause (Vell. Pat. 2.25).[901] This skilful diplomacy, combined with a string of successful military operations, quickly produced results, both politically and militarily. Without entering into a detailed analysis of military operations, it is worth focusing on the way he dealt with Scipio's army, as it is paradigmatic of both his selectively calibrated approach to the *novi cives* on the field of battle – and its limits.

901 Santangelo, 2007a, 76.

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After some successful military engagements around Canusium, Sulla opened negotiations from a position of force. A truce was declared and talks were conducted for several days. We do not know the composition of Scipio's army for certain. However, I believe it is a fairly reasonable hypothesis that a sizeable proportion was composed of former *socii et Latini.* The practice of them constituting half the strength of a standard Roman army may have become obsolete by then, but perhaps this assumption is not far off considering how much our sources focus on Cinna's faction's reliance on Italic troops (App. *B. civ.* 1.82). After all, Cicero claimed that during negotiations Sulla was accompanied by the flower of the nobility while Scipio surrounded himself with the *socii* whom he had summoned for the war (Cic. *Phil*. 12.27*: Sulla cum Scipione inter Cales et Teanum, cum alter nobilitatis florem, alter belli socios adhibuisset* [...]). Cicero also reported that the right to vote and the citizenship of the *novi cives* were among those topics openly discussed; he also pointed out that even though 'faith was not kept at that conference, it is true, there was no violence or danger.' (Cic. *Phil*. 12.27: *de auctoritate senatus, de suffragiis populi, de iure civitatis leges inter se <et> condiciones contulerunt. non tenuit omnino colloquium illud fidem, a vi tamen periculoque afuit*). Meanwhile, the file and rank from both sides mingled together, and Scipio's soldiers were offered money, promises, and honours (Plut. *Sull*. 28).[902] The talks lasted until an independent action by Sertorius gave Sulla the perfect excuse to make a show of force. Scipio' troops deserted *en masse*, amounting to four legions, and leaving their general astonished (Plut. *Sull*. 28; App. *B civ.* 1.85).[903] When informed of what had happened, a frustrated Carbo remarked that 'in making war upon the fox and the lion in Sulla, he was more annoyed by the fox' (Plut. *Sull*. 28).[904]

No doubt, this event highlights the pragmatism that directed Sulla's approach to the *novi cives* during the civil war, especially when the fate of the conflict was still in the air. Certainly, it was effective, and probably helped him to build an amiable relation with certain communities that felt reassured by his reasonable disposition. In the end, the ultimate result of all these efforts was the deal he managed to strike with the Italic peoples, late in 83 or early in

902 While the incentives used to corrupt the rank and file mentioned by Plutarch appear fairly venal (with the possible exception of 'promises'), it seems apparent to me that there is a fair amount of elitism in this characterization, as clear reassurances regarding their own right to vote could very well influence the decisions taken by the proverbial 'common man'.

903 Strisino, 2002, 33-40; Santangelo, 2007a, 76; Vervaet, 2023, 190-192; Sertorius' opposition to Sulla famously continued in Hispania for several years – recently, the connection between *popularis* ideology and a more generous conception of citizenship has been examined in relation to this conflict; see Espinosa Espinosa, 2024, 143-193, based on Gabba, 1976, 103-112, which defends the continuation of the *cupiditas civitati*s in the Hispanic provinces; it is a highly suggestive hypothesis, fully consistent with the central argument of this dissertation, and it is one I intend to explore further in future research.

904 A similar instance occurred later in the war, when a legion of Lucanians, no less, under Albinovanus managed to switch sides. In the face of the string of defeats that plagued Carbo and Norbanus armies, the soldiers abandoned their comrades to join Metellus's forces. They were immediately followed by their leader after he concocted the treacherous murder of many high ranking officers of the army of Norbanus. In turn, this triggered a cascade of desertions centred around Ariminium.

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82. According to Livy's *Epitomes*, Sulla dispelled their fear that he intended to deprive them of the citizenship and voting rights which had only 'recently' (*nuper*) been granted (Liv. *Epit*. 86).[905] Effectively, he was promising to accept Cinna's redistribution as legitimate in exchange for their collaboration. In the most basic sense, both sides maintained their end of the bargain: a growing number of *populi Italici* pledged their allegiance to the soon-to-be dictator and the new tribal framework remained a *fait accompli*. However, as we will see, Sulla's compliance was far from wholehearted.[906]

Be that as it may, Sulla continued to be perceived as a grave threat by many across Italy. Even in his more diplomatic overtures, the threat he represented for the *novi cives* was still there, implicit yet very perceivable. In his missive to the Senate, he had been quick to draw a theoretical line between the general public (where he included the *novi cives*) and those that were to blame in declaring him a public enemy. The former, he exculpated. However, he declared the latter his personal enemies (App. *B civ*. 1.77: τοὺς ἐχθροὺς) and warned, menacingly, that they would be the subject of his vengeance. Therefore, even though he was shrewd enough to not antagonize in block all the recently enfranchised communities in Italy, in practice the threat was specific. As a constituency, the *novi cives* had been heavily implicated in putting him in his current predicament, therefore, many of them rightfully feared to be treated with the harshness he reserved for his enemies, as Appian mentioned (App. *B civ.* 1.81-82).

In fact, there is an event that unfolded during the negotiations between Sulla and Scipio that showcases precisely the limits in Sulla's diplomatic efforts. We are told that Sertorius was opposed to these discussions taking place (Exsup. 45). As mentioned before, he may even have disregarded the authority of the consul and acted on his own accord, capturing the town of Suessa and providing Sulla the excuse to make his show of force which flipped Scipio's army (App. *B civ.* 85). In any case, after the whole debacle had unfolded, Sertorius escaped to Etruria (Exsup. 46). There, the Etruscans not only welcomed him, but enlisted under his banners in great numbers – apparently, forty-cohorts, an army as big as the one that Scipio just had lost (Exsup. 48).[907] The reason for this, as reported by Exsuperantius, was their loyalty to the Marian *pars*. It was from them, the Marians (not from the Senate nor the people), that they had received their citizenship. Now, if Sulla vanquished his enemies, they feared that this status might be revoked:

> *Erat autem Etruria fidissima partibus Marianis, quia ab ipsis Romanam, quam antea non habebant, acceperant civitatem. Timentes igitur Etrusci, ne*

905 The use of this term, *nuper*, has been presented as an indication of a late redistribution, as it has been argued that this adverb ought to be read as referencing a very close event, something that had happened at the most a year or two before, see Vervaet, 2023, 196, nº 31. I do not find this argument a convincing one. On the one hand, it may simply be a reference to the final acquiescence of the Senate, in 84, to a framework implemented earlier under Cinna's aegis. On the other hand, ir may well be referring to a decision taken in late 87 or early 86, as the difference between five and two years is not so great to preclude the use of the term recently, especially considering Livy's *Epitomes* abridged nature.

906 Gabba. 1976, 97-99; Keaveney, 2005b, 205-206; Santangelo, 2007a, 76-77; Kendall, 2013, 612-613.

907 Strisino, 2002, 33-40; Vervaet, 2023, 191.

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> *beneficium tantae dignitatis, a Marianis acceptum, Sulla revocaret, si adversae partes essent amputatae penitus, ad Sertorium se atque alios eiusdem factionis duces applicarunt, omnia quae imperarent, sine recusatione promittentes esse facturos.* (Exsup. 47)[908]

Furthermore, I do not think we should overemphasize the support Sulla managed to gain among the recently enfranchised across Italy. Despite the almost inevitable vicious circle of changing loyalties that came hand-in-hand with the waning phases of a civil war, Carbo and his faction continued to rely heavily on the troops and support from some of Rome's former subjects, especially regarding Samnium and certain communities in Etruria, showcasing the strength of this alliance. Even after cunningly enticing Scipio's forces to defect, most of Italy – and even Cisapline Gaul – continued to supply recruits anyway to maintain the consular armies in the field (App. *B civ*. 1.86). Arguably, this partnership carried on until the very end of the war, with last centres of resistance coalescing around different Italic peoples. The fortified city of Praeneste held a gruelling siege as long as it could, allowing for both Carbo and the Samnites to mount two unsuccessful operations to relieve the young Marius. Moreover, the last and bitterest battle in the war, that of *Porta Collina*, was fought between Sulla and a force mainly composed of Lucanians and Samnites. As we will see, in both cases they paid dearly for their defiance, with Sulla's singling them out for execution. For sure, their motivation was not only (or even mainly) loyalty to the regime, yet their commitment to the anti-Sullan coalition and their stubborn support to Carbo can hardly be doubted.[909]

11.2 Sulla's Selective Repression

The nature of Sulla's repression is something that has been explored insightfully by Santangelo, who has focused on the targeted and selective character it had, especially regarding the Italic communities. This author carefully disproves the image of Sulla as a hatred-driven politician who acted upon an acerbic dislike of the former subjects. Instead, he presents a skilful yet ruthless diplomat that generally succeeded in reforging an alliance – or at least a working understanding – between Rome and the local elites from Italy.[910] This, of course, was an entente Sulla reached with those who did not oppose him, politically or militarily, during his military campaigns to retake power in Rome. His acts of political repression, among which the most infamous were the proscriptions, were a highly targeted

908 Exsup. 47: 'However, Etruria was most loyal to Marius' side, because from them they had received Roman citizenship, which they did not have before. Fearing the Etruscans that Sulla might revoke a favour of such dignity, granted by the Marians, if the opposing side was utterly destroyed, they joined Sertorius and the other leaders of the same faction promising to execute everything they commanded without refusal.'; personal translation based on Zorzetti.

909 Vell. Pat. 2.26-27; App. *B civ.* 1.87; 90, 92-94; Plut. *Sull*. 29.

910 Santangelo, 2007a, 67-77.

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affair mainly focused on his political enemies.[911] According to Santangelo, this selective nature was especially true regarding the Italic communities. They were very deliberately sorted between those who had collaborated or not opposed the general, and therefore, were treated with fairness – honouring the deal referenced in Liv. *Epit*. 86 – and those that had actively fought against him, who were heavily punished, in both human and political terms.[912] In fact, the elites of the latter were subjected to a deliberate attempt of destruction in order to be replaced with loyal elements, with their inclusion in the proscriptions being supervised by Sulla himself.[913]

I consider that Santangelo convincingly argues for an interpretation of Sulla's character and actions that is far away from the stereotype of a bloodthirsty tyrant. It is hard to dispute the tailored and conscious nature of his repressive actions aimed at destroying dissidence, or this author's focus on the fact that Sulla did indeed reforge a working understanding with a broad subsection of the Italic elites by rewarding loyalty and generally respecting the post-distribution status quo of Italy. Moreover, it is also true that Sulla's hatred for the Samnites and other Italic opponents must not be exaggerated, and it does not appear to have implied a general exclusion of these peoples from the Roman *civitas* based on ethnic lines.[914] Nevertheless, I believe his treatment of the Italics betrays certain ideological features that may have been overlooked – or under-emphasised – in Santangelo's analysis.

