

Roman Politics in the 70s B.C.: a Story of Realignment?*

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ABSTRACT

This paper revisits the political history of the Roman Republic in the third decade of the first century B.C. Its central contention is that the dominant feature of the period was neither a reshuffle of alliances within the ‘Sullan’ senatorial nobility nor the swift demise of Sulla’s legacy. Attention should be focused instead on some crucial policy issues which attracted debate and controversy in that period: the powers of the tribunes, the corn supply of Rome, the rôle of the Senate, the revival of the census, and the full inclusion of the Allies into the citizen body. The political strategy of M. Aemilius Lepidus (cos. 78 B.C.) and its medium-term repercussions also deserve close scrutiny in this connection.

Keywords: Roman Italy; Roman Senate; L. Cornelius Sulla; M. Aemilius Lepidus; corn supply; land; tribunate of the plebs; census

I DEFINING THE LEGACY OF SULLA

In the first book of the *Civil Wars* Appian discusses in vivid terms the events of the year 78 B.C. He devotes considerable attention to the funeral of Sulla and frames that spectacular public ceremony as the moment that brought the season of the Civil Wars of the 80s to a close and opened up a new phase in the troubled history of the late Republic.¹ In that account, the debate that preceded the funeral is the first stage of the process in which Sulla’s legacy is contested and eventually undone. According to the main surviving ancient narratives of the period, there had been no room for dissent since the Colline Gate battle (November 82 B.C.); the *dominatio* of the dictator was the time for systematic massacres and the distribution of rewards to the friends of the victor, not for open political debate.² If we are to believe Plutarch, even when the junior (if well-born) senator C. Caecilius Metellus publicly asked Sulla when he intended to put an end to the massacres that followed the Civil War, he did not question Sulla’s entitlement to pursue those that he was determined to punish.³ In Appian’s words, Sulla ‘ruled as he pleased’ after he killed Lucretius Afella (or Ofella) in the middle of the

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¹ App., *BC* 1.105–7. Vanderbroeck 1987: 220 and Blasi 2012: 13–23, 72–5 offer useful overviews of the evidence. It is likely that the funeral took place in the spring; Carcopino 1931: 221 n. 3 suggests a dating in March on the speculative grounds that there was a risk of rain during the funeral (Plut., *Sull.* 38.3).

² Sulla’s *dominatio*: Cic., *Leg. agr.* 1.21, 2.81; Sall., *Cat.* 5.6; *Hist.* 1.55.2, 8 M. (=1.48.2, 8 McG.).

³ Plut., *Sull.* 31.2–3.

Forum to punish him for his decision to stand for the consulship, probably in early 81 B.C.⁴ As Plutarch states, many may have had reservations on the system shaped by the new *Leges Corneliae*, especially shortly after they were passed, but there is no evidence that these were publicly voiced and discussed.⁵ Cicero claims to have argued against the legitimacy of the Sullan law that deprived several communities of the Roman citizenship in a case concerning a woman from Arretium, which was heard during Sulla's lifetime. The outcome may well have been favourable to Cicero's client, but the issue was not resolved by that precedent.⁶ Tellingly, the speech was not published.⁷ The *pro Roscio Amerino* was delivered during Sulla's lifetime, probably in 80 B.C., and provided comprehensive factual evidence for the abuses perpetrated during the proscriptions. It also included a bitter attack on Chrysogonus, a freedman who had a close personal association with Sulla. Cicero's focus, however, was consistently on the case and its protagonists, and the speech is strikingly free from explicit criticism of Sulla and his political agenda.⁸

There is a risk, as ever, of oversimplifying the nature of the political debate in light of the scant evidence that survives. A passing reference in Tacitus' *Dialogus* records that many eloquent speakers did not spare even Scipio, Sulla or Pompey. The reference to *plurimi disertorum* can hardly be just to the young advocate from Arpinum who took over the defence of the Arretine woman and of Sextus Roscius from Ameria.⁹ It is impossible, however, to give any depth to the picture. In the accounts of most of the surviving sources, it is only with Sulla's departure from the political scene that open criticism of his use of power is voiced: in Appian's memorable narrative, by a boy who heckled Sulla on his way home on the day of his retirement to private life, and later by M. Aemilius Lepidus (*cos.* 78 B.C.), who put forward the unsuccessful proposal of denying Sulla a public funeral.¹⁰ That ceremony was also the last moment at which Sulla's veterans acted as a united group in the city of Rome, as they took part *en masse* in the funeral of their commander. Unlike the veterans of Caesar, they never became a pressure group that fought to secure the survival of their former leader's political legacy. Their interests had been provided for, with varying degrees of success, before the death of their patron.¹¹ The '10,000' freedmen that Sulla had manumitted at the end of the Civil War and settled — if we are to believe Appian — in the city of Rome also disappear from the historical record.¹²

In Appian's relatively straightforward (and no doubt oversimplified) account, the Sullan resettlement is an eventful interlude in the long history of the clash between *optimates* and *populares*. From 78 B.C. onwards, business resumes as usual, so to speak, and the familiar

⁴ App., *BC* 1.101: κατὰ ἐβούλετο ἤρχε. On the date see Keaveney 2003: 90–1; cf. also 84 on the choice between Afella and Ofella.

⁵ Plut., *Cic.* 10.2.

⁶ Cic., *Caec.* 97, with Crawford 1984: 33–4. See below (Section V) for further discussion of the case.

⁷ cf. Steel 2012: 256–7.

⁸ Gruen 1968: 268–9; Santangelo 2007: 88–93; Dyck 2010: 5–10; Santangelo 2012a: 427–8 (discussing further recent bibliography). On the relevance of the *pro Roscio* to Cicero's construction of his public persona see Steel 2012: 256 and Zetzel 2013: 434–42.

⁹ Tac., *Dial.* 40.1. It is unclear which Scipio is alluded to; Güngerich 1980: 175 suggests Aemilianus.

¹⁰ App., *BC* 1.104 and 105. Significantly, the latter is the only instance in which there is mention of the 'Sullans' (Σύλλαιοι) as a political group rather than as the army fighting under Sulla's command in the Civil War in the ancient evidence: Santangelo 2012b (cf., however, the cursory reference to *Syllana factio* in ps.-Ascon. p. 255.15 Stangl). On the limits of the notion of 'politica «sillana»' after Sulla cf. also Canfora 1974: 7–12. Criniti 1969a: 403 draws attention to Appian's use of the word στάσις in this context. Paterson 1985: 23–7 is more optimistic on the viability of charting the 'Sullan' camp in the 70s and speaks of a 'class of 81'; see also Wulff Alonso 2002, 107–8, 189. The existence of a group of men who owed their rise to Sulla's victory does not entail, however, that they were a united political coalition.

¹¹ *contra* Twyman 1972: 819. On Sullan colonization see Santangelo 2007: 147–57; Their 2010.

¹² App., *BC* 1.104.

binary pattern of Roman politics takes over again. This view has met with wide approval. Most recently, V. Arena has set out to read the developments of the consulship of Lepidus and Catulus in 78 B.C. precisely in terms of a revival of the clash between *populares* and *optimates*.¹³ Others have sketched different reconstructions. In a famous, if flawed, book, J. Carcopino argued that Sulla set out to create a monarchic regime, but quickly lost the support of the senatorial nobility, led by the Caecilii Metelli, and was eventually compelled to withdraw to private life.¹⁴ In a recent contribution, A. Thein has drawn attention to the tension between the ancient depiction of Sulla as a tyrant, or at least as a forerunner of imperial power, and the evidence for the limits of Sulla's power and influence. In his fascinating definition, Sulla was a 'weak tyrant', who could never avoid coming to terms with a complex web of élite infighting, opposition, and consensus crippled by guilt.¹⁵

The 70s of the first century B.C. have an awkward place in modern discussions of late Republican politics. To use an astronomical metaphor, they fall into a cone of shadow: they are not covered by what survives of Cicero's correspondence, which begins in the mid-60s; they witnessed hardly any memorable speeches of the great orator until the *Verrines*; the great men portrayed in Plutarch's biographies did not reach their prime in that decade, with the partial exception of Sertorius; Appian's *Civil Wars* concentrates on military developments, notably the wars of Lepidus, Sertorius, and Spartacus, but has very little to say about political developments in Rome.¹⁶ Of course, this state of affairs is not representative of the evidence that was available in antiquity. The most ambitious historical work of Sallust, the *Historiae*, provided a continuous account of the political history of the 70s. Some of its fragments convey a sense of the wealth of insights and detail that the lost large-scale narrative contained.

There is also the risk of a sort of tunnel-vision. Much of what we know about the political life of this decade pertains to the consulship of Pompey and Crassus in 70 B.C., a year when the Sullan reform of the tribunate was famously undone, under the watch of two men who had had, in their own different ways, a close and complex relationship with Sulla.¹⁷ The significance of that year is unquestionable, although schematic and teleological solutions must be avoided. The complexity and liveliness of the preceding decade is worth exploring and bringing out in more detail. A biographical, or indeed prosopographical, focus would hardly be fit for purpose. The political itineraries of figures like Pompey, Crassus and Caesar in the 70s have received sustained attention. While this level of information is undoubtedly significant, providing an account of their position towards the Sullan resettlement and their ideological orientations (if any) is hardly a rewarding task. That the motives of prominent individuals may be hard to assess is powerfully illustrated by the case of M. Aemilius Lepidus. While the publicly stated agenda of the 'subversive consul' of 78 B.C. may be reconstructed with a reasonable degree of confidence, the relationship between his rise to the consulship (while Sulla was still alive) and his later decision to start a revolt in which the surviving enemies of Sulla played a crucial rôle is bound to remain enigmatic.¹⁸ The impression that these matters may be unresolvable is strong. Exploring the allegiances of people at a lower level of the political spectrum is not a much more instructive exercise. The prosopography of the senators that are known to have been appointed in Sulla's levy in

¹³ Arena 2011. For a well-documented, if somewhat over-zealous, attempt to deconstruct the traditional dichotomy cf. Robb 2010.

¹⁴ Carcopino 1931. Cf. also Rossi 1965: 145–6, 150–1 (= 1996: 76–7, 79–80).

¹⁵ Thein 2006.

¹⁶ Flower 2010: 138–9 stresses these limitations.

¹⁷ Millar 1998: 49. On Sulla's reform of the tribunate see App., *BC* 1.467; Ascon. p. 67.2 and 78.23 Clark, with Hantos 1988: 74–9.

¹⁸ 'Subversive consul': Labruna 1975.

81 B.C. reveals little about their backgrounds, personalities or visions.¹⁹ Facile assumptions of continuity between one's allegiance in the age of the Civil War and one's political position after Sulla's death should be avoided: the political choices of C. Aurelius Cotta (*cos.* 75 B.C.), which will be discussed below, are a case in point.

The 70s witnessed varying degrees of political repositioning, in two different senses: towards the Sullan settlement and, more significantly, on a number of key policy issues. The two classic discussions of the period in English give strikingly different assessments. P. A. Brunt argued that the reform of the tribunate 'destroyed the barrier to popular legislation Sulla had devised' and that 'the Sullan system was now in ruins'.²⁰ Pompey was unwilling to accept a system in which the leading men in the State were to share a roughly equal amount of influence; his rise had in turn been made possible by the lack of military expertise within the senatorial élite that was caused, at least in the short term, by the Social and Civil Wars.²¹ On this reading, the reform of the tribunate was the factor that brought about the demise of the Sullan settlement. Pompey was its 'initial beneficiary'.²² E. S. Gruen took the opposite view: 'adjustment, rather than breakdown, was the hallmark of the 70s', with a 'broadened senatorial class' that 'remained in control throughout'.²³ He also envisaged 'a complex reshuffling of alignments and alliances' that 'dominated the political scene of the 70s'.²⁴ Some progress may be reached by discarding — at least for the purposes of this discussion — the modern scholarly abstractions of the 'Sullan constitution', the 'Sullan regime' and the 'Sullan oligarchy', and turning our attention to the specific processes that led to changes on specific policy fronts.²⁵ As H. Flower points out, we know more about the reforms that were put in place at the end of the decade than about the processes that brought about that series of changes.²⁶

This paper is based on the contention that some progress is in fact possible in this area. The focus will be on several crucial fronts of internal politics, which appear to have been the areas that received closest attention and attracted the greatest controversy in the 70s.²⁷ The discussion will be divided into four segments, which are all relevant to charting the main themes in the politics of the decade after Sulla's death and to singling out the priorities of the political élite at the time. The first step will be the discussion of the debate on the powers of the tribunes, which resumed immediately after Sulla's death, continued throughout the following decade, and found a controversial solution in 70 B.C., with its restoration during the consulship of Pompey and Crassus. Attention will then be turned to another issue that received sustained attention in the 70s and was one of the defining problems in late Republican politics: the legislation on corn distributions.

¹⁹ Santangelo 2006: 16–22.

²⁰ Brunt 1988: 471–2.

²¹ Brunt 1988: 472. This argument relies heavily on Cic., *Font.* 42–3, where a contrast is drawn between the generation of those who fought in the Social War and that of Cicero's client; Dyck 2012: 75 sets the remark within its rhetorical context, rightly speaks of a 'perceived decline', and lists comparable statements by Cicero. On the 'poverty of leadership among the Sullani' cf. Hillard 1981: 78–9 (I am most grateful to Dr Hillard for providing me with a copy of his invaluable paper, which is apparently unavailable in the UK).

²² Brunt 1988: 472. Millar 1998: 72 also regards the restoration of the tribunician powers as the end of 'the brief *dominatio* of the Senate'. Cf. also Flower 2010: 140 for the suggestion that Pompey's support for the reform of the tribunate was largely 'self-serving'.

²³ Gruen 1974: 45. Cf. Murrell 2008: 32. For a classic attempt to identify the members of the 'Sullan oligarchy' and discuss Pompey's place within that coalition see Twyman 1972: 832–53.

