THE
LIFE AND TIMES
OF
MARCUS
LICINNIUS CRASSUS
TRIUMVIR
VOLUME 1

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APRIL 1941
PREFACE

Modern writers have shown little interest in Crassus. I know of only two Lives, both of which are now forty years old. Oman's chapter on Crassus in his 'Seven Roman Statesmen' is little more than a reproduction of Plutarch and is therefore of slight value. Deknatel's 'De Vita Marci Licinii Crassii' is disappointing. He has not gone deeply into his subject, and his conclusions are often wild.

Crassus's influence on Roman political life between 70 and 55 B.C. contrasts sharply with the infrequency of his appearances in ancient literature. I have tried to fit together the pieces of his life and to present the whole in its true perspective in the picture of these years. So wide a canvass contains many points of controversy. To include these I have expanded the footnotes and appended several additional Notes.

J.T.
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τὸν πλοῦτον νεῦρα πραγμάτων.

Bion.

Cupido dominandi cunctis affectibus flagrantior est.

Tacitus.
Marcus Licinius Crassus was born about the year 115 B.C.\textsuperscript{1)}

He came of a plebeian family, which since the time of the agitation for the opening of the consulship to plebeians had exerted great influence at Rome.\textsuperscript{2)} That the Licinii are found twice among the first six plebeian consuls is not surprising, since they had been among the chief agitators for this concession from the patricians. With the consulship in 361 B.C. of C.Licinius Stolo, who had given his name to the law of 367 B.C., the Licinii seem to have consolidated their position in the new order, but strangely enough after that year for a century and a quarter no Licinius is found among the consuls. It has been suggested that the gens came into lasting disrepute as a result of the activities of Licinius Stolo, who in 357 B.C. was condemned for breaking his own law limiting the amount of land to be held by individuals.\textsuperscript{3)} However that may be, the light of the Licinii shines forth again with the advent to the consulship in 236 B.C. of Licinius Varus; and henceforth its brilliance is undimmed until the end of the Republic.\textsuperscript{4)} Our Marcus Crassus was descended from a brother of this Licinius Varus, P.Licinius who took the name Crassus. The immediate antecedents of Crassus are clear, but it is impossible to state his exact descent from the original P.Licinius Crassus.\textsuperscript{5)} One fact is certain however: his ancestor was not P.Licinius Crassus who was consul in 205 B.C., censor in 201 B.C. and Pontifex Maximus and whose son, adopted

\textsuperscript{1)} Plut.Crass. 17: Cic.Att. IV.-13 : Oman (Seven Roman Statesmen p.156) gives the date as 107 B.C. On what evidence? Gelzer (P.W. - Licinius (No.66)) gives Crassus the name "Dives" and refers to Cic.Att. II. -13-2. But the reference to our Crassus is doubtful (cf.Tyrrell and Purser). For this cognomen among the Licinii see Appendix I Table.

\textsuperscript{2)} Nünzer - Römische Adelsparteien und Adelsfamilien pp.9 ff. The Licinian family seems to have been Etruscan in origin, their original name Lecne being turned by a Latin termination into the Roman form (Syme - Roman Revolution p.85 : cf. C.I. Etr.)

\textsuperscript{3)} Livy VII. - 16-9 : Münzer R.A. pp.21 ff.


\textsuperscript{5)} For the early Licinius Crassi see Gelzer in P.W. : Münzer R.A. pp. 183-91 : D.G. IV under Licini.
from the Mucii, became the Pontifex Maximus P. Licinius Crassus Dives Mucianus, and consul in 131 B.C. 1) It was the brother of the consul of 205 B.C. from whom Crassus traced his descent. This C. Licinius Crassus was quite outshone by his brother and never became consul, but his three sons all reached this office, in 179, 171 and 168 B.C. 2) Crassus's grandfather, M. Licinius Crassus Agelastus, who was nicknamed this because he had never been known to laugh, 3) and who did not rise higher than a praetorship in 127 B.C., was the son of one of these three consuls, most likely of P. Licinius Crassus, the consul of 171 B.C.

Plutarch records that Crassus once took pains to point out that no member of his family had lived beyond the age of sixty, and so it has been suggested that he wanted to apologist for the fact that his grandfather had not reached the consulship; but if so, it was a weak apology. 4) However, the praetorship of Agelastus was the one comparatively weak link in the family chain, since his son, Crassus's father, became consul in 97 B.C., while another and equally distinguished member of the gens, L. Licinius Crassus, the famous orator, who was descended from a brother of Crassus's great-grandfather, was consul in 91 B.C. 5) Undoubtedly the Licinius Crassi were proud to display their ancestral busts.

Moreover, their connections by marriage included some of the famous names in Republican history. Two daughters of the orator had married P. Cornelius Scipio Nasica and the younger Marius, while more remotely daughters of Crassus Mucianus had been married to Sulpicius Galba and C. Gracchus. 6)

It is therefore as misleading as it is untrue to assume, as many do, that Crassus stood apart from the optimate families as leader of the inferior money-making element of Roman society.

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1) Munzer R.A. pp. 257-70 ; Gelzer cit. ; D.C. cit.
2) See Munzer, Gelzer, D.G. under Liciniu.
3) Pliny N.H. VII. 18 (19) ; cf. Livy XL. 51; Cic. De Fin. V. 30.
4) Tusc. III. 15, Macrobr. II. I.
5) Plut. Lic. 25.
6) Gelzer cit. ; Appendix I. Table.
He could compare his family favourably with that of any man at Rome; and if his inclinations led him to take up finance, he was rather the patron than the leader of the equestres.

Crassus's father became consul in 97 B.C. After his year of office he went to Spain, where he conducted campaigns against the Lusitanians, which resulted in his triumph in 93 B.C. 1) At the outbreak of the Social War he became legate of the consul L. Julius Caesar; but a heavy defeat in Campania damaged his military reputation. 2) In 89 B.C. he became censor along with L. Caesar, and probably helped to effect the reorganisation made necessary by the concessions to the Italians. 3) His great reputation both as a soldier and a statesman was to cause his death. 4) In the Marian massacre at the end of 87 B.C. he was proscribed, although there is no evidence that he took an outstanding part in the government's resistance. One of his sons was caught by the slave bands of Marius and put to death while the father escaped the same end only by falling on his sword. 5) The fate of Crassus's second brother is unknown, but his widow Tertulia became Crassus's wife, if a remark of Plutarch refers to this brother and not to the one slain by the Marians, which is less likely. 6) There were two sons of the marriage, Publius who was to die on the field of Carrhae, and Marcus, the elder, who supported Caesar in the Civil War and died in 48 B.C. 7) On the death of his father Crassus was a young man of twenty-eight; 8) presumably his ambition was already awakened and his disposition and habits already formed. Much in his character and conduct has been criticised adversely, but never

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his private life. Plutarch emphasises the care taken by the father to bring up his children without the ostentation which his public position made easy but imprudent. 1) The influence of Venuleia 2) on her sons is not mentioned; but the simple way of life he learned in childhood remained with Marcus when he had become the richest man at Rome. 3) Unlike his contemporaries, Caesar, Pompey and Cato, he could be attacked neither as a libertine nor a drunkard. Even if due allowance is made for the exaggeration of the time, when attacks on the moral standards of one's opponents were the currency of political exchanges, it is obvious that Crassus stood as far above the average as Caesar was below it. The only story which Plutarch can tell against him is of a suggested liaison with a vestal, Licinia, which the writer himself admits to be improbable. 4) Cicero, who loathed Crassus, insinuated that his wife was an adulteress, but his insinuation is as weak as the pun he made against Crassus. 5) Suetonius repeats the gossip that Tertulla was Caesar's mistress, but as Caesar was reputed to be the lover of almost every lady of note in Rome, this story can be disregarded. 6) On the contrary there is every indication that Crassus was happily married and led a domestic life which served as an example to most of his class.

As befits a student of philosophy - he inclined towards the Aristotelian school 7) - Crassus was himself neither malicious nor vindictive 8): the most serious and recurrent charge brought against him is that of avarice. But when the evidence is examined it is clear that the means is confused with the end: Crassus valued

7) See Appendix I.
8) Plut.Crass. 4 - "a very young man."

1) Plut.Crass. 1.
3) Plut.Crass. 3.
4) Plut.Crass. 1. For Crassus's respectability - Velleius II - 46.
5) Plut. Cis. 25: Macrobr. Sat. III. - 14 - 15: In pro Cael. 9 Cicero speaks of "castissima domus Crassi!"
6) Suet.Caes. 50.
7) Plut.Crass. 3. Where Crassus's friendship with the philosopher Alexander is mentioned.
money not for its own sake but for what it brought him.
Undoubtedly some of the methods he used to accumulate his fortune were both unscrupulous and undignified, but they can hardly be said to merit the severe censure levelled at him by contemporaries and later writers. The feeling against Crassus because of his attitude towards wealth was much the same as that shown today against rich and successful Jewish financiers, with whom Crassus has something in common: those who are envious of the successful man always find the charge of greed and unscrupulosity an easy weapon with which to attack him. There were more serious defects in the character of Crassus, but Plutarch does not emphasise them. Suspicious by nature, he attempted to win popularity by an artificial and calculated display of generosity, which defeated its own end: a master of intrigue and more feared at Rome than any other man, he yet found it difficult to translate into open and public support the influence he exerted in private. His position as third and not first man in the Roman world was the result of a fatal lack of that personal attraction which draws the masses. Caesar possessed this in the highest degree; while Pompey, who in many ways was decidedly the inferior of Crassus and who was repeatedly out-maneouvred by him, could always rely upon this power to bring him success when his blunders seemed to have made it unattainable. Crassus was most successful when he allowed Caesar to use for his benefit the power to appeal to the masses which he himself lacked. It was Crassus's supreme misfortune that, possessed of birth, wealth, military talent and administrative ability of the highest order, he was without the one attribute which was essential to win for him the first position in the state during a time when personal popularity was all-important. But as to Plutarch's main charge, it is doubtful whether he was more unscrupulous or avaricious than his contemporaries: his fault in the eyes of his enemies was that he was more successful than they in exploiting the
With the death of his father and brother the unity of the family was broken, and Crassus decided that it would be dangerous to stay at Rome, where he knew he might suffer a similar fate at the hands of the Marians; so he left the city and remained outside of Italy for more than three years. His biographer is not clear about what happened during these years. On the one hand he gives the impression that Crassus fled immediately to Spain, where he had lived with his father during the latter's praetorship and where he might hope to find friends who would give him hospitality, and remained there till he heard of the death of Cinna. But elsewhere it is stated that after only eight months in Spain he received this news from Italy. Since Cinna was killed in a mutiny of his troops in the spring of 84 B.C., Plutarch is at fault either in the one place or in the other. We may safely assume that Crassus and his companions left Rome during the proscriptions; and possibly the biographer is wrong in inferring that they travelled immediately to Spain, or at least that they straightway received the hospitality there of Vibius Paciacus. Perhaps Crassus depended on the help of other friends in Spain for some time before he reached Vibius. It is certainly in character for Plutarch to mention only that incident which appealed to him and leave the impression that this accounted for the whole of the sojourn in Spain. That Crassus's position even in that country was very precarious is clear from the account of his hiding in a cave during these eight months.

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1) Plut.Crass. E: 14:17; Cic. de Off.III-75; paraad. Stoic.VI -46 Val.Max.IX -3-4; Cicero cordially detested and was not a little jealous of Crassus; in de Off. I -109 Cicero gives Sulla and Crassus as examples of those who believed that the means was justified by the end. For modern assessments of Crassus see Mommsen (History of Rome IV. pp.12-14. Everyman Trans.); Ferrero (Greatness and Decline of Rome I. p.564)

2) Plut.Crass. 4-6.

3) Does Plutarch really mean that Crassus was in Spain during his father's pro-consular command? He would be rather too young to serve in Spain before 97 B.C. Again, was his father also in Spain before his pro-consulship?

4) App. B.C. I.-78; Livy Epit. 83.
He must have heard of the death of Cinna in the early summer of 84 B.C. He immediately came out of hiding and, presumably with the help of his fellow-exiles, collected a force of 2500 men. Marching south with these, he occupied Malaca, which he was afterwards accused of having pillaged. Crassus strenuously denied the charge; but it is not impossible that he used Malaca to finance his expedition to Africa.  

He crossed the straits with a small fleet and met Metellus Pius, who had also escaped from the Marians. Although companions in disaster, the two failed to agree, and pursued their separate ways to join Sulla, who left Greece for Italy in the spring of 83 B.C.  

In addition to Crassus and Metellus, Pompey, L. Philippus and M. Lucullus declared immediately for Sulla, as he speedily set about disposing of his opponents. Pompey had already characteristically marked the beginning of his career by raising three legions for Sulla in Picenum, defeating the enemy forces sent against him and being hailed as imperator on his arrival at Sulla's headquarters.  

Crassus was given the task of raising a force in the Marsian country, where the enemy was situated in strength. It was said that he asked Sulla for a guard; whereupon the latter retorted that his dead father and brother ought to be a sufficient one for him. Piqued by the rebuke Crassus penetrated the region of the Marsi and collected a formidable army.  

Having thus proved his worth, Crassus was ordered to advance into Umbria, while Sulla himself pressed on towards Rome along the Western side of the peninsula, and Pompey began to reduce his native

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Plut. Crass. 6.
Plut. Crass. 6: App. B.C. I. -79-80: Livy Epit. 84: C.A.H. IX p.272 states that Metellus joined Sulla from Liguria, but Gelzer (P.W. -M. Licinius (63) Crassus) with more reason reads in Appian ομονοια. Events in Africa during this period are obscure: C.A.H. IX, p.273 thinks Metellus took refuge there (Livy Epit. 84) but was supplanted in control of the country by C. Fabius Hadriamus who was assassinated (Cic. II. Verr. I. -70) but followed by another popularis, Cn. Domitius, with whom Pompey afterwards dealt.
Plut. Crass. 6. Deknate (De Vita M.L.Crassi p.4) places this incident after Sulla had entered Rome, wrongly, since it is clearly meant to apply to the beginning of the campaign.
In Etruria and Umbria the three took part in the campaign against the consul Carbo and his general Carrinas which broke the back of the resistance. Sulla's victories at Saturnia and in the valley of the Clanias river and the indecisive battle of Clusium were followed up by the battle near Spoletium, where Crassus and Pompey crushed Carrinas. In the north Metellus brought over to the Sullan side the country between the Apennines and the Alps, and crowned his work with the capture of Ariminum, the loss of which caused Carbo to give up the struggle and flee to Africa.\(^1\)

Thus in the summer of 82 B.C. Crassus had proved his worth to Sulla and his military ability to himself. But once again he was accused of having deliberately pillaged a town for his own gain - this time during the campaign which culminated in the victory of Spoletium. It was not certain that he seized for himself the plunder taken from the town of Tuder, but this was the account given to Sulla, who did not confront Crassus with the charge, but none the less did not forget it.\(^2\)

Although he was under a cloud, Crassus was yet to render his greatest service to Sulla. It was essential that Praeneste, where he was besieging Marius the younger, should be reduced. Several attempts were made to break through the Sullan forces from within as well as one from outside by a strong army composed largely of Semites, who, mainly because of their hostility to Rome, had joined the anti-Sullians. When this failed, its leaders decided to create a diversion by attacking Rome itself. Sulla immediately hurried to the city, where on the afternoon of November 1st 82 B.C. without waiting to rest his troops he attacked the Semites outside the Colline gate. For a long time the battle went against him, and he himself on the left wing was driven back to the walls. All seemed lost when Crassus on the right wing saved the situation by

1) App. B.C. I. -87-9; Plut. Sull. 26ff.
2) Plut. Crass. 6 is probably to be dated thus: cf. App. B.C. I. -90.
forcing the enemy back and eventually causing a rout, which he followed up as far as Antemnae. The retreating army split up, and one section which surrendered to Crassus caused confusion and slaughter by turning against its comrades. Crassus had changed defeat into victory for Sulla: Praeneste quickly fell and to all intents the war was over. It remained for Sulla to begin the reconstruction of a ravaged Italy. 1)

Sulla's proscriptions and confiscations of property followed, and by June 1st 81 B.C., when they apparently ended, there were so many aggrieved by the loss of their estates that they created a problem for the government until Caesar settled the question during his dictatorship. 2) Sulla was notoriously indifferent to the fortunes acquired by his followers during these confiscations, and there sprang up at Rome a class of men who had thus become newly rich, 3) like Chrysogonus, of whom Cicero speaks with contempt. Crassus also laid the foundation of his colossal fortune in this way. He did not, however, incur the same odium as upstarts like Chrysogonus and Oppianacus, because his birth and the part he had played in the Sullan victory were considered to justify the use he made of his master's patronage: no doubt Pompey and Metellus were similarly rewarded. After Crassus's death Cicero condemned his financial activities during the proscriptions: but a rhetorical passage written by an enemy of Crassus to prove the thesis that honesty is the best policy counts for little, when current opinion was that he was none the worse for having used his opportunity to restore his family fortune. 4)

Plutarch records that at first Crassus's estate did not exceed

2) App. B.C. I. 95-6 says twenty senators and 1600 knights, to which list others were added. Later (c. 103) he estimated that Sulla was responsible for the deaths of 90 senators and 2600 knights: cf. Livy Epit. 89: Cic. pro Rosc. Amer. 128.
4) Cic: parad. stoic. VI. -46.
300 talents\textsuperscript{1}) but that in 70 B.C., after exceptionally heavy expenditure, he had 7,100.\textsuperscript{2}) It is known that he used every possible opportunity for gain during these years and, what is less creditable to him, made opportunities where none existed.\textsuperscript{3}) Whatever his faults Sulla was not the man to allow his subordinates to abuse the measures he took to weaken opposition. Crassus had already been suspected of appropriating state booty during his campaigns in Umbria; and, although Sulla had not openly objected, a repetition of this greed in Bruttium, where Crassus was possibly one of the commissioners appointed to reconstruct Italy, led to his fall from favour.\textsuperscript{4}) It was said that Crassus had inserted in the proscription list the name of a wealthy man in order to seize his fortune. Whether the accusation was true or not, Sulla remembered his previous suspicions and dispensed with the lieutenant who had formerly helped him so much.

His fall from grace is a turning point in the life of Crassus.\textsuperscript{5}) So long as the dictator lived he had no hope of making a career for himself in the political world. He had to stand by and watch Pompey, whom he had already marked down as his rival and for whose political ability he had little respect, pass from success to success. Even while they were colleagues he had noted jealously how Pompey invariably secured from Sulla appointments which promised glory, and reflected bitterly that a man ten years younger

\textsuperscript{1}) c. £75,000 : Plut. Crass. 2.
\textsuperscript{2}) c. £1,770,000 : Plut. Crass. 2 : cf. 12 : Pliny N.H. XXXIII. -134 : Crassus's capital was almost equal to the whole revenue of the state. It would be interesting to know when Crassus assessed his fortune at 300 talents. It seems doubtful whether he would be able to raise anything like that sum on his return to Italy, since the family fortune must have slumped badly after the death of his father. Oman (Seven Roman Statesmen p.168) and Ferrero (Greatness and Decline of Rome I.p.152) fail to take into account the risk to the Licinian family fortunes during the Marian proscriptions. It is more tempting to assume that 300 talents represents the sum Crassus had accumulated during the Sullan campaigns. But there can be no certainty.
\textsuperscript{3}) Plut. Crass. 2.
\textsuperscript{4}) The suggestion that he was Sulla's commissioner in Bruttium was made by Gelzer in P.W. : cf. Cic. paraq. stolc. VI.-46. Gelzer interprets Cic. Att. I -16-5 in this connection; but this is more then doubtful (see Tyrrell and Purser on the passage.)
\textsuperscript{5}) Gelzer in P.W.
than himself, possessed of less ability, and of a family less distinguished should be granted every honour by a dictator who was uncertain whether to be amused or amazed. 1) Pompey knew the value of self-publicity better than is often realised; not until late in his career did he find an opponent who was even more skilled than he in the art of advertisement. Crassus reacted to this trait of Pompey by trying to surpass him in political influence, but he adopted exactly the reverse methods. Assuming first that money is power, he resolved to make himself the wealthiest man in Rome. He despised the outward trappings so dearly loved by Pompey, and preferred the more effective influence he could exert behind the scenes as a result of his financial pre-eminence. He once said that no man should consider himself rich who could not maintain an army; but the army he raised was composed not of soldiers but of creditors. 2) Plutarch remarks that Crassus achieved as much by these methods as Pompey did on the field. In political circles his influence was actually as great as Pompey's, but until Caesar joined forces with him, he found Pompey's established reputation difficult to counterbalance. He did not use this influence exclusively for one side or the other, but moved wherever he thought he saw his advantage. Like Pompey, he wanted to stand above parties. 3)

Plutarch gives an interesting account of the way in which Crassus accumulated the fortune which became a by-word. 4) The economic and fiscal systems of Rome, never strong, had all but broken down since the acquisition of great wealth both in land and movable property from the provinces. Real estate was considered by the moneyed classes

1) Plut.Crass. 6. 7; cf. Cic. pro Leg. Man. 30; Plut.Pomp. 8; Val. Max. V, 2-9; Diod. XXXVIII. 10; Ferrero cit. p. 154.
2) Plut.Crass. 2; 7; Cic. parad. Stoic. VI. 45; de Off. I. 25; Dio 40-27; Pliny N. H. XXXIII. 134.
3) Sall. In Cic. 4; Dio 37-56; 39-30; Munzer R. A. pp. 310 ff; Cotta the consul of 75 B. C. = "ex factione media" (Sall. Hist. III. 48-8 M.)
Syme - Roman Revolution. p. 29; see p. 50.
4) Cic. Att. I. 4; Tusc. I. 12; De Div. II. 22; Varro Men. Frag. 36 (Bucheler).
as the safest possible investment, with the result that much capital acquired from other sources was used in this way. The tenure of land in Italy and the provinces varied greatly. In Egypt and Greece, for instance, the small-holder predominated, while in Italy itself and N. Africa latifundia were more common. In the last century B.C. most of the best land in Italy was held by a small number of men. But in theory the state had a direct interest in ager publicus, which made "possessio" a different thing from actual possession, and although the state's claim was generally conveniently forgotten, agrarian reformers who were perturbed by the disappearance of the small farmer tried unsuccessfully to reassert its legal right. In addition, Roman economy became dependent on a class of financiers, which manipulated the immense wealth pouring into Rome from the provinces. These equites organised capital with great thoroughness: companies were formed to increase available funds and bankers were exceedingly influential in the state. But there was little attempt to use capital for productive purposes; a business man invested his money to secure large dividends which he sank for safety in real estate. The most lucrative form of investment was usury either in Rome or in the provinces, and this was therefore the most popular of the many unproductive ways in which capital was used - farming of the customs and imports, money changing, financial operations with tributary kings, speculation on the rise and fall, were only a few of these. Atticus, who was by the standards of the day a fair-dealing man, was accustomed to lend out his money at the rate of 36 to 48% per annum - though the maximum legal rate was 12%. Hence it is not difficult to understand why usury was so attractive

1) These arose from a variety of causes - encroachment; the usurping of of public lands, common pasturages, etc., violent conquest, as part of a general's war booty, etc.
2) Notably the Gracchi - Tiberius by agrarian legislation, Galus by colonies. As long ago as 232 B.C. Flaminius had attempted to check this tendency.
3) For the attitude towards commerce cf. Cic. de Off. II. -42. It was mostly abandoned to foreigners.
4) The scandal connected with Ptolemy Auletes is the classic instance.
a speculation. Senators had to borrow large sums, since they were forbidden by law to dispose of their estates and yet had to spend freely to advance themselves. States also often had recourse to moneylenders. The classic instance of the latter circumstance is that of Brutus, who loaned a large sum to Salamis in Cyprus at 48% interest and used his political influence to secure his profit. Governors counted on the provincials not only to recoup them for the expense incurred in gaining office, but also to finance their future careers. Consequently, even if they wanted to help the provincials it was against their personal interests to interfere in the activities of the Roman financiers. L. Lucullus did try to relieve the provincials of their burdens, but returned home to face bitter attacks from the equites.\(^1\) The corruption of republican finance was due to the over-lapping of public and private interests. An economy which is based on slave labour is inevitably a parasitic one, but the failure of the republic to divorce state finance from private enterprise made a position which was necessarily bad incalculably worse.\(^2\)

The activities of Crassus are typical of the economic system under which he lived. His fortune was founded on the purchase of real estate during the slump which naturally resulted from the Sullan proscriptions.\(^3\) Atticus thought investment in Italian land a risky venture because of the depreciation which occurred during these times of uncertainty, and withdrew from Italy the money he had sunk there. Crassus on the other hand foresaw that land values would rise again when things were more settled, and staked all he had collected from his association with Sulla on his judgment. Of particular interest to him were estates in or near Rome,

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1) Horace (Odes III. -16-9) remarks that money is more important than the thunder of Jupiter.
2) The weakness of the money system is shown by the frequent financial crises. In 53 B.C. even excessive bribery at the elections caused one.
where he considered building enterprise would follow the Civil War. Large properties were being sold in the open market for a fraction of their normal value, and by buying them Crassus multiplied his outlay many times. In acquiring property in the city itself he did not hesitate to adopt unorthodox methods. Plutarch tells how he profited from the liability to fire of a city built largely of wood. The public services at Rome were of the scantiest and did not include a fire-brigade. This Crassus improvised from his own slaves. On hearing of a fire he would go to the spot with his fire-fighters, seek out the unfortunate owner of the burning building and offer him a ridiculous price for his property. If the owner indignantly refused, the Licinian fire-brigade stood by and watched the flames. If he accepted the offer, the firemen speedily set to work to extinguish the blaze. Presumably a recanting proprietor would be recompensed in inverse proportion to the time he had taken to change his mind. In this way Crassus acquired a large part of the property in Rome. 1) One of his profitable investments would certainly be the building of "insulae", which, since difficulties of communication made suburban development impracticable, were common in the city and brought in considerable rents. 2) Building for its own sake, an unproductive manner of using capital of which wealthy Romans were fond, Crassus despised. In spite of the builders at his disposal he erected for his own use but one house, and was accustomed to declare that those who loved building would ruin themselves and needed no other enemies. 3) More than any of his contemporaries Crassus realised the value of highly trained slaves. Trade was considered beneath the dignity of the Roman and organised labour was non-existent. Crassus, however, made a practice of having his slaves apprenticed to various trades

2) An average 40,000-60,000 sesterces per annum : Cicero owned one which gave him an income of 80,000 sesterces.
3) Plut. Crass. 2.
such as manuscript-copying,\textsuperscript{1} cooking, book-keeping, the management of estates and the like. When they had finished their apprenticeship he would either put them to his own use - probably among other things he was a book-publisher - or sell them at great profit. The less skilled doubtless helped to provide labour for the silver mines which he owned.\textsuperscript{2}

To turn his increasing wealth into political influence he adopted the rôle of banker and moneylender.\textsuperscript{3} In the course of time many of the governing class came to depend on his goodwill for loans; and as a career in politics was an expensive undertaking, the goodwill of Crassus counted for much. Nor did this dependence cease when the borrower had established himself: for there were always demands upon his purse because of the high social standard he was expected to maintain. Senators either were reluctant or found it impossible to realise on their estates, with the result that their only means of raising money was to borrow on their expectations. Caesar found himself in this position in 66 B.C., and borrowed a large sum - how large we do not know - from Crassus, thereby beginning a political partnership which was to last for twelve years.\textsuperscript{4} Many others reduced to the same straits but without Caesar's ability were unable to shake themselves free of Crassus and found it unwise on public issues to disagree with their banker. The tribune Sicinius, noted during his year of office for his attacks on the powerful, was asked why he avoided Crassus and replied that the latter had "hay on his horns" - the symbol of the dangerous bull.\textsuperscript{5}

\textsuperscript{1} Martial (Epig. XIII - 3) remarks that this occupation could bring in 100\% profit.
\textsuperscript{2} Plut. Crass. 2: Crassus, like Cicero, Atticus, Augustus, etc., also received legacies. A man of foresight might leave a sum of money to a powerful citizen, so that it would be in the latter's interest to have the will honoured. For another reason - Cic. de Off. III-75: Val. Max. IX. -3 -1.
\textsuperscript{3} Plut. Crass. 3.
\textsuperscript{4} In 62 -1 B.C. Caesar borrowed 830 talents more - an indication of Crassus's resources.
\textsuperscript{5} Plut. Crass. 7: Cicero (parad. Stoic. VI. -46) gives a remarkable picture of the political influence wielded by Crassus in elections and the law-courts.
If he relied largely on usury to bring him influence in public affairs, Crassus did not neglect the other branches of equestrian finance. No doubt he engaged in company enterprises, and indeed in any venture which was likely to bring in profit. In time he came to be recognised as the spokesman of the financiers: and although he was never an eque in the sense that Atticus was, business men realised that so far as his financial as distinct from his political interests were concerned he would act as their champion. It was to Crassus they turned in 61 B.C. when in difficulties through over-bidding for the right to collect the Asiatic taxes. So much did he achieve in the years after his dismissal by Sulla that in 72 B.C. he was openly acknowledged the most influential man in Rome.

In the midst of his financial ventures he did not neglect to practise in the law-courts, an activity which was essential for one who hoped to advance in public life. Plutarch records that he was an efficient and painstaking speaker, and what he lacked as an orator he made up for by the care with which he prepared his cases. Furthermore he did not neglect briefs because they were unimportant: a litigant whom Cicero, Caesar, Pompey and Hortensius would scorn as unworthy of their patronage Crassus assisted with characteristic thoroughness. The law and politics were so closely connected that success in the former, as with Cicero, was often followed by success in the latter; and Crassus neglected no means which would help him towards his end. By interesting himself in men of all classes he earned the reputation of being able to salute every citizen by name.

The years following Crassus's entry into finance were a testing time for the Sullan system. The appointment of Pompey to help to

1) Cicero (parad. Stoic. VI. -46) indicates that he had large interests in the provinces - managed of course through his slaves.
deal with the revolt of M. Aemilius Lepidus. shows that Sulla's measures to prevent a young man from rising over the heads of the experienced were short-lived. Equally significant was a revolt of the dispossessed against the Sullan veterans in 78 B.C. But the real crisis came in the next year, when the senate's conduct of the Spanish war was criticised. Metellus Pius, the consul of 80 B.C., had been unable to make headway against the rebel leader, and it was decided to send him a colleague with equal authority. Pompey, who still retained on the flimsiest pretext troops which he had used against Junius Brutus, the ally of Lepidus, clearly considered himself the man for the Spanish command, and on the motion of L. Philippus he was given the post. Thus, although it lingered on for a few more years, the Sullan constitution was in essentials destroyed less than two years after the death of its architect. That Pompey was given the Spanish command, and returned with a power as great as that of Sulla himself when he reached Brundisium, showed that the time of senatorial supremacy - a supremacy which had seen its best days before Rome undertook great overseas responsibilities - had gone for ever. Again, the optimat class was no longer able to hold the position created for it by Sulla, since in the internal strife of the previous years much of its best blood had been spilled. The moneyed classes also helped to undermine the authority of the government by adopting a policy tantamount to blackmail, in that as the price of their support they demanded for themselves a free hand in controlling the finances of the empire. The struggle between senate and equites centred itself round the law-courts, service in which Sulla had limited to senators. All sections of opposition opinion united

in clamouring for the restoration of the tribunate to its old position. In reality the revolutionary process started by the tribunate of Ti. Gracchus, and interrupted for a brief space by Sulla, was once more gathering momentum. Soon after Pompey's departure the tribune Sicinius had agitated for the restoration of the tribuniciam powers), and the next year the consul, C. Aurelius Cotta, a man of moderate views, passed a law allowing tribunes to hold other offices. Thus the tribunate was once more attractive to ambitious young men who under the Sullan ruling would not have sought it. An influential tribune with the concilium plebis behind him was again a power in the city, and it was only a matter of time before his former powers were restored. The senate, it is true, suddenly awakened to the danger of this concession and, in the next year had some of Cotta's legislation repealed.2) But if the tribunician law was included, the repeal was one only in name, since tribunes continued to stand for other offices. Agitation was continued in the two following years by L. Quinctius 3) and Licinius Macer 4) but without further success. In 73 B.C. a scarcity of corn resulted in the Lex Terentia Cassia, one of the clauses of which provided an allowance of five modii a month to about forty thousand selected recipients at a reduced price - a significant revival of the Gracchan corn-law.5) The attitude of Crassus towards tribunician agitation in the seventies is not known. It may be suggested that in 76 B.C. Sicinius wished but did not dare to attack him as an opponent of reform. But it is doubtful whether Crassus would support either

3) In the Cluentius case Quinctius showed the corrupt state of senatorial jurors. For Lucullus's treatment of him - Plut. Luc. 5.
4) Macer hinted that the opposition hoped for Pompey's support by stating out-right that if Pompey wanted the tribunate restored, he could achieve this.
side wholeheartedly: it is more likely that he was disinclined
for a complete break-down of the Sullan edifice until he had reached
the higher offices, which was not likely to happen for some years. 1)

Whether the senate could have continued to withstand popular
agitation is doubtful. Pressure from outside seemed bound to secure
the maximum of concessions sooner or later: but whatever chance the
senate might have had of holding its ground had been lost by the
appointment of Pompey to Spain. Again, the serious financial strain
of carrying on further wars in Macedonia, against Mithridates and
against the Pirates more than offset any successes won by the
government's adherents. 2) As if its difficulties were not serious
enough, the harassed senate found itself in 73 B.C. with a slave-
rising on its hands. It was this struggle which brought Crassus
once more into the limelight.

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1) The suggestion is made from Plut. Crass. 7. On the other hand Gelzer
(in P.W.) suggests that Sicinius tried to join forces with Crassus.
Plutarch does not, I think, bear such an interpretation.
2) App. B.C. I -111; Livy Epit. 93-4; Sall. Hist. II. 47; 6 & 7.
Campaigns during this period were: 1) Pirate War of Servilius 78-5 B.C.;
of M. Antonius 74-1 B.C.; of L. Metellus 70-69 B.C.; of Q. Metellus 68-6
B.C. 2) Three expeditions in Macedonia - Appius Claudius 77-6 B.C.;
Scribonius Curio 75-3 B.C.; M. Lucullus 73-1 B.C. 3) The praetor
Cossidius in Dalmatia after 79 B.C. and before 75 B.C.
The Spartacan insurrection - it can hardly be termed a war - shows how completely unable the government was to control even the outbreak of a gladiatorial school. That the revolt in its beginnings was regarded at Rome as of little moment is shown by the measures taken to cope with it. But even when its seriousness had been realised, the steps taken by the senate proved of little avail until Crassus was appointed to reduce the rebels. The senatorial incompetence, however, in no way detracts from the merits of Spartacus as a leader. In spite of the very unfavourable accounts of his origin given by Florus¹) we recognise in him a leader of men perhaps the equal of his contemporary, Sertorius. Rather should we look to the account of him given by Plutarch, which is perhaps derived from that of Sallust - "In intelligence and humanity he was more a Greek than one of his own race."²) His succession of victories cannot fail to impress anyone who considers the odds against which he fought. At one point Italy seemed to lie at his feet; the consuls were routed and rumours circulated everywhere that he was contemplating a descent on Rome.³) The hopelessness of his struggle, is apparent to the casual glance; but the panic caused by his marches up and down Italy is proof of the awe inspired by his name. Yet if of no great general importance the Spartacan affair is an outstanding event in the life of Crassus, for it was the starting point from which he stepped once more into the forefront of political life.

Outbreaks of slaves were by no means unusual, as the slave wars of the previous century had shown, and we may be certain that throughout the later republic such risings were not uncommon.

¹) Florus III. -21 -8.
²) Flust. Gras. 8 : cf. Sall. Hist. III. -91 M., where comparison with Plutarch makes it plausible if not certain that Spartacus was meant.
Italy itself. Slaves were often kept under barbarous conditions and they were a source of great danger if they escaped. This applied particularly to such slaves as were employed in the ruder occupations, the land workers and the gladiators trained in schools to amuse the populace. These latter, chained together to prevent escape, lived like cattle, and it is surprising to find that no measures were taken to prevent the outbreaks which were bound to be attempted periodically. But Rome had neither a regular police-force nor a standing army, and the remarkable thing is that there were not more frequent outbreaks in a community which depended so largely on slave labour. But a closer examination shows that any slave-rising, in Italy at least, was foredoomed to failure. Early successes meant little, for in the course of time the government was invariably able to concentrate its forces and crush the small bands of rebels. The peninsula of Italy made escape exceedingly difficult by land and impossible by sea, unless the rebels were helped by pirates. All these conditions affected the revolt of Spartacus, which had a better chance than most of attaining the object of all slave rebellions - escape from the hated hand of Rome. From a rising to win freedom the attempt faded into indiscriminate looting on the part of the "Libera Legio", and its fate was inevitable.

The revolt originated in the gladiatorial school of one Lentulus Batiates at Capua sometime in the summer of 73 B.C. Whether Spartacus conceived the plan of escape or he was chosen leader after the successful flight from the city matters little; but it is certain that the first thought of the slaves was to find some place of refuge in the adjoining countryside. The little band of between seventy and eighty found a suitable spot on Mount

2) See Appendix III.
4) The rebels were composed largely of Gauls and Thracians with a German element.
Vesuvius, capturing some wagon-loads of weapons on their way and apparently defeating a hastily-gathered force sent against them from Capua. 1) Here they made their first plans: Spartacus was to be in charge, while his immediate subordinates were Gauls, Crixus and Oenomaus. 2)

We may assume that after the unsuccessful efforts of the Capuans and during the interval until Rome began operations against Vesuvius the rebel numbers increased speedily. Slaves from the adjoining countryside joined Spartacus in his bold bid for freedom. But it would be foolish to credit him with the comparatively large force stated in one of our authorities. 3) More probably many waited until the rebels had won their first success against trained Roman forces and the movement had to be recognised as a serious menace.

The earliest operations of Rome are far from clear owing to the apparent contradictions in our authorities, but perhaps the following account is near to the truth. 4) The praetor C. Clodius Glaber was despatched from Rome with a small force, which he had instructions to increase if necessary from the neighbourhood of Capua. 5) This would be the most natural step for the senate to take, as it could not as yet regard the Spartacans as anything more than a handful of wild beasts, which had accidentally escaped from their cages. Even though such a step was very soon to be proved completely inadequate, the government could not have been expected to treat the position more seriously at that time. 6) Glaber set about the task of dislodging the rebels from Vesuvius with a light heart, perhaps augmenting his small force with the defeated Capuans. His confidence

2) Plut. Crass. 8 : App. B.C. I -116 : Flor. III -20 : Livy Epit. 95 omits Oenomaus ; Eutrop. VI -7 and Ors. V. -24 do not discriminate among the three.
3) Florus III -20 : For an account of the numbers in this war - Appendix II R.
4) See Appendix IIA.
5) Such may be the interpretation of App. B.C. I -116.
6) Maurenbrecher (Proleg. p.71) however, does suggest that if the consul Lucullus had not been engaged for the Thracian war he would have taken this command. But it was clearly not worth consular effort at this stage.
was not likely to be shaken either by the numbers or by the condition of the forces on the mountain; indeed it must have been increased by the knowledge that he had only to block the one path from the summit to starve the enemy into submission. He was soon to receive a rude shock from the clever Spartacus. After a perilous descent from his lofty position, in which home-made rope-ladders were used, the gladiators came upon the rear of Clodius and delivered a surprise attack, which proved too much for the praetor’s untrained recruits. They dropped their arms and fled, leaving to the slaves both a valuable supply of weapons and increased confidence.1) This manoeuvre of Spartacus again shows that his force was very much smaller than Florus would have us believe, and also that Clodius could not have had a very numerous or well-trained levy.2) Possibly the number of 3000 men which Plutarch gives the praetor is too large and even his force at Vesuvius hardly reached this total. After this defeat, however, he gave way to the praetor P. Varinius and returned to Rome in time to attend a meeting of the senate in mid-October.3) Varinius now had the unpleasant task of facing an ever-increasing and confident enemy. It is with his operations that we are concerned till the end of the year.

Owing to the scant treatment of it by our authorities, Varinius’s campaign is somewhat confused.4) Certain facts are clear enough, but the order of events cannot be decided with any certainty. It does, however, seem fairly certain that the field of operations was confined in the early stages to Campania, while later the slaves were able to pass into Lucania and operate in S. Italy. The senate still refused to take the rebels seriously, and Varinius, like

1) Plut. Cæs. 9.
2) See p. 22.
3) Appendix IIA p. 237.
4) Appendix IIA.
Glaber, had to depend to a large extent on raw recruits. His first venture seemed an ill omen, for Furius, his legate, retreated in disorder with the remnants of 2000 men after an encounter with Spartacus. The rebels went from success to success, and every victory meant an increase in their forces. Cossinius, the praetor's lieutenant, surprised by the enemy and almost taken in his bath - it would appear at either Salernum or Salinae Herculeae - escaped only after abandoning his baggage. The rebels immediately pursued, and this time Cossinius lost not only his equipment but his life. Furthermore, reverses suffered by the praetor himself, the unhealthy autumn season, and desertions from the ranks were having a serious effect on the Roman morale. Whereupon Varinius decided to send his quaestor Thoranius, to Rome to impress upon the senate the seriousness of the position and no doubt to emphasise the difficulty of so much as holding Spartacus in check with the inadequate forces at his disposal. Meanwhile he advanced with 4000 of the less mutinous of his troops to a position near enough to prevent indiscriminate looting by small enemy bands. But Spartacus slipped away with ease, and when the battle came the field was of his choosing. The courage of the Roman troops, which the praetor wrongly believed he had restored, was found once again to be wanting, and in the rout which followed Varinius lost both his lictors and his horse. Thoranius, who had returned from Rome, fared no better soon afterwards, and the second phase of the war was over. Since the campaigning season was drawing to its close the senate decided.

2) Plut. cit.
3) Appendix II B.
4) Plut. cit.
5) Plut. cit. - εὐτώρ οὖς τὸν ὀστρεχέα θὰ μὴν μεθ᾽ ὑμῖν καταμαχοῦσαν ὑστερον.
6) Probably it is at this point that we are to place the sack of Nola and Nuceria (Florus III -20.)
7) Sall. Hist. III 96 A: see Rice Holmes (Roman Republic I p.357 n.2).
presumably Tiberius had appeared in Rome, to send out the 
consular force, thus for the first time acknowledging the 
gravity of the situation. Varinius was, however, instructed to 
continue till the end of the year when a consular force would take 
over the conduct of the war.

The rebels now controlled Campania and Lucania, and Spartacus 
spent the winter in the district of Thurii preparing for the next 
year. Seeing clearly that he could not succeed indefinitely he 
was eager to lead his army, which by this time had swollen to 
immense proportions and was still increasing, over the Alps out 
of Italy, so that the contingents could disperse to their various 
homes. But his wise counsel failed to influence the mass of his 
followers, who preferred to spend the winter in plundering Italy. 
This was not the first difference of opinion in the rebel army, and 
the result was that Crixus, drawing off the Gallo-German contingents, 
operated apart from Spartacus. Metapontum, Thurii and Cosentia 
were the victims of the pent-up hatred of the slaves. 
Spartacus 
did not press his plan of escape but occupied the winter in providing 
arms for his increasing army. Horses captured in battle or stolen 
from the neighbouring plains went to equip a troop of cavalry.

In the new year the consuls, Cn. Lentulus Clodianus and L. Gallius 
Publicola, each at the head of two legions moved south against Spar-
tacus. Gellius and the praetor Q. Arrius inflicted on the rebels 
their first setback by annihilating Crixus and his Gallo-German 
force. After his quarrel with Spartacus he seems to have drifted 
north through Apulia plundering indiscriminately. But his folly and 
cupidity caused his downfall: for lacking the ability of Spartacus 
he was driven into a corner and killed on Mt. Garganus in N.E.

1) Plut, Crassus 9.
2) Plut, Cit.
3) Oros, V - 24.
5) Appendix III.
6) An interesting fact is that Cato served as a volunteer in the campaign according to Plutarch. "because of Caepio his brother who was trib-

6) App. B.C. 1 - 117.
Apulia by Arrius who led the consular force. 1)

Spartacus now persuaded his slave bands to follow him over the Alps2) and with his reorganised army he began his move northward. 3) His march along the east coast was completely successful. The plan of the consuls was to operate separately, Lentulus to impede Spartacus and Gellius to hang on to his rear. Spartacus was undisturbed and seemed to find little difficulty in removing the obstacles from his path. First Lentulus and then Gellius and Arrius were crushed. 4) The road to the Alps lay open and the slaves pressed on, while the consuls after reorganising their troops as best they could decided to join forces. They achieved nothing by cooperating; however, for Spartacus brushed them aside somewhere in Picenum and continued towards his goal. 5) There remained one further obstacle to his escape from Italy. The proconsul of Cisalpine Gaul, C. Cassius Longinus Verus, alarmed as the slaves approached his province, took immediate steps to obstruct them. Establishing himself on the Via Aemilia and dispatching the praetor Manlius, perhaps to guard the alternative coast road, 6) he awaited Spartacus. The latter turned N.W. from Ariminum and defeated the proconsul at Mutina; Manlius, it would seem, suffered a similar reverse soon afterwards. 7)

At this point happened the most amazing incident in the war. Suddenly the rebels gave up everything for which they had fought during their magnificent journey north. Although the road over the Alps lay unguarded before them, they chose to turn south again, thus

Plut, (Crass., 9) and App., (B.C., I -117) say one of the consuls commanded: Orosius (V -24) gives Gellius; Livy Epit., 96 gives Arrius. Probably Rice Holmes (Roman Republic I p.383) rightly suggests that Arrius acted either in cooperation with or as a subordinate of Gellius.

For the interpretation of the movements of both sides see Appendix IIC.

1) Plut., (Crass., 9) and App., (B.C., I -117)
4) See Appendix IIC -Map.
5) Plut., (Crass., 9; Livy Epit., 96 and Florus III -20 suggest two separate battles. Oros., V -24 says Spartacus killed Cassius.
condemning themselves to the aimless wandering which Spartacus had opposed so stubbornly. 1) The reason doubtless was that his plan had not appealed sufficiently to the majority of his supporters, and now the prospect of a hazardous march over the Alps, at the end of which they would be faced by dangers perhaps greater than those they had already met, held no attraction to compare with the easy plunder to be obtained in Italy. So the die was cast. From this moment the Slave War moved to its inevitable end.

About this time 2) Spartacus revealed a grim sense of humour. Three hundred of his prisoners were compelled, as the gladiators themselves had once been compelled, to fight to the death, as a sacrifice to the shade of Crixus. 3) This is the only instance of deliberate cruelty recorded against Spartacus, who previously had always tried to restrain the lust of his followers; and this cruel mockery of the Roman arena perhaps shows a moral deterioration. Spartacus felt within himself that the game was lost. 4)

For the moment, however, his name struck terror into the whole of Italy, and in Rome itself there were wild rumours of an intended attack on the city. The second Hannibal seemed to be at the gates and a clamour arose for more effective measures to meet the menace. 5) Whether Spartacus ever intended to attack Rome, as some of our authorities state, is doubtful. It is not known when he intended to make the attempt, but probably he had it in mind - if at all - after the march over the Alps had been abandoned: the alternative was to retrace his steps southward and attempt to cross over to Sicily, which had always been a fruitful ground for slave rebellions. But the plan of a march on Rome may well only have been imagined.

3) See pp. 25-6.
4) Orosius (V -24) speaks of 400 prisoners sacrificed and seems to place this incident before the defeats of the consuls or the death of Crixus. According to him the sacrifice was made to the shade of "captiva matrona". J. Leslie Mitchell makes this phrase of Orosius the crux of his story in the novel "Spartacus".
by the terrified people of the city. In any case the rumour proved unfounded and Spartacus began his move south again through Picenum.

In response to the popular agitation the senate had decided to recall the consuls and appoint to the command Crassus who was now praetor.1) The gravity of the situation demanded drastic measures, and in the absence of Pompey and Metellus in Spain and L. Licinius in Asia, Crassus, who had distinguished himself with Sulla, inspired more confidence than anyone else at Rome. The choice was a wise one, even though it was due rather to Crassus's influence with the senate than to his own fitness for the command.2) The force allotted to him showed how much the government now feared the slaves, for Crassus had six new legions as well as the remnants of the consular ones.3) The senate meant business, and Crassus never left more than was necessary to chance. As a preliminary move he immediately sent his lieutenant, Mummius, with two legions to observe the enemy's movements but with strict injunctions to avoid battle,4) while he decided to defend Picenum with his main force. Mummius disobeyed orders and allowed Spartacus to lure him into a disastrous engagement. His first move checked, Crassus had the mortification of watching the enemy hurry towards the toe of Italy at increased speed. Crassus perhaps hoped for an early and spectacular success, and it is a reasonable conjecture that the reconnoitring activities of Mummius were meant to prepare the way for a general engagement. Disappointed in this, he grimly set himself to follow Spartacus southward with the knowledge that the task of forcing such an engagement would now be much more difficult.

1) Plut.Crass. 10 : Livy Epit. 97 : App. B.C. I -118, who indicates that Crassus was only praetor-elect. But his dates here are certainly wrong.
2) Delmatel (De Vita M.Crassi p.13) thinks that Crassus's idea was to counterbalance Pompey's Spanish command. In the event it turned out to be a deciding factor in his canvass for the consulship.
4) Plut.Crass. 10.
But before beginning his campaign he used the defeat of Mummius as an excuse for decimating the cohort which had been the first to flee. He intended to stiffen the morale of the Roman forces which had shown a marked unwillingness to face the dreaded Spartacus. This terrible punishment achieved its end: he was able henceforth to lead his men against the enemy knowing that they would hold their lines. 1)

He then followed the rebels into S. Lucania and Bruttium, hoping to gain some success before the winter season made campaigning difficult. Apparently he gained a minor success over Spartacus himself, 2) who thereupon retreated through Bruttium into Rhegium with the object of transferring some of his forces to Sicily and beginning a new slave war there. 3) This plan had doubtless been in his mind since the retreat from Cisalpine Gaul, and in the face of Crassus's imposing force he did not hesitate to move to the southernmost point of Italy. It is more than possible that he had already during the march south entered into negotiations with the pirates for the transfer of his followers and that they betrayed him perhaps even before he reached the sea. Otherwise there would have been little point in the speedy siege set up by Crassus, for if he had known of an impending embarkation he would have pressed on as Caesar did at Brundium in 49 B.C. Now that the pirates had disappointed Spartacus's hopes of escape, 4) Crassus came to the conclusion that caution would be the best policy. Mummius had ruined his chance of a quick success in Central Italy and he now decided that ultimate victory must be his if he took the minimum of risks. Furthermore, the approach of winter made caution necessary. The safest plan would

1) Plut. Crass. 10 : App. B.C. I -118 : Sall. Hist. V -22 M. Appian has two accounts - a) Crassus decimated the whole army i.e. c. 4000 men. b) the two (?) legions of the consuls (see Appendix II). Plutarch, who is more plausible, gives the decimation of the 500 most cowardly of Mummius's men.
2) App. B.C. I -118 - ἴ/ν' Κορας (sc. Crassus) ἄκοτος τοῦ στρατοῦ (i.e. Spartacus)
4) Plut. Crass. 10.
be a blockade, which by the spring would reduce the effectiveness of the rebels. So to keep the army occupied Crassus began to build a wall and ditch from sea to sea.\footnote{On the speed of the work see Sall. Hist. IV. -34 M. If we accept Haurenbrecher's arrangement of Fr. 23 - 29 it is clear that extensive operations calling for a geographical excursion from Sallust took place.} We need not criticise his wisdom: Crassus was better aware than his modern critics that if Spartacus concentrated his forces on one spot he would with any luck break out. But the wall served the purpose he intended, and when the rebels did launch assaults against it, they were costly ones.\footnote{App. B.C. I -119.} Crassus surpassed his opponent in strategy. His object was to use his superior forces to compel Spartacus to make sacrifices, and, when the time came, to drive home his advantage. From the fate of his predecessors he had learned the folly of underestimating his opponent.