Certainly, those communities that led the armed resistance against the future dictator and harboured enemy leaders were conquered and sacked. This was the case of Norba, which was so damaged that it was abandoned until the Middle Ages – other Etruscan cities were also attacked and damaged, like Telamon, Vetulonia and Saturnia.[915] Horrific as it may sound, this was not an unusual or shocking way of conducting a war, nor did it necessitate any especial disliking or ideological aversion against the enemies. However, the treatment of the inhabitants of Praeneste and its justification is another thing altogether. When the city surrendered after a gruelling siege, the fate of the captives was highly symbolic. The Roman senators belonging to Marius' circle were either executed on the spot or imprisoned – only to be put to death later on Sulla's direct orders, when he personally arrived at the enclave. The remaining prisoners were divided into three groups, consisting respectively of Romans, Samnites, and Praenestians. Appian recounts that heralds were sent to the Romans to inform them that even though they deserved to be executed, they would be pardoned. All the men of the other two groups were killed, but their wives and children were spared:

> Λουκρήτιος δ' ἐπεὶ Πραινεστὸν εἶλε, τῶν ἀπὸ τῆς βουλῆς ἐνταῦθα Μαρίῳ στρατηγούντων τοὺς μὲν αὐτίκα ἀνῄρει, τοὺς δ' ἐς φυλακὴν ἐσέβαλλεν: οὓς ὁ Σύλλας ἐπελθὼν ἀνεῖλε. καὶ τοὺς ἐν Πραινεστῷ προσέταξε χωρὶς ὅπλων

911 Santangelo, 2007a, 78-87.
912 Santangelo, 2007a, 88-99.
913 Santangelo, 2007a, 86.
914 Taylor, 1960, 118; Santangelo, 2007a, 76, nº 36; *contra*, Salmon, 1964, 75-79.
915 Santangelo, 2007a, 78-79.

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> προελθεῖν ἅπαντας ἐς τὸ πεδίον καὶ προελθόντων τοὺς μὲν ἑαυτῷ τι χρησίμους γενομένους, ὀλίγους πάμπαν, ἐξείλετο, τοὺς δὲ λοιποὺς ἐκέλευσεν ἐς τρία ἀπ᾽ ἀλλήλων διαστῆναι, Ῥωμαίους τε καὶ Σαυνίτας καὶ Πραινεστίους: ἐπεὶ δὲ διέστησαν, τοῖς μὲν Ῥωμαίοις ἐπεκήρυξεν, ὅτι καὶ οἵδε ἄξια θανάτου δεδράκασι, καὶ συγγνώμην ἔδωκεν ὅμως, τοὺς δὲ ἑτέρους κατηκόντισεν ἅπαντας: γύναια δ᾽ αὐτῶν καὶ παιδία μεθῆκεν ἀπαθεῖς ἀπιέναι. καὶ τὴν πόλιν διήρπαζε, πολυχρήματον ἐν τοῖς μάλιστα τότε οὖσαν (App. *B civ*. 1.94)[916]

This could either be exaggerated as a manifestation of Sulla's ethnic distaste for the Samnites or dismissed as a calculated act of political repression unrelated to the origins of the victims, yet I would argue that both characterizations would fail to apprehend the essence of what was being communicated here.[917] Taking into account the context in which this decision took place, it is hard to miss the message which Sulla was trying to convey in this brutal manner. Considering citizenship had been granted to the Samnites by Cinna – alongside other the recalcitrant communities that had carried on fighting when the *bellum sociale* was coming to an end –, Sulla was in actuality sorting out *Romans.* 'Old' citizens were put on one side, and *novi cives*, divided by their *origo*, were pushed to the other. Even among his enemies, status mattered. Hence, those who belonged to old Roman stock were not the same as the ones who had been their inferiors up until very recently – even if legally they all shared the same *civitas*. In addition, this was not a distinction made in the heat of battle, blinded by rage. It was done very overtly, with the heralds communicating to the old Romans that they were being spared at the same time that other two groups, who in Sulla's eyes were not Romans, were killed to the last man. It is important to remember that this very performative way of executing a distinct group of prisoners did not happen in a vacuum. On the contrary, it was a decision made in the context of war where the rights of *novi cives* had been pivotal.

According to Plutarch, before Praeneste's massacre occurred, another similar mass execution was ordered against the forces that had survived the battle of *Porta Collina* (Plut. *Sull* 30.2-3). In this case none were spared, as the main forces fighting against Sulla in this

916 App. *B civ*. 1.94: 'When Lucretius occupied Praeneste, he arrested the senators who had held commands under Marius, executed some of them immediately, and threw the others into prison. These were executed by Sulla on his arrival. He also ordered all the inhabitants of Praeneste to disarm and go out into the plain, and when they had done so he picked out the very few who had been of some service to him. The rest he ordered to split up into three different sections, consisting of Romans, Samnites, and Praenestians. When they had formed their sections, although he announced to the Romans that they too deserved death for what they had done, he nevertheless pardoned them. The others he shot down to the last man, but allowed their wives and children to leave unharmed. The town, which was extremely rich at the time, he gave over to plunder.'

917 Regarding Sulla punishment to Praeneste: Liv. *Epit*. 88; Plut. *Sull*. 32, numbered the executed in 12,000; according to Val. Max. 9.2.1, the figure was 5,000; Cass. Dio. 33.109.3-4; Oros. 5.21.8-10; Santangelo, 2007a, 137-146, while he recognises the harsh treatment that Sulla inflicted upon this city, decimating its male population and establishing a colony of his veterans there; he argues that neither the city nor its significant sanctuary of Fortuna Primigenia were destroyed; moreover, he warns against extrapolating this singular punishment as a model for a hypothetical retaliation against the Samnites as an ethnic group; authors like Syme, 1939, 87, or Galsterer, 2006, 293-308: 307, present a much starker assessment; Vervaet, 2023, 205, nº 53.

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momentous battle had been Lucanians, under Lamponius, and Samnites, under Telesinus. Again, although many of these soldiers could (or would) have had strong aversion against Rome – as the speech of Telesinus shows (Vell. Pat. 27.2)[918] – most of these men had probably been granted *civitas.* Even though their ethnic identity may have differed, these were *novi cives* who were being massacred. In fact, in an extremely symbolic gesture, these prisoners were killed in the *Villa Publica*, the public premises where the censors used to conduct the census and its related ceremonies – their screams carried over to the Senate, who at that moment was being addressed by Sulla in the Temple of Bellona. Vervaet insightfully frames this act as 'a murderous lustration (ritual purification) of the entire citizenry'[919] It is my contention that it is impossible to disassociate the origin of these men from their violent repression, not because Sulla harboured any kind of special hatred against any particular ethnicity, but because they were former subjects who chose to forcefully oppose their imperial masters. Therefore, these were acts of targeted repression in which the dominance of the *true* Romans over their former subjects was expressed by the ultimate power of the *dominus*, that is, taking their lives.

Furthermore, this was not Sulla's only decision which indicates a particular ideological position regarding the *status civitati*s of the *novi cives*. He decided to inflict exemplary punishment on Volaterrae and Arretium, two of the communities that had most fiercely resisted his military seizure of the *res publica* – though other towns may have been punished in the same way, these two are the only ones we know of for certain. A law was passed through the *comitia centuriata* to confiscate some of their lands and deprive them of the *civitas*:

> *Populus Romanus L. Sulla dictatore ferente comitiis centuriatis municipiis civitatem ademit: ademit eisdem agros. De agris ratum est; fuit enim populi potestas; de civitate ne tam diu quidem valuit quam diu illa Sullani temporis arma valuerunt. An vero Volaterranis, cum etiam tum essent in armis, L. Sulla victor re publica reciperata comitiis centuriatis civitatem eripere non potuit, hodieque Volaterrani non modo cives, sed etiam optimi cives fruuntur nobiscum simul hac civitate* (Cic. *Dom*. 79)[920]

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918 This speech has been dismissed as Sullan propaganda designed to portray his enemies as a danger to the Republic, Vervaet, 2023, 200; conversely, it has also been quoted as proof of the Italic desire for independence from Rome, Yarrow, 2021, 130; while I agree that its probable that Velleius Paterculus lifted this passage from Sulla's *Memoirs*, I do not think it is impossible that an overzealous general could have harangued his troops by resorting to overtly violent imagery. However, I do believe it is unwarranted to infer a desire for independence from these words, especially so long after the Social War.

919 Vervaet, 2023, 201; Liv. *Ept*, 88, numbers the executed in 8,000; Dion. Hal. *Ant. Rom*. 5.77.5, mentioned 40,000 citizens executed, besides those slain in battle – although he does not specify a number in this single incident; for Strabo, 5.4.11, the number is between 3,000-4,000; Val. Max. 9.2.1, speaks about four legions; Sen. *Clem*. 1.12.2, 7,000 citizens; also, *Ben*. 5.16.3, two whole legions of surrendered foes; Oros. 5.21.1-3; *Vir. Illust*. 75, 9,000 prisoners executed.

920 Cic. *Dom*. 79: 'On a motion made by the dictator Lucius Sulla before the Assembly of the Centuries the Roman people deprived certain municipalities of the citizenship, depriving them at the same time of territories. The deprivation of territory was ratified, for that came within the scope of the popular jurisdiction; but the deprivation of citizenship remained valid for not even as long as Sulla's armed régime was in power. Lucius Sulla, after his triumphant restoration of the republic, was unable through the assembly of the Centuries to wrest their citizenship from the people of

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Whether the punishment was finally carried out in full or was actually met with some kind of legal impediment, as Cicero wants his audience to believe, is irrelevant in regards to Sulla's intentions.[921] These remain clear: certain communities of *novi cives* that had fought against Sulla did not deserve to partake of the body politic, so he resorted to the Roman people to expel them from the Roman *civitas*.[922] As per Cicero in the *Pro Caecina*, we know they were to be downgraded to the *ius XII coloniarum* or *ius Ariminensium*:

> *deinde quod Sulla ipse ita tulit de civitate ut non sustulerit horum nexa atque hereditates. Iubet enim eodem iure esse quo fuerint Ariminenses; quos quis ignorat duodecim coloniarum fuisse et a civibus Romanis hereditates capere potuisse?* (Cic. *Caec*. 102)[923]

At least, this was Sulla's intent – of course, Cicero disputed the legality of actually depriving someone of citizenship by law. In any case, this would have deprived them of the (several) rights that came hand in hand with belonging to the imperial core. It would have returned these cities to a position akin to the one they had had before the *bellum sociale*, not in legal terms but in political ones. That is, they did devolve into to being *socii* again, but they reverted to a position of clear political subordination to Rome. They were to be subjects and not partners in empire.[924]

Nevertheless, in general terms, it appears that Sulla did honour the deal struck with the *novi cives* – provided we assume the agreement was mostly confined to the issue of tribal redistribution, of course. In the end, he accepted the framework devised by Cinna without major changes, formally upholding the *ius suffragii* of the recently enfranchised. This was in stark contrast to the redistribution of the *libertini* enacted in 84. Although we do not have any explicit mention regarding the annulment of Carbo's redistribution, it is clear that Sulla did not endorse this measure in the same manner he did with the *novi cives*. Instead he returned to the former policy of concentrating the former slaves in the four urban tribes. This was the

Volaterrae, though they were at the time under arms, so that to-day that people are not merely citizens, but the best citizens, and are in equal enjoyment of the franchise with ourselves'; based on the Loeb, amended.

921 Taylor, 1960, 118-119, 312; Frier, 1985, 97-104; Santangelo, 2007a, 174, nº 12; 2014, 1-27: 16; Firpo, 2022, 227-258: 227, 233, 239-240, nº 78, is ambivalent regarding the actual passage of the law; however, he argues that, despite the legality of this punishment, it is clear that the mere attempt made by Sulla subjected the target communities to a high level of legal uncertainty, as a decade later legal questions around their citizenship were still being disputed in the tribunals; Vervaet, 2023, 225, nº 48, 249; *contra*, Rosillo-López, 2019, 55-70: 67.

922 In fact, he put this before the *comitia centuriata*, the more timocratic and respectable of the assemblies, the one he had bolstered in his *acta Sullana* after the first march on Rome.