²⁴ Gruen 1974: 43; see also Gruen 1966. For a comparable assessment cf. Rossi 1965 (= 1996: 69–80) and Laffi 1967: 203–5. For a critique of Gruen's reading see Hillard 1981 (a comprehensive discussion of the political history of the decade, which takes popular discontent towards the conduct of the senatorial order as its main focus). Steel 2014a: 337 accepts Gruen's reconstruction with some crucial qualifications.

²⁵ For comprehensive discussions of Sulla's 'constitutional' innovations see Hantos 1988 and Hurler 1993. The concept of 'Sulla's new republic' (Flower 2010: 117–34) appears to be more productive.

²⁶ Flower 2010: 139.

²⁷ Flower 2010: 61–79 uses a comparable approach to frame the discussion of the second century B.C.

A third major aspect of that political season was the new position of the Senate; the Sullan reorganization changed the profile and the rôle of that body to an unprecedented extent, and determined important political developments in the following years. The fourth section will be devoted to the Italian dimension, in which tensions over land and continuing disputes over citizenship were closely intertwined, and on which the census of 70 B.C. made a considerable impact. The conclusion will then draw some general points from the variety and complexity of political developments of the 70s, and will argue that the demise of the ‘Sullan system’ or the continuation of the supremacy of the ‘Sullan oligarchy’ were not the central themes of the political debate.

II THE TRIBUNATE

The events of 70 B.C. — the reform of the tribunate enacted by the consular pair of Pompey and Crassus, the revival of the censorship after more than fifteen years, and the reform of the criminal courts — form an impressive sequence.²⁸ They should not necessarily be regarded, however, as the stages of a coherent political strategy in which the Sullan legacy as a whole came under attack. J.-L. Ferrary pointed out that the bill of the praetor L. Aurelius Cotta for the reform of the criminal courts appears to have been accepted, rather than actively supported, by Pompey, and was tellingly passed towards the end of the year.²⁹ Other Sullan reforms remained unscathed.³⁰ One of the key features of the Sullan resettlement, the law that reintroduced co-optation as the method for recruiting priestly colleges, was not undone until 63 B.C., when the tribune T. Atius Labienus passed a law that restored the provisions of the *Lex Domitia*;³¹ unfortunately, the debate that preceded that further change in the legislation is not attested in the surviving evidence. Cassius Dio merely draws attention to the connection between Labienus and Caesar, who benefited from the new law a few months after its passing, when he stood for election to the supreme pontificate.³² The wider political significance of the *Lex Cornelia* on priesthoods is indirectly confirmed by the choice of pseudo-Asconius to include it among the measures that harmed the interests of the people, along with the reforms of the tribunate and the courts.³³ The increase of the membership of the priestly colleges, such as the augural and the (quin)decemviral ones, was a change from which — unsurprisingly, perhaps — there was no way back.³⁴ This was not the only aspect of ‘Sulla’s republic’ (to take up a notion recently explored by H. Flower) that remained in existence well after the end of the 70s. The new permanent criminal courts, the increased numbers of praetors and quaestors, the new law on *maiestas*, the organization of the province of Asia are all important Sullan innovations that made a significant impact and were not discontinued.³⁵ The civic rights of the sons of the victims of the proscriptions were not restored until 49 B.C.³⁶

²⁸ Evidence in Greenidge and Clay 1960: 270–4.

²⁹ Ferrary 1975: 333–41.

³⁰ Speaking of ‘desullanization’, as Vanderbroeck 1987: 35 provocatively does, is entirely misleading.

³¹ Evidence and discussion in North 2011.

³² Dio 37.37.1.

³³ Pseudo-Asconius, *In Divinationem*, p. 188.26–9 Stangl: ‘his enim X annis uictore Sylla ciuilibus bellis spoliatus est p. R. potestate tribunicia, iudicandi iure quod habuit per equites R. XL annis, arbitrio creandorum sacerdotum, senatus aut iudicum’ (‘for in those ten years, after Sulla won the civil wars, the Roman people were stripped of the tribunician power, the power of serving justice, which it had held through the knights for forty years, the power to appoint priests, senators or jurors’).

³⁴ Livy, *Per.* 89.4; *Vir. Ill.* 75.11; *Serv. in Aen.* 6.73.

³⁵ See Laffi 1967: 185; Lepore 1993: 738–9. Cf. Flower 2010: 139: ‘This [*scil.* the 70s] is the decade that saw the essential failure of Sulla’s republic’.

³⁶ On the *liberi proscriptorum* and the *Lex Antonia* that provided for their rehabilitation see Rotondi 1912: 416; Wiseman 1971: 6–8; Hinard 1985: 87–100 and 2008: 107–20.

Nonetheless, the significance of the reform of the tribunate in 70 B.C. cannot be underestimated: that was the defining political issue of that year and the central point of agenda of Pompey's consulship. It is possible that some who had previously supported the Sullan reform of the tribunate regarded the new set-up as an insignificant obstacle to the assertion and continuation of the supremacy of the nobility.³⁷ Centuries of Republican history, and even recent experience (notably Livius Drusus in 122 B.C.), proved that the tribunate of the plebs was not incompatible with policies that in fact served the interests of the most conservative faction of the Senate. Others, however, held different views. Quintus Cicero's well-known attack on the tribunate in *De legibus* III includes firm praise of the Sullan reform and a strong attack on *Pompeius noster* ('our Pompey'); the reform of 70 B.C. is emphatically singled out as a defining moment in the history of the Roman magistracies.³⁸ Much recent scholarship on Cicero's philosophical work has shown that the statements of the characters should not be taken as evidence for their own views, and the arguments deployed in those texts cannot be used for the reconstruction of the late Republican political debate without some important qualifications.³⁹ Nonetheless, the tone of Quintus' remarks strongly points to the conclusion that in some quarters the restoration of the powers of the tribunate was regarded as a political development that decisively shifted the balance of power within the *res publica*. The issue proved more divisive than modern scholars have often been prepared to acknowledge.⁴⁰

That Quintus was an opponent of the reform is not suggested just by the *De legibus*. In a letter to his brother of 13 June 58 B.C., Cicero urged him to make sure that an episode from the past was not to damage his political prospects. A few years earlier, in 66 B.C., when he was standing for the aedileship, Quintus had been falsely accused of being the author of an epigram that criticized the restoration of the tribunate.⁴¹ Cicero feared that the allegation would resurface — possibly on Hortensius' initiative — to hinder Quintus' relationship with Crassus and Pompey. It is remarkable that rumours of having been opposed to the reform of the tribunate would be deemed to seriously affect one's prospects more than a decade after the events; it powerfully indicates how polarizing the issue had been. The circulation of a text of that kind — the wording of which remains unknown — is also a symptom of how lively the debate was in the months preceding the reform. Even if Quintus was not the author of that epigram, it is likely that the rumour was the symptom of a view he genuinely held, and that he had indeed been an outspoken opponent of the reform of the tribunate.⁴²

In order to gain a more comprehensive, and less anecdotal, appreciation of the political significance of the reform, it is worth tracing back the process that led to it being tabled and passed in 70 B.C.⁴³ Granius Licinianus stresses that in 78 B.C. Lepidus publicly argued against the views of some tribunes who had made the case for reform.⁴⁴ In his view, the

³⁷ Rossi 1965: 142–3 (= 1996: 74–5); Gruen 1974: 23–4.

³⁸ Cic., *Leg.* 3.19–26, esp. 22.

³⁹ See e.g. Beard 1986; Dyck 1998; Fox 2007.

⁴⁰ cf. Gruen 1974: 28 ('By 70 there was very little argument left').

⁴¹ Cic., *Quint. fr.* 1.3.8.

⁴² Dyck 2004: 488, who argues that the epigram criticized the Lex Aurelia of 75 B.C. on the career progression of tribunes, not the Lex Aurelia of 70 B.C.; this is possible, but unlikely. Marshall 1975: 136 assumes without discussion that it was written in 70 B.C.; McDermott 1971: 708 n. 26 notes that it is uncertain whether Quintus actually wrote the epigram.

⁴³ Marshall and Beness 1987 is the fullest discussion of this topic. See also Malitz 1972: 369–74, 385–6; Gruen 1974: 23–8; Hillard 1981: 82–104; Lepore 1993: 740–7; Millar 1998: 54–64.

⁴⁴ Granius Licinianus p. 33.14–34.4 Flemisch (= p. 27.4–27.7 Criniti): 'uerum ubi conuenerant tribuni plebis, consules uti tribuniciam potestatem restituerent, negauit prior Lepidus, et in contione magna pars adsensa est dicenti non esse utile restitui tribuniciam potestatem. et extat oratio' ('But when the tribunes of the plebs had taken concerted action to urge the consuls to restore the tribunician power, Lepidus was the first to refuse, and most of the crowd at a public gathering agreed with him when he said that it was not helpful to restore the

restoration of the tribunician powers was not *utile*, ‘helpful’: a pragmatic argument, rather than one based on principle, which found some support, at least in the *contio* where it was set out.⁴⁵ Without wanting to read too much into that brief summary, it may be argued that Lepidus sketched a different strategy for the pursuit of the *commoda populi*:⁴⁶ measures in the interest of the populace could be tabled and carried through by consular initiative, without the involvement of a magistracy that relied on a direct, exclusive link with the people and had pursued highly divisive initiatives in the recent past.⁴⁷

The close of Sallust’s *Oratio Lepidi*, though, firmly puts the issue of reform on the political map of the following years. The call to civic freedom that the consul of 78 B.C. is made to voice at the end of his speech comes shortly after a highly critical reference to the curtailment of tribunician powers, and may be read as a forward-reference to the various attempts that were made to undo that aspect of the Sullan arrangements in the following years.⁴⁸ It is a safe guess that the theme was at the centre of the narrative of the decade that Sallust set out in the *Historiae*; it certainly features prominently in one of the longest surviving fragments. The speech of the tribune Macer, purportedly pronounced in 73 B.C., provides a narrative framework that cannot be disregarded, even though its value as a historical source is problematic in various respects.⁴⁹ In Macer’s account, the death of Sulla was saluted by some as the end of an age of servitude (*seruitium*), but was followed by the rise of other despots; the people failed to rally behind the cause of their own freedom. In 76 B.C. the tribune L. Sicinius established a reputation as a source of constant disruption for the magistrates of his year, especially the two consuls, Cn. Octavius and C. Scribonius Curio; even Cicero acknowledges his wit in an otherwise derogatory discussion.⁵⁰ The tribune’s resolve in taking on the serving consuls was a powerful move that subverted the arrangement devised by the Sullan reform. Indeed, Macer depicts Sicinius as the first tribune who openly raised the issue of the reform of the tribunate (‘*primus de potestate tribunicia loqui ausus*’).⁵¹ In his discussion, which is as rhetorically powerful as it is strikingly lacking in detail, it appears that Sicinius lost his life shortly after beginning his campaign; there is also a

tribunician power. The speech survives’). Lepore 1993: 742 and Wiseman 2009: 70 stress the importance of tribunician initiative. A member of the tribunician college of that year, M. Acilius Glabrio (*cos.* 67 B.C.), was the protagonist of a remarkable episode, which was also a powerful political statement: he broke the curule chair of the praetor L. Licinius Lucullus, who had not risen upon his arrival (Dio 36.41.1–2; I accept the prosopographical reading of David and Dondin 1980).

⁴⁵ Hillard 1981: 76 translates *non utile* as ‘impolitic’. Kelly 2005: 97 argues that Licinianus is implicitly taking issue with Sallust’s account of the early stages of Lepidus’ consulship; a different view in Berardi in Scardigli 1983: 127, who implausibly argues that Licinianus may have found the speech in a lost section of the *Historiae*. Cf. Licinianus’ comments on Sallust’s style in p. 33.8–13 Flemisch (= p. 26.18–27.3 Criniti).

⁴⁶ Evidence for and discussion of this concept in Morstein-Marx 2004: 222–4.

⁴⁷ Hantos 1988: 69–89 interestingly argues that this was a central tenet of the Sullan reforms, but does not discuss Lepidus’ comment.

⁴⁸ Sall., *Hist.* 1.55.23: ‘nisi forte tribuniciam potestatem euorsum profecti sunt per arma, conditam a maioribus suis’ (‘unless they [scil. Sulla’s soldiers] actually marched out to overthrow by arms the tribunician powers which had been established by their own ancestors’, trans. W. W. Batstone) and 27: ‘quae si probatis, adeste, Quirites, et bene iuantibus diuis M. Aemilium consulem ducem et auctorem sequimini ad recipiendam libertatem’ (‘And, if you approve of this, citizens, lend a hand and with the aid of the gods follow M. Aemilius, the consul, your leader and champion for recovering your freedom’, trans. W. W. Batstone). As McGushin 1992: 114 notes, the tone of the speech is ‘that of a patrician consul counselling the people, not that of a demagogue or revolutionary’. On the construction of liberty in this speech see Arena 2012: 53, 139.

⁴⁹ See Arena 2012: 53 on the assessment of the rôle of the tribunate in this speech.

⁵⁰ Sall., *Hist.* 3.48.8; see also Cic., *Brut.* 216 and pseudo-Asconius p. 189.7–9.

⁵¹ Sall., *Hist.* 3.48.8. On Sicinius and his possible relation to the Sicinius who was a member of the first tribunician college in 494 B.C. (Asconius p. 76–7 C.; Livy 2.32.2–3) see Wiseman 2009: 60–3, Robinson 2013: 229 speaks of a *rogatio Sicinia* and suggests that it might have been an attempt to ‘test the wind’; neither claim is supported by the evidence (cf. Rotondi 1912: 365).

reference to C. Scribonius Curio (*cos.* 76 B.C.) and the rôle that he played in the demise of a guiltless tribune ('*exitium ... insontis tribuni*').