As events turned out, the one serious reverse Crassus suffered was not on the field but at Rome. He knew well the instability of public opinion and the danger of pursuing a cautious policy. He had aimed originally at a speedy and spectacular success. Failure would almost certainly lead to the appointment of the popular hero, Pompey, whose Spanish War was now at an end, the moment he should be available, which was the last thing Crassus wanted. But it was better to risk Pompey's intervention than to suffer a serious reverse if he attacked Spartacus too hastily. His fears were well founded. The populace grew impatient; and, although the senate was as unwilling to increase Pompey's glory as Crassus was to see his own diminished, it had no choice. Pompey, now on his way home from Spain, was associated with Crassus in the command.\footnote{App. B.C. I -119.} Meanwhile Spartacus became increasingly anxious. Seeing the danger ahead if he should fail to run the blockade, he made an independent effort to cross the Sicilian strait on rafts.\footnote{Sall. Hist. IV -30 -31 M. Flor. III -20.} But the swiftness of the
current proved as formidable to Spartacus as it had to Odysseus. Furthermore, on the other side the pro-praetor P. Verres took steps to strengthen his defences against the rebel attempt. To avoid starvation Spartacus was thus compelled to assail Crassus’s wall. First of all he tried by frequent sorties to harass the Roman operations as much as possible; but as supplies became scarcer he resolved to try to break through the fortifications. If Appian is correct, his first attempt, which was in the direction of Samnium, was a disastrous failure and he lost many men. He is said to have attempted to negotiate with the Romans, but with what hopes of success we can only guess. Eventually after careful preparation and with the help of a snowstorm he forced his way through the Roman defences and made for Brundisium, where he thought he might be more successful in crossing to Sicily. Crassus feared that Spartacus would march north, so, although the whole of the rebel force had probably not been extricated, he abandoned the siege and resumed open warfare. He now had a stroke of good fortune. Owing to the return of M. Lucullus and his army from Thrace, Spartacus suddenly found Brundisium closed to him. Crassus was further helped by dissension among the rebel leaders. Two Gauls, Castus and Cannicus, with a contingent from the main army moved into Lucania; Crassus seized his opportunity and attacked them at Camalatrum in Lucania near a lake of unknown position, the peculiar qualities of which are noted by Plutarch and Sallust. First of all the Roman commander sent a force under two of his legates, Gaius Pomptinus and Q. Marcus Rufus, round the back of a mountain. After the action

3) App. B.C. I -120.
5) App. cit.
8) App. B.C. I -120 mistakes Marcus Lucullus for his brother Lucius. For the incident of the letter to Rome see Appendix IID p. 246.
9) Sall. Hist. IV. -37 M.
11) Plut. Crass. 11: Sall. Hist. IV -38 M: For the order of events see Appendix IID.
had begun this force poured down on the rear of the enemy, who had been driven into the intervening space by the main Roman army. The result was a rout, which was only saved from being a complete disaster by the timely intervention of Spartacus himself, who had by this time probably joined up with that part of his force from which he had been compelled to separate in Rhegium. Yet, although the two rebel force operated in the same district, the Gauls still refused to join Spartacus. But it was not long before the inevitable happened. Crassus by an able piece of strategy managed to take full advantage of the rupture. In a position near Mount Catenna he drew the rash Gallic leaders into a second battle, at the same time safe-guarding himself from further intervention by Spartacus. One night he secretly transferred his forces from one fortified camp to another which he had prepared at the base of the mountain. Then he divided his cavalry into two sections: one under L. Quintius was to hold off Spartacus, while the second was to draw Castus and Cannicus towards the position which he had taken up with his main army. The ruse was completely successful; the Roman force was detected by two Gallic women, and the rebel leaders rising to the bait pursued into an ambush. This time no Spartacus was present to save the Gauls and both Castus and Cannicus were slain and the army annihilated. Five Roman eagles and twenty-six standards were rescued from the field.

The rebel hopes now sank; and Spartacus, evading a general action with Crassus in despair retreated once more to the Bruttian peninsula. Crassus, eager to follow up his advantage, sent two legates

1) Front. Strat. II -5 -34.
2) Perhaps we may assume that Spartacus took care to keep within distance of the recalcitrant officers.
3) Position unknown.
4) Sall. Hist. IV. -40 M.
5) Plut. Crass. 11. ; Livy Epit. 97 ; Front. Strat. II -5 -34.
Quintius and Scrofa to harass the enemy rear. Facing about suddenly somewhere in the Petelian Hills, Spartacus gained his last success over the Romans, who were glad to retreat taking with them a wounded Scrofa. But once more Spartacus was unable to keep his forces in check after a victory. They urged him to turn about and lead them against the Romans. Wearily he consented to a move which he knew would prove disastrous. The Roman numbers and organization were now vastly superior to his own, and he could no longer count on a wavering enemy line in battle. However, since his troops were determined, suspecting that he was about to fight his last battle and resolved to die bravely at all events, with his eyes open he played into the hands of Crassus. As Plutarch remarks, this turning back was the thing Crassus most desired: Pompey was at hand, and if he were compelled once again to force Spartacus out of Rhegium, although the result was a foregone conclusion, he would need time, and he would be certain to have Pompey’s unwelcome assistance for the finishing stroke. As it was the enemy allowed him to win for himself the credit of suppressing the revolt.

In the ensuing battle, the position of which cannot be defined more accurately than “somewhere in Lucania”, the slaves lived up to their reputation for bravery. The knowledge that the issue was victory or death spurred them on. Spartacus himself killed his horse before the battle, a gesture meant to show how clear-cut was the issue. In the face of overwhelming odds the rebels were defeated and the final rout followed. After deeds which became legendary Spartacus fell on the field and with him slave revolt died. Survivors fled into the hills and had to be dealt with piecemeal, but to all intents and purposes Crassus had ended the war which had

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1) See Appendix IID.
2) Plut.Crass. II.
4) Sall. Hist. IV. -41 -M.
revaged Italy for two years. The crucifixion of some 6000 prisoners along the Appian Way was the outward sign of his victory.1)

Pompey, foiled in his attempt to win fresh laurels, cut to pieces a large number of fugitives as they attempted to escape to the north, and claimed as great a share of the credit as Crassus.2) His despatch to the senate was a piece of insolence which showed him up in the worst possible light, and while as propaganda it had its effect on the populace, the injustice rankled with Crassus. He had never had any reason to like Pompey in the days of their Sullan association, and he now came, as far as his disposition would allow, to detest him.3) Crassus was too good a politician to need instruction in the art of dissimulation, and it was sometimes politic for him to seem friendly with the Great Man, but he never in the future lost an opportunity to pay off his old score.

In itself the Spartacen war was of no great importance. It is true that Central and more particularly Southern Italy had been devastated and that Spartacus himself had taught the government a lesson which unfortunately went unheeded. But he goes down to history as a forlorn figure who was able by his own personality to lead his men to victory on the field but who had not the power to hold them in check afterwards. His ability as an army leader may perhaps be rated as high as that of Sertorius. Like him he had been able to mould from raw material an army more than capable of holding its own against the available Roman forces. His field of action had been smaller and his resistance shorter, but his success no less. In the end the government had been compelled to throw all

2) Plut.Crass. 11.
3) A few years later Pompey tried to play a similar trick on Metellus in Crete, but this time he only succeeded in making himself appear undignified. Plutarch (Pomp.25) remarks that Pompey could not bear to see another winning glory which he himself might have. For the Crete incident see p.366 n.3.
its resources into the struggle - even the victorious army from Spain. But for Spartacus the real turning point in the war had been his decision to turn back from Cisalpine Gaul; he had set his heart on leaving Italy, and thereafter he acted like a man who knows he is doomed to failure.

On the other side the war was an important event in the career of Crassus, who had had no opportunity of adding to the military laurels won with Sulla. In the intervening years his appearances in politics, to judge from our authorities, were not spectacular; but his influence had become great enough to secure for him the Spartean command. Crassus was ambitious for power, and he saw from Pompey's Spanish command how little wealth and political influence would count in comparison with military success. The failure of Lentulus and Gellius made him realise how much he would gain in reputation from a successful command, even if it was only in a slave war. The event strengthened his own well-founded belief in his ability as a general, but the last-minute intervention of Pompey robbed him of much of the credit he hoped to gain. After all his careful scheming he had to resign himself to taking second place. Pompey's spectacular Spanish success quite outshone Crassus's achievements in the eyes of the masses.

Pompey's open bargaining with the populares for the consulship of 70 B.C., although he had not held a single public office, created further difficulties for Crassus who was himself not entitled to be elected consul till the following year. The burning question now was whether the conqueror of Sertorius should be allowed to break the Sullan lex annalis while the conqueror of Spartacus should not.
Fate decreed that Sulla's chief lieutenants should destroy most of his work. Pompey's reasons for completing the dissolution of the constitution, which his Spanish command had already seriously undermined, are not hard to find. Three courses of action lay open to him: he could use his army as Sulla had done; or he might find the senate sufficiently grateful to regularise his position by allowing him to hold the consulate without satisfying the lex annalis; or again, if he could not trust the class which he had slighted in order to secure his military command, he could perhaps rely on the opposition to support him. He was not attracted by the military solution. Unlike Sulla he had no "cause" to advance; it is indeed more than doubtful whether at any time in his life he was sufficiently devoted to any political ideal to take for its sake the extreme unconstitutional step. In foreign affairs Pompey knew what he wanted and achieved it: his administrative qualities were seen at their best when given the wide field of an extraordinary foreign command. But eight years after this he still lacked sufficient enthusiasm either to reconstruct and reorganise the constitution or to bolster up the existing regime as Sulla did. He seemed content to let events take their course - a course which all must agree could be followed out most successfully under the leadership of the man who had conquered Spain, the Pirates and Asia. The secret of Pompey's character lies partly in his belief that all must recognise his superlative worth. Late in his life after many disappointments he still clung to this illusion and that trait, which is most clearly recognisable after his return from the East, can be seen also in 71 B.C. At this time the army was for Pompey not, as later, a means to an end but the

1) There was, however, some fear in the city that he would use his army as Sulla had done; see Sall.Hist. IV. -42 M: Plut.Pomp. 21. Appian(B.C. I -121) has telescoped the events of eighteen months into one section; see Appendix III.
and itself. Spain had turned out well, and he had hoped for a further opportunity to increase his prestige. In his eyes Lucullus was dealing with Mithridates too well, and an Asiatic command seemed for the moment to be out of the question. But before leaving Spain Pompey had decided on his next step. The consulship would give him the civil status which he lacked and pave the way for further honours. It would, however, be unwise to rely too much on help from a jealous senate; for it would seize the first opportunity to drop him as one who had dangerous anti-Sullan schemes for self-aggrandisement. Consequently only the third course lay open to him, to attach himself to the popular and equestrian opposition. Since 76 B.C. the restoration of full tribunician powers had been the main plank of the popular platform, while the equites were eager for judicial reform. Whatever Sullan laws his election broke, to lend his name, which was a formidable one, to such a programme would make his success certain. So Pompey, who probably had as little faith in the financial policy of the equites as he had in the popular platform, allowed it to be known in Rome before his return that he supported judicial reform and the restitution of full powers to the tribunate. To add weight to his candidature he brought his army up to the gates of the city on the convenient pretext that he was awaiting the return of Metellus to celebrate his triumph.

There was, however, a further reason why Pompey thought it unwise to disband his troops. Crassus decided to be a candidate for the consulship and to offset Pompey’s army with his own considerable force. Pompey who was well aware that Crassus resented his claiming an equal share of the credit for the Spartacan victory


2) Asson. p. 31C; Sall. Hist. IV. -45 M. Si nihil ante adventum sumum inter plebes et patres convenisset, coram se daturum opemam ... 47 - Multitudini ostendens, quam colore plurimum, ut mox capitatis ministram habet, decreverat. Metellus seems to have disbanded his army on crossing the Alps - Sall. Hist. IV. -49 M.
had no reason to expect him to be his ally in the forthcoming elections. Whether or not to accept alliance with Pompey was a difficult choice for Crassus. His great influence in the senate and his steady championship of equestrian interests made his ultimate election practically inevitable. But although he had held the minor offices in the order prescribed by Sulla, the *lex annalis* made his candidature before the next year illegal. Consequently he had to decide whether or not he would watch Pompey using his legions to break the law while he disbanded his own force and await his legal opportunity. To support the senate with arms against the superior forces of Pompey was out of the question; but he might render it a service by restraining the popular representative. There is no reason to suppose that at this time Crassus sympathised with popular views. But the "first man in the state" had a wholesome respect both for Pompey’s army and for his ability to gain popularity; hence he decided to play for safety and seek the consulship, if possible in alliance with Pompey rather than against him, while at the same time retaining his army on the pretext of the coming "ovation" which he had been awarded for his defeat of Spartacus. Circumstances would decide whether the alliance should be continued after the elections. Thus he surprised Pompey with a request that the Great Man should consider joining forces with him. Whether or not Pompey had already persuaded the senate to dispense him from the *lex annalis*, the request gratified him; he was both flattered to feel that one so powerful as Crassus had asked a favour of him and at the same time relieved that there was to be no friction with the commander of several legions.

The result of the election was a foregone conclusion, but flattery failed to allay suspicion. Pompey made excuses for not disbanding

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1) Cf. Vell. II. 50 = mox (i.e. in 71 B.C.) rei publicae omnium consensus principium (sc. Crassus) ...: cf. Plut. Crass. 12: Pomp. 23.
2) Crassus had been praetor in 72 B.C. and was not eligible for the consulship till 69 B.C. - a point not often noticed: see Marsh - Roman World from 146-30 B.C. p.147.
3) See p.15-16n1 above.
4) Plut. Crass. 12: Pomp. 23.
his army; the triumph was yet to be celebrated; or again Crassus had not disbanded his forces. This feeling of suspicion, which was mutual, increased between the elections and the end of the year. Neither would take the first step, and Rome became more and more alarmed at the prospect of another civil war. The vivid accounts given by ancient writers of the formal reconciliation which eventually took place give little concrete information. It seems certain, however, that until the beginning of 70 B.C. a major political crisis was considered imminent, and every attempt was made to reconcile the consuls-elect. Actually, neither had the slightest desire to resort to force. Pompey's new friends in the popular party, who, as he had promised to disband his army, were seriously perturbed at the turn events had taken, used every argument to induce moderation. Crassus had as little desire as his colleague to resort to arms, but his dislike of Pompey was bound up with a distrust of his motives. The crisis was wholly one of personal suspicion, and neither would give way first. However, at the end of the year Pompey's triumph and Crassus's ovatio took place, and it would appear that their respective forces were disbanded early in their consulship. The difficulty of retaining so large a number of soldiers in arms indefinitely without government support may have brought about the eventual solution. But the mutual suspicion continued, and a formal reconciliation did not take place till very near the end of the consulship. At one of the last assemblies Crassus made the first move with a graceful gesture and Pompey accepted the advance. No doubt Crassus decided that open enmity with his colleague profited him nothing. But the renewed "friendship" was intended purely for public consumption. In this respect Roman political life, as we learn from

2) Marsh (Roman World from 146-30 B.C.p.136) thought that probably the knowledge of the enmity of Pompey and Crassus led the senate to blunder in not conciliating Pompey.
3) See Appendix III.
Cicero, differed not at all from that of our own day: political friendship and alliance meant as little then as it does now. Privately Crassus disliked Pompey as much as ever, and continued to do so till the end of his life.¹

As was to be expected, Pompey overshadowed his colleague during their year of office. Crassus’s biographer can find nothing more to say of his activities in 70 B.C. than that he gave an enormous public feast in honour of Hercules;² hence we are left to form our own conclusions about the part he played in the momentous legislation of this year.

Nearly all our authorities attribute the lex de tribunicia potestate to Pompey, and there is no reason to doubt them, since he was fulfilling an election pledge.³ Crassus wished rather to avoid completely alienating the senate and at the same time to protect equestrian interests. In a speech some years later Cicero said that Crassus as well as Pompey was responsible for this measure; but it happened to suit his argument to say this, and it is improbable that Crassus’s support meant anything more than submitting to the inevitable.⁴

The part Crassus took in the Aurelian law is obscure.⁵ That he was actively interested in it there can be no doubt: not only his equestrian connections but also his influence in the senate made the revision of the jury courts as important to him as to Pompey, who by demanding that scandals like those which had come to light at the trial of Dolabella and Cluentius should not recur, was

¹ Maenchenbrecher (Proleg. p.81) completely misinterpreted Suet. Caes.19 when he stated that Pompey and Crassus were reconciled "by Caesar and others". Of course Suetonius is referring to the events of 60 B.C.
² Plut. Crass. 12.
³ Cic. Verr. I.45; Ps. Ascon. p.147 (Orelli): Cic. de leg. III.22; Livy Epit. 97; Plut. Pomp. 22; Vell. II.30-4; Suet. Caes. 5.
⁴ Ascon. p.76 C.
⁵ It is clear that Pompey and Crassus were on bad terms when the lex Aurelia was under consideration. Since Crassus was interested in the form it was to take, he must have kept in touch with Pompey somehow - perhaps through mutual friends.
fulfilling his second election pledge. Aurelius's revision of the courts is a very controversial question as our evidence is incomplete at crucial points. The issue is between possibilities, and no certain conclusion can be reached. But for reasons stated elsewhere, it seems to me probable that the lex Aurelia involved something more than a partial return to the lex Acilia as used commonly to be assumed. The introduction of the tribuni aerarii - whoever they were - into the jury-panels ought to raise the first doubt. That they had to possess HS 300,000 as against HS 400,000 necessary for enrolment among the equites is in all probability true. We may reasonably assume that if wealth had been the only qualification by which a class which ranked below the equites was admitted to the jury-panels there would be evidence of this.

A reasonable explanation follows from the motives of the consuls themselves. Senatorial corruption had been so notorious that a change was inevitable. But the Gracchan courts drawn from the whole equestrian class had proved no less corrupt. Consequently, one is reluctant to assume that an able administrator like Pompey favoured a solution which introduced another class which was of less financial standing and therefore more open to temptation.

Crassus had large equestrian interests, but while he was prepared to support the business men, he was unwilling to disappoint his senatorial friends by letting Pompey be pushed into an extreme anti-senatorial measure. Hence it was through his influence that the senate still retained a third of the seats. He was nevertheless ready to take part in discussions on the constitution of the remaining two-thirds. The bill apparently took some time to prepare, since the old courts were still in operation at the trial of Verres.

The final draft gave two-thirds of

1) See Appendix IV.
2) See Appendix IV where the whole question is discussed.
3) See Mommsen - History of Rome IV. p.90 (Every. Trans.)
the places to non-senatorials. They were subject to a supervision which was slight, but which would perhaps prevent the wholesale corruption prevalent in the senatorial and unrestricted equestrian juries. The second section of jurymen was in fact to be made up of equites who either had held or were holding the public horse. Because of the age limit past holders would be in the majority. The remaining third of the seats went to the tribuni aerarii, officials whose duties are for the most part obscure, but who almost certainly, like the equites equo publico, came under the eye of the censors. Thus if censorial control were efficient, the most undesirable element would be eliminated from the courts.

With this end in view the censorship, in abeyance under Sulla, was revived and the consuls of 72 B.C., Lentulus and Gellius, who had fought unsuccessfully against Spartacus, were appointed.1) No doubt on general grounds a purge of the senate was both necessary and popular, but it is difficult not to connect the reappearance of censors with the reorganisation of the iudicia.2) Perhaps, also, as has been suggested, the censorial "ius adlectionis" appealed to Pompey as a means of introducing new blood into the senate while circumventing the lex annalis.3) On this occasion sixty-four senators were expelled, among whom must have been some of the more odious of Sulla's supporters.4)

The lex Aurelia was a victory for the non-senatorial and business interests. While apparently a compromise it meant that the senatorial jurors could be out-voted by two to one. Compromise it was, however, for the senate still had an interest in the courts, nor was the selection from the ordo equester to be indiscriminate. The bill was worthy of the consuls: Crassus skilfully avoided alienating the senate, while at the same time he supported his business friends:

1) Last (in C.A.H. IX. p.336) curiously gives the censors as "the consuls of 73 B.C., M.Lucullus and Cn. Lentulus Clodianus". But see Livy Epit. 98 and Plut.Pomp. 22 where the consuls of 72 are named.
2) The view of Last in C.A.H. cit.
3) Last in C.A.H. IX. cit.
4) Livy Epit. 98; Cic. in Caso 8; Ascon. p.84 C; Plut.Pomp. 22; Phlegon P.100 (ed. Keller)
Pompey succeeded in satisfying the populace while resisting their demands for extreme reform which he considered undesirable. Events showed the Aurelian reform to be a failure, as was indeed inevitable so long as political issues dominated the courts.\textsuperscript{1)

The consulship of 70 B.C. is undoubtedly an important one; but we must guard against exaggerating the extent of the "popular reform", which was not nearly so great as the more enthusiastic opponents of the senate had hoped. There were no measures of redress against the Sullan proscriptions. Neither consul was interested in this part of the popular programme, which meant as much to its supporters as the restoration of the tribunate and the reform of the iudicia. Crassus would obviously not approve of an attack on the confiscations which had enriched him. The real importance of the year 70 B.C. was that in spite of Sulla's precautions the army re-entered politics.

The consulship of 70 B.C. followed logically from Pompey's Spanish command. But for the moment the danger to the senate passed, as the consuls laid down their offices and refused provincial commands. Neither believed there was anything to be gained from leaving Rome; Pompey hoped that another extraordinary command would follow in due course, and meanwhile he withdrew himself from everyday politics to await the turn of events; Crassus also preferred to remain at home where he could be ready behind the scenes to seize any opportunity for advancement. So the populares were now left to find leaders who would carry out that more extreme part of their programme which Pompey and Crassus had been unwilling to undertake.\textsuperscript{2)

\textsuperscript{1) Maurenbrecher (Proleg. p.80) has erred in attributing the lex Licinia de sodaliciis - passed in the second consulship of Pompey and Crassus in 55 B.C. - to this year.\textsuperscript{2) Reasons against including in the legislation of this year the restoration of the Asiatic tax-farming are given in Note A.
The two years following the consulship of Pompey and Crassus were, to judge from our authorities, comparatively uneventful. Lucullus was continuing his successes against Mithridates, and as yet there was no more than a suspicion that he might not be able to bring the Eastern War to a satisfactory conclusion. In Sicily the praetor, L. Metellus, was holding his own against the increasing attacks of the pirates. \(^1\) He relinquished his command in 69 B.C., however, to be elected consul, and another Metellus, the consul of that year, took over the task of subjugating the island of Crete, which had long been a hot-bed of piracy. Two years later, after resisting the attempts of Pompey at interference, \(^2\) he reduced Crete to the form of a province, won a triumph and took the title of Creticus. \(^3\)

In Rome calm descended after the upheaval of 70 B.C. Pompey and Crassus watched from the background the election of acknowledged optimates to the consulship for the next two years. \(^4\) In 68 B.C. the consul L. Metellus died, and his successor also died after taking up office, so the position was left vacant and Marcius Rex finished the year as sole consul. \(^5\) Two rising public men, Caesar and Cicero, were working their way through the minor offices: Cicero became aedile in 69 B.C., while in the next year Caesar went as quaestor to Spain. Before his departure he took the opportunity offered by the funerals of his wife and his aunt, the widow of Marius, to express his Marian sympathies and his adherence to the tenets of the popular party. \(^6\) This demonstration, which caused little comment at the time, was to be remembered a year or two later.

\(^{1}\) Livy Epit. 93: Oros. VI. -3 -5.
\(^{2}\) See Note B.p.366n.3.
\(^{4}\) For an interpretation of these elections see Note B.p.365ff.
\(^{5}\) Dio 36-4.
In this same year, however, it became clear that further trouble was brewing. Two optimates, C. Calpurnius Piso and M. Acilius Glabrio, were elected consuls for 67 B.C. but only after such flagrant bribery that the former was indicted, although he succeeded in extricating himself. More ominous were the elections to the tribunate of A. Gabinius, who was known to be intimate with Pompey, and of C. Cornelius, Pompey's former tribunus militum. Political observers might well wonder whether Pompey was contemplating a return to public life. Perhaps, if they reflected on the increasing dissatisfaction with the government's inability to cope with the pirates, they made the correct deduction: and if they looked further afield, they might notice the growing discontent with Lucullus's conduct of the Eastern War felt by certain sections at Rome. A story circulating in the city that the proconsul found it necessary to use bribery to prevent his recall may or may not have been true, but at least it showed what might happen if Pompey chose to use his influence.

The proposals brought forward by Cornelius were clearly all parts of a well-prepared plan to check the corruption prevalent among the governing classes. Perhaps the most important of them was the "lex Cornelia ut praetores ex edictis suis perpetuis ius dicant". Although Cornelius showed every wish to have the consent of the senate before introducing his measures this law was the only part of his programme which was destined to pursue an uninterr-

1) Dio 36-38.
2) Sall. Hist. IV. 71 M; cf. Plut. Luc. 33 where one Quintius is the author of the proposal to recall Lucullus. Haerenbrecher (Sall. Hist. p.186) suggested that Quintius was in Lucullus's pay in 69 B.C. but afterwards worked against him. This is an unsatisfactory explanation. Is this not the L. Quintius who was tribune in 74 B.C. when Lucullus was consul (Plut. Luc. 5)? He was praetor in 67 B.C. when he got the tribunes to move for Lucullus's recall. Could he have held a second tribunate in 69 B.C.?
3) The order of events in this year is largely a matter for conjecture. See Note B - pp. 367ff.
4) Ascon. pp. 85-86 C.; Dio 36-39 & 40; Although it mainly affected the provinces it was meant to apply to Italy also.
upted course. Two "relationes ad senatum", one a measure against bribery and the other on the subject of loans to provincial envoys, who were often fleeced by Roman moneylenders, were coldly received by the senate. In reply to the first it instructed the consul, Piso, to prepare a less severe "lex de ambitu", which passed through the assembly only at the second attempt and after serious disturbances. 2) Cornelius's second relatio, which was framed to make it illegal for provincial envoys to borrow from Roman moneylenders, was flatly rejected. 3) The cold reception by the senate of this proposal antagonised Cornelius, who now came forward with a measure to abolish the system of privilegia granted by the senate to individuals without the ratification of the people. The senate decided to put forward a tribune to veto this measure. The result was a riot, after which Cornelius, alarmed by the violence his bill had caused, abandoned his original proposal and submitted a less drastic scheme, whereby no privilegium should be granted by the senate to individuals unless at least two hundred members were present and the measure was referred to the people for approval. 4) This revised

2) Ascon. pp. 58-60 C.: Dio 36-39 & 40: It permanently disqualified from holding office a candidate convicted of bribery, expelled him from the senate for ever and made him liable to a fine, though he was allowed to remain at Rome.
3) Ascon. pp. 58-60 C.: Later in the year Gabinius introduced a measure couched in much the same terms (Ascon. p. 57 C.) and in spite of protests by the senate, had it passed by the people. Henceforth loans made to provincials at Rome were illegal and could not be recovered at law (Cic. Att. VI - 12 - 7). In a further attempt to remove the difficulties placed in the way of provincial embassies another law was introduced, possibly also in this year, whereby during the month of February, and in alternate years during the intercalary month also, the senate was obliged to deal with provincial ambassadors before any other business (Cic. Q.F. II - 13: Att. I - 14: C.A.H. IX p. 348).
4) The order and purpose of Cornelius's proposals are discussed in Note 3 — p. 366: cf. Rice Holmes (Op. cit. I p. 167); McDonald in C.Q. XXXII 1929 cit. Sixteen years later Brutus used just such a privilegium to facilitate his questionable negotiations with the Salaminians, and Cicero complained that he had contravened the very lex Gabinia for which Cornelius had been in great part responsible. Possibly when his proposal de privilegiis was turned down, the tribune attacked the same abuse from another angle. The abolition of such privilegia would help to strengthen the administration of justice in the provinces and prevent scandals similar to that which confronted Cicero in Cilicia (Cic. Att. V - 21); cf. Ascon. p. 68 C.: Dio 36-39.
scheme was passed without further disturbance, and possibly the dispensation granted to Piso to carry the lex de ambitu was one of its first applications. But in spite of his conciliatory attitude Cornelius was bitterly hated by the more extreme section of the senate and in 65 B.C. was brought to trial on a charge of maestas.\(^1\) He was, however, acquitted, and it is regrettable that a public figure, whose integrity and strength of purpose were above the average for the period, apparently disappeared thereafter from the political stage.

But more important than any part of the Cornelian programme was a proposal of Gabinius submitted to the people at the beginning of the year. The power of the pirates had grown immensely during the previous decade, partly owing to the preoccupation of the government with the Sertorian, Spartaean and Mithridatic Wars and partly to the absence of an efficient fleet to control these waters. In 76 B.C. Servilius Isauricus had temporarily subdued the pirates of southern Asia Minor,\(^2\) and the next year Marcus Antonius was directed to clear the eastern Mediterranean. His command, however, proved a complete failure, since he was too intent on filling his own pockets to conduct a successful war.\(^3\) After his recall in 71 B.C. the position went from bad to worse. The pirates grew bolder and could boast that they controlled the Mediterranean from Gibraltar to their lairs in Cilicia. During Verres's governorship of Sicily a private fleet sailed into the harbour of Syracuse; on one occasion even the port of Ostia was plundered. Travel by sea became increasingly perilous, and, what was more important, the corn

\(^1\) Cicero defended him: Ascon. pp. 58 ff. C. ; Cic. in Vat. 5: Crassus was one of the judices in this trial (Ascon. 76 C.).


ships from Africa, Sicily and Sardinia were repeatedly seized. 1) At last, in January 67 B.C., Gabinius proposed that a command for three years against the pirates should be given to a man of consular rank, who should have absolute control of the Mediterranean and an imperium equal to that of the provincial governors for fifty miles inland. At his disposal were to be placed six thousand talents; and, if he should require more, he was to be entitled to draw upon the treasury and the provinces. He was to have two hundred ships and fifteen subordinates chosen by himself, together with as many men as he thought fit to raise. 2) The man of consular rank was clearly meant to be Pompey; and the fact that Gabinius had connections with him suggests that Pompey had some foreknowledge of the proposal. The popularae were enthusiastic in favour of the bill; but the senate, foreseeing the outcome of granting such tremendous power to Pompey, did everything possible to block it. A tribune, Trebellius, was put forward to use his veto, and there were riotous scenes. Finally, when the dissenting tribune refused to remove his veto, Gabinius threatened to have him deprived of his office; and it was only after seventeen tribes had voted in favour of his deposition that he withdrew his opposition. Once the bill was passed, Pompey was immediately appointed. Taking advantage of the popular enthusiasm, he had the number of ships allotted to him increased to five hundred and was authorised to raise one hundred and twenty thousand foot and five thousand horse; even the number of his legati was raised to twenty-five. 3) The significance of the lex Gabinia is obvious. The senate had

shown itself unable to cope with the pirate menace; the only distinguished soldiers among its numbers were Lucullus, who was away in the east, Metellus Pius, and his kinsman then in Crete. Its most influential members, Pompey and Crassus, had shown no inclination to support the optimate cause; yet against its will it had been obliged once again to fall back upon one of them.

The attitude of Crassus at this time is largely a matter for conjecture. His alliance with Pompey had brought him for the first time on to the side of the anti-senatorialists. It is nevertheless true that he had no more serious intentions of a consistent popular policy than had Pompey. So much is clear from their reforms, which did nothing more than accept the inevitable: the more extreme projects of the anti-senatorial section they left severely alone. Mutual dislike and distrust (for which antipathy Crassus at least had some cause) had brought to a speedy end this lukewarm alliance of convenience.

We cannot say that as yet Pompey was actuated by anything more than personal ambition, but he began gradually to formulate a plan, however shadowy, by which he could eradicate the evils of senatorial government - a plan by which he would be "princeps civitatis", a figure superior to everyday politics, to whom the republic would refer its outstanding difficulties and particularly those of a military nature. That such a scheme was possible Octavian was later to prove; but Pompey by reason of his crude evasions and hesitations came within striking distance of his objective only when it was too late to reach it. By the irony of fate, to become the first man at Rome he had to alienate completely the only class which could


2) P. 44.
3) See p. 43.
4) See pp. 10-1: 34: 39.
help him to attain his Olympian ambition. Perhaps he lived a
generation too early: but in any event his inefficiency as a polit-
ician was as great as his efficiency as a soldier. Crassus on the
other hand was a first-class political tactician who had no interest
in suggesting a remedy for the ills of the Republic. He therefore
had connections in all classes at Rome, but he was never at any time
in his life deeply moved by the ideals of any particular section.
His actions were influenced by the desire for power and more power,
and no political idealism was allowed to shake his purpose. Where
his course would ultimately lead him not even Crassus himself could
guess; for the rule he used to measure the men and matters of his
day was their potential value in furthering his own designs. In
consequence it is extraordinarily difficult to follow all his move-
ments. An expert at fishing in muddy waters, he was involved in
all the important issues of the next twenty years: yet his name is
noteworthy chiefly for the infrequency with which it appeared. Like
the Loch Ness Monster he conducted most of his operations beneath
the surface and appeared only at rare intervals. Opportunism was his
guiding principle: hence, since in 69 and 68 B.C. the "popular"
ripple of 70 B.C. had been succeeded by a calm which had brought the
senate back into apparent control, he followed Pompey beneath the
surface and awaited a suitable opportunity to reappear.

In 67 B.C. the activities of Cornelius and Gabinius made some
definite move by Crassus necessary. His attitude towards the lex
Gabinia is not recorded: but no senator could have been less desirous
than he of seeing such power given to his former colleague. 1) Against

1) McDonald (C.Q. XXIII. 1929 p. 206) - "His (sc. Pompey's) main purpose
at this time was to secure for himself a military command, and Crassus
and Caesar were not unwilling that he should". But there is no indi-
cation that at this time Crassus and Caesar were working together
or that individually they ever in the first place wished Pompey to
be absent.
him, however, was ranged all the force of popular enthusiasm, and Crassus was far too astute to try to sail in the teeth of a gale. Among the counter-proposals put forward to defeat Gabinius was one by Otho that there should be two commanders. Curiously enough the same tribune had already - or we may perhaps assume from Liv. - passed a measure to restore to the equites a former privilege. No-one has asked whom Otho intended to be Pompey's colleague. Of the eligible candidates in Rome or at hand Metellus Pius, Metellus Creticus and Crassus leap at once to the mind. Popular feeling would never have accepted the Metelli, since they were loyal senatorials. But what could be the objection to Crassus, who a little while before had been Pompey's colleague in a campaign of popular reform? Therefore a measure designed to catch the doubtful equestrian vote had been put forward by Crassus's supporter among the tribunes. It has been suggested that the financial classes would in any case be against the Gabinian and Manilian Laws; but it seems much more likely that from motives of gain they would support both bills. If this suggestion is correct, the lex Roscia had as its object not the detachment of the equites from their support of the Gabinian Law but that of bringing to their notice the advantages of having so staunch a champion as Crassus for Pompey's colleague. This scheme was foiled in its initial stages; but if it had succeeded it would have been a clever and typical counter-stroke.

2) Livy Epit. 99.
3) Dio 36-42
4) See p.49 and Mom. 1&2.
5) Mommsen (History of Rome IV, p.100 Every Trans.), Tenney Frank (Roman Imperialism pp.315 ff.) thought that the investing public would want the war ended speedily, as their losses over the last twenty years had been great. Marsh (History of the Roman Republic etc. p.154) thought that the knights would support the bill both as a means of getting rid of Lucullus and because their business was being severely affected. Last (C.A.H. IX p.346) put the lex Roscia down to an effort to obtain the support of an influential section of the senate against the Gabinian Law. For the sequel in 63 B.C. see: Cic. Att. II -1: pro Mur. 40: Phil. II -44: Plut. Cic. 13.
The appointment of Pompey to what was in reality a military dictatorship must have been a severe blow to Crassus. The possible return of a second Sulla forced him to review his position and adopt some plan of campaign to improve it. If Pompey seized control of the government he stood to lose more than anyone at Rome. It has sometimes been inferred that Crassus had some connection with Cornelius and his successor Manilius, but this cannot be accepted without reserve.¹ In the first place, Cornelius seems to have worked to some extent with Gabinius, and this combination does not suggest that Cornelius was in the confidence of Crassus, since Gabinius was an intimate of Pompey.² Furthermore Cornelius had been elected and possibly put part of his programme into operation before Crassus had any reason to want to use him: and the Cornelian programme shows by its balance that it was well prepared. The fact that the tribune was prepared to modify his proposals does not show that he was subject to a hidden influence but that he preferred to revise his schemes rather than have them wholly defeated.

On the last day of December 67 B.C., immediately after he entered office, Manilius had passed a bill through the assembly - apparently after some manipulation - to give freedmen the right to vote in the tribes of their patrons. On the following day the senate quashed it as having been passed at an illegal hour, and from the ensuing riot the tribune barely escaped with his life.³ Such a proposal pleased no-one, not even the city rabble, which objected to sharing its privileges more widely than was necessary, and as a result Manilius became most unpopular. A suggestion⁴ has been made that Cornelius and Manilius were in alliance and that

¹ Dio 36-42: Ascon. p.64 C; Hardy (Catilinarian Conspiracy pp. 4-5).
² Dio 36-23: Cornelius had also been Pompey's quaestor (Ascon. p.57 C).
³ Dio 36-43.
⁴ Based on Ascon. p.64 C.
their proposals were all part of a connected programme. But the measure *de libertinorum suffragiis* is quite out of accord with the schemes of Cornelius. Another reading of Asconius, however, shows that neither Cicero nor his commentator said that Cornelius had any part in this law of Manilius; they merely stated that the tribune's accusers laid this charge at his door. It is more likely that Manilius introduced the law of his own accord, realised that he had made a false step and looked around for some way in which to extricate himself. To do this he followed the example of Gabinius and proposed a further command for Pompey, thereby reinstating himself with the populus. The extension of Pompey's command was a foregone conclusion, whether Manilius proposed it or not. Certain sections at Rome, in particular the financial classes, had for some time been dissatisfied with Lucullus's conduct of the Mithridatic War. Recent reverses had set victory further back than ever, and it was inevitable that Lucullus's lack of success should be compared unfavourably with Pompey's conduct of the Pirate War. The *lex Manilia* was passed without trouble, certain prominent senators even speaking in its favour. But Manilius had still to explain away his unwanted *lex de libertinorum suffragiis*, which he tried to do by foisting the blame on to Crassus. Such a move was pointless, unless the tribune knew that Crassus was on bad terms with Pompey and therefore regarded with suspicion by his supporters. It is doubtful whether Manilius was even serious in his endeavour.

Later in this year a new figure appeared on the political stage. The successful candidates at the consular elections, P. Antonius Paetus and C. Cornelius Sulla, were convicted of bribery and barred from public life by Calpurnius Piso's *lex de tabitu*. At the second election a new candidate appeared in the

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1) Rice Holmes (Roman Republic I p. 396): Tenney Frank (Roman Imper. pp. 315 ff.)
2) Dio (36-43) had read the story, but since he had no clear idea of the political movements of this period, he did not fully understand the motive which lay behind it.
person of L. Sergius Catilina, a patrician of ruined family, who was anxious to restore his fortunes by a career in public life. His part in the Sullan proscriptions had been notorious, and although many of the stories told against him by Cicero and later writers can be set aside, his previous career had shown Roman government at its worst. His personal courage was nullified by his recklessness and spendthrift habits; and it is surprising that he retained his seat in the senate after the censorship of 70 B.C. Nevertheless, he was elected praetor for 64 B.C. and in the following year was propraetor in Africa. His treatment of the provincials caused them to send a deputation to Rome in 66 B.C. to complain of his administration. In the summer of this year, possibly preceded by the Africans, Catiline returned to Rome to find that the consular election had been declared void. Whereupon he attempted to give in his name at the last moment as a candidate for the second election. The presiding consul, Volcacius Tullus, knew that not only Catiline but also his supporters had bad reputations, and after his experience with the previous candidates hesitated to accept Catiline's name, particularly as a prosecution for repetundae was only a matter of time. Thereupon, nourishing a grievance against the senate, Catiline retired from the field to watch the election of the candidates who had been defeated at the first poll. Autronius and Sulla, also smarting under their disqualification, joined with Catiline in the attempt to overthrow law by force, which is generally known by the misleading name of the First Catilinarian Conspiracy. The plan, hastily formed and badly prepared, aimed at restoring the disqualified candidates and doubtless promised Catiline also the consulship in the near future. To achieve their object the conspirators collected a force of their supporters and planned to murder the consuls, when they entered

1) See Note C p. 371.
office on January 1st 65 B.C., together with a few of their more troublesome senatorial opponents. To judge from his subsequent career, Catiline played the chief part in gathering an armed band from the more disreputable elements in Rome. Autronius also showed his zeal, but Sulla lacked his initiative, and, while willing to take advantage of success, remained discreetly in the background. Perhaps his part was to provide the necessary funds, since he is known to have been very wealthy. The attempt seems to have been a hurried one, and Catiline's impulsiveness revealed the prospective coup to the government. On December 29th he took advantage of a disturbance at the trial of Manilius, whose bid for popularity had not prevented his prosecution. Hoping to gain fresh supporters he displayed his armed force and was perhaps involved in the riots accompanying the trial. The senate, suspecting trouble, provided the incoming consuls with an armed guard. Once the element of surprise had been removed from the conspiracy, it fell completely flat, and Cotta and Torquatus lived through their year of office.

The whole affair was so slight that it would not deserve special mention if it were not for certain interesting repercussions connected with Crassus and Caesar. The latter was known as an extremely able rising politician with strong popular views. He had had no opportunity to prove that he had any outstanding military ability; but it was probable that in due course he would achieve the consulship. In 66 B.C. he supported the lex Manilia, not from any wish to give Pompey extra power, but because he did not wish to prejudice his chance of election as aedile for 65 B.C.¹; besides, no opposition could prevent Pompey's eastern command. At the moment his difficulty was to carry out the office of aedile to the best advantage for his future career; he was already heavily in debt and since this magistracy was the most expensive of all,

¹ Dio's reason for Caesar's action is as fanciful as his suggestion for that of Cicero (56-44).
some outside backing was necessary for him. 1) To Crassus wondering how to combat Pompey's ever-increasing power Caesar's suggestion came as a heaven-sent opportunity. The latter in return for a very large loan promised to act in a general capacity as Crassus's lieutenant. Joint action was to be taken to provide against Pompey's home-coming, and - what was very important - Crassus was to keep as far as possible in the background. Each saw that he had one point at least in common with the other - suspicion of Pompey. Crassus had as little faith as ever in the popular programme, but once again he was prepared to use it for his own ends. Caesar's own intentions are doubtful. It is unwise to accept the extreme view that even at this stage all his actions were calculated steps towards his ultimate achievement. Nevertheless this much is probably true: although he recognised senatorial incompetence and therefore attached himself to the opposition, his real object was his own gain.

It was suspected that Crassus and Caesar were behind the attempted coup of January 65 B.C. : but, though their subsequent connection with Catiline is established, this is unlikely. Perhaps for their own ends they had supported Autronius for the consulship. But the fact that Autronius and Sulla were disqualified for bribery is not conclusive evidence that Crassus supplied the money, since Sulla quite possibly paid for Autronius's campaign as well as for his own. 2) Catiline does not seem to have been in Rome until the late summer of 66 B.C.; hence it is difficult to believe that Crassus and Caesar got into close touch with him in so short a time, and made his candidature a menace to the senate. The plot was a foolish one and bears all the marks of a rash effort made without either the sanction or approval of Crassus. It was marked by a complete absence of constructive planning; and, while Crassus and Caesar

1) See Hardy - Cat. Consp. pp. 4-5.
2) See Appendix V p. 280.
were prepared to follow it up in the event of success, they doubted its outcome and refused to participate actively. During these years, for the obvious reason that they had no military backing, the pair tried to gain their ends by legal means. Crassus moreover was by nature too cautious to take open part in such rash and treasonable schemes, ready as he was to reap the reward of the rash actions of others.  

That the whole affair was deliberately hushed up is certain. The reason for this unusual action by the senate is to be found neither in the suggestion that Crassus and Caesar were behind Catiline's candidature and engineered the subsequent plot in order to facilitate their schemes for 65 B.C.;  

nor wholly in the accepted version that Crassus used his influence to prevent a public enquiry.  

The real clue comes from a hint that the senate was as willing as the popular party to see Piso, an associate of the conspirators, and an acknowledged enemy of Pompey, sent to Spain. Pompey's success in the East was by this time becoming known, and his position was more formidable than ever. If the senate accepted Piso, it could hardly hold an enquiry into a murder plot in which he had participated. Thus Crassus, Caesar and the senate agreed on at least one point. In July 65 B.C. the consul, Torquatus, might well say that he had heard rumours of the plot but did not believe them, since Piso, to whose appointment the senate had willingly agreed, was still alive in Spain. Nor is it difficult to guess who would have a proposal to hold an enquiry vetoed by a tribune. Crassus and Caesar possibly represented to the senate the advantages of hushing up the conspiracy and sending Piso to control an army which might one day be useful against Pompey but the senate itself was by no means passive in  


2) Hardy (Cat. Conspp. p.6)  


5) Cic. pro Sull. 81.
the matter. But as it happened, the scheme came to nothing, for
Piso was killed late in 65 or early in 64 B.C. either by the
Spaniards he had alienated or at Pompey's instigation. 1)

Thus it came about that the popular party, 2) which had given
Pompey complete control of the Mediterranean and the east in the
face of senatorial opposition, is found only a few months later
working along with the senate against him. The faith of the
masses in Pompey continued. The temporary alliance of Crassus
and Caesar with the senate was merely one of convenience, and the
"popular leaders" - if we may refer thus to Caesar and Crassus -
are very soon to be found pursuing an anti-senatorial policy.

After Piso's departure for Spain Crassus and Caesar turned to
the question of the enfranchisement of the Transpadanes, who had
been excluded from Roman citizenship after the Social War. The
province of Cisalpine Gaul, which was seemingly formed immediately
after the struggle with the allies, included the ager Gallicus,
territory previously under the jurisdiction of the consuls. 3)
The original boundary was the Aesis-Arms line, but Sulla moved it
north to the rivers Rubicon and Varus, where it remained till the
end of the Republic. The new province included the areas known
as the Transpadane and the Cispadane, which were really more part
of Italy than of Gaul. In 91 B.C. the Transpadanes had like their
Cispadane fellows been on the point of revolting in order to
obtain from Rome a revision of their status and had accepted the
successive Roman offers made to forestall this rebellion. But
while the Cispadanes had almost wholly gained their object, 2)
the Transpadanes; if Bertona, Sporedia, Cremona and Aquileia are

1) Ascon, p.92G: Probably the story that Pompey was responsible
for Piso's death was a fabrication of his enemies.
2) For remarks on the use of the term "populares" during this period
see Appendix XVII.
3) See Appendix VI pp.287-8.
4) Ravenna was possibly an exception (Mommsen - Jurist. Schriften p.18.
excepted, had been put off with Latin status, whereby access to Roman citizenship was limited to those who had held local magistracies. So far as can be gathered, the reason for this distinction between Cispadianes and Transpadanes was the feeling at Rome that, while those on the south side of the Po were ripe for promotion to the citizen body, since they differed little from the Etruscans and Umbrians, the people on the north side of the river retained many of their Celtic characteristics and ought to be educated up to Roman status through the ius Latii.

Consequently there was a Transpadane question which needed only the support, disinterested or otherwise, of some leading Roman politician to become troublesome to the government. The championship of Crassus and Caesar was almost certainly not disinterested. Perhaps the potential man-power of the district attracted them. During a tour in 67 B.C. Caesar had found the Transpadanes "de civitate Romana agitantes", and had taken up their cause: and at the end of 66 B.C., seeing possible benefits to himself and Crassus from the grant of the franchise to the Transpadanes, he arranged with Crassus to raise the question of their enrolment when he entered upon his censorship in the following year. They professed a desire for justice and the simplification of the position of the Transpadanes; but their military and not their voting strength must have been the attraction, since normally they could afford neither the time nor the money to make the journey to Rome.

It was decided that Caesar should arrange - presumably through a tribune - for the legislation necessary to include the Transpadanes in the citizen-body. Crassus as censor undertook to have

1) Bertona and Eporeda were possibly already Roman colonies. Cremona and Aquileia seem to have become Roman by the lex Pompeia (Mommsen cit., p.182 n. 2).
2) Ascon. p.3 C.
3) Suet. Jul. 8: In 63 B.C. Cn. Piso had a grudge against Caesar strong enough to make him attempt to involve the latter in the Catilinarian Conspiracy. This grievance had to do with a legal decision against Piso for unlawfully putting to death a Transpadane (Sall. Cat. 49). Is it a coincidence that Piso was consul in 67 B.C.?
them enrolled when the register of citizens came up for revision. The significance of Crassus's part is seen from the fact that even before this moment came his fellow censor, Catulus, stated his unwillingness to acquiesce in their admission should the necessary law be introduced. Thereupon the censors, unable to agree and each unwilling to give way, resigned without performing any of their usual duties. 1) The next year new censors, perhaps with a popular bias, were elected, and the opposition in the senate, foreseeing that they would do what Catulus had refused to countenance, persuaded tribunes to interpose their vetoes when the first official act of the censors, the lectio senatus, came up for discussion. Unwilling to persist because they were afraid of a charge of perduellio, the second pair of censors resigned also. 2)

This opposition to the admission of the Transpadanes did not cease with the successful attack on the censors. The tribune, Papius, came forward with a law proposing to exclude peregrini from the city. That all peregrini were to be expelled is unlikely. Probably the lex Papia included a clause exempting a large class of aliens; and the most reasonable conclusion is that the condition for exemption was residence at Rome over a period of years. No doubt, although primarily the bill was partly a manifesto and partly an attempt to prevent continued agitation by the Transpadanes, this would be in some measure disguised by the inclusion in its terms of the general body of aliens. 3)

After the agitation of 65-4 B.C. the Transpadane question dropped into the background for fifteen years. Crassus and Caesar had other schemes on hand during the years immediately following, with the result that the Transpadanes remained outside the citizen body until

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1) Suet. Jul. 3: Dio 37-9; Plut. Crass. 13: See Appendix VI.
2) Dio 37-9: καὶ διὰ ποιητοῦ καὶ διὰ τοῦ υπομονημένου κυρίου (sc. Crassus and Catulus) ἔτη τρεῖς ἰδιαίτερα ἔοικεν ἐκπολεμήσας — makes it plain that the real reason for the resignation of the second censors was the Transpadane question. He seems to mean that they feared a charge of perduellio — i.e. δόθω τοῦ μὴ την ἰεροστίαν ἐκπολεμήσας ἐκπολεμήσων.
3) See Appendix VI.
Caesar was able without opposition to effect the change in 49 B.C.\(^1\)

During 65 B.C., after Piso had been sent to Spain to act against Pompey, Crassus, assisted by his lieutenant, took the much more drastic step of trying to use Egypt for the same purpose. The position and wealth of this country made it an important part of the imperial scheme, and at first sight it is remarkable that it was allowed to remain as loosely connected with Rome as it did. But the very fact that it was untouched by the annexations of the second and first centuries B.C. shows that there was no consistent or continuous policy of provincial expansion.