923 Cic. *Caec*. 102: 'How irrelevant are such considerations to the present case may be understood first from the fact that this question is not the one which you are called upon to decide; and second, from Sulla's own law dealing with the citizen rights of these communities, which was so framed as not to deprive them of their rights of contract and of inheritance. The law enacts that they are to have the same rights as the people of Ariminum, which, as everybody knows, was one of the Twelve Colonies and had the right to inherit under the wills of Roman citizens.'

924 Santangelo, 2007a, 174-178; for the *ius XII coloniarum*, Sherwin-White, 1973, 102-104; in any case, the nature of this status falls outside the boundaries of this investigation.

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framework Gaius Cornelius and Gaius Manilius tried to overturn during the 60's, and it was the same that Cicero praised as being the guarantor of the *res publica* while criticizing any attempt to enact a redistribution scheme that favoured the *libertini*.[925] However, in the case of the *novi cives*, Sulla accepted it. From a legal perspective, it represented the final acceptance as the law of the land of a key *popularis* policy, one that he himself had violently opposed when it was coupled with his destitution as the general in charge of the Mithridatic war. As far as one can tell from his career and political positions, I would argue that this new arrangement did not align with Sulla's own ideological bearings, which I think were much better reflected on the harsher treatment directed at his enemies. Certainly, this presents a paradox. If this was the case, the following question may be asked: why did Sulla not try to annul the redistribution, given how unafraid he was to enact profound political change?

I propose there were several reasons that could explain this behaviour. When he violently took over Rome, Sulla inherited a policy that was a *fait accompli* in its basic legal form. Against the best efforts of the censors of 86-85 and the most recalcitrant *optimates*, the redistribution was the new status quo; and one which was the result of years of open military conflict that had left everyone exhausted. By now, even the Senate had recognised, via a *senatus consultum*, the validity of the new redistribution. So, I would argue that when Sulla struck the deal with the *novi cives*, he was accepting a political reality that he may not have liked, but one he was unwilling to spend political capital on an effort to change it. During the war, this was the case because he had other priorities that required the demobilization of the *novi cives*; and after the war, by virtue of at least two other factors.

On the one hand, the distribution schema of the new citizens was well crafted enough to integrate the *novi cives* within the old tribes without eroding the stability of Roman power. It diluted the political power of those communities that had a more fractious relation with Rome's authority, while at the same time presenting an acceptable enough distribution to her former subjects.[926] Therefore, although Sulla inherited a framework that he might have personally disliked, it was one that he could work with. On the other, Sulla's willingness to accept the distribution was most likely related to his confidence regarding his other reforms and political decisions. While this is not the place to analyse Sulla's political program, it is uncontentious that he was trying to articulate an institutional framework for the *res publica* where the people had as little political autonomy as possible. This was his explicit aim when curtailing the independence of the tribunes of the plebs, whom he subjected to a prior senatorial approval for any bills they wanted to propose to the popular assemblies. Moreover, he deprived them of their right to interpose the veto, reducing their power of intercession to

925 López Barja, 2007b, 125-131; López Barja, 2022, 374-386: 378-380; Cic. *De or*. 1.38; Asc. *Corn*. 64; *Pis*. 65.

926 Certain authors consider that the *novi cives* must have been disappointed with the distribution as a result of this degree of gerrymandering aimed at balancing the political power of those who had led the rebellion (Bispham, 2007, 197; followed by Vervaet, 2023, 171); most likely, among the wide array of peoples enfranchised, there must have been some that wanted a more empowering distribution; however, considering how fully they embraced participation in the system, I believe it is reasonable to assume a wide degree of acceptance among the new citizens.

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the *ius auxilii*, while at the same time excluding any citizen who served as tribune from holding any curule magistracies in the future, virtually transforming this magistracy into a political dead-end.[927]

Furthermore, I would argue that Sulla's most crucial decision in this regard was a negative one: his choice not to conduct a census in 81. During his dictatorship no new censors were elected and Appian is clear that his extraordinary *lectio senatus* was made in isolation, without being accompanied by the corresponding census (App. *B civ.* 1.100). I believe this was a very deliberate judgement on the part of the dictator to counteract and minimize the political consequences of tribal redistribution without formally breaching the terms of his agreement with the former *socii*. At a minimum, this would leave in the air the full political integration of many of the *novi cives* who had not been registered by the stringent censors of 86-85, as the absence of the wealth evaluation would preclude their inclusion in the centuries. Moreover, as it has been explored before, this was not the only problem that could arise from the omission of a census. A formal *adscriptio* into the tribes was still missing for many citizens, opening a path for potential formalistic attacks against their involvement in the *comitia tributa*.[928] As mentioned, I believe the Senate had dispelled this concern with the *senatus consultum* of 84 referenced in Livy's *Epitomes* (Liv. *Epit*. 84). It may well be that Sulla's deal involved a similar position to that of the Senate, reassuring the *novi cives* that this lack of *adscriptio* would not be treated as an invalidating irregularity. Nevertheless, as long as a new census was not conducted, there was no legal assurance that the Senate – under Sulla or after his departure – could not change its opinion and issue another contradictory declaration. In fact, I would argue that this preoccupation was a pressing one for many *novi cives*, one which Sulla did not dispel at all – on the contrary, he appears to have deliberately fostered this uncertainty, which did not go unnoticed.

When addressing the *populus* during his consulship in an overtly *popularis* speech, the soon-to-be rebel Lepidus bemoaned the treatment of *Latini et socii* by Sulla. Among the many grievances against the Roman people, the consul recounted how these groups, after being granted citizenship by the people on account of their great deeds, were now being deprived of it by just one man. (Sall. *Hist*. 1.55.12M = 1.49R: *Sociorum et Lati magna vis civitate pro*

927 Regarding Sulla's dictatorship, his political aims, and the nature of his reforms, Lanzani, 1936; Valgiglio, 1956; Badian, 1970; Gabba, 1972, 764-806; Hurlet, 1993; Keaveney, 2005a; Santangelo, 2007a; Vervaet, 2023, 187-232.

928 Frank, 1924, 329-341; 336-337; Wiseman, 1969, 59-75: 65, implies a similar tactic; Kendall, 2013, 474, Vervaet, 2023, 219; while Brunt did not explain Sulla's omission as a deliberate choice, he did argue that the effective consequence of Sulla's decision not hold a census was partial disenfranchisement, Brunt, 1965, 90-109, 109; 1971, 93-94; *contra*, Santangelo, 2014, 17-19 argues that 'there is no compelling evidence to argue that after his victory in the Civil War Sulla undid, interrupted or slowed down the enfranchisement of the Allies and their inclusion in the citizen body', pointing out instead that the year of the proscriptions would hardly be the a suitable moment to conduct a census – however, he does recognise the consequences this absence of a census had on the right to vote, especially in the c*omitia centuriata*, for those that were not enrolled in 86-85.

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multis et egregiis factis a vobis data per unum prohibentur).[929] It may well be a rhetorical exaggeration or a reference to those communities, like Arretium and Volaterrae, which had been striped of their *civitas* for their support to Cinna and his faction. Nonetheless, taking into account that he was referencing *Latini* as well as the *socii*, I find it plausible that Lepidus was hinting towards an unresolved issue which affected both groups, most likely the census – or absence thereof.[930] Certainly, this is not an explicit assertion that Sulla's deliberate omission of the census was threatening their participation in the assemblies. However, I would argue that it reinforces the assumption that Sulla's decision not to conduct a census was a deliberate one, taken so as to hinder the formalization of the new body politic that composed the Roman *civitas*.

Lastly, there is another particularity regarding Sulla's approach to citizenship if we compare it to other *optimates*: that is, he did engage in a single political act of mass enfranchisement which integrated ten thousand new citizens into the body politic. This was the case of the so-called *Cornelii*. The main source for this measure is Appian:

> τῷ δὲ δήμῳ τοὺς δούλους τῶν ἀνῃρημένων τοὺς νεωτάτους τε καὶ εὐρώστους, μυρίων πλείους, ἐλευθερώσας ἐγκατέλεξε καὶ πολίτας ἀπέφηνε Ῥωμαίων καὶ Κορνηλίους ἀφ᾽ ἑαυτοῦ προσεῖπεν, ὅπως ἑτοίμοις ἐκ τῶν δημοτῶν πρὸς τὰ παραγγελλόμενα μυρίοις χρῷτο. τὸ δ᾽ αὐτὸ καὶ περὶ τὴν Ἰταλίαν ἐπινοῶν τέλεσι τοῖς ὑπὲρ ἑαυτοῦ στρατευσαμένοις τρισὶ καὶ εἴκοσιν ἐπένειμεν, ὥς μοι προείρηται, πολλὴν ἐν ταῖς πόλεσι γῆν, τὴν μὲν ἔτι οὖσαν ἀνέμητον, τὴν δὲ τὰς πόλεις ἀφαιρούμενος ἐπὶ ζημίᾳ. (App. *B civ.* 1.100)[931]

As this author mentioned, when Sulla took possession of the slaves of those who had been killed and proscribed he decided to use a portion of them for his political advantage. He chose more than ten thousand among 'the youngest and strongest', manumitted them, and gave them citizenship, incorporating them into the *demos*. Appian seems to present their use not as primarily electoral, but as informal enforcers of his will: supposedly, they were ready to follow his every command. Later in the text, it is mentioned that they were primarily kept in the city of Rome. At least during Sulla's life, they were considered guarantors of his safety, in

929 Arena, 2011, 299-318, has an insightful analysis of the ideological underpinnings of the consulship of 78 and the subsequent rebellion, highlighting the influence Stoic concepts and vocabulary had on the framing of the conflict; although the issues of land redistribution and the rights of those punished by Sulla are mentioned as the social motivating factors behind the rebellion, the frustrations among the Italics derived from Sulla's decision to not conduct a census has not been considered; this is also the case in Hayne, 1972, 661-668; Gruen, 1995, 12-17; and Burton, 2014, 404-421.

930 Kron, 2005, 441-496: 450-403; De Ligt, 2012, 114, nº 143; *contra*, Vervaet, 2023, 219, nº 29.

931 App. *B civ.* 1.100: 'He emancipated more than ten thousand of the youngest and strongest slaves belonging to those who had been killed, and added them to the body of the people, declaring them Roman citizens and giving them the name Cornelius after himself. In this way he made sure of having ten thousand men among the plebeians ready to carry out his orders. As I have already said, with the same intentions for Italy, he distributed to the twenty-three legions that had fought for him a great deal of land among the towns, some of which had not yet been distributed and some confiscated from the towns as a punishment.'