Macer then argues that the Lex Aurelia of 75 B.C., which re-allowed former tribunes to hold other magistracies, was caused by the fear that the prospect of popular reaction raised within the senatorial élite.⁵² He styles himself as part of a recent political tradition that has been promoting the revival of the tribunate. After Sicinius, in 74 B.C. L. Quinctius made calls for change, only to encounter the strong opposition of Lucullus. Macer claims to be fearlessly continuing in the same line.⁵³ However, Macer fails to mention another notable case, that of a tribune of 75 B.C., L. Opimius, who — unlike Sicinius in the previous year — co-operated with one of the consuls, C. Aurelius Cotta, and supported his legislative initiative on the tribunate.⁵⁴ This striking omission must be intentional. Much as Macer may have disapproved of him, a cursory reference in the *Verrines* suggests that Opimius did earn some enemies during his tenure and that he held radical views on tribunician powers. He was prosecuted in 74 B.C., during the praetorship of Verres, under the accusation of having misused his power of veto in the previous year. The actual reason for that initiative, though, was an attack he had launched against a powerful man that Cicero chooses not to name.⁵⁵

The reform of 70 B.C. must not be regarded as the inevitable outcome of a coherent long-term process of deconstruction of the Sullan edifice. To be sure, this is the picture that is conveyed by Macer's speech, with its emphasis on the gradual awakening of the people's awareness and the mounting fear among the Optimates. That speech, however, like the *Oratio Lepidi*, is more an illustration of the mood of some political circles during a certain period than a factually accurate summary of a complex historical development. The narrative with which it frames the process that led to the reform of the tribunate is more valuable as a document of the reception of the theme in the late Republican debate than as an account of the political history of the 70s.⁵⁶ The restoration of the tribunate was of course foregrounded by a number of developments that took place in the preceding decade, but must chiefly be explained in light of the developments of the year in which the Lex Pompeia Licinia that provided for it was passed.

On the other hand, the significance of the Lex Aurelia, which Macer dismisses as a marginal episode, deserves to be recognized. In Lepidus' vision, as we have seen, the interests of the people could be pursued and promoted without resorting to the political and legislative initiatives of the tribunes. Other sectors of the Roman political élite, however, had different views on the rôle of the tribunate and on the need to secure its survival. The law passed by the consul C. Aurelius Cotta in 75 B.C. restored the possibility for former tribunes to hold magistracies and probably reopened the tribunate to individuals who were not members of the senatorial order.⁵⁷ Its focus, as far as the evidence suggests, was on the most punitive aspects of the Sullan legislation, which made the tribunate a most unappealing prospect for anyone who nursed political

⁵² Evidence in Rotondi 1912: 365. Good discussion in Malitz 1972: 371–3.

⁵³ Sall., *Hist.* 3.48. 11; pseudo-Asconius p. 189.8. Quinctius' activity is known from other sources, notably Plut., *Luc.* 5.5 (on his clash with Lucullus) and Cic., *Clu.* 28.77 and 40.110, who stresses his ability to capitalize on the discredit that had befallen the senatorial order after the acquittal of Oppianicus; see Vanderbroeck 1987: 100–1, 130, 221 and Millar 1998: 54, 57, 61. Robinson 2013: 74 views the year 74 B.C., and especially Oppianicus' trial, as the watershed in the political history of the decade; cf. also Hillard 1981: 90–3 and Lepore 1993: 746.

⁵⁴ See also ps.-Ascon. p. 255.11–13 Stangl. Vedaldi Iasbez 1983 discusses the reasons for this omission and speculates that Opimius pursued policies in favour of the Italians which were not well received by a champion of the urban plebs like Macer. Hillard 1981: 84–5 understands the collaboration of Cotta and Opimius as a 'conciliatory' strategy.

⁵⁵ Cic., *Verr.* 2.1.155. See Millar 1998: 54. According to pseudo-Asconius p. 255.14–15, Opimius' target was Catulus, 'who was then the leader of the Sullan faction' ('qui tunc princeps fuit Syllanae factionis').

⁵⁶ cf. Millar 1998: 59–60 (it 'sufficiently catches the main themes of these years').

⁵⁷ Evidence in Rotondi 1912: 365.

ambitions. Surely Cotta's proposal is better understood as an attempt to make the tribunate viable by securing a more constant intake of candidates than as the prologue to a full restoration of the powers of the magistracy.⁵⁸ There is no reliable evidence for the debate on this proposal and Cotta's stated aims. His apparent earlier connection with Sulla is no proof that the bill was designed to bring about an innocuous adjustment of the 'Sullan constitution'.⁵⁹ In the speech of Macer he is labelled as a man *ex factione media* — an expression that is probably best translated as 'from the heart of their faction' — but he clearly was prepared to face some vocal opposition from his peers.⁶⁰ According to Asconius, his bill met with the hostility of the *nobilitas* ('inuita nobilitate') and with the favour of the populace ('magno populi studio').⁶¹ It is doubtful that the picture was so neatly polarized. There certainly was opposition to the prospect of a reform; a sector of the senatorial élite no doubt intended to keep the tribunate in the marginal position that had been devised by Sulla, while Cotta's law was driven by the ambition to make it a reasonably attractive public office and therefore preserve its existence.⁶² We can only speculate on the psychological effect of a law of this kind and on whether it played a significant rôle in accelerating the developments of the following years. There is no positive evidence that it did. What is equally elusive is the impact that the passing of the law had on Cotta's future political prospects. A fragment of Cicero's *Pro Cornelio* preserved by Asconius mentions the lasting enmity (*inimicissimi*) that some members of the *nobilitas* had towards Cotta, and his assessment of the motives of these individuals is forceful: 'qui non modo cum Sulla uerum etiam illo mortuo semper hoc per se summis opibus retinendum putauerunt' ('those people who not only with Sulla, but even after his death always thought that they should cling to this [*scil.* the diminished standing of the tribunate] with all their forces', trans. R. G. Lewis, slightly modified).⁶³ For some the age of the Civil War had not quite ended, and the mere possibility of a revival of the tribunate was a fatal threat to their political prospects.⁶⁴

The close of Macer's speech points to the increasing readiness of the senatorial élite to reconsider the issue, although further progress was postponed till the return of Pompey from Spain.⁶⁵ It also contains a forward-reference to the stand that Pompey would take upon his return. Macer notes that Pompey is now regarded with increasing hostility and diffidence by a large sector of the élite, after having been viewed as a champion of the senatorial cause when he was in Italy, and he predicts — no doubt with an exercise of hindsight on Sallust's part — that Pompey will decide to join forces with the people and advocate the restoration of the tribunician powers.⁶⁶ Indeed, this is how things appear

⁵⁸ A different reading in Morstein-Marx 2013: 35.

⁵⁹ *contra* Gruen 1974: 26–7.

⁶⁰ Sall., *Hist.* 3.48.8 M. = 3.34.8 McG. I am following the translation of W. W. Batstone in his 2010 Oxford World's Classics edition. Rossi 1965: 140–1 (= 1996: 73–4) translates with 'fazione conciliatrice'; this view is now superseded (see the *status quaestionis* in Rosenblitt 2011: 401 n. 63). Macer's comment, of course, does not reflect Sallust's own assessment (Malitz 1972: 386; Rosenblitt 2011: 401).

⁶¹ Ascon. 66.24–67.2 C. See Marshall 1985: 237 and Lewis 2006: 274 for careful discussions of the textual and historical problems underpinning Asconius' brief comment.

⁶² Gruen 1974: 27 states that Cotta's bill must have had the backing of the majority of the Senate, since the consul would not have presented it 'without a *senatus consultum* behind him'; no evidence is adduced.

⁶³ Ascon. 78.18–22 C. Marshall 1985: 271 stresses that Cicero is here defending a tribune, and that his account of Cotta's position may well be heavily biased.

⁶⁴ Cotta's later political itinerary is unclear. Asconius p. 66.21–67.5 C. reports that in 74 B.C. he made the case in the Senate for the repeal of two of his laws that dealt with minor matters (*in rebus paruis*). Rossi 1965: 150–1 (= 1996: 79–80) and Ferrary 1975: 321–3 envisage a divide between a 'moderate' group led by Cotta and a 'Sullan' camp led by Lucullus. Marshall and Beness 1987: 369 tentatively suggest that this move was part of Cotta's attempted rapprochement to the *pauci*.

⁶⁵ Sall., *Hist.* 3.48.21.

⁶⁶ Sall., *Hist.* 3.48.21–3. For a different reading of this passage see Rossi 1965: 139 (= 1996: 72–3). Lepore 1993: 749 stresses the use of the word *princeps* in § 23 ('Pompeium ... malle principem uolentibus uobis esse', 'Pompey

to have unfolded. Pompey's commitment to reforming the tribunate was expressed in a *contio* shortly after his election to the consulship, in the summer of 71 B.C., and was followed by further less specific pledges to address corruption in the provincial administration and in the courts. Cicero, who reports the episode in the first *Verrine*, emphasizes the enthusiastic reaction of the audience.⁶⁷ A tribune, M. Lollius Palicanus, was also present at that *contio*.⁶⁸ Palicanus is also listed among those who advocated the restoration of the tribunician powers and the reform of the courts, and Cicero records his initiative in support of Sthenius, one of the victims of Verres' malpractices.⁶⁹ His Picene origin suggests that his connection with Pompey may have predated his tribunate, but should not be used as evidence that his actions were inspired by Pompey himself; it is quite possible that he had an influence on the consul elect.⁷⁰

In the second half of the 70s people were not 'waiting for Pompey' with the same impatience and tension with which his arrival was awaited in the second half of the 60s, during his Eastern campaign. Still, the question of what steps the man would be taking after his victory against Sertorius was certainly on many people's mind.⁷¹ Different, no doubt conflicting, guesses were made by many. As F. Millar noted, there is a striking lack of evidence for contemporary reactions — whether popular or senatorial — to the passing of the law on the tribunate.⁷² By the late 70s many, like the distinguished *consularis* Q. Lutatius Catulus (*cos.* 78 B.C.), no doubt regarded the political position of the senatorial order — which was in control of the criminal courts while the powers of the tribunate were curtailed — to be increasingly less sustainable.⁷³ However, it is likely that Pompey's support was the decisive factor that swayed the balance in favour of the cause of reform. At any rate, there is no compelling reason to maintain that the issue was less divisive in 70 B.C. than it had been in the previous years.

III FRUMENTARY LEGISLATION

On the whole, the picture conveyed by the surviving evidence for legislative production in the 70s is neither exciting nor illuminating.⁷⁴ It does draw attention, however, to some issues that were at the centre of the debate in that decade.⁷⁵ The corn supply of the city of Rome was the object of a legislative intervention of Lepidus in 78 B.C., during his consulship. We know about it through the invaluable passage of Granius Licinianus that has been discussed in the previous section from a different standpoint (p. 33.14–34.7 Flemisch = p. 27.4–28.2 Criniti). After having publicly argued that the restoration of

... prefers to be leader with your willing support', trans. W. W. Batstone). Hillman 1990: 449–50 suggests that 'the Senate' chose to postpone any constitutional changes, including the reform of the tribunate, until the end of the Spanish campaign and Pompey's return.

⁶⁷ Cic., *Verr.* 1.15.44–5. On this contional speech see van der Blom 2011: 560. As Millar 1998: 63–4 notes, there is no evidence that Pompey or Crassus committed themselves to the reform *before* the consular election. Dzino 2002: 105–6 underestimates the extent of popular discontent on the state of the tribunate. For a serviceable reconstruction of the events of 71 B.C. see Twyman 1972: 82–5. For a negative assessment of Pompey's political strategy in the late 70s see Vervaeke 2009: 423–33.

⁶⁸ Pseudo-Asconius p. 220.20 Stangl.

⁶⁹ Pseudo-Asconius p. 189.8–9 Stangl; Schol. Gronov. p. 328.29–30; Cic., *Verr.* 2.1.122 and 2.2.100. Val. Max. 3.8.3 records his failed attempt to be elected to the consulship of 66 B.C. and labels him a *seditionisissimus homo*. On Palicanus see Hillard 1981: 102 and Millar 1998: 63–4.

⁷⁰ Sall., *Hist.* 4.38. See McGushin 1994: 158–9.

⁷¹ 'Waiting for Sulla': Badian 1962 (= 1964: 206–34).

⁷² Millar 1998: 66.

⁷³ Cic., *Verr.* 1.15.44. See Fontanella 2004: 30–1.

⁷⁴ Rotondi 1912: 364–70. Cf. also Williamson 2005: 362, 465.

⁷⁵ cf. Robinson 2013 for an attempt to sketch a brief discussion of the main political issues in the late Republic on the basis of the evidence for legislative production.

tribunician powers was not desirable (*utile*), despite the opposite views of the serving tribunes, Lepidus passed a bill that introduced a distribution of five *modii* to the *annona*; the law was passed without opposition ('*nullo resistente*').⁷⁶ Such unanimity is striking. A clue may be derived from the context in which Lepidus' bill was passed. Sulla is widely believed to have passed a law that abolished the corn distributions to the Roman populace.⁷⁷ The only evidence for this, however, is a passage of the *Oratio Lepidi* in Sallust's *Historiae*, in which the consul points out that the Roman people, once the master of the world, does not even have access to the rations that pertain to slaves.⁷⁸ This is hardly unimpeachable evidence: it may well refer to a reduction in the scope of the distributions, rather than to an outright abolition of the programme, and the risk of rhetorical overstatement is considerable.⁷⁹ As C. Virlovvet has pointed out, Sulla may well have put in place a new organization of the corn supply of the city.⁸⁰ It is far from clear, however, that a Lex Cornelia on corn distributions ever existed. It is not clear, at the same time, to what situation Lepidus' law might have responded (whether a short-term crisis or a long-term issue), in what respects, if any, it improved upon measures taken by Sulla, or how it related to the provisions of the law put forward by the tribune M. Octavius, probably between 99 and 87 B.C.⁸¹

There is no evidence that Lepidus' corn law was abrogated after the former consul's defeat.⁸² What is certain is that there were other interventions on corn supply in the following decade. For the year 75 B.C. Sallust speaks of '*annonae intolerabilis saevitia*'; riots broke out in the city;⁸³ the aedile Hortensius carried out a distribution of corn at a subsidised price.⁸⁴ In the following year, the aedile Seius (himself a possible 'Sullan' senator, probably of Paelignian origin) took charge of a similar handout, when, according to Cicero, market prices were unsustainably high; he earned widespread popular gratitude.⁸⁵ The following year witnessed a more robust intervention. In 73 B.C. the consuls M. Terentius Varro and C. Cassius Longinus put forward a bill that reorganized the corn supply of the city and had a direct impact on Sicily, where large quantities of corn were meant to be gathered. Its relationship to the law of Lepidus is unclear, and it is likely that it was intended to integrate, rather than to abolish its

⁷⁶ See especially Granius p. 34.4–6 Flemisch (= p. 27.7–8 Criniti): '*et legem frumentariam nullo resistente tutatus est, ut annonae quinque modii populo darentur*' ('And he passed a corn law without opposition, which provided a corn allowance of five *modii* for the people'). Cf. also Macrobi., *Sat.* 3.17.13, with a reference to a *lex cibaria* passed by Lepidus during his consulship, which set restrictions to the expenditure on banquets, which may bear some relevance to the corn law; its attribution to Lepidus remains uncertain (Criniti 1969a: 399 n. 242; 1969b: 868–71; Berardi in Scardigli 1983: 127).