By the time of Sulla the Egyptian government had become very unstable, and the country was ripe to fall into the lap of Rome. But it remained in this suspended state for half a century more and was only finally taken over when Rome had no alternative. From time to time there were suggestions of annexation, but for one reason or another – generally the state of politics at Rome – the decisive step was always avoided. Not only was the senate unwilling to commit itself to the great responsibility involved but it exerted its influence to prevent any attempt from outside to move in the matter. In 59 B.C. the Triumvirate had the opportunity to settle Egyptian affairs, but for various reasons annexation was not suggested.\(^2\) The solution adopted was the restoration of Ptolemy Auletes, whose claim to the throne was far from strong and who personally was unacceptable to the Alexandrians. In 55 B.C. Gabinus did what Pompey could have done but did not do in 63-2 B.C. and interfered by taking troops into Egypt.\(^3\) The Egyptian problem, however, remained until the struggle of Antony and Cleopatra against Rome made annexation inevitable.

\(^{1}\) Dio 46-31.
\(^{2}\) See p. 144.
\(^{3}\) See pp. 206ff.
The attitude of Rome to the Ptolemies is best understood by glancing at the internal history of Egypt during the previous half century. The country had maintained a state of friendship with Rome on fairly equal terms from the time of Ptolemy II. till the end of the third century B.C. Indications of clientship appear in the reign of Ptolemy VI. Philometor:¹ but even so, Egypt had no more than a loose connection with Rome till the reign of Ptolemy Physiscon,² when interference became more pronounced. The death of Physiscon left to his niece and wife, Cleopatra III., the choice of associating with herself either of her sons.³) Pressed by the Alexandrians she chose the elder, who became Ptolemy VIII. Soter II., better known by the name Lathyrus.⁴) The younger, Alexander, was sent to govern Cyprus, of which island he professed himself king, though he probably had no claim to the title. In the course of time Lathyrus tried to assert himself against his mother, who in 107 B.C. forced him to leave Egypt and summoned the King of Cyprus to become Ptolemy IX. Alexander I. Lathyrus then managed to establish himself in Cyprus in his brother's stead, and he remained there till 99 B.C. when he returned to Egypt in place of Alexander, who had made himself unpopular with the Alexandrians and had been compelled to flee to Syria. After a coup by which he re-entered Alexandria at the head of mercenary troops, to pay whom he rifled the tomb of Alexander the Great, the Egyptian Alexander was again expelled and killed while attempting to cross to Cyprus in 88 B.C. Meanwhile, in 101 B.C., Cleopatra had died; and in 96 B.C. Ptolemy Apion, King of Cyrene, a natural son of Physiscon, had left his kingdom by will to Rome.⁵) The senate was prepared to leave Cyrene to manage itself provided that the revenues from the silphium plant were secured; but in 74 B.C. during the campaigns against the pirates it was decided to reduce the country to the form of a province.

¹) Livy XLIV - 19; See Table - 2 .
²) "Puffing Billy", so called because of his immense size: accession 145 B.C.
⁴) "chick-pea": the reference is not known.
⁵) Apion had been left Cyrene in Physiscon's will - an unwise policy as it turned out.
Lathyrous remained king both of Egypt and Cyprus till his death in 81 or 80 B.C. In 87-6 B.C. Sulla sent Lucullus to Alexandria to borrow a fleet for use against Mithridates. Ptolemy, however, was in a difficult position and found it necessary to avoid helping Rome. 1) Perhaps he found it prudent to await events: but no doubt his decision was influenced by the fact that Mithridates had in his possession not only the treasure deposited in Cos by Cleopatra in 102 B.C. but also the person of Alexander I.'s son who was the last genuine Lagid. 2) Lucullus was generously entertained, but the munificence of Lathyrous seems to have impressed him less than the king's untrustworthiness. 3)

On the death of Lathyrous Sulla decided to put up his own nominee for the vacant throne. The son of Alexander I. had been taken over from Mithridates and was now sent to Alexandria to be Ptolemy I. Alexander II. after being induced, as the story went, to make a will leaving his kingdom to Rome. It has been suggested that Sulla intended to solve the Egyptian question by annexing the country and that the will was made at his order. There is no proof of this, and it is quite impossible to decide definitely whether the will was genuine or not. The fact that Roman politicians were ready to use it for their own ends no more proves it a forgery than the examples of Pergamus, Cyrene and Bithynia prove it genuine. 4) Perhaps part of the reason why Sulla supported Alexander II. 5) is to be found in the rebuff he had received from Lathyrous in 87-6 B.C. Meanwhile the late king's daughter,

1) It was not at all clear in 87 B.C. whether Rome would come out of the Mithridatic War successfully, particularly after her initial defeats. If Lathyrous had given active assistance to Rome, he might have been faced with the unpleasant task of explaining this away, should a victorious Mithridates appear on his borders. Again, Sulla was no longer in control of the government of Rome.

2) Mommsen - History of Rome IV. p.45 (Every. Trans.)

3) Plut. Alex. 2.

4) "presumably spurious but never proved false" - Cary in C.A.H. IX. p.496: Sadows (Client Princes of the Roman Empire pp.146-7) noticed - a) Alexander would have had no time to think about his heir, b) Strabo (XIV 6-6) in giving reasons for the deposition of Ptolemy of Cyprus does not even mention the will.

5) That Alexander II., not Alexander I., made the will, if it was genuine, seems certain. Some scholars accept 88 B.C. as the date because of Cic. de leg agr. 12:38:41: But Cicero merely says "in or after" 88 B.C. Again the fact that the Egyptian
alexander I.'s wife, Berenice III., had been accepted as queen by the Alexandrians, so it was arranged that the new king should marry her. But he found his position as the queen's husband unbearable and, taking the customary way out of his difficulties, had her murdered. Berenice had been very popular in the capital, and Alexander himself was murdered less than three weeks after he entered the city. ¹

The position between Rome and Alexandria was now delicate; it was probable that Sulla would demand reprisals for the death of his nominee, and in view of the will the Alexandrians felt they must act quickly before Rome annexed the country. Looking around for a successor they found two illegitimate sons of Lathyrus, one of whom was made king of Egypt and the other of Cyprus. The new ruler at Alexandria was Ptolemy XI. Neos Dionysus, who was popularly known as Auletes or the Pipe Player. For this frivolous accomplishment he was much despised. As happened with Hippocleides, too great skill in the popular arts was considered to accord ill with nobility of rank.

If Sulla was responsible for Alexander's will it is odd that neither he nor the senate took any steps either to avenge the king's death or to put his testament into operation. ² The business was allowed to drop, and Roman politicians merely made a mental note for possible future reference of the doubtful claims of Auletes. The new king seems to have deserved the contempt which his subjects felt for him. ³ The story of his reign is that of an endeavour to hold his throne in the face of the opposition of his people.

³ (contd.) treasure is mentioned as being at Tyre has no great weight, since Alexander II. was not in Egypt for long enough to have had any effect on the whereabouts of this part of the treasury. It is a point that those bequests by will to Rome took place when there was no definite heir and Alexander II. was the last real Lagid. (cf. Mommsen - History of Rome IV. p.45 n. (Every.Trans.)) Sands (Client Princes of the Roman Empire pp.143: 170) also thinks 61 B.C. more likely. See also p. 65 n.1.

² The senate did, however, act upon the will in so far as it sent commissioners to Tyre to take over the Egyptian treasure deposited there (Cic. de leg. agr. 41). Sulla's object may have been only to have at Alexandria a king who was at his beck and call. Appian (B.C. I -102) says he was out to make money. On the other hand the speedy assassination of his candidate may have found him unprepared for immediate action.
Like his predecessors he married his sister—or half-sister—Cleopatra, and he was the father of the last and most famous Cleopatra. In 75 B.C. two of the Seleucid Ptolemies, sons of Cleopatra Selene, went to Rome in the hope of having their claim to the Egyptian throne supported by the senate. Auletes was by no means acceptable to Rome, but the prospect of a combination of the Seleucid and Ptolemaic kingdoms was even less so, and the young princes found their only reward was to be fleeced by Verres. But though annexation did not appeal to the rulers of Rome, Ptolemy Auletes was made to pay dearly during the next twenty-five years for their protection.

1) Nevertheless in 65 B.C. Crassus and Caesar decided that the moment was ripe for the production of Alexander's will, authentic or spurious.

2) Nor were they without reasonable hope of success: Crassus was censor and could carry through the organisation of the province if a measure for annexation were passed, while Caesar, who had such a bill introduced before the concilium

3) "neque genio neque animo esse" (Cic. de leg. agr. 42).

1) So far as the attitude of Rome was concerned, the authenticity or otherwise of Alexander's will does not matter much. For my own part I am disposed to think that it was spurious and known to be so by Crassus. There are several reasons for taking this view. In the first place Sulla was not likely both to have designs upon Egypt and also to nominate a candidate for the throne who would normally outlive him by many years, unless he planned to have Alexander removed when it was convenient. Of this there is no sign. Nor would Sulla plan ahead to what would normally be the distant future: for Lathyrus and Alexander I., had ruled Egypt alternately for 36 years, and Alexander II., might easily do the same. Again the argument that the latter was the last genuine Legis carries little weight, since he was capable of producing an heir. Cicero is very guarded in his speech (de leg. agr. II 41) and does not commit himself on the question of the will. But, while it suited him to deny its existence, he knew he was treading on delicate ground. His remarks seem to indicate that, while he knew that the annexation of Egypt was certain if Rome desired it, whether the will was spurious or not, the document was a matter of no importance and actually there was little evidence to support its authenticity. He could not, however, give a direct statement of opinion. Another argument against its genuineness is the fact that after 63 B.C. it dropped right out of the picture. One might have expected that Octavian would bring it up. Sands (Client Princes etc. p. 147) thought that the rumour of the will was circulated by Sulla.

2) Cic. de leg. agr. II -44.
plebis, was using his address to foster his popularity with the people. 1) But the scheme unaccountably misfired, for Cicero's words proved more successful than Caesar's public entertainments. The feelings upon which the orator skillfully played were suspicion of any scheme to annex Egypt which would place its organiser in a position comparable with that of Ptolemy, and distrust of the obviously anti-Pompeian motives of the backers of the bill. 2)

Egyptian wealth was a great temptation to the business as well as to the lower elements in the city, but Pompey's eastern successes and the prospect of a greatly increased revenue and a wider field of operations there must have helped to overshadow the Egyptian plan. Furthermore, the longer-sighted business men at Rome perhaps saw that if the scheme was set in motion, the end would be a civil war and the result the loss instead of the gain of both plums. 3)

This weighed against what seemed on the surface likely to be a successful move by Crassus and Caesar, and Cicero's oratory did the rest. Since he obviously could not deny the authenticity of the will in so many words, no doubt he avoided this difficult subject and concentrated on throwing out broad hints about the intentions

1) Cary in C.A.H. IX. p. 480; Suet. (Jul. II) is quite wrong: Ptolemy XI. was not "socius etque amicus a senatu appellatus" until 69 B.C., nor was he expelled until 56 B.C. (Plut. Crass. 13; see p. 181.) Mommsen (History of Rome IV. p. 157 Ebery, Trans.) supports Suetonius without comment, as does Sands (Client Princes etc. p. 25).

2) Rice Holmes (Roman Republic I p. 226-7) doubted whether there is anything in the idea of Mommsen, etc., that Caesar hoped for a military command. Was his position strong enough for him to have the remotest chance of this? The answer is that Caesar as the real proposer of a law presumably conferring great benefits on the business and poorer classes could have great hopes of getting the job of annexing Egypt. Some military forces would, of course, be necessary. The insidious method of introducing himself into Egypt is seen more clearly in the Sullan proposal.

3) Sands (Client Princes etc. pp. 145-6) - the desire to annex came not from the main body of the senate but from the equites.
of the authors of the bill. 1)

By 64 B.C. Pompey had made Syria a Roman province, and Auletes, anxious to win his favour, sent 8,000 cavalry to help in his campaign against Palestine. Since this country had not long previously been part of the Ptolemaic dominions, his move annoyed and further antagonised the Alexandrians. It seems likely that only the fear of direct intervention by Pompey himself, if the king were expelled, prevented an open outbreak. Pompey, however good his excuse for adding Egypt to his long list of triumphs, did not interfere after the Jewish campaign of 63 B.C. The well-informed at Rome must have taken this as a sign that there was not after all to be a second Sulla at the gates of the city. 2)

In December 64 B.C., however, Crassus and Caesar had returned to the attack with a more subtle scheme for gaining control of Egypt. The Sullan land Law deserves particular consideration in a discussion of the intrigues of the "popular" leaders against Pompey. Although brought forward by Rullus, a tribune of 63 B.C., this proposal was clearly a product of Caesar's brain and Crassus's cunning. Ostensibly a further example of the land-settlement schemes which appear in Roman economics from time to time, 3) it was in fact none other than a move which, if successful, would place the pair in a position to make favourable terms with the returning Pompey.

No-one has denied that Rullus was merely a figure-head; 4) for neither Crassus nor Caesar was willing to come out into the open with such a revolutionary proposal. 5) The opposition which a blunt

1) De Bèze Alexandrinus (Schol. Bob. p.360 (Orelli)). For the error of connecting it with 56 B.C. see Hossen (History of Rome IV. p.156 n.1).
2) C.A.H.LX. p.390.
3) Such as those of the Gracchi and Drusus.
4) "a man of straw" - Hardy (Some Problems etc. p.97)
5) Cicero was, of course, careful to conceal the fact that there was considerable unrest at Rome just at this time. That he was well aware of this fact his Catilinarian speeches show clearly. It was perhaps just this unrest which caused Caesar and Crassus to be hopeful of success for their scheme.
suggestion to annex Egypt had caused had taught them to walk warily; to appear as sponsors of the bill would cause not only the supporters of Pompey but also the optimates to unite in opposing it. Cicero mentions neither Caesar nor Crassus by name; he was much too good a special pleader to lose the opportunity of tearing to pieces an insignificant tribune. Much of the discredit which the orator succeeded in throwing on the Servilian rogation was due to the manner in which he assumed that Rullus must naturally be a rogue. Possibly there was some basis of fact for this assumption, since at no time in his career did Caesar seem able to choose for his political schemes subordinates who inspired confidence. Nevertheless Cicero occasionally let fall broad hints that there were other and more powerful figures behind Rullus.1)

It is unfortunate that we have to rely for all our information about this agrarian law on Cicero’s speeches delivered against it. As an example of the art of misrepresentation the three orations "de leg. agraria" are hard to surpass. Cicero’s justification for attacking the bill is undeniable. Apart from being an indirect attack on Pompey the scheme would not only create a "decemvirale regnum" but tend to disrupt the financial system of the state.2) But the methods he used to defeat it did more credit to his ingenuity than to his veracity. Unfortunately the rogatio Servilia has been taken on Cicero’s valuation of it not only by ancient writers but also by many modern historians.3) But a closer examination shows that the scheme was much more carefully planned than Cicero

1) cf. de leg. agr. II -46; II -16; I -16.
2) Hardy (op. cit. p.68) agrees that Cicero did the state a service, since the result might have been financial chaos and civil war.
3) Even Mommsen does not stop to consider whether there might have been some good in the proposal. For a thorough study of the rogatio Servilia see E.G. Hardy - Some Problems in Roman History pp.68-98 - which is the background for the above account.
would have us believe. 1) Even so there is a tendency to overlook the conditions prevailing at the end of 64 B.C. and the primary reasons why the bill was composed in such terms. 2) The taking over of Egypt was the cardinal point and the rest was built up around it. This is not to say that Caesar cared nothing for the agrarian part of the law: his legislation in 59 B.C. and during his dictatorship disproves this. 3) But the beginning of 63 B.C. was not a moment at which Caesar and Crassus would choose to embark upon such legislation without personal motives, the less so after their setbacks of the previous two years. They had to do something to counterbalance Pompey's power and to do it quickly. Their support of Catiline had not been justified, and no further move in this direction would be possible, if at all, until later in the year. 4) Again, their design upon Egypt had been repulsed in 65 B.C. The proposal to annex the Ptolemaic lands had seemed to promise success, but probably the method of approach had been too direct to allay the suspicions of a public which strongly supported Pompey. Could the annexation of Egypt be introduced a second time without arousing suspicion? The answer found in the regalia Servilia is so typical of the man that we can hardly be blamed for attributing it to Crassus. Once the idea had suggested itself Caesar set to work to develop it into the agrarian law

1) Hardy (op. cit.) does, however, tend in my view to overemphasise the statesman-like clauses in the bill and not lay sufficient emphasis on the method of its composition. The serious agrarian intentions were certainly subordinate to the immediate objects, and the carrying-out of them would depend to a great extent on the attainment of these major aims.

2) As Hardy sees Cicero was able to defeat it because it was vaguely enough worded to allow him full play for his imagination. What Hardy does not attempt to analyse closely is the order of composition of its clauses. He is, for instance, vague about the position of Egypt in the scheme: to him it is merely a part - an important part, it is true - of a composite political-economic plan to win power against the return of Pompey. To me the winning of Egypt was the whole plan.

3) So Hardy points out (op. cit. p. 71)

4) See Appendix V pp. 282 ff.
The first problem was the introduction of a scheme to annex Egypt which would avoid the setback a direct proposal had brought about in 68 B.C. The solution was a cunning one: it was no less than a new land-allotment scheme on the lines of those of the Gracchi and Drusi. In 63 B.C., however, there was very little public land in Italy available, so money had to be raised to purchase the necessary allotments.  

This was to be done by taking over "whatever had become public property since 81 B.C." Cicero was able to score some telling points against the proposal by giving an imaginative account of what this would mean. His suggestion that the province of Asia would be under control of the land commission was not likely to be true; but if such a suggestion would help to influence the business classes to vote against the bill, it was more important than veracity. Bithynia, Egypt, and, although Cicero does not mention it, Cyprus would be affected, however, and one wonders whether Caesar did not see the rashness of such a proposal. It has been suggested that the sale was to be an actual one: but what is much more likely is that it was meant

1) The framework of the rogatio Servilia may be seen in Cicero's speech to the people (de leg. agr. II) :-
1. The xvirii and their election (16-32)
2. The financial clauses (35-62) :-
   a) The sale of state properties in Italy decreed by consuls since 81 B.C. (36-7)
   b) The sale of property outside of Italy acquired since 83 B.C. (38-46)
   c) The sale of certain vectigalia inside and outside of Italy (47-55)
   d) A tax on land inside and outside of Italy (57-58)
   e) The sale of booty (excluding Pompey's) (59-62).
3. The purchase of the land (62-72).
4. The colonies (with special reference to Capua) (73-97).

2) Perhaps Caesar - followed by Augustus - subsequently adopted this means of settling his soldiers. But there is some doubt whether he really did pay for the lands he took - see Aug. in R.G. 16:
3) Cic. de leg. agr. II -38.
4) Cic. de leg. agr. II -38-46.
5) Hardy op. cit. pp. 74-5.
in the sense of disposing of the usufruct,\(^1\) since it was most improbable that there was any question of actually disposing of the very large territory involved, and since such an interference would alienate the equites.\(^2\) To introduce Egypt into the scheme it was necessary to go back beyond 80 B.C., and Bithynia had not fallen to Rome until the death of Nicomedes in 75-4 B.C. It is perhaps correct to assume that only Egypt was meant by this clause, since the royal domains in Bithynia were to be sold under another clause: but legally Nicomedes's kingdom certainly came under this head.\(^3\)

The reason why this clause was retrospective as far as 86 B.C. was partly to disguise the design upon Egypt which would have been too obvious if the date had been specified as 80 B.C., and partly to include the Sullan confiscations in Italy. Caesar genuinely wished to settle a problem which had troubled Rome for twenty years. His method seems to have been to include the Sullan annexations in his bill and to introduce a specific clause making legal the claims of the "possessores". Cicero skilfully seized the opportunity of stirring up the old animosity towards the Sullan homines by saying that this clause was a plot to line their pockets.\(^4\)

\(^1\) Hardy op. cit. pp. 76-7: 82.
\(^2\) Hardy (op. cit. pp. 32-3) thought, however, that the equites would be "more than compensated" by the new vectigalia.
\(^3\) Bithynia had to be included, but it complicated the bill and gave a further handle to Cicero (Hardy op. cit. pp. 75-6).
\(^4\) Cf. de leg. agr. III - 7: For Pompey's and Crassus's disregard of this part of the popular programme see p. 43: in this connection there was evidently more in the bill which affected the Sullan colonists than appears from Cicero's speeches. In a letter to Atticus in 61 B.C. (Att. 1 -19-4) Cicero discussing the Flavian proposal remarked that Sulla had dispossessed Volaterrae and Arretium of their territory but had not allocated it. In 45 B.C., in a letter to Valerius Orca, one of Caesar's land commissioners, on behalf of Volaterrae he declared that he had defended the claims of this town in his consulship and that Caesar had approved his action in 59 B.C. There is no specific mention of either town in the three speeches "de leges agraria", and if their territory was included among the Sullan lands whose owners were to be recognised as legal "possessores", Cicero opposed rather than supported their claim. Hardy (op. cit. pp. 88-9) suggested that Cicero mixed up the Sullan with the Flavian proposal: he was deliberately disingenuous; or he was relying on Orca not knowing the facts. None of these explanations is in the least likely;
In addition to Egypt Crassus and Caesar hoped to have another counter with which to bargain with Pompey. One of the first problems which would occupy the latter on his return home would be the provision of land for his troops. For this he would need extensive funds and the goodwill of the senate. That the government would act as stupidly as it was in fact to do neither Crassus nor Caesar was to know. But they hoped to gain control of such large resources that Pompey would be compelled to bargain with the men who held not only Egypt but also an agrarian fund. The scheme evolved to raise such a fund is amazing in its audacity. Not only was land to be sold in Italy, Sicily, Cilicia, Bithynia, Macedonia, the Chersonese, Cyrene, Corinth, Old and New Carthage, Paphlagonia, Pontus and Cappadocia, but a tax was to be levied on certain parts of the empire.\(^1\) Not content with this the bill enacted that war booty was to be made over to the commissioners and that new

\(^1\) Seiteland's suggestion (Roman History III pp. 259 ff.) that, as such large territories could not in practice be sold, a tax was to be imposed on that not disposed of is most unlikely. Such a step would in fact have made the decemviri "reges", and no legislator in his right mind would introduce it (see Hardy op. cit. p. 81). It looks as if the land to be taxed was that public land not included in the previous clauses. Cicero (de leg. agr. II -56) may be read this way - "cognitio decemvirum privatus sit an publicus (i.e. the public land not sold in the previous clauses): eique (i.e. the said ager publicus) agro pergrande vestigal imponitur". What the tax in the provinces was to consist of and how it was to be levied cannot be decided. It is not likely that Cicero was explicit when he said "omnes agros extra Italian" or that his "pergrande" means anything more than a lump sum or fixed rates (Cic. de leg. agr. II -56: I -10) (Hardy op. cit. p. 81).
Even if allowance is made for Cicero's exaggerations, it seems inconceivable that Caesar could have expected this part of his bill to be accepted. It is not enough to say that in 59 B.C. he put forward a modified version of the Kullan scheme, for by then conditions were greatly changed. The sale of provincial land was not an innovation in itself; but such large-scale selling would give the commissioners an overwhelming influence in the state.

Two years later Pompey himself was unable to have his less extreme land law passed. Perhaps the camouflage which concealed the primary object, the annexation of Egypt, was applied too lavishly, and the result was a series of loopholes of which Cicero made full use. Or again it may be that Crassus and Caesar were hopefully assuming that the popular appeal of the measure would blind the voters to the revolutionary nature of the financial clauses. Historians have mostly contented themselves with pointing out the danger of the scheme and the slight hopes its authors could have had of seeing it succeed. The truth is that the Kullan law was an example of the ingenuity which characterised Caesar's actions during those years but which for the most part profited him nothing. In 63 B.C., Caesar was the opportunist awaiting the opportunity which was not to come for three more years. The "rogatio Servilia" was also

1) The clause making necessary a strict rendering of accounts by provincial commanders was desirable. Cicero said that it was aimed at Faustus Sulla; but Lucullus had not gone unsuspected of peculation in Asia, as Hardy pointed out. Faustus Sulla, son of the dictator, was threatened with prosecution for the return of the money which his father had plundered and was prosecuted unsuccessfully in 63 B.C. Cicero mentions the case in pro Cluentio 36 and pro Cornellio (Ascon. p.73 c). Sulla married Pompey's daughter and went to the east with him. He fell in a riot after Thapsus (Bell. Afr. 37-38). Possibly Cicero introduced him here to prove that Pompey was being covertly attacked. In any case he would hardly have ventured to name Lucullus in his speech to the senate (de leg. agr. I -12).

2) cf. Strachan-Davidson (Cicero p.104); Heitland (Roman History III pp.259 ff.); Ferrero (Decline and Fall etc. I p.259); Rice Holmes (Roman Republic I pp.244 ff.)
characteristic of Crassus's methods. It was cunningly planned to
give him the position at which he had been aiming for years, but
in the same time he had no need to commit himself in the event of
his failure. Pompey could have no handle against him, and, what
weighed even more with him, he could continue, if necessary, to
play off each side for his own advantage. 1)

Such in outline was the lex agraria of Rullbus. The measures for
choosing the ten commissioners are unimportant. 2) Cicero was prob-
ably right in saying that seventeen tribes only were to vote in
order to facilitate the election of the desired candidates. 3) The
actual agrarian measures can also be dismissed in a few words. 4) The
intention was to relieve the capital of its surplus population,
but Cicero's statement that no land was to be bought until the fin-
ancial parts of the bill had been settled is significant. 5) It
looks very much as if the distribution was to be held back both to
secure for the decemviri an overwhelming financial position, and
to have land for disposal among Pompey's soldiers. Whether any

1) Traumann (Rom. Gesch. III. p.180) and Lange (Rom. Att. III. p.269)
thought that Caesar desired especially to win popular favour,
though he saw that the bill would be rejected, and increase the
hatred of the optimates. Mommsen (History of Rome. IV. p.161
Every, Trans.) thought that equality of power with Pompey was aimed
at as five (?) years later. But on that occasion not Crassus but
Cesar aimed at reconciliation. It is, however, difficult to
believe that at this stage of his career Caesar could have hoped to
equal the power of Pompey. Deknatell (De Vita M. Crassp. pp.30 ff.)
gives a version which depends upon his interpretation of the Catil-
inarum affair. Crassus procured Rullus, one of his dependents (?)
to put forward the bill. Why did he not wait till Catilina's
bandidure had succeeded? Because - a) that was not certain:
b) the default of Antonius (for which see p.91) was unexpected:
c) there was no certainty that Cicero, who had defended
Catilina (see p.91) would oppose the bill and support the
"nobles". Deknatell did not think that Caesar at this stage desir-
ed revolution or that Crassus was greatly desirous of winning
popular favour. It is clear that the object of the law was to gain
a certain power. Crassus not Caesar was the real author of the
severian proposal. When it failed it was absolutely necessary that
he should back Catilina against Pompey's apparently hostile home-
coming (?), for he could not by law stand for the consulship himself.
Deknatell's supposition about Crassus may be correct, but his argu-
ments are not convincing. C.A.H. (IX. P. 485-6) also stated that the
real author of the bill was Crassus, remarking that in his earlier
days "he had amassed wealth by holding real estate against a rise
and he now planned a corner in allotment land to sell it to Pompey
on his own terms."

2) Pompey was, of course, to be conspicuous by his absence.
3) In spite of Hardy (op. cit. pp.33-4).

(over)
large-scale transportation of needy citizens from Rome would ever have taken place is uncertain. Probably Caesar was earnest in his intentions, but much would depend on circumstances.\(^1\)

The scheme was killed at birth: Cicero dealt its death-blow in a series of clever speeches,\(^2\) and after the tribune Caecilius had threatened to use his veto, it was quietly dropped.\(^3\) The reasons for its failure have already been made sufficiently clear. Rullus was a poor agent, and the bill itself too embroiled and open to criticism on too many points. If it was a further attempt to gain control of Egypt, to provide a counter for bargaining with Pompey, and if it was only trimpled with all the usual agrarian embroidery, its cardinal defect was over-elaboration. Cicero did not defeat it because it was an agrarian scheme: on the contrary he was exceedingly careful to express his approval of agrarian laws as such,\(^4\) but unscrupulous though several of his suggestions of motive were, he could easily show that many of the clauses were unnecessary in a law with its supposed objects.

A short time after the Rullan fiasco\(^5\) Caesar, no doubt with the knowledge and approval of Crassus, expressed publicly the attitude of the popular party to the government's application of the "senatus consultum ultimum". One C. Rabirius, an aged senator of no importance,\(^6\) was prosecuted for the part he was said to have played nearly forty years previously in the killing of Saturninus. In 100 B.C. the consuls, Marius and Valerius Flaccus, had been empowered

\(^{4}\) (contd.) For the treatment of the "Sullani homines" see p.71 & n.4.

\(^{6}\) Cic. de leg. agr. II -71.

\(^{1}\) Cicero naturally put the worst complexion on the proposed colonies by asserting that they would be military stations for the use of the decemviri (de leg. agr. II -73).

\(^{2}\) Whether Cicero took the precaution of bribing his colleague Antonius, who favoured the bill and would have been one of the Xviri, with the province of Macedonia is discussed later (p.31 n.2). See C.A.H. IX pp.485-6, Rice Holmes (Roman Republic I. p.244.)

\(^{3}\) Flut. Cic. 12-3 and Pliny N.H. VII 30 (31) -117 state wrongly that the bill was actually thrown out.

\(^{4}\) Cic. de leg. agr. II -10.

\(^{5}\) cf. pro Rab. 33: de leg. agr. I -26; Hardy op. cit. p.99.

\(^{6}\) Cicero (pro Rab. 8) indicated that Rabirius had not lived a life free from violent acts, however.
in virtue of the S.C.U. to use armed force against the tribunal and his followers. In the ensuing disorder Saturninus was slain, and now after so many years Rabirius was brought to trial for his part in the killing.

That Caesar was behind Labienus, the tribune who laid the accusation, is undisputed. Some have seen in this trial an attack on the legality of the S.C.U. as such. Fourteen years later when he might with profit have attacked the S.C.U. Caesar was careful to say that it was not illegal if used with the greatest discretion. Hence it is hardly likely that in 63 B.C. he wished to express the opposite view. His real object was to emphasise the fact that mob-law carried on under cover of the S.C.U. laid its participants open to the extreme penalty. In the "Pro Rabirio" Cicero tried to persuade his listeners that by challenging the legality of the S.C.U. the opposition was indirectly attacking its own hero, Marius, though he knew well that neither Caesar nor Labienus had any such intention. There was more than one version of the story of the killing of Saturninus, a deed for which a slave had been officially rewarded. According to one account Saturninus and certain of his friends had surrendered to Marius and had been placed in custody in the senate house. This had been attacked by a mob which included Rabirius, and the wretched prisoners had been done to death with tiles from the roof. This version raised the question not of

1) Labienus might, however, be said to have personal reasons, as he had lost an uncle in the riots at the senate house. But this was not likely to weigh much with him so long afterwards.
2) Meyer - Caesars Monarchie etc. p. 563.
3) Caes. B.C. 1. 5 & 7: Sallust (Cat. 29) wrote from an anti-senatorial standpoint but did not doubt the validity of the S.C.U. For a lengthy discussion of the S.C.U. see Heitland - Ciceronis pro Rabirio Oratio pp. 83-8.
4) Hardy (op.cit.) showed the dubious nature of Cicero's arguments in pro Rab. 10: cf. Lellier in Revue Historique XII. 1880 p. 257.
5) Dio (37-38), Livy (Epit. 69), Velleius (11 -12) speak as if Saturninus were killed in virtually open war. For another version see Florus (11 -4) and Appian (B.C. 1. -32). In de vir. illustr. 73-12 Rabirius was said to have carried around Saturninus's head.
the legality of the S.C.U. as such, but of its application. No
reflection was cast on Marius but rather on the men who had killed
a prisoner legally entitled to a trial. 1) Caesar had no personal
interest in prosecuting Rabirius, but in the extreme action which
the government might soon find it necessary to take against Cat-
line he was vitally interested. Results were to show how important
it was that the power conferred by the S.C.U. should be clearly
defined; and Cicero himself was to regret his unwillingness to
regard it as unassailable. 2) The trial of Rabirius was a warning
from the popular party that not even the last decree justified
every action carried out under its protection.

The revival of an incident which had occurred so long before
needed some advertising to stimulate interest. The obvious legal
step would have been to refer the case to a court "de vi". Such
a court would, however, have a majority of jurymen in sympathy
with Rabirius and was therefore not a suitable instrument. 3) If
the charge was to be perduellio, 4) the normal procedure would have
been for Labienus as tribune to carry out the preliminary steps,
condemn the accused and appeal to the praetor or consul for the
aupplices to summon a meeting of the comitia centuriata. But this
did not appeal to Caesar who wanted to emphasise his point in some

1) Cicero (pro Rab. 28) hovered round this awkward version of Sat-
urninus's death, which Labienus must have raised, without
dwelling on it specifically. The reasons for Caesar's action
are explained by Hardy (op. cit. 102-113).
2) In the pro Rab. 34 Cicero stated what he would do in an emergency:
cf. Lallier (op. cit. pp. 271 ff.).
3) The same objection applied to a charge of maiestas. Suet. (Jul.
12) apparently thought that the ordinary perduellio process was
used - i.e. "...... qui C. Rebririo perduellionis diem discet".
4) A list of the perduellio trials for which we have evidence shows
how wide was the range of offences which it might embrace. "The
truth is that in a trial for perduellio the question raised was
not so much a question of fact as of intent or effect. If the
people held that a citizen has by some course of action harmed
imperilled the state, they find him guilty of perduellio" (Heitland-
op. cit. p. 7). For the eleven extant cases of perduellio trials
see - Heitland cit..
spectacular way. He hit upon a revival of the "duumviri perduellionis" who had sentenced Horatius in the time of King Tullus.

The duumviri do not reappear in trials for perduellio, for with the development of Roman law the procedure had come to be regarded as an archaism. 2)

By resorting to the duumviri perduellionis Caesar raised one initial difficulty, since there was no machinery for their election. 3)

In the case of Horatius the king had probably nominated them. 4)

Again their task was not to try an accused man but to sentence a guilty one. 5) There had been no doubt about the guilt of Horatius, but Rabirius was in no such position since he was prepared to protest his innocence. 6) Hence Caesar committed himself to a form of trial in which the duumviri were elected to sentence a man for a crime which was not proved. 7)

Probably Labienus opened the proceedings by having a bill passed by the people to provide for the appointment of the duumviri. 8)

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1) Only Cicero (pro Rab. 12) names the Caesars as duumviri.
2) There is one possible exception. It is just possible that duumviri were elected in the trial of Manlius in 304 B.C.; but Livy (VI-20) is confused and the preliminary steps before the meeting of the comitia centuriata are much in doubt. See Zumpt (op. cit. 1, pp. 379-86): Lange (Abhandl. Altherthum. II. p. 616).
3) They were an extraordinary commission. Mommsen (Staatsr. II, pp. 598-9) pointed out that Republican magistrates lost the power of nomination unless empowered by an act of the comitia to do so: cf. Clark (Early Roman Law 12).
4) Heitland (op. cit. p. 8) was inclined to refer their election to the curies.
5) cf. Cic. pro Rab. 12: Hardy (op. cit. p. 113): Clark (op. cit. § 13): Heitland (op. cit. p. 3 n. 3) for Cicero's "indicta cause".
7) Suet. Jul. 12 missed the point of the function of the two Caesars, for he remarked that Caesar was too eager to pass sentence. Since the duumviri had no right to try a case this was naturally so.
8) Dio (57-26) says that the praetor - presumably urbemus - chose the two duumviri in the pateia - the assumption being that they were normally elected by the people. There is nothing, however, to indicate that this would be so, especially since the duumviri were an archaic revival, unless we assume with Heitland (op. cit. p. 3) that King Tullus left their election to the curies and that there was some kind of regular election in the case of Manlius. Dio cannot have drawn this inference from Livy VI-20, however. But it was so long since the duumviri were elected that it was thought necessary to provide in the bill for their appointment by the praetor. Mommsen (Staatsr. II, pp. 599-600): Huschke (Die Multa und das Sacramentum p. 626): Zumpt (op. cit. I, pp. 390-2): Heitland (op. cit. p. 113): Strachen Davidson (Problems of Roman Criminal Law I, p. 183) accepted this. In another place (Staatsr. pp. 154: 587) Mommsen thought the duumviri were elected by the people. (Over
The choice of Caesar was surprising, since he would have preferred to keep in the background and leave the onus of the whole affair to Labienus. His election has been attributed to bad luck, but it is a suspicious coincidence. Metellus Celer, who apparently arranged for the choosing of the "duumviri", reappeared in the curious episode of the flag; and the choice of Caesar was probably not so much bad luck as good management on the part of the praetor. He saw to it that Caesar should be dragged into the foreground and implicated indirectly. No doubt he was encouraged in this step by his friends in the senate who may, with a touch of humour, have suggested to him that the duumviri should both be Caesars.

Once elected the duumviri passed sentence; whereupon Rabirius appealed to the "comitia centuriata". At this point, however, Cicero by the application of his general powers as consul and with the support of the senate was able to intervene and nullify the proceedings. Rabirius was therefore freed from his appeal. But meanwhile, in order to arouse feeling against Rabirius in the perduellio case, Labienus had brought another action against him, a "multae irrogatio"

8) (contd.) For other views see - Schneider (Der Prozess des C. Rabirius betreffend verfassungswidrige Gewalttat p.9); Lange (op. cit. II. p.525). For the explanation of Cicero's "iniussu vestro" see Hardy (op. cit. p.116).
SO, if the accused were found guilty, would result in a fine. Then Cicero intervened Labienus followed the example given by the case of Fulvius in 211 B.C. and converted the "multae irrogatio" into a capital charge, which came before the comitia centuriata. Cicero spoke for the accused, but the action seemed to be going against Rabirius when Caesar and Labienus were hoist with their own petard. A senatorial hint led Metellus to have the flag on the forum lowered - a device dating back to the early days of Rome when the assembly was so disbanded on word of the approach of the Romans. Caesar had begun the attack on the senatorial use of the .S.C. with one archaic revival, and he was routed by another.

1) The difficulties are discussed in Note D pp.377ff. 2) Dio 37-27 contradicts Suet. Jul.12. Strachan-Davidson (op. cit. pp.222-3) thought Caesar was glad to escape thus and that there was perhaps collusion between him and Metellus; or again that Caesar and the senate met half way. C.A.H. IX p.490 found it difficult to believe that Caesar and Labienus would have been put off with this if they had been serious. Had they any option? Interpretation depends on whether Dio or Suetonius is followed, I prefer Dio, as Suetonius is not to be trusted in his account. 3) See Hardy (op. cit. pp.124-5).
Meanwhile after the attempted coup of January 65 B.C., Catiline was occupied with his repetundae action, which prevented him from standing at the elections in July or August.1) The trial had not taken place when Cicero wrote to Atticus after the elections, and his remarks show clearly that great efforts were being made behind the scenes to have Catiline acquitted. At first Cicero declared that Catiline would be a certain candidate "si indicatum meridie non lucere", a plain indication of what he thought the verdict would be. Yet very shortly afterwards he could say quite seriously: "Just at this moment I am thinking of defending my fellow-candidate, Catiline. We have the judges we wanted, thanks to the extreme complaisance of the accuser." 2) I hope, if the accused is acquitted, he will join me in the candidature: but if it turns out otherwise, 3) I'll take it with equanimity". 4) In the interval between the letters Cicero had obviously changed his mind and now reckoned Catiline as his most dangerous rival. Apparently he had a strong suspicion that Catiline had powerful backers, and wanted to have him under some binding obligation. 5)

However, in due course, after the most flagrant bribery Catiline was acquitted. In spite of damning evidence both from Roman business

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1) For a discussion of the date of the elections see - H. Wirz (Catilinas und Ciceros Bewerbung um den Consulat für das Jahr. 63 p.7 n.2); Cic. Att. I -1.
2) i.e., P. Clodius.
3) Either 1) if he is not acquitted, or 2) if he does not cooperate. Rice Holmes prefers the former (op. cit. p.449 n.7): but probably Cicero is speaking generally on both counts.
5) Ascon, pp.35-6 C shows clearly that Fenestella was wrong in saying that Cicero did defend Catiline. If Cicero had done so, he would not have failed to mention it in the In Tog. Cand. He had helped Antonius and the tribune Mucius, and he does not hesitate to charge both with ingratitude. For different views see - Tyrrell (Correspondence of Cicero 70 p.157); Purser (Rhein. Mus. 1879 pp. 382-4); Meyer (op. cit. p.22 n.2); Rice Holmes (op. cit. p.460); Drumann V p.411; E Schwartz (Hermes 32 (1897) pp.602-3); Long (Decline of the Roman Republic III p.201); Wirz (op. cit. pp.3-10); Von Stern (op. cit. pp.47-8).
man and from the African witnesses, in spite of his past career of
violence as one of Sulla's executioners and his participation in
the plot only a few months old, and in spite of the testimony of
Metallus Pius, 1) he was able to bribe on such a scale that "ex eo
indicio tam agens discexit quam quidam iudices eius ante illud
fuerunt". 2) Catiline himself did not possess the means to do this,
but everyone knew where the money was coming from. When Cicero
stated the next year that Catiline and Antonius met with their
"sequestres" at the house of a certain nobilis, he could have meant
money but Crassus or Caesar. 3) Furthermore, the accuser, P.Clodius,
began his political career by showing an alarming complaisance in
the choice of the iudices. 4) It was said that the equites and
tribuni aerarii voted for acquittal and the senatorials for con-
viction. It is unlikely that the exact distribution of the votes
was known, since the jurors were not divided until 59 B.C., 5) but
doubtless the influence of Crassus among the equites told its tale.
But even if the weight of senatorial opinion was against Catiline
he was most surprisingly defended by Torquatus, the consul whom he
had plotted to assassinate; and help was also given by other high
consulars. 6) The inference is that, whatever he was to become by
63 B.C., Catiline was not yet regarded as a danger to society.
Tortuatus and his friends saw in him only a member of their own
class whose political career was threatened; and, if they had any
qualms about his past record, they could not forget that they had

1) Ascon. p. 87 C.
2) Cic. de pet. cons. 10.
3) Ascon. p. 83 C.
4) See Cic. de herusp. resp. 42 ff. for one version of Clodius's
early career.
5) Ascon. p. 89 C. The lex Fufia was passed in 59 B.C. (Dio 33-8):
see Wirz (op.cit. p. 13); Meyer (op.cit. p. 23). Nevertheless the
nature of voting may have been fairly well known - cf. Cic. Q.F.
III -4: Vell. II -47 -5.
6) Cic. pro Sull. 81: In P. 23.
supported the proposal to send one of his friends to Spain to counterbalance the influence of Pompey there. Presumably, since they must have known who was supplying funds for Catiline, they had no suspicion of any revolutionary programme favoured by Crassus and Caesar. 1)

Now that he was eligible, Catiline set about the business of candidature in earnest. It was the custom to canvass in pairs, and he connected himself with C. Antonius Hybrida, son of the orator and uncle of the future triumvir, himself as notorious as his family was distinguished. In 70 B.C. after a praetorship in Greece he had been expelled from the senate after being convicted of repetundae. 2) Thereafter he qualified for the consulship by winning a second praetorship. 3) Such a consul would not be likely to check his colleague's movements. In addition to Catiline and Antonius there were five candidates, P. Sulpicius Galba, L. Cassius Longinus, 4), Q. Cornificius, C. Licinius Sacerdos and Cicero. Cicero did not take seriously any of his rivals except Antónius and Catiline. 5) He had reason for anxiety. Both Catiline and Antonius were of noble family,

1) Hardy (op.cit. p.29) says: "Caesar and Crassus, having failed throughout 65 B.C., were determined to have a strong and unscrupulous executive at their backs in 63 B.C." - with which I agree. "Catiline and Antonius were to be consuls and by their agency and the support of some equally dependable tribunes the republic was to be in effect "ad arbitrium constituenda". This is too extreme a statement. For Crassus's (and therefore Caesar's) connection with Catiline in 64 B.C. see - Sall. Cat. 24. Sallust hints (Cat. 17) that there were several "nobiles participes" in the plot "paullo occultius". This is one of the few statements in these chapters which can perhaps accurately be referred to 64 B.C. It looks very much like a reference to Crassus and Caesar. It could, of course, refer to such men as Autronius and Lentulus: but since they are mentioned by name, the only public figures in the background likely to have an interest would seem to be Crassus and Caesar; cf. Cic. Cat. II -19.

2) Ascon. p.84 C.
3) Plut. Cic. 11

4) Ascon. p.82 C. This Cassius, who played an important part in the Catilinarian Conspiracy, was possibly a relative of Caesar's murderer; cf. Cic. pro Cluent. 38; Cic. Cat. III 6 & 7; pro Sull. 19: Sall. Cat. 17; 44; App. B.C. II -4.

5) Ascon. p.82-3: - multum poterant (sc. Catilina et Antonius)
while he was a "novus homo". Cicero had no small opinion of his own ability; but he was doubtful whether he could follow in the footsteps of C. Marius. Previously his political activities had been rather in the popular cause; and although he had done the senate a service by securing the rejection of Crassus's Egyptian scheme, he had little hope of polling many noble votes. The fact that the populares were backing Catiline and Antonius through Caesar and Crassus made him even less hopeful. He had realised the necessity for a strong fellow-camasser; but Catiline had other ideas, and patrician as he was, jeered at Cicero as an "inquilins". However, Cicero pinned his hopes to a wide canvass and his past services to influential men; and he was quite ready to follow his brother's advice by raking up scandals old and new against his rivals.

His opportunity came shortly before the elections. Money changed hands even more freely than at the elections of 66 B.C. Antonius introduced a mob of his herdsmen from the country districts, and Catiline let it be known who was responsible for the gladiatorial show which the law forbade him to exhibit in his own name. The senate grew alarmed, and a motion was put forward to make more severe the penalties for bribery. The electioneering clubs and certain pseudo-religious organisations, whose influence with the voters was considerable, were dissolved. The relation was, however, quashed

1) See Appendix XVII.
2) See p.66.
4) Ascon. p.26 mentions that the tribune Mucius Cestinus held contains in Catiline's interest: John (op.cit. p.731).
5) Ascon. p.33-4: Hardy (op.cit. p.23) -"probably Catiline knew where to look for more influential support".
6) Cic. de pet. cons.
7) Ascon. p.27.
8) Ascon. p.28.
9) Cic. in Pis. 8: Ascon. pp.7: 75 C: cf. Dio 38-13 for their revival by Clodius in 58 B.C. For views on the organisations affected see Husband (Classical Weekly Oct. 9th 1916 pp.13-14). The senate also revived a lex Fabia limiting the number of sectatores who could be with the candidates (Cic. pro Mun. 71).
by Q. Mucius Cestinus, a tribune friendly to Catiline. This gave
Cicero an opportunity of which he made full use. In a speech to
the senate, he accused Catiline and Antonius of many crimes of
which they may have been guilty, and of many more of which they most
probably were not. Intermingled with abuse were references, indir-
et but escaping no-one, to the backers of Catiline and Antonius; but it is clear that Cicero had no thought of accusing Catiline of the
revolutionary designs which are the stock charges of his consular
g speeches. His material was collected wholly from the past, and it
is certain that if he had even suspected the plans, which according
to Sallust Catiline was already discussing with his disreputable
friends, he would not have failed to emphasise them. The fragments
of the "In Toga Candida" show that he was merely trying to discredit
his opponents on moral grounds, a practice which was considered
quite legitimate.

The elections followed, and contrary to the forecasts of the
previous year Cicero headed the poll and Antonius, whose family
connections carried him just above Catiline, was a bad second. The
reasons for this unexpected result are fairly obvious. Alarmed
by the violence of Catiline's campaign and suspecting that Crassus
and Caesar were working not only to counteract Pompey's influence
but also to overthrow the government, the constitutionalists now
decided that Cicero, if not a candidate for whom they would normally

1) The In Toga Candida, of which we have Asconius's commentary.
2) Cicero afterwards accused Crassus and Caesar outright of backing
Catiline (Ascon. p. 83; cf. pp. 303-4); John (op. cit. p. 731) says
that Cicero's trump card was the connection of Catiline with Piso.
This hardly accords with his previous remark (pp. 718 ff.) that
Piso was sent to Spain partly at the instigation of the senate.
See p. 57.
3) nor does the de pet. cons. mention any definite plot. Catiline and
Antonius replied to the In Tog. Cand. (Ascon. p. 83)
5) C.A.H. IX p. 484: " .... although on this occasion he probably had
no intention of violence, yet his bearing was sufficiently provoc-
ative to inspire rumours of a fresh conspiracy".
have voted, was at least likely to oppose designs against their safety. He had certainly laid bare senatorial corruption in the trial of Verres; he had been too enthusiastic in Pompey's cause; and he had belittled the achievements of the senate's own stalwarts. But at the same time he had exposed Crassus's Egyptian intrigues, and moreover he was no demagogue.

That the senate suddenly became aware of the existence of the revolutionary plot about which Cicero said so much a year later, is not unlikely. 1) Sallust's account and the later statements of Cicero have been accepted too often as the explanation for Catiline's defeat at the polls. A comparison of what Cicero said in 64 B.C. with what he declared he knew at the end of 63 B.C. shows this conclusion to be too facile. There is nothing to show that Catiline was plotting against the government. 2) His indiscretions in 66 B.C. make it probable that he talked too openly about the reforms he intended to introduce as consul. Perhaps he had even boasted of the part he was to play in opposing Pompey, who might be back in Italy during his year of office. His later career gives several examples of this lack of discretion. Such untimely gestures naturally made the senate move from comparative indifference to active opposition. Catiline ceased to be for them an impecunious noble seeking to restore his fortunes from the provincial command which would follow his con-

1) There probably was a vague feeling of unrest: cf. de leg. agr. 1-26; pro Rab. 33 for the beginning of 63 B.C. The same may well have been true for July 64 B.C. Hardy (op. cit. p.23) - "At what precise point the optimates became aware of this combination (i.e. of Crassus, Caesar and Catiline) we do not know, but it could not wholly escape notice, and in view of the events of 66 B.C. it was bound to cause alarm. We may be sure that Catiline made no promises of "novae tabulae", but he was for the time a ruined man, and who knows that there was not some indiscreet and irresponsible talk?" 2) See Schwartz (op. cit. p.584 n.4).
ulship; he had shown signs of wishing to be another Cimna, and, what was more alarming, he was ready to use his office to sponsor the further intrigues of Crassus and Caesar. Hence for the senate Catiliee's consulship boded the annexation of Egypt, Transpadane unfrechisement, relief for the children of the proscribed and perhaps the control of the government by a triumvirate composed of Crassus, Caesar and Catiline.