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a similar manner to his veterans or his political partisans, even when he renounced his position as dictator:

> (...) ἀμφὶ δὲ τὴν Ἰταλίαν δυώδεκα μυριάδες ἀνδρῶν ἦσαν ἔναγχος ὑπεστρατευμένων καὶ δωρεὰς μεγάλας καὶ γῆν πολλὴν παρ᾽ αὐτοῦ λαβόντων, ἕτοιμοι δ᾽ οἱ κατὰ τὸ ἄστυ μύριοι Κορνήλιοι καὶ ὁ ἄλλος αὐτοῦ στασιώτης λεώς, εὔνους αὐτῷ καὶ φοβερὸς ὢν ἔτι τοῖς ἑτέροις καὶ τὸ σφέτερον ἀδεές, ὧν τῷ Σύλλᾳ συνεπεπράχεσαν, ἐν τῷ Σύλλαν περιεῖναι τιθέμενοι (App. *B civ.* 1.104).[932]

Their large number is confirmed by a passage in Asconius, where Cicero wryly remarked that the *Cornelii* were so numerous as to have achieved a degree of organization – indeed, even forming a *collegium* of their own:

> *Quid ego nunc tibi argumentis respondeam posse fieri ut alius aliquis Cornelius sit qui habeat Philerotem servum; volgare nomen esse Philerotis, Cornelios vero ita multos ut iam etiam collegium constitutum sit?*
> [Asc.] *Frequenter tum etiam coetus factiosorum hominum sine publica auctoritate malo publico fiebant: propter quod postea collegia et S.C. et pluribus legibus sunt sublata praeter pauca atque certa quae utilitas civitatis desiderasset, sicut fabrorum fictorumque.* (Asc. *Corn*. 75C)[933]

As mentioned by Asconius, the *collegia* were usually engaged in politics in a physical way that was concerning for the authorities, which lead to several instances where they were banned. Therefore, this particular *collegium* has been interpreted as 'a tool available to the enemies of the Mariani,' one that remained useful for years after Sulla had resigned and died.[934] Apparently, the *Cornelii* were primarily deployed in Rome, as a mixture between a bodyguard corps and a blunt instrument of political pressure with which to influence the institutional life of the City. Furthermore, epigraphic evidence from Minturnae may hint that some of these freedmen were also located outside of Rome, probably very deliberately, as this enclave had been a Marian stronghold. Their message leaves no doubt about their (political?) loyalties, as they dedicated their inscription 'to Lucius Cornelius Sulla, son of Lucius, Felix dictator' and identified themselves as 'leiberteini'.[935]

932 App. *B civ.* 1.104: '(…) and there were the ten thousand Cornelii ready in Rome, as well as his other partisan supporters, who were loyal to him and still an object of fear to everyone else, and who regarded Sulla's survival as their own best guarantee of immunity for their cooperation with him.'

933 Asc. Corn. 75C: '*Why should I at this point need argumentation to give you an answer—that it could be that there is some other Cornelius who owns a slave called Phileros; that the name Phileros is common, and as for Cornelii—there are so many that a collegium of them has even been instituted?* Very often at that time there came into being gatherings of power-mongers without any public sanction, and to the public detriment. For this reason later on collegia were suppressed, both by senatorial decree and by several laws, with the exception of a few whose legality was well established and which the public interest required, such as those of the artificers and statue-makers.'

934 Santangelo, 2007a, 97.

935 CIL 10.6028 = ILS 871 = ILLRP 353: *L. Cornelio L. f.* / *Sullae Feleici* / *dictatori* / *leiberteini*.

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Appian himself presented a cogent argument that explains why Sulla engaged in such an unusual policy for an *optimate* of mass enfranchisement (App. *B civ*. 1.100; 1.104). His position as dictator was itself unprecedented, even if it was wrapped in the trappings of a traditional magistracy. Even though his ultimate aims regarding the *res publica* entailed the abrogation of his own position and the tacit acceptance of his new framework, Sulla's authority was ultimately rooted in the force of his arms, as he was the victor of a full blown civil war which was followed by an institutionalized program of proscriptions. This meant that both his current position and the viability of his reforms hinged on his ability to back them with sufficient force – or at least, threat of force – in case they met active resistance. Therefore, having been compelled to accept – albeit with reservations – a new status quo in which the citizen body had been enlarged and reorganized against the better judgment of the *optimates*, Sulla appears to have been willing to employ enfranchisement as a political instrument as well. His objectives, however, appear to have been more discrete. Appian himself mentioned Sulla's veterans as fulfilling the same role in Italy as the *Cornelii* did in Rome (App. *B civ.* 100: τὸ δ' αὐτὸ καὶ περὶ τὴν Ἰταλίαν). They were the safeguard of the regime, alongside other people of his faction.[936] Santangelo has analysed the material incentives behind Sulla's regime, as the proscriptions represented a massive transference of wealth and capital based on political criteria.[937] This alone would have already linked the *Cornelii* and the veterans to their benefactor. To this, I would add that Appian presents another insightful argument: that of shared guilt. As they had engaged in many violent acts together, they were all invested in preserving the new system. Kalyvas develops a very similar rationale, highlighting how committing atrocities can create powerful bonds among perpetrators, their commitment to their cause, and those who command them. Such acts destroy the possibility of reconciliation with the enemy, turning violence into a powerful act of group bonding and criminal capacity.[938]

Therefore, if we return to the 'paradox' presented before, regarding why Sulla seemingly accepted a policy of tribal redistribution that had been fought tooth and nail by other *optimates*, this list of reasons certainly sheds light on the issue. I would venture that Sulla's perception was that the political consequences of tribal redistribution would be sufficiently mitigated if his institutional reforms held – that of course, is another issue, but it is obvious that most political reforms, especially those crafted from a position of power, are meant to last.

936 Even if it is not sufficiently supported by our fragmentary sources (as Santangelo, 2007a, 97, points out), I do find analytic value in looking at Sulla's relation to his supporters – including the *Cornelii* – through the lens of a 'regime reazionario di massa', as evoked by Canfora, 1980, 425-437: 428.

937 Santangelo, 2007a, 81, 86, 102; also, Hinard, 1985, 104-110; Vervaet, 2023, 204-205, nº 52.

938 Kalyvas, 2006, 330-331, nº 33.

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11.3 The Consolidation of the New Status Quo and the Census of 70-69

Although Sulla's constitutional framework did not collapse immediately, it did undergo significant challenges and alterations during the following years. In fact, an (unsuccessful) armed rebellion against the regime erupted the year after the dictator retired from public life, led by a consul, no less.[939] Obviously, most of these changes fall outside the scope of this investigation, yet there was one line of political amends that reconfigured the *civitas* in precisely the way that Sulla was trying to avoid. As we will see, it culminated in the census of 70-69, which broadly formalized the body politic prefigured by Cinna's redistribution, finally breaking the blockage imposed by Sulla's decision to forego such a crucial civic process. However, even before that, I believe that the force of the new status quo based on the *popularis* conception of an extensive citizenship managed to impose its logic south of the line Pisa-Rimini. This was the case for Volaterrae and Arretium, who had been deprived of citizenship as punishment for their anti-Sullan stance during the war – probably alongside other communities, as this fate was most likely not an exception but one of the many forms of punishment imposed by the Sullan regime.[940] Nevertheless, as we have already seen, despite their creator's intention, the effectiveness of these punitive measures was not long lived.

We know of these challenges thanks to Cicero, via the *Pro Caecina* and *De Domo Sua*, which in turn generates its own set of problems. In the former, the orator mentioned a past case in which he defended the *libertas* of a woman from Arretium. While his opponent, Cotta, argued that said woman had lost her citizenship and, therefore, the jury ought to abstain from passing judgment on the matter, Cicero countered that it was not possible for a Roman citizen to be stripped of their citizenship. Apparently, despite the fact that this case was heard when Sulla was still alive, Cicero claimed that after some deliberation and doubts the jury ended up rendering a verdict – thus, implying that they had accepted Cicero's reasoning:

> *Atque ego hanc adulescentulus causam cum agerem contra hominem disertissimum nostrae civitatis, C. Cottam, probavi. Cum Arretinae mulieris libertatem defenderem et Cotta Xviris religionem iniecisset non posse nostrum sacramentum iustum iudicari, quod Arretinis adempta civitas esset, et ego vehementius contendissem civitatem adimi non posse, Xviri prima actione non iudicaverunt; postea re quaesita et deliberata sacramentum nostrum iustum iudicaverunt. Atque hoc et contra dicente Cotta et Sulla vivo iudicatum est.* (Cic. *Caec*. 97)[941]

939 For Lepidus rebellion, see Arena, 2011, 299-318.

940 Gabba, 1976, 47, considered that Nola probably suffered such a fate.

941 Cic. *Caec*. 96: 'I established this point as quite a young man when I was opposed by Gaius Cotta, the most learned man in Rome. I was defending the freedom of a woman of Arretium; and Cotta worked upon the scruples of the *decemviri*, telling them that they could not give us their verdict because the people of Arretium had lost their citizenship; while I argued with great vigour that it was not possible for them to lose it. The *decemviri* did not come to a decision at the first hearing, but after a thorough examination and discussion of the case, they subsequently gave us their verdict; and they gave it us though Cotta opposed it and Sulla was still alive.'

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More than a decade later, in *De Domo Sua* (Cic. *Dom*. 79), Cicero repeated the same argument regarding the people of Volaterrae, arguing that although Sulla had passed a law through the *comitia centuriata* with the intent of depriving them of citizenship, they managed to retain their *status civitatis* when Sulla was still alive – even before he renounced his domination over the *res publica.*[942]

In both cases, the argumentation behind Cicero's claim is the same. In the *Pro Caecina*, he brings forth a Sullan law, recalling that this statute did in fact order such an ejection from the *civitas*. However, he continued, even this legal instrument included a provision that established that if it contained any proposal contrary to the *ius*, the law itself ought to be considered null – as many other laws did, apparently:

> *At enim Sulla legem tulit. Ut nihil de illo tempore, nihil de calamitate rei publicae querar, hoc tibi respondeo, ascripsisse eundem Sullam in eadem lege: "si quid ius non esset rogarier, eius ea lege nihilum rogatum." Quid est quod ius non sit, quod populus iubere aut vetare non possit? Ut ne longius abeam, declarat ista ascriptio esse aliquid; nam, nisi esset, hoc in omnibus legibus non ascriberetur.* (Cic. *Caec*. 95)[943]

According to him, the implication of this clause was clear: there were certain issues that the people could not legislate nor change. Some matters were above and beyond the capacity of the Roman *populus* to order. For Cicero, citizenship was such a case, because of its close relationship with *libertas* – to the point of being presented as mutually depending principles. As he argued: 'For we have inherited the same tradition with regard to both, and if once it is possible to take away citizenship it is impossible to preserve liberty. For how can a man be free according to the *ius Quiritium*, if he is not among the number of the *Quirites*?' (Cic. *Caec*. 96: *Nam et eodem modo de utraque re traditum nobis est, et, si semel civitas adimi potest, retineri libertas non potest. Qui enim potest iure Quiritium liber esse is qui in numero Quiritium non est?*). This position was also reiterated in *De Domo Sua*: 'But inasmuch as it is a right which we have received by the tradition of our ancestors that no Roman citizen should be able to lose his freedom or his citizenship save by a deliberate act on his part.' (Cic. *Dom*. 77: *Sed, cum hoc iuris a maioribus proditum sit, ut nemo civis Romanus aut libertatem aut*

942 Certainly, Cicero's phrasing is far from clear and this excerpt can be read as reporting that Sulla wanted to pass a law in the *comitia centuriata* and failed, for this, see Rosillo López, 2019, 55-70: 67; however, I believe another valid interpretation to be much more consistent with his argument of the inalienability of citizenship. For him, it made much more sense to present a case where a law was indeed passed and, even then, with the backing of the assemblies, Sulla was still unable to take away the citizenship of some communities. This was especially relevant in the context of the *De Domo Sua*, in which Cicero was arguing against the legality of his own past expulsion from the *civitas* by a law passed by Clodius.

943 Cic. *Caec*. 95: 'But, you may say, there is Sulla's law. Without a single reflection on the days of Sulla or the calamity that then overwhelmed the country, my answer to you is this: that there was a clause added to this same law by this same Sulla to the effect that "if this statute contain any proposal contrary to law, that proposal be null and void." What is there which it is unlawful to propose or which the people cannot command or prohibit? Without digressing too far, this very additional clause shows that there is such a thing: for if there were not, this clause would not be appended to all statutes.'