⁷⁷ See e.g. Gruen 1974: 385; Rickman 1980: 165; Nicolet 1991: 473 (= 2000: 360) and 1999: 208–9 n. 42; Robinson 2013: 230.

⁷⁸ Sall., *Hist.* 1.55.11 M. (= 1.48.12 McG.).

⁷⁹ For a critical assessment of the value of the *Oratio Lepidi* as a historical source see Syme 1964: 180–5 and McGushin 1992: 113. *Contra* Criniti 1969a: 383–96 and Arena 2011: 301–2. On the shortcomings of the ancient evidence for the chronology of the year 78 B.C. see also Kelly 2005: 97–8. For a recent close reading of the *Oratio Lepidi* see Rosenblitt 2013, who effectively brings out its rhetorical complexity.

⁸⁰ Virlovvet 1994: 16.

⁸¹ Cic., *Brut.* 62.222 and *Off.* 2.72. I accept the chronology suggested by Schovánek 1972 (more doxography in Dyck 1996: 463–4); the claim of Schovánek 1977 that Lepidus' law restored the provisions of the Lex Octavia is based on the problematic assumption that Sulla abolished the *frumentationes*. Erdkamp 2005: 215 stresses the significance of long-term issues: 'Rome did not need a crisis to require large amounts of grain to supply its armies and the Roman populace.'

⁸² A different view in Hayne 1972: 667, Rickman 1980: 166 and Robinson 2013: 230.

⁸³ Sall., *Hist.* 2.45 M. = 2.42 McG. The riot provides the background to the remarkable speech that Sallust attributes to the consul C. Aurelius Cotta (Sall., *Hist.* 2.47 M. = 2.44 McG.), on which see Vanderbroeck 1987: 131–2 and especially Rosenblitt 2011.

⁸⁴ Cic., *Verr.* 2.3.215; *Off.* 2.57.3.

⁸⁵ Cic., *Off.* 2.58.3; Plin., *Nat.* 15.1.2 and 18.4.16. On Seius see Millar 1998: 60–1; Santangelo 2006: 20, 22.

provisions.⁸⁶ It has been argued that a consular initiative of that kind was an attempt to pre-empt possible radical interventions, and was the symptom of a conservative approach to the problem; this is how it is dismissed in Macer's speech in the *Historiae*.⁸⁷ Such a highly tendentious piece, however, can hardly be used as safe evidence for the intentions of those who put forward the bill and for the contents of the bill itself. Lepidus' proposal was also a consular initiative, and it was put forward at a time when his anti-senatorial allegiance was not as clearly determined as it was a few months later: the bill came in the wake of Lepidus' public statement against the reform of the tribunate.⁸⁸ The impression, which is also corroborated by Cicero's *De frumento*, is that of a sustained crisis in the corn supply of the city, which quite possibly predated the death of Sulla and required a number of interventions.⁸⁹ Corn distributions had been a divisive, and for some indeed totemic, issue in the previous fifty years.⁹⁰ The developments in the frumentary legislation during the 70s, which were initiated by Lepidus in 78 B.C., should not be narrowly understood as a reaction to the political legacy of Sulla. In fact, they should be removed altogether from the dossier of the alleged demise of the Sullan settlement. Corn supply could be, however, a testing ground for new political experiments that could potentially lead into uncharted territory. In 70 B.C., during his consular year, Crassus set up a distribution of corn entirely funded from his private resources, which took care of the needs of the urban populace for three months.⁹¹ That extraordinary euergetic act forebode major political developments in the decades to come. Sulla's example, in that respect, was no longer relevant.⁹²

IV THE SENATE

Easy dichotomies and straightforward solutions should be viewed with scepticism in other areas too. One of the most striking features of the Sullan resettlement was the reorganization of the Senate. Appian speaks of the appointment of 300 new senators in 81 B.C., which replenished a body that had been considerably affected by the Social and the Civil Wars.⁹³ It is fairly safe to argue that the size of the Senate was in the region of 450 members at that point, and that it increased at a fairly steady pace in the following years as a result of the increase in the number of quaestors: every year twenty men became eligible to be admitted to the order.⁹⁴ The view that Sulla doubled the size of the Senate from 300 to 600 members is unfounded; most importantly, however, it is not

⁸⁶ Cic., *Verr.* 2.3.163. On this law see Virlovet 1994: 16 and Erdkamp 2005: 214–15. Fezzi 2001: 100 sees elements of political opportunism on the part of the Optimates. Nicolet 1993: 955–8 (= 2000: 383–4, 462) and 1999 argued that a problematic passage of the customs law of the province of Asia is evidence for the existence of a second tithe on corn, which was imposed on Asia under the Lex Terentia Cassia (ll. 72–8); J.-L. Ferrary in Cottier 2008: 128–9 is very sceptical.

⁸⁷ Sall., *Hist.* 3.48.19: 'qua tamen quinis modis libertatem omnium aestumauere, qui profecto non amplius possunt alimentis carceris' ('a law by which they have valued all your liberties at five *modii* per head, an allowance actually not much greater than the rations of a prison'). See e.g. Rickman 1980: 167–8 and Garnsey 1988: 210–11.

⁸⁸ Arena 2011: 301 views this speech as evidence for a moment of hesitation.

⁸⁹ Hillman 1990: 445–6.

⁹⁰ cf. e.g. the famous anecdote on L. Calpurnius Piso's provocative participation in C. Gracchus' corn distributions: Cic., *Tusc.* 3.48.

⁹¹ Plut., *Crass.* 12.2–3. See Millar 1998: 65.

⁹² Sulla's example: Vell. 2.28.3; Syme 1939: 17; Gruen 1968: 278.

⁹³ App., *BC* 1.101. On Sulla and the Senate see Santangelo 2006.

⁹⁴ For the Lex Cornelia de XX quaestoribus see the edition and commentary in Crawford 1996a: 293–300, no. 14.

clear upon what sectors Sulla relied in his choice of the new senators.⁹⁵ The evidence is on the whole too sparse to establish to what extent Sulla promoted the members of the equestrian order or indeed notables from selected circles of the Italian élites that had been included in the Roman citizen body.⁹⁶ No doubt members of both these groups were included, as well as individuals of rather undistinguished background that had played a part in Sulla's army during the Civil War — the most notable example of whom is the 'unspeakable Fufidius', the *ancilla turpis* denounced in the *Oratio Lepidi* — but it is impossible to go beyond some bare generalizations and a brief list of names.⁹⁷

C. Steel has recently put forward a reading of the Sullan reform of the Senate that persuasively challenges some long-held views.⁹⁸ Far from bringing that august body back to the centre of the *res publica* and reasserting its authority and authoritativeness *vis-à-vis* the other institutions, the *lectio* of 81 B.C. created a considerably larger and significantly less efficient operation, which could not conceivably be a venue for serious political debate. An increase in the membership also fatally undermined the prestige of a body that had until then been far more exclusive. Moreover, the events of the previous decades had caused the disappearance of a large number of authoritative members of the Senate: when the *lectio* was carried out, only four *consulares* (excluding Sulla) are known to have been alive.⁹⁹ In Steel's reading, this solution was fully consistent with a broader constitutional design, in which centre stage is taken up by elected, *imperium*-holding magistrates, who are in turn bound to the respect of a set of laws. Far from being the champion of senatorial *auctoritas*, Sulla took decisive steps for the political marginalization of the Senate. For many of its members, the chances of progressing beyond the quaestorship will have been negligible.¹⁰⁰

Two substantial, and indeed eminently practical, reasons had made the enlargement of the Senate a necessity. The Mithridatic War had shown the importance of a greater commitment to provincial administration and the need to secure higher and more stable levels of staffing: after Sulla's *lectio*, provincial *legati* could be recruited from a larger pool.¹⁰¹ Moreover, the creation of new permanent criminal courts and the decision to restrict their membership to the senatorial order required a sizeable constituency of senators to staff them.¹⁰² The political developments of the following decade soon relieved them of that task too. The reform of 70 B.C., which handed the control of the juries to a mix of senators, *equites* and the elusive *tribuni aerarii*, considerably eased that demand. It is surely no coincidence that in the same year the censors took the apparently unprecedented decision to excise from the senatorial roll sixty-four individuals: a gesture that is as impressive as it is under-documented, and may be explained both with political reasons (such as the wish to restore the prestige of the Senate, and possibly the intention to settle some political scores against former protégés of Sulla) and with the diminished need to staff the juries.¹⁰³

⁹⁵ The view that the Senate consisted of 600 members as early as in 88 B.C. (Marastoni 2009: 102–3) is based on the evidence of Plut., *Mar.* 35.2, in which there is mention of an 'anti-Senate' of Sulpicius consisting of 600 members — very fragile foundations indeed (see Gabba 1960: 224 = 1973: 429).

⁹⁶ Wulff Alonso 2002: 183–99; Santangelo 2006: 13–14, 16–22.

⁹⁷ On Fufidius see Sall., *Hist.* 1.55.22 M, with Syme 1939: 249; Wiseman 1971: 75–6.

⁹⁸ Steel 2013: 128–31; 2014a: 325–32, 337; 2014b.

⁹⁹ Notably, L. Valerius Flaccus (*cos.* 100 B.C.); C. Valerius Flaccus (*cos.* 93 B.C.); M. Perperna (*cos.* 92 B.C.); L. Marcius Philippus (*cos.* 91 B.C.). In that context, it is not unsurprising to find a capable and driven orator like P. Cornelius Cethegus allegedly attaining the same level of *auctoritas* as the surviving *consulares*, at least for a few years: see Cic., *Brut.* 178 (with Taylor 2013: 121–2 and Gruen 1974: 39–40) and ps.-Ascon. p. 259.6–7 Stangl, who speaks of a *Cethegi factio* (see Hillard 1981: 90).

¹⁰⁰ On the impact of Sulla's *lectio* on political competition see Wiseman 1971: 6–7.

¹⁰¹ On senatorial *legati* see the classic overview by Marquardt 1884: 526–9.

¹⁰² Steel 2013: 129 emphasizes the significance of this factor. On the link between the reform of the juries and the expansion of the Senate see also Bonnefond-Coudry 1989: 719–20.

¹⁰³ Livy, *Per.* 98.2. The attested figures for expulsions from the Senate are listed in Astin 1988: 28.

V THE CENSUS AND THE ITALIANS

The revision of the senatorial roll, however, was not the most significant aspect of the census of 70 B.C., which took place after sixteen years of lapse.¹⁰⁴ Its most remarkable feature is the very fact that it took place. The censorship of Cn. Cornelius Lentulus Clodianus and L. Gellius Publicola was a major political and institutional development, and a turning-point in the relationship between Rome and Italy. Its historical significance is best understood by framing it within the developments of the preceding decade. The starting point, again, is the Sullan settlement.

The reasons that led Sulla not to perform the census after the victory in the Civil War are not set out in the ancient sources and may be at best the object of speculation. It may well be the case that Sulla envisaged the existence of the government without the censorship, but there is no indication of this choice in the surviving evidence.¹⁰⁵ Senatorial opposition may also have played a part in further delaying the census in the following years. The election of the censors had to be authorized by a senatorial decree, and many will have had reasons to fear the performance of a census and the revision of the senatorial album.¹⁰⁶ The outcome of the *lectio* of 70 B.C., which led to the expulsion of sixty-four senators, was to prove them right.¹⁰⁷

That exercise, of course, also afforded the chance to fully revisit the issue of the inclusion of the Allies in the Roman citizen body and, at the same time, to renegotiate aspects of the impact of Sulla's victory on Italy. The political realignments that followed the age of Sulla's supremacy were not confined to the city of Rome; there is valuable evidence from a range of Italian contexts. To get a sense of the magnitude of the operation, it is necessary, once again, to go back to Licinianus' brief account of Lepidus' strategy in 78 B.C. After the corn bill was passed the consul raised a number of issues, on which he promised imminent action ('*alia multa pollicebatur*'): the return of the exiles, the abolition of Sulla's acts (whatever that might have meant), and the reversal of the land assignments of Sulla to his soldiers.¹⁰⁸ In Appian's account, the latter point was the main focus of Lepidus' initiatives.¹⁰⁹ The round of colonial settlements launched by Sulla was a wide-ranging programme, which was closely intertwined with the retaliation against communities that had chosen the wrong side in the Civil War. Its scope is hard to determine precisely; an exhaustive list of Sullan settlements is impossible to sketch.¹¹⁰ It is abundantly clear, however, that the foundation of colonies on the sites of already existing communities was accompanied by a series of land assignments in a number of areas where new colonies were not founded: Volaterrae is a case in point.¹¹¹ It is also apparent that the

¹⁰⁴ Evidence in Greenidge and Clay 1960: 270–1. On the timing of the *lectio* see Ferrary 1975: 331–2, who argues that it took place after the summer, and after the Lex Aurelia on the membership of the juries had been presented.