Although they had failed to win consular help Crassus and Caesar went ahead with their plans for counteracting Pompey's influence, the most significant of which was the agrarian law introduced at the end of the year.1) For Catiline they had for the moment no further use. Nevertheless Caesar was not able to dissociate himself immediately. As president of the court "de sicariis" he had prosecuted certain of the most notorious of Sulla's executioners including L.Ammus Bellenus, who was said to be Catiline's uncle.2) But he found himself in difficulties when Catiline himself appeared before him on a similar charge. Cicero makes it clear that the case was pending before the elections but that it did not come up for decision till "a few months afterwards".3) Perhaps the prosecutor, a young senator named L.Lucceius, hoped to eliminate Catiline from the list of candidates; but if so, he was disappointed, since the case was somehow postponed.4) At first sight it might appear that Caesar had some further use for Catiline, since he revoked his pro-Marian

1) See p.67ff.;
2) Ascon, p.91; Dio 37-10; Suet, Jul. 11; Cic. pro Ligar. 12; de pet. cons. 9; pro Sull. 81; Strachen-Davidson (op. cit. II p.34) - "Caesar appears to have held that the lex de sicariis of Sulla abrogated the immunity which his previous law had given to his agents."
3) Ascon, p.91.
4) John (op.cit., pp.735-6) (cf. C.A.H. IX p.489) suggests that Cicero's statement makes it look as if Lucceius had tried and perhaps actually succeeded in forcing the trial before the elections to make Catiline's candidature impossible. Caesar may thus have postponed the trial on some pretext or other. All we can say with certainty is that there was at least a rumour of a further prosecution of Catiline before the elections; cf. Cic. de pet. cons. 9 - ut alii in eum judicium cotidie flagitatut. For the similar case of Scaurus in 64 B.C. cf. Ascon. pp.167. See Mommsen (Statists. I pp.336-7) on the right of postponement. For Mommsen's view of Catiline's prosecution in 66-5 B.C. see - Note C pp.371ff.
manifesto by acquitting the accused, whose crimes were no less notorious than those of Bellienus. But in fact Caesar could not demonstrate his "popular" sympathies by having condemned a man whom he had actively supported only recently as "popular" candidate for the consulship. In his next candidature, however, Catiline had to stand much more on his own feet. In spite of energetic support from Crassus and Caesar he had failed against Cicero; and there was no reason to suppose that, even with the same support, he would succeed next year. Again, his usefulness would by then have been so much less that neither was willing to pour out more money on his behalf. If Catiline could secure election by his own efforts, some use might be made of the troubles he could not fail to cause. But the ideal moment for his election, when his work would be supported by Antonius, had passed; and in the new year Crassus and Caesar went their own way, without reference to their late lieutenant.

Either at the end of 64 B.C. or at the beginning of 63 B.C. the Pontifex Maximus, Q.Caecilius Metellus, died. By the Sullan regulation the college of pontiffs elected his successor, and the choice lay between Catulus and Servilius Isauricus. Against such candidates Caesar had normally not the slightest chance of election. But he engaged the tribune Labienus to put forward a bill for the reenactment of the lex Domitia, which had provided for the popular election of the Pontifex Maximus. This bill was passed, and early in the year, after Catulus had tried in vain to bribe him to withdraw, Caesar was elected by a huge majority. Although by this time the duties of the Pontifex Maximus were not taken seriously, the position had a political importance great enough for Caesar

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1) Even so Catiline still had distinguished support, although Torquatus did not repeat his appearance - Cic. pro Sull. 81.
2) From Plut. Caes. 13 it would appear that Metellus died during 64 B.C.
to borrow further large sums in securing it. His creditor was probably Crassus, who never lost an opportunity to keep his finger on the political pulse.

In spite of his activities against Rullus and on behalf of Sabinius Cicero found time during his consulship to restrict the abuse of the "libera legatio" by limiting it to one year, and to defend the consul of 67 B.C., Calpurnius Piso, who was prosecuted for repetundae and through Caesar for the illegal punishment of a Transpadane. But he found little time for minor affairs. Three proposals put forward late in 64 B.C. and early in 63 B.C. were indications of the coming storm. First there was a proposal brought forward by the tribune L.Caecilius, a relative of P.Sulla, to dispense Sulla and Autronius from the Calpurnian law. The exact terms of the motion are not known, but it appears that its object was to remove the ban on Sulla and Autronius, which prevented them from reentering the senate by way of the public offices. Caecilius intended that they should be qualified to work their way to the consulship through a second praetorship, as the

1) Aut.,Cas., 7; Vell. Pat. II -43 -3; Suet. Jul. 13; Dio 37-37; Dio's dating of the election at the end of 65 B.C. is wrong. In any case Labienus would not be tribune after December 10th. Tyrrell (op.cit. p.19) says the election was on March 16th; cf. Rice Holmes (op.cit. p.262 n.3); Ovid (Fasti III -416 ff.) is referring to the election of Augustus, not Julius (as Schwartz op.cit. p.590), when he speaks of the election as being on March 6th.
2) Cic. de leg. XIII -16.
3) Sall. Cat. 49; Cic. pro Flacc. 98; of p.112.
4) See p.46.
5) It would, of course, be framed in general terms.
6) Dio's version (37-25) is that it was to enable Sulla and Autronius to reenter the senate and hold public office again. But Cicero (pro Sull. 64) held that Caecilius's intention was not to quash the sentence but to mitigate the penalty. Cicero is, however, indulging in a piece of special pleading and trying to extricate his client from a difficult situation. Unfortunately he does not say exactly what the proposal was; but to reject his statement entirely, as Hardy does (op.cit. pp.33-4), is rash, for Cicero would hardly have ventured a deliberate untruth which could easily be proved to be such. Perhaps Dio's and Cicero's versions can be reconciled if we accept the account given above.
consul Antonius had done. 1) The proposal did not, however, go beyond the stage of lying upon the table in the senate. According to Cicero, Sulla realised that it was impossible and requested Catilinius to withdraw it. The tribune himself as a proof of good faith offered to veto the Sullan law. 2) Secondly Cicero had to deal with a movement to abolish debt, which was probably backed by Catiline. 3) Apparently Antonius also would have welcomed it. But Cicero, with the approval of the senate and business men, disposed of it without difficulty. Indeed Catiline himself did not take it seriously except in so far as it attracted the support of a certain class in Rome. Thirdly there was renewed agitation for the restora-
tion of the political and civil rights of the "liberi proscrip-
torum", 4) Some have seen the figure of Caesar behind it, since he more than once brought up this question before finally settling it in 49 B.C. But his recent support of the claims of the Sullani homines and his connection with Crassus make this improbable. 5) It is more likely that Catiline was casting around for further support from the discontented classes. But whoever was responsible for the proposal Cicero quashed it.

The movements of Antonius during this troubled period are by no

1) There would thus be no need to accept Hardy's suggestion that the object of the move was to provide a colleague for Catiline in 62 B.C.
2) See p. 75.
4) Dio 37-26: Cic. Att. II. -1 speaks of the fifth of his consular o-rrations as one "de proscrip
torum filiis".
5) i.e. in the Sullan law. I cannot agree with Hardy (op. cit. pp. 33-4) that it was part of the "popular" programme. We have seen (p. 71) how the Sullan land law touched upon the whole of this complicated issue and how Caesar wished to confirm the Sullani possessores in their rights. It seems hardly likely that Caesar would support the status quo of the Sullani in one breath and threaten it in the next. Hardy himself unwittingly points out the weakness of his argument when he says: "Cicero probably opposed it as likely to threaten the whole position of the Sullani homines", (thereby agreeing presumably with Caesar's motive in the Sullan law), "an eventuality which, as far as the land position was concerned, was guarded against by the Agrarian law". Surely Caesar must have seen that a return of political rights to the children of the pro-
scribed would lead immediately to renewed agitation for the return of their material possessions. John (op. cit. p. 747) makes the curious statement that Labeimius was the agitator for the restora-
tion of the sons of the proscribed.
means clear. On the one hand there are indications that Catiline counted on his support right up to the time of the elections and that Cicero bribed him with the promise of Macedonia, when it became necessary that one consul should take the field against the rebels. 1) But there are equally good grounds for believing that at the beginning of 63 B.C., Cicero had already secured Antonius's support for the government. 2) The truth may be that Macedonia was only formally made over to Antonius after the consular elections.

1) Dio 37-39; Sall, Cat. 26; Cic, pro Mur. 49.
2) Hardy (op. cit., pp. 47-8) favours the former sequence of events and backs up his theory with references to Sallust, Cicero and Dio (see n.1 above.) We cannot, however, place too great reliance on Sallust, who cram the events of more than half a year into a few lines; in any case he merely states that Cicero had bought off Antonius before the elections. Certainly he says that Catiline had expressed the hope that, if elected, he would be able to use Antonius; but this is not to say that he was collaborating actively with the consul. Cicero remarks (pro Mur. 49) that Catiline was relying in his canvass on Antonius's promises, but he qualifies this with: quemedmodum ipse dicebat. This might, of course, merely have been tact on Cicero's part. Only Dio's account is forthright: Antonius was an active supporter of Catiline after the elections. But he was unaware of Cicero's reason for giving up the province and says that Cicero did not know of Antonius's part in the conspiracy when he transferred it (37-38). This indicates that Dio has mixed his source. In support of the second interpretation there is the definite remark of Cicero on January 1st 63 B.C. that he did not intend to accept a province unless events compelled him to do so (de leg. agr. I. 180). Plutarch (Cic. 12) apparently interpreted this to mean that Cicero bought Antonius off with Macedonia. We may assume that the order of events given in the In Pisonem (6) and the order of Cicero's consular speeches (Att. II. 1) are chronologically correct. If so, Cicero had before November given up Cisalpine Gaul officially, and therefore he must have settled Macedonia on Antonius before that. For some interesting information about the appointment of Metellus Celer to Cisalpine Gaul see Cic, Fam. V. 2; Cat. IV. 23; Phil. II. 26. Schwartz (op. cit. p. 587) doubts whether Metellus was given the Cisalpine Gaul to defend it against Catiline, since he could not take over before 62 B.C. The transfer of Macedonia was, he thinks, accomplished about the middle of 63 B.C. Possibly Livy (followed by Dio) confused the province Gallia with the ager Gallicus, where Metellus had a command against Catiline in 63 B.C.

Schwartz (op. cit. p. 586) draws attention to the unfavourable account of Antonius given by Sallust (see Cat. 32; 33; 39). Cicero cannot have been his guide, since though he never suggests that Antonius was greatly respected, he speaks with reserve (cf. pro Flacc, 95; pro Sest. 8; pro Caes. 74; In Bis. 5; pro Mur. 48) as he must do, since he defended Antonius in 59 B.C., which he intended to do in 62 B.C., since he wrote his Memoirs (Att. II. 2). Nor was he compelled to do so as in the cases of Vatinius and Gabinius. See Phil. II. 19, which is a foolish remark if he suspected Antonius of complicity with Catiline. The adverse account of Antonius, who was the triumvirs' uncle, seems to have come from Livy.
when Catiline's preparations had become dangerous. Possibly Cicero promised Antonius the province in January to dissuade him from supporting the lex agraria but made it plain that there were further conditions to be observed. Such a move would defeat its own ends, unless it could, if necessary, be withdrawn. Cicero therefore stated at the beginning of the year that he would not accept a province unless events should make this necessary. While he took no part in the actual conspiracy, Antonius remained sufficiently independent to be suspected of supporting Catiline for the consulship. How far he would have gone without the bait of a lucrative province it is impossible to say, but his previous career and his future exploits suggest that he might have been induced from the same motives as men like Lentulus and Cathegus to support extreme measures.

During the latter half of 64 B.C., Catiline was apparently more concerned with extricating himself from the charge "de sicariis" than in conspiring against the state. By 63 B.C., however, his attitude had undergone a radical change. The projects for a cancellation of debt and for the restoration of rights to the victims of Sulla were definite signs that, if elected, he intended revolutionary social reform. Having failed once despite the help of Crassus and Caesar he was resolved to stand again but as the champion of the oppressed of all classes. His former patrons had ceased to

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1) See Holmes (op. cit., pp. 457-9) points out the weakness of Hardy's assumption that Cicero would never have waited till the fourth week of October to buy Antonius's support (Hardy op. cit., pp. 47-8): he would have done it at the beginning of the year or before. But is not also Holmes thereby assuming that Cicero was aware of a definite conspiracy in January 63 B.C.? If not, why not wait upon events, which did not in actual fact necessitate a definite move until after the elections?


3) If we reject Dio's story of Antonius's presence at a post-election meeting of the conspirators. The rest of our evidence leads to the assumption that Dio was relating an incident of doubtful authenticity. Dio 37-30; 38; Cic. pro Mur. 49 (icity).

4) John (op. cit., pp. 472 ff.) emphasizes the caution necessary in dealing with Sallust, who found it difficult to fill in the interval from 63 to 62 B.C. and has made the most contradictory statements about Catiline's movements. See Appendix VII.
have any immediate use for him, and his activities in 63 B.C. are
that we should expect from him when left to himself. His hopes
for help from his own class had vanished when Cicero was elected;
his confidence in the support of the popular party had diminished
wit the defection of Crassus and Caesar: hence all that remained
for him was to attempt to rally the discontented of all classes.1)
Cicero gives a detailed list of those to whom Catiline appealed.
From this, exaggerated as it is, it appears that the main qualifica-
tion for admission to Catiline's circle was financial straits
serious enough to make a "New Deal" desirable.6) He appealed first
to men who, though socially of high rank and in some instances
senators, possessed large properties but equally large debts. The
cause of birth preferred borrowing heavily to selling his land, and
as public life involved an expenditure higher than politicians of
today could contemplate, it was all too easy to incur heavy debts.3)
The career of Caesar himself was an example of this. The fortunate
recouped themselves from a provincial command; but others were unable
to extricate themselves, and to these Catiline appealed. Cicero
adds a class of men, "qui quamquam premuntur aere alieno, dominat-
tionem tamen expectant, rerum potiri volant, honores, quos quieta re
publica desperant, perturbata se consequi posse arbitrantur".4) So
accurately does this summarise the optimate opinion of Caesar's aims
that it is difficult not to believe that Cicero had him in mind.
Caesar was embarrassed by debts: he was more ambitious than befitted
his position; and in the opinion of his opponents there were few
things at which he would stop to gratify this ambition. But that

1) The other three candidates were optimates - Silanus, Aurena and
Servius Sulpicius, none of them very formidable.
2) Cic. Cat. II 17-23: cf. pro Mur. 49; de pet. cons. 10: Cat. I -14:
de off. 84.
4) Cic. Cat. II -19.
Cicero is accusing Caesar of complicity in Catiline's scheme is doubtful. He knew that Crassus would not support any movement which aimed at novae tabulæ, and it is most unlikely that he is referring to the indirect support Caesar had given Catiline in the previous year. Others who would certainly support Catiline were the Sullan colonists, among whom Manlius was to make his headquarters at Faesulae. The veterans, having exhausted their capital, bored with farm life after the old days, and involved in debt, were hoping for a revolution which would free them from their obligations. These colonists were the most dangerous element of the Catilinarians, since they could form the backbone of any armed rising. Less important but very numerous were the debtors of every class, men who would play no great part in a rebellion but who could be relied upon to harass the government. Lastly came the class which Cicero termed Catiline's private bodyguard composed of youths attracted by his personality, who included Cicero's later correspondent Caelius. It suited Cicero in the "pro Caelio" to say that Catiline's personal charm had won him a large number of supporters. This is a very different impression from that given in the Catilinarian speeches, and it is doubtless much nearer the truth than Cicero was ready to admit in November 63 B.C. The account he gives of Caelius's youthful career strikes a modern note: the type is as distinctive in the twentieth as it was in the first century B.C. The modern Caelius, young, well-educated and anxious to prove that youth has a broader and more intelligent outlook than age, is ready to follow any persuasive leader who can satisfy his

1) Cic. Cat. II -6: 20; Sall. Cat. 16; Plut. Cic. 14.
2) Plut. Cic. 14 mentions particularly the Sullan veterans: cf. Sall. Cat. 2-8; Dio 37-30 mentions the allies by whom he means perhaps in particular the Transpadani (see p. 58 ). Sall. Cat. 37 gives the children of the proscribed (see p.43 ).
3) Possibly among these were the farmers dispossessed by Sulla.
4) Cic. pro Cael. 10: 12: 14: 15.
desire for something new, without enquiring into his good faith. It was just this youthful trait to which Catiline's personality appealed.

Throughout the ages it has been the fashion to denounce Catiline without considering whether he had any genuine scheme for reform or for what reasons he offered himself as the champion of the oppressed. On the other side there have been attempts\(^1\) to prove that the Catiline of Roman literature is a figure created by Cicero and that the real Catiline was the direct successor of the Gracchi and the younger Drusus. Although the Ciceronian picture undoubtedly paints Catiline in too dark colours, his career gives ample evidence that he was not the successor of the Gracchi as a social and economic reformer. One of Sulla's bloodstained followers, he had for years been in financial straits; and after a trial for extortion he had been barred by a "novus homo" from the office which he regarded as the natural reward of his ability. In all probability Catiline formed no definite plans for either social or economic reform so long as he had hopes of gaining the consulship. But having failed, he raised a cry for "novae tabulae" and a new economic order to win support for his second candidature. That some of his grievances were legitimate is as undeniable as the fact that he was by no means the heartless monster of the "Catilinarians". Such a monster would have shown less concern than Catiline for the family he left behind in Rome. The key to his actions is probably that he had too much ability and ambition to rest content with anything less than the highest office the republic could offer. Unfortunately for himself he alienated the more respectable elements in the state by his methods; and when fair means failed, he resolved to get what he wanted in his own way. His enterprise was hopeless. The bulk of the population

\(^1\) Besally - Catiline, Clodius and Tiberius; cf. Jack Lindsay's novel "Rome for Sale".
was unaffected by his schemes, and those elements which did support him were not the kind to stand him in good stead in a crisis. His most dangerous adherents, the Sullan colonists, could be dealt with by the government, as Cicero well knew when he urged Catiline to leave Rome. In the unlikely event of the rising succeeding, Pompey would suppress it on his return, which could not now be long delayed. Crassus and Caesar had tried to provide against his homecoming; but Catiline's plan was confined to Italy and overlooked the provinces. By the middle of 63 B.C. it was more obvious than ever that everything depended on Pompey. Consequently both Crassus and Caesar were careful not to give him a handle to use against them by involving themselves in Catiline's revolutionary plans.

As the time of the election drew nearer, 1) the violence of Catiline's candidature increased. Surrounded by his disreputable supporters, who included Sullan veterans sent to Rome by Manlius, he carried himself with confidence, despising his fellow-candidates and disregarding the laws against bribery even more completely than he had done in the previous year. 2) Still less did he care whether his wild utterances were broadcast; doubtless they were carefully calculated to win the support of those at whom they were aimed. He professed himself the champion of the needy and vowed that their wrongs would be redressed. 3) Cicero followed much the same procedure as in 64 B.C., and played on the alarm which Catiline's melodramatic speeches aroused. Urged on by Sulpicius, who was himself a candidate, he passed yet another law against bribery, which added to the existing penalties exile for ten years. 4) This measure increased Catiline's wildness, and he spoke openly against

1) For the reasons for keeping the election at the usual time see Note E.
2) Cic. pro Mur. 49.
3) Cic. pro Mur. 50.
4) Dio 37-26: Cic. pro Mur. 46-48: Sulpicius's original proposal was even more drastic; cf. pro Sest. 153; in Vat. 37: pro Planc. 83.
Cicero. Threatened with an action by Cato\(^1\) he replied that if crossed he would bring destruction on the state.\(^2\) Whether Cicero really thought his life was in danger, or whether, as he himself says, he was anxious because of Catiline's revolutionary statements, he set aside election day for a discussion of the "res Catilinaria". At this meeting he asked Catiline point-blank to explain himself, but without result, for Catiline unperturbed hinted broadly that he was fighting as head of a powerful cause against a weak senate. So far from showing resentment at this slur on itself, the senate was content with a "mollis sententia",\(^3\) which probably expressed disapproval of Catiline's methods but not alarm for the safety of the house. Since senators were less impressed than he had hoped, Cicero apparently did not bring up the rumoured threat to his person.\(^4\)

Catiline left the senate-house rejoicing in Cicero's discomfort. There could now be no suggestion of a further postponement of the polls. But Cicero was still determined to prevent Catiline's election. Before polling day he recruited from his friends and supporters a bodyguard which consisted largely of young equestrians. He presided at the voting surrounded by these and with a breastplate hidden under his toga. Moderate citizens, disturbed by Catiline's election campaign and perhaps influenced by Cicero's bodyguard and the armour which he carefully allowed to catch the sun, weighted the scales in favour of Sillanus and Murena, and Catiline was again defeated.\(^5\) Murena at least had used methods as questionable as Catiline's, since he had employed Lucullan veterans as well as indiscreet bribery to impress the voters.\(^6\)

\(^{1}\) Cic. pro Mur. 67; Cato apparently threatened Murena also with an action.

\(^{2}\) Cic. pro Mur. 50-51; Val. Max. IX -11 -3.

\(^{3}\) Cic. Cat. I -30.

\(^{4}\) There has been much discussion whether Catiline really did plan an attempt on Cicero's life. See Cic. pro Mur. 49 ff.; Dio 37-29; Sall. Cat. 26. Hardy (op.cit. pp.41-2: 46) in his attempt to prove an alliance between Crassus, Caesar and Catiline tied himself up so completely as to contradict himself: cf. Rice Holmes (op.cit. Pp.288 n.4: 456-7); John (op.cit. pp. 746-8).

\(^{5}\) Cic. Cat. I -11; pro Mur. 52; pro Sull. 51; Sall. Cat. 26; Plut. Cic. 14; Dio 37-29 30.

\(^{6}\) Cic. pro Mur. 37.
The other defeated candidate, Sulpicius, seems to have been too busy protesting against the methods of his opponents to pay due attention to his own canvass. 1)

The second rebuff left Catiline without any chance of achieving his ambition by legal means. It is not in the least likely that before the elections he had prepared actively for armed resistance. 2) But in the course of his second campaign he had collected around him a band of desperate men, who had gambled on his success at the polls and who were prepared to stop at nothing to get what they wanted. 3) Senators of the stamp of Gaius Cethegus, a man distinguished only for his complete disregard of law, Cassius Longinus, Antonius and Vargunteius, who had been involved in the troubles of 66 B.C., would have pushed Catiline to extremes, even if he had not been willing to risk everything himself. Catiline's chief subordinate and the subsequent leader of the conspirators in Rome was Publius Lentulus Sura, the consul of 71 B.C. who was expelled from the senate by the censors of the following year for immorality. He had secured readmission by a second praetorship in 63 B.C. Apart from Catiline's attractive programme of "novae tabulae", he could not forget a prophecy that three Corneli were to be kings at Rome. Cima and Sulla had laid fair claim to this title, so why should not the third be P. Cornelius Lentulus? It is noteworthy that of the sixteen names which have been preserved twelve are the names of senators. Naturally we hear only of the most important of the conspirators: but Cicero more than once hints that other unnamed senators were not unsympathetic towards Catiline. 4) Indeed right up to the month of November the absence of alarm among certain of the

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1) Cic. pro Mur. 51.
2) John (op.cit. pass.) has set out fully the arguments against the suggestion that there were plans for an armed rising before the elections. Many scholars have followed him.
3) Hardy (op.cit. p.50), notes Dio (37-30) - καὶ ἐκεῖνος οὐκέτι λέγονται τῇ ἔρωτι συνεδρίᾳ.
4) In addition to the senators who took a prominent part we have the names of equites - Statilius, Gabinius Capito (or Climer - Cic.Cat. II -3 and Cornelius - among the higher of Catiline's subordinates. Included also were prominent men of Italian towns. See Sall. Cat. 17: Vell. II -54 -4: Plut.Cic. 17: Dio 37-30.
The idea of "novae tabulae" increased Cicero's difficulties.

Catiline now began to organise the heterogeneous mass of his supporters into an armed band of revolutionaries. Manlius was sent back to Faesulae with money and arms to raise a force among the disaffected in Etruria. Septimius was instructed to raise Picenum and C. Julius Apulia. Meanwhile at Rome Catiline himself worked desperately to collect money for these forces, and at the same time he made plans for an outbreak in the city. The scheme seems to have been that rebel forces should advance to within easy distance of Rome, upon which the signal would be given for massacre and conflagration within the walls. Since Catiline would immediately seize the consulship, Cicero was presumably to be the first victim. After his removal much would doubtless depend on the turn events took.

But for the moment Manlius needed time to complete his preparations, and in Rome no definite date for the actual rising seems to have been fixed. Cicero knew that something was afoot; but after his rebuff in July he wanted to be sure of his ground before taking official action. For some time his spies could not give him the proof he desired. At last, however, his opportunity came. Catiline, no doubt on the receipt of favourable news from Manlius decided that the rebel army should move on October 27th. On the

1) Sall. Cat. 26: 27. 2) Sallust (Cat. 24) says, of course, that Catiline had sent money and arms to Faesulae the previous year. But for Sallust's viewpoint see Appendix VII. 3) C.A.H. IX pp.494-5. For his installation into Cicero's empty seat Catiline counted on the surviving consul Antonius (see p.31n.2). It is uncertain whether he proposed to hold the fasces to the end of 63 or of 62 B.C.; but we may assume that before laying them down he would have satisfied his accomplices by carrying the long expected measure for "novae tabulae". Deknatel (op. cit. p.34) states that the consularship or dictatorship would be seized by Catiline and Lentulus. Where is his authority for the statement that Lentulus was to seize office? 4) Sall. Cat. 28. 5) Sall. Cat. 29 - "multa agitanti (sc. Catilinae) nihil procedit". 6) Sall. Cat. 29 - anticipiti malo permotus (sc. Cicero).
night of the 28th, taking advantage of the celebration of the
sullan games, the plotters inside the walls were to create general
panic by attacking Cicero and his supporters and by starting fires
in various parts of the city. On the night of October 20th\(^1\) Crassus,
accompanied by Marcus Marcellus and Metellus Scipio, roused
Cicero to inform him of a mysterious incident which had just taken
place. Crassus said he had found at his house a packet of letters
addressed to various prominent persons including himself. On opening
the packet he had read an unsigned message urging him to leave
home in view of an impending massacre. Consequently he had hurried
to the consul to deliver into his hands his own and the other letters
which were unopened.\(^2\) Cicero immediately seized the evidence
for which he had been waiting; he summoned the senate next morning
and placed before it the mysterious letters. In his speech to the
house he predicted an outbreak by Manlius on the 27th and no doubt
hinted that he had definite information, whereas in fact he was
without proof. In view of incessant rumours which had been cir-
culating for the past few weeks the meeting decided that the sit-
uation was serious enough to warrant the declaration of a state of
"tumultus", but it was not satisfied that the "senatus consultum
ultimum", which had never previously been used except against an
enemy in open revolt, could be passed on the strength of anonymous
letters.\(^3\) Cicero was therefore left to seek additional and more
satisfactory evidence. This task he set about with energy and was

\(^1\) See Note F pp.389ff.

\(^2\) Plut. Crass. 13; Cic. 15; Dio 37-31: Plutarch (Crass. 13) had evi-
dently read that Cicero in his work "de consulatu" testified to
Crassus's information, though elsewhere he accused Crassus and
Cassar of participation in the plot. See Appendix IX.

\(^3\) cf. Cic. Cat. I -7; John (op.cit. p.730) is not certain that Oct.
27th was the day predicted by Cicero; he thinks this is assumed
more to get agreement with Sall. Cat. 30 than anything else. Since
the city part of the plan was doomed to failure, would not Cat-
lime have countermanded his order to Manlius? He had plenty of
(i.e. Oct. 25th) for Halm's VI Kal. Nov., Hardy (op.cit. p.59 n.2)
says it is uncertain whether Manlius really did first act openly
on the day predicted or Cicero arranged that the news should con-
firm his own prediction.
quickly able to corroborate his other information with a report of mysterious troop movements in Etruria\textsuperscript{1}) from one Q. Arrius, who by what may or may not be a coincidence was a confidant of Caesar.\textsuperscript{2}) Although Arrius apparently could say nothing more definite, Cicero again summoned the senate and placed before it his new information upon which the last decree was passed.\textsuperscript{3})

It is clear that this direct action against Catiline was the result of Crassus's nocturnal visit to Cicero.\textsuperscript{4}) Previously Cicero had been working in the dark, and his attempts to convince an unbelieving senate had met with no success. Crassus's intervention on the side of law and order; however, resulted in immediate action. Several suggestions have been made to explain his motives. Cicero himself is said to have forged the letters,\textsuperscript{5}) but there is nothing to support this. To say that Cicero wanted to force Crassus either to come out into the open or to commit himself as a friend of Catiline by suppressing the letters is to make the consul a simpleton; for even if Crassus suppressed the letters, Cicero could not prove anything against him without declaring himself to be the sender. On the other hand Crassus himself was not in the least likely to forge evidence to remove suspicion from himself. There is nothing to prove that he was connected with a plot, the aims of which were to his own disadvantage. It is possible that one of the conspirators chose this way of saving Crassus and certain leading nobles from the impending rising.\textsuperscript{6}) But there are certain significant

\textsuperscript{1) Cic. Att. I -17 -11; Plut. Cic. 15; Plutarch is wrong in making Arrius's news consist of word of a definite rising; cf. Cic. Cat. I -7; John (op.cit. p.789).}
\textsuperscript{2) See over p.103.}
\textsuperscript{3) Cic. Cat. I -3: 4: 7; Plut. Cic. 15; Dio 37-31; Plutarch and Sallust know of only one meeting of the senate and assume that the S.C.U. was passed then. There were according to Dio, two meetings with a short interval between: at the first a state of tumultus was declared, and at the second the S.C.U. Cicero collected new information in the interval.}
\textsuperscript{4) See Appendix IX.}
\textsuperscript{5) So von Stern (op.cit. p.86); John (op.cit. p.807 n.60).}
\textsuperscript{6) CAH. IX p.496 n.1 - i.e. in the Tresham-Mounteagle manner.}
points, which have often gone unnoticed. In the first place, why should Crassus pay a melodramatic night visit to Cicero, when the following morning would have served his purpose equally well? Why were all the letters delivered to Crassus? Why was he so careful to take Marcellus and Scipio, bulwarks of the senate, with him? He apparently did not fear any incriminating statements which might be contained in the other letters, but perhaps he assumed that these had much the same contents as his own. The whole affair, the aptness of its timing and its immediate consequences, lead to the assumption that Crassus was playing some elaborate game for his own ends.

Clearly what he really wanted at this juncture was action by the government against Catiline. If Cicero had his spies, Crassus was likely to be twice as well informed: both he and Caesar would make it their business to keep a close watch on Catiline's activities.

By the middle of October these activities had become dangerous. So long as Catiline contented himself with vague threats of what would happen if he were not elected, little harm was done. Even when it became apparent that vague threats were being succeeded by definite schemes for revolution, Crassus and Caesar delayed action for a little longer in the hope that these wild plans would come to nothing. At last, however, it became obvious that unless Cicero was given some help Catiline might succeed in gaining the upper hand, for a short time perhaps, but for long enough to make Crassus very apprehensive of what would happen. Consequently the letters were produced and presented in as dramatic a way as possible. Cicero was obliged to act on this information; and once the senate roused itself, there would be little to fear from the conspirators in the city. The slight danger which existed for himself Crassus removed by having similar communications addressed to other prominent citizens and by taking no risks of discovery in their distribution.  

1) After writing this I find that Hardy has made much the same suggestion (op.cit. pp.62-3). He does not however connect Q.Arrius with Caesar.
Caesar's entry into the story heightens our suspicion. Q. Arrius, who supplied the detail which resulted in the last decree, is known to have been an intimate of Caesar afterwards. 1) Furthermore, there is the fact that Caesar at some time supplied Cicero with valuable evidence. 2) It must have been at this juncture: before the middle of October it would have been pointless, and after the passing of the last decree there was no necessity for Caesar to interfere at all.

Cicero now took all the steps necessary to check Catiline. A guard was sent to Praeneste to secure it against an attack arranged for November 1st 3) and volunteers were hastily raised in the city to counter the threatened coup. 4) At the same time rewards were offered for information about the plot, HS 200,000 and a free pardon to citizens and to slaves freedom and HS 100,000. 5) These measures naturally caused great excitement among the citizens. 6) Rumours of impending massacre disorganised daily life, and it is probably to this time that we can refer the financial panic which upset the market in real estate. The financier Q. Considius, who saw that his extensive loans - said to amount to fifteen million sesterces 7) - were seriously threatened unless confidence could be restored, issued a statement that he would not press for repayment. This step restored confidence, and Considius was publicly thanked by the Senate for averting a financial catastrophe. 8)

1) See Cic. Att. I. 17 - 11 for Arrius in late 61 B.C.; Cic. Att. II. 5 where Arrius was apparently hoping that Caesar would support him for the consulship of 58 B.C. Cicero was certain, however, that he would not gain this office (May-July 59 B.C.); cf. Cic. Q. F. I. 3-8; in Vat. 30: pro Mil. 46.
2) Suet. Jul. 17: Hardy (op. cit. pp. 57-8) thinks Curius lost his reward because Caesar could prove he had supplied it previously. But Curius would hardly attack Caesar afterwards, if he had received a reward through his agency. See p. 124.
4) Cic. Cat. I. 7; many of the nobles fled from Rome on Oct. 28th. Precautions were taken to prevent action by the gladiators at Capua.
5) Sall. Cat. 30.
6) Sall. Cat. 30; Cic. Cat. I. 1.
7) 150,000.
8) Val. Max. IV. 3-3: It is not known for certain when this took place. C.A.H. IX. p. 483 places it during the period of uncertainty before the consul elections, but perhaps Rice Holmes (op. cit. p. 26) is more likely, and his version is given above. Perhaps this is the Considius mentioned in Cic. Verr. I. 7: pro Cluent. 38; cf. Plut. Caes. 14; Cic. Att. II. 24.
But as the days passed and nothing happened, the pendulum began to swing in the opposite direction, and rumours spread that Cicero had been actuated by personal enmity towards Catiline. At last, however, the senator Q. Saenius read to the house a letter from Faesulae which stated that Manlius had moved on October 27th, the day foretold by Cicero, and about the same time news was received of revolts in Capua and Apulia. The senate instructed Marcus Manlius with an action de vi. But Cicero was reluctant to have Catiline brought into court until it could be proved without any shadow of doubt that he was responsible for Manlius's rebellion. He planned to hold his hand until Catiline had committed himself irrevocably, which in view of the government's action he must do or else see all his preparations go for nought. Catiline himself saw that a charge "de vi" was more embarrassing to the government than to himself, so he offered to place himself in custody in turn with Manlius Lepidus, Cicero and Metellus Celer. When all three refused his offer, he put himself in the charge of one Marcus  

3) Sall. Cat. 30.  
4) Sall. Cat. 30: Plut. Cic. 16.  
5) Plut. Cic. 16 says Metellus was given command over the whole of the expected Civil War. Cicero fixes this (Fam. V 2: Cat. II -5: 26: pro Sull. 53: pro Sen. 9) in so far as he named only Metellus's dispatch and awaited from him alone news of the crushing of the rising. Sall. Cat. 30 seems to agree in that he mentions Marcus Manlius Rex only in connection with Manlius's letters, and again he allows Metellus to go forth on active service (c. 42) and allows only him besides Antonius with 3 legions to oppose Catiline. He must have been instructed to raise levies, while Marcus Manlius Rex had a kind of watching brief in Struria (cf. John op. cit. pp. 798-9). Cf. p. 109 & n. 6.  
Metellus, 1) who, as events showed, was not likely to hinder his freedom of movement.

Cicero was for a day or two unable to obtain any damning evidence, though he was well informed of Catiline's movements. Catiline for his part was not encouraged by Metellus to create a diversion in the city. 2) At last, however, his impetuosity gave Cicero his chance.

On the night of November 6th, in order to revise his previous plans, 3) Catiline evaded his guard and met his friends at the house of M. Porcius Laeca. Having decided that his presence in Etruria would increase the chances of speedy action, he resolved to leave Rome the next night and join Metellus. 4) The city itself was marked out into districts, and those responsible for each division would embark on a campaign of arson when the opportune moment came, 5) and the assassination of certain prominent men was arranged. Whether the property of these was to be burned, or whether there were to be fires in several parts of the city so as to cause the greatest possible panic is uncertain. 6) Catiline demanded that before he left Rome Cicero should be removed, and Vargunteius and Cornelius promised to call upon the consul next morning to assassinate him. 7)

1) Dio 37-32; Cic. Cat. I - 19. The name M. Metellus is found in Quintilian's (IX 2 - 45) quotation of this passage and in certain MSS. Other MSS read M. Marcellum, which contradicts § 21. That Cicero named a Metellus seems certain, since Dio confused him with Q. Metellus the proconsul. Halm in his edition of Cicero corrected to A. Metellus. Cf. Schwartz (op. cit. p. 588) for a confusion of dating resulting from this.

2) At the attack on Freaneste did take place on Nov. 1st (Cic. Cat. I - 7).

3) Sallust, of course, antedates the meeting (Cat. 27).

4) Sall. Cat. 32; Cic. Cat. I - 24.


6) Dio 37-34 says that when Catiline left Rome, Lentulus prepared κατά τὴν εἰσόδιν τῆς Τίνας (?) καὶ σφιδρὸς ἐργασίασθαι. The Tίνας is probably corrupt; Plutarch improves on this by saying that Lentulus intended ἔπειτα καταληκέννει τῆς Τίνας παρά τῷ Γρηγόριῳ, 'Hardy (op. cit. p. 55) thinks that Catiline's arson plans were limited to a few leading men and that the improved version was due to the rashness of his colleagues after he had left the city. Hardy also thinks that it was at this point that the burning of the city became part of the plan.

7) Cic. Cat. I - 9; Dio 37-32; Sall. Cat. 38 (in the wrong place); Plut. Cic. 16 mentions Marcius and Cathagus; confusing with the Saturnalia attempt, Von Stern (op. cit. pp. 92-3) gives Cornelius and a nameless companion. Cic. Cat. I - 9 says two knights and Vargunteius was a senator (Sallust).
The meeting in Scythemakers' Street was hardly finished when Cicero was informed by Curius through the agency of his mistress Adria of Catiline's plans. 1) He immediately had his house protected and informed the leading men in the city of what had been planned. The next morning 2) Cornelius and Vargunteius presented themselves at Cicero's morning salutation but were refused admission, upon which they retired baffled, though not, as we are told, without raising a commotion. 3)

Cicero straightway collected and prepared his evidence for the meeting of the senate, which he called for the next day. He took care that the startling news should travel round the city and hoped, no doubt, that the story would be exaggerated. He hoped too that Catiline would leave Rome on the night of the 7th, but in vain. If his published speech in the senate represents in any degree what he actually said, 4) he must have burned much midnight oil when it seemed probable that Catiline would take his place in the house.

On the morning of November 8th the senators assembled, and among them Catiline. Avoided by all he sat alone to await the consul's attack. 5) Sure at last of his ground Cicero rose and delivered the First Catilinarium, in which he gave full rein to his vituperative powers. Yet from the midst of the abuse and taunts there emerged only one positive suggestion, that Catiline should leave Rome as quickly as possible. Why was Cicero unwilling to deal with Catiline as Opimius dealt with C. Gracchus? His reasons were twofold:

1) Cic. Cat. I -6 & 10; II -6; pro Sull. 52; Sall. Cat. 27-8; Dio 37-33; Plut. Cic. 16 gives more detail but is inaccurate; App. B.C. II -3 ff. has in his desire to condense the story mixed up the events.
2) For the dating see Note F.
3) Plut. Cic. 16.
4) The Catilinarians were, in all probability, revised before their publication in 60 B.C. (Cic. Att. II -1; Sall. Cat. 31).
5) Cic. Cat. I -16; II -12; Sall. Cat. 31; Plut. Cic. 16.
he knew very well that Gracchus had been killed in open fight against the government, while Catiline's participation in an armed rising was not yet proved; and he was afraid to create a precedent by using the last decree to put to death a Roman citizen who had not yet been proved a traitor. Caesar and Crassus\(^1\) had warned the government against the irregular use of the last decree, and if it had to be employed in an unprecedented manner Cicero was determined to have the backing of the senate. Some say that egged on by Catiline himself Cicero asked the senate to advise arresting him, but was received in silence.\(^2\) But this is not a point which he would emphasise in future references to these events.

When Catiline tried to reply to this violent attack, he was howled down with abuse.\(^3\) That night with a few of his friends he left Rome for the north,\(^4\) but not before he had sent round to leading men letters in which he said that unable to withstand the false charges of his enemies he was retiring to Massilia.\(^5\) His note to Catulus, which is preserved by Sallust,\(^6\) casts an interesting side-light on his character. After complaining of the wrongs he had suffered and in particular that he had been robbed of the right to the highest office in the state, he concludes

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1) i.e. at the trial of Rabirius.
2) See C.A.H. IX pp. 483-8 n., where Cary thinks that a combination of Cat. I.20 with Diodorus XL.5 indicates that Cicero actually was baited by Catiline into putting a motion for his arrest and that he was received in silence. Sall. Cat. 31 says Catiline replied to Cicero, but the remarks given to him were spoken at the time of the elections (cf. Pro Lur. 50-51: p. 97). In de Grat. 129 Cicero says Catiline did not answer his attack. Dio (37-33) is wrong in saying that the senate ordered Catiline to go into exile, though Diodorus must have had much the same story (cit. supr.) since he says Catiline stated he would go into exile.
3) Sall. Cat. 31.
4) Cic. Cat. I.6-6; Sall. Cat. 32; Plut. Cat. Min. 22: Cic. 16 (with 300 adherents); App. B.C. II.3: Dio 37-33.
5) Sall. Cat. 34; Hardy (op. cit. p.69) has made a slip in referring to the first Catilinarian and basing a theory on this. Earlier (p.64) he had made the correct reference - Cic. Cat. II.14: cf. Rice Holmes (op. cit. p.461ff.).
6) Sall. Cat. 34-5.
\textit{num Cestillum commendo tuaeque fidei trade; sem ab injuria defensus per liberos tuos rogatus". Was this the same Catiline about whose marital relationship Cicero makes the foulest remarks?}^{1) }

Why Catiline should say he was retiring to Massilia, when a few days would show this to be false, is not clear. Possibly his object was to discredit and embarrass Cicero; certainly his friends in the city followed up the letters by attacking Cicero as a tyrant?^{2) }

To explain himself and to make clear the proceedings in the senate, the next day, November 9th, Cicero addressed a meeting in the Forum. He said that the plotter-in-chief had left Rome to join Manlius but that traitorous elements remained in the city.

As Cicero had foretold Catiline travelled to Arretium, where he assumed the consular fasces, distributed arms in the neighbourhood and joined Manlius at Faesulace.^{3) } Up to the time of his arrival his lieutenant had collected only about two thousand men, about a quarter of whom were armed, and it says much for Catiline's personality that he increased this number to about ten thousand, even if not more than three thousand were equipped.^{4) }

When this news reached Rome, Catiline and Manlius were declared public enemies and a day was fixed before which rebels might lay down their arms under promise of a pardon.^{5) } None, however, deserted their leader. At the same time arrangements were made for a more regular levy, and the senate sent Antonius north to supersede Marcus Rex.^{6) } Probably it was during these weeks that Cicero gave up the province of Cisalpine Gaul, just as he had previously

1) i.e. in the \textit{In Tog. Cand.}
2) Cis. Cat. II -14 -16; Sall. Cat. 34; Von Stern (op. cit. pp.112-113) explains Catiline's action as intended to foster the mistrust felt between senate and consul.
3) Sall. Cat. 36; Cis. pro Sull. 17; Plut. Cic. 16; App. B.C. II -3: Dio 37-33; cf. Sall. Cat. 32-34 for Manlius's appeal to Marcus Rex.
4) App. B.C. II -7 gives 20,000; Sall. Cat. 56 -2 legions. Both say only a quarter were armed.
5) Sall. Cat. 36; Dio 37-33.
6) Sall. Cat. 36; Dio 37-33; Plut. Cic. 16.
The fact that Metellus Celer, who was already acting in the north, drew Gaul indicates that the lot was arranged beforehand. It has been suggested that Cicero wanted Celer to try to prevent the attack threatened by Metellus Nepos, his brother, who was Pompey's lieutenant and tribune elect. Nepos was suspected of trying to give Pompey reason to bring his force into Italy to deal with Catiline, as he had done in the Sertorian War. Cato had resolved to counteract this influence and had himself been elected tribune for 62 B.C.

Meanwhile in the city Lentulus and the rest of the conspirators were in an awkward position. Their connection with Catiline was known and their movements watched. Everything depended on the advance of the rebel army on Rome, and any move in the city before help from outside was at hand would be fatal. The hot-headed Catilinaus urged immediate action but Lentulus overruled him. At last they decided to take the city off its guard during the Saturnalia and carry out a scheme of arson and murder. On December 16th the tribune L. Bestia was to charge Cicero in the Forum with accusing innocent citizens. On the night of the 17th Gabinius, Statilius and others were to set fire to the city in twelve places, and in the resulting confusion certain leading citizens including Cicero were to be assassinated. Thereafter the conspirators were to leave Rome and join Catiline's army, which would be informed of
the plan and urged to make all haste to reach the city.\(^1\) In devising this scheme Lentulus and his friends were blind to the realities of the situation. Catiline was hemmed in by the government's forces, and only a stupendous blunder on their part could have let him through to Rome. Cicero did not overestimate his strength when he declared on November 9th that the city had nothing to fear from the rebels outside.\(^2\)

During the latter half of November\(^3\) Cicero's preparations were embarrassed by a charge of bribery brought by Sulpicius and Cato against Murenas, the consul elect. Although Cato had become tribune in order to counter insidious attacks on the government, he now insisted on the condemnation of the very man who might have to carry on Cicero's work. Caring little whether Murenas was innocent or guilty Cicero returned to the bar to secure his acquittal. His colleagues in the defence were Hortensius and, most surprisingly, Crassus.\(^4\) What the latter hoped to gain from appearing on Cicero's side is not clear. Perhaps he had personal reasons for helping Murenas; or it may be that he wished to reiterate publicly that he had no connection with Catiline. Ignoring legal arguments Cicero amused the jury by making ponderous jests against Cato's Stoic beliefs as applied to Roman public affairs. The jurors were so pleased with the entertainment that, without considering very closely whether Murenas had violated Cicero's own law,\(^5\) they voted him not guilty.\(^6\)

\(^1\) Sall. Cat. 43; Cic. Cat. III -9; IV -13; App. B.C. II -3 (inaccurate); Plut. Cic. 16; cf. Cic. pro Sull. 33: 53, which differs slightly from Sallust. For the text of Sallust - in agrum Faesulanum - cf. Warde Fowler's emendation Falerianum, which makes the toponymy easier (cf. Schwartz op.cit. pp.604-5). For a discussion of the conspirators' plans see Hardy (op.cit. p.74) and Rice Holmes's criticism of it (op.cit. p.466).

\(^2\) Cic. Cat. II -4.

\(^3\) Von Stern (op.cit. p.114) - after the middle of Nov. and before Dec.; Lange (R.A. III\(^2\) p.156) - between 5th and 10th of Dec. (which rests on a misunderstanding of Cic. pro Mur. 8).

\(^4\) Cic. pro Mur. 48.

\(^5\) See p.96.

\(^6\) Cic. pro Mur. pass; pro Flacc. 98; Plut. Cat. Min. 24.
cicero's fears that he might have to hand over to his successor the protection of the city proved groundless. About the end of November he unexpectedly found himself able to take action against Lentulus and his friends. The story is well-known: betrayed by the Gallic envoys whom they had tried to seduce, the conspirators walked blindly into a trap laid for them by Cicero and were summoned to the senate for interrogation on December 3rd. When confronted with the Allobroges and their own letters which proved their treachery Lentulus and his followers broke down and admitted the charge. The senate thanked Cicero for his work and granted him a supplicatio, the first decree for civil services, because he had saved the city from conflagration, the people from massacre and Italy from war. Even Antonius - "that gallant man, my colleague", as Cicero addressed him - was congratulated because he had dissociated himself from those who had taken part in the conspiracy.

This motion - which, incidentally, proved Antonius's shady dealings with the plotters - was either openly ironical or a superb example of political expediency. Lentulus was deprived of his praetorship and handed over to the care of the aedile Lentulus Spinther, Cethegus to Q. Cornificius, Statilius to Caesar, Gabinius to Crassus and Casparius to Cn. Terentius. Others of less note were subject to the same decree, and Cassius Longinus was condemned in absentia.

On Cicero's instructions shorthand notes had been made of the proceedings in the senate, and copies of the evidence were spread throughout Italy. After the meeting Cicero went down to the Forum and told the anxious crowd what had happened. Two facts emerge from his speech: firstly he was well aware that the arrest of the conspirators was likely to bring trouble on himself, and

without mentioning names he obviously expected it to come from
from Metellus Nepos: secondly his concluding remark shows that he
had determined the punishment necessary for the prisoners.\(^1\) That
he compared his own feat with Pompey's indicates what he thought
of his achievement. However, now that Catiline was proved to
have plotted to burn the city, the populace turned from suspicion
of Cicero's actions to denounce the conspiracy and to praise the
consul's vigilance. The reception given to his speech encouraged
him to hint broadly at the fate which awaited the traitors.

Next day the senate sought fresh evidence. Among the informants
was a certain Lucius Tarquinius, who told much the same story as
the Gauls but tried in addition to implicate Crassus.\(^2\) Tarquinius's story is incredible. He declared that he had taken a message
from Crassus to Catiline urging him not to be deterred by the
arrest of his friends but to hurry to Rome with his army so that
the prisoners could be released. Tarquinius was howled down and
as Cicero's motion the senate voted his evidence false and that
he should be kept in chains until he divulged at whose instigation
he had acted. It is certain that he lied deliberately, but it
has never been discovered who primed him. It is not unlikely that
Catulus and Piso, both of whom later urged Cicero to implicate
Cæsar,\(^3\) were behind Tarquinius. The only merit of this clumsy
invention was to reemphasise Crassus's earlier connection with
Catiline.\(^4\) No more is heard of Tarquinius, who would not dare
betray the exalted senators who had prompted him.

Meanwhile efforts to rescue Lentulus and his companions failed.
To obviate this danger Cicero called the senate for the next day
to decide the prisoners' fate.\(^5\) He was apprehensive about the

\(^1\) Cic. Cat. III; Dio 37-34; Plut. Cic. 19.
\(^2\) Sall. Cat. 49; Plut. Crass. 13; Dio 37-35; cf. p.124.
\(^3\) Sall. Cat. 47; Plut. Cic. 20.
\(^4\) See Appendix VIII.
\(^5\) Sall. Cat. 50; App. B.C. II -5; Dio 37-35; Cic. Cat. IV -17.
Though the senate had voted Lentulus and his friends guilty, it was the consul who must decide on their punishment. Cicero was well aware that if he had them executed his legal position would be weak, and he had long been citing the example of C. Gracchus to justify himself. In spite of Caesar's warning of the trial of Rabirius, he was fully determined to carry the death penalty. Though it was not legally necessary he wanted the backing of the senate.