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civitatem possit amittere, nisi ipse auctor factus sit). This is why, in *Dom*. 79, Cicero drew a stark difference between the consequences Sulla's statute entailed regarding the territories it requisitioned from Volaterrae and its attempt to deprive her people from their *status civitatis*. While the first punishment was ratified, as it was the purview of the people doing so, the deprivation of citizenship did not remain in force for even as long as Sulla retained his power. The reason in both cases was the same: citizenship could not be taken away from a citizen against their volition, not even by popular mandate – and certainly not by the unrestrained will of someone wielding the absolute power of a tyrant.[944]

Obviously, Cicero's argumentation ought to be taken *cum grano salis*, as he was far from presenting an objective analysis of this aspect of Roman law for the purpose of its understanding. In all the instances commented, the orator had clear personal interests in defending such a position. In addition, these stakes conveniently combined with a particular ideological framework so as to generate the fierce advocacy for this stance that we find in these texts. From a personal standpoint, in both the *Pro Caecina* and the case of the woman from Arretium, he was acting as a defence lawyer – he was literally in charge of crafting a legally sound argument that advocated for his clients, which entailed arguing for their *status civitatis* and against any deprivation attempt.[945] In *De Domo Sua*, the question being disputed was much more personal, as he was attacking the Clodian law that destroyed his house and condemned him to exile, depriving him of his citizenship. His dignity and political position were at stake. And they depended on the capacity of the *populus Romanus*, or lack thereof, to legally expel someone from its body politic, if this was its will. Obviously, Cicero argued that this was not the purview of the people. His clients and, literally, his political life, hinged on this argument being true – or at least, being accepted as such.[946]

Moreover, this bundle of personal interests neatly aligned with a core aspect of *optimate* ideology that would accompany Cicero throughout all his career. That is, the belief that the people ought not to be able to legislate over every aspect of the *res publica* – in other words, that the *populus* Romanus was not truly sovereign in regards to all matters of public policy, as it lacked ultimate decisionary power. In fact, he is very adamant in this point, using the institution of slavery as the ultimate case in point:

944 Regarding *de civitate* section from the *Pro Caecin*a, including the case of the woman from Arretium, see Frier, 1985, 97-104; and Fotheringham, 2004, 254-276: esp. 274-275; in turn, Santangelo, 2007a, 175, nº 15, remarks, when addressing the *De Domo Sua*, that Cicero 'knew well that citizenship had been withdrawn in the past', pointing towards the case of Hostilius Mancinus; for the connection between *libertas* and *civitas*, as well as the importance of consent in Cicero's discussion surrounding the *capitis deminutio* in the *Pro Caecina* and the *De Domo Sua,* Arena, 2012, 27-29; for the role of *libertas* in specifically in *De Domo Sua*, see, Allen, 1944, 1-9; and Cairo, 2018, 75-89.

945 Santangelo, 2007a, 174-175, 189-191; 2014, 1-27: 15, presents these cases as the outcome of a dual process: on the one hand, they were part of a strategy by Cicero to position himself as the patron of these communities; and on the other, the severe punishment inflicted by Sulla had forced segments of the Etruscan elites to seek the patronage of influential Romans to protect their interests.

946 Regarding the importance of understanding the *De Domo Sua* not as an abstract reflection but as an immediate political intervention, Kenty, 2018, 245-264; also, Santangelo, 2007a, 174-175.

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> *Sed quaero de te, putesne, si populus iusserit me tuum aut te meum servum esse, id iussum ratum atque firmum futurum. Perspicis hoc nihil esse et fateris; qua in re primum illud concedis, non quicquid populus iusserit, ratum esse oportere; deinde nihil rationis adfers quam ob rem, si libertas adimi nullo modo possit, civitas possit.* (Cic. *Caec*. 96)[947]

As we have seen before, one of the characteristics of the *civitas popularis* as defined by Cicero was the capacity of the people to decide every matter (Cic. *Rep*. 1.42; 3.45). Even in his younger years, when he was acting against Sulla's regime, Cicero appeared to have actively disavowed *popularis* beliefs. He may have been arguing in favour of an outcome that matched traditionally *popularis* policies, as it was in the cases of Caecina or the woman from Arretium, yet his line of reasoning would follow *optimate* logic and values. Later in his life, in *De Legibus*, he articulated a defence of natural law as the main instrument to resolve the crisis of the *res publica.* Here, in the first book, he proposed that the legitimacy of a law derived from its concordance with pre-existing natural principles that were apparent to wise men. In other words, its binding nature depended on its compatibility with natural law; something that radically undermined the capacity of the *populus* to legislate its own political reality (esp. Cic. *Leg*. 1.19-24). This conception is in stark opposition to more *popularis* definitions, which did not burden the binding power of the law to such pre-conditions. In the *Rhetorica ad Herennium*, a *lex* – one of the five parts that composed the *ius* – is simply defined as 'what was sanctioned by order of the people' (*Rhet*. *Her*. 2.19), without regards to any other requisites nor limits. In the end, the core principle that animated Cicero's line of thinking in *De legibus* was the same that he applied when arguing against any unjust deprivation of citizenship: that is, the people did not have the power to impose their will in every aspect – nor should they.[948]

In any case, the fact remains that Cicero did argue against Sulla's deprivation of citizenship as a punishment that could be leveraged against his political opponents. Although his reasoning can be characterized as *optimate* in many of its recurring themes, he was mobilizing these arguments in furthering a political outcome, that of an Italy enfranchised south of the line Pisa-Rimini, which was essentially a *popularis* construction – or at least a by-product of *popularis* policies and ideology. Even after all the compromises and shortcomings forced by the tumultuous political reality of the 80's, an enfranchised Italy was the institutional outcome of a conception of the Roman *civitas* that was characteristically *popularis*, as it encompassed *Latini et socii* on an equal political footing with the old citizens.

947 Cic. *Caec*. 96: 'But I ask you: if the people command me to be your slave or you mine, do you think that command would be binding and valid? You realise and you admit that it would be null and void. And in doing so you first of all concede that not everything which the people command ought to be valid; and in the second place you advance no reason why, if liberty cannot possibly be taken away, citizenship can.'

948 For *De Legibus* as an intellectual project aimed at tackling *popularis* proposals resorting to a highly weaponized conception of natural law, López Barja, 2007a, 247-274, esp. 261-262; for other explorations of Cicero's conception of natural law, Asmis, 2008, 1-33; Llano Alonso, 2012, 157-168; Forschner, 2016, 50-67.

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Therefore, the question to be asked is: why? Why was Cicero, a quintessentially *optimate* politician, so ready to accept this *popularis* framework?

I would argue that during the so-called *Cinnae dominatio* the hegemonic conception of the *populus Romanus* became a variant of the *popularis* decontestation of this concept. That is, one that encompassed the old citizens and their former subjects as well. In other words, it appears that the new prevalent understanding of who composed the imperial core had significantly shifted in favour of definitely including both the Latins and the *socii.* Therefore, even *optimate* politicians, who in the past had resisted to treat these groups as partners in empire rather than equals, now assumed this framework as their current political reality – a new status quo. Obviously, this change was not solely caused by *popularis* ideology or policies, but by a plurality of processes and circumstances. It was influenced by the many failed attempts of reform that harkened back to the Gracchi, the double shock of the *bellum sociale* and *bellum civile*, and their cascade of political consequences. But more importantly, it was strongly rooted in the institutional integration that lay at the core of what it meant to enter the Roman *civitas.*

Through the mass assumption of the *municipium* as the main organizing principle of the *status civitatis* throughout the territory, the *novi cives* engaged in a double process. On the one hand, it inevitably led the former *socii* and *Latini* through a flexible process of homogenization, in which they assumed certain values, the Latin language, and a particular organization of their communal life structured around the *ius civile* and the *ius publicum*. This forced a transformation of the public and private spheres of these communities. Contrary to some old conceptions, this process was not simply suffered by the old subjects nor necessarily born from pre-existing process of Romanization; instead, it was a case of identity variation led by the recently enfranchised in their new *civic* condition of Romans.[949] The experience of the *novi cives* became a central part of what defined being a Roman. This was already an identity that relied more heavily on partaking in a *civitas* – a political and legal status – rather than in an ethno-cultural substratum, yet this integration enhanced this understanding. Roman identity rearranged itself to reflect this new reality, as did the plurality of local identities which were subsumed into the *res publica*.[950]

On the other hand, this process of integration was not only symbolic and identitarian: it created an institutional framework knitted at a local level that possessed real power and could exert political influence in Rome itself. In fact, these new entities were not only central in structuring local public affairs; participation in Roman electoral politics was also mediated by

949 Salmon, 1967, probably presents one of the clearest cases to frame Romanization as something to be 'escaped' and continuity as resistance of a national identity; a sample, see 316, 322; in turn, Brunt, 1965, 90-109: 97-101, argued that the *Italian* (sic) feeling of unity had been articulated by the Romans grounded on the concept of Italy; the existence of these nationalistic frameworks and their interplay in our modern historiography are explored in Wulff Alonso, 2021.

950 Wulff Alonso, 2021, 100-110, succinctly summarizes this process of cultural converge and identity reconfiguration prompted by the mass institutionalization of the *municipium*.

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these *municipia* in multiple aspects. From tribal distribution to conducting the local census, these communities shaped the political reality of Rome after the *bellum sociale* and exerted their agency in creating a new status quo. Certainly, this level of decentralization was a necessary condition in a non-bureaucratic polity such as Republican Rome, but it also gave the network of *municipia* that sprung across Italy a strong administrative and political presence that allowed them to project their newfound authority.

It has been pointed out that, from the host of problems that assailed the late Republic, the dysfunctions caused from denying *socii* and *Latini* their Roman *civitas* was the only one that was resolved – even if it was not through peaceful means.[951] By the 70s, I believe the shift in the Roman body politic caused by this transformation was so monumental that it changed what was the political baseline a community south of the Rimini-Pisa line could expect. It also shaped how those politicians that had come of age during the 80s were supposed to act in this new environment. Cicero's precise conception of citizenship and how it interfaced with his political ideology is a far reaching endeavour that falls outside the objectives of this investigation. Suffice it to say, the orator was not a *novus civis* himself, yet his rustic hometown was perceived as sufficiently non-Roman to invite mockery during a trial where he was dismissed, pointedly, as a *peregrinus* (Cic. *Sull*. 23-24). To this, he retorted that many famous men in Roman history had come from elsewhere and that Arpinum itself had twice brought the salvation of the *res publica*. Furthermore, he cautions the prosecution lawyer, Torquatus, not to call *peregrini* all those who had recently accessed citizenship, lest he would find himself overwhelmed by these 'foreign votes' (Cic. *Sull*. 24: *Quorum cave tu quemquam peregrinum appelles, ne peregrinorum suffragiis obruare*).[952] Although nothing more than a single example, it showed that Cicero was operating from a framework in which the *novi cives* were a central feature of the political landscape – one that could be snobbishly mocked, but that was recognised as both legitimate and important. In fact, it was precisely within the cultural and political milieu where the theory of the two *patriae* articulated by Cicero was born: there was an emotional bond with your local *patria*, your *origo*, but your political loyalty belonged to Rome (Cic. *Leg*. 2.5: *itaque ego hanc meam esse patriam prorsus numquam negabo, dum illa sit maior, haec in ea contineatur*).[953] I would contend this is the reason why Cicero, *optimate* as he was, decided to defend the right of citizenship of the communities that had been affected by Sulla's repression. Most likely, he perceived their re-integration into the *civitas Romana* as such a natural and distinct possibility that advocating for it was no longer seen as radical, but as a sensible position – one that a moderate could espouse without being dubbed as a radical *popularis*.[954]

951 Wulff Alonso, 2021, 91.

952 Cic. *Sull*. 24: 'Take care that you do not call any of them a foreigner or you will be swamped by your foreigners' votes.'