¹⁰⁵ See Crawford 1996b: 415: 'Sulla certainly took steps to ensure that the Republic could function without censors, whether or not he intended or directed that the census should disappear and whether or not he hoped or wished that the vast mass of new citizens should not be registered'. Astin 1985: 176, 185–6 gives a useful overview of the areas in which censorial action was no longer strictly necessary in the late Republican period. Wulff Alonso 2002: 150–9 sets out to show that the performance of the census was entirely irrelevant to the inclusion of the Italians into the citizen body and argues that the tasks of the censors in that area were taken up by the praetors; the case is not robust enough. Valuable treatment and doxography in Hantos 1988: 24–5, 32. Williamson 2005: 343 argues without discussion that Sulla intended to slow down the enfranchisement of 'qualified Italians'.

¹⁰⁶ Livy 6.27.3, 24.10.2, 37.50.7.

¹⁰⁷ Livy, *Per.* 98.2: 'Cn. Lentulus et L. Gellius censores asperam censuram egerunt III et LX senatu motis.'

¹⁰⁸ Granius Licinianus p. 34.5–7 Flemisch (= p. 28.1–2 Criniti): 'et alia multa pollicebatur: exules reducere, res gestas a Sulla rescindere, in quorum agros milites deduxerat, restituere.' See Berardi in Scardigli 1983: 128, who suggests that the sons of the proscribed were among the exiles that Lepidus intended to rehabilitate.

¹⁰⁹ App., *BC* 1.107.

¹¹⁰ Santangelo 2007: 147–57; Thein 2010.

¹¹¹ Volaterrae: Cic., *Att.* 1.19.4. See Santangelo 2007: 156, 173–82.

success of the Sullan plan was not consistently strong across the peninsula. Broadly speaking, it was much more clearly noticeable in Campania than in Etruria.¹¹² While there is evidence for tensions at Pompeii between the indigenous population and the colonists, these were not comparable to the events that are documented at Faesulae in North Etruria, where the locals launched a full-scale attack on the fortified settlements (*castella*) of the Sullan veterans.¹¹³ Licinianus' account is frustratingly brief and, as B. Scardigli has pointed out, it is unclear whether the text that survives under Licinianus' name is by Licinianus himself or is an epitome of a lost work of Licinianus.¹¹⁴ It draws attention not just to the effectiveness of the attack, but also to the sheer resolve of the Faesulani, who defended their actions when they were summoned to the Senate to justify them.¹¹⁵ In Licinianus' text the commotion at Faesulae is immediately followed by the military response decided by the Senate, which entrusted the consuls of 78 B.C. with leading a campaign in Etruria.¹¹⁶ A few months later, Lepidus took the lead in that revolt.¹¹⁷

In Etruria the impact of years of warfare was exacerbated by the traumatic political consequences that Sulla's victory entailed for some communities.¹¹⁸ The siege of Volaterrae lasted until 79 B.C. Licinianus singles out this city, along with Nola, as a centre that resisted the pressure of the Sullan troops most vigorously; when the city surrendered, its citizens delivered to the Sullan troops a number of proscribed that had been given shelter within the walls.¹¹⁹ This gesture is not explained by Licinianus, but should probably be understood as an attempt to spare the city bleaker consequences, possibly even destruction. Volaterrae was later included among the communities that were the target of Sulla's retaliation, but the task was not brought to completion.¹²⁰ The details of this process escape us; there is no evidence for how events unfolded in the town during the 70s. Local resistance probably did not fade away altogether; the events at Faesulae might have deterred many Sullan veterans from joining settlements in what appeared a highly unstable area.

It also appears that the Volaterrani found vocal and effective backers in Rome. In 69 B.C. Cicero delivered the *pro Caecina*, in which he took the defence of a prominent citizen of Volaterrae, A. Caecina, in a lawsuit that had considerable political implications.¹²¹ Nearly ten years later, Cicero appears to have become a patron of the city. In a letter of March 60 B.C., he discusses the provisions of an agrarian bill put forward by the tribune Cn. Flavius and his own work on behalf of the communities of Volaterrae and Arretium: the land of those communities had been confiscated by Sulla, but had not been divided up and distributed.¹²² Cicero managed to stop the envisaged assignments and to hand the land back to the inhabitants of those two cities, where he had established political

¹¹² Evidence and discussion in Santangelo 2007: 158–91.

¹¹³ Pompeii: Cic., *Sull.* 60–1, on which see Santangelo 2012a: 419–23 (with further bibliography, and a critique of the revival of the idea of a 'double community' by Bispham 2007: 446–56). Faesulae: Granius Licinianus p. 34.8–35.1 Flemisch (= p. 28.3–6 Criniti), with Berardi in Scardigli 1983: 129–31.

¹¹⁴ Scardigli 1983: 9–10.

¹¹⁵ Allély 2012: 243 sees a direct link between Lepidus' anti-Sullan stance during his consulship and the initiative of the Faesulani; this argument pushes the evidence too far.

¹¹⁶ Granius Licinianus p. 35.1–2 Flemisch (= p. 28.5–6 Criniti). See Berardi in Scardigli 1983: 131–2.

¹¹⁷ Evidence in Greenidge and Clay 1960: 234–35.

¹¹⁸ On the Sullan settlement in Etruria see Harris 1971: 259–71; Santangelo 2007: 172–82.

¹¹⁹ Granius p. 32.4–9 Flemisch (= p. 25.6–9 Criniti). Cf. Val. Max. 9.7.3, who suggests that the Sullan commander, the *praetorius* C. Papirius Carbo, was killed by his soldiers, who did not accept his discipline standards, and Strabo 5.2.6 = 223 C, who does not mention this episode and states that the besieged agreed to leave the city only under a truce. See Harris 1971: 257–9, who rightly questions the value of Strabo's account, and Berardi in Scardigli 1983: 116–17.

¹²⁰ See above, n. 111.

¹²¹ Fotheringham 2004 provides a comprehensive introduction to the speech.

¹²² Cic., *Fam.* 1.19.4: 'publicarat neque diuiserat.'

connections. There is little doubt that Sulla had planned land distributions to his veterans in those sites. Even two decades later the confiscated land, by then *ager publicus*, was potentially liable to be included in a new round of assignments.

The land confiscations were part of a wider strategy of retaliation on Sulla's part. Arretium does not appear to have played the same central rôle in the Civil War that Volaterrae had, but suffered the same punishment: a law passed by Sulla withdrew the newly acquired citizenship of both communities. It is impossible to establish how many communities were affected by that decision. On balance, it seems unlikely that such a drastic measure was taken against only two cities. At any rate, the initiative proved short-lived. By 57 B.C., when he delivered the *De domo*, Cicero could state that the law put forward by Sulla had lasted for an even shorter time than the domination of Sulla himself. He also argued that the law included provisions for the confiscation of land belonging to the affected communities: while the decision on the land was within the remit of the popular assembly, a decision on citizenship was not.¹²³ In the *pro Caecina*, more than a decade earlier, Cicero had claimed to have made the same point in a case concerning a woman from Arretium, which was heard by the *decemviri litibus iudicandis* while Sulla was still alive. As suggested above, the case is unlikely to have proved conclusive; Cicero himself concedes that the issue was still debated in the courts a decade later.¹²⁴ If we are to believe Cicero's version, a feature of the legislative programme of Sulla was publicly debated and challenged even before Sulla's death.¹²⁵

Etruria, of course, was not the only focus of Sulla's efforts and concerns during and after the Civil War. It has often been claimed that the Samnites were the main target of his wrath at the end of the Civil War.¹²⁶ This contention relies mainly on a well-known passage of Strabo, which depicts the firm opposition of the Samnites to Sulla and the reaction of the dictator against their leaders.¹²⁷ When he was told that the reaction had been too harsh, Sulla allegedly replied that no Roman could be safe as long as the Samnites held on as a separate people. This statement should be read against a wider late Republican debate. As M. H. Crawford pointed out, a part of the tradition argued that the Samnite leader Telesinus had advocated the destruction of Rome on the day of the battle of the Colline Gate, using a similar image to Sulla's: the wolves would keep infesting Italy as long as the forest where they dwelled was still in existence.¹²⁸

Such a rhetorically loaded statement can hardly be used as evidence for a strategy on Sulla's part to embark on the systematic destruction of the Samnites. An element of personal hostility to the Samnites on Sulla's part might have existed. He led major operations against Samnite contingents in the Social War, during which he developed an outstanding military record that played a major rôle in determining his bid for the consulship for 88 B.C.¹²⁹ According to Appian, after the capture of Praeneste, he divided the prisoners into three groups — Romans, Praenestines, and Samnites — and exterminated the members of the second and third groups.¹³⁰ The evidence for a concerted Sullan plan of retaliation against Samnium wiping out its civic life and its

¹²³ Cic., *Dom.* 79.

¹²⁴ Cic., *Caec.* 97. See Fotheringham 2004: 275 on Cicero's 'disingenuous' representation of the matter.

¹²⁵ According to the *Oratio Philippi* (14) the issue of the citizenship withdrawal was also raised by Lepidus; on this passage and the political significance of the case taken up by Cicero see Heinze 1960: 103–4. On the case of the Arretine woman see Harris 1971: 275–6; Frier 1985: 99–102; Santangelo 2007: 176; Firpo 2009: 91–103.

¹²⁶ See e.g. Wilamowitz 1926: 4 ('Silla stritola i Sanniti'); Syme 1939: 17, 87 (Sulla 'made a desolation of Samnium for ever'); Salmon 1967: 382–4; Galsterer 2006: 307; Kendall 2013: 671–2.

¹²⁷ Strabo 5.4.11 = 249 C.

¹²⁸ Vell. 2.27.2, with Crawford 1992: 150. See also Dench 1995: 103, 133–4.

¹²⁹ Liv., *Per.* 75.7. He obtained a *corona graminea* ('grass crown') at Nola in 89 B.C.; a painting in which the scene was depicted was on display in his villa at Tusculum (Plin., *Nat.* 22.6.12 = *FRHist* 22 F16); Kuttner 2013, 227–8, 253–4.

¹³⁰ App., *BC* 1.94. According to Plut., *Sull.* 32, no division was carried out and all the captives were put to death.

élites is, however, far from compelling. Strabo lists a number of communities that were hit by Sulla's vengeance and allegedly shrank from the status of city to that of village. His discussion is not based on first-hand knowledge of the region; some of his information may have derived from Posidonius and might have been based on direct autopsy, but archaeological work in the area brings out a much more complex picture. To confine the discussion to some of the communities listed by Strabo: Bovianum is numbered by Cicero as one of the communities that supported his client Aulus Cluentius (*Chu.* 69.197) — hardly fitting the status of 'village' evoked by Strabo (συνὴ κῶμαι γεγόνασιν οἱ πόλεις); the material culture of Aesernia includes impressive funerary reliefs from the age of Caesar; perhaps most notably, a number of impressive public works were carried out at Telesia in the age of Sulla, including the city walls, and some have indeed speculated that it may have been a Sullan colony.¹³¹ Strabo's picture of Samnium in the late Republican period requires, at a minimum, considerable qualification.¹³² A considerable extent of local diversity must be envisaged, and it is likely that the Social War had a more damaging impact on the region than Sulla's victory. A differentiated picture also fits better in a context where Samnium was not home to a federal institution down to the age of the Social War, as has often been argued, but to a network of independent communities.¹³³

It is conceivable, although not proven, that the picture of extensive destruction in Samnium was at least in part supported and circulated by Sulla. However, Sulla's approach to the Italians and the Italian question was straightforwardly pragmatic, at least from 83 B.C. onwards. Shortly after his arrival in Italy in 83 B.C., Sulla pledged not to alter the arrangements that had recently been made in his absence concerning the citizenship and the right to vote of the Italians: in the all too brief statement of Livy's epitomiser he is said to have concluded a treaty (*foedus*).¹³⁴ The oddity of a treaty struck with communities of fellow-citizens is glaring and not easily solvable — unless we explain it with clumsy summarizing on the compiler's part.¹³⁵ Still, the evidence of the *Periocha* may be problematic, but should not be lightly discounted. It is, to some extent, corroborated by Cicero's reference to the talks that Sulla and Scipio Asiagenus held between Cales and Teanum in 83 B.C., during which they discussed legal and political arrangements regarding the rôle of the Senate, the voting assemblies, and citizenship rights ('de auctoritate senatus, de suffragiis populi, de iure ciuitatis').¹³⁶ Such a clear commitment on Sulla's part not to affect the citizenship and voting rights of the Italians would be hard to reconcile with the scenario of an outright annulment of the census of 86 B.C. On balance, it is preferable to maintain that a considerable number of Italians were registered as citizens in 86 B.C. and that their enfranchisement was not undone by Sulla.

Although many aspects of the picture remain elusive, 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. Conversely, he was

¹³¹ See Salmon 1967: 387, 397; Dench 1995: 132–5; Santangelo 2007: 143.

¹³² Bispham 2007: 412–13 appears to accept it as fundamentally valid.

¹³³ Crawford 2011: 41–2. Cf. also the case of the Samnite senator Statius, who was recruited into the Senate after having played a relevant rôle among the Samnites during the Social War: App., *BC* 4.25, with Santangelo 2006: 19–20; cf. *Imagines Italicae* Terventum 12 (Crawford 2011: 46: 'the identification between the Statius of the inscription and the Statius of Appian should not be made unquestioningly'). Cf. Wiseman 1971: 26 on the link between the dearth of senators from Samnium in the late Republic and the impact of the Social War in the region. Gabba 1972: 79 n. 21 = 1994: 69 n. 21 argues that the picture conveyed by Strabo applies more to the immediate aftermath of the Social War than to the Augustan period; Lloyd 1995: 249 tentatively argues for a link between Sullan devastation and later 'Roman urban development'; Bispham 2007: 2 traces Strabo's account back to 'Poseidonian autopsy'.

¹³⁴ Livy, *Per.* 86.3. See Gabba 1954: 98 (= 1973: 264 = 1976: 95); Santangelo 2007: 76–7.

¹³⁵ cf. Bispham 2007: 194: '[a]nything is possible from the pen of this excerptor.'