Crassus showed his attitude by absenting himself from the meeting. But Caesar was present, and he was determined to reiterate the warning he had given at the Rabirius trial. Cicero opened the debate by asking the consul elect, Silanus, for his "sententia". Silanus's words were taken to mean that he moved the death-penalty, and he was followed by his colleague, Murena, and fourteen consuls. Then Cicero called upon the prætors, of whom Caesar, as prætor elect, spoke first. Caesar knew that he must do nothing to increase the suspicion aroused by his former connection with Catiline. He proposed as an alternative to death the confinement of the prisoners in country towns "in aeternum" in order to avoid creating a precedent in the use of the sentatus consultum ultimum. Caesar's speech made a strong impression, and some of the consuls who had voted for death now changed sides. Realising that Caesar was winning the support of the house Cicero intervened in the debate. Ignoring Crassus's calculated absence he affected to answer Catiline.
believe that both Crassus and Caesar had shown that they regarded the lex Sempronia as invalid in the case of public enemies, the former by his presence at the arrest of the conspirators, the latter by his presence now.  

His speech shows clearly his own wishes, but he was obviously influenced by the effect Caesar had created. At this point Tiberius Nero proposed as a compromise that the decision should be postponed until the crisis had passed, and Silanus, declaring that his original proposal had been misunderstood, supported him.  

At the decisive speech was yet to come: Cato, setting aside all legal niceties, appealed to common sense. The prisoners were no longer citizens but public enemies, and their execution would prove a deterrent not only to the Catilinarians in the field but also to those in the city who still sympathised with the plot. Perhaps Cato's most telling point was his broad hint that Caesar was involved with Catiline.  

Cicero now took heart again and put Cato's proposal to the house, and it was carried by a large majority.  

That very evening the prisoners were executed in the Tullianum.  

Caesar's protest had been unavailing, but he succeeded in persuading Cicero to drop the motion for the confiscation of the prisoners' property.  

His defeat was, however, more apparent than real, for it is doubtful whether he cared particularly what happened to the conspirators: probably he was privately thankful that they had been executed. But Crassus and he had shown their disapproval

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1) Cic. Cat. IV.  
3) His Cicero prudently omitted and Sallust carefully glossed over.  
4) Sall. Cat. 52: Plut. Cic. 21: Cat. Min. 23: there was a demonstration against Caesar when he was leaving the meeting. (Sall. Cat. 49: Plut. Cat. 8: Suet. Jul. 14 - inaccurate).  
5) Sall. Cat. 55: Plut. Cic. 22: For discussions about the actual execution see - Mommsen (Staatsr. I 8 p. 581 n.1: II 581 n.5):  
of the execution of the Roman citizens who were not in arms against
the state. The Bellum Catilinarium came to an inglorious end with
the death of Catiline at Pistoria early in 62 B.C. 1) But his fate
interested Crassus and Caesar little; and they now turned to the
future, in which the figure of Pompey loomed large.

The overthrow of the Catilinarians left Cicero in an apparently
strong position. The equites, thoroughly alarmed at the prospect
of "novae tabulae", had supported him, and although the assistance
of the optimates had been somewhat belated, he saw himself marked
out as the leader of a "concordia ordinum" backed by men of all
sections of opinion, who were convinced that a strong senate was
the best protection for their interests. 2) This concord existed
only in Cicero's imagination; for the moment the danger had passed,
optimates, equites and populares deserted him and reverted to their
old quarrels. But Cicero's delusion persisted until the Clodian
scandal proved beyond all doubt how little control the government
really had over public affairs.

Flushed with success, however, Cicero fought hard to draw Pompey
into his concordia. But he soon found that he had undertaken no
easy task. Against him he had not only a recalcitrant senate,
which could see in Pompey only a menace to its authority, but also
a formidable "popular" opposition led by Caesar and supported by
Crassus, which was determined to keep Pompey and the senate apart.
The public memory is short, and before the end of his consulship

1) Sall, Cat. 66-61; Dio 37-39; App. B.C. II -7; Flor. II -12 -12;
Vell. II -35; Livy Epit. 108.
2) C.A.E. IX p. 506 - "The series of crises from 65-3 B.C. left the
state exactly where it had stood before. Yet this absence of
change is significant in itself, for it denoted a rally by the
government against the revolutionary forces which were wearing
it down. In particular the 2nd Catilinarian Conspiracy had been
of value as a token that the senate under capable leadership could
still hold its own against physical force." Could it? It had
been unable to hold its own on any major issue since Pompey's
Spanish Command. The Catilinarian Conspiracy was not a major
issue, and the efforts of Caesar and Crassus, though important,
lacked the backing of force.
Cicero had to contend with a feeling, increased by his tiresome repetition of them, that the dangers of the Catilinarian Conspiracy had been exaggerated. 1) Caesar, who had been violently attacked for favouring Catiline, appealed for support to the people and no doubt emphasised that the recent executions had been illegal. 2) Cicero was well aware that in certain quarters he was thought to have exceeded his authority, and a few months later he defended himself publicly against the charge of tyranny. 3) Once the reaction set in, Caesar, behind whom stood the powerful but silent figure of Crassus, won growing popularity with the masses because of the critical attitude he had adopted on December 5th. 4) By withdrawing for a time from senatorial meetings 5) and by using his influence with the "populares" he was able to profit from attacks made on him in the senate. The presence of Metellus Nepos gave him a handle which he was not slow to grasp. Even before the Catilinarians in the city had been foiled, Nepos had shown by attacking Cicero what line he would take. 6) The latter foresaw that whenever he laid down office these attacks would become more violent. 7) Pompey had sent Nepos home to watch his interests in the city in a general way. Nepos thought he saw an opportunity for his master in the Catilinarian outbreak. When this came to nothing, believing that Cicero was the main stumbling-block to Pompey's new ambitions, he tried to break up the "concordia ordinum". 8) Caesar saw his opportunity to alienate Pompey from the

3) Cic. pro Sull. 18-20.
5) Suet. Jul. 14 says Caesar took fright when threatened by young equites on Dec. 5th. He kept away from the senate for the rest of the year. Rice Holmes (op. cit. p. 282 n. 6) thinks Suetonius wrong on this point; cf. Plut. Caes. 8.
6) Cic. pro Mur. 31.
7) Cic. Cat. 6, IV 6:11.
8) In his attacks on Cicero he found an ally in the tribune Bestia: Plut. Cic. 22. Was Bestia tribune for 63 or 62 B.C.? Hardy (op. cit. p. 105 n.), referring to Cic. pro Sull. 41, thought that Bestia remained to harass Cicero after Nepos had left.
Nepos attacked Cicero in the Forum, and vetoed his farewell speech. The following day he attacked Cicero bitterly in the senate, and at the next meeting he stated his intention of impeaching him. The senate saw in this an attack upon itself, and passed a motion indemnifying those who had supported the government against the Catilinarians. Anyone who initiated such an attack was to be regarded as a public enemy. Nepos then dropped this line of attack.

Caesar, congratulating himself that he had had the foresight to propose a few weeks earlier through the tribunes Labienus and T. Ampius special honours for Pompey, proposed on January 1st that the completion of the Capitoline temple should be transferred from Catulus to Pompey, to whom all the honour for the work would thus go. Caesar professed to believe that Catulus was guilty not merely of maladministration but even of embezzlement. His real motive, however, was to compel the senate to snub Pompey, while he himself made a public declaration of his admiration for him. He took additional pleasure in making the suggestion because he had a grudge against Catulus who had tried to involve him in the Catilinarian Conspiracy. But when the proposal was brought before

1) Plut. Cic. 23.
2) Cic. Fam. V.2; Dio 37-38.
3) Cic. Fam. V.2; pro Sull. 34; in Pis. 67; de rep. I.7; Plut. Cic. 23; Dio 37-38; Tyrrell (Corr. of Cic. I.2 p.20) - we may admit that Cicero was not a favourite with the populace after his suppression of the Catilinarian Conspiracy. Indeed he admits as much in some passages of his letters (cf. Att. I.10-11). Dio hints that the applause which greeted his statement that he had saved his country was not unanimous. It is noteworthy that Cicero appealed to Musia, Cicero's wife, and Nepos's sister-in-law, to use their influence with Nepos - apparently without success. (cf. Fam. V.2).
4) Cic. Fam. V.2.
5) Dio 37-42 - ἐφύγη δὲ ἐκ τῆς βουλῆς Κατόλου γιὰ τὸ Ζέτο (Cic. Fam. V.2).
6) Dio 37-81; Vell. II.40 -41; Mommsen (History of Rome IV p.190 Every. Trans.) says that the proposal was very popular, and he condemns Catulus for maladministration.
7) See p.112 n.3.
the assembly, Catulus came down at the head of his supporters and
broke up the meeting. Not dissatisfied, Caesar gave way and left
the next move to Nepos.1)

By the end of 63 B.C. informed circles at Rome had decided that,
unless the situation changed radically, Pompey was not likely to
fallow in Sulla's footsteps.2) Certainly Crassus, by taking his
family and movable property to Asia, indicated that he believed
the worst.3) But his attempt to make Pompey suspect and to dimin-
ish his popularity was merely part of the scheme to undermine his
position before he returned to Rome. Caesar did not support Nepos
and introduce measures in favour of Pompey merely because he wished
to stand well with the man who might assume the dictatorship. On
the contrary both he and Crassus acted on the assumption that Pom-
pey would lay down arms on his return but that he would expect
preferential treatment. There was no reason why he should not be
encouraged in this expectation so long as the senate was certain
to be antagonistic towards him. Two contingencies must at all costs
be avoided: on the one hand Pompey must not be driven to extremes
by a senate confident of its own strength: and on the other he must
not be induced by Cicero to support a concordia ordinum. If Pompey
could be manoeuvred into throwing away his position as conqueror of
Asia, the future would be promising: for in the normal course of
events Caesar would arrive at the consulship by 59 B.C., and he was
confident of his ability to make the best use of it.

Events materially helped the plans of Caesar and Crassus. The

1) Dio 37-44; Suet. Jul. 15 does not mention the threatened action
for embezzlement. 
2) Dio 37-44 thought that it was not clear whether Pompey would disband
his army. Deknate1 (op.cit. p.42) thinks there were many indications
that he would not. 
3) Plut. Pompey. 43; Cic. pro Flacc. 32 - from which Drumann (IV p.88)
surmised that Crassus was sent as legatus to Asia by the senate but
soon returned. Why should he take his family and moveables? Dek-
nate1 (op.cit. p.43 n.2) asks what the connection was with Flaccus's
fleet. He suggests that N. Crassus the younger, who was Caesar's
quaestor in 55 B.C., (see p.235) was in 52 B.C. a contubernalis
of Flaccus in Asia. Deknate1 is of the opinion that Crassus would
not have left Italy unless he really had cause to be afraid.
extremists in the Senate stubbornly resisted all attempts to satisfy Pompey. But by avoiding a reconciliation with Pompey the senators thought they were best serving their own interests. It was only ten years later that it was clear that Pompey's real aim was to be accepted as princeps and guide of a senatorial government. Cicero did not suspect this, and saw only the advantage of winning his support for the Senate. But his motives were partly selfish, as he cast himself as Laelius to Pompey's Africam. His views were not shared by the optimates, who, remembering the Gabinian and Manilian laws saw in Pompey only a serious menace to their authority. It is undeniable that a more circumspect attitude towards Pompey at this juncture would have been wiser, but senators like Lucullus whom Pompey had supplanted in Asia and Cato who was ready to fight to the death to defend the prerogatives of the ruling class were able to make their influence prevail. Cato, alarmed by Caesar's popularity with the people, seems to have aimed at finding popular support for the government, perhaps hoping thereby to diminish Caesar's influence. At any rate in December 63 B.C. or early in 62 B.C. he introduced a corn-law, possibly a revival of the lex Terentia Cassia of 73 B.C. which provided corn at the

1) On the news of Mithridates's death Cicero had proposed a thanksgiving service for Pompey - Cic. de prov. cons. 27; pro Mul. 34.
3) B. G. (V pp.174 n.13) refers Cato's proposal to Dec. 63 B.C. Either might be correct, but I am inclined to regard it as a bribe offered in Jan. 62 B.C. when Metellus's actions were becoming more threatening.
4) Plut. Cat. Min. 26: Cato B; Rostovtseff (P.W. VII 174) infers from Sall. Hist. III 40 -19 M. that the lex Terentia Cassia distributed corn gratis. Ascon. p.8 C (on the Clodian law of 58 B.C.) says that previous to this date corn was sold at a reduced price of 6 asses per peck, i.e. at the price fixed by the lex Frumentaria of G. Gracchus (Livy Epit. 60). Greenidge (Sources for Roman History p.206) thinks that by "antea" Asconius means under the lex Terentia Cassia. Rice Holmes (op.cit. p.335) conjectures that Asconius meant from the time of Cato's law. Plutarch does not state definitely that corn was distributed gratis. The cost of Cato's law was £500,000 as against £680,000 for Clodius's law. (Cic. pro Sest. 35; Plut. Pomp. 45). From Asconius Rice Holmes infers that Cato's law distributed corn at 6 1/2 asses per peck and adds that in 73 B.C. the Senate could not afford to give it away even to a small number (probably 40,000). Perhaps Cato's law was a revival of the lex Terentia Cassia which had fallen into abeyance (during the troubles with the pirates?). For further remarks on corn laws see - Rice Holmes (op.cit. pp.363 ff.)
artificially reduced price of 6 asses per peck. This law was said to have had the desired effect,1) but whatever success it had was temporary. Cato meanwhile set himself to obstruct every attempt of Metellus to win position for Pompey.

Nepos's impertinence in proposing that Pompey should be recalled to deal with Catiline had roused the optimates to action.2) When the bill was introduced to the assembly Cato and his fellow-tribune Minucius Thermus, vetoed it and stopped the reader from proceeding.3) Disregarding the veto Metellus seized the document and continued the reading but had his copy snatched away by Cato. Thereupon he tried to extemporise the remainder, but Cato and Minucius put their hands over his mouth. The proceedings developed into a riot, and Cato after calmly facing a volley of stones had to be dragged to safety under Murena's cloak. Thinking he had routed his opponents Nepos returned to the meeting, but a band of Cato's supporters rushed back and finally put to flight the supporters of the bill. The same day the senate met and assuming the dress of mourning passed the last decree and suspended from office not only Nepos but Caesar, who had supported the meeting. After addressing to the assembly a proclamation in which he accused Cato of conspiring against Pompey,

1) Plut. Caes. 8.
2) Cic. 37-43 - Metellus proposed that Pompey should be called in with his army to restore order. His reasoning is, as often, unreliable. Plut. Pomp. 46 - Metellus upon entering office proposed that Pompey should be recalled to deal with the Catilinarians. But in Cic. 23 he says that the reason given was to suppress Cicero's despotism power. Did he follow two separate versions for the two Lives? M. Plut. Cat. Min. 26: Schol. Bob. p. 302 Or.. Strachan-Davidson (Cicero pp. 161: 165) infers that there were two separate proposals. But on the whole it is more likely that Plutarch only meant one. See Rice Holmes (op.cit. p. 285). C. A. H. IX pp. 505-6 follows Plutarch, Cic. 23. Nepos's first intention was to have Pompey called in to suppress Catiline. When Cicero forestalled him he transferred his sympathies at short notice to the conspirators. The senate pronounced a "iustitium" (an inference from Suet. Jul. 16: cf. Hardy (op.cit. p. 109)) and when this proved ineffectual passed the S. C. U. Under cover of it the consul, Murena, would not doubt have prepared for Metellus the fate of C. Gracchus or of Saturninus but that Caesar, who had coolly disregarded the iustitium, now dissuaded Metellus from futile heroism. 3) Cato at first tried to dissuade Nepos from this course (Plut. Cat. Min. 26.)
Metellus left the city to return to his leader.\(^1\) At first Caesar disregarded the suspension and continued to act as praetor; but on hearing that force was contemplated against him he retired to his home. The next day a mob gathered outside his house and offered to restore him by violence, but this he refused. Thereupon the senate not only reinstated him but thanked him for his restraint.\(^2\)

Metellus’s departure was welcomed by Cicero who had been singled out for particularly violent attack.\(^3\) According to his own account,\(^4\) at first he restrained himself and retaliated only when he had no option. He had asked Clodia and Mucia to intercede with Nepos;\(^5\) but whether they did so or not the attacks continued. Stung at last to retort Cicero apparently made remarks derogatory to the Metelli which resulted in a very stiff note from Metellus Celer in Cisalpine Gaul.\(^6\) Cicero replied with dignity to the insolence of the aristocrat addressing his inferior. It is difficult to understand how Celer could have expected him not to retaliate to Nepos’s attacks, which were directed, as Cicero himself pointed out, against the government as well as against himself. Furthermore, he had tried to restrain the senate from punishing the tribune both for the riot he had caused and for leaving Rome during his year of office. But his restraint was undoubtedly caused by the hopes he had of Pompey.

Pompey’s attitude made Cicero very anxious during 62 B.C.\(^\)\(^6\) Filled with a sense of his own importance he had kept the Great Man informed of the progress of the Catilinarian affair. The

\(^1\) Plut. (Cat. Min. 29) says that Cato persuaded the senate not to deprive Nepos of his office. Shuckburgh (Translation of Cicero’s Letters I p.19 n.1) interprets Fam. V -1 to mean that Nepos was declared a public enemy. This is mere opinion, and the letter does not favour this reading.


\(^3\) Cicero had been hailed in the senate by Cato as “pater patriae” (Plut. Cic. 23).


\(^5\) See p.108 n.2.

response was not encouraging: for Pompey was annoyed that Cicero
could compare their respective importance and evidently snubbed
him severely. Nevertheless, Cicero persevered, and in a letter
written in 62 B.C. — probably early in the year — he made another
attempt to elicit a favourable response from Pompey. "Your old
enemies, now your friends," he says, "are stunned by your despatch.
They are thoroughly depressed at having their great hopes of you
shattered." Presumably Pompey's new friends were Crassus and Caesar.

That high hopes they had held of Pompey are unknown: but it
appears from Caesar's support of Nepos that he had hoped Pompey
would openly support the populares and had been disappointed.

"Your letter to me," continued Cicero, "contained only a slight
expression of your goodwill towards me, but I am satisfied, since
there is nothing which pleases me more than to be of service to
my friends. To be frank, what I missed in your letter was some
expression of congratulation on my achievements, not only for the
sake of our personal friendship but also for that of the republic.

That I did for the safety of my country is approved by the whole
world. You are a greater man than Africanus, but I am not much
inferior to Laelius, and when you return home, you will recognise
that I acted with prudence and courage, nor will you now be unwilling
to be connected with me in public as well as in private friend-
ship." If this was written after Nepos's proposal to recall Pom-
pey had been defeated, Cicero's references to the Catilinarian
Conspiracy were tactless in the extreme and naturally enough
Pompey refused to indicate the attitude he intended to adopt.

Pompey is often condemned for refusing to follow the example
of Sulla. Neither his temperament nor his attitude towards the

1) "Tuo veteres hostes, novos amicos". Hardy (op.cit. p.110 n.1)
refers this to a new arrangement between Pompey and Caesar and
Crassus. But would Cicero then have ventured this remark?
See Appendix X.

2) For comments on and criticisms of Pompey's action see - Mommsen
(History of Rome IV pp.176-8, 181-2. Every.Trans.): Strachan-
Davidson (Cicero p.171); Rice Holmes (op.cit. pp.290-1): C.A.H.
(XX P.509); Deknatel (op.cit. p.44): Ferrero (Greatness & Decline
of Rome I p.266); Moyer (op.cit. pp.42-4) etc. etc.
government urged this extreme step. 1) But he never doubted that
his Asiatic successes would raise him to a preeminent position in
the administration of the empire. If force occurred to him, he
doubted the notion as unwise, for the position he desired could
not be gained by arms. Unlike Sulla he could not claim to be re-

1) See p. 49 where Pompey's aims are discussed.
2) There is a dispute as to what Pompey actually did request. Dio
(37-44) thought that he asked for a postponement until Piso could
be present, and the senate, afraid of him, gave way and Piso was
elected unanimously. As Rice Holmes (op. cit. p. 289 n. 2) remarks,
Dio's statements of motive are often untrustworthy, and perhaps
it is safer to follow Plutarch (Pomp. 44: Cato Min. 30) that Pomo-
py asked for a postponement till he could be present to support
his candidate. Hardy, however, (op. cit. p. 111) follows Dio and
sees the influence of Caesar and Crassus in the moves.
had taken Catiline's part. With the exception of P. Sulla all those tried seem to have been condemned.

Caesar did not emerge unscathed from the prosecutions. He was charged with complicity in the conspiracy in the court of the quaestor, Novius Niger, by the common informer L. Vettius, and in the senate by Q. Curium. Curium stated that he had heard from Catiline himself that Caesar was implicated, while Vettius promised to produce an autographed letter from Caesar to Catiline.

Neither, however, could substantiate his charge, and when Caesar appealed to Cicero to absolve him from suspicion by stating publicly that he had supplied information on behalf of the government, Cicero had to confess his obligation. Both Vettius and Niger were thrown into prison, and the former lost his reward. The charges were without foundation and were possibly instigated by men like Catulus and Piso, who had previously tried to implicate Caesar in the conspiracy.

The concordia ordinum did not long survive Cicero's consulship. The fact that the senate had to resort to the last decree to deal with Metellus and Caesar showed how Cicero overestimated the strength of his alliance. At the end of 62 B.C. it broke down finally over the Bona Dea scandal. Publius Clodius whose career with Lucullus's army and as the prosecutor of Catiline had been inglorious, was carrying on an intrigue with Caesar's wife, Pompeia. In order to meet his mistress he disguised himself as a woman and attended the festival of the Bona Dea, which was celebrated early in December at the house of Caesar who was praetor urbans.

1) Among others Varro, Autronius, Servius and P. Sulla, Lasca and C. Cornelius (Cic. pro Sull. 6; pro Caec. 70; Dio 37-41.)
2) See p. 103 n. 2.
3) See p. 103.
4) See p. 341.
5) Dio 37-38; Plut. Cic. 19. 34. 2: Fowler (Roman Festivals pp. 255-6). This was not the main festival of the Bona Dea which was in May - as Beesly (op. cit. p. 47) who mentions that the senate allowed seven months to elapse without taking action. It was celebrated in the house of the consul's or praetor's wife; in this instance it happened to take place at the official residence of the Pontifex Maximus.
Clodius was discovered by a maid who reported to Aurelia, Caesar's mother. Although the miscreant avoided the search, the affair was brought up in the senate by Q. Cornificlus. 1) However lightly the official religion might be regarded, the senate could not avoid taking some action, and on reference to the college of pontiffs it was decided that sacrilege had been committed. Since the offence was without precedent, 2) there was no regular court to deal with it, so the consuls on a "decretum" of the senate published a bill for the creation of an extraordinary commission. 3) Pupius Piso, who was friendly towards Clodius, tried to have his bill rejected, while his colleague, Messalla, advocated severe measures. Clodius collected bands of ruffians to obstruct the bill, and it was clear that a serious disturbance was imminent. Cato was determined to have Clodius condemned; but Cicero, after his first indignation had passed, saw that the affair was likely to reduce still further the authority of the senate, and doubted Cato's wisdom. 4)

Towards the end of the year Pompey had reached Rome after disbanding his army on landing at Brundisium. Everybody was waiting to hear what he would say on the Clodian question; and meetings were held outside the walls to ascertain his views. 5) According to Cicero his first public utterance pleased no-one - "It satisfied neither the poor nor the wealthy, the loyal nor the disloyal; in other words it fell flat." 3) "Ostensibly", says Cicero, "Pompey

2) Cic. de harus, resp. 38. 
3) See Greenidge (op. cit. pp. 386-9). A praetor was to be appointed to try the case (by lot - Zumpt op. cit. II p. 70), and jurors were to be chosen from the regular album by the praetor. Greenidge says (p. 387): "The object in proposing this mode of selection was clearly to ensure a conviction on the pretence of securing the purity of the court. As such it was rightly resisted; but there is no proof that the measure meant to take all right of challenging from the defendant." There is no truth in Beesly's statement (op. cit. p. 53) "that the oligarchy were bent on nothing less than galvanising the "comitia centuriata" into new life for the purpose of creating by its instrumentality a quaeestio to try Clodius''.

4) Cic. Att. Y -10: 13: 
6) Cic. Att. Y -14: - or perhaps "frigebat" - Pompey is out in the cold.
is very fond of me; but it is perfectly obvious that he is jealous of me; The man has no manners; he is not straightforward; he has no distinction as a politician; he is not what a man of his rank should be: he lacks courage and he is narrow-minded."

The interpretation of these derogatory remarks is that Pompey had not as yet made up his mind what course would best suit his interests. Next, Pufius Piso, hoping that Pompey would incline towards the Clodian cause had him introduced at a public meeting by the tribune, Pufius Calemus. On being asked his opinion of the proposal to allow the praetor to choose jurymen from the panel, Pompey refused to be drawn and replied that the authority of the senate was and always had been of the greatest weight with him. Later, in the senate, Messalla asked for Pompey's views on the sacrilege and on the bill published by the senate. Pompey replied by commending all decrees of the senate, and as he sat down he remarked to Cicero, "I think that covers your case too"; by which he was understood to say that he approved of Cicero's treatment of the Catilinarions. Crassus was present at this meeting, and guessing that Pompey was making up his mind to support the senate, he rose and delivered a most fulsome panegyric on Cicero's handling of the recent conspiracy. Cicero was surprised and puzzled at hearing from such a quarter his own phrases from the "Catilinarions" "admired within all his own paint-pots", as he himself put it. "I was sitting next to Pompey," he says, "I saw that the

1) Cic. Att. i-13: Deknatel (op.cit. p.47) tries to prove that Cicero means neither Pompey nor Hortensius (so Tunstall in Epist. ad Eddleston p.36) but Crassus. His reason - that Cicero had no reason to speak thus of Pompey in 61 B.C. - is wholly inadequate. The Hortensius reference is mere conjecture and only supported by the fact that Cicero afterwards complained that Hortensius deserted him through envy (Cic. Q.F. 1-3). In support of his theory Deknatel says 1) Crassus and Atticus might well have been business acquaintances. 2) Cicero speaks ironically of Crassus as "amicus". 3) Cicero after speaking of Clodius's unsavoury friends goes on to mention the friend whom he does not know - and both Cicero and Atticus knew that Crassus was Clodius's patron. 4) The words fit perfectly with Crassus's character: Cicero perceived Crassus's perfidy in praising his consulship, hence his words to Atticus. But this disagrees completely with Cicero's own expression of pleasure after Crassus's speech in the senate.

2) "A collection of the rabble" (muyueei - Cic. Att. i-14.)
127.

was restless - whether it was because Crassus had won the thanks which he had let slip by, or because he saw that my achievements were so great that the senate was glad to hear them praised, especially by a man who had less reason to praise me: for everything I wrote in praise of Pompey was a hit at him. ¹)

his day has brought me very close to Crassus: yet I willingly received any compliment, open or concealed, which the other paid me. ²) It is clear that Cicero at least did not see through this speech: otherwise he would not have spoken so naively. Crassus's intention was not, as has been suggested, ³) to prove that he was not connected with Catiline, but to play upon Pompey's vanity. He saw that if Pompey thought that the senate valued the action against Catiline as highly as it did that against Mithridates he would hesitate to support it. ⁴) Cicero's tactless treatment of Pompey gave Crassus an opportunity which he used most skilfully.

Cicero rose to the bait, and it is amusing to think of Pompey compelled to listen to a speech about Catiline delivered in Cicero's best oratorical vein. Pompey must have wondered whether the government at Rome had not lost all sense of proportion.

The career of the consular bill justified Cicero's forebodings. The senate led by Cato showed itself to be the "perfect Areopagus".

¹ A reference to the Pro Lege Manilia, in which Crassus's Spartan campaign was belittled and the whole honour for its successful conclusion given to Pompey. See p. 35.
³ Rice Holmes (op. cit. p.294): Hardy (op. cit. p.103 n.1); Deknatel (op. cit. pp.43-50) - Crassus wished to stand well with Cicero and Cicero saw through him; hence his reference to ille leudator mei conselatus is contemptuous. But see p.126 n.1.
⁴ Deknatel (op. cit. pp.50-51) suggests that Pompey's impression of Crassus's speech was that Crassus and the senate were in agreement. Therefore he was afraid of common action against himself. Although I do not agree with his subsequent arguments, I think that there may be much truth in this suggestion by Deknatel; Crassus's aim was to give Pompey the impression that his old enemy was prepared to oppose him, even if this meant supporting the senate. But I do not believe that Crassus did, as Deknatel suggests, really want to be reconciled with the senate. What is meant by "reconciled"? The move was a tactical one to irritate Pompey against the senate.
When the day for voting came, Piso spoke against his own measure, and Clodius's gang took care that the voters should not record affirmative votes. Thereupon Cato delivered an attack on Piso, and his lead was followed by Hortensius and many of the "loyalists". The comitia were dissolved and the matter was brought up in the senate, which in spite of the appeals of Clodius voted by an overwhelming majority that the consuls should urge the people to pass the bill. Furthermore, it was decided that no other measure should be discussed until the measure was passed. There were more battles in the assembly in which Cicero joined, annoyed by Clodius's attacks on his, but the bill was successfully obstructed by the Clodian riffians. At last Hortensius hit upon the idea of asking the tribune, Aulus, whose veto was the main obstacle, to prepare a bill similar to the consular one, except that the jurors should be chosen by the ordinary method. It was upon just this point that the whole issue turned. Cicero thought that such a jury would be venal, but Hortensius, by urging that no jury, whatever its composition, could possibly acquit Clodius, won his point, and the tribunician bill was carried without further trouble. Thereupon Cicero withdrew from the dispute, and his only part in the trial was to disprove Clodius's alibi.

It would appear that Clodius was charged with incest and adultery as well as with sacrilege; but possibly those accusations were only parts of the evidence produced against him. Cicero gives a vivid account of the trial. The jury were chosen, and the usual

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2. Plut., Caes. 10 is wrong in saying that Clodius was the victim of tribunician persecution. Zumpt (op. cit., II p. 271) errs in thinking this a general law which applied to all such religious offences.
4. Dio 37-46 says Clodius was accused of a) adultery, b) mutiny at Misilis, and c) incest with his sister. Plut., Caes. 9 gives impiety, incest, etc. Cic. 29 - to the charge of impiety were added charges of bribery, b) fraud, c) corrupting women; cf. Cic. pro Mil. 73; Plut. Lev. 38; Greenidge (op. cit., p. 387 n. 1).
rejections took place, the defence objecting to the most reputable and the accuser the most worthless. When they took their seats even those who believed that Clodius could not be acquitted, began to have their doubts. "There was never a more debased lot seated round the table of a gambling-hell: senators with shady reputations, penniless equites, tribunes who were not so much made of money as collectors of it, as their name implies. Still, there were a few respectable men, and these were disgusted at having to rub shoulders with such a lot." Even so the prosecution routed Clodius's defence, which rested on the alibi that on the night of the supposed offence he had not even been in the city but ninety miles away at Interamna. Cicero testified that he had seen Clodius in Rome; and the defence was unable to make out a convincing case. In order to blacken Clodius's character, Lucullus even produced slaves to prove that the accused had committed incest with his sister, who was Lucullus's wife. The "loyalists" were gleeful when Cicero's evidence visibly confused the defence.

Caesar was called as a witness and declared that he knew nothing about the matter: on being asked why then he had divorced his wife after the scandal, he declared that Caesar's wife must be above suspicion - a reference to the fact that he was Pontifex Maximus. Since Pompey had just divorced Lucia for adultery with Caesar, the coolness of this response is astonishing. Nevertheless the prosecution was still confident of victory. The jury now asked for a bodyguard, and it was assumed that they intended to convict. But Crassus used his influence and his purse to jettison the senate's case. He invited the jurors to meet him and paid a deposit to those who promised to vote for acquittal. Rumour said

1) Cornelius Lentulus Crus (Schol. Bob. p. 330 Or.)
2) Clodius had taken care to remove slaves who could give evidence against him from Rome to the country (Schol. Bob. p. 335 Or.).
that even the favours of certain ladies and youths were used as bargaining counters. When the court met again, the impossible happened. Clodius was acquitted by six votes,\textsuperscript{1} and even his own supporters admitted that the jury had been bought. Catulus sarcastically asked the jurors whether their bodyguard was intended to safeguard their bribes.\textsuperscript{2} Cicero had thought it better to leave Clodius under a cloud than entrust the senate's reputation to a weak jury; and he realised that his concordia ordinum was doomed. "The settlement of the state, which seemed fixed on a secure foundation by the unanimity of all loyalists and the influence of my consulship, has, I assure you, by this one verdict escaped from our grasp", was his comment to Atticus.\textsuperscript{3}

Crassus had been mainly responsible for this blow to the senate; without his assistance Clodius could hardly have escaped condemnation and exile.\textsuperscript{4} Caesar also had refused to bring a charge against Clodius even though he was the wronged husband, because, according to one writer,\textsuperscript{5} he knew that on account of his associates Clodius would not be convicted. Again he refused to give evidence against the accused in order to oblige "the people who were set upon saving him".\textsuperscript{6} Caesar was working with Crassus to

\textsuperscript{1} I.e. 31-25. Therefore the number of jurors was 56. Plut. Caes. 10 says that most of the jurors gave no decision at all. If not, the jury must have been considerably larger. But Cicero's statements are all against this. Zumpt (op. cit. II-2 p. 274) assumes that there were 75 jurors as fixed by the lex Aurelia and that perhaps 40 spoiled their papers but only 19 so completely that none was registered. This is a very forced explanation: cf. Greenidge (op. cit. p. 389 n. 3).

\textsuperscript{2} Cic. Att. I -16: Ascon. p. 49 C: Plut. Caes. 10: Cic. 29: Dio 57-46: Livy Epit. 103: Val. Max. IX -1-7. The difficult passage in Att. I -16-5 has had no satisfactory explanation. Commentators have guessed that "ex Nanneiani illum" refers to one Nanneius whose property was bought by Crassus at the time of the Sullan confiscations and that he gave in the name of Licinius Calvus (i.e. following Nannius). We know, says Tyrrell, (Corresp. of Cicero I to Att. I -16-5) Crassus did buy the goods of one Nanneius, but why "one of the Nanneians"? Boot thought (ed. of Cic.) and Tyrrell agrees that Cicero wrote Greek words in Roman letters. Suggested emendations are - a) callidum illum, laudatorem illum (Tyrrell), b) Calvum ɛλαβε, illum laudatorem meum (Boot), c) ex Nanneian illum etc. (Turnebus). I suspect that the emendation required is one that makes some slighting reference to Crassus as an orator, since that is the point of the sentence.

\textsuperscript{3} Cic. Att. I -16: Cicero succeeded in having Pupius Piso deprived of the Syrian command.
break down the authority of the senate, which had been reestablished in 63 B.C., by fostering dissension in its ranks in order to make cooperation with Pompey impossible. Crassus had sown the seeds of doubt in Pompey's mind, but there was still a danger that Cicero might succeed after all in winning him over to the senate's cause. During the next year Cicero made vigorous attempts to draw Pompey into alliance with the senate, but from the moment Clodius was acquitted the issue was hardly in doubt. Nevertheless, in case of need Crassus determined to use Clodius, who bore Cicero a deep grudge, to keep him in check.

The trial was over by May 61 B.C. and Caesar immediately afterwards went as propraetor to Further Spain. Before he left Rome, however, certain of his creditors had to be satisfied. He is said to have stated that, if he had twenty-five million sesterces, he would be worth exactly nothing. Crassus, who had already lent him very large sums, advanced him a further 830 talents.

1) Deknatel (op.cit. p.51 ff.) thinks Crassus bought Clodius but did not use him immediately, since Clodius went as quaestor to Sicily and Crassus lent him money. Deknatel also says that Crassus bought back Caesar in 62 B.C. after the latter had shown signs of becoming friendly with Pompey. But Deknatel cannot escape from his previous conclusion (see p.127 n.4) that Crassus had been playing for senatorial support.

2) App. B.C. II -8; Plut. Cæs. 11: Crass. 7: Rice Holmes (op.cit. p.239) quotes Appian as saying that Caesar owed 100 million sesterces; actually Appian says 25 million.
gossip said that Caesar neglected his civil duties in Spain in order to win military distinction, 1) But in spite of his short stay in the province - for he intended to be back in Rome for the consular elections of 60 B.C. - he not only proved himself a capable general 2) but relieved the natives from the burdensome taxation imposed upon them after the Sertorian War. 3) The importance of his praetorship lies in the fact that at the age of forty-two he realised his military ability and resolved to exploit it. Less than a year after he had started out from Rome, without awaiting his successor he hurried back to the city to stand for the consularship and to celebrate a triumph. 4)

During Caesar's absence the fate of the government was being decided. The crucial question was whether the senate could overcome its suspicion of Pompey. The latter wished to secure land for his veterans and to have his acta in Asia ratified, both perfectly normal requests. Since he had disbanded his army, he had to rely upon the goodwill of a senator led by Cato and by optimates like Lucullus and Metellus Creticus, who were bitterly opposed to him. He was soon disillusioned: for although he suggested allying himself with Cato through marriage with one of his nieces - an offer which only made Cato the more suspicious 5) - he found the leading senators disinclined to be friendly. The one exception was Cicero, who did everything in his power to bring Pompey and the senate together. Pompey, realising that he needed an eloquent advocate for

2) Dio 37-52: App. B.C. II - 8: Suet. Jul. 18: Dio 37-52 is the only writer to describe this campaign. I do not agree with Rice Holmes (op.cit.p.302) that Dio's account is unintelligible.
3) Cass. Bell. Hisp. 42: Caesar was assisted in reorganising Gades by Balbus, a Spaniard to whom Pompey had given Roman citizenship (Cic. pro Balb. 43: G. Suet. III - 5 - 3): C.A.H. IX p.312 (cf.p.645) - Caesar forestalled his own settlement of the debt problem in Rome in 49 B.C.
4) Dio 37-54: App. B.C. II - 8: Suet. Jul. 18: Caesar sent a large sum of money to the treasury. Undoubtedly he lined his own pockets, but we need not accept Suetonius's suggestion (Jul.54).
5) Plut. Pomp. 44: Cato Min. 30.
his case, now resolved to be more amiable towards Cicero, who
in turn was greatly flattered to hear Pompey nicknamed "Gnaeus
Cicero". 1)

In the early autumn of 61 B.C. Pompey set to work seriously to
overcome senatorial opposition. He had prepared the way by push-
ing Lucius Afranius for the consulship: according to Cicero he
used the means by which Philip of Macedon said any fortress could
be taken, if only an ass laden with gold could reach it. 2)
Cicero had a poor opinion of Afranius and said that, if he were elected,
the consulship would become a farce. The consul, Pupius Piso, was
said to have agents for bribery actually at his house, so Cato and
his brother-in-law Domitius Ahenobarbus brought forward measures
to allow the houses of magistrates to be searched and to have all
who had agents for bribery in their houses charged with acting
against the interests of the state. Both measures were unpopular;
hence the tribune Lurco was relieved from the provisions of the
Aelian and Fufian laws so that he could promulgate a lex de ambitu,
whereby a man who had promised money to the tribes but had not
paid it was liable to a fine of HS 3,000 for each tribe. 3)
The elections were postponed until July 27th; nevertheless Pompey's
candidate and Metellus Celer were elected. 4)

On the last two days of September Pompey celebrated his triumph. 5)

3) Lurco had entered office irregularly in the first place. What his
original offence was we do not know. In this instance he may
have proposed his law between the time of notice of the elections
and the poll. The proposal was not passed: cf. Cic. Att. I -16: 18,
from which it would appear that in spite of senatorial decrees
no law against Bribery was passed. In Att. I -18 Afranius is "a
consul whom no one except us philosophers can look upon without a
sigh."
4) Plut. Pomp. 44: Dio 37-42 says that Pompey had both Afranius and
Metellus Celer elected; but this is surely wrong. Metellus was
said to have turned against Pompey, because the latter had div-
orced his sister Mucia (Plut. Pomp. 42). But Mucia was apparently
II -40; App. Mithr. 116-7: Pliny VI 26 (27) 98: XXXVII: (5) 11:
He followed this display, the most magnificent ever seen at Rome, by pressing the senate to fulfil the promises he had made in its name. But Afranius proved a costly failure; for he could not fight Pompey's battles against hostile elements in the senate. 1) Lucullus and Metellus Creticus both had grudges against Pompey, 2) and they were vigorously supported by Cato. Lucullus succeeded in having his own Asiatic "acta" considered along with those of Pompey, although the latter had annulled them. A further blow to Pompey's pride was the decision to debate these "acta" point by point instead of "en bloc". 3)

Early in 60 B.C. 4) Pompey had the tribune, Flavius, bring forward a magarian bill to provide land for his soldiers. Its terms were far-reaching: clauses allotting land to needy citizens, which were added to secure its easy passage, made it analogous to the abortive Julian law. All lands which had been declared public in the tribunate of C. Gracchus, others confiscated but not allotted by Sulla, the estates given by Sulla to his friends and the ager Campanus were to be used; further land could be bought with the additional revenue brought in by the eastern settlement. 5) The scheme, which would have caused endless complications with existing landowners, was impracticable; and the senate led by Metellus Celer opposed it. Cicero was in a difficult position; he wanted to please Pompey but

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2) *Dio* 37-49 speaks as if this were Metellus Celer. Because of the Pompeian faction Creticus had had to wait for three years for his triumph.
3) *Cic. Att. I* - 12; *Plut. Pomp.* 46; *Cat. Min.* 31; *Dio* 37-49; *App. II* - 9 who says that Crassus cooperated with Lucullus (as does Syme - Roman Revolution p. 33; cf. *Dio* 37-49). Lucullus also had nearly lost his triumph through the opposition of the tribune Memmius.
4) *Cic. Att. I* - 13: the bill seems to have been discussed seriously in March 60 B.C.
5) Pompey brought to the treasury the sum of 20,000 talents, and he increased the yearly revenue from 50 to 35 million denarii. Hence in 60 B.C. the portoria or customs duties at Italian ports were abolished by a bill of Metellus Celer (*C.A. R.* IX p. 511 n. 1 says praetor. Celer was consul; the praetor was Metellus Nepos - *Dio* 37-51).
disapproved of every clause except that which provided for the purchase of land with the Asiatic revenue, and he felt obliged for the sake of the land-owners to speak against the bill. ¹)

Metellus contested it at every point in the senate, and even after Flavius had him put under arrest he continued his opposition. Pompey, realising that he had gone too far, pretended that Metellus had appealed to him and had him released. Later Flavius threatened to have Metellus deprived of his province if he continued his opposition; but without avail. Although the bill was still being discussed in June, it was clearly a failure and was shelved by Pompey. ²)

There was now a complete deadlock between Pompey and the senate. ³)

At the end of 61 B.C. the senate's difficulties were increased by a quarrel with the equites, who believed that the senatus consultum proposing legislation against those who had taken bribes at trials was directed against them. ⁴)

Cicero was very anxious that the equestrians should not be alienated, and although privately he considered that the senate had right on its side, he worked hard to patch up the quarrel. When, however, the business interests championed by Crassus came forward at the beginning of December with the audacious request that the contract they had made for the farming of the Asiatic taxes should be annulled, Cicero began to despair. Much against his will he felt impelled to support Crassus. He saw that the senate was in fact being asked to condone rash speculation but preferred this to the alienation of the knights. After a debate lasting two days only Metellus Celer had spoken against Crassus's motion; and Cicero, although he realised that Cato

¹) C.A.H. IX p.511 - the bill was redrafted at Cicero's suggestion to respect existing tenure.
³) For criticisms of the senate's action in alienating Pompey see - Strachan-Davidson (Cicero pp.169: 183-4: 261); Pelham (Outlines of Roman History p.229).
had yet to speak, was hopeful of seeing it passed. 1) On January
20th, however, the matter was still not settled; for, as Cicero
had feared, Cato had managed to prevent the senate from reaching
a decision. After bewailing the lack of interest shown by the
nobles in politics, Cicero says, "There is one man who does take
trouble, 2) but rather with firmness and integrity than with good
judgement or talent, I think - I mean Cato. It is three months
since he began to worry the wretched publicani, who were formerly
very close friends of his, and he refused to allow an answer to
be given them by the senate. So we are forced to suspend all
decrees on other subjects until the publicani have their reply".3)

Such was the position when Caesar returned to Rome in June 60
B.C. for the elections.4) While he had been away Crassus had
been working hard behind the scenes. There can be little doubt
that he encouraged the senatorial attacks on Pompey. 5) At the
same time he seized upon the grievances of the equites to deal
the death-blow to Cicero's concordia. If he caused Pompey to look
with a more favourable eye upon Cicero, he was not greatly perturb-
ed. Clodius was seeking to become a plebeian in order to be
elected tribune: 6) and by encouraging him Crassus believed that

2) "curet" - or "has the ability to do good" (Rice Holmes).
5) Mommsen (Hist. of Rome IV p.183 Every. Trans.) includes Crassus's
old resentment in the "systematic opposition" which arose to Pom-
pey's requests in the senate. (From Appian B.C. II -97) Perhaps
Crassus was one of the persons "base enough to think that some
misunderstanding could arise between Pompey and me" (Cic. Att. I
-19). That Cicero (Att. I -20) means Pompey by "the other whom
you mention has nothing great, nothing elevated in his nature,
nothing that is not low and time-serving", seems impossible from
the context, although Rice Holmes (op. cit. p.307) interprets thus.
He may have meant Crassus, but whoever it was, it was not Pompey.
Crassus helped Cicero to defend Archias, however.
6) Dio 37-51 has a peculiar version. Clodius (presumably in 60 B.C.)
tried to procure that patricians should be eligible for the trib-
unate. Being unsuccessful he gave up his patrician rank and be-
came a plebeian. He immediately sought the tribunate but was
opposed by Metellus, who stated that his transference had not
been made according to custom (κατά τὸ τέκνα Πέτρου) - the change
could only be made by a lex curiata in the comitia curiata, now
represented by 30 lictors. In Cic. Att. I -18 the tribune Her-
emius proposed a law to authorise the transference of Clodius
(over
he could deal with any danger from Cicero. For the moment he watched for developments from Caesar's candidature.

Caesar did not return from Spain with the intention of entering into negotiations with Pompey; it is most improbable that before the consular elections he considered such a move practical. 1) Caesar and Crassus had striven to keep Pompey and the senate apart. Had they been united Caesar might have found it difficult to use his consulship to further his own ends. Now, however, the way was clear for him, and he possibly hoped for further military successes. The wind, as Cicero remarked, 2) was certainly blowing full into Caesar's sails.

The extremists in the senate tried to treat Caesar as they had treated Pompey. When Cato talked out a motion to allow him to canvass in absence, 3) although there were precedents for such a dispensation, 4) he meekly abandoned his triumph in order to canvass in person. Thereupon his enemies seeing that his election was inevitable tried to ensure that his proconsular province would offer no scope for military glory by allocating "silvae callesque"

6) (contd.) in the comitia tributa. Metellus promulgated a similar bill - though only for form's sake, says Cicero - (in the comitia centuriata). Shuckburgh (Cic. Letters I p.51 n.2) suggests that Herennius wanted a regular lex in the comitia tributa to avoid the necessity of a pontiff and augur. The adopter was to be P. Fonteius, "a very young man". Metellus was still offering "a fine opposition" in June 60 B.C. (Att. II -1). A combination of Cicero and Dio suggests that Clodius was transferred by a lex tributa but the consul kept on refusing his candidature for the tribunate on technical grounds. Cic. de harus. resp. 44-45 states that Metellus refused to allow Clodius's transference and that Pompey backed Metellus up. Clodius had been in Sicily as quaestor (?) and had apparently stated his intention of standing for theaedileship (cf. Cic. Att. II-1; Schol. Eob. pp. 330, 333 Or.); Deknatel (op. cit. p.57) maintains that it was Crassus who pushed him for the tribunate. What Crassus intended, says Deknatel, is unknown, since the attempt was blocked and the triumvirate altered the situation. Plut. (Pomp. 46) has a peculiar version - Pompey after his setbacks looked to Clodius to help him. But his chronology in this chapter is so clearly at fault that he probably mixed up the events of 60 and 58 B.C.

1) See Appendix XI.
2) On Att. II-1.
3) Dio 37.54; App. B.C. II -8; Suet. Jul. 18; Plut. Cass. 13; Cat. Ep. 31.
4) For a list see Drumm. III 1806 p.176.
138.

to the consuls of 59 B.C. Cato and his friends were confident that by this masterstroke they had reduced Caesar, like Pompey, to impotence. 2

Never did the senate make a greater mistake. Caesar always showed great aptitude for turning political situations to his own advantage. Although his manoeuvres during Pompey's absence were apparently unsuccessful, he had emerged from the Catilinarian Conspiracy with his prestige enhanced. After Pompey's return Crassus and he had proved more than a match for their opponents. Now he made his most daring move to checkmate those who were seeking to jeopardise his career. Without more support than Crassus could give him Caesar could not retaliate against his enemies, but if, having alienated Pompey from the senate, he could attract him to his own side he could overwhelm them. The possibility of such an alliance never occurred to the optimates. It was, however, by no means so impracticable as it appeared. Caesar had worked against Pompey, but without giving open offence, and since the overthrow of Catiline he had more than once publicly supported him. A more astute politician than Pompey would have seen through Caesar. Indeed he would hesitated long before entering into an alliance with him, had he not at this moment been smarting under his grievances against the senate. Presumably negotiations went on

1) The exact duties of the official who had charge of silvae callesque are uncertain, but possibly he had to do with deciding cases involving the rights of tenants on state lands; Suet.Jul. 19: Rice Holmes (op.cit. p.474) thinks it unlikely that Suetonius is correct; for if such a province as silvae callesque existed it would be the portion of a quaestor. Willems (Le senat etc. II p.376 n.5) suggests a gloss, but "id est" is against this. Rolfe (Amer. Jour. Philol. XXXVI p.326) thinks it a colloquialism, but the same objection applies. Rice Holmes adds "anyway the provinces in question were outside Italy". On what authority does he say that C.A.H. IX p.513 is more reasonable and is adopted. Mommsen (Hist. of Rome IV p.191 Every.Trans.) gives a similar version - i.e., the provinciae were the construction of roads and other such works of utility.

2) Cato saw the folly of Cato's policy: he sums up the weakness of the latter's attitude to Roman politics in Att. II -1 - "with the best intentions and the highest purpose he sometimes does harm to the state; He speaks and votes as though he were in the Republic of Plato, not in the sink of Romulus".
for some time after the elections; but finally Pompey accepted Caesar's terms as offering the only way of meeting his obligations. In return for the support of Pompey's prestige - and if necessary of his troops - Caesar promised that as consul he would have Pompey's "acta" ratified "en bloc" and would introduce a land law to provide for the veterans.

To induce the equites to support him Caesar decided to include Crassus in his new alliance. Since the latter strongly distrusted Pompey, Caesar needed much tact to make them work together against the common enemy. But he was bound to include Crassus since for several years they had cooperated closely. Caesar realised too that if he had to leave Pompey alone in Rome, Crassus, left out of the alliance, could be a dangerous opponent. Moreover, he owed large sums to Crassus, which he could not have repaid in full even from the proceeds of his praetorship. Thus by promising to rectify equestrian grievances about the Asiatic taxes and by appealing to Crassus's love of power for its own sake, 1) Caesar brought him to see the advantages of working with Pompey and himself rather than standing aloof because of personal enmity.