953 Cic. *Leg.* 2.5: 'Thus I shall never deny that my fatherland is here, though my other fatherland is greater and includes this one within it.'

954 Wulff Alonso, 2021, 137-141; regarding Cicero's relation to the Italics, Roselaar, 2016, 145-165: esp. 153-159; for an exploration of the theory of the *duae patriae,* Subacus, 2015, 117-126; however, I do not think that Cicero's general acceptance of the Italic *novi cives* implies that he had embraced a *popularis* conception of *civitas*, especially in its more

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In any case, the situation of the *novi cives* was finally formalized during the census of 70-69. In the year 70, the former Sullan supporters Gneus Pompey and Marcus Licinius Crassus were elected consuls after having made a political realignment. In fact, I defend it is no coincidence that the complete integration of the new citizens was attained during a re-emergence of *popularis* policies, which both consuls pursued with energy. During their time in power, they showed a clear popular stance in their policies, with the restoration of the tribunician power being a central plank in their agenda. With this initiative they were breaking down one of the main barriers Sulla had devised in order to impede popular legislation, reinstating their capacity for political initiative to those magistrates that were usually conceptualized as defenders of the people.[955] Back in 71, Pompey had already expressed public support for this demand in a *contio* to popular acclaim (Cic. *Verr*. 1.44-45); now both he and his colleague followed through. No doubt, this ought to have ingratiated the consuls with the tribunes, who did not impede the other initiatives taken during this year.

The very same year, a decision was taken to revive the censorship, who had been dormant for more than fifteen years. The censors elected were Cn. Lentulus Clodianus an L. Gellius Poplicola, both of whom had been characterized as Pompey's friends and allies.[956] This census was significant in many ways, not least of all because of the mere fact of its successful completion – the next one fully completed, with *lustrum* and all, would have to wait until Augustus decided to perform it, in 28. Despite the fact that his long hiatus may have corroded the authority of the censors, the pair exerted their power with decision through an aggressive performance of the *cura morum.* This was a strongly political decision, as it is important to remember that their target was a Senate heavily composed of members that had been personally selected by Sulla ten years prior. Thus, during the performance of their *lectio Senatus,* they controversially expelled sixty-four senators, most likely as an attempt to 'restore the Senate's prestige' and target some of 'former Sullan protégés'.[957]

democratizing aspects. Rather than advocating mass enfranchisement, he seems to have preferred individual grants of citizenship, contingent on the recipient's position and merit – as his most famous speeches on the subject, the *Pro Archia* and the *Pro Balbo*, make clear. Moreover, he firmly opposed any blurring of distinctions of dignity among citizens. If his stance on the internal redistribution of the *libertini* is any indication, it is likely that he held a similar view regarding the Italic, rejecting as well the *popularis* commitment to a more egalitarian tribal redistribution for the *novi cives*. This, nevertheless, must remain a supposition.

955 Syme, 1939, 29, deemed their consulship as a 'peaceful *coup d'etat*'; contra, Sherwin-White, 1956, 1-9: 5-9, argued that the aims of both consuls were far from revolutionary and that they were acting in consort with a substantial part of the nobility; this thesis is followed by Gruen, 1995, 26-28, 45-46; in turn, Stockton, 1973, 205-218, argues for a more oppositional reading of Pompey' and Crassus' consulship; also, Perelli, 1982, 168-171, for a framing of the reforms as an alliance of the consuls with the *populares* that was opposed to the interests of the Sullan oligarchy; similarly, Brunt, 1988, 472, considered that the restitution of the tribunician power was the 'ruin of the Sullan system', as 'this destroyed the barrier to popular legislation Sulla had devised'; Santangelo, 2014, 1-27, describes the year 70 as being marked by an 'impressive sequence' of reforms, although he dismisses characterizing them as the demise of Sulla's legacy.

956 Wiseman, 1969, 59-75: 65.

957 Santangelo, 2014, 1-27: 13, where he also points out that this heavy blow to the Senate's numbers was only made possible by the reform of the juries enacted by the praetor L. Aurelius Cotta. By rearranging the composition of the juries

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Yet its most consequential effect by far was the final inclusion of the main bulk of the *novi cives.* The figure our sources provide is around 900,000.[958] Even if this census was not completely accurate, as every high-scale demographic survey from a premodern society was bound to be, the picture it paints is evident. The new censors were virtually doubling the size of the body politic in comparison to the numbers preserved from the 86-86 census. It has been suggested this particular census would probably have disadvantaged the *proletarii* and other poorer citizens, in the sense of enrolling fewer of them on account of 'being of no consequence in the voting'.[959] This would have been a consequence of the supposed dissolution of the census as a military instrument after 'Marius' reforms' and the discontinuation of the *tributum*, which would have transformed enrolment in the census in a function of voting privileges. In turn, this would have discouraged the *proletarii* and other groups less interested in voting from participating in this civic ritual while the censors would lack a clear motivation for registering them.[960] I do not agree with this assessment. Leaving aside the many doubts formulated by recent scholarship on the scale of the consequences launched by Marius' military reform, I believe we should not underestimate the relevance of being enrolled in the census.[961] Even granting Cicero's assumption that the census' value was descriptive rather than constitutive of one's status as a citizen, inclusion in the rolls – both within one's local community and in Rome – served to reinforce that status in a tangible manner, conferring material and legal benefits which made it more difficult to deprive an individual of the associated privileges. The censors themselves could have had reasons to actively enrol the *proletarii*, ranging from political considerations – since they remained electors – to ideological ones, as for a *popularis* the *populus* also comprised those of modest means.

Nevertheless, most importantly, the group that mainly benefited from the increase were those *novi cives* who had been excluded from the census rolls by Philippus and Perperna. As we have argued before, I find it convincing that many (if not most) of these new citizens belonged to communities that had supported Cinna and their faction when civil strife had erupted. Consequently, they were blocked from attaining full citizenship by a pair of *optimate* censors and then Sulla had frozen their irregular status by deciding not to perform a census. This had left these citizens, full communities of them, in a legal limbo regarding their rights. Certainly, their capacity to participate on the *comitia centuriata* was blocked by a lack of a proper wealth assessment. On the other hand, I believe their ability to vote in the *comitia*

and including an equal number of senators, knights and *tribuni aerarii*, the *lex Aurelia iudiciaria* lowered the need for the Senate to provide staffing to the courts, which in turn allowed for a numerically weakened institution without grinding the wheels of justice to a halt.

958 910,000 according to Phlegon (Phleg. fr. 12 J); 900,000 as reported by Livy's *Epitomes* (Liv. *Epit*. 98); for the numbers of the census of 70-69, and how they relate the census of 86-85; Wiseman, 1969, 59-74: 69; Brunt, 1971, 91-99; De Ligt, 2012, 115-118.

959 Wiseman, 1969, 59-74: 69.

960 Wiseman, 1969, 59-74: 60, 61, 69.

961 The most comprehensive rejection of the traditional conception of Marius' reforms continues to be Cadiou, 2018.

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tributa was legally murky. From a *popularis* perspective, their tribal distribution had been sanctioned by the people, creating all the legal basis they needed. Nevertheless, they lacked the traditional *adscriptio* by the censors, opening their participation to contestation by those that wanted to curtail their electoral influence. In practice, I believe they were able to vote in the *comitia tributa*, and it appears that they even had a *senatus consultum* guaranteeing they would not be blocked from doing so; yet this was far from representing the legal certainty they would have wanted. This new census redressed the situation, putting an end to their irregularity and allowing them to fully partake in the Roman imperial *civitas*.[962]

It seems plausible that the census also officially reinstituted communities like Volaterrae and Arretium into the *civitas Romana*, reversing Sulla's punishment in this regard.[963] Even if we are cautious around Cicero's claim that these expulsions from the *civitas* were ineffective to the point of being disregarded during the dictator's tenure, it stands to reason that the orator would not have been able to argue such a position if the punishment had been long lived. I would argue that the census of 70-69 is the most likely political event to have reversed such a situation. This instrument has also been signalled as being probably used to resolve other problems which had their origins in Sulla's punishments, like the tensions between local populations and Sullan settlers in Pompeii.[964] In relation to those who had been deprived of citizenship, the censors could have requested those communities whose legal status had been diminished by Sulla to conduct their correspondent census rolls and later accepted them when dispatched to Rome. We know that legal arguments against Sulla's decisions already existed, as Cicero showed when recalling his cases. They may have validated such legal arguments or they may have provided new ones – no doubt, the decision was wrapped in the appearance of legality. However, I would argue that the binding nature of such a censorial decision depended, most likely, not so much on its legality but on questions of political convenience. Fortunately for these communities, by the year 70 the goal of many was to distance the *res publica* from Sulla's shadow.

Although it may have been propaganda, there is a numismatic source that may illustrate what this census represented for the relationship between Rome and her new citizens from *Italia*. A *denarius* struck by Q. Fufius Calenus and (P.?) Mucius Scaevola Cordus has been dated as issued that very year, 70 (*RRC* 403/1). On its reverse, it depicts Rome, dressed in military garb, extending her hand towards *Italia*, which appears characterized as a woman holding a cornucopia. Its symbolism leaves no doubt regarding what the political message being projected was. Rome appears in the dominant position while *Italia* is treated as the

962 For certain authors, this census allowed the *novi cives* to participate in the *comitia tributa*: see Taylor, 1960, 105-106; Wiseman, 1969, 59-75: 65; Lovano, 2002, 62; De Ligt, 2012, 115-116; Gagliardi, 2013, 43-58: 54-55; Santangelo, 2014, 1-27: 18-19; Kendall, 2013, 543; for others, it allowed them to finally participate in both assemblies; Brunt, 1965, 90-109: 109; 1971, 92-93; also, Vervaet, 2023, 219.

963 Harris, 1971, 275-276; Santangelo, 2007a, 189-190.

964 Zevi, 1995, 1-24: 23-24; followed, tentatively by Santangelo, 2014, 1-27: 20, nº 152.

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lesser figure, honoured yet subservient.[965] I would argue it celebrated the benefits Rome brought to the land, *Italia*, with her rule, something that on that juncture can be easily related to 'the benefits of the Roman franchise', now finally applicable to all of those that ought to have it.[966] Despite the many efforts to curtail or delay the full political integration of the *novi cives*, the momentum of enfranchisement, coupled with the institutional role of *municipia*, steadily imposed itself on Roman politics. By the census of 70–69, the civic body envisioned by the *populares* had become an irreversible reality, reshaping the very foundations of Roman identity and power. What had begun as a contested reform became, through compromise, violence, and necessity, the new political baseline represented in this coin: a Roman citizenry expanded over *Italia*, formalized, and irrevocably transformed.

965 Crawford, 1974, 413, points out the domination of Italy by Rome; Yarrow, 2021, 190, argues it evokes the symbology of marriage, with 'Rome's universal dominion' and *Italia* in a subservient yet honoured position; Santangelo, 2014, 1-27: 20, nº 151.

966 Vervaet, 2023, 220-221, nº 31; it has been suggested that it represents 'the final unification of Italy', Roselaar, 2019, 236; however, I do not think *Italia* demanded unification as a political entity to justify such a symbol, especially from the Roman perspective. What it demanded was Roman citizenship, with all the benefits of empire it represented, and this is precisely what it finally attained with the conclusion of the census of 70-69.

