BOOK VII
REVOLUTION. SULLA TO CAESAR

CHAPTER XLVIII
ROME AND ITALY. 78—70 B.C.

936. The death of Sulla ushers in the final period of revolution, the period in which the Roman Republic, deprived of its master, proved that it could not do without one. That contemporaries should recognize this necessity, and tamely acquiesce in it, was of course impossible: the Roman nobles, proud of the glorious past and profiting by the imperial conditions of the present, were not the men to submit without a struggle. Nearly another half century elapsed before exhaustion and an emperor brought peace to the Roman world. At this point we may well pause for a moment and briefly review the situation with which the Roman government had to deal at home and abroad.

To begin with Italy. Bit by bit the Roman franchise had been extended over all the country south of the Po, and the communities of Latins and other Italian Allies were settling down in their new capacity of municipia, towns of Roman citizens, whose members enjoyed the Roman city franchise and also a local one. Each municipality had its local senate and magistrates, who carried on the government in local affairs and exercised jurisdiction in all cases save those reserved for the higher courts in the capital. Rome was now not only the centre of empire but the capital of Italy, and with the spread of Roman law and the Latin tongue the Romanizing of the more distant parts of the peninsula went on apace. Sulla had not seen his way to annul the various extensions of the franchise, and the whole of Italy should by rights have been ere now incorporated in Rome. There were however some notable exceptions, such as the Etruscan cities and Samnite cantons which he punished for their

1 The general authorities for this chapter are Livy epit. 90—98, and Plutarch’s lives of Sertorius, Lucullus, Crassus, Pompey, Caesar, Cato minor, Cicero. The Verrine orations of Cicero are very important, and Orelli’s Onomasticon and Index Legum are indispensable. The lost History of Sallust dealt with this period, and supplied the Marian party view of events. The fragments edited (1893) by Maurenbrecher in a connected form, and his Prolegomena (1891), are of the highest importance and interest. Later writers drew largely from this work of Sallust; who and what and how much, it is Maurenbrecher’s endeavour to determine, with marked success in many cases.

2 Italy and the government

stubborn resistance. And it is highly probable that of the Italians admitted by law to the citizenship of Rome a large number had not as yet been able to take formal possession of their rights. How many of them had found places in the registers of the Tribes, we do not know. In the more elaborate organization of the Centuries, which under the Sullan system had regained much of its old importance, very few can have been included. After the census of 86 no other was held till 70, and we do not hear of consuls discharging this part of the censorial functions. Altogether the confusion in the body politic must have been extreme, and discontent rife in Italy. Matters would not be improved by the presence of Sulla's military colonists; and the chief result of the changes of ownership, the revival of great estates and increase of the slave-population, was from every point of view a serious evil.

937. Of the numbers dispossessed by the acts of Sulla, those who remained in their native districts were a disaffected element, ready for revolutionary movements. Those who flocked to Rome would certainly strengthen the more turbulent elements of the Roman mob. They could not be prevented from voting, at least in the Tribe-Assembly. The immense majority of them would be hostile to the rule of the nobles under the Sullan system. One of their objects would certainly be the reestablishment of the cheap corn-supply. Nor could they be blind to the truth that the first step toward attainment of their wishes must be the restoration of the tribune to its former power. In short, there were at work, both in Italy and in Rome, forces tending to produce a counter-reaction, overthrowing the constitution of Sulla. The ‘popular’ or Marian party had been struck down but not crushed, and any demagogue had ready to his hand the prospect of powerful support from the capitalist Knights, eager to recover the control of the public courts. The senators placed by Sulla in the seat of power had among their various difficulties none more persistent than the dilemma facing them as jurors in the court of extortion. If by severity they encouraged good governors in punishing bad ones, they inflamed the wrath of the financial syndicates thirsting for provincial plunder: if by laxity they left the guilty unpunished, they gave great occasion for scandal. The demagogue might denounce them, and the financier, ever willing to take their place, would applaud the attack. Yet all these embarrassments might be successfully encountered so long as the military leaders commanding the allegiance of armies remained at the Senate's disposal. Once the relations between the two powers became strained, once the military men found that their ambitions could be more easily promoted by a ‘popular’ policy, the rule of Sulla's
No ‘oligarchy’

restored Senate would be at an end. And that this situation would arise was only too likely from the nature of the Senate itself. An aristocratic body must so far as possible maintain equality within its own ranks, and this tendency most readily expresses itself in a jealousy of successful rivals.