Caesar also attempted to secure Cicero's oratorical powers for the alliance. He recognised that, in addition to being "persona grata" with Pompey, Cicero had a following of senators with moderate views. Earlier in 60 B.C. Cicero had hoped that he himself might win over Caesar as he seemed to have done Pompey and that the three of them might restore order in the senatorial government. 2)

But, although he was influenced by the charm of Caesar's personality, he distrusted his motives. After some consideration, and realising the implications of this anti-senatorial combination - he was,

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1) Florus IV.12 - Caesare dignitatem comparare, Crasso augere, Pompeo retinere cupientibus, de invadenda republica facile convenit.
2) Cic. Att. II.1 - See C.A.H. IX p.512 for an opinion of Caesar's attitude towards senatorial government at this time.
however, apparently as yet unaware that Crassus was included - he declined Caesar's offer and elected to go his own way.

The name Triumvirate by which this alliance of Caesar, Crassus and Pompey is usually known is a misleading one, since it was a purely private combination intended to secure the advantage, political and financial, of the three and their adherents. It had no elaborate or far-sighted plans for the government of the state but was rather a short-term alliance of convenience. After its immediate objects had been achieved, it remained in existence to oppose the senate and to further the future ambitions of its members. No definite plans were worked out; indeed each of the triumvirs went very much his own way. So loose an alliance had its obvious weaknesses; and these the opposition would naturally try to use for its own advantage.

But Caesar entered upon his consulship well satisfied with his work. His plan to have as his colleague Luceius, who was intended not only to pay the election expenses of both but also to remain discreetly in the background, did not succeed. The optimates raised a common fund, by subscribing to which even Cato was willing to sacrifice his own principles, and by colossal bribery secured the election of an extreme optimat, M.Bibulus.¹) There was trouble ahead; but with the backing of Pompey and Crassus, Caesar prepared to go on with his plans.²)

As soon as the new year opened, Caesar introduced in the senate the land law which he had prepared to satisfy Pompey and the urban populace. He adopted a most conciliatory attitude; but the strength of his position was not yet understood by his opponents, and Bibulus supported by Cato and Lucullus attacked his bill with vigour. Land settlement schemes had not since the days of the Gracchi been popular with the conservatives, but the violent animosity of the die-hard optimates against Caesar made the opposition to his proposal particularly bitter. For a time he persevered; but when Cato, as he had done with Flavius's proposal, tried to talk the bill out, Caesar lost his temper - a thing he did not often do - and threatened him with imprisonment. On reflection, however, he realised that he had adopted mistaken tactics and secretly asked one of the tribunes to call off the lictors. But he gave up his attempt to win senatorial approval for his bill and took it to the assembly. At one of the preliminary discussions Crassus and Pompey were asked to give their approval. Pompey declared that the lex agraria would, if necessary, have armed support; and to emphasise his words he allowed Caesar to intimidate the opposition with a bodyguard of eastern veterans. The intentions of the new alliance were clear to all. Bibulus expecting to checkmate Caesar announced that whenever the assembly met he would by

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observing the skies make the assembly invalid. 1) Caesar ignored this irregular use of the consular obnuntiatio and fixed the day for voting on the bill. Bibulus who was supported by three tribunes 3) stated publicly that he would have it blocked. On voting day there were scenes in the Forum similar to those of three years before when Cato had intervened against Nepos. In spite of his position Bibulus was very roughly handled; and Cato twice had to be removed from the Forum. The bill was of course passed 3) Next day Bibulus tried to have it annulled in the Senate; but the fathers were so completely cowed that he got no support. 4) Caesar insisted, just as Saturninus had done, that all Senators should take an oath to observe his law, and such was the impression he had produced that even Cato after first refusing acquiesced. 5) Unable to meet force with force Bibulus declared that his obnuntiatio had made the bill invalid and shut himself up in his house, from which he issued a stream of proclamations against the triumvirs. 6)

The lex agraria apparently provided for the purchase of land from those wishing to sell. On this were to be settled the surplus city population and Pompey's veterans. No-one was compelled to sell, and the price given was that assessed in the tax lists - probably the censors' rating. 7) Caesar intended to provide part of the money for the scheme from the proceeds of Pompey's eastern wars. But the purchase of land proved more difficult than he had expected; perhaps few landowners were willing to sell at the censors' rating; or the

1) Dio 38 -6;
2) Cic pro Sest. 113; Schol. Bob. p. 304 (Or.): The tribunes were Cn. Domitius, Q. Ancharius and C. Fannius.
4) Suet. Jul. 20: Dio 38 - 6
5) Plut. Cat. Min. 32 says that Cato's imitator, Favonius, continued to refuse. App. B.C. II -12 has an exaggerated statement that Caesar proposed the death penalty for those who refused. Dio 38 -7: Cic. pro Sest. 61;
7) Dio 38 - 1 -3 mentions the assignment of all residual public land except the ager Campanus - and of any private estates which the owners might wish to sell to Caesar's commissioners.
Whatever the reason he came forward at the end of April, 2) with a second and more sweeping proposal. 3) This was nothing less than to take over the ager Campanus and the ager Stellatis for land settlement. The lex Campana could be opposed on more legitimate grounds than the first bill, since it disposed of the greatest and most profitable part of the land which still belonged to the state. Caesar had, however, so intimidated his opponents that the lex Campana was accepted almost without protest. Candidates for office were required to take an oath that they would not attempt to alter the conditions of tenure; although a certain Juventius Laterensis gave up his canvass for the tribunate rather than acquiesce, his seems to have been the only objection. 4)

The conditions of tenure have been disputed. Writers have not made clear whether Pompey's veterans were to be given preference. But since Caesar had formulated his first bill primarily to please Pompey, probably it ensured this; or it may be that the XXviri were instructed to satisfy the veterans first. The lex Campana, however, apparently gave first choice to the fathers of three or more children, and this suggests that only those of Pompey's veterans who could satisfy this condition were considered. 5)

1) Cary (J.P. XXXIV 1920 p. 130) - "The practical failure of his first law compelled him to introduce a supplementary one, the lex Campana; cf. Ferrero (op.cit. I p. 238);
2) C.A.E. IX p. 517 - towards the end of May?
3) For the questions connected with Caesar's agrarian legislation see Note I.
4) Cic. Att. II -18
5) Cicero (Att. II -16) thinks the ager Campanus will only provide for 5,000 at 10 ingera a piece. App. B.C. II -10 says that the Campanian land was reserved for the fathers of three or more children and that 20,000 immediately came forward; cf. Suet. Jul. 10: Vell. II -44: Cary (op.cit. pp. 174-90) interprets Cic. Att. II -16 to mean the ager Campanus in its narrower sense i.e. the former municipal domain of Capua, and suggests that Caesar introduced this second bill because the equites, who had speculated in land, demanded higher prices than he would pay. This would account for the hostile demonstrations of the knights in July. He thinks (cit. p. 183) it impossible that Pompey's veterans could have three or more children.
ten years later some of the tenants were these soldiers. 1)

A board of twenty was appointed to manage the scheme, and naturally Crassus and Pompey accepted seats, 2) but Caesar himself refused in order to avoid any suspicion of jobbery. His precaution did not, however, prevent rumours of peculation. 3) The Vataire on which Cicero was offered and declined a place, 4) was probably an ornamental board of which neither Crassus nor Pompey was a member.

Caesar himself presented the agrarian laws to the assembly, but much of his legislation he entrusted to the tribune, P. Vatinius. 5) The order of events in this year is uncertain. 6) No doubt Caesar hastened to fulfill his obligations to Crassus and Pompey. The eastern acts were ratified by the assembly en bloc. 7) When Lucullus objected he was threatened with an action, presumably for peculation during his own eastern campaigns, 8) and, whether or not his conscience was clear, he quickly subsided. 9) The concilium plebis appealed the equites by reducing the amount they had contracted to pay for the farming of the taxes of Asia by a third. They were, however, warned not to expect further

1) Caesar, B. C. I. 14.
2) Dio 38.1; Cic. Att. II. 9 speaks of immense sums of money handled out by the IIIvirii to a small coterie; these were almost certainly funds given to the XXvirii for the purchase of land; cf. in Vat. 36;
3) Cicero - if de domo is genuine, as seems probable - hints that Caesar was aware of the peculation, since he accused Vatinius with Clodius of handing over a very large sum to Gabinius on his departure for Syria. Rice Holmes (op. cit. p. 323n) thinks it most unlikely that Cicero would have made such a charge unless there had been some truth in it but that on the other hand Caesar would not allow his scheme to be wrecked in this way. He inclines towards the view of Reid (Hermapethena XIII 1915 p. 384) that all Cicero's exaggerated language means is that, if Gabinius got all the money Clodius professed to give him, the colonists would have suffered.
5) For Cicero's account of Vatinius's violent tribunate see in Vat. 21 ff.; in 38 he infers that Caesar had bribed Vatinius.
6) See Note H.
7) Poscock (C.Q. XIX 1925 pp. 16 ff. : Commentary to Cicero's 'In Vatinium' pp. 161 ff.) shows there is much probability that Pompey's acts were ratified by a lex Vatinius rather than by a lex Julia; cf. C.A.H. IX p. 518;
9) Bell Alex. 68; Plut. Pompl. 48; App. B. C. II. 46; Dio 38.7; Vell. II. 44;
similar favours. Three years later Cicero accused Vatinius of having taken money from the financiers, and some have seen in his words an indirect attack on Caesar. Inconclusive as his words are, it is quite possible that both profited from the favour they had done the equites; 1) that Crassus strengthened his hold over the business men by this transaction is clear.

It is certain that Ptolemy Auletes had to promise the triumvirs six thousand talents 2) to be recognised as the rightful king of Egypt and as "friend and ally of the Roman people". Accounts vary as to the sum Auletes eventually paid; but his unfortunate people preferred to expel him again rather than contribute to the coffers of the triumvirate. 3) It would be interesting to know the amount by which Crassus increased his fortune as a result of these two transactions.

But of all the Julian-Vatinius measures - and by no means all were intended merely to satisfy the triumvirs 4) - the one which

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1) Cic. pro Flanc. 35: App. B.C. II 47-8; Suet. Jul. 20: Dio 38-7. Cic. In Vat. 29 seems to mean that Vatinius cheated both Caesar and the tax collectors. Reid (Hermathena XIII 1905 p. 373) infers that part of the sum remitted went to Caesar and Vatinius. Rice Holmes (op. cit. p. 323 n. 1) says - "Vatinius could afford to stoop to such a job. Could his master?" Quite easily, I should say. Serrero (op. cit. I p. 286) suggests that "the publicans allotted Caesar a large number of shares in the company". C.A.H. IX p. 618 thinks there is no evidence to show that Caesar benefited. B.T. Sage (A.J.P. XXXIX 1918 p. 372) thinks both measures were passed early in the year. Rice Holmes doubts whether the knights would have demonstrated against Caesar in July if he had already placed them under an obligation. But see Note K.

2) He was recognised by decree of the people.

3) Cass. B.C. 117: Cic. pro Rab. Post. 6: Dio 39-12: Plut. Caes. 49 relates that in 48 B.C. HS 70,000,000 (c.f. $700,000) which Ptolemy owed Caesar were unpaid. Suet. Jul. 54 says that Caesar took nearly 6,000 talents ($1,444,000) for himself and Pompey. Perhaps some of the money was that demanded by Gabinius in 55 B.C.; cf. Cic. in Pis. 49: pro Rab. Post. 50: Dio 39-56. Long (Decline etc. V p. 241) thinks the transaction too shady for Caesar, and suggests that Ptolemy undertook to pay 6,000 talents into the treasury. But Cicero hints that Caesar - and Vatinius for him - sold honours to other foreign princes - pro Sest. 66: in Vat. 29 - probably partly in connection with Pompey's eastern settlement.

4) I.e. the publication of the proceedings in the senate and the assembly (see Rice Holmes op. cit. p. 319; cf. Cic. pro Sull. 40: de dom. 50); the lex Rufia which provided that the jurors should record their votes separately in criminal trials (Dio 32-5; Rice Holmes op. cit. p. 319); the lex Julia to check extortion in the provinces - among other things it forbade governors to leave their provinces - which Gabinius did in 55 B.C., presumably with Caesar's knowledge (Cic. pro Sest. 136: pro Rab. Post. 8: Fem. VIII-8;
had by far the most influence on future events was the 'lex Vatiniia de Caesaris provincia'. This was probably passed during the summer.\(^1\)

In 60 B.C. the incursions into Gaul of the Helvetii and the German chieftain, Ariovistus, had caused a situation serious enough to make the senate send the consuls to the Cisalpine and Transalpine provinces.\(^2\) Although the danger had somewhat abated,\(^3\) a year later Caesar decided that Cisalpine Gaul\(^4\) would afford him an excellent opportunity to win military distinction, and he commissioned Val- tinus to carry through the assembly a law giving him this province in much the same terms as those on which Pompey had gone to the east. The lex Vatiniia conferred on Caesar for a period of five years from March 1st 59 B.C. \(^5\) the province of Cisalpine Gaul with Illyricum, control of three legions and the right to nominate his own legati.\(^6\) Why Illyricum was included is not clear, since this loosely-defined area seems usually to have been joined to Macedonia. Perhaps originally Caesar intended to campaign in what were afterwards the provinces of Rhaetia, Noricum and Pannonia. But if he

\(^{1}\) (contd.) Att. V -10; 16; in Vet. 29; in Pison. 50; 90; Dig. 48 -11 -6 -1; 22 -5 -15; Greenidge Legal Procedure etc. p.483: Rice Holmes op. cit. p.320 n.1)

\(^{2}\) See Note H. p.397.

\(^{3}\) Caes. B.C. I -11 -10; 12; 40 -3; Cic. Att. I -19;

\(^{4}\) Cic. Att. I -19: 20: Pompey and Cicero were excluded from the commission sent to Gaul to examine the situation. According to Cicero Metellus Celer was not pleased when this improved, as he wanted a triumph. C.A.H. IX p.548 - Afranius was allotted the Cisalpine and Metellus the Transalpine. If this deduction is made from Cic. Att. II -19 and 20, there is no indication that this was so except that Metellus hoped for a triumph, which he could get as well from the Cisalpine. But although Cicero does not say so, Metellus must have got the Transalpine; cf. p.109 n.2.

\(^{5}\) Sisamni in C.A.H. IX p.549 suggests that the Cisalpine and Illyricum were chosen because Afranius, an adherent of Pompey was in command of them and there would be no difficulty about their transference.

\(^{6}\) I can suggest no satisfactory reason why this date was chosen. The intention may have been to allow Caesar to stand for the consulate for 55 B.C., but this is not convincing. C.A.H. IX p.519 suggests that Caesar could by the existing arrangements expect to stay in Gaul until the end of 54 B.C. But this does not explain why March 1st was chosen. See Appendix XIV.

\(^{7}\) A privilege accorded to Pompey in 67 B.C. Bibulus, of course, watched the skies on this occasion, and like the rest of the Vat- tinian laws it was technically illegal.
Caesar saw his opportunity to extend the Roman sphere of influence far beyond the Alps, and Pompey persuaded the senate to give him this province also with a fourth legion. The senate in turn either decided to make the best of the situation or thought that, if he were in Transalpine Gaul, Caesar would be less able to dominate Rome.

During this year also Caesar's daughter Julia married Pompey and Ariovistus was given the title of Friend of the Roman People, both of which events were probably connected with Caesar's new scheme. The marriage was intended to cement the alliance between Caesar and Pompey, and the honour was granted to Ariovistus to placate him until Caesar was ready to turn him out of Alsace.

Caesar was allowed either by the lex Vatiniia or by a supplementary law to settle colonists with the ius suffragii at Comum and

1) See Note H, P. 397.
2) Cic, de prov. Cons. 42; in Vat, VIII -3; Plut. Pomp. 44; Caes. 14; Cat, Min. 33; Suet. Jul. 22; App. B.C. II -13; Vell. II -44-5.
3) The marriage was arranged by May 59 B.C. (Cic, Att. -17) Plut. Caes. 14; Cat. Min. 33; Suet. Jul. 22; App. B.C. II -14: Dio 38-9 (who mindates); Vell. II -44 -5; Flor. II -13.
4) Caes. B.C. I -33; 43; Plut. Caes. 19; Dio 38 -34; R. Holmes (Caesar's Conquest of Gaul p. 40): it is not likely that Ariovistus received the title in 59 B.C. Sands (Client Princes of the Roman Empire p. 138) thinks Ariovistus paid Caesar for the privilege, but there is no evidence for this. C.A.H. IX p. 548 -"the motives which prompted this move are obscure. Caesar must have thought it worth while to conciliate Ariovistus and to secure his neutrality, if not his active support. At first Roman statesmen seemed ignorant of the interests at stake". If this was so then Caesar's designs on Gaul did not take shape till he had arrived in his province (C.A.H. p. 549). But could he afford to regard the position of Ariovistus with equanimity in 59 B.C., even if he had no idea of a large-scale conquest? Klotz (Neu. Jahrb. f. klass. Alt. XXXV 1912 p. 602) thinks Caesar originally intended to stay near Rome as Pompey did in 55 B.C. But see Cic, Att. VIII -3; Suet. Jul. 22; Dio 38 -8. In Transalpine Gaul Caesar had only a general imperium which must be prorogued from year to year (Homm. Staater. I p. 548).
5) Was Novum Comum a Latin (Reid - Municipalities of the Roman Empire pp. 76 ff.) or a Roman colony (Hardy - Some Problems in Roman History pp. 127 -148)?
probably elsewhere? in Transpadane Gaul, a concession for which Crassus had fought unsuccessfully six years before. At first sight it might appear that Caesar had the best of the bargain with his partners. But in 59 B.C. there was nothing to show that he would be able to make the same use as Pompey of his extraordinary command. Cicero is often a bad judge of the political situation, but his letters of the year probably reflected public opinion, and in them he gave the lex Vatinia only cursory mention. Pompey was acknowledged a military genius before the passing of the lex Gabinia: Caesar on the other hand was a comparative novice who might - the optimates hoped he would - prove to have bitten off more than he could chew. It took Rome three years to realize exactly what the Gallic command meant, and it was left to later writers to see the significance of the 'lex Vatinia de Caesaris provincia'.

Some time in the late summer occurred the mysterious Vettian affair. Vettius, a professional informer, who had tried to incriminate Caesar in the Catilinarik Conspiracy, told young Curio that he was resolved to assassinate Pompey. Curio told his father, who in turn told the senate. In the Curia Vettius charged Bibulus with having sent him a dagger - a statement which was received with amusement. Vettius was easily proved to have lied and was

1) Why were the Transpadanes not enfranchised in 59 B.C., since both Caesar and Crassus had pledged themselves to their cause? Hardy (Some Problems etc. p. 124) suggests that "as governor of Gaul during the next five years Caesar would have every opportunity of safeguarding the interests of the towns, and the confidence inspired by his known sympathy would effectually stop the recent agitations in the country. He may even have thought that the Transpadanes could be more depended upon while still expecting a favour then after having received it". For another view see Reid (Municipalities of the Roman Empire pp. 76 ff.).
2) See C.A.R. IX p. 519
3) See C.A.R. IX p. 519
4) August or September? Cic. Att. II - 23 was written in late August and II - 24 before the elections (See Oct. 18th)
6) His object was money - praemia amplissima (Cic. in Vat. 26);
7) Vettius passed on the role of ringleader to Curio! Under his original instructions?
immediately arrested. On the following day Caesar produced him in the forum where he gave a different list of conspirators. The name of M. Brutus, the son of Caesar’s mistress, Servilia was significantly omitted; but there were now included L. Lucullus, L. Domitius, and even Cicero himself, none of whom had been mentioned in the senate. Vettius’s new story was so incredible that he was once more imprisoned to await his trial de vi. But a few days later his body, with obvious marks of foul-play, was found close to the prison, and all chance of reaching the truth was lost.

Cicero, or his informant, believed that the whole story was trumped up and perhaps suspected that young Curio was meant to be implicated. The erosion of Brutus’s name pointed clearly, he thought, to the man behind the scenes, and in 56 B.C. he accused Vatinius of being had Vettius murdered in prison to prevent his evidence from being proved false. Since Vatinius had collaborated closely with Caesar in 59 B.C., the accusation had startling implications. Possibly Vatinius, and not Caesar, produced Vettius on the Rostrum and pretending to take him seriously called for a special enquiry into the actions of the accused, who were — according to Cicero — Brutus, Lucullus, the elder Curio, Domitius, Lentulus and L. Paullus. In his letter, which was written after he had heard a hasty second-hand account of the fact, he probably meant that Caesar had Vettius

[1] before one Crassus Dives — not the triumvir. It is doubtful whether Crassus had this cognomen; see p. 191. [2] Probably the Crassus Dives mentioned here is referred to in Vat. Max. VI -9 -12 Quid Cesas nomem pecuniae magnitudo locupletis nomen dedit; sed idem postea impia turpem decororis appellatio nem infusiit? Probably he was one of the praetors for this year. For Licinius who bore this cognomen see Appendix I Table. [3] Cic. in Vat. 10; pro Sest. 132; Plut. Luc. 42: Suet. Jul. 17: 20; App. B.C. II -12: [4] Cic. Att. II -24: [5] Cic. in Vat. 10; 24 ff.; Schol. Bob. p. 320 (Or.); [6] The In Vatinius is a curious document; Cicero attacks Vatinius violently but refrains from mentioning Caesar; and on one or two occasions he even tries to dissociate Caesar from Vatinius’s actions in 59 B.C. The whole is not one of his more successful speeches. For an account of Vatinius’s career see Pocock (Commentary to Cicero’s ‘In Vatinius’ pp. 29-44):
[7] L. Aemilius Paullus was consul in 50 B.C.; in 59 B.C. he was in Macedonia as quaestor.
introduced to the people by Vatinius, not that he did it personally; for otherwise he could hardly accuse Vatinius in a public speech of being responsible. But if he knew the truth, his violent attack on Vatinius was not likely to contain it. Certain facts, however, are significant. On May 13th Bibulus had informed Pompey that there were rumours of an attempt on his life and had been duly thanked. Again, Curio, in whom Vatinius chose to confide, was very popular about this time because of his opposition to the triumvirate. Pompey was at least trustworthy and the most impressionable member of the Senate. The unpopularity of the triumvirate, which reached its peak in the summer, was thought to be making him wavering.

Vatinius was certainly bought by someone. The suggestion that he went to play the part of the Roman Titus Oates is unsatisfactory. If so, why did he approach Curio who might be expected to sympathise with a plot to kill Pompey? If Vatinius's story in the senate was fantastic, his revised version in the Forum was even more so. He was

Our authorities make various guesses at the identity of the power behind the scenes. Plutarch (Luc. 42) thinks it "evident" that Vatinius had been suborned by the Pompeians in order to discredit their opponents. Did the Pompeians differ at this stage in any way from the general body of supporters of the triumvirate? Suetonius (Jul. 17: 20) - Caesar bribed Vatinius, and after the latter's accusations had made no impression had him poisoned, since he despaired of the success of his scheme. But what about Curio? Again, if Caesar was responsible for Vatinius's list of names in the first place, could he not have been more consistent? Appian (B.C. II -12) mentions Bibulus, Cicero and Cato. There was a plot to kill Caesar (!) and Pompey. Caesar asserted that Vatinius was killed by those who were afraid for his evidence on trial. There is no mention elsewhere that Caesar was to be a victim, and therefore the story is most doubtful. Dio (38-9) - Vatinius was commissioned by Lucullus and Cicero (!) to kill Pompey, who had been named by Bibulus. If anything this is more incredible than Appian's version, Cis. Att. II -24;
Cis. Att. II -19; 21;
Cis. Att. II -21, Att. II -23 written in July or August declares that Pompey had confessed to Cicero his dissatisfaction with his position and his desire for a way out - which Cicero frankly says cannot be found. Cicero, more than anyone, would have jumped at an opportunity of separating Pompey from Caesar and Cæsareus, and his remark is a testimony to the bonds which were to hold Pompey until 56 B.C.
almost certainly murdered to prevent awkward disclosures - but by whom?

It is possible that Caesar, annoyed with Curio and troubled by signs of back-sliding in Pompey got Vatinius to hint to Vettius that he would be well rewarded if he first pretended to Curio that he was plotting to kill Pompey and then turned state-evidence against him. Caesar hoped that because of his hostility towards the triumvirs Curio would hesitate before divulging his information. Thus, if Vettius implicated him in the senate, he would be caught either one way or the other. The scheme failed because Curio, either ingenuous or suspicious, told his father and thereby the senate. Vatinius had not given Vettius any instructions to guard against this eventuality. Whether or not the omission was deliberate is uncertain; but after what had happened during the Catilinarian troubles Caesar was perhaps not unwilling to see the informer hoist with his own petard. Vettius tried to extricate himself by doing what he thought would serve his employer's purpose best and made Bibulus the ringleader of a plot which included certain of Caesar's leading opponents. He was imprisoned, but Vatinius produced him in the Forum in order to blacken Caesar's enemies. This explains why Brutus's name was hastily removed from the list of suspects. Although Caesar could not have expected that Vettius would be taken seriously, to give weight to his disclosures he had Vatinius propose forming a special commission to examine the charges against Bibulus and the rest. Vettius had to be removed. Perhaps Caesar overlooked the danger to himself if Curio did not take the bait; perhaps he began to realise that his hireling would not stand up to cross-examination. But it is most unlikely that he had any qualms of conscience over the death of Vettius, an unpleasant creature and one against whom he had a long-standing grudge. That
Caesar's confidence seems certain since the affair has many points of similarity with the intrigues which the pair had carried on in the sixties. 1) Whether or not Caesar was behind the Vettian affair, there is no doubt that during the summer the triumvirate had been unpopular. Edicts directed at each and every member of the alliance continued to pour from the house of Bibulus. Pamphlets were published by Scribonius Curio and other leading optimates; even Varro, who had accepted a position with the XXViri, 2)

1) Among suggestions from modern scholars are: - Long (Cic. Orat. IV p.19) thinks Cicero is lying one way or the other. Rice Holmes (op. cit. p.431) says that Cicero told Atticus the truth as he knew it, and anyway, he could not attack Caesar in his speech. He remarks that the removal of Vettius would not worry Caesar's conscience. Merivale (History of the Romans under the Empire I p.137) thinks there was a plot among 'some violent young nobles': if prompted by the triumvirs it could not have included Brutus. Tyrrell (Cicero's Letters I p.320) thinks the inclusion of Brutus finesse on Caesar's part. Rice Holmes (cit.) rightly points out that it was peculiar finesse to remove suspicion one day by including Brutus and to attract it the next by erasing his name. Tyrrell (cit.) agrees for the most part with Merivale but immediately afterwards attributes the story to the triumvirs 'who wished to get rid of some of the leading optimates. Rice Holmes merely says that there is not enough evidence to incriminate Caesar. Earlier, however, (p.324) he had suggested that 'if Cicero knew and told the truth, the plot was a scheme to discredit Lentulus and secure the election of Piso and Gabinius'. It is quite possible that Caesar had at the back of his mind the possibility of stirring up feeling against the optimates at the forthcoming elections. Meyer (op. cit. p.87 n.1) thinks it naive not to assume Caesar's guilt. C.A.H. IX p.521 - Caesar was not the 'agent provocateur': for he would have coached Valerius better. We cannot give an equally clear discharge to Valerius, whom Cicero afterwards accused roundly. On the other hand it is possible that Vettius, like Titus Cates, did not stand in anyone's employ, but invented the plot as a private speculation, in the hope of securing a good price from the triumvirs for inside information. The origin of Vettius's romance and the manner of his death are still unsolved problems. Pocock (Comm. to Cicero's In Vat. pp.83-5) - the entire plot originated in the tortuous mind of Vettius, and both parties were ever ready to believe the worst of the other. Not much ingenuity was required to invent a story: the air was thick with plots to murder Pompey (cf. Cic. post red. in sen. 33: pro Sest. 41: de dom. 129: de harus. resp. 49: Q. F. II -3). The inconsistent evidence of Vettius before the senate and his lies at the contio are good enough evidence that he was inventing the whole tale. There is no proof that he was doing so at the instigation of the Caesarians. The mysterious death of Vettius is puzzling (cf. Sir Edmund Berry Godfrey): if he was murdered it is as probable that it was at the instigation of some optimates fearful of the damage he might do (cf. Att. II -34: in Vat. -26) as that it was an artistic touch on the part of Caesar to cast suspicion on his enemies, or to the fear of Valerius that Vettius might discover his own intrigues (in Vat. -26).

2) Res Romanae I -2 -10; Pliny N.H. III -52 (53) 176;
conceived the 'Three Headed Monster'. 1) Pompey was painfully
conscious of his unpopularity and, according to Cicero, was waver-
ing in his support of the triumvirate. 2) But perhaps Cicero saw
only what he wanted to see in this and in his account of the feeling
against the triumvirate. Bibulus announced that the consular elections
would be postponed till October 18th. If Cicero's picture was the
time one, it would surely have been in the optimum interest to fix
the elections while the triumvirate was most unpopular. Nevertheless
Caesar grew impatient 3) and tried, apparently unsuccessfully, to
invite the populus against Bibulus. 4) Popular resentment must,
however, have died down by October, since supporters of the alliance,
A. Gabinius, Pompey's old lieutenant, and L. Calpurnius Piso, Caesar's
new father-in-law were elected consuls for 58 B.C. 5)

But more ominous was the election to the tribunate of P. Clodius.
His first attempt to become a plebeian in 60 B.C. had failed 6)
through lack of influence. In 61 B.C. Crassus had helped him, 7)
but this time he saw no reason to intervene. Although Cicero was
will aware of Clodius's hostility towards him, he did not believe
that he had anything to fear. 8) Early in 59 B.C., however, Cicero
himself inadvertently brought Clodius within easy reach of his
objective. While defending Antonius, who on his return from Maced-
now had been prosecuted by Caelius Rufus 9), Cicero offended Caesar

1) Appian (B.C. II -8) refers this to 60 B.C., but 59 B.C. is a more
probable date: cf. Meyer (op. cit. p.80) ; Rice Holmes (op. cit.
p.322 n.3).
2) That Pompey and Crassus were still on far from friendly terms may
be gathered from Cic. Att. II -21, where he says that Crassus was
gloating over Pompey's discomfort.
3) Cicero says (Att. II -19) that the triumvirate threatened to repeal
the corn law and to deprive the equites of their privileged seats
in the theatre. According to Appian (B.C. II -13) Caesar took
care to provide shows for the populace. Did he himself pass a corn
law - cf. Plut. Caes. 14?
5) In April Cicero wondered whether Pompey and Crassus or Servius
Sulpicius and Gabinius would be consuls (Att. II -5).
6) See p.136 & n.6.
9) Livy (Spit. 103) says Antonius was in Thrace. Dio (38 -10) says
Antonius was prosecuted for being concerned in the Catilinarian
Conspiracy; but see Cic. pro Cael. 15: 78; Long (op. cit. p.411):
Schol. Bob. p.229 (Gr.). Pocock (Comm. to Cicero's In Vat. 27
commentary) - from Dio and Schol. Bob. - neither of which are

(over)
by incautious comments on the state of public affairs. 1) He afterwards protested that Caesar had been misinformed, 2) but nevertheless less than three hours after his speech Clodius became a plebeian, and his path to the tribunate lay open, 3) At this stage Caesar did not think it would be necessary to remove Cicero, but his warning was none less plain. Cicero was a little perturbed but not alarmed by the move. He was confident of his ability to defeat Clodius in any battle of words, and his confidence in Pompey was such that he did not take seriously Clodius's threat to prosecute him for his action against the Catilinarians. Although puzzled by Pompey's support of Caesar in transferring Clodius he did not connect this with the plans of the triumvirs. 4) Doubtless Pompey was argued into giving it: Crassus in particular pressed for the adoption of Clodius to safeguard the alliance against hostility in the senate, 5) and after the trial of Antonius Caesar sympathised with this point of view. Crassus promised to manage Clodius and assured Pompey that he would be used against Cicero only as a last resort. Confident that the necessity would not arise Pompey allowed himself to be persuaded. 6)

3) (contd.) accurate - we may assume that he was accused of maiestas during his tenure of imperium, and charges of extortion and complicity with Catiline were thrown in. C.A.B. IX p. 555 n - Antonius only underwent one trial (Drummam I p. 558 says he was tried twice in one year) and that for maiestas. But the evidence points equally well to extortion.

1) Cic. pro Cael. 47; Suet. Jul. 20; Dio 38-10; App. B.C. II -14 (chronology very inaccurate): Plut. (Cat. Min. 33; Caes. 13) fails to take any account of the time which elapsed between Clodius's transference and Cicero's exile.

2) Cic. de dom. 41.

3) Caesar acted as Pontifex Maximus and Pompey attended the ceremony as an augur. The 'father' was younger than Clodius himself, one Fonteius (Cic. de dom. 41; de prov. cons. 45-6; Att. II -2; 7; 12: Dio 38-10). From Cic. Att. it is clear that Clodius was transferred by April 19th, and since the Antonius trial took place early in the year, we may assume that the transfer was made in February or March. See Sage (A.J.P. XXIX 1918 pp. 367 ff.):


5) Cic. Att. II -22 is a strong indication that Crassus had been greatly in favour of Clodius's transference.

6) Tyrrell (op.cit. on Att. II -12 - negat illi Publifum plebeium factum est - suggests 'so they do not deny the legality of the form of adoption' and refers to de dom. 39. The rumour that Atticus repeated could not be true if illi were the IIIvirs. The words following, however, suggest that Clodius was responsible for the story. See p. 155.
During the rest of the year Caesar used various baits in an attempt, if not to attract Cicero to the triumviral cause, at least to keep him from joining the senatorial opposition which was bound to arise when he himself left Rome. In the summer months Cicero mentioned that he had been offered a libera legatio, 1) a position as one of Caesar's legates in Gaul and a place on the board of land commissioners. The first he apparently accepted but refused to use; 2) the second attracted him more, but no doubt his love of city life made him decide to decline it; 3) the third he turned down on the ground that it would mean political extinction, and - although he did not say so - because he disapproved of Caesar's Campanian law. 4) He did not think he needed Caesar's protection against Clodius. 5) The elections were now at hand, and Clodius with a view to winning votes stated his intention of attacking the triumvirates and allowed his supposed hostility to the Three to be bruited round the city. 6) At first sight it might seem surprising that Caesar allowed Clodius to act in this way. 7) As yet, however, he was connected with the triumvirates only through Crassus. 8) These

1) Cic. Att. II -5 indicates that the triumvirs contemplated sending Cicero to Egypt - or perhaps Cicero would have liked this embassy.
2) Cic. Att. II -18; 19;
3) Cic. Att. II -19; de prov. cons. 41; Plut. Cic. 30 - Caesar was so annoyed with Cicero for refusing this that he drew Pompey off from Cicero's side.
4) Cic. Att. II -19; de prov. cons. 41;
5) Cic. Att. II -9 - Cicero clearly had no reason to believe that his removal from Rome was contemplated at this point.
6) Cic. Att. II -8; 12; 15; 22. Some of Cicero's statements rested on rumour and gossip as he himself admits, but there must have been some ground for the belief.
7) Dio 38-14:
8) As early as April 59 B.C. Cicero says Clodius had been offered a legatio to Armenia (to congratulate Tigranes on entering upon his new kingdom of Gordiene and Sophene; cf. p. 212) - a job for a post-boy - while the one he really wanted and had been promised he did not get. Cicero bases his conclusion - that the triumvirs placed no high value on Clodius - on rumour. At this time the use to which Clodius was afterwards put had not occurred to him(Att. II -7). Tyrrell (op.cit.) thinks that the triumvirs were resolved on the temporary removal of Clodius "hoping that they might thus win the unconditional adherence of Cicero". Cary (C.A.H. XX pp. 522-3) seems to be wrong about the Armenian embassy. In Att. II -7 Cicero points out that Clodius was not given a place on the land commissions. But did he want this?
attacks, which were partly intended to deceive Cicero, are a proof that, if Clodius was intent on revenge, Crassus also had not forgotten a grudge against Cicero which dated back to the Catilinarian Conspiracy and was determined that Caesar should not shield him. Cicero was undoubtedly taken in by the manœuvre and believed that at the worst he could deal with Clodius alone. Pompey thought Cicero had nothing to fear: Cicero himself was apprehensive but confident that Pompey meant to stand by him.\(^1\)

About the end of July Cicero's confidence was shaken by a rumour that Crassus was pressing Pompey to abandon him to Clodius.\(^2\) Thereafter he began to distrust Pompey's reassurances. His misgivings increased when popular antagonism to the triumvirate came to nothing,\(^3\) and when Pompey after all did not leave the alliance. He now realised that Clodius's attack would be more serious than than he had anticipated, but he comforted himself with the thought that he could rely on the support of all who had helped him in 63 B.C.\(^4\) Meanwhile Crassus convinced Caesar of the danger of leaving for Gaul while Cicero remained in the city to encourage the opposition. To keep the forces of reaction in check it was essential, he argued, to remove not only Cicero, the orator of the conservative cause, but also Cato, its most stubborn champion. Pompey unwillingly realised the force of Crassus's arguments and, albeit reluctantly, abandoned to Clodius the man who had done so much to enhance his reputation.\(^5\)

\(^1\) Cic. Att., II -19: 22;  
\(^2\) Cic. Att., II -22. The sentence - Puto Pompeium Crasso urgente si tu aderis qui per \(\text{ποτέ} \text{πότερ} \) ex ipso intellegere possis qua \(\text{ψίδε} \text{ψίδε} \) ab illis agatur nos aut sine molestia aut certe sine errore futuros Tyrrell translates - 'I think that if you are here while Crassus is egging on Pompey against me etc., and ipso by Clodius. As a v.l. he suggests 'Pompeium a Crasso urgeri: at si etc.', which is quite feasible.  
\(^3\) Cic. Q.F. I -2 -16;  
\(^4\) Cic. Q.F. I -2;  
\(^5\) Pocock (Comm. to Cic. In Vat. p.23) - there is much evidence to suggest that Pompey never really desired Cicero's banishment but yielded to the pressure and intrigues of his associates (Cic. Att. II -19: 20; 21: 22: 23: 24: X -4: pro Sest. 41). He realised that it had been a trick scored against him (Cic. Att. II-19).
Cicero's treatment demonstrated to the opposition that even personal friendship would not be allowed to interfere with the interests of the triumvirate. Several attacks were made on Caesar towards the end of his consulship. Two praetors, Memmius and Domitius, contested the validity of Caesar's acts, and a tribune, Antiochus, even gave notice of his intention to prosecute the consul himself. As an earnest of what Caesar could expect, his quaestor was threatened with an action. But the praetors and tribune by striking too soon only embarrassed the senate; for when Caesar, whose army was in the vicinity, asked for a pronouncement upon these charges, it hastily dropped one and accepted on the other a decision of the tribunicii college that Caesar's position made him immune from prosecution. These small clouds threatened a storm to come unless his opponents could somehow be checked, and he was the more ready to accept Crassus's suggestion and use Clodius as a counter-weapon. The triumvirs now resolved that the new consuls and Clodius should launch a strong attack on the optimates. They thought neither Piso nor Gabinius bold enough to deliver a frontal attack but no scruples would prevent Clodius from backing his tribunicii authority with force to achieve his end. Caesar's consulship had reduced the opposition to impotence; Clodius's tribunate was intended to keep it in that state.

Clodius began to act as soon as he took office. On the last day of December 59 B.C., when Bibulus rose to make his farewell speech to the assembly, Clodius followed the example of Metellus Nepos in 68 B.C. by interposing his veto. At the beginning of the new year he brought forward four proposals, all designed to weaken

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1) Cic. in Vat. 15; Schol. Bob. P.317 (Or.); pro Sest. 40; Schol. Bob. 237; Suet. Jul. 23;
2) Suet. Jul. 23;
3) Suet. Jul. 23;
4) See C.A.H. IX pp. 522 ff.;
5) Dio 38-12;
senatorial opposition and to pave the way for his long contemplated attack upon Cicero. First of all he went much further than Cato had done in 62 B.C. by distributing corn free to all who cared to apply for it. This law, intended to increase his popularity with the proletariat, actually completed its pauperisation. Connected with this lex frumentaria was a second lex Clodia removing the ban on the collegia, which had been enforced since the troubled month of 64 B.C. As a result new associations sprang up, whose members included the most worthless of the city populace and whose primary function was to provide bodyguards for any demagogue who liked to engage their services. The riots which became more and more frequent during the next few years were principally due to this lex Clodia de collegiis. These bodyguards must have been expensive to maintain, but behind Clodius were the money-bags of Crassus. Clodius's third law was calculated not only to weaken the senate but also to strengthen his own position and that of supporters of the triumvirate. It enacted that no future censors might remove from the roll the name of any senator except after a trial by both senate and people.

The fourth Clodian law was intended to remove the obstacle of the lex Aelia Fufia which Bibulus had tried unsuccessfully to place in the way of Caesar's legislation. The attempt to enforce it had

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1) See p.119 n.4.
2) Cie. pro Sest. 55; Ascon. p.8 C; Dio 38-13. This measure took up more than half the revenue coming from Pompey's eastern campaigns (C.A.H. IX p.524).
3) See p.84.
5) Cie. IX p.524 points out that Clodius made money from the sale of titles etc.
6) Cie. pro Sest. 55: de prov. cons. 46: in Pis. 9: de harus. resp. 68: Ascon. p.8 C: Dio 38-13. Cicero says Clodius also abolished the censorship, but he talked of the possibility of becoming censor himself in 66 B.C.: cf. Long (Decline etc. III pp.448-9); Cie. IX p.522 n.: Clodius's law was repealed by Metellus Scipio in 52 B.C. For the censors of 55 B.C. see - Cie. Att. IV -9: 11.
not prevented either Caesar or Vatinius from carrying out their plans, but it had placed the whole Julian-Vatinian legislation under a cloud. Clodius and his patron Crassus intended to obviate a similar move by the opposition.\(^1\) The content of his law is not certain.\(^2\) It seems, however, that he deprived the curule magistrates - in practice the consuls - of their right of obnuntiation against legislative but not elective assemblies. The tribunes, on the other hand, retained both these powers. This law undoubtedly shocked conservative opinion: Cicero invariably speaks of it as one of the more heinous of Clodius's crimes. It did, however, prevent a second Bibulus from hindering anti-conservative proposals. But it was a measure intended only for the moment,\(^3\) and was of no lasting importance.\(^4\)

After this successful beginning Clodius attacked Cicero by proposing to outlaw anyone who had in the past or should in the future put to death a Roman citizen uncondemned.\(^5\) No instance was cited, but it was obviously meant to apply to Cicero's supposedly unconstitutional use of the last decree in 63 B.C. Earlier in the year Cicero had maintained strongly that the senatus consultum ultimum made Rabirius immune from prosecution,\(^6\) but when his own actions were called in question he lost his nerve. Afterwards he declared that the bill did not name him specifically and that, if he had ignored it, Clodius would have been unable to move against him.\(^7\)

\(^1\) Cic. post red. in sen. 11: pro Sest. 33; in Pis. 9: Ascon. p.8 C: Dio 38-13 who suggests that Clodius was guarding against such interference with his coming proposal against Cicero.

\(^2\) See Note J.

\(^3\) But C.A.H. IX p.523 says it was "the only genuine reform among Clodius's acts".

\(^4\) Whether the lex Clodia had any other provisions is uncertain. There is a puzzling reference to a lex Fufia in 64 B.C. (Cic. Att. IV -16), but it may have been a lex Fufia iudicaria (Schol. Bob.IT p.97 St.)

\(^5\) i.e., the Valerian, Porcian and Sempronian laws were confirmed.

\(^6\) See p.77.

\(^7\) Cic. Att. III -15:
have influence. 1) Clodius declared that Crassus and Caesar were hostile to Cicero and that even Pompey approved of the proposal. His Cicero afterwards denied; 2) but at the time he obviously had no hope of help from the triumvirs. The knights sympathised and sent a deputation to the senate, but Gabinius refused to receive it. A tribune, Mennius, who tried to address the people on Cicero's behalf was roughly handled by Clodius's hooligans, and the same happened to two senators, Scribonius and Hortensius. 3) Cicero now appealed to Piso. But neither consul was likely to help him; for on the very day on which he had opened his attack upon Cicero, Clodius in defiance of previous arrangements by the senate had brought forward a bill to grant the province of Macedonia to Piso and Syria to Gabinius. 4) Piso declared bluntly that he needed a lucrative province in order to pay his debts. 5) Naturally both consuls gave their approval to Clodius's bill, 6) and when the senate resolved to assume equestrian dress in sympathy with Cicero, they forbade the gesture. 7) Clodius's next step was to bring forward the triumvirs to support him. Caesar taking care not to agree with Clodius too openly recalled that he had spoken against the execution of the Catilinarians, but said that he did not approve of a proposal which executed so heavy a penalty. 8) Crassus, whose son actively supported Cicero, voted, according to Dio, with the crowd; in other

1) Plut. Cic. 30: App. B.C. II -15; Dio 38-14; 1) Cic. pro Sest. 39: 41; he says that Crassus stated that his cause ought to be undertaken by the consuls and that Pompey made much the same reply. 1) Cic. Att. III -15: pro Sest. 26-7; Plut. Cic. 31; Dio 38-16; 4) Cic. pro Sest. 26: 53: de prov. cons. 3: 7: in Pis. 37: 57: de dom. 23: 55: Att. III -1: Plut. Cic. 30. The Sempronian law was, of course, overridden. Cilicia had originally been one of the provinces (de dom. 23: pro Sest. 26: 55). 5) Cic. in Pis. 12; 6) Dio 38-16; Cic. in Pis. 14; 7) Dio 38-14: 16: Plut. Cic. 31; Cic. pro Sest. 32: in Pis. 18; 8) Caesar, of course, had his army at the gates. He had also appointed to a command Clodius's brother, C. Claudius Pulcher (Cic. pro Sest. 41).


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words he approved the bill.¹) In view of his connection with Clodius this is not surprising. Pompey who had repeatedly reassured Cicero tried to avoid giving an opinion by remaining shut up in his house or at his country villa. Cicero's friends went to plead with him, but he declared that while he could not himself oppose an armed tribune, if the consuls took active measures against Clodius he was willing to help them. As Pompey knew very well, his and Gabinius had been bribed to support Clodius, so he was unlikely to have to make good his offer. In a last effort to gain

¹) Dio 38-17; Plut. Cic. 30: Crass. 13; Cicero (de harus, resp. 49) denies Clodius's statement that he had the support of the triumvirate and Caesar's army at his back. Cicero also said that Cicero's exile had the support of Pompey and Crassus; this Cicero also denied. Deknatel (op. cit. p. 77) does not think that Caesar kept his army outside the gates with any evil intention towards Cicero, he develops the thesis (pp. 62 ff.) that Cicero's exile was due to Crassus's influence. Caesar as Pontifex Maximus and consul collected the odium for it, hence the story of Dio and Velleius (II 45) which was followed by Mommsen, Lange (op. cit. III p. 229) and Ilme Rom. Gesch. VI p. 338. Cicero's exile was, thinks Deknatel, Crassus's quid pro quo for becoming reconciled to Pompey. Crassus more than Caesar or Pompey was responsible for Clodius becoming a plebeian. Deknatel, in the light of his statement that Caesar did not as yet know the plans of Crassus and Clodius, finds the story of Antonius's trial difficult. According to him Caesar was averse to the destruction of Cicero and yielded unwillingly to the Clodian law. Pompey and Caesar agreed to save Cicero, if he accepted Caesar's offers and Pompey always promised his backing. It is likely that Pompey was deceived by Crassus. At any rate to put the end of the year he seems to have pressed Pompey to desert Cicero. Deknatel points out that Crassus alone was not approached by Cicero when he was in trouble; the help he allowed Publius to give was more apparent than real, when the whole state desired his recall, especially Pompey, and Caesar was not unwilling, Crassus alone was feared by Cicero (Fam. XIV 2). Deknatel is not moved by the fact that afterwards Cicero declared Pompey and Caesar were not free from blame; for in de prov. cons. 18-9 (cf. pro Sest. 39; de harus, resp. 47 ff.; in Pis. 76 ff.) he defends Caesar and Pompey but does not speak of Crassus. He hated Crassus ever afterwards and seven years after his death attacked him. The reason for Crassus's hostility was the odium cast on him by Cicero at the time of the Catilinarian Conspiracy. Crassus knew Pompey was on friendly terms with Cicero, and he had no hope that Caesar would want Cicero exiled, but he forced them to agree in return for the support he had given in 59 B.C.; cf. in 48 B.C., Octavian Antony and Lepidus. Caesar gave way to Crassus since he was influenced by the prospect of having a dangerous opponent out of the way: and Pompey dared not do other than follow. I agree with Deknatel's thesis but not with his development of it - his weakness is his explanation of Caesar's attitude. Two statements elsewhere hardly accord with his argument here - a) Cicero was not displeased by Caesar's agrarian law - he quotes Cic. Att. II 10 to support this (pp. 65-6); b) Cicero left Rome after the lex agraria was passed - perhaps because he feared Pompey! (p. 67)
the help of the man whose praises he had so often sung, Cicero went personally to call on Pompey and threw himself on his mercy. Pompey, however, declared that he could not oppose Caesar in this matter.\(^1\) Seeing that he could hope for no assistance, on the advice of his friends, among whom was Cato, Cicero left Rome for the south about March 21st.\(^2\) At first he seems to have been uncertain where to go and lingered on the road in the hope that the terms of Clodius’s second bill,\(^3\) promulgated the day after he left Rome,\(^4\) would be altered in his favour.\(^5\) This enactment, in defiance of the law which forbade the naming of individuals,\(^6\) stated that T. Tullius should be interdicted from fire and water


\(^2\) Clodius’s first law was carried perhaps on March 20th 53 B.C.; since at that time Caesar, who was awaiting Cicero’s removal, must have set off for his province (Smith in Har. Stud. VII (1886) p. 73.) A few days afterwards, March 25th Clodius promulgated the rogatio de exilio Ciceronis: c. April 3rd it was changed, and it was passed perhaps on April 24th (Sternkopf in Phil. LIX 1900 p. 304).

\(^3\) Greenidge (C.R. VII 1893 pp. 347-8) - To Cicero and his friends Clodius’s second bill appeared to be a privilegium; but the validity which Clodius attributed to it was intimately connected with his preliminary procedure and with the formal trial which this threatened. If the plebs had jurisdiction in the case of an offence against C. Gracchus’s law, then undoubtedly the tribune had the right of passing the formal bill of outlawry against one who had evaded trial by exile. This power had often been exercised before by the tribunes (see Rein - Criminalrecht pp. 435 ff.), but it had gained additional validity if we suppose the law of C. Gracchus definitely contemplated a trial before the plebs as at least one of the modes of enforcing its sanction (Plut. C. Gracch. 4: Cic. pro Rab. 12; Dio 38-14:).

\(^4\) Cic. post red. ad sen. 17; pro Sest. 25; Livy Epit. 103.


\(^6\) Lange (Rom. Alt. II\(^3\) p. 701) was wrong in stating that Cicero declared Clodius’s first law to be a privilegium (see n. 3); all the places cited by him refer to the second law - de leg. III - 45: de dom. 26: 33: 42: 44: 58; pro Sest. 73; in Pis. 30; de prov. cons. 45; see Sternkopf (op. cit. pp. 273-7):
within a distance of five hundred miles from Italy. 1) In southern
Italy Cicero learned from Atticus that his friends at Rome had
exceeded in having the distance reduced to four hundred miles. 2)
he proceeded to Brundisium where he embarked for Epirus, and by
his way he had reached Thessalonica, 3) which strictly was within the
prescribed radius. In November, believing that his recall was im-
mportant, he returned to Dyrrachium. 4) But he was destined to wait
there till August of the next year.