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FINAL CONSIDERATIONS

I. Results and Discussion[967]

The preceding investigation, structured by the hypothesis that disputes over citizenship were a central feature of the late Republican ideological schism, yielded specific results concerning the nature of *popularis* ideology and its enduring commitment to an inclusive *civitas Romana*. By applying Freeden's morphological analysis and tracing the political history of mass enfranchisement and tribal redistribution from 133 to 70-69, this study confirms that contests over the composition of the citizen body formed a persistent and defining fault line between the *populares* and the *optimates*.

I.a Results

1. Ideological configuration of *popularis* ideology and the expansion of *civitas*: this study has demonstrated that the expansion of the citizen body was neither incidental nor merely instrumental. Rather, it constituted a policy manifestation directly traceable to the core concepts of *popularis* ideology's morphological structure.

2. Internal patterns within *popularis* ideology: with respect to the external boundaries of the political community, the research shows that policies advocating the extension of the *civitas* to encompass the *socii* and *Latini* emerged early and persisted as a stable component of the *popularis* tradition. Likewise, concerning the inner boundaries, recurrent efforts to secure a more equitable redistribution of both the *novi cives* and the *libertini* were consistent enough to constitute a recognizable ideological pattern.

3. The *optimate* model of exclusionary citizenship: conversely, this dissertation has shown that the *optimates* upheld a consistently restrictive conception of *civitas*, expressed through both legislative measures and political violence. This exclusionary stance was inseparable from an aristocratic understanding of the *res publica*, which likewise sought to delimit the internal boundaries of the body politic by curtailing the status and influence of the *novi cives* and the *libertini*.

967 As noted in the section on 'Hypothesis and Objectives', the inclusion of this section is mandated by EDIUS (Escola de Doutoramento Internacional da USC). Unlike the previous requirement, however, this one is particularly ill-suited to a dissertation in the Humanities. Strictly speaking, the present research does not produce 'results' in the sense expected in empirical or experimental fields, nor is that its aim. As is standard in studies of ideology and political thought in the classical world, each chapter offers an analysis and interpretation of selected classical sources, most of them literary. These analyses constitute the true outcomes of the research, and repeating them here would add little beyond what is already articulated in the conclusions. Moreover, each chapter already contains the relevant discussion explaining the interpretative choices made, the alternative possibilities, and the broader scholarly reconstructions. Again, condensing these discussions into a separate section appears unnecessary. What I provide here, therefore, is only a reduced overview intended merely to delineate the main lines of development pursued throughout this investigation.

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I.b Discussions

Throughout this dissertation, each chapter engages with key scholarly debates concerning the nature of political conflict in the late Republic:

Chapter 1 addresses foundational historiographical debates on the character of late Republican political conflict, the challenges of defining ideology, and the study of Roman citizenship.

Chapter 2 examines questions of conceptual definition and methodology, including the characteristics of essentially contestable concepts, and contributes to the long-standing scholarly discussion on the authenticity of Sallust's *Epistulae*.

Chapter 3 considers the nature of the Italian allies' demands for citizenship and explores how these demands intersected with Roman ideological arguments for inclusion or exclusion, engaging with the historiography of *cupiditas civitatis.*

Chapter 4 traces the emergence of citizenship as a component of *popularis* ideology and political practice, contributing to multiple debates on the nature and aims of several policies spearheaded by the Gracchi and their allies in relation to enfranchisement.

Chapter 5 uses Sallust to investigate the structural and ideological roots of political conflict, addressing his *divisio* of the *res publica*, the roles of *metus hostilis* and competing passions, and the function of violence within Schmittian 'processes of politicization'.

Chapter 6 follows the persistence of the citizenship issue after the killing of the Gracchi and repression that followed, engaging with historiographical debates over three key topics: the tribal enrolment of freedmen, enfranchisement under the *leges Serviliae*, and the relationship of Marius and Saturninus to citizenship policy.

Chapter 7 focuses on academic discussions surrounding the *lex Licinia Mucia* and the censorial *edictum coercendis rhetoribus Latinis.*

Chapter 8 analyses the conflicting scholarly interpretations of Drusus' ideological position, his public self-presentation, and the aims of his legislative programme.

Chapter 9 investigates the mechanisms and political objectives underlying the enfranchisement of the *novi cives*, engaging with debates on the legal instruments employed and the failed census of 89-88.

Chapter 10 examines Sulpicius' and Cinna's policies of tribal redistribution and the conduct of the census of 86-85.

Chapter 11 considers the consolidation of the expanded civic body, addressing Sulla's resistance and the eventual formalization of the new status quo in the census of 70-69.

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II. CONCLUSIONS

The 20th of April of 1968, in Birmingham, Enoch Powell stood before a room full of fellow Conservatives and delivered the infamous 'Rivers of Blood' speech.[968] He was responding to an anti-discrimination bill that the Labour government was then passing through Parliament. However, his oration ranged far beyond criticism of a single legislative measure: it was framed as a warning. Powell urged his listeners to oppose the current rates of immigration into the United Kingdom from its former imperial colonies, now members of the Commonwealth. Citing demographic projections, he extrapolated the future proportion of immigrants and their descendants – especially those entering the country 'for settlement' and to establish families. Although the process, he admitted, was not yet complete, he claimed that it amounted to a 'total transformation to which there is no parallel in a thousand years of English history'. It was, in his words, 'like watching a nation busily engaged in heaping up its own funeral pyre'. The only possible response, he argued, was not merely to curtail immigration drastically but to reverse it; he stopped short of advocating deportation, but called for policies of voluntary repatriation.

If this situation were allowed to continue unchallenged, the consequences, in Powell's view, would be dire. Britain's 'existing population' would 'find themselves made strangers in their own country', their 'wives unable to obtain hospital beds in childbirth, their children unable to obtain school places, their homes and neighbourhoods changed beyond recognition, their plans and prospects for the future defeated'. Even more troubling, he suggested, were the political implications of such demographic change, which he illustrated through a remark from one of his constituents – a 'decent, ordinary fellow Englishman' – who claimed that 'in this country in 15 or 20 years' time the black man will have the whip hand over the white man'.

For Powell, if the demographic shift continued, only violent civil unrest could follow. A classicist by training, he sought in his peroration to convey the magnitude of this looming danger – the dark 'cloud' that could 'so rapidly overcast the sky' – by invoking Virgil's *Aeneid*. He quoted the Sibyl's prophecy: 'wars, grim wars I see, and the Tiber foaming with streams of blood' (Verg. *Aen*. 6.86-87: *bella, horrida bella et Thybrim multo spumantem sanguine cerno*). Based on this, Powell claimed: 'as I look ahead, I am filled with foreboding. Like the Roman, I seem to see "the River Tiber foaming with much blood"'. It was this reference that gave the speech its popular name.

This is not the place for an analysis of post-colonial Britain or the ways in which the anxieties accompanying the loss of empire shaped this particular speech. It is worth noting, however, that race as a social construct and racism as an ideology had no real equivalent in ancient Rome – though the Romans were by no means free of xenophobic attitudes. Nor is it

968 Powell, 1968; for an ideological and historical analysis of Powell's speech, Schofield, 2013, 208-263.

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my intention to draw any direct equivalence between the Conservative political ideology Powell espoused in the 1960s and the *optimates*, or any other pre-modern ideological formation. Fear of cultural change – of being 'made strangers in their own country' – did not motivate the Roman senatorial aristocracy in its resistance to policies of mass enfranchisement. Yet there is a logic underpinning Powell's argument that an *optimate* would have readily understood: the fear of losing power to groups who had, until recently, been subjects, and who were not regarded as belonging at the core of the imperial community. This anxiety – captured most bluntly by the constituent who warned that within two decades 'the black man would have the whip hand over the white man' – lay at the very heart of Powell's grievances.

Not only were these former subjects entering the core community in great numbers, but they were also being granted legal protections. For Powell, anti-discrimination legislation amounted to the creation of a new 'privileged class'.[969] His anxieties about 'wives' failing to find hospital beds and 'children' being displaced in schools echo, in modern form, Fannius' claims that if Gaius Gracchus were to grant citizenship to the Latins, no room would remain for the old citizens at public meetings, games, or other festivities (Iul. Vict. 6.4 = FRL3 23 F3). Both politicians questioned the right of outsiders to enjoy fully the benefits of belonging to the imperial core.

Equally troubling for Powell – and for the *optimates* – was the prospect that these newcomers might gain real power. Powell feared that the legal mechanisms introduced by the anti-discrimination bill could be used to challenge their former superiors or even compel them to act against their will: a law, he warned, 'is to be enacted to give the stranger, the disgruntled, and the agent provocateur the power to pillory them for their private actions'. This was the true danger: the 'whip hand', which he defined as 'the exercise of actual domination, first over fellow-immigrants and then over the rest of the population'. The same logic had motivated the Senate's rejection of Fulvius Flaccus' proposal of enfranchisement – opposition to 'the idea of making their subjects equal citizens with themselves' (App. *B Civ*. 1.21: ἡ βουλὴ δ᾽ ἐχαλέπαινε, τοὺς ὑπηκόους σφῶν ἰσοπολίτας εἰ ποιήσονται). Similarly, after *socii* and *Latini* were enfranchised, it was the reason to impede their enrolment into the 35 tribes, 'lest their influence and number should infringe the importance of the old citizens, and the recipients of the benefit have more capability than the instigators of the benefit' (Vell. Pat. 2.20: *ne potentia eorum et multitudo veterum civium dignitatem frangeret plusque possent recepti in beneficium quam auctores benefici*.) Otherwise, as Appian observed, Marius and Saturninus could have used the *novi cives* to 'have everything that they wanted' (App. *B civ*. 1.55: οὗ κυρωθέντος ἔμελλε πᾶν ὅ τι βούλοιτο Μάριος ἢ Σουλπίκιος ἔσεσθα), since their numerical strength translated into political power.

969 'This does not mean that the immigrant and his descendent should be elevated into a privileged or special class ...'

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By invoking Virgil, Powell predicted violent civil unrest if immigration were allowed to continue unchecked – yet, needless to say, his grim forecast never materialised. In stark contrast, in the late Republic the Tiber *did* foam with blood, but precisely for the opposite reason: the sustained and stubborn refusal of the *optimates* to admit entire populations into the *civitas*. The historical contexts differ in countless ways, but, as we have seen, they share a common thread. In both cases, there was a deliberate effort to restrict who could claim citizenship. For Powell, as for the *optimates*, citizenship was the gateway to full civic rights and political power, and guarding that gateway was a profoundly ideological act. Crucially, however, it was not an uncontested one – and its very contestation reveals the ideological and political divisions within their respective communities.

In the late Republic, *popularis* ideology vigorously challenged the *optimates'* restrictive conception of citizenship. From the narratives concerning the tribuneships of the Gracchi and the consulship of their ally Fulvius Flaccus, it is clear that debates over the boundaries of citizenship did not begin as a central concern for the *populares*, but gradually came to assume greater importance. For Tiberius Gracchus, the issue was not paramount, yet given the strongly pro-Italic sentiment attributed to him in the sources, it is plausible that his political aims were not entirely disconnected from it. The question of citizenship likely entered the mainstream of Roman political discourse at this moment – spearheaded by the agrarian commission instituted by the *lex Sempronia*, and perhaps even by promises made by Tiberius himself. Fulvius Flaccus is credited as the first Roman politician to champion general enfranchisement openly, but he was soon followed by Gaius Gracchus with more limited proposals – which Flaccus himself supported. Nevertheless, this idea certainly did not appear from nothing, nor was it a coincidence that it became so readily adopted by *popularis* ideology. On the one hand, pressure for mass enfranchisement likely originated from outside the *civitas*, driven by the strong *cupiditas civitatis* of the *socii* and Latins, who sought access to imperial power and its benefits. On the other hand, the broad extension of citizenship – especially to the peoples of Italy – aligned closely with the ideological values promoted by the *populares*. This compatibility explains why such policies became such a constant to *popularis* politics from the very beginning.