It may not be sheer waste of time to explain the objections to the use of the term ‘oligarchy’ in referring to the dominant power of the senatorial nobility. Truth is, this technical term has a quite definite connotation in the political vocabulary of the old Greek republics. However much the use of the term wavered, both in common speech and the writings of political thinkers, one point at least is always clear. Of the freemen belonging to a state, and enjoying civil rights therein, only a part (in practice a minority) enjoy political rights. These are the Few (δικαίων), who alone have votes in elections and other state-issues: those excluded from this class have no votes at all. In practice the line was normally drawn by means of a property-qualification. That all freemen belonging to the state should be entitled to vote, but that they should be grouped and organized in such a way that their votes were frequently of little or no effect, was assuredly a plan that would have seemed monstrous to a Greek. If all citizens in a Greek state had votes, government of the people by the people (δημοκρατία) was the sure and logical result. But in Rome, with her wide empire and her widely-scattered citizens, things had shaped themselves differently. The issues of public policy were ever widening, and the Assembly was wholly incompetent to deal with them. Nor was it an Assembly of the whole people, for the majority of the citizens were non-resident and seldom or never appeared to vote. But under the constitution the Assembly was in the last resort supreme. The Senate, the one competent body, had to manage the Assembly somehow, and the pressure of influence and corruption was the readiest way, perhaps the only possible one. Such a situation differed fundamentally from Greek oligarchy. It was a system of make-believe and compromise. Sulla had tried to give it a more logical character, by making the Senate practically supreme. But he could not impart to the senatorial nobles the virtues (perhaps superhuman) necessary for successful conduct of government in the circumstances of the time. The Assembly, though weakened, still existed as the traditional sovereign power: the Senate after all was a mere aristocratic Ring, with internal jealousies undermining its apparent strength.

By whatever name we call the government of Rome as left by Sulla, that government had many difficulties to deal with. In the provinces the condition of Spain was most alarming. A great part of
4 Troubles abroad. Lepidus

the peninsula was in rebellion, with Sertorius at the head of it. Macedonia was never really at rest from the inroads of its barbarian neighbours. In Asia Minor the presence of Mithradates was a source of anxiety, and there was danger of complications from Rome becoming involved in the affairs of Egypt. Meanwhile the pirates were more than ever the terror of the seas, and it was imperatively necessary to check them. Under the strain of discontents and agitations within and the pressure of these difficulties from without, it is not wonderful that the ten years from the retirement of Sulla (79—70) brought his political fabric to the ground. We will briefly trace the steps by which this result was brought about.

940. It has been already pointed out that the consuls of the year 78 began by quarrelling over the funeral of Sulla. All through the year they were at loggerheads, and Catulus with much ado held his vain ambitious colleague1 in check. Lepidus, relying on the general discontent, came forward with proposals to upset a number of the acts of Sulla. There was already a serious movement on foot to revive the powers of the tribunate. This he successfully opposed, most likely foreseeing that it would not suit with his own designs. But he proposed to recall the Marian exiles, to undo Sulla's land-settlement by restoring the dispossessed Italians to their confiscated lands, and to renew the supply of cheap corn to the city populace. This last measure he seems to have carried. An outbreak at Faesulae in Etruria, in which a party of Sulla's military settlers were overpowered with loss, and the lands reoccupied by their former owners, gives us a glimpse of the state of things existing in some parts of Italy. But the Sullan settlers, and others interested in keeping things as they were, were still too strong to allow any wholesale reversal of the dictator's policy. Lepidus was preparing to overthrow the Sullan system by force of arms. But he delayed, having prospects of a better opportunity in the following year. The Senate, alarmed at the quarrel of the consuls, had required them both to swear that they would not engage in civil war. But Lepidus held that this oath only bound him as consul. In the allotment of provinces for 77 he had drawn Transalpine (Narbonese) Gaul, and he would as proconsul have a good pretext for raising an army. The disturbances in Rome prevented the holding of the consular elections, and at the beginning of 77 the gaps had to be filled by resort to an interregnum, while Lepidus, having a free hand, set to work with his revolutionary pro-

Pompey indispensable

ject. There was at first nobody to stop him, for until he committed some overt act of hostility nobody had power to interfere. No doubt some preparations were being made, and the Senate went so far as to summon the proconsul to Rome to give an account of his proceedings. Lepidus had now two forces under arms. His lieutenant M. Junius Brutus remained in Cisalpine Gaul to secure the North, while he himself with the main army in Etruria marched upon Rome. Such was his answer to the Senate, little more than a year after the death of Sulla.