¹³⁶ Cic., *Phil.* 12.27. On the context in which the abortive talks took place see Scardigli 1971: 237–8.

willing to use the political significance of the Roman citizenship in order to impose punishments on sectors of Italian communities with which he had hostile relations. It is conceivable that Sulla offered some reasons for the decision to discontinue a crucial institution like the censorship, and that these are not recorded in the surviving evidence. The *Diuinatio in Caecilium*, the speech in which Cicero set out his credentials as possible prosecutor of Verres, which was pronounced in January 70 B.C., provides a clear illustration of the political significance of the issue by the late 70s. The orator depicts a situation in which the current political debate is dominated by the issue of the reform of the courts, which are widely discredited; that in turn has caused discontent towards the set-up of the tribunate and has even prompted interest in the revival of the censorship, which had hardly been a focus of the people's attention before and has suddenly emerged as the object of wide and lively interest (*populare*).¹³⁷ Regrettably, as pointed out above, the reasons that led Sulla to discontinue the census are not recorded in the surviving evidence.

There is no evidence that the revival of the census was debated shortly after Sulla's death. Sulla may have intended to fulfil the tasks of the censors in his capacity as dictator; it is unclear, however, what he envisaged in the long term, and notably how the key tasks of the censorship — the registration of the citizens and the review of the senatorial order — were to be fulfilled. In his classic discussion of the censorship in the last century of the Republic, T. P. Wiseman argued that Sulla and his *factio* chose not to perform the census after 86 B.C. because they wanted to avoid the expansion of the citizen body and the inclusion of the Italians into the centuriate assembly: it was, in the literal sense of the word, a reactionary measure, whose motives were implicitly revealed by the extraordinary outcome of the census of 70 B.C., in which 900,000 citizens were recorded, while 453,000 citizens had been registered in 86 B.C.¹³⁸

A different reconstruction may be suggested. A problematic passage of the *Pro Archia* states that the census does not in itself prove the right of citizenship, but merely that one had declared to be a citizen before the census.¹³⁹ If this argument is correct, there were other venues in which one's citizenship could be asserted and proved. In the aftermath of the Social War (and before Sulla's return to Italy) the newly enfranchised Allies were included in the thirty-five voting tribes and were able in that way to influence the vote of that assembly, which played an essential rôle in the law-making process.¹⁴⁰ There was disagreement on how many tribes should receive the new citizens and how widely their influence was to be spread, but it was uncontroversial that they would be entitled to play a part in the *comitia*. The decision concerning the distribution of citizens among the thirty-five tribes was not linked to the census: Livy's *Periocha* records it shortly before Sulla's arrival and right after the concession of the *suffragium* to the new citizens under a *senatusconsultum*; it also notes that the freedmen were enrolled among all the thirty-five tribes.¹⁴¹ The census, however, remained an essential step to be taken if the

¹³⁷ Cic., *Div. Caec.* 8. On Cicero and the reform of the criminal courts see Millar 1998: 67–72 and Fontanella 2004: 22–6.

¹³⁸ Wiseman 1969: 65. Cf. also Gabba 1956: 137–8 (= 1973: 423–5 = 1976: 149–50, 258) and Taylor 2013: 119. Dart 2010: 103–4 sees an element of deception in the Senate's handling of the matter after the Social War; *contra* see Wulff Alonso 2002: 157–8. Kendall 2013: 543–4 views the census figure as evidence for a lack of interest in census registration on the Italians' part; this is very doubtful.

¹³⁹ Cic., *Arch.* 11.

¹⁴⁰ Evidence in Greenidge and Clay 1960: 174–5 (87 B.C.), 189 (84 B.C.). Crawford 2010: 100 points out the significance of tribes to military recruitment and shows that ex-rebels were enlisted into tribes along with communities 'of impeccable loyalty'; for the view that *regiones* were the framework through which the levy was carried out in the late Republic see Crawford 2002: 1132–3. In general, on the complex process that led to the enfranchisement of the Italians, see Gabba 1954: 87–98 (= 1973: 250–64 = 1976: 89–96, 231–4), Brunt 1988: 132–6, and Bispham 2007: 161–204.

¹⁴¹ Livy, *Per.* 84.2 and 4; 85.1 (Sulla's arrival). For an opposite view on the link between the census of 86 B.C. and

new citizens were to be included in the *comitia centuriata*: that was the moment at which the enrolment of a citizen into one of the *centuriae* took place. Until the census was carried out, no new citizen could vote in the *comitia centuriata*.¹⁴² The situation of the years following the Social War was therefore paradoxical: the Italians could influence the decisions of the body that passed statutes, but many, indeed most, of them were excluded from the assembly that elected the senior magistrates; the consuls, in turn, had amongst their prerogatives that of steering the legislative process.

Some nuances, however, should be introduced. It is likely that a reasonably high number of Italians were registered as citizens well before Sulla's victory in the Civil War. The Lex Plautia Papiria that granted the citizenship to the Allies in 89 B.C. stated that the registration could happen by an application to the urban praetor within sixty days of the passing of the law.¹⁴³ It is hard to establish how many people managed to meet that deadline in the highly disrupted context of Italy at the end of the Social War. The census of the same year was deemed unsuccessful (*parum felix*) because the censors failed to respect a point of augural law.¹⁴⁴ The overview of the citizen body that was carried out on that occasion was not even remotely adequate in quantitative terms.¹⁴⁵ A new census took place in 86 B.C. and was brought to completion.¹⁴⁶ It has been argued that this census was annulled by Sulla after he seized power: Velleius Paterculus' generic statement that Sulla had invalidated the acts of his enemies has been brought as an argument in support, but cannot be used as hard evidence.¹⁴⁷ The absence of the census of 86 B.C. from the *Fasti Antiates*, which on the contrary record that of 89 B.C., is strong evidence for contemporary disagreement on the validity of the two censuses; Wiseman even offers the speculative suggestion that the census of 86 B.C. was declared valid only after Sulla's death.¹⁴⁸ No census was carried out in 81 B.C., of course. Even if one were to leave Sulla's own views or plans out of account, the year of the proscriptions and of the new colonization plan would hardly have been a suitable occasion for an orderly review of the citizen body. Moreover, to take a longer term view, after Sulla the census was brought to completion only on two occasions, in 70 and in 28 B.C. This is rightly regarded as a symptom of the disruption that undermined the functioning of the *res publica* for long stretches of the first century B.C.¹⁴⁹ It also suggests that the administrative functions of the census were either taken up by other procedures or deliberately overlooked and discontinued. In 75 B.C. the consuls were entrusted by the Senate with the task of holding the auction for the collection of tributes (*in locandis uectigalibus*) — a prerogative that normally pertained to the censors. The people had ratified that decision.¹⁵⁰

the SC of 84 B.C. cf. Crawford 2010: 97. Bispham 2007: 192–9 fundamentally questions the credibility of the *Periochae* and argues that the tribal distribution was in fact carried out during the census of 86 B.C.; the SC of 84 B.C. was merely a confirmation of 'existing rights of the new citizens to vote in the thirty-one rural tribes'. The measure on the voting rights of the freedmen was apparently abolished by Sulla: evidence and discussion in Treggiari 1969: 49–50; Lewis 2006: 272; Thein 2013: 174.

¹⁴² Taylor 1966: 68 and 2013: 106–7; Kendall 2013: 660–1. Linderski in Taylor 2013: 370 seems open to the possibility that Sulla may have exercised censorial powers. Mouritsen 1998: 95–7 argues that the actual influence of the Italians on the deliberations of the tribal assembly was in fact limited even after 70 B.C.

¹⁴³ Cic., *Arch.* 7. Moreau 1994: 135–8 suggests that the law also allowed a *professio* before a tribune of the plebs.

¹⁴⁴ Fest. 386 L: 'idque exemplo conprobat L. Iuli et P. Licini censorum, qui id fecerint sine ullo decreto augurum, et ob id lustrum parum felix fuerit.'

¹⁴⁵ Cic., *Arch.* 11: 'primis Iulio et Crasso nullam populi partem esse censam.'

¹⁴⁶ Hier., *Chron* p. 151 Helm (giving a figure of 463,000 citizens); Cic., *Verr.* 2.1.55.143. See the judicious discussion in de Ligt 2012: 112–16.

¹⁴⁷ Vell. 2.43.1: 'omnia ab iis acta fecerat irrita.'

¹⁴⁸ Wiseman 1969: 64.

¹⁴⁹ Crawford 1992: 152 ('a remarkable symptom of the dissolution of the *res publica*'). Astin 1985: 180 convincingly points out that the failures of a number of censuses in the late Republican period are a symptom of the enduring importance of the magistracy and its prerogatives.

¹⁵⁰ Cic., *Verr.* 2.3.18–19.

The decision to perform the census in 70 B.C. after a long intermission was certainly a deliberate departure from the precedent set by Sulla. In this respect, it chimed well with other aspects of the political agenda of that year. At the core of the process was the inclusion of the newly registered citizens into the *comitia centuriata*. The inclusion of the Italians into the citizen body appears to be the message of a coin issue struck by Q. Fufius Calenus and (P.?) Mucius Scaevola Cordus, probably in 70 B.C., which depicts on the reverse the reconciliation between Roma (in military garb with her right foot on a globe) and Italia (holding a cornucopia).¹⁵¹ If the dating to 70 B.C. were indeed correct, the theme would have a special resonance in the context of a census that marked the registration of thousands of Italians.

The census of 70 B.C. might also have had important effects in its local ramifications. According to an attractive conjecture of F. Zevi, at Pompeii the long-standing dispute between the indigenous population and the Sullan settlers may have been resolved by a census that marked the end of the divide within the *Colonia Veneria Pompeianorum* and was sealed by the inauguration of the amphitheatre and its dedication 'to the colonists' (*CIL* 10.852: *coloneis*) by the *duoviri quinquennales* C. Quinctius Valgus and M. Porcius.¹⁵² It is also impossible to ascertain whether the correspondence between general census and local census that is established in the *Tabula Heracleensis* (I.142–56) already applied to the census of 70 B.C. It is conceivable, but far from safely attested, that the first census to be performed since the end of the Civil War still entailed the obligation for the citizens that intended to be registered to turn up before the censors in Rome.¹⁵³ Whatever the impact of the census may have been on some problematic local contexts, the war and the ensuing proscriptions had left a bitter memory of violence and fear throughout Italy, which endured well beyond the 70s. Their impact on the distribution of land ownership and the structure of élite fortunes had been considerable.

There is not sufficient evidence to chart the effects that the proscriptions had in that respect; the evidence tends to concentrate on remarkable cases of individual profiteers. The victor of the Civil War had certainly used considerable discretion in apportioning the proceedings of the confiscations, and a fragmentary source suggests that an attempt was made to address some of the most controversial implications of the problem. In the *Historiae* Sallust mentioned a bill put forward in 72 B.C. by the then consul Cn. Cornelius Lentulus Clodianus. Sulla had exempted some of those who had bought the properties that had been auctioned after the confiscation from paying the treasury the amounts of money that they had agreed to pay; the bill demanded that these sums be paid back to the treasury.¹⁵⁴ There is no solid evidence for the political allegiance of

¹⁵¹ *RRC* 403. Note the comment in Crawford 1974: 413: 'under the domination of the former!'. Pobjoy 2000: 205–6 stresses that the scene portrays a 'cordial salutation' and points to 'harmonious co-existence'.

¹⁵² Zevi 1995: 23–4 and 1996: 131–2. There is, of course, no solid evidence for the performance of a local census in 70 B.C. (Welch 2007: 77, 288 n. 12), and the wording of the inscription, with its emphasis on the *coloni*, leaves room for an alternative interpretation, whereby the amphitheatre was built primarily for the enjoyment of the Sullan veterans (see e.g. Wiseman 1977: 22; Berry 1996: 255; Bomgardner 2000: 41–2).

¹⁵³ Much of the controversy revolves around the reference to *frequentia totius Italiae* in Cic., *Verr.* 1.18.54, on which see Mouritsen 1998: 96. De Ligt 2012: 112–20 gives a balanced discussion of the problem and a good summary of previous scholarship; more doxography in Gagliardi 2006: 413–14. Lo Cascio 2001: 568, 591–9 argues that the obligation to appear in person remained in force until Caesar (Lo Cascio 1990: 308–10 seems more cautious; cf. also Nicolet 2000: 202–3). *Contra* see Moreau 1994: 135–8; Nicolet and Crawford in Crawford 1996a: 388–9; Crawford 2002: 1131 n. 12 and de Ligt 2012: 116, who view Cic., *Clu.* 41 as evidence that local registration was carried out as early as in the census of 86 B.C.; cf. also Fezzi 2003: 28–9. Even if the census had been fully centralized until Caesar, a census may still have taken place at Pompeii in 70 B.C.: that operation could be carried out at a municipal level independently from the central one, since it was essential to the functioning of local institutions (Lo Cascio 1999: 197–8 and 2001: 592–5).

¹⁵⁴ Gell. 18.4.4 = Sall., *Hist.* 4.1: 'at Cn. Lentulus patriciae gentis, collega eius, cui cognomentum Clodiano fuit, perincertum stolidior an uanior, legem de pecunia, quam Sulla emptoribus bonorum remiserat, exigenda promulgauit' ('But his colleague of patrician descent, Cn. Lentulus, whose cognomen was Clodianus — it is

Lentulus Clodianus in the years preceding his consulship.¹⁵⁵ The agenda that underpinned the bill is not much clearer. At first sight it appears to be a measure aimed at redressing the balance after the aberrations of the Sullan period; a move that would fit well in the climate leading to the demise of the Sullan legacy that is often sketched in modern scholarship. F. Hinard, however, plausibly reckoned that it may have been an attempt to protect the beneficiaries of the proscriptions: Sulla had set low prices for the goods that were sold after the proscription and requiring those prices to be paid would have made the assignments legally unassailable in exchange for the payment of a small sum.¹⁵⁶ It is also unclear whether the bill was actually passed.¹⁵⁷ Cicero attests that by 70 B.C. a senatorial decree had been passed, asserting the same principle as Lentulus' bill.¹⁵⁸ Again, it is not apparent how and to what extent it was enforced.