From an ideological standpoint, I have argued that *popularis* ideology embraced enfranchisement so readily as a policy outcome for two principal reasons. First, extending citizenship was framed as just and equitable. As we have seen, *popularis* politicians often presented their proposals for redistributing the benefits of empire by appealing to justice – particularly justice owed to those who fought and bled for the *populus Romanus* and the common good. Crucially, this category included not only impoverished Roman citizens who served under the legionary standards but also members of the *formula togatorum*. All had shared the burden of building the empire; all, therefore, ought to share in its rewards.

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Secondly, expanding the citizen body directly strengthened the political cause of the *populus*, a point Sallust makes with unmistakable clarity. Part of this strength was simply numerical: the power of the people rested on their numbers – *vis multo maxuma in plebe* (Sall. *Ep*. 2.5). But enfranchisement also served a moral purpose. Incorporating new citizens into the community would, in Sallust's view, awaken a sense of freedom throughout the body politic. Defending this freedom – *libertas* – was the ultimate ideological aim of a *popularis* politician, for it was the guiding value of the *civitas popularis*, as Cicero suggests (Cic. *Rep*. 1.55).

Moreover, once these ideological lines had been drawn and blood shed, the association between competing conceptions of citizenship and the different ideological families became increasingly fixed. Ideological positions hardened, with each side cultivating identity and memory around its slain martyrs (*Rhet. Her.* 4.31). Not every *popularis* politician advanced mass enfranchisement, but whenever the issue arose, the pattern was consistent: those aligned with *popularis* ideology advocated broadening citizenship, while the *optimates* predictably resisted such measures.

This ideological commitment manifested pragmatically in various ways. It informed the opening of new paths to citizenship through the *leges repetundarum*, and the establishment of rhetorical schools which trained the children of Italic elites in the public-speaking skills essential for civic and political life – including the legal actions against corrupt magistrates that could result in enfranchisement. It also shaped their treatment of soldiers who fought *ex formula togatorum* to maintain Rome's supremacy. Marius famously granted citizenship to many while they were still under arms, personally enfranchised a select few afterwards, and collaborated with Saturninus to integrate them into the rewards he was planning for his veterans – most likely intending to enfranchise all those non-citizens who would have taken part in the planned land distributions.

By contrast, the *optimate* conception of *civitas* likewise produced practical policies, though of an opposing character. It gave rise to explicitly exclusionary legislation, such as the *lex Licinia Mucia*, which zealously policed the boundaries of the citizen body. More frequently, however, it manifested in steadfast resistance to any sustained expansion of the imperial core through large-scale enfranchisement. Often this resistance took violent form—typically with institutional sanction. Both Gracchi brothers, Fulvius Flaccus, and Saturninus, among others, met their ends through such means. At times, however, a subtler approach was preferred: the co-optation of select policies and the offering of tactical concessions followed with almost no actual implantation and intended to undercut the more transformative proposals of the *populares.* The career of Drusus the Elder stands as a paradigmatic example of such a strategy.

This tension came to a head during the tribunate of his son, Drusus the Younger, who took up the mantle of full enfranchisement for the *socii et Latini* as one of the key elements of a broad and ambitious reform programme. What had once been a secondary objective now

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shifted to the centre of the political stage. Contrary to his frequent portrayal as pro-senatorial, even *optimate*, there is strong evidence that Drusus presented himself as a *popularis* and was perceived as such by his supporters – moderate, perhaps, and skilled enough to build a broad-based coalition which nearly succeeded, but a *popularis* nonetheless. His project, however, failed to overcome entrenched opposition, and his proposal to grant Roman citizenship to the Italic peoples never came to fruition. In the end, his assassination – combined with the senatorial aristocracy's stubborn refusal to appreciate the intensity of the *cupiditas civitatis* – helped precipitate the *bellum sociale*.

The Social War was a watershed in the history of *civitas*, at least regarding the *socii et Latini*. The conflict forced Rome in general, and the *optimates* in particular, to confront the impossibility of maintaining such an exclusivist conception of citizenship. Put simply, the *socii et Latini* had to be enfranchised if Rome wished to preserve stability and control throughout Italy. There is no need here to retrace in detail the complex process that resulted in the extension of citizenship south of the Ariminum-Pisa line. What matters is that this transformation prompted a fundamental reconfiguration of the problem of citizenship. What had previously been an ideological struggle fought at the outer boundaries of the *civitas* now evolved into a contest over how to define its inner political boundaries. In other words, the question shifted from 'who belongs inside the *civitas*?' to 'how should those who are now inside the *civitas* be politically articulated?'

At this stage, a new pattern emerged. The *optimates'* proposed solution to the challenges posed by mass enfranchisement was clear: the political power of the *novi cives* must be curtailed so that the old citizen body could retain its primacy. The newcomers were therefore to be marginalised by being enrolled into only a few tribes, reducing their electoral influence to a minimum. Ideologically, this amounted to a reformulation of their earlier position within the expanded *civitas*: by doing this, the *optimates* sought to separate citizenship from meaningful political participation as much as possible for the *novi cives.* By contrast, *popularis* politicians consistently advocated for a more equitable arrangement, in which the *novi cives* were distributed across the traditional thirty-five tribes and allowed to exercise political power alongside the old citizens.

A distinctive feature of this pattern is that it developed in tandem with the eruption of the first Roman civil war, which further entrenched each side's ideological commitment to its preferred political fate for the *novi cives*. The years following enfranchisement were among the most chaotic of the late Republic, marked by internecine conflicts, shifting alliances, and even external invasions. However, despite these upheavals, it remains possible to identify certain ideological constants. This particular iteration of the citizenship question was one of them. From the outbreak of the *bellum sociale* until Sulla's refusal to conduct a census in 81, the *optimates* consistently sought to contain and diminish the political power of the *novi cives*

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– the methods varied, but the objective did not. Whether through restrictive legislation, the deliberate failure to conduct a census, the mobilisation of street violence to block redistributive measures, the contestation and annulment of *popularis* measures, or the obstruction of tribal enrolment, the aim remained the same. Conversely, the same consistency can be traced among *popularis* politicians. From the law sponsored by Sulpicius and supported by Marius, to the subsequent *rogatio* which Cinna attempted to bring before the assemblies before being attacked by Octavius' followers; from the promises made to the *novi cives* once the *bellum Octavianum* had commenced, to the decentralisation of the census and the final redistribution undertaken after the recapture of Rome – *popularis* politicians pressed for tribal redistribution at every opportunity. Many may question their motives, but the pattern of action is clear. Moreover, the Italic communities appear to have recognised this alignment. Their military and political backing formed the foundation of Cinna's hegemony, and they remained essential to the war effort against Sulla until the very end.

Again, I believe that from an ideological standpoint this was no coincidence, but something integral to the democratic features of *popularis* ideology. As Cicero attests, two defining traits of the *civitas popularis* were the promotion of 'an equality based on the dissolution of distinctions founded on dignity' (Cic. *Rep.* 1.43), and the defence of the people's authority to decide on every matter of the *res publica* (Cic. *Rep.* 1.47; 3.45). Both elements lay at the heart of the struggle over tribal redistribution.

First, enrolling the *novi cives* into the existing tribes was, by definition, an attempt to establish equality by dissolving distinctions of dignity: it placed the recipients on the same level as the benefactors. Indeed, the *populares*' commitment to this principle manifested itself just as consistently in a parallel measure affecting another group: the *libertini*. Alongside the debates over the *novi cives*, *popularis* politicians also pushed insistently to redistribute freedmen beyond the restrictive framework that confined them to the four urban tribes. When Marius and Sulpicius confronted the consuls in the streets of Rome to secure passage of their legislation, one of their bills proposed precisely the enrolment of the *libertini* across all thirty-five tribes. Later, after Cinna had been killed by a mutiny of his own soldiers and Carbo found himself preparing to resist both senatorial interference and Sulla's return, his regime arranged for a full tribal distribution of the *libertini*. This represented a radical dissolution of distinctions based on dignity, granting political equality to those who had formerly been slaves. Unlike the case of the *novi cives*, however, this measure was swiftly undone by Sulla and remained a contested objective of *popularis* legislation for decades thereafter.

Secondly, the principle that the *populus* had the right to decide and regulate any matter within its competence was central both to *popularis* ideology and to the controversy over tribal redistribution. As we have seen, after the mass enfranchisement that followed the *bellum sociale*, the *optimates* weaponised the census to obstruct and delay *popularis* efforts to implement full tribal integration. Without a wealth assessment, no citizen could vote in the

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comitia tributa, and without the *adscriptio* of the censors ritually confirming the command of the people, doubts could be raised regarding the capacity of the *novi cives* to cast their votes at all. Nevertheless, the *populares* paid little heed to these obstacles and acted in accordance with their ideological commitments. Only the *populus Romanus* could determine its own composition, and indeed tribal redistribution proceeded on the assumption that the enactment of a law – a mandate from the Roman people – created this new legal reality even without the intervention of any other magistrate. This was the situation for most of the *novi cives* until the census of 70-69.

In the end, *popularis* ideology contested the meaning of key political concepts – such as *populus*, *civitas*, or *libertas* – and invested them with a strongly partisan interpretation. Before the enfranchisement of the Italic peoples, if one had asked Fulvius Flaccus to define these terms, his answer would have differed radically from that of someone like Opimius. For Flaccus, the *populus* may not yet have included the *Latini et socii* in a legal sense, but it ought to, for they had fought and bled in defence of the community. For Opimius, the opposite was true. Years later, after seeing 'the River Tiber foaming with much blood', when Cinna addressed the army near Capua in an attempt to secure its loyalty, he appealed to a robust *demos* defending its right to elect its own magistrates. The *populus* he invoked included the *novi cives*, and not as marginalised dependants, but as political equals of the old citizens. Political expediency undoubtedly shaped many of these decisions, but so too did an ideology that had taken form over years of contestation and embodied a distinctly *popularis* conception of *civitas*: one that embraced an expansive and politically active citizen body, in which a numerous *populus*, equalised in its access to the *comitia tributa*, could impose its will when necessary. This was the means by which *libertas* – the guiding principle of a *civitas* they were trying to style as *popularis* – was to be defended. For, as Sicinius asked the plebeians in the third act of *Coriolanus*:

'What is the Citie, but the People?'[970]

970 Shakespeare, *Coriolanus*, 3.1.249-5.

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This dissertation analyzes how 'popularis' ideology shaped debates over Roman citizenship from the Gracchan tribunates to the census of 70-69. It argues that recurring conflicts over the limits of the 'civitas' show that the 'populares' promoted an inclusive, expansive model of citizenship, while 'optimates' defended a restrictive, exclusionary one.
After addressing the contested nature of ideology and establishing a methodological framework, the study traces how 'popularis' ideas articulated in surviving sources and how they engaged with the legal and political concept of the 'civitas'. It follows the evolution of the citizenship question from its rise with the Gracchi to the 70-69 census, which confirmed the incorporation of communities whose struggles, alongside the 'populares', entrenched this ideological pattern.