941. The accounts of this affair of Lepidus are in many respects conflicting and obscure. Whether his proposals eventually included the restoration of the tribunician power, whether civil war began while he was still technically consul, whether he marched on Rome once or twice, are points\(^1\) on which opinions may well differ, and which matter little. The Senate met him with a force nominally under the command of Catulus, of which Sullan veterans doubtless formed the backbone. But Catulus was a man of civilian pursuits, so Sulla's lieutenant Pompey was called in\(^2\) to supply military skill. The occasion is notable. Pompey, Sulla being now dead, appears as the indispensable man, through whom the Senate gives effect to its will; a position which he was never afterwards content to abandon. The attempt of the Senate to use him without becoming subject to him, in fact to dispense with him, is one of the most significant episodes in the history of the Roman revolution. Lepidus was defeated in a battle\(^3\) fought on the northern side of Rome, and driven back into Etruria. He seems to have had transports ready to convey his army to Transalpine Gaul. Once convinced that his present undertaking had failed, he put to sea and landed in Sardinia, with what design is uncertain. He was not able to get control of the island, and in a short time fell ill and died. His army partly dispersed, but the best part of it was taken by his lieutenant Perperna to join Sertorius in Spain. Meanwhile Pompey had crushed the rising in Cisalpine Gaul and put Brutus to death, treacherously and cruelly, as was said by some: perhaps with truth, for his treatment of Carbo in 82 had been base and cruel enough. The son of this victim, M. Brutus, and his nephew D. Brutus, were in 44 notorious among the murderers of Caesar.

942. The senatorial government was not to be upset by force of

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1 We must not forget that Pompey had supported the candidature of Lepidus for the consulship against the warnings of Sulla. Plutarch Pompey 13.

2 Whether Pompey took part in this part of the operations has been doubted, and his chief work was certainly in Cisalpine Gaul. See Livy epit. 90, Plut. Pompey 16, Florus 111.
6 Young Caesar

arms, at least not for the present. But the political reaction against it remained, and the corruption of the nobles at times offered chances of attack. The opposition or Marian party were wanting leaders of courage and eloquence, able to take advantage of opportunities. Cicero, since his defence of Roscius, had found it convenient to seek change and self-improvement in the centres of Greek culture. Young Caesar too, after his escape from the wrath of Sulla, had been away in the East, where he had served with distinction at the siege of Mitylene. In 79 the consul P. Servilius was appointed to the province Cilicia with charge of the war against the pirates, who were infesting the eastern seas. When he took command Caesar joined him, but on the news of Sulla's death returned to Rome. The young man (he was about 24) had already chosen his side in politics: indeed as nephew of Marius' wife and son-in-law of Cinna he was naturally marked out as an opposition leader. But it was as yet too soon to carry measures of reform, and with foolish ventures likely to end in fruitless bloodshed he would have nothing to do. So he bore no part in the silly enterprise of Lepidus. He knew the man, and did not trust him. But there was work to do in exposing the iniquities of the ruling nobles, and the court of extortion was already a field in which rising young orators turned their talents to account. Cn. Cornelius Dolabella (consul in 81) had been proconsul in Macedonia, the governor of which province had a general supervisory authority over the nominally free communities of Greece. The provincials charged him with oppressive extortion, and Caesar took up their cause and brought him to trial. That he was acquitted by the senatorial jury was no proof of his innocence. But the impeachment had served Caesar's turn, for to discredit senatorial juries was politically not less important than to convict and punish Dolabella. A number of Greeks had given evidence for the prosecution, no doubt at considerable trouble and expense. To encourage these useful supporters Caesar went on to another case. During the Mithradatic war one C. Antonius had been employed by Sulla in Greece, where he had used his power to squeeze bribes out of the wretched people. Caesar brought him to trial. His guilt was clear, but again the prosecution failed. In short, for the provincials there was no redress, but the senators had added to the record of scandals that might serve as a convenient weapon in the hands of their adversaries. Such was the practical working of the Roman Republic as an imperial power.

943: The suppression of the rising of Lepidus was in itself a relief to the Senate, but the sequel clearly exposed the real weakness