A passage of Plutarch's *Life of Cato the Younger* draws attention to a later ramification of the problem. In 64 B.C., during his quaestorship, Cato realized that the treasury had a number of credits with and debts to private individuals, and he took firm steps to set things right in both respects. The extent of Cato's efforts raises doubts on the impact of the law of 72 B.C., and indeed on whether it was actually passed. Cato went further than Lentulus: he targeted those who had received a reward for committing a murder during the proscriptions and had them charged with *peculatus*; these prosecutions were in turn followed by murder trials.¹⁵⁹ Suetonius points out that in that very year Caesar presided over the *quaestio de sicariis* and took an active part in a legal process that had considerable political implications.¹⁶⁰ Plutarch summarizes them most clearly and provides a remarkable assessment of the climate in Rome at the time: many rejoiced when the convicted murderers were executed and viewed that moment as the end of the tyranny of Sulla.¹⁶¹ In this account, the political realignment that brings to an end a major aspect of the Sullan age is made possible by a curious *union sacrée* that brings together Cato and Caesar — who will shortly afterwards find themselves on opposite sides in the handling of the Catilinarian affair. Equally curiously, this powerful attack on a highly divisive aspect of Sulla's legacy took place within the framework provided by one of the permanent courts created by the dictator, the *quaestio de sicariis*. The technicalities of the cases and the extent of the impact of Caesar's prosecutions remain unclear. It is possible, however, that they had a wide-ranging impact, well beyond Rome. A clause of the *Tabula Heracleensis* forbids access to the municipal senate to anyone who 'has or shall have received money or reward or anything else for bringing in the head of a Roman citizen' (I.122-3: 'queiue ob caput c(iuis) Romaneii referendum pecuniam praemium aliudue quid cepit ceperit'). Although no explicit reference is made to the Sullan proscriptions, a connection is very likely, not least because of the similarity with the wording of Suetonius' account of Caesar's involvement in the prosecutions of 64 B.C.¹⁶²

Charting the main issues in Italy during the 70s requires encompassing a range of different dossiers: the impact of, and resistance to, the Sullan retaliations on several communities, the slow and incomplete inclusion of the new citizens, the revival of the

uncertain whether he was dafter or vainer — put forward a law on the exaction of the money that Sulla had remitted to the purchasers of property').

¹⁵⁵ Gruen 1974: 125 concedes that, but argues — unnecessarily, in my view — that a 'Sullan background' is the likeliest explanation for his rise to prominence. Cf. Hillard 1981: 100.

¹⁵⁶ Hinard 1985: 187-8.

¹⁵⁷ McGushin 1994: 139; *contra* see Hillard 1981: 101. On promulgation in the Roman legislative process see Crawford 1996a: 9-10.

¹⁵⁸ Cic., *Verr.* 2.3.81. See Hinard 1985: 187-8.

¹⁵⁹ Plut., *Cat. Min.* 17.2-5. See Hinard 1985: 204.

¹⁶⁰ Suet., *DJ* 11.2. On these trials see Alexander 1990: 108-9.

¹⁶¹ Plut., *Cat. Min.* 17.5. See Hinard 1985: 204-7.

¹⁶² Nicolet and Crawford in Crawford 1996a: 362, discussing the possible implications on the dating of the statute.

census. An ‘Italian’ agenda seems hardly detectable after the Civil War, and even in the years immediately before 70 B.C.¹⁶³ There are, of course, the notable cases of some communities that had to devise strategies to respond to specific challenges. Perhaps for this reason, when one turns the spotlight on the affairs of Italy during this period, the legacy of Sulla appears to have been an even more prominent and contentious issue than was the case in Rome. This may be explained, however, with the emphasis of the surviving evidence on exceptional contexts, and should not necessarily be viewed as representative of the whole picture.

VI CONCLUSIONS

The central contention of this paper is that the fundamental political development of the 70s was not a reshuffle of alliances and loyalties within the senatorial nobility, driven by the ambition of some to preserve or improve positions of influence and authority, or by the concern of others to secure political survival. On the contrary, a sustained level of controversy over a number of critical policy fronts, within and beyond the political élite, is clearly detectable. The controversy did not revolve mainly around the legacy of Sulla, but around a number of central political issues. Some had not been effectively addressed in the Sullan settlement, and others were brought about by the Sullan experiment itself: whether social and economic ones, such as the corn supply in Rome or the distribution of land across Italy, or political and constitutional ones, such as the rôle of the tribunate, the position of the Senate, and the pace and stages of the inclusion of the Allies into the citizen body. Concepts like ‘Sullan coalition’ and ‘senatorial oligarchy’ lend themselves to some meaningful deconstruction as soon as one starts looking into the contemporary debate on specific problems — those on which political controversy focused in the decade following Sulla’s death. The study of Sulla’s legacy as an abstract, ideologically coherent construction is far less rewarding than the exploration of a number of central problems, the scope and significance of which went beyond the brief political season during which Sulla enjoyed unrivalled supremacy. The 70s were an age of political realignments, in Rome and throughout Italy, but along different lines than usually envisaged.

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BIBLIOGRAPHY

- Alexander, M. C. 1990: *Trials in the Late Roman Republic, 149 B.C.–50 B.C.*, Toronto/Buffalo/London
- Allély, A. 2008: ‘Le sort des enfants des *hostes publici* à Rome à la fin de la République. L’exemple des *Aemilii Lepidi*’, *Athenaeum* 96, 609–22
- Allély, A. 2012: *La déclaration d’hostis sous la République romaine*, Bordeaux
- Arena, V. 2011: ‘The consulship of 78 BC. Catulus versus Lepidus: an *optimates* versus *populares* affair’, in H. Beck, A. Duplá, M. Jehne and F. Pina Polo (eds), *Consuls and res publica. Holding High Office in the Roman Republic*, Cambridge, 299–318
- Arena, V. 2012: *Libertas and the Practice of Politics in the Late Roman Republic*, Cambridge
- Astin, A. E. 1985: ‘Censorships in the Late Republic’, *Historia* 34, 175–90

¹⁶³ cf. Crawford 2008: 633 (developing a remark by H. Mouritsen) for the view that there is no discernible Italian agenda after 70 B.C.

- Astin, A. E. 1988: 'Regimen morum', *Journal of Roman Studies* 78, 14–34
- Badian, E. 1962: 'Waiting for Sulla', *Journal of Roman Studies* 52, 47–61
- Badian, E. 1964: *Studies in Greek and Roman History*, Oxford
- Beard, M. 1986: 'Cicero and divination: the formation of a Latin discourse', *Journal of Roman Studies* 76, 33–46
- Berry, D. H. (ed.) 1996: *Cicero. Pro Sulla oratio*, Cambridge
- Bispham, E. 2007: *From Asculum to Actium. The Municipalization of Italy from the Social War to Augustus*, Oxford
- Blasi, M. 2012: *Strategie funerarie. Onori funebri pubblici e lotta politica nella Roma medio e tardorepubblicana (230–27 a.C.)*, Rome
- Blom, H. van der 2011: 'Pompey in the contio', *Classical Quarterly* 61, 553–73
- Bomgardner, D. L. 2000: *The Story of the Roman Amphitheatre*, London/New York
- Bonnefond-Coudry, M. 1989: *Le Sénat de la République romaine de la guerre d'Hannibal à Auguste. Pratiques délibératives et prise de décision*, Rome
- Brunt, P. A. 1988: *The Fall of the Roman Republic and Related Essays*, Oxford
- Canfora, L. 1974: *Storici della rivoluzione romana*, Bari
- Carcopino, J. 1931: *Sylla ou la monarchie manquée*, Paris
- Cottier, M. et al. (ed.) 2008: *The Customs Law of Asia*, Oxford
- Crawford, J. W. 1984: *M. Tullius Cicero: The Lost and Unpublished Orations*, Göttingen
- Crawford, M. H. 1974: *Roman Republican Coinage*, Cambridge
- Crawford, M. H. 1992: *The Roman Republic*, 2nd edn, London
- Crawford, M. H. (ed.) 1996a: *Roman Statutes*, London
- Crawford, M. H. 1996b: 'Italy and Rome from Sulla to Augustus', in A. K. Bowman, E. Champlin and A. W. Lintott (eds), *Cambridge Ancient History X*, Cambridge, 414–33
- Crawford, M. H. 2002: 'Tribus, tessères et régions', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* 146, 1125–35
- Crawford, M. H. 2008: 'States waiting in the wings: population distribution and the end of the Roman Republic', in L. de Ligt and S. J. Northwood (eds), *People, Land, and Politics. Demographic Developments and the Transformation of Roman Italy, 300 BC–AD 14*, Leiden/Boston, 631–43
- Crawford, M. H. 2010: 'Community, tribe and army after the Social War', in M. Silvestrini (ed.), *Le tribù romane. Atti della XVI^e Rencontre sur l'épigraphie*, Bari, 97–101
- Crawford, M. H. et al. (ed.) 2011: *Imagines Italiae. A Corpus of Italic Inscriptions*, London
- Criniti, N. 1969a: 'M. Aemilius Q. f. M. N. Lepidus "ut ignis in stipula"', *Memorie dell'Istituto Lombardo* 30.4, Milan, 319–460
- Criniti, N. 1969b: 'Tre noterelle di storia lepidana', *Rendiconti dell'Istituto Lombardo* 103, 865–74
- Dart, C. 2010: 'Deceit and the struggle for Roman franchise in Italy', in A. J. Turner, J. H. Kim On Chongh-Gossard and F. Vervaeke (eds), *Public and Private Lies. The Discourses of Despotism and Deceit in the Graeco-Roman World*, Leiden/Boston, 91–105
- David, J.-M., and Dondin, M. 1980: 'Dion Cassius, XXXVI, 41, 1–2. Conduites symboliques et comportements exemplaires de Lucullus, Acilius Glabrio et Papirius Carbo (78 et 67 a. C.)', *Mélanges de l'École française de Rome. Antiquité* 92, 199–213
- de Ligt, L. 2012: *Peasants, Citizens and Soldiers: Studies in the Demographic History of Roman Italy 225 BC–AD 100*, Cambridge
- Dench, E. 1995: *From Barbarians to New Men. Greek, Roman, and Modern Perceptions of Peoples of the Central Apennines*, Oxford
- Dyck, A. R. 1996: *A Commentary on Cicero, De Officiis*, Ann Arbor
- Dyck, A. R. 1998: 'Cicero the dramaturge: verisimilitude and consistency of characterization in some of his dialogues', in G. Schmeling and J. D. Mikalson (eds), *Qui miscuit utile dulci. Festschrift Essays for Paul Lachlan MacKendrick*, Wauconda, IL, 151–64
- Dyck, A. R. 2004: *A Commentary on Cicero, De Legibus*, Ann Arbor
- Dyck, A. R. (ed.) 2010: *Cicero. Pro Sexto Roscio*, Cambridge
- Dyck, A. R. (ed.) 2012: *Marcus Tullius Cicero. Speeches on Behalf of Marcus Fonteius and Marcus Aemilius Scaurus*, Oxford
- Dzino, D. 2002: 'Annus mirabilis: 70 BC re-examined', *Ancient History: Resources for Teachers* 32: 99–117

- Erdkamp, P. 2005: *The Grain Market in the Roman Empire. A Social, Political and Economic Study*, Cambridge
- Etcheto, H. 2012: *Les Scipions. Famille et pouvoir à Rome à l'époque républicaine*, Bordeaux
- Ferrary, J.-L. 1975: 'Cicéron et la loi judiciaire de Cotta (70 av. J.-C.)', *Mélanges de l'École française de Rome. Antiquité* 87, 321–48
- Fezzi, L. 2001: 'In margine alla legislazione frumentaria di età repubblicana', *Cahiers du Centre Gustave-Glotz* 12, 91–100
- Fezzi, L. 2003: *Falsificazione di documenti pubblici nella Roma tardorepubblicana (133–31 a.C.)*, Florence
- Firpo, G. 2009: '«Colonia Arretium»: da Silla a Cesare', *Rendiconti dell'Istituto Lombardo* 143, 87–118
- Flower, H. 2010: *Roman Republics*, Princeton
- Fontanella, F. 2004: 'Il senato nelle Verrine ciceroniane fra teoria e prassi politica', *Athenaeum* 92, 15–71
- Fotheringham, L. 2004: 'Repetition and unity in a civil law speech: the *Pro Caecina*', in J. Powell and J. Paterson (eds), *Cicero the Advocate*, Oxford, 253–76
- Fox, M. 2007: *Cicero's Philosophy of History*, Oxford
- Frier, B. W. 1985: *The Rise of the Roman Jurists: Studies in Cicero's Pro Caecina*, Princeton
- Gabba, E. 1954: 'Le origini della Guerra Sociale e la vita politica romana dopo l'89 a.C.', *Athenaeum* 32, 41–114, 295–345 (= 1973: 193–345 = 1976: 70–130, 214–50).
- Gabba, E. 1956: 'Il ceto equestre e il Senato di Silla', *Athenaeum* 34, 124–38 (= 1973: 407–25 = 1976: 142–50, 255–8)
- Gabba, E. 1960: 'Senati in esilio', *Bollettino dell'Istituto di Diritto Romano 'Vittorio Scialoja'*s. 3, 2, 221–32 (=1973: 427–41)
- Gabba, E. 1972: 'Urbanizzazione e rinnovamenti urbanistici nell'Italia centromeridionale del I sec. a.C.', *Studi Classici e Orientali* 21, 73–112 (= 1994: 63–103)
- Gabba, E. 1973: *Esercito e società nella tarda Repubblica romana*, Florence
- Gabba, E. 1976: *Republican Rome, the Army and the Allies*, trans. P. J. Cuff, Berkeley/Los Angeles
- Gabba, E. 1994: *Italia romana*, Como
- Gagliardi, L. 2006: *Mobilità e integrazione delle persone nei centri cittadini romani. Aspetti giuridici I. La classificazione degli incolae*, Milan
- Galsterer, H. 2006: 'Rom und Italien vom Bundesgenossenkrieg bis zu Augustus', in M. Jehne and R. Pfeilschifter (eds), *Herrschaft ohne Integration? Rom und Italien in republikanischer Zeit*, Frankfurt, 293–308
- Garnsey, P. 1988: *Famine and Food Supply in the Graeco-Roman World. Responses to Risk and Crisis*, Cambridge
- Greenidge, A. H. J., and Clay, A. M. 1960: *Sources for Roman History 133–70 B.C.*, 2nd edn, Oxford
- Gruen, E. S. 1966: 'The Dolabellae and Sulla', *American Journal of Philology* 87, 385–99
- Gruen, E. S. 1968: *Roman Politics and the Criminal Courts, 149–78 B.C.*, Cambridge, Mass.
- Gruen, E. S. 1974: *The Last Generation of the Roman Republic*, Berkeley
- Güngerich, R. 1980: *Kommentar zum Dialogus des Tacitus*, Göttingen
- Hantos, T. 1988: *Res publica constituta. Die Verfassung des Dictators Sulla*, Stuttgart
- Harris, W. V. 1971: *Rome in Etruria and Umbria*, Oxford
- Hayne, L. 1972: 'M. Lepidus (cos. 78): a reappraisal', *Historia* 21, 661–8
- Heinze, R. 1960: 'Ciceros politische Anfänge', in E. Burck (ed.), *Vom Geist des Römertums. Ausgewählte Aufsätze*, 3rd edn, Stuttgart, 87–140
- Hillard, T. W. 1981: 'The seventies, the Senate and popular discontent. The background to the *First Verrine*', *Ancient History. Resources for Teachers* 11, 12–21, 71–125
- Hillman, T. P. 1990: 'Pompeius and the Senate: 77–71 B.C.', *Hermes* 118, 444–54
- Hinard, F. 1985: *Les Proscriptions de la Rome républicaine*, Rome
- Hinard, F. 2008: *Sullana varia. Aux sources de la première guerre civile romaine*, Paris
- Hurlet, F. 1993: *La Dictature de Sylla: monarchie ou magistrature républicaine? Essai d'histoire constitutionnelle*, Brussels/Rome
- Keaveney, A. 2003: 'The short career of Q. Lucretius Afella', *Erano*s 101, 84–93
- Kelly, B. 2005: 'The law that Catulus passed', in K. Welch and T. W. Hillard (eds), *Roman Crossings. Theory and Practice in the Roman Republic*, Swansea, 95–118