The distance has been disputed. Plutarch and Dio say five hundred
miles (Dio,-3750 stades and counts 72 stades to one mile. He says
from Rome', which is impossible (Sternkopf - op. cit. pp.291-2)).
Cicero mentions the possibility of an amendment to the distance
(Att. II -2) and later states that the amended distance was four
hundred miles (Att. III -4). Did he or the copyist make a slip?
Was the distance at first five hundred miles and later amended to
four hundred miles? In Att. III -7 Cicero writes that Athens would
be regarded as outside the prescribed limit. Rice Holmes (op.cit.
pp.483 ff.) shows that by either of the two routes the distance
from Athens to Italy was between four and five hundred miles (for
Sternkopf's conclusions see - op. cit. pp.291-3). He points out
that not actual but officially recognised distances were meant, and
these might make Cicero doubtful whether Athens would be recognised
as outside the five hundred miles limit. Therefore it is certain
that the amended distance was five hundred miles. This conclusion
involves the assumption that Cicero made a slip. But the numbers
could not easily be changed (see Sternkopf op.cit. p.287 and Gurl-
lett's criticism - ibid. pp.582-3). Zumpt (Die Beamten und Volksges-
ichte der röm. Republik pp.413 ff.) actually decides that the dis-
tance was increased from four to five hundred miles. Dio and Plut-
arch probably quoted from the original bill of Clodius. Cicero
alone mentions an amendment, and until a better suggestion is off-
ered we must suppose that the legal steps were - a) Clodius's
first bill; b) a second bill outlaws Cicero to a distance of at
least 500 miles from Italy; c) an amendment reduces the distance
to 400 miles. In Phil. LIX cit. Sternkopf holds that - a) the
amendment meant a severer penalty; b) the first bill forbade Cicero the whole
Roman Empire. He rejects Sternkopf's emendation and keeps Cicero's
400 in preference to Plutarch and Dio. After reading Sternkopf and
Rice Holmes, one realises that the routes they mention and the dis-
tances involved could have any argument made out of them (see par-
ticularly Sternkopf in Phil. LIX pp.61-4). Admittedly their arg-
uments that Clodius's second bill was likely to outlaw Cicero in
general terms without prescribing a distance and that his friends
would naturally seek a specific number of miles, are reasonable.
But Cicero nowhere states that he was forbidden the Empire even if
he does not mention an original limit of five hundred miles either.
Therefore in the light of Plutarch and Dio it is safer to adopt the
solution given above. C.A.H. IX p.526 follows Sternkopf and Rice
Holmes; however.

1) Presumably the law was amended during the trimuminium.
2) Cic. Q.F. I -4;
In Rome there still remained Cato who might prove as great a stumbling block to the triumvirate as Cicero. The triumvirs therefore prompted Clodius to propose a law appointing Cato to take over for Rome the kingdom of Ptolemy of Cyprus. 1) It was said that the king had helped the pirates; but in reality, unlike his brother Mules, he had not thought it necessary to bribe the triumvirs in order to retain his throne. He now paid for his omission. But apart from the desire to remove Cato, 2) Caesar and his colleagues doubtless decided that the annexation of Cyprus was necessary to complete the Roman sphere of control in the eastern Mediterranean. Clodius, who had an old grudge against the king, was delighted to compass his downfall; and whether Cato felt flattered or decided that he could not refuse the commission, 3) he seems to have made little protest. If the triumvirs and Clodius hoped that Cato would damage his reputation for scrupulous financial dealing, they were disappointed: for with a staff of only two clerks he completed his task, which the suicide of Ptolemy made easier for him, in a manner which left no loophole for his enemies at Rome. But the annexation of Cyprus together with certain other business at Byzantium kept Cato out of Rome until the end of 56 B.C. 4)

Cato believed that he had now reduced the opposition to

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1) Cic. de dom. 22; 65; pro Sest. 60-3; Livy Epit. 104.
2) Clodius’s motives in having Cato sent to Cyprus were: a) to get him out of the way (Cic. de dom. 65-6; pro Sest. 60): b) to send him on an invidious errand (de dom. 66; 20; pro Sest. 59): c) to put him under an obligation (de dom. 65; cf. Dio 39-22): d) to stop his objections to extraordinary commissions (de dom. 22; pro Sest. 60): e) to impeach him if necessary on his return (cf. Dio 39-23) — in all of which he seems to have been helped by Caesar. Later Cato and others maintained the validity of Clodius’s tribunitian whilst denying that of Caesar’s other laws (de prov. cons. 45; Plut. Cat. Min. 40). Cicero on the other hand was emphatic against the legality of Clodius’s tribunitian (de prov. cons. 45-6; de dom. 39; Dio 39-21; Plut. Cat. Min. 40) but non-committal about the rest (de prov. cons. 44; de dom. 39).
3) Dio (38-30) says he went against his will. Cicero (pro Sest. 62) says he hoped to get what good he could out of evil.
4) Dio 39-22; Plut. Cat. Min. 33-3; Brut. 3; Livy Epit. 104; Pliny N.H. XXX 4 (30) 96; XCV 8 (15) 92; Vell. II -45; Flor. I -44; App. B.C. II -22 (six years too late); Val. Max. IX -4 -3.
Impotence and went north to deal with the Helvetii, who were reported to be about to cross the Rhône into Gaul.\footnote{Cass, B.G. 1 -6; 7;} Crassus and Pompey remained in Rome to look after the interests of the triumvirate. It remained to be seen for how long they could agree on a common policy.

Pompey was by no means happy about his future. His great reputation blinded political observers to the fact that not he but Caesar controlled the fortunes of the triumvirate. Although Caesar had given him what the senate had refused, he had no more taste for leading an attack on the conservatives than he had ever had. Even during Caesar's consulship he had shown a hankering after what one writer has termed 'political respectability'.\footnote{Pocock in C.Q. XVIII p.61;} Yet he was bound to Caesar and Crassus by chains which only the optimates could break.\footnote{Pocock (Comm. to Cic. In Vat. p.153) thinks that perhaps the reason why Vatinius did not take the steps Clodius did to legalise his position was to make Pompey unacceptable to the optimates, since his gains had been achieved 'contra auspicia'.} Nevertheless a rapprochement with the senatorial party was possible only if it safeguarded his interests, and it seemed that this could be done only by condoning the consulship of Caesar and the tribunates of Vatinius and Clodius. Even if the optimates had realised that their main hope of breaking up the triumvirate was to win over Pompey as speedily as possible, they would have found it difficult to indict Caesar without quashing such of his legislation as interested Pompey. Two years later Cicero believed Pompey's differences with Caesar wide enough to admit of a successful attempt to break the alliance. But at this moment the optimates element in the senate was even more hostile to Pompey than it had been before he joined Caesar.

Nevertheless Caesar and Crassus were compelled to regard Pompey as a doubtful ally.\footnote{Dio 38-9:} Cicero's exile weighed on his conscience, and
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...was doubtless shocked by Clodius's behaviour at the beginning of the year. Furthermore, his past career led his partners to expect that as time passed he would become increasingly unstable.

For Caesar the immediate purpose of the triumvirate had been achieved with his election to the Gallic command. But he looked also to his future security. If he had the ambition to win in the field the reputation of a Sulla, a Lucullus or a Pompey, he knew at the same time that if he failed his enemies would seize the opportunity to attack him. 1) Furthermore the examples of Metellus Pius, Crassus and Lucullus warned him that any slip he made might once more give Pompey a chance to reap the reward for another's work. 2) The Gallic command was a gamble on which Caesar's future career depended. 3) But being a prudent gambler he took steps to guard against interruption and, if the worst happened, failure. The prestige he was actually to win must have been as far from Caesar's own thoughts as it was from those of his contemporaries. 4)

Crassus agreed with Caesar that some way must be found of keeping Pompey from becoming a danger to themselves. 5) They decided that they could best do this if they left him to face optimistic attacks alone. Pompey had never shown himself able to intrigue successfully in politics, and Crassus, as a master of this art, must have looked forward with malicious pleasure to watching the Great Man trying to

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1) In point of fact Caesar tried to keep on amicable terms with the senate as such.
2) cf. Plut. Pomp. 41; Dio 38-39 - φοβηθείς ἔκδόθη τῷ Πομπαίοις ἐν ἐκπομπή της ἀποστολῆς, ἐπικαλούμενος ἀλλὰ πολλοῖς ἐξ ἀξιώματος στασίνθεται εὐμέλεια, υπετείρητον ἐπανδρώνει.
3) See Pocock - C.Q. XVIII(1924)pp. 61-2:
4) Mommsen and his followers interpret Caesar's actions in 59 B.C. in the light of his achievements ten years later.
5) Pocock cit. - Pompey, if left to himself, might easily collect by his prestige a strong personal party around himself (as he nearly did in 57-6 B.C.) composed of Gabinius, Rypeseus, and the like.
stand on his own feet. Both Caesar and Crassus believed that, so far from welcoming Pompey to their fold the optimates would be glad of an opportunity to attack him. But Caesar knew also that after his flagrant disregard of senatorial tradition Lucullus and his friends would be equally willing to seize any opportunity to undermine his own position and even to drive him out of public life. Therefore both Crassus and he had much to gain by playing them off against Pompey.

From personal motives Crassus was delighted to keep Pompey in check and he set to work with a zeal which at one time seemed likely to defeat its object. As usual he did not appear personally but used Clodius as his tool to humiliate Pompey. The intrigues

1] Pocock (Comm. to Cic. In Vat. p. 22) - 'it is quite possible that it was his (sc. Crassus's) deliberate policy that Clodius should insult and humiliate his life-long rival' (cf. Cic. Att. II -21; Q.F. II -3; Plut. Crassus). He says (p.13) that Crassus was the master of the triumvirate in the field of intrigue - but, he continues, 'it is quite often said that Pompey was a first-rate soldier but a second-rate politician; yet the closer the examination of the details, the more it would appear that in political manoeuvre and intrigue he held his own and that it was chiefly on the field of battle that he failed'. I doubt this; in view of his great prestige Pompey was remarkably unsuccessful in his political manoeuvres. Pocock continues, 'it seems on the whole probable that Caesar and Crassus were throughout in close collaboration and that the triumvirate was from its inception to a conference of Luca a defensive alliance on their part against their partner Pompey'.

2] Pocock (op.cit. pp.18-9) - 'the obscurity of Crassus's methods and his disappearance from the scene in 54 B.C. has caused his importance in the story of the triumvirate to be underestimated. Caesar is usually regarded as its sole architect, but it is quite possible that it was the offspring of Crassus's brain as much as his; and that it was not till Caesar's successes in Gaul in 58 and 57 that Crassus felt that the reins of power had slipped from his hands into those of his lieutenant.' Ibid. pp.146-51 - Points of resemblance between the policy of the 60's and 50's seem to Pocock to suggest the influence of Crassus in the triumvirate - i.e., a) the guiding principle of Crassus's life was his rivalry with Pompey; b) the Julian proposal of 59 B.C. and Caesar's land legislation in 59 B.C.; c) Crassus's employment of the desperado type - Piso in 59 B.C., Clodius later. Crassus cannot have disapproved seriously of Caesar's action in 59 B.C.; although he was on bad enough terms with Pompey himself to go to the east for a time Crassus never appeared openly as an enemy of senatorial interests; his rule like Pompey's was to keep on terms with both sides and work from behind the scenes. Crassus gives the impression of being ever ready to trouble the political waters in order to fish them better - cf. Catiline. He abetted Caesar's policy in 51 B.C. in order to break Cicero's concordia ordinum. One result (over
which followed are incomprehensible except on the assumption that
until the conference at Luca Crassus approved and guided the actions
of Clodius. 1) He was determined that Pompey should not use the
triumvirate to strengthen his own position and then abandon his
partners. At first sight it would appear that he employed the
methods most likely to drive Pompey to seek optimum support. 2)
but Crassus was a sound judge of senatorial reactions, and he was
certain that the extremists would not accept Pompey. Cicero had
for four years tried unsuccessfully to press Pompey's case, and
where he failed it was most improbable that Pompey's own clumsy
efforts would succeed. Later, misled by Crassus's manoeuvres into
believing that the triumvirate was broken beyond repair, Cicero
made a supreme effort to detach Pompey. But the conference at Luca
proved that in the crisis Crassus and Caesar knew their man better
than Cicero. It is seldom realised that it was Crassus who made
the possible: without his - at times almost incredible - intrigues
the triumvirate would have been shattered before 56 B.C. Undoubtedly

[cont'd.] of his bribery of jurors in the Clodian trial was to
create bad blood between senate and equites. The final quarrel
about the Asiatic taxes was urged on them by Crassus. Crassus does
not appear much in 56-7 B.C. but he was behind Clodius. In 56 B.C.
he appears in open alliance with Clodius against Pompey. It is not
insignificant that Caesar and he talked things over at Ravenna
before meeting Pompey. Cicero seems to have realised that Crassus
had dealt him the chief blow (cf. Fam. I-9-20). I had made most
of Pocock's points before reading his work. While I agree with
his arguments in the main, I think he rather underestimates Caesar's
part in these intrigues and the interests he had involved. Incidentally,
Caesar showed as great and greater facility than Crassus
for engaging doubtful lieutenants - cf. Antony, Dolabella, Caelius
etc. For further remarks about Crassus, Clodius and Caesar see
Appendix XII.

1) Pocock (C.C. XVIII 1924 p.61) - Caesar handed over 'the party
machine' perfected by himself and Vetinius into the vigorous hands
of Clodius'. So far as is known, Clodius had no personal reasons
for hostility towards Pompey.

2) Pocock (C.C. XIX 1926 p.184) remarks that it is not 'altogether
true' to say that the violence of Clodius drove Pompey into the
arms of the optimates. On the one hand Pompey seems to have need-
ed no driving; his negotiations with the optimates quite probably
began before the attacks of Clodius (see Cic. Att. XIII 8). On the
other hand Clodius hindered their rapprochement and kept Pompey in
comparative impotence for a full year (cf. pro Sest. 69; de dom.
67; de Harus. Resp. 49; Ascon. p.47 C). Is not Pocock being some-
what inconsistent in his use of the term 'optimates'?
he took risks which must have made Caesar doubt his wisdom, but he
managed to prevent Pompey from working steadily, as he did after
33 B.C., to make himself the indispensable princeps civitatis.
These intrigues were made necessary because the triumvirate lacked
a solid foundation; Pompey and Caesar had sought to satisfy their
immediate needs, and Crassus to gratify his love of power. Never-
thess it is a significant comment on the effectiveness of the
alliance that two of its members were compelled secretly to attack
a third to prevent its dissolution.

Hardly had Caesar left Rome when Clodius began to play the part
allotted to him by Crassus. 1) Surrounded by his armed adherents
he destroyed Cicero's house and even consecrated part of his prop-
erty in order to prevent the house being rebuilt. 2) Then he turned
his attention to Pompey, whom he flagrantly insulted by engineering
the escape from the house of the praetor, Lucius Flavius, of young
Tigranes, the Armenian hostage whom Pompey had brought to Rome.
Pompey demanded that Tigranes be given up and Flavius tried to
recover him by force; but in the resulting clash the praetor was
repulsed and the prince made good his escape. 3) Pompey was further
incensed when Clodius interfered with his arrangements in Galatia
by transferring part of Deiotarus's kingdom to a tribal chieftain
named Brogitaurus, and he retaliated by hinting that he was willing
to countenance Cicero's recall. 4) Foreseeing a split in the trium-
virate the optimates were jubilant: even the cautious Atticus
thought that Pompey could not allow the Tigranes incident to pass.
On June 1st the tribune Ninnius proposed in the house that Cicero

1) C.A.H., IX p. 528 on the other hand says - 'Clodius's sense of omni-
potence overbore his loyalty to Caesar'.
2) Cic. de dom., 44; 62: pro Sest., 54; in Pis., 26: Ascon., p. 10 C; Plut.
Cic., 33; App. B.C., III 16 - Clodius got so much above himself as
to compare himself with Pompey. Cic. de Harus., resp., 48-9 - Clodius
gained popularity 'in some people's eyes' by attacking Pompey.
Were the 'some people' the extremists in the senate?
33; Dio 38-39;
4) Cic., de Harus., resp., 29: 59: pro Sest., 56: 67:
should be recalled, apparently on the grounds that Clodius's tribune was illegal because he had been adopted into a plebeian family contra auspicia. 1) A Clodian tribune, Aelius Ligur, vetoed the proposal, which was then dropped. 2) Pompey did not try to associate himself with optimates opposition to Clodius: in June he acted independently and used only his own adherents in the senate. He had no thought of breaking with Caesar; for in July Varro informed Cicero through Atticus that Pompey was in communication with Caesar on the question of his recall. 3)

Clodius had meanwhile quarrelled with his late ally, Gabinius, perhaps about the attack on Pompey, 4) and had actually broken the consular fasces in a public brawl. He now realised that, although the extremists were still as hostile to Pompey as to Caesar, Pompey might gather round himself in the senate a party strong enough to give trouble to his partner. His counterstroke was so ingenious

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1 See Appendix XII.
2 Cic. pro Sest. 67-8; Dio 32-30;
3 App. B.C. II -15: In Att. III -3 Cicero thought that since the Tigranes affair had been passed over there was no hope: but he mentions Hypsaeus, an intimate of Pompey, as if he were supporting a recall. Att. III -8 indicates that Atticus had some hope of Pompey's support. Cicero had no faith in the 'jealous optimates' however (cf. Q.F. I -3 where Cicero advises his brother to apply to Crassus among others for financial help. Was this our Crassus? Dekmatel (op. cit. p.80) suggests either - a) Publius Crassus: b) Crassus Dives - whose name, however, Cicero tells us was a misnomer - or c) some unknown Crassus. But why not the triumvir? Cicero's antagonism did not prevent him from regarding Crassus in a purely business capacity.) On June 17th (Att. III -10) Cicero replied to a letter in which Atticus had spoken of disagreements among the triumvirs - or so we may infer. In July (Att. III -12) there must have been talk of Clodius seeking a second tribunate. In Att. III -14 (July) Pompey had suggested that the question should be brought forward after the elections. On Aug. 5th (Att. III -13) Cicero speaks as if a rumoured split in the triumvirate had come to nothing (cf. Q.F. I -4: pro Sest. 67). In Att. III -15 (Aug.) Varro is only mentioned as having given Cicero some hope of Caesar. In Sept. (Att. III -13) Varro had confided in Atticus that Pompey was in communication with Caesar about Cicero. On Nov. 28th (Fam. XIV -1) Cicero had hopes of Caesar. Rice Holmes (op. cit. II p.85) - Apparently Pompey early suspected that Caesar was behind Clodius (cf. Cic. Att. III -8) but Caesar was able to disclaim responsibility. Pompey, says Pocock (Comm. to Cic. In Vat. p.11) did not wish to forfeit any of his own assets by quarrelling with Caesar.

4 Gabinius tried with Pompey to get back Tigranes (Dio 32-30: Cic. de dom. 66: 124: in Pis. 27).
it perhaps originated with Crassus. 1) He suggested that Pompey attacked the legality of his actions as tribune, he was in reality attacking the legality of Caesar's consulship. Cicero later pretended that Clodius threw discretion to the winds and by calling into question Caesar's consulship admitted that he held his own office illegally. But this was completely untrue. To embarrass Pompey Clodius introduced Bibulus to a public meeting and bade him declare that he had watched the skies while Caesar and Vatinius were enacting their legislation. At another meeting Appius Claudius drew from Bibulus the statement that, since Clodius had been adopted into a plebeian family contra auspicia, his tribunate was legally invalid. Thereupon Clodius pressed home the point by stating repeatedly that all Caesar's acts ought to be rescinded, since they had been passed contra auspicia: if that were done he would, he declared, carry Cicero back to Rome on his own shoulders. 2) May have taken Clodius's remarks seriously and asserted that in the summer of 58 B.C. he became so confident of his own strength that he not only threw off the guiding hands of Crassus and Caesar but even attacked the validity of the latter's consulship. But in reality Clodius was demonstrating to Pompey that his tribunate was no more illegal than the Julian leges agrariae and the ratification of the eastern acts. The lex Clodia de exilio Ciceronis could be attacked only if Pompey was prepared to sacrifice his own gains. That there was no chance of the senate rescinding Caesar's acts Clodius was well aware; but the manoeuvre successfully raised Pompey's differences with the senate 3) and left him still eager for Cicero's recall but baffled as

1) This episode was after the Tigranes affair (Cic. Att. III -2) and Pompey's 'accession to the constitutional cause' in May 58 B.C. (pro Sest. 67 etc.) and before the alleged attempt to assassinate Pompey on Aug. 11th (de Harus, resp. 48-9: Ascon. p.46 C) - see Pocock (C.Q. XIX 1925 p.182)
2) See Appendix XII.
3) Apparently he received encouragement from certain optimates (de Harus, resp.3).
Clodius was on good enough terms with Caesar at this time to display letters congratulating him on having got rid of Cato (Cic. de dom. 22). Cicero makes a weak attempt to explain them as forgeries. In pro Sest. 39 Cicero says Clodius boasted of the support he got from Pompey, Caesar, and Crassus.

1) Clodius was on good enough terms with Caesar at this time to display letters congratulating him on having got rid of Cato (Cic. de dom. 22). Cicero makes a weak attempt to explain them as forgeries. In pro Sest. 39 Cicero says Clodius boasted of the support he got from Pompey, Caesar, and Crassus.

2) One of the consul's Auletes. Pompey made a weak attempt to explain them as forgeries. In pro Sest. 39 Cicero says Clodius boasts of the support he got from Pompey, Caesar, and Crassus.

3) Lentulus Spinther, a friend not only of Cicero but also of Pompey: the other, Metellus Nepos, had attacked Cicero in 62 B.C., but he was now, perhaps under pressure from Pompey, thought to be ready to abandon his hostility.

4) Most of the tribunes were well disposed towards Cicero, and Clodius was able to count only on the support of his brother Appius, who was praetor elect, and of the tribune elect Atilius Serranus. This reaction was probably due to Clodius's excesses, which made the moderates support Pompey. Clodius had, however, a further card to play. About the middle of August Pompey was told that Clodius had employed a slave to assassinate him; thereupon he immediately retired from public life and spent the remainder of the year at one or another of his country houses.

5) He saw no legal way of dealing with Clodius and was unwilling to meet force with force. Thus the only course left him was to consult Caesar, since he did not consider a
proproachment with the optimates practical and joint action with Cæ- 
asus to secure Cicero's recall was impossible. His wishes, how-
however, were known, and in late October eight tribunes promul-
gated a bill for Cicero's recall, which, though opposed by Piso and Gaba-
nius and vetoed by Aelius Ligur, was an earnest of the effort to be 
made when the new magistrates entered office. 1)
On January 1st 57 B.C. Lentulus Spinther introduced in the senate 
a motion for Cicero's recall. 2) His colleague, Nepos, promised in 
gate of past disagreements not to oppose the motion. In the en-
ming discussion Aurelius Cotta declared that, since the lex Clodia 
spelling Cicero was illegal, he ought to be restored not by law 
by the authority of the senate. Pompey opposed this on the 
ground that a law would safeguard Cicero and that his return ought 
not to have the sanction of the people. 3) It seems certain that Caesar 
when corresponding with Pompey in the later months of the previous 
year 4) had stipulated this and had asked Cicero's friends to guarantee 
that he would not, if recalled, attack the triumvirate. A short 
while before the tribune elect, P.Sestius, had travelled to Gaul on 
his own initiative to obtain Caesar's consent to Cicero's return, 
but he had failed. 5) Nevertheless Cicero's recall was inevitable,

1 Cic. Att. III -15 (Aug. 58 B.C.) speaks of discussions as to the 
form proposals for his recall should take. Att. III -23 discusses in 
detail the bill of the eight tribunes. That it was the trib-
unes of 58 B.C. not the tribunes elect who brought forward the bill 
is clear from this letter. Nimnius was one of them. Cic. pro Sest. 
70 seems to settle the question. Rice Holmes (op.cit. II p.56) 
says, however, they were the tribunes elect. C.A.H. IX p.528 - the 
tribunes (of 58 B.C.) for fear of offending Clodius drafted the 
bill with such excess of caution as to stultify themselves, and the 
bill was withdrawn.
2 Cic. pro Sest. 70:
3 Cic. de dom. 68: pro Sest. 73-4:
4 Cic. Fam. I -9 -9 and 21:
5 See Cic. pro Sest. 71. Rice Holmes (op.cit. II p.56) thinks that 
he travelled at the instigation of Pompey. But would Caesar in 
this case have been clearly so unwilling to do anything? C.A.H. IX 
P.533 gives the same version, while Pocock (C.Q. XIX 1925 p.184) 
does not decide either way: in Comm. to Cic. In Vat. p.11 he thinks 
it uncertain whether Sestius travelled at the instigation of Spin-
ther or Pompey. In the same section (and also C.Q. XIX 1925 p.182) 
Pocock works out a theory from Cic. de prov. cons. 46 that the 
(over
and Caesar realised that continued opposition would alienate Pompey, who already had reason to be dissatisfied with him. But he believed that, if legislation were necessary, he could count on Clodius's hooligans to keep the matter under discussion for a little longer. In the senate the resolution seemed likely to be passed without opposition; even the praetor Appius was silent, but at the last moment Atilius requested an adjournment to give him time to consider the matter. The majority were against this; but when he declared that he would raise no obstacle on the morrow the house adjourned. Atilius, however, dispersed and, rallying hostile elements in the senate, kept the discussion open until January 25th, by which date the proposal had reached the voting stage. The tribune, Fabricius, who was to present the bill, arrived in the Forum before daybreak only to find it occupied by Clodius's gang, which attacked his supporters. There were several deaths in the brawl, and Q. Cicero had a fortunate escape. Clodius had gained his immediate object, and on hearing of the scene Cicero said that so long as Clodius ruled the streets of Rome the bill would not be passed.

3) Optimates offered Caesar to have his measures reenacted with due observance of the auspices - i.e., it was an invitation to him to sever his connection with the populares and join the senatorial party. Presumably the offer did not include the recognition of Clodius's tribunate. No doubt it was made after Pompey had been attacked and insulted. The attempts were assumed in the autumn of 57 B.C. to have been successful in spite of Caesar's non-committal attitude (cf. Cic. Fam. I -9 -14; de prov. cons. 25). Therefore, thinks Pocock, these offers are to be placed in the early summer of 58. Clodius replied with a sham attack on Caesar (see p.171). Ibid. p.157 - the offer was probably inspired by Pompey through his senatorial friends. Pocock's theory is wholly conjecture, however, and too great weight should not be placed on Cicero's remarks in de prov. cons. and Fam. I -9, which were largely excuses for his own actions.

1) Dio 39-10 - Caesar and Crassus saw that Cicero's recall was inevitable. Pocock (Comm. to Cic. In Vat. p.13) Spinther and his friends regarded Caesar's consent as a sign that the feud with the senate was over. See p.173 n.5.

2) Cic. pro Seest. 74;
3) Cic. pro Seest. 75; in Pis. 34-5; Fam. I -9 -16; Plut. Cic. 33;
4) Cic. Att. III -27
During the ensuing months the city witnessed a succession of minor disturbances. 1) Sestius, who was foolish enough to visit the temple of Castor without a bodyguard in order to block certain legislation of Metellus Nepos, was set upon by the Clodians and left for dead. 2) The ruffians responsible were brought before the senate and imprisoned by another tribune Milo; 3) but his colleague, Atilius, had them released and they went scot-free. 4) Sestius decided to protect himself from further assaults and collected an armed band to meet Clodius on his own ground. 5) Pompey, who was now back in the political arena and determined to let no scruples stand in his way, helped Milo to raise a similar bodyguard. Later 6) Cicero said that Milo had tried to bring Clodius into court for violence and had decided to use force only when legal means failed. But for Cicero Milo was the champion of law and order, and his statement should be treated with reserve. 7) After several skirmishes Milo apparently succeeded in indicting Clodius on a charge de vi. Clodius hoped that with the help of a tribune - presumably Atilius - and of Nepos, who had submitted to the motion of January 1st but was still hostile to Cicero, he would avoid condemnation by being elected aedile for 56 B.C. Nepos declared that no jury could be empanelled until after the election of the quaestors, who appointed the iudices. Since the election of aediles took place before that of quaestors, Milo had for the moment to admit defeat, but he retaliated by hindering the

1) Dio 39-7;
2) Cic. pro Sest. 79 ff.; Q.F. II -3;
3) App. B.C. II -16 wrongly says Milo was a colleague of Clodius.
4) Cic. pro Sest. 85;
5) Cic. pro Sest. 84; 90;
6) i.e. in the Pro Sestio;
7) Dio 39-7 gives the same order, but he is clearly following the Pro Sestio.
The election of the aediles and by keeping Clodius in check with his own ruffians. 1) Clodius's day as a political force had in reality ended with his tribunate: his armed bands alone could not thwart his opponents indefinitely. Pompey was vigorously advocating Cicero's recall not only in Rome but also in various Italian towns. 2) In July on his suggestion the senate resolved that anyone who tried to prevent Cicero's return should be regarded as a public enemy. 3) At last in August 4th a crowded assembly, policed by Milo's followers, voted solidly in favour of the bill, 4) and a month later Cicero made a triumphant entry into the city. 5) His return was thought to be the prelude to an open split between Pompey and his partners. Cicero's good conduct had been guaranteed to Caesar by his brother; 6) but it remained to be seen whether he would be tempted to try to detach Pompey from Caesar and reconcile him to the

1) Dio 59-7 1-3; Cic. pro Sest. 39; pro Mil. 35: 40; Long (Decline etc. IV p.87). Meyer (op.cit. pp.109-12) thinks Dio misunderstood the passage in pro Sestio and connected the events re Milo and the question with Milo's first attempt to bring Clodius to trial. He argues that if Dio is right there must have been no aediles or questioners elected throughout the year, and this would have been mentioned. Rice Holmes (op.cit. II p.59 n.5) asks why we should disbelieve Dio when he says that none had been elected early in the year; Clodius was not elected aedile till Jan. 56 B.C. Rice Holmes fails, I think, to realise that Meyer's argument must rest on the assumption that Dio is describing events early in the year. Actually Clodius probably became a candidate at the usual time - i.e. in the middle of the year - and Milo continued for the rest of the year to obstruct the election. C.A.H. IX p.529 n.2 (referring to Meyer) decides that early in 57 B.C. Milo prosecuted Clodius who evaded this by breaking up the court. At the end of the year Milo made another attempt, which Clodius defeated by constitutional obstruction.

2) Cic. de dom. 30: pro Sest. 129; de prov. cons. 43: in Pis. 80: post red. in Sen. 23:

3) Cic. pro Sest. 129; in Pis. 34: Livy Epit. 104; Plut. Pompey. 49; Cic. 33; Crassus was among those who publicly welcomed Cicero, to oblige his son, he said: Dio 39-7 3-8; Cic. de dom. 75-6; 90; de Harus. resp. 46; App. B.C. II -16: Vell. II 45. The form the bill took is not known; it either allowed the comitia to override acts against Cicero on the grounds of illegality or, as C.A.H. IX p.529 n.1 thinks, declared them ineffective on the ground that no benchmark could be valid unless it followed a proper judicial trial.

4) On Sept. 4th. C.A.H. IX p.529 says Sept. 9th. Where does he get this date?

5) Cic. Fam. I -9 -9:
Crassus had consistently opposed Cicero's recall, but his ally, Clodius, was no longer undisputed master of the streets. If Clodius were elected aedile he might be a useful weapon, but in any event Crassus resolved to find some means other than mob-violence to put a spoke in Cicero's wheel if he tried to draw Pompey away. Since open opposition alone might drive Pompey to seek help from the senate, he provoked the jealous optimates to attack him by dropping hints that the Great Man was hankering after yet another irregular command.

No doubt this move was suggested to Crassus by events which followed immediately upon Cicero's return. The price of corn had risen without warning, and there was threat of famine. The lower classes, whom this shortage affected most severely, made demonstrations, and gave Clodius the chance to declare that Cicero was responsible for this disaster since it coincided with his return. Whether the equites had made a corner in corn, or whether, as is more likely, the rise in price was due to a lack of governmental organisation is uncertain. Pompey was probably eager for the post of organiser of the corn supply, but it is most improbable that he was responsible for the scarcity. Two days after his return Cicero reentered the senate to take part in the discussion on the corn question, and, on being asked his opinion of Spinther's motion that Pompey should be given charge of the corn supply, he took the opportunity of declaring his allegiance to Pompey by speaking...
Pompey accepted the post and asked for fifteen lieutenants, one of them to be Cicero. 1) Thereupon the consuls formulated a bill which gave him complete control of the corn supply throughout the empire for five years. A tribune, Josinius, however, introduced another bill to give Pompey an army, fleet, imperium greater than that of any provincial governor and permission to draw on the treasury for his needs. 2) Pompey said that he preferred the consular bill, but others thought that secretly he favoured the tribune's proposal. If he was repeating his tactics of 67 B.C. by displaying his modesty, he defeated his own ends: for whether it was due to his silence in the senate when Josinius's proposal was under discussion or to the fact that public opinion was against such an extensive military command to deal with a temporary crisis, the consular bill was passed. 3) The corn situation very soon became less acute, although Pompey remained in Rome and left the actual work of organisation to his lieutenants. 4) Cicero who had been unprepared for Messius's bill obviously thought that it represented Pompey's own wish but, by absenting himself from the senatorial discussions, did not commit himself. 5) Pompey's behaviour in this matter was characteristic: he usually shirked direct issues, and so made not only his enemies suspicious of his motives, but even well-wishers like Cicero. He often shrank from making his wishes public because he was afraid that a direct set-back would lessen his prestige. Cicero complains more than

1) Cic. Att. IV - 1 - There is no evidence that Cicero was an active legatus; he soon gave up his post to his brother.
2) Cic. Att. IV - 1: de dom. 2-3; Rice Holmes (op. cit. II p. 63 n. 1) asks whether the proposal about provincial governors was inspired by Pompey's recollection of Metellus Creticus's behaviour in Crete (see p. 333 n. 3. C.A.H. IX p. 531 - Messius's was 'an unauthorised speculation by a free-lance tribune'. This seems very unlikely.
4) Plut. Pomp. 50:
was that Pompey said he did not want what he had prompted his friends to ask. In the present instance, however, his disappointment was lessened by the prospect of the more attractive commission to restore Ptolemy Auletes.

Meanwhile Cicero had appealed to the college of pontiffs against the consecration of his property by Clodius, and had been compensated by the senate. He thought the amount inadequate and on several occasions complained that the very men who had most reason to be grateful to him were doing their best to prevent him from recovering his old position. The truth was that the optimates were suspicious of his connection with Pompey. Even when Clodius wrecked his house as the workmen were busy rebuilding it the senate remained silent. Evidently Clodius's patron was influential enough to prevent action being taken. A week later on November 11th Cicero himself fell in with Clodius and boasted that he had the gangster at his mercy but spared his life. Next day Clodius tried to burn down one of Milo's houses but came badly out of an encounter with the owner. The Clodians and Milonians were continually at blows, since the election of aediles had not yet taken place and Milo was trying once more to bring Clodius into court. The latter swore that he would wreck the city if the elections were not held, but Milo persisted in watching the skies on every possible polling-day. The consul Metellus, who in spite of his former connection with Pompey was still supporting Clodius as he had done earlier in the year, tried to carry out the election by a trick. Cicero expressed the view that the comitia would not be held. "My opinion,”

1) App. B.C. II -16; Plut. Cic. 33; Dio 39-11; Cic. Att. IV -3; de harus, resp. 13: Cicero got 2,750,000 sesterces (c. £22,000). Crassus was a member of the college of pontiffs which voted that Clodius's action had been illegal.
2) Cic. Att. IV -1; 2: pro Seat. 15; Fam. I -9; in Pis. 52: Dio 39-11.
3) See p. 408.
he says, "is that Clodius will be brought to trial by Milo, unless
he is killed first: if he falls foul of him in a riot, I foresee
that he will be killed by Milo's own hand. The latter has no
scruples about it and openly declares his intention."

Cicero proved to be wrong. Neither the elections nor the trial
were held before the end of the year, and Milo went out of office
on December 10th. One of the new tribunes, Racilius, brought up
once again in the senate the question of Clodius's trial and the
elections. Marcellinus supported by his colleague Philippus pro-
posed that Clodius should stand his trial first. Two tribunes,
C.Cassius and C.Cato, who was violently hostile to Pompey and who
had been mobbed for referring to him as unofficial dictator,
supported Clodius. The house was clearly in favour of the motion,
when Clodius in his turn launched an abusive attack upon Racilius.
But before the division could be taken, the Clodian mob outside
set up such a threatening noise that the senate broke up in alarm. 1)
That happened during the next month is not known, but Clodius
escaped prosecution and won the trial of strength against Milo by
being elected curule aedile on January 20th 56 B.C. 2)

This war between rival gang leaders was a sign that the admin-
istration at Rome was rapidly breaking down. So long as all the
triumvirs had been present, some semblance of order had been kept,
and if public meetings had often been disorderly, at least there
had not been the repeated riots and bloodshed which were an almost
daily occurrence by the beginning of 56 B.C. Pompey had been
unable to maintain order; Crassus by supporting Clodius had helped
to create disorder. If Pompey and the senatorials had cooperated,
calm could have been restored as quickly as it was in 52 B.C.
But the extremists in the senate remained persistently hostile; and,
as the Egyptian affair showed, they were even ready to join forces

1) Cic. Q.F. II -1 (Dec. 10th);
2) Cic. Q.F. II -1: 2: Dio 39-43:
with Crassus and Clodius to thwart Pompey's ambition.

After his restoration in 59 B.C. Auletes had been unable to hold his kingdom. His Alexandrian subjects rebelled against the additional taxes levied to pay back what the king had borrowed at home for bribery. They accordingly expelled him again. 1) and towards the end of 57 B.C. he arrived in Rome and was openly supported by Pompey. 2) The Alexandrians immediately sent a deputation to the senate, but Ptolemy, borrowing once again from Roman money-lenders, bribed many of the embassy; such as were not amenable to bribery were silenced less expensively and more effectively.

The senate summoned Dio, the chief ambassador, to present the Alexandrian case, but he mysteriously disappeared and was afterwards found to have been murdered. 3)

Late in the year on the resolution put by Lentulus Spinther the senate decided that the governor of Cilicia, who would be Lentulus himself, should restore Ptolemy. 4) Popular opinion was that Pompey wanted the appointment; for not only did the king state openly that he expected Pompey to secure his throne, but Pompey's intimates made no secret of the fact. 5) C. Cato moved in the senate that the previous resolution should be annulled on the pretext that a Sibylline oracle had been found forbidding the use of an army to help an Egyptian king. The senate thereupon revoked its previous

1) They were also annoyed at his submission to the annexation of Cyprus. - Dio 39-13; Cic. pro Rab. Post. IV -5; Plut. Cat. Min. 35; Auletes's daughter, Berenice, was set up as queen.
2) Livy Epit. 104; Dio 39-14; C.A.H.IX p. 532 on the other hand thinks that Pompey's friends proposed him without his authority.
3) Dio 39-13 - 14; Cic. de harus. resp. 34; Strabo (XVII -111) actually says that Ptolemy had the deputies murdered.
4) Cic. Fam. I -1; Dio 39 -12;
5) Cic. Fam. I -1; 2: 4; Q.F. II -2: 3; Lupus proposed this in the senate (Fam. I -3);
6) Pocock (C.Q. XVIII 1924 p. 64) "It transpired that Pompey was trying to get control of Egypt with the connivance, it was suspected, of Lentulus Spinther (cf. Fam. I -1), Cicero and other of his friends." A startling statement - but Pocock repeats it in Comm. to Cic. In Vat. p. 25.
decision; and both Lentulus and Pompey were disappointed. But Pompey's friends insisted that he be given the command, and in the wranglings which followed several suggestions were made. Cicero was under an obligation to support Lentulus, and in letters to him in Cilicia he gives a full account of the debates in the senate. On January 13th 56 B.C. he writes, "Pompey, the king's legate, is openly attacking us with bribery.... Those who are in favour of the restoration for the king's sake - and they are all want the business to be given to Pompey. But the senate supports the trumped up religious scruple, not because of any respect for religion but because of unfriendliness towards him and disgust at the king's bribery. I do not cease urging Pompey and appealing to him - and even rather freely accusing and admonishing him - to avoid a great discredit to himself. But actually he leaves no room for my prayers and admonitions; for both in everyday talks and in the senate he openly supports your case in such a way that no one could support you with greater eloquence, seriousness, enthusiasm or energy, since he bears witness in the highest degree to your services to him and his affection for you.... Up to January 13th the following has taken place: Hortensius, myself and Lucullus were in favour of yielding to the religious difficulty about the army; otherwise the thing could not be carried. For the rest we were in favour of having you restore the king in accordance with that senatus consultum which was carried on the resolution you yourself put, so far as you might be able without harm to

1) Dio 39.15 -16: Cic. Q.F. II -2:
2) Cic. Fam. I -1:
3) Te referente - Shuckburgh translates 'on your own motion'. But the consul himself could not move the sententia: therefore someone else must have done it. The s.c. was passed on a question put to Lentulus as consul. Tyrrell and Purser - 'on the resolution which you yourself put'. Rice Holmes (op.cit. II p.67) follows Shuckburgh.
the republic, in order that, while the religious scruple forbids
the use of an army, the senate might retain you in authority.

Crassus proposes three legates and does not exclude Pompey; for
he votes that they shall be chosen even from those with imperium. 1)

Bibulus is in favour of three without imperium. The rest of the
senators are in favour of this last with the exception of Servil-
lius who says that the king should not be restored at all, Volca-
cius who on the resolution put by Lupus votes for Pompey, and
Aemilius who agrees with Volcacius. This increases suspicion of
Pompey's wishes, for it was noticed that Pompey's close friends
agree with Volcacius. We are having a very great struggle: the
battle is going against us. The open comings and goings of Libo
and Hypsaeus and the energy and enthusiasm of all Pompey's intim-
ates have led to the opinion that Pompey seems to desire it. Those
who do not want him to have it are in no friendly way disposed to
you, who have given him distinguished office. 2)

On January 15th Cicero told Lentulus of the wranglings in the
senate about the various motions and the resulting deadlock at the
meeting of the 13th. "I happened that day," he continues, "to be

1) Cf. Pro Cael. 28. Deknate (op. cit. pp. 86-7) has the theory that
Cicero's De Rege Alexandrinino was spoken in 57 B.C., not in 65 B.C.
as rightly Konmsen etc. Crassus's aim was to have Egypt reduced to
a province. See p. 65.

2) Cio, Pan. I - 1. Sternkopf (Hermes XXXVIII 1903 pp. 28 ff.) - Two
relations were debated before Jan 13th - a) the consular of Mar-
cellinus - de religione; b) the tribunician of Aurelius Lupus -
that Pompey should restore Ptolemy. They were not mutually ex-
clusive. On the basis of the two relations five sententiae were
formulated - a) Hortensius (and Cicero and M. Lucullus) that Lent-
ulus should restore Ptolemy with an army; b) Crassus - three leg-
ates without troops but not excluding those sum imperio; c) Bib-
ulus - three legates without troops or imperium; d) Servilius -
that Ptolemy should not be restored at all; e) Volcacius - that
Pompey should undertake the business. On Jan. 13th there was a
debate on these suggestions and an argument between Lentulus and
Caninius. Jan. 14th was the day for the decision. The consuls
were for taking the motions of a) Bibulus b) Hortensius c) Volca-
cius in that order. It is wrong to assume that the motions of
Crassus and Servillius were dropped; in fact, the debate turned on
the order of business and the other motions did not interest
Cicero. From Pan. I - 2 it looks as if Servilius's motion came up
again, Sternkopf (cit. pp. 82 - 7) makes suggestions about the text
Timing with Pompey and I seized this opportunity which was more favourable than any before. I think I have turned him aside from all other ideas to the support of your position. When I listen to him in person, I acquit him entirely of any suspicion of greed; but when I see his intimates of every class, I perceive, what everyone knows, that the whole thing has been engineered with the connivance of the king himself and his counsellors.\(^1\) In a letter to Quintus a day or two later Cicero declared that the cause of Lentulus was hopeless. "I cannot guess what the rascality of the tribunes will achieve, but all the same I suspect that the motion of Caninius (that Pompey should undertake the commission with two lictors)\(^2\) will be carried by violence. In this business I cannot make out what Pompey wants; everyone sees what his intimates desire: indeed the king’s creditors are openly supplying money against Lentulus. Without a doubt the business seems to have been taken away from Lentulus to my great regret, though he has done many things for which I could be angry with him, if it were not improper that I should.\(^3\) Pompey’s supporters did not in fact resort to violence to carry their motion, and the obstructionists succeeded in having the question shelved in the meantime.\(^4\)

At this point Crassus and Clodius are found working with the optimates against Pompey.\(^5\) They had prevented him from securing a military command either to organise the corn supply or to restore Ptolemy. The senate had tried hard to bring Clodius to trial, but as Cicero noticed, the optimates were not inclined to push the matter, and he suspected that they preferred to tolerate

\(^1\) Cic. Q.F. I -2:
\(^2\) Dio 39-16; Plut. Pomp. 49 gives current gossip about the affair.
\(^3\) Cic. Q.F. II -2:
\(^4\) Cic. Fam. I -4; 5; 6; 7; Dio 39-16. Auletes gave up hope and retired for a time to Ephesus.
\(^5\) Bibulus, Favonius etc. - cf. Cic. de haras. resp. 48; de prov. cons. ch. 10:
Clodius if by so doing they could make Pompey's position more
difficult.\(^1\) The latter was still unable to break with Caesar,
but the hostility between him and Crassus was becoming more evident.
Crassus's proposal in the Egyptian debates showed that, while he
would not publicly renounce his alliance with Pompey, he was bent
on defeating his partner's ends. No doubt he had himself in mind
as one of the three legates appointed to restore Auletes. So long
as Clodius's bands were active Pompey's chances of defeating sen-
atorial opposition, as he had done in 67 B.C., were small. Never-
theless, further to safeguard his position, Crassus inveigled the
extremists into helping him to keep Pompey from uniting the moderates.
If Pompey really wanted to break away from Crassus and Caesar,
he defeated his own ends by allowing his friends to persist in the
Egyptian affair. At the end of the previous year one of the new
tribunes, Rutilius Lupus, had made an ominous speech in the senate
attacking Caesar's Campanian law. The house listened without com-
ment; but just as the debate was to be adjourned Marcellinus, as
consul elect, rose and asked the tribune not to infer disapproval
from the senate's silence: it was only fair not to discuss the
matter in Pompey's absence. Clearly the senate thought that no
action could be taken until it was certain that Pompey, whose per-
sonal interest in the lex Campana made his attitude of paramount
importance, would give his support if the question was reopened,
thereby making it plain that he was no longer influenced by Caesar.
Members noted that Lupus, who had not hesitated in his speech to
make derogatory references to Caesar, was connected with Pompey;
and this was taken as a sign that the triumvirate was virtually at
an end.\(^2\)

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1) C.c. de hardas, resp. 50 ff. makes a clear hit at the optimates
when he speaks of the support given to Clodius in the senate when
he was attacking Pompey. See Appendix XII pp. 321-2 and over pp. 187 ff.
2) C.c. C.F. II -1: 3: Pocock (C.C.XVIII 1924 p.64.) - At the close
of the year the fact that Pompey was out to smash the triumvirate -
or at any rate was thinking of doing so - was emphasised by the
fact that through Lupus, one of his personal adherents, an attack
was started on Caesar's Campanian law.
The weakness of Pompey's position was further illustrated early in February when he appeared at a public meeting to support Milo, who was accused of violence before the comitia tributa. The prosecutor was Clodius, who attacked Milo for using gladiators - to protect himself against the Clodian ruffians. Although he did not expect to have Milo convicted, Clodius thought he would thus have an excellent opportunity to insult Pompey who was certain to appear in defence of Milo. Cicero's account of one of the preliminary stages of the prosecution shows once again the complete decay of public life at Rome. "On February 7th Milo made his appearance. Pompey spoke, or rather wished to do so; for when he got up the Clodian gangs raised a yell and his whole speech was interrupted not only with shouts but also with abuse and insults. When he had finished - for under the circumstances he certainly showed courage: he was not intimidated; he said all he had to say and at times by his personality even secured silence - when he had finished, I say, Clodius got up. Our side raised such a shout - for we had resolved to return tit-for-tat - that he lost his presence of mind and control over his voice and features. This went on till the eighth hour - Pompey had scarcely finished speaking at the sixth - and all kinds of insults, finally the most indecent doggerel, were used against Clodius and Clodia. Mad and white with passion, in the very midst of the shouting, our friend kept on asking his gang who was starving the people to death. The mob replied, 'Pompey'. 'Who wanted to go to Alexandria?' They answered, 'Pompey'. 'Whom did they want to go?' They answered, 'Crassus'. The latter was at the meeting with so friendly feelings towards Milo. Just about the ninth hour, as if at a given signal, the Clodians began spitting at our men. Tempers reached boiling point. The other side pushed to make us give ground.

1) Cic. pro Sest. 95: in Vat. 40:
2) Dio 39-18;
made a charge: the gang was put to flight; Clodius was thrown down from the rostra, and we also made our escape in case we happened anything in the crowd. The senate was called in the curia. Pompey went home. Nor did I attend the senate, so that I should not have to be silent on such an important subject, or by defending Pompey — for he was being attacked by Bibulus, Curio and Favonius — give offence to loyal citizens. Cicero was embarrassed because his support of Pompey displeased the optimates who were now openly attacking him. A day or two later C. Cato once again assailed Pompey in the senate and referred to his treachery towards Cicero. Pompey was by this time thoroughly roused and "answered him boldly, making a clear reference to Crassus when he said openly that he would take better precautions for guarding his life than Africanus, than C. Carbo had assassinated. Thus important events seem to me to be on the point of occurring. For Pompey understands what is taking place and confides in me that plots are being formed against his life, that C. Cato is being supported by Crassus, that Clodius is being supplied with money and that each is being backed by Crassus, Curio, Bibulus and his other detractors: that we must take most careful precautions to avoid being crushed by that demagogue, since the people is alienated from him, the nobility hostile, the senate ill-affect ed and the youth corrupt. So he is making preparations and summoning men from the country. Clodius is also strengthening his gangs: a body of men is being collected for the Quirinalia. In this we are far superior in numbers to Clodius's forces; but a large force from Gaul is awaited so that we might oppose the proposals of Cato concerning Lentulus and Milo."
The action against Milo was not decided, and the Egyptian affair remained in abeyance. Pompey was now thoroughly depressed, and his allusion to Crassus was taken to mean that the triumvirate was no longer in existence. Undismayed by his failure to impeach Milo, Scaurus now brought Sestius to trial for violence. Cicero was under an obligation to Sestius and defended him. On March 11th he was acquitted, and Cicero was jubilant because he had, as he put it, ‘made mincemeat’ of Caesar’s former henchman Vatinius, who was to be chief witness against Sestius.