1 See Sueton, Jul. 4, Plutarch Caes. 4, Q. Cicero de petit. cons. §8, Valer. Max. viii 9 §3, and index to Cicero.
Pompey sent to Spain

of that body. To the news of the victories of Sertorius in Spain was now added the knowledge that Perperna had carried off a considerable force to strengthen still further the rebellion in that troublesome province, and so to give a more Italian character to the war. To put down this rising before it became irresistible, and perhaps involved Italy, was necessary. But who was there to do this? The Senate was at a loss, and Pompey took advantage of their perplexity. After he had stamped out the revolt in Italy, he contrived to keep together the army which it was his duty to disband. Meanwhile he intrigued through his friends to obtain the command in the Spanish war. His position was a strong one. The House was loth to confess that it had to rely on a young man, still only a Roman Knight who had served in no magistracy, to get it out of a serious difficulty. But the thing had to be done, and Pompey was duly invested with the imperium pro consule and made equal with Metellus already in Spain. That the consuls of the year were neither of them fit for the charge was generally admitted; and the sarcastic Philippus is credited with the acid remark that he proposed to send out Pompey not in place of one consul (pro consule) but of both (pro consultibus). How Pompey prospered in his new command we shall see below. For the present the important point is that pressure had been put upon the Senate by their young military champion, and the Senate had seen no way of avoiding compliance with his wishes. Many must have felt that they were rather obeying a master than employing an agent. To them the future may well have been clouded by misgivings; the weary Sulla had resigned his despot power in their favour, but Pompey, trained in Sulla's school, was only at the beginning of his career, and already famous for successful defiance of precedent.

944. The removal of Pompey left the field clear for movements of the Marian party in Rome. In the next year (76) we find a tribune named Sicinius\(^1\) openly agitating for restoration of the tribunician power. The consuls of the year opposed him, but he persisted, and was only silenced by some arbitrary procedure, perhaps by a fine imposed on him for a technical breach of the lex Cornelia. But the fact of a tribune venturing to attack Sulla's limitation of the tribunate was in itself highly significant of the public temper, and the year 75 saw the agitation continued. Times were bad for the Roman government. The wars in Spain and Thrace were costly, and the necessity of taking over new provinces in the East was now pressing: a fresh Mithradatic war was clearly inevitable: altogether the strain on the finances of the state was extreme. Corn was scarce\(^2\) and dear, and

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\(^1\) Sallust \textit{Hist.} II. 23—27, III. 48 \S 8, Maur.
\(^2\) Cicero \textit{ad Verrem.} III. \S 315, \textit{pro Flacco} \S 64, Plutarch \textit{Cic.} 6.
The Marian party reviving

the Roman populace irritable, for there was no spare money in the treasury, and no prospect of exceptional measures of relief. Cicero, who was then quaestor in Western Sicily, took great credit to himself for his exertions in forwarding corn to Rome. But public discontent was so great that the consuls were attacked by the mob and for a time unable to shew themselves in the streets. The tribune Q. Opimius was keeping up the agitation begun by Sicinius in the previous year, and one of the consuls, C. Aurelius Cotta, saw that some concession was inevitable. A former ally of Drusus, banished by the Varian commission in 90, restored by Sulla, he had much experience, and he was now one of the first orators of the day. He proposed and carried a law\(^1\) repealing that clause of the *lex Cornelia* which disqualified ex-tribunes for holding any further office. The Senate grumbled but could not venture to block the measure, as it might have done. Better men would now be got to hold the tribunate. That was all; but it was something, and more would follow. The resentment of the governing nobles found expression in the next year (74), when Opimius the ex-tribune was prosecuted for an alleged violation of the *lex Cornelia*. The court, presided over by the praetor C. Verres, found him guilty, and a heavy fine harshly exacted was the ruin of him. So at least said Cicero\(^2\), who referred to this affair as one of the iniquities of Verres.

945. In the year 74 the external embarrassments of the government were even greater. What with the desperate state of affairs in Spain, the ceaseless warfare on the Macedonian frontiers, the revival\(^3\) of activity on the part of the pirates after what had been fondly deemed their effectual suppression by Servilius, and the alarming preparations of Mithradates, there was trouble on every side. Meanwhile it was decided to take over\(^4\) the Cyrenaica and Bithynia as provinces, and this was a challenge to both Mithradates and the pirates. Both were interested in opposing further extensions of the Roman dominion, and we shall see that a connexion was formed between the Pontic king and Sertorius through the help of the pirate cruisers. These matters will be dealt with in the next chapter. It was evident that the greatest exertions would be needed to assert the power of the imperial republic East and West by land and by sea. That Rome did not succumb to the strain of all these dangers is a proof of her real strength, even after the awful losses of the Italian and civil wars. Still more is it a proof of the weakness of her