- Kendall, S. 2013: *The Struggle for Roman Citizenship: Romans, Allies, and the Wars of 91–77 BCE*, Piscataway
- Kuttner, A. 2013: 'Representing Hellenistic Numidia, in Africa and at Rome', in J. R. W. Prag and J. Crowley Quinn (eds), *The Hellenistic West. Rethinking the Ancient Mediterranean*, Cambridge, 216–72
- Labruna, L. 1975: *Il console sovversivo: Marco Emilio Lepido e la sua rivolta*, Naples
- Laffi, U. 1967: 'Il mito di Silla', *Athenaeum* 45, 177–213, 255–77
- Lepore, E. 1993: 'La crisi della «nobilitas»: fra reazione e riforma', in A. Momigliano and A. Schiavone (eds), *Storia di Roma*, 2.1, Turin, 737–59
- Lewis, R. G. (ed.) 2006: *Asconius. Commentaries on Speeches by Cicero*, Oxford
- Lloyd, J. 1995: 'Roman towns and territories (c. 80 BC–AD 600)', in G. Barker (ed.), *A Mediterranean Valley. Landscape Archaeology and Annales History in the Biferno Valley*, London/New York, 213–53
- Lo Cascio, E. 1990: 'Le professiones della *Tabula Heracleensis* e le procedure del *census* in età cesariana', *Athenaeum* 78, 287–318
- Lo Cascio, E. 1999: '*Census* provinciale, imposizione fiscale e amministrazioni cittadine nel Principato', in W. Eck (ed.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert*, Munich, 197–211
- Lo Cascio, E. 2001: 'Il *census* a Roma e la sua evoluzione dall'età «serviana» alla prima età imperiale', *Mélanges de l'École française de Rome. Antiquité* 113, 565–603
- Malitz, J. 1972: 'C. Aurelius Cotta *cos.* 75 und seine Rede in Sallusts *Historien*', *Hermes* 100, 359–86
- Marastoni, S. 2009: *Servio Tullio e l'ideologia sillana*, Rome
- Marquardt, J. 1884: *Römische Staatsverwaltung*, I, 2nd edn, Leipzig
- Marshall, B. A. 1972: 'The *Lex Plotia agraria*', *Antichthon* 6, 43–52
- Marshall, B. A. 1975: 'Quintus Cicero, Hortensius and the *Lex Aurelia*', *Rheinisches Museum* 118, 136–52
- Marshall, B. A. 1985: *A Historical Commentary on Asconius*, Columbia
- Marshall, B. A., and Benes, L. 1987: 'Tribunician agitation and aristocratic reaction 80–71 B.C.', *Athenaeum* 65, 361–78
- McDermott, W. 1971: 'Q. Cicero', *Historia* 20, 702–17
- McDermott, W. 1977: '*Lex de tribunicia potestate* (70 B.C.)', *Classical Philology* 72, 49–52
- McGushin, P. 1992: *Sallust. The Histories, I*, Oxford
- McGushin, P. 1994: *Sallust. The Histories, II*, Oxford
- Millar, F. 1998: *The Crowd in Rome in the Late Republic*, Ann Arbor
- Moreau, P. 1994: 'La mémoire fragile: falsification et destruction des documents publics au I^{er} s. av. J.-C.', in S. Demougin (ed.), *La mémoire perdue. À la recherche des archives oubliées, publiques et privées, de la Rome antique*, Paris, 121–47
- Morstein-Marx, R. 2004: *Mass Oratory and Political Power in the Late Roman Republic*, Cambridge
- Morstein-Marx, R. 2013: "'Cultural hegemony" and the communicative power of the Roman elite', in C. Steel and H. van der Blom (eds), *Community and Communication. Oratory and Politics in Republican Rome*, Oxford, 29–47
- Mouritsen, H. 1998: *Italian Unification. A Study in Ancient and Modern Historiography*, London
- Murrell, J. 2008: *Cicero and the Roman Republic*, Cambridge
- Nicolet, C. 1991: 'Le *Monumentum Ephesenum* et les dîmes d'Asie', *Bulletin de correspondance hellénique* 115, 465–80
- Nicolet, C. 1993: 'Le *Monumentum Ephesenum* et la délimitation du *portorium* d'Asie', *Mélanges de l'École française de Rome. Antiquité* 105, 929–59
- Nicolet, C. 1999: 'Le *Monumentum Ephesenum*, la loi Terentia-Cassia et les dîmes d'Asie', *Mélanges de l'École française de Rome. Antiquité* 111, 191–215
- Nicolet, C. 2000: *Censeurs et publicains. Économie et fiscalité dans la Rome antique*, Paris
- North, J. A. 2011: '*Lex Domitia* revisited', in J. H. Richardson and F. Santangelo (eds), *Priests and State in the Roman World*, Stuttgart, 39–61
- Paterson, J. J. 1985: 'Politics in the Late Republic', in T. P. Wiseman (ed.), *Roman Political Life, 90 B.C.–A.D. 69*, Exeter, 21–43
- Pobjoy, M. 2000: 'The First *Italia*', in E. Herring and K. Lomas (eds), *The Emergence of State Identities in Italy in the First Millennium BC*, London, 187–211
- Rickman, G. E. 1980: *The Corn Supply of the City of Rome*, Oxford

- Robb, M. A. 2010: *Beyond Populares and Optimates: Political Language in the Late Republic*, Stuttgart
- Robinson, O. F. 2013: 'Law-making in times of disorder', in A. Burrows, D. Johnston and R. Zimmermann (eds), *Judge and Jurist. Essays in Memory of Lord Rodger of Earlsferry*, Oxford, 227–36
- Rosenblitt, J. A. 2011: 'The "Devotio" of Sallust's Cotta', *American Journal of Philology* 132, 397–427
- Rosenblitt, J. A. 2013: 'Sallust's *Historiae* and the voice of Sallust's Lepidus', *Arethusa* 46, 447–70
- Rossi, R. F. 1965: 'Sulla lotta politica a Roma dopo la morte di Silla', *La Parola del Passato* 101, 133–52 (= 1996: 69–80)
- Rossi, R. F. 1996: *Scritti di storia romana*, Trieste
- Rotondi, G. 1912: *Leges publicae populi Romani. Elenco cronologico con una introduzione sull'attività legislativa dei comizi romani*, Milan
- Salmon, E. T. 1967: *Samnum and the Samnites*, Cambridge
- Santangelo, F. 2006: 'Sulla and the Senate: a reconsideration', *Cahiers du Centre Gustave-Glotz* 17, 7–22
- Santangelo, F. 2007: *Sulla, the Elites and the Empire. A Study of Roman Policies in Italy and the Greek East*, Leiden/Boston
- Santangelo, F. 2012a: 'From Pompeii to Ameria: patrimonies and institutions in the age of Sulla', in L. Lamoine, C. Berrendonner and M. Cébeillac-Gervasoni (eds), *Gérer les territoires, les patrimoines et les crises. Le quotidien municipal II*, Clermont-Ferrand, 417–31
- Santangelo, F. 2012b: 'Sullanus and Sullani', *Arctos* 46, 187–91
- Scardigli, B. 1971: 'Sertorio: problemi cronologici', *Athenaeum* 49, 229–70
- Scardigli, B. (ed.) 1983: *Grani Liciniani Reliquiae*, Florence
- Schovánek, J. G. 1972: 'The date of M. Octavius and his *Lex Frumentaria*', *Historia* 21, 235–43
- Schovánek, J. G. 1977: 'The provisions of the *Lex Octavia Frumentaria*', *Historia* 27, 378–81
- Steel, C. 2012: 'Cicero's autobiography: narratives of success in the pre-consular orations', *Cahiers du Centre Gustave-Glotz* 23, 251–66
- Steel, C. 2013: *The End of the Roman Republic, 146 to 44 BC. Conquest and Crisis*, Edinburgh
- Steel, C. 2014a: 'The Roman senate and the post-Sullan *res publica*', *Historia* 63, 323–39
- Steel, C. 2014b: 'Rethinking Sulla: the case of the Roman Senate', in press in *Classical Quarterly* 64
- Syme, R. 1939: *The Roman Revolution*, Oxford
- Syme, R. 1958: *Tacitus*, Oxford
- Syme, R. 1964: *Sallust*, Berkeley/Los Angeles
- Taylor, L. R. 1966: *Roman Voting Assemblies from the Hannibalic War to the Dictatorship of Caesar*, Ann Arbor
- Taylor, L. R. 2013: *The Voting Districts of the Roman Republic. The Thirty-five Urban and Rural Tribes*, with updated material by J. Linderski, Ann Arbor
- Thein, A. 2006: 'Sulla the weak tyrant', in S. Lewis (ed.), *Ancient Tyranny*, Edinburgh, 238–49
- Thein, A. 2010: 'Sulla's veteran settlement policy', in F. Daubner (ed.), *Militärsiedlungen und Territorialherrschaft in der Antike*, Berlin/New York, 79–99
- Thein, A. 2013: 'Rewards to slaves in the proscriptions of 82 B.C.', *Tyche* 28, 163–75
- Treggiari, S. 1969: *Roman Freedmen during the Late Republic*, Oxford
- Twyman, B. L. 1972: 'The Metelli, Pompeius and prosopography', in *Aufstieg und Niedergang der römischen Welt* 1.1, Berlin/New York, 816–74
- Vanderbroeck, P. J. J. 1987: *Popular Leadership and Collective Behavior in the Late Roman Republic (ca. 80–50 B.C.)*, Amsterdam
- Vedaldi lasbez, V. 1983: 'Un silenzio di Macro (Sall. *Hist.* 3.48.9–11 M.)', *Mélanges de l'École française de Rome. Antiquité* 95, 139–61
- Vervaeke, F. J. 2009: 'Pompeius' career from 79 to 70 BCE: Constitutional, political and historical considerations', *Klio* 91, 406–34
- Virlouvet, C. 1994: 'Les lois frumentaires d'époque républicaine', in *Le ravitaillement en blé de Rome*, Naples/Rome, 11–29
- Welch, K. E. 2007: *The Roman Amphitheatre. From its Origins to the Colosseum*, Cambridge
- Wilamowitz-Moellendorf, U. von 1926: 'Storia italica', *Rivista di Filologia e di Istruzione Classica* 54, 1–18
- Williamson, C. 2005: *The Laws of the Roman People. Public Law in the Expansion and Decline of the Roman Republic*, Ann Arbor

- Wiseman, T. P. 1969: 'The census in the first century B.C.', *Journal of Roman Studies* 59, 59–75
- Wiseman, T. P. 1971: *New Men in the Roman Senate 139 B.C.–14 A.D.*, Oxford
- Wiseman, T. P. 1977: 'Cicero, *pro Sulla* 60–1', *Liverpool Classical Monthly* 2, 21–2
- Wiseman, T. P. 2009: *Remembering the Roman People. Essays on Late-Republican Politics and Literature*, Oxford
- Wulff Alonso, F. 2002: *Roma e Italia de la Guerra Social a la retirada de Sila (90–79 a.C.)*, Brussels
- Zetzel, J. E. G. 2013: 'A contract on Ameria: law and legality in Cicero's *Pro Roscio Amerino*', *American Journal of Philology* 134, 425–44
- Zevi, F. 1995: 'Personaggi della Pompei sillana', *Papers of the British School at Rome* 63, 1–24
- Zevi, F. 1996: 'Pompei dalla città sannitica alla colonia sillana: per un'interpretazione dei dati archeologici', in M. Cébeillac-Gervasoni (ed.), *Les élites municipales de l'Italie péninsulaire des Gracques à Néron*, Rome, 125–38