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\(^1\) Asconius pp. 66, 78. 
\(^2\) Cic. *In Verr.* 1 §§ 155—7. 
\(^3\) See §§ 964—6. 
\(^4\) Cyrene bequeathed to Rome in 96, Bithynia in 75, made provinces in 74. See §§ 805, 968.
Lucullus

enemies. The ruling nobles, to do them justice, competed for the posts of danger and glory: in all their luxury and corruption they were still a soldier-aristocracy. The two Luculli, Lucius the former lieutenant of Sulla, and his brother Marcus, were typical men of the time, but above the average in virtue. The ex-Marian renegade Cethegus, a clever but dissolute fellow, was just now a very influential person. The complications and intrigues then rife are illustrated by the arrangement come to for the Sertorian and Mithradatic wars. L. Lucullus, one of the consuls of the year, wanted to command against Mithradates. He had been regarded by Sulla with marked favour, and between him and Pompey, who posed as Sulla’s military heir, there was keen jealousy. The present policy of Lucullus was to keep Pompey busy in Spain while he secured for himself the command in the East. He therefore supported the proposal to send reinforcements and money for the Spanish war, and it was carried. But in the allotment of provinces he had the bad luck to draw Cisalpine Gaul. While he was casting about for a way to avoid being thus shelved, news came that the governor of Cilicia, L. Octavius (consul in 75), was dead. Lucullus set himself to secure this vacancy, which would probably carry with it the command in the eastern war. To this end it was all-important to win the favour of Cethegus, but this debauchee and the respectable Lucullus were open enemies. Lucullus stooped to conquer. He made interest with the notorious courtesan Praedia, and through her help won the favour of Cethegus and the Cilician province. Of the Mithradatic war we shall speak below. The manœuvreurs of Lucullus concern us here as illustrating the state of things in the upper circles of political and social life.

946. If the merits of Lucullus might excuse the jobbery of his appointment, the same could not be said in the case of his colleague M. Aurelius Cotta, who received Bithynia and with it the charge of the naval department of the Pontic war. He was a failure. Worse still was the appointment of the praetor M. Antonius to the command against the pirates. His father, the famous orator, one of the victims of Marius, had gained some credit by his operations on the Cilician coast in 102, the first attempt on the part of Rome to check eastern piracy. He might urge a quasi-hereditary claim, but it seems to have been the influence of Cotta and Cethegus that brought about his preferment, worthless though he was known to be. To disregard aristocratic equality a in favour of such a man as Antonius was a

1 On what authority Ferrero i 135 asserts that the family was poor, I know not. Nicolaus Damasc. fragm. 83 (FHG III 416—7) only refers to the παρεμβολή of L. Lucullus. I agree with Drumann (not Drumin) iv 165 ‘er war begittet, ehe er als consul nach Asien gieng.’ It is true that he returned from Asia a millionare.

9 See § 966.
Judicial scandals

blunder that brought its own punishment. It is no wonder that there was trouble in home politics, when the ruling nobles were thus given over to jobbery in the face of gathering perils. A tribune of mean origin, one L. Quinctius, carried on the agitation against the senatorial government. He was in some way connected with the restless and unprincipled Cethus, but was, if we may believe Plutarch, a good deal calmed and restrained by the influence of Lucullus. But in the course of the year a grave judicial scandal encouraged him to come forward again and attack the present constitution of the public courts. A citizen from a municipal town was charged by his stepson with attempting to remove him by poison. He was found guilty by a jury in the murder court at Rome. There were suspicious circumstances attending the verdict, and the opinion gradually spread that bribery had been used to procure the condemnation of a man innocent at least of this particular crime. Quinctius took up the matter, harangued popular meetings on the subject of judicial iniquities, himself brought to trial the president of the court that had corruptly condemned an innocent man, and got him fined and his prospects in public life ruined. The man had been to blame for some technical irregularities, but what was fatal to him was the terrorism of popular enthusiasm at the back of Quinctius. The affair served to inflame the general hatred of the senatorial juries, and to draw the capitalist Knights into closer sympathy with the popular agitators. That there was good reason for discontent with the courts as conducted by venal senators we need not doubt. The city praetor of this year 74 was no other than the notorious Verres.

947: The year 73 brought no lessening of anxieties abroad. If things were a little better in Spain, they were worse in the East. L. Lucullus was not doing badly, but M. Cotta had been utterly defeated. As for Antonius, he was a burden to Rome’s maritime subjects, and ineffective against the pirates. Frontier war in Macedonia dragged on as before. One of the consuls of the year, M. Lucullus, drew that province, and commanded there with more success in the two following years. To these troubles was now added a terrible danger in Italy itself. We have often noticed the perilous state of the country under the system of rural slavery, and referred to the training of slave-swordsmen for public entertainments. These

1 Cicero pro Cluentio §§ 77—9, 84—5, 89—94, 108—113, with Plutarch Luc. 5, Sallust hist. index Maur. This is the man referred to by Cicero in his speech pro Tullio, as counsel for the other side.

2 The case of Oppianicus.