His references to Caesar were not intended as a direct attack; the purpose of the interrogation of Vatinius was to see what the reactions of Pompey and the senate would be. Pompey, who owed to the lex Vatiniæ the ratification of his eastern acts, showed no displeasure, and Cicero believed that his unpopularity had deprived him of all spirit. "Our friend Pompey," he wrote, "is severely criticised for the way in which he has behaved.

No 39-18-21: Cicero came in for his share of attack from Clodius.

Cic., Q.F., II -3: In his edition of Cic., Pro Sest., (48) Holden suggests that paterm huius M. Crassii might mean that Crassus was its heir as Seutius’s supporter. Another suggestion is that huius means our M. Crassus (as opposed to his father) i.e. still living; but this is unlikely. Schol. Bob. p.192 says definitely that Crassus helped in the defense of Sestius. Pocock (op.cit. pp.193-9) thinks this curious, since Crassus was at daggers drawn with Pompey and in alliance with Clodius. But Crassus may have wanted to conceal his intentions beneath an appearance of good will to all and grudged the issue by a fulsome speech in praise of Cicero (Cic., Att., I -14). When history repeated itself in 56 B.C., he used Cato to do the same thing (Cic., Q.F. II -3). This was on Feb. 9th, while the indictment of Sestius was lodged on the 10th. So this action of Crassus may have been part of the same policy and an attempt to take the wind out of Pompey’s sails and divert the goodwill of his political friends.

Belmetel (op.cit. p.94) merely quotes Plut., Crass. 7 to explain this. Meyer (I op.cit. p.135) suggests that from a comparison of Cic., Fam., I -5 -7 and Pro Sest. we are to assume that the published speech differed a great deal from that delivered: it was greatly revised, and references to Caesar were toned down. It was a political pamphlet to make atmosphere for Cicero’s end the senate’s politics. But, says Pocock (cit. pp.135-6), if it were a pamphlet, why tone it down? In the letter Cicero was trying to make out what was not true - i.e. that in his April 6th proposal he was attacking Pompey as much as Caesar.

See p.173 n.6.

Cic., Q.F. II -4 and 6 in Vat. 3;

Cic., in Vat. passim: Fam., I -9 -7;
5) Lentulus, and, by Jove, he is not the same man. For among the most depraved and lowest dregs of the populace he gives some offence by his support of Milo, and the loyalists expect a lot from him that he does not do and criticise much that he does do. Marcellinus lays himself open to one complaint, I think, that he handles him too roughly; yet the senate are not unwilling that he should do so. As a result I am the less unwilling to withdraw from the crisis and from every part of politics. 2)

In spite of this final remark, on April 5th Cicero dropped a bombshell in the senate by proposing that the question of the ager Curonian should be brought before a full meeting on May 16th. After a discussion in which senators 'made as much noise as at a public meeting', his motion was carried. 3) As Cicero himself afterwards said, by raising the Campanian question he was assaulting the citadel of Caesar's policy. Historians have been puzzled to find reasons for his apparently sudden decision. 4) One suggestion is that recent events had convinced him that Pompey would break with Caesar and ally himself with the senatorial cause. 5) In reply to the difficulty that the lex Campana affected Pompey as much or more than it did Caesar, it has been answered that some safeguard for Pompey's interests would be found when the future

1) Syme (Roman Revolution p. 36) makes the peculiar suggestion that Marcellinus was an adherent of the triumvirate, having once been a legate of Pompey (App. Mithr. 95; S.I.G. 2 750).
2) Cic. Q.F. II 4 and 6;
3) Cic. Fam. I 9 8. Why did Cicero choose the very time when Caesar would be nearest the centre of affairs? Was he so confident that the breach between Pompey and Caesar could not but be widened?
4) See Appendix XIII.
5) Dio's account (33-34) of Pompey's attitude during these months is quite unreliable. He actually states that Pompey and Crassus drew closer together against Caesar and only came to an agreement with him when they saw no other way out. He does, however, emphasise Pompey's jealousy of Caesar. Pocock (op. cit. p. 23) thinks it not impossible that Pompey and Crassus combined to some extent against Caesar after Luca, although Dio's statement is not otherwise supported. Presumably Crassus also was jealous of Caesar. But why should Crassus do this? Caesar and he had worked together, and Luca had given him what he wanted. It is surprising that Pocock follows Dio here.
of the territory was decided. That Cicero desired to break up
the triumvirate and draw Pompey over to the constitutional cause
is undeniable. But there is no evidence that he had any hope at
this time of reconciling him to the optimates, whom a week or two
before he had considered irreconcilable. Cicero’s opinion was
that for all practical purposes the triumvirate was dissolved;
Pompey had good reason to be dissatisfied with Caesar, and further-
more he was at daggers drawn with Crassus. Some other explanation
must therefore be found for this sudden attack. One point which
has never been satisfactorily explained is Cicero’s repeated
accusation that the constitutionalists, who had most reason to
support him, had let him down. Again, he does not show that
bitterness towards Pompey which we should expect if he had received
assurances from him before putting his motion. The inference is
that while he expected that Pompey would not oppose his motion
about the ager Campanus, he had no guarantee from Pompey himself
that he would support it. A closer examination of the facts
shows that Cicero was not jeopardising his political career with-
out reason. Afterwards he declared that he had been a ‘complete
ass’, but he was chagrined only when he realised that he had been
outwitted. On the face of it, however, he had every chance of
carrying his motion on May 15th and thus declaring to the world
that the triumvirate had collapsed. The trial of Sestius and the
attack on Vatinius had proved that Pompey would not go out of his
way to defend Caesar. Again, Pompey was at open enmity with Crassus,
who with Clodius seemed to have joined the optimates against him.
Pompey also had grievances against Caesar, and the attack launched
by Aupilius Lupus suggested that Caesar’s influence at Rome had
waned.1) Pompey, whom Cicero still regarded as the most powerful

[1] Yet in Q.F. II -4 and 6 Cicero speaks of eos, qui de Caesare
monstra promulgant - presumably Cato and his supporters. For
a possible clue to these proposals in the spring of 56 B.C. see
Cic. Phil. II -24. The senate decreed a thanksgiving for fifteen
days for the defeat of the Nervii (Cic. pro Balb. 61; de prov. co
cons. 27; Caes. B.G. II -35). Rice Holmes interprets Cicero to
number of the triumvirate, had lost not only his influence in
public affairs but his popularity with all classes. Cicero never
counted on active support for his motion from Pompey: what he did
expect - and his expectations were fulfilled - was to meet with
opposition from him. It would appear from his complaints that
he had been led to believe that the optimates would support him
to the extent of their power. The elections of the past two years
had shown that they had renewed their hold on the consulship, and
it seemed probable that Domitius Ahenobarbus, who had already
declared his intention of pressing for Caesar's recall, would be
elected consul for 55 B.C. 1) Apparently the optimates impressed
a Cicero that this was an opportune moment to raise the Campanian
question; but when the coup failed, they jibed at him and rejoiced
openly that Pompey and Caesar were displeased with him. Cicero
afterwards said that he acted as he did not because of personal
hostility to Caesar and Pompey, both of whom he liked, but as a
loyal citizen, and that the optimates, whose political viewpoint
ought to have been the same as his own, had not only let him down
but had added insult to injury by rejoicing at the discomfort
he had suffered in their cause.

Cicero's object was to do what he had failed to do in 61 B.C.
and convert Pompey to the constitutional cause. He had good

1) (contd.) mean that this took place after Luca (op.cit. II p.83).
Pocock on the other hand (op.cit. p.13 n.8) thinks Cicero is
ignoring his hostility to Caesar in the spring of 56 B.C. If the
supplication had been delayed for six or more months there would
surely have been some reference to this. Caesar (B.G. II-35)
does not give that impression. It seems definitely to be dated
to 57 B.C. by Cic. Fam. I -9 -14 -5, which shows that it was prior
to the frustration of Milo's attempt to bring Clodius to trial
(cf. Cic. Att. IV-3). The same passage also suggests that it was
prior to Clodius's renewed attacks on Cicero (Cic. Att. IV-2; 3)
after the speech de dom. had been delivered on Sept.26th (Cic. Att.
IV-5). We may put it about the same time as the corn commission
and decide that from the general coldness of his attitude towards
Caesar and the fact that he was silent about it till after Luca
the task of praising Caesar was thrust upon Cicero as a matter of
political expediency. I agree with Pocock; Cicero would not want
to mention his gesture made to Caesar when he was recalled.

1) Suet. Jul. 24; cf. Cic. in Vat. 25:
reason to believe that Pompey not only would prefer senatorial support to isolation but would also be amenable to discipline. Cicero always thought that given the opportunity he could make Pompey a 'good citizen'. But he failed to realise that Pompey was no longer the leading figure in the Roman world, that Caesar had decided upon an extension of his command in order to complete his work in Gaul, and that Crassus had led him to misjudge the attitude of the optimates. Crassus had consistently supported Caesar. His apparent alliance with Bibulus deceived Cicero; moreover by inducing the optimates to alienate Pompey he removed the danger that both sides would sink their differences. The rock on which Cicero's hopes founded was not Pompey about whom his deductions were quite reasonable. What Cicero did not expect was that Crassus would immediately go north to confer with Caesar, leaving Pompey either to follow or to expose himself on the one side to an alliance of Caesar and Crassus and on the other to the hostile optimates. 1) So long as Crassus remained at Rome Pompey would probably have done likewise; but he felt unable to count on enough support to act independently of his former partners. The speed with which Crassus went to see Caesar suggests that he knew beforehand that Cicero would attack the Campanian law. If this was so, it is quite possible that he had some part in egging Cicero on to risk his coup. Perhaps he hinted to his optimate friends that the moment was ripe for it. 2) In any event Crassus must have been fairly sure that Cicero intended to cause a crisis in the triumvirate, since within six days Caesar was able to hear of the meeting of the senate and send to

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1) But Pocock thinks (op.cit. p.23) "it was Cicero's misfortune to be used by Pompey in the game of bluff to be played against Caesar. Pompey's enemies among the optimates were still numerous and strong, and he probably had no real intention of breaking with Caesar, but the threat to do so secured his immediate ends.

2) Cic. Fam. I -9 (Written in Oct. 54 B.C.) gives a detailed account of the chain of events leading up to Luca.
Pompey asking him to come to Luca. 1) Probably Crassus sent a
carrier post-haste to Ravenna on April 5th and hurried there him-
self immediately. 2) By the time he met Caesar, the latter had sent
his message to Pompey and was preparing to cross to the west coast.
After Crassus had explained the position, they decided to invite
Pompey to a reconstruction of the alliance which would make it
stronger than in 59 B.C. 3) On April 7th Cicero visited Pompey who
were no hint that he intended to meet Caesar; indeed he promised
to oblige Cicero by sending his brother to Rome from Sardinia,
where he was arranging for the transport of corn. There is no need
to assume that Pompey betrayed Cicero by leaving him in the dark
about his intentions. In all probability he had not yet had
Caesar's invitation, since he did not leave Rome till April 11th. 4)
Presumably he accepted Caesar's offer without much hesitation,
although he possibly did not decide exactly what line he would
take at the meeting. A further indication that when Cicero visited
him he had not received the message from Gaul is that, as soon as
his intentions were known in Rome, a host of politicians, including
two hundred senators, 5) hurried north to be present at the conference.
It took place about April 15th, probably less than a week after
Pompey had heard from Caesar. 6)

1) Fast. Jul. 24. Caesar used his influence while in Gaul to secure
the help of politicians in Rome (ibid. 23). But he seems to have
relied mostly on Crassus to protect his interests.
2) Cic. Fam. I -9 9;
p.73) assumes that Pompey knew on April 7th that he was to see
Caesar. But would Cicero not have noticed that Pisa was out of
the way on a journey to Sardinia, if Pompey had not had perfectly
normal business there?
5) Rice Holmes (op.cit. II pp.284-6) states that it is clear that
Luca took place after April 11th and before May 15th. Evidently
it occurred some considerable time before May 15th, because 'a few
days' elapsed after the conference before Pompey reached Sardinia;
and afterwards he had time to send Vibullius to Cicero. It is
clear from Cass. B.G. III -9 -2 that Caesar returned to Transalpine
Gaul before May, the 1st of which was April 5th of the Julian
Calendar. The probable course of events was - Cicero's speech
on April 5th reported to Caesar at Ravenna on the 8th or a day or
two later. It was possible to travel from Rome to Ravenna in
three days (App. B.C. II -32: cf. Cass. B.C. I -8 -6) and in
ordinary circumstances the journey took not more than five. The

(over
At Luca, where they conferred in secret, the triumvirs worked out their future policy on much more definite lines than they had done in 59 B.C. 1) Not only Gaul but also the east, where Pompey had radically altered the old policy of piecemeal extension, was affected by the new imperial scheme. Crassus, who had had no chance to exercise his military ability since the Slave War, bargained for the province of Syria for five years on the understanding that he should deal with the Parthians who had become troublesome neighbours of Rome. It was arranged that Caesar should remain in Gaul for a further five years, receive funds from the treasury, 2) and be given facilities to step into a second consulship immediately afterwards. Pompey's ambition for a military command, which had been thwarted twice in recent months, was now satisfied with the governorship of the Spains also for five years. But no doubt he already had the idea of using his imperium to keep order in Rome. Clodius, who had been a most useful pawn in the game of chess with Pompey, suffered the usual fate of pawns - he was sacrificed by Crassus and Caesar to win the game. Probably Pompey insisted that he should be subdued. 3)

1) Foss (C.Q. XVII 1924 p.62) - Caesar felt he could now dispense with the Red party machine and meet Pompey on equal terms.
2) Rut, Caes. 21; Suet, Jul. 24: Dio 39-35. The sending of commissioners to Gaul and the voting of money to Caesar are not clearly dated. Probably the money was voted after Luca.
3) Clodius dropped out of the picture - see Cic. Fam. I -7. He was given a libera legatio to visit Byzantium and Brogitarus and collect his debts for services rendered during his tribunate ("there's a lot of money in it" - Fam. I -7). Whether he took advantage of the gift is not certain. At any rate he was in Rome in the summer of 54 B.C. (C.A.H. IX p.615 n.3).
to facilitate the passage of these measures Pompey and Crassus decided to hold the consulship next year and thus cut out Domitius, who had threatened to propose Caesar's recall. 1)

The triumvirate had now changed its character and was henceforth a triple military alliance. The partners must have realised the danger of having three commanders with strong forces firmly entrenched in different parts of the empire. But so long as Crassus was present, there was less chance of open rivalry between Pompey and Caesar.

Immediately after the conference Caesar recrossed the Alps to join his army, while Crassus returned to Rome and Pompey continued his business. The first essential was to prevent Cicero from putting his motion on the ager Campanus to the senate on May 15th. His Pompey undertook to do. Crossing over to Sardinia he met Quintus Cicero and reminded him of the pledge he had given for his brother's good conduct. 2) Cicero's account of what followed is to be found in a letter written two years later. "He (Pompey) grumbled a good deal: mentioned his own services to me; recalled what he had said over and over again to my brother about the acts of Caesar, and what my brother had undertaken with regard to me: called my brother to witness that what he had done in the matter of my recall he had done with the consent of Caesar; and asked him to commend to me the latter's policy and claims, that I should not attack them, even if I would not or could not support them. When my brother conveyed these remarks to me and when Pompey nevertheless sent Vibullius to me with a message begging me not to commit myself on the question of the Campanian land till his return, I reconsidered my position and begged the state itself, as it were, to allow me,

1) App. B.C. II 17: Suet. Jul. 24: Plut. Crass. 14: Pomp. 50: Caes. 21. Among those present was Metellus Nepos, proconsul in Spain. Dio (39-27) makes no mention of Luca, but his account implies the renewal of the triumvirate (see Rice Holmes - op. cit. II p. 239). He states (39-34) 44-43) that Caesar's command was renewed for three years. See Appendix XIV.
2) See p. 176.
who had suffered and done so much for it, to fulfill the duty
which gratitude to my benefactors and the pledge which my brother
had given demanded, and to allow me whom it had ever regarded as
an honest citizen, to show myself an honest man. 1) The debate
arranged for May 15th did not take place and the motion was dropped; 2)
furthermore either of his own accord or because he was asked to do
so, he wrote to Pompey as a token of his repentance. 3) That he

1) Cic. Fam. I - 9:
2) Cic. Q. F. II - 6. In spite of Tyrrell (Corres. of Cicero) Q. F. II
-6 (written, it seems, from Rome after May 15th) appears to pre-
cede Att. IV - 5 and 6 (see Haensch - Epis. Tull. pp. 42-6 quoted
by Rice Holmes - op. cit. II pp. 237-8). Cicero must have finished
his tour (see Q. F. II - 6 written on April 5th) returned to Rome
and gone on from there to Antium - possibly to meditate his course
of action.

3) That Cicero's παρακάτασσαν took the form of a letter is clear from
Att. IV - 6. It is unlikely that any serious doubt would have been
cast upon this assumption if Tyrrell (Corres. of Cic. II pp. 47-8)
had not declared that the παρακάτασσαν was the speech de provinciis
consularibus. In a later edition Tyrrell revised this view be-
cause of the difficulties of the date (set forward by Rice Holmes
- op. cit. II pp. 235-8) and voted for Reid's suggestion that the
παρακάτασσαν was a letter to Caesar. As Rice Holmes points out Att-
icus could not have complained to Cicero of being kept in the dark
if the recantation had been a speech; nor again was it likely to
if a preliminary draft of a speech, since Cicero declares that
he had only one copy, which would have been most unlikely, if he
had meant to deliver the speech. Again he was not likely to
tell Atticus in a later letter that he was wondering how to express
his rejection of the old policy, if he had already delivered or
made up his mind to deliver the de prov. cons. But I am not so
sure as Rice Holmes that the παρακάτασσαν might not have been a
letter to Caesar. Rice Holmes's reasons are not in Fam. I - 9
Cicero mentions pressure by Pompey but not by Caesar; that Cicero's
words, "I shall be more expasive if he shows he is pleased with
it" would not be consistent with the fact that Caesar was far away
beyond the Alps, since he must have delivered the de prov. cons.
long before he could have heard from Caesar; that if Caesar perso-
nally had pressed him, he would have had his message arrive at
Rome before Pompey's from Sardinia - are not conclusive. In Fam.
I - 9 Cicero is speaking specifically of Pompey's part in the busi-
ness and the omission of a message from Caesar would mean nothing.
Again there was no reason why Cicero should await a reply from
Caesar before expressing his resentment in a public speech. Fin-
ally, in reply to Rice Holmes's 'sound reason' that Caesar had no
motive for sending a direct message to Cicero, since Pompey under-
took that part of the affair, equally was there no reason why
Pompey should not request Cicero to send a message to Caesar him-
self. After all, in one way it was more natural that Cicero
should write to Caesar, since it was the letter's legislation he
had attacked. Nevertheless I have adopted the view that Pompey
was the recipient of the letter because Pompey had received the
original guarantee from Q. Cicero, and it is natural to assume that
the παρακάτασσαν was the promise of good conduct not from Quintus
but from Cicero himself.
found this a bitter pill to swallow is clear from his apology to Atticus for not showing him the letter. "And — I am nibbling at what I must after all swallow," he says, "my recantation did seem to me a trifle discreditable." He complained bitterly that he had been betrayed by the men who had most cause to support him and declared that henceforth he would cease to be disinterested and shield himself behind the triumvirate. "In my present retirement," he remarks to Atticus, "I am thinking over how to express my rejection of the old policy." His public proclamation of his change of front was made in June when, in accordance with the Sempronian law, the question of the consular provinces for 54 B.C. came before the senate. Enemies of Caesar proposed that the consuls of 55 B.C. should have the two Gauls or that at least one of them should be given with either Syria or Macedonia. Cicero opposed both proposals on the ground that Caesar should be left to finish the work he was executing so brilliantly, and he suggested that the consular provinces should be Syria and Macedonia where Gabinius and Piso were — according to Cicero — disgracing the name of Rome. He took care to show that his sole aims were to recognise Caesar's work and to have his old enemies recalled. His plea was successful: the senate decided to leave Caesar in command of both Gauls. It did not, however, recall either Piso or Gabinius.

Later in the year in a speech on behalf of Balbus, who was attacked because of his connection with the triumvir, Cicero paid much

1) Cic. Att. IV -5;
2) Cic. Fam. I -7;
3) Cic. Att. IV -6;
4) Cic. de prov. cons.: Att. IV -5; 6; Fam. I -7; 8: Q.F. II -6;
5) Cic. de prov. cons.: Att. IV -5; 6; Fam. I -7; 8: Q.F. II -6;

For the date of de prov. cons. see Rice Holmes (op. cit. II pp. 278-9), who suggests that the χαλωμωτος was written soon after May 16th and that the de prov. cons. was delivered after Cicero had returned from a few days stay at Antium (cit. p.239 n.2), and since he made another speech in the senate a few days before (pro Balb. 61) it was most probably in June. But it is possible that Cicero did write his palinode before he saw his brother; or perhaps Quintus sent a written message. See p.196 n.3.

5) Balbus was a Spaniard granted citizenship by Pompey and used on delicate missions by Caesar; see p.132 n.3.
the same tribute to Caesar. In effect the orator now retired
from party politics and emerged only when Pompey or Caesar wanted
him to undertake some work in the courts. It says much for the
influence of the triumvirs that in 54 B.C. he is found defending
not only Vatinius but even Gabinius. 1) His comments on politics
in the years following gain in impartiality what they lose in
vitality.

The influence of the renewed triumvirate was soon felt at Rome.
Decrees of the senate granted Caesar money to pay his troops, al-
though the treasury was in difficulties, and allowed him ten leg-
ati for whom he had asked. 2) But as yet Pompey and Crassus had
not revealed the further designs of the alliance. It had been
arranged at Luca that at the end of the campaigning season Publius
Crassus should be sent from Gaul, where he was showing brilliance
as Caesar's lieutenant, to take over a similar post in the army
with which his father intended to attack Parthia. Pompey and
Crassus knew that they would not be elected consul without strong
opposition from the optimates, whose candidate Domitius regarded
the consulship as his birth-right. 3) Consequently they resolved
to prevent the election from being held until Publius could reach
Rome with a force of Caesar's soldiers, who would return ostensi-
ably on furlough but in reality to canvass for the triumvirs.

1) See p. 208.
2) C. Jullian (Histoire de la Gaule III p. 282 n. 1; 3) thinks that
the ten legati referred to a senatorial commission (following
Luca, and both misunderstood the sense of legati. It is plain
from Cic. de prov. cons. 28 and pro Balb. 61 that military offi-
cers were meant. Jullian's meaning would not make sense in the
pro Balbo and in de prov. cons. Cicero implies that the senate
asked for precedents for the action - which would have been easy
to find, if legati had meant what Jullian says. See Rice Holmes
(op. cit. II p. 294 n. 2): p. 190 n. 1. I am not, however, so certain
that Suetonius could have mistaken the use of legati.
need be with force. 1) They could not arrive before the later
months of the year - actually Crassus spent the summer of 56 B.C.
conducting a successful campaign in Aquitania 2) - Therefore,
since the consuls would for obvious reasons try to hold the elec-
tions before Pompey and Crassus had given in their names, they
needed a tribune who would interpose his veto whenever a date was
proposed. They chose C. Cato, who at the beginning of the year
had taken a leading part in the attack upon Pompey. 3) Presumably
he was handsomely compensated for his change of front, and Pompey
forgot his anger. When Cato used his veto to hinder the elections,
the senate suspected what was afoot and voted itself into a state
of mourning. 4) Nevertheless neither Pompey nor Crassus would
declare openly that he intended to stand for the consulship, since
they preferred to hold their hands until the arrival of their
ambassadors from Gaul. When the consul, Marcellinus, asked them
outright if they intended to be candidates, Pompey replied that he
might or might not; but on being pressed he admitted that, if he
sought the consulship, it would be because there was sedition in
the state. No doubt his audience was suitably impressed. Crassus
was more cautious and replied that if it were for the public good,
he would seek office; but if not, he would refrain. 5)

At last Publius Crassus arrived in Rome, and the triumvirs ad-
mitted that they intended to stand. 6) The rest of the candidates

1 Dio 39-27: Cary (C.A.H. IX p. 325) - Marcellinus refused the names
of Pompey and Crassus 'on the pretext that they had been given in
too late'. This conjecture of Dio seems to me to be not the real
reason for the delayed election but merely a result of this. Nat-
urally Pompey and Crassus would not give in their names within the
prescribed interval, since they were awaiting Caesar's soldiers.
2 Cass. B.C. III - 20 - 27: Dio 39-46; Cic. Q.F. II - 7:
3 Dio 39-27:
4 Plut. Crass. 16: Livy Epit. 105: Dio 39-27 - 8:
5 Plut. Crass. 15 - 5: Pomp. 61 - 2:
6 Long (Decline etc. IV p. 175) finds it difficult to believe Dio
that P. Crassus brought troops to Rome for the elections. But Dio
expressly says this: and in any case the troops were to go to
Syria later: see p. 198.
gave up in dismay, but Cato, who had returned from Cyprus, declared that the triumvirs were seeking to establish an open tyranny and persuaded Domitius not to withdraw. The year ended and the appoint-
ment of an interrex left the optimates powerless to prevent Pompey and Crassus from standing.\(^1\) Polling day was fixed for the end of January or the beginning of February 55 B.C.\(^2\) Before dawn on the appointed morning Domitius was going with Cato and his other supporters to the place of election when they were attacked by the rival band. During the brawl Cato was wounded and Domitius's torch-bearer killed. Domitius himself, although urged on by Cato, took fright and returned home. Pompey and Crassus were, of course, elected.\(^3\)

Profitting by their experience in 58 B.C. the new consuls decided to stop at nothing to have praetors, aediles, and tribunes favourable to themselves. As a last hope Cato had offered himself for the praetorship. The consuls realised his potential nuisance value and without giving notice to any but their own supporters summoned a meeting of the senate. This on the motion of Afranius passed a decree instructing the praetors to enter office immediately after election and not after the usual investigation into their methods of canvass. A rider was proposed that the successful candidates should remain designated for sixty days. Pompey and Crassus, however, intended to bribe on a large scale in order to have their friends elected; hence they were unwilling to have a repetition of the Autronius - Sulla incident of 66 B.C. and refused to include the amendment.\(^4\) Nevertheless Cato commanded considerable support,

\(^1\) Dio 39-31;
\(^2\) The consuls were elected before Feb. 11th - Cic. Q.F. II -7.
\(^3\) Cic. Q.F. II -7; Att. IV -8 b; Plut. Crass. 14 -5; Pomp. 51-2;
\(^4\) Cic. Q.F. II -7; cf. Plut. Cat. Min. 42. Such seems to me to be the content of Afranius's motion. The examples of Sulla, Autronius and Murena (see pp.511ff.) indicate that the elected magistrates could be prosecuted for bribery before entering office. In this year, however, there was no period when they were designated, and Afranius's motion was meant to prevent the creation of an opportunity for exposing bribery. So flagrant was it that Crassus and (over
which even the triumviral gold did not at first entice away, and
on election day the first tribe to vote, whose choice usually
represented the final poll, supported him. Grossly misusing his
position as augur, Pompey declared that he heard thunder and im-
posed his obnuntiatio.¹) In the interval before the fresh poll
the triumvirs bribed even more heavily. Cato was defeated, and
among the successful candidates was Vatinius.²) From the voting
for the aediles Pompey emerged with a bloodstained toga, but the
supporters of the triumvirate were returned. Of the tribunes
eight were favourable and two, Ateius Capito and Aquillius Gallus,
hostile to the consuls.³) Cicero said with truth that the triumvirs
had thrown the constitution overboard and that Pompey carried in
the state-papers in his pocket-book a list of consuls not only
for the past but also for many years to come.⁴) Probably soon after their election the consuls ratified the
provincial arrangements decided upon at Luca. The tribune, C.Tre-
numius, proposed a law granting Crassus Syria and Pompey the two
Spains and perhaps Africa⁵) for five years from March 1st 55 B.C. ⁶)

¹) (contd.) Pompey thought to rush through the motion by underhand
means. That ambitus alone could be charged against a magistrate
designatus is clear from the cases of Catiline and Clodius (see pp.
541/75). Tyrrell (op.cit. II pp. 81-2) thinks that the praetors
had already been elected and that the motion exempted them from
prosecution, but both Cicero and Plutarch are against this. Tyrrell
corrected his note later (ed.2 p. 91). Meyer (op.cit. p. 156 n. 1)
thinks that Afranius's motion strengthened the law against bribery,
but in view of the activities of Pompey and Crassus nothing is
more unlikely. The fact that later in the year Pompey and Crassus
formulated a lex de ambitu (Dio 39-37) certainly does not prove,
as Meyer thought, that Afranius's motion was directed towards the
same end. After their own objects had been gained, the consuls
tried to clean up some of the worse abuses of the elections and
law courts. In any case Dio's remark probably only refers to the
laws connected with the juries and sodalicia. For the lex Licinia-

²) Plut. Pomp. 52; Cat. Min. 42: see Note J p. 407.
³) Livy Epit. 105:
⁴) Dio 39-32:
⁵) Cic. Q.F. II -7; Att. IV -8 b;
⁶) So Plut. Pomp. 52; Cat. Min. 43; App. B.C. II -18. Rice Holmes
(op.cit. II p. 88 n. 1) thinks them wrong.
⁷) See Appendix XIV.
since Crassus intended to conduct a war against Parthia, a clause was inserted that the proconsuls might make war at their discretion.\(^1\)

The lex Trebonia was not passed without a struggle in which the optimates were led by Cato and Favonius. The former tried his old trick of talking out the bill, and as on a previous occasion he was thrown into prison by an impatient tribune. But once again his opponents realised that to leave him there was to make him a martyr, and Trebonius released him. Disturbances were frequent while the bill was being discussed. Both sides lost their tempers: Caesar was injured in a brawl, while the usually placid Crassus lost control of himself and struck a senator.\(^3\) But as was inevitable the bill passed into law.\(^4\) Thereupon the consuls themselves carried without serious opposition a law extending Caesar's command for five years from the same date,\(^5\) one clause of which stipulated that his successor should not be discussed before the date on which his proconsulship expired. Thus with the help of the lex Sempronia Caesar could count on being left in his province until the end of 49 B.C. Furthermore he now held not only Cisalpine but also Transalpine Gaul from the people and not as hitherto by annual decree of the senate.\(^6\)

After the passing of the Trebonian and Licinian-Pompeian laws

\(^1\) Dio 46-12 states that Crassus had no power to make war, and Plut. Crass. 16 hints the same. But in 39-33 Dio says outright that the proconsuls could deal with disturbances and could use as many soldiers as they wanted. Again in Crass. 16 Plutarch makes it fairly clear that Caesar had discussed a Parthian War at Luca. Regling (Klio VII p.362 n.4) thinks there was no clause in the lex Trebonia about a Parthian war and that our ancient authors are wrong in assuming this. Senatorial proceedings against Crassus for illegally beginning a war were, however, made impossible by the clause mentioned by Dio 39-33. Regling suggests that Crassus's excuse for invading Mesopotamia was that the Parthians had not kept to the agreement made with Lucullus and that he regarded Pompey's as never having taken effect.

\(^2\) See p.141.

\(^3\) Plut. Comp. Nic. and Crass. 2.

\(^4\) Dio 39-33 -6; Plut. Crass. 15-6; Pomp. 52; Cat. Min. 43; App. B.C. II -18; Vell. II -46. For the date see Cic. Att. IV -9.

\(^5\) See Appendix XIV.

Comparative calm seems to have settled upon Rome. Pompey and Crassus set to work on a programme of reform, which was moderate in scope and for the most part intended to check corruption. This had reached such dimensions that both elections and political trials had degenerated into contests in bribery. Since the Aurelian law, 1) which had been sponsored by the same consuls, various attempts had been made to check corruption. In 67 B.C. Calpurnius also had passed a lex de ambitu, the penal clauses of which had been made more rigorous by the lex Tullia of 63 B.C. 2) In 61 B.C. two senatorial decrees were passed to check certain electioneering abuses: a further bill suggested in the same year by the tribune Lucro was not passed. 3) The evil was now so rife that Crassus and Pompey tried to improve upon their previous legislation. Measures against bribery came strangely from consuls who owed their election to it and who had certainly used money to have their own nominees elected to other magistracies. They had, furthermore, been very reluctant to allow investigation into the methods by which the pretors had won office. Certainly Crassus, whose money had played a major part in the two greatest legal scandals of the last decade, the trials of Catiline and Clodius, 4) ought to have known the evils of bribery better than anyone. Probably the chief reason for their interest in reform was that Pompey wanted to remove the main source of disorder in the political life of the capital before he was left alone to control the machinery of government. 5)

Previous reformers of the courts had concentrated on increasing the penalties for bribery. Pompey and Crassus on the contrary tried, as they had done in 70 B.C., to improve the composition of the

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1) See p. 40-41 Appendix XIV.
2) See pp. 46:96.
3) See p. 133.
5) Actually Pompey sent lieutenants to govern Spain and stayed in Italy himself on the pretext that his control of the corn supply necessitated his presence (Dio 39-39: App. B.C. II -18). But the arrangement must have been made at Luca.
204.

Aurelia, as opposed to the lex Acilia which had made wealth the sole qualification for membership, required judges to have held certain positions in public life. By the lex Pompeia of 65 B.C., the judges were once more chosen from senators, equites and tribuni aerarii but this time the equites and tribuni aerarii were from the wealthiest members of each class as set out in the centuries. There was so little difference between the last two that Caesar subsequently abandoned it by removing the tribuni aerarii. No doubt Pompey believed that the wealthier the judge, the less liable he would be to corruption. 1)

The second part of the consular programme of reform was the lex de sodaliis which attacked corruption at elections. 2) Addison's activities had made necessary some attempt to check the use of voluntary associations for influencing elections by bribery or violence. The collegia, reestablished and reorganised by him, 3) had been invaluable in retaining his influence in the streets of Rome. In their origins guilds founded on unity of occupation, 4) they had come to be used for political purposes, and by 64 B.C. their activities had become so notorious that a decree of the senate restricted the right of combination among the lower elements of the day. Clodius removed these restrictions and organised the collegia on a thorough-going gang basis. The sodalicia were different in origin from the collegia, 5) but long before 58 B.C. they had become

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political clubs purely and simply and were most effectively organised. They were used by unscrupulous politicians to influence elections and to threaten violence.\(^1\) Crassus designed his bill not so much to increase the punishment for electoral corruption as to prevent the organisation of the clubs which led to it.\(^2\) It applied not only to those who had won office by the use of these clubs but also to any person who had used them for the promotion of political schemes. Apparently it was based on a senatus consultum put forward early in 56 B.C., \(^3\) when political rioting was at its height, ut sodalitates decuriatiqute\(^4\) discederent lexque de eis feretur, ut qui non discessissent, ea poena quae est de vi, tenentur. No law was passed then because of the disturbed state of public affairs, but Crassus now followed up this senatus consultum. The penalty for breaking the lex Licinia de sodaliciis was probably the same as that imposed for violence, \(^5\) perpetual banishment and a fine in proportion to the amount expended for bribery. The constitution of the jury was not the same as that normally adopted in the questiones perpetuae. It seems that four tribes were named by the prosecutor. The accused could reject one of these, and the jury was chosen from the remaining three. Since there were no

\(^{1}\) For the organisation of the sodalicia - the magister collegii, sequestres, divisores - see Husband (op.cit. pp.12-9). The first mentioned was in 314 B.C. (Livy IX -26). Husband says that being formed for some political emergency they were usually only temporary organisations and were disbanded after their object was accomplished (op.cit. p.12); cf. Cic. Q.F. III -1 -15. Towards the end of the Republic they became very numerous. Cicero belonged to several (de pet. cons. 13). The collegia and sodalidades could hold property and make contracts and they came under juristic control as such (Digest 47-22-4) but the sodalicia had no such privileges.

\(^{2}\) The relationship between sodalicium and ambitus is not important. For a discussion see Husband (op.cit. pp.20-1). In theory they would seem to have been treated as separate, but in practice their relationship was so close that writers often refer to sodalicium as ambitus (see Cicero in pro Flacco. and Dio cit.).

\(^{3}\) Cic. Q.F. II -3-6: Husband (op.cit. p.14) thinks Clodius allowed the existence of all collegia: the senate prohibited those whose members were divided into decuries - i.e. it took the view that these societies were dangerous in proportion to their degree of organisation.

\(^{4}\) i.e. divisions of the clubs.

\(^{5}\) It seems possible that subordinates also could be prosecuted - i.e. sequestres etc. - as having responsibility. See Husband (op.cit. p.27).
special courts for such trials, the charge might apparently be
laid before any praetor. 1) After 51 B.C., there is no mention of
this lex Licinia: probably it fell into disuse when Caesar became
dictator. 2) Under the Empire it reappears in a very minor role. 3)
In this drive to curb corruption Pompey suggested the extension
of Caesar's lex de repetundis to include not only provincial gov-
ernors but also, it would appear, members of the equestrian class
in the provinces. 4) Crassus was unlikely to support this, and, for
whateverb reason, it failed to win senatorial support. The consuls
did, however, hold a conference to discuss the activities of the
publicani: but they took no measures to check their rapacity. 5)
The question of Egypt, which had been prominent in the quarrels
of the previous year, was probably settled during these discussions.
Both Crassus and Pompey had wanted to restore Ptolemy, but no
decision had been reached. 6) While Crassus had the more natural

1) Cic. pro Flanc. 37-47; Q.F. III -3; 4-6; Att. IV -15; Holden
(op. cit. pp.33-45). Mention of the law is limited to five prosecu-
tions, all of which took place between 54 and 41 B.C., in 54 B.C.
Flancius, Vatinius (Cic. Q.F. II -16; Fam. I -9 -4; V. -9; Schol.
Bob. on pro Flanc. 40), and one C. Messius (Cic. Att. IV -15 -9)
were prosecuted; in 53 B.C. Milo (Cic. Q.F. III -14; Ascon. p.54 C)
and in 51 B.C. Valerius Messala (Cic. Fam. VIII -2; 4). Husband
(op. cit. p.28) has decided that there must have been some regular
system of appointing a president. A reward was given to a success-
ful prosecutor - Cic. pro Flanc. 8: 19; Ascon. p.54 C.; Hommesen
(Straf. p.874). That it was heavier than the penalty for ambitus
is seen from the pro Flancio. Hommesen (de collegilis etc. p.70)
thought it banishment for ten years but later (Straf. p.874)
decided that it was exile for life (as did Greenidge - op. cit.
p.425 n.5). Husband (op. cit. p.26) thinks that the material loss
was not a fine but rather a loss of property following exile.

2) After writing this I find that Husband (op. cit. p.29) has made the
same suggestion.

3) See Zumpt (op. cit. II 2 p.373). Husband (op. cit. pp.28 -9) says
that jurors were chosen ex omni populo and not in the ordinary way
and that there was no right of challenge. A list of all citizens
in the 36 tribes eligible for service was made. The prosecutor
could select the names of 4 tribes containing the names of those
he wished to act. Provided the number was larger than the average
process of rejection would follow, as in the case of Vatinius;
otherwise there was, as in the case of Flancio, no opportunity
for rejection.

4) Cic. pro Rab. Post. 13; see p.145 n.4.

5) Cic. Att. IV -11. It would appear from Dio 39-37 that the consuls
tried unsuccessfully to introduce a sumptuary law (see Deknatel -
op. cit. p.106 who points out that Caesar later did this).

6) See p.183.
claim to settle Egyptian affairs on his way to his province, Pompey was unwilling that his colleague should secure what he himself had sought in vain. For his own part Crassus was equally unwilling to have Pompey hold an imperium not only in Spain but also on the borders of Syria. Both were aware that a further attempt to bring up the Egyptian question would lead to further trouble with the optimates, and neither wished to begin new struggles in the Forum and senate-house. Crassus was absorbed in preparations for his Parthian War, while Pompey was most anxious to have Crassus secure what he himself had sought in vain. For his own part Crassus was equally unwilling to have Pompey hold an imperium not only in Spain but also on the borders of Syria. Finally the consuls decided that Gabinius, who was a supporter of Pompey, should be asked to restore Auletes from Syria. 1) For a governor to leave his province was a most serious offence, and Gabinius would certainly be prosecuted for treason on his return. But Pompey promised him not only a share of the ten thousand talents to be paid by the king but protection when he reached Rome. 2) Gabinius accepted the offer and marched into Egypt, where he removed Berenice from the throne, restored Ptolemy and left five hundred Gallic and German soldiers to protect him. He aggravated his offence by failing to report his action to the senate; and fuel was added to the fire of senatorial anger by a deputation of publicani, who complained that his absence had deprived them of the protection to which they were legally entitled. 3) Gabinius

1) Dio 39-55-6: That Pompey advised Gabinius to restore Ptolemy is supported by Cic. Fam. I -7 (56 B.C.) where Cicero relates Pompey's advice to Lentulus, which is exactly what Gabinius afterwards did - i.e. a) placed the king at Ptolemais or some neighbouring spot; b) proceeded with fleet and army to Alexandria; c) left a garrison there. Pompey seemed to suggest that Lentulus would be keeping to the senate's ruling on the subject.

2) £2,500,000: Gabinius was already in bad odour at Rome and had been refused a supplicatio by the senate in May 56 B.C. (Cic. Q.F. II -6).

did not reappear in Rome until September 54 B.C., but his delayed return did not lessen the hostility with which he was received.  

At the beginning of the year several tribunes had given notice that they intended to prosecute him for treason, and it was left to Pompey to keep his promise.  

He tried to persuade Cicero to defend Gabinius, but Cicero felt that since his previous attacks on Gabinius had been so violent he could not do it.  

Although the prosecution was weak and Pompey brought pressure to bear upon the jury, Gabinius was acquitted by only a small majority.  

Thereupon he was prosecuted a second time for repetundae, and this time Pompey did persuade Cicero to undertake his defence.  

But in spite of his eminent counsel and although letters were produced in court from Caesar and Pompey, who declared that he had Ptolemy’s word that the accused had received no money from him, Gabinius was convicted and went into exile.  

What happened to the money is unknown; probably Ptolemy either handed it over to his benefactors secretly or said he could not pay the bribe. The fact that Rabirius, who was sent to Egypt to help Ptolemy to raise the money, returned in apparent poverty means little. The triumvirs would not advertise the transaction, and Cicero, who supplies most of the evidence about Rabirius’s business in Egypt is most anxious to declare that his client had made a fortune. Ptolemy would certainly have to pay the triumvirs what he had promised. Perhaps the truth is that Rabirius found it more difficult than he had expected to

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1) Cic. Q.F. III -2: 3; III -1 -15 & 24: 2; Dio 39-62;  
2) Cic. Q.F. II -11: III -1 -15;  
4) Cic. Q.F. III -3: 4: Att. IV -13;  
6) Gabinius ‘by the influence of money and the dynasts was acquitted’.  
7) Cato as praetor presided at the trial (Cic. Q.F. III -1 -15: 2).  
8) Cic. pro Rab. post. 34;  
his pockets at the expense of the Egyptians. 1)

During the summer of 56 B.C. Pompey dedicated with levish entertain- ment the theatre which he had begun on his return from the east. 2) From these festivities the consule turned to levy troops for their proconsular commands. Since volunteers were few they had to fill up their legions with conscripts. The tribunes Aquilius Gallus and Atius tried to prevent the levies on the ground that Crassus was making war on Parthia without provocation. 3) But Pompey ignored them and carried on with the levy. 4) The conservatives disliked the Parthian venture, but the equites were naturally in favour of it since it might result in further opportunities for money-making. By the beginning of November Crassus was ready and eager to go, although his consulship had not expired and travel would be difficult so late in the year. On the night before he left the city, at the wish of Caesar and Pompey, he dined with Cicero, whom he had provoked to an open quarrel during a senatorial debate on the conduct of Gabinius. 5) A letter to Atticus written a day or two

1) Cic. pro Rab. Post. 52: 30; Schol. Bob. to pro Flanc. 36: Flut. Ant. 3: Cicero, of course, implies that Gabinius was to collect the whole bribe; but he detested Gabinius, and in any case he was not likely to charge the IIIVirs even if he suspected them. Rice Holmes (op. cit. II p.149) supposes Gabinius was to divide the money with the IIIVirs. C.A. IX p. 521: Ptolemy failed to pay the whole 10,000 talents and earlier loans raised at Rome. The king either secretly tricked his benefactors or else secretly conveyed the money. Rabinius was 'either in reality or appearance sacrificed to the resentment of the Egyptians and returned to Rome, in reality or appearance, a poor man and a pensioner of Caesar'. In Fam. VII -17 (Sept. 54 B.C.) Cicero says that the man who had gone to Alexandria with bills of exchange (i.e., for the sums borrowed at Rome) failed to get a cent. Dio 39-60 says outright that Pompey and Crassus received money.


3) Dio 39-39. He tried to prosecute the legati of the proconsuls.


5) Crassus and Cicero were several times on bad terms - a) when Cicero gave Pompey all the credit for the Spartacan war; b) during the Catilinarian Conspiracy; c) when Crassus was active in having Cicero exiled; d) when Crassus took up the cause of Gabinius; cf. Fam. I -9 -19 - "I thought I had done much to secure his gratitude in having for the sake of the general harmony wiped out by a kind of voluntary act of oblivion all his very serious injuries, when he suddenly undertook the defence of Gabinius, whom only a few days before he had attacked with the greatest bitterness." Crassus made derogatory remarks in an underhand way about Cicero, who lost

(over)
later shows that the reconciliation had been only a formal one. 
"It is said," Cicero writes, "that our friend Crassus set out 
wearing the paludamentum with less dignity than L. Paullus, who 
was the same age and also in his second consulship, once did. 1) 
That a good-for-nothing fellow he is!" When Ateius announced his 
tention of having Crassus arrested before he left the city, other 
tribunes vetoed his proposal. Nevertheless Crassus thought it 
expedient to ask Pompey to come and speed him on his way. Finding 
all other opposition useless, Ateius set himself at the Capuan 
sate, and as the general and his troops passed through, he called 
down curses on their heads. 2)

(contd.) his temper and, remembering the wrongs he had, or thought 
he had, suffered from Crassus, flared up at him. A bitter quarrel 
ensued. See also Delenatel (op. cit. pp. 108-9) on the relations 
between Crassus and Cicero. He refers the incident related by Plut. 
Cic., 25 to this quarrel in the senate.

Junius Paullus was 60 years of age when he went to Macedonia. 
attended 'maiore quam solita frequentia prosequentium' (Livy XLIV 

CL, Att. IV -13; Fam. I -9 -20; V -8; de div. I-29; Plut. Crass. 16: 
Jn 39-39; App. B.C. II -18. Was a motion tabled in the senate for 
Crassus's recall? See Appendix XV.
Since the autumn gales made a sea voyage hazardous, Crassus chose to travel to Syria overland through Asia Minor. After losing some of his transports in the crossing from Italy to Syria, he marched through Macedonia and took ship across the Aegean. Plutarch tells how on his way through Galatia Crassus found old King Deiotarus building a new city and said to him jokingly, "You are beginning to build at the twelfth hour of the day". To which Deiotarus replied, "You yourself are not starting against the Parthians very early in the morning" - an allusion to the fact that Crassus, who, according to Plutarch, looked older than his sixty years, was attending to his military reputation late in life.

Crassus reached Syria early in 54 B.C. He had apparently sent one of his legates ahead some months before to take over the province in his name. Gabinius, however, refused to relinquish his command, and it was perhaps for this reason that Crassus attacked him in public speeches. But his animosity must soon have died away, for a few days later he defended Gabinius in the senate. The latter knew that feeling against him in Rome was intense, and he did not intend to leave Syria until the last possible moment. Although he was momentarily annoyed by the rebuff, Crassus quickly saw that it was in the interests of the triumvirate to present a united front against Gabinius's accusers.

The sources for relevant Parthian history and for the campaigns of Crassus are given by Regling (Klio VII p.357) as follows:

- Plut. Crass. 16-33; Dio 40-12-27; Justinus 42-4; Vell. II -46-2; Josephus Bell. Jud. I -8-3; Arch. Jud. XIV -7-1-3; Hegesippus I -21; App. B.C. II -18; Amelius 31; Zosimus III -32; Moses of Chorene II -17; Livy Epit. 106; Flor. I -46; Rufus Festus 17; Eutropius VI -18; Oros. VI -13; Obsequens 124; Servius Ver. Aen. VII -606; Pseudo-Appian Parthica; Cass. B.C. III -31; Strabo XVI -748; Zonaras V -7; Nicolaus Damasc. in Athenaeus F.G.H. III -418; cf. Rice Holmes (op.cit. II p.159).

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- Plut. Crass. 16-33; Dio 40-12-27; Justinus 42-4; Vell. II -46-2; Josephus Bell. Jud. I -8-3; Arch. Jud. XIV -7-1-3; Hegesippus I -21; App. B.C. II -18; Amelius 31; Zosimus III -32; Moses of Chorene II -17; Livy Epit. 106; Flor. I -46; Rufus Festus 17; Eutropius VI -18; Oros. VI -13; Obsequens 124; Servius Ver. Aen. VII -606; Pseudo-Appian Parthica; Cass. B.C. III -31; Strabo XVI -748; Zonaras V -7; Nicolaus Damasc. in Athenaeus F.G.H. III -418; cf. Rice Holmes (op.cit. II p.159).

2) Dio 36-50: I do not believe that Gabinius protested because the Trebonian law had fixed the terminus a quo as Nov. 15th 55 B.C.

3) See Appendix XIV: p.328 n.5.
and he did not press the matter further.

The Arsacid empire which Crassus was preparing to attack had its beginnings in a movement of tribes from the region of the Caspian Sea. Its founder, Tiridates I., took advantage of troubles in the Seleucid empire in the middle of the third century B.C. to extend his influence westward. The battle of Magnesia in 189 B.C. radically altered the balance of power in the Middle East, and Mithridates I., who became king between 170 and 160 B.C. made full use of this: when he died in 138 B.C. Parthian rule extended over Media, Elam, Persis, Babylonia and Adiabene. The attempts of Demetrius II. and Antiochus Sidetes to win back their lost territory were unsuccessful. But about 130 B.C. the Parthian empire had to face a serious nomad invasion from the north and east of the Caspian Sea. Mithridates II., however, not only pushed the invaders back but also by taking over Mesopotamia carried the boundary of his empire to the Euphrates.

From 88-7 B.C. when Mithridates died until about 64 B.C., when Phraates III. had eliminated his rivals, Parthia was torn by faction. During these years Parthian power suffered a partial eclipse, while that of her neighbour Armenia grew rapidly. Tigranes, who owed his throne to Mithridates II., seized Sophene, Gordyene, Adiabene, Media Atropatene and N. Syria, and thus challenged Parthia in Mesopotamia.

Parthia made her first official contact with Rome in 92 B.C., when Sulla and Mithridates II. recognised the common danger from Pontus. For more than twenty years the two countries remained on friendly terms. But when after his defeat at Tigranocerta in 69 B.C. Tigranes offered to hand back his conquests north-east of the Tigris in return for Parthian support, Phraates wavered, and if

1) This account is based on Tern in C.A.H. IX pp.574-612. For references to other works see C.A.H. IX pp. (947-52):

2) Plut. Sull. 5; Livy Epit. 70; Ruf. Fest. 15.
the Roman troops had not mutinied Lucullus would perhaps have attacked him. 1) When Pompey offered him much the same territory as Tigranes had done, Phraates immediately invaded Armenia but achieved nothing. Meanwhile Tigranes had found it politic to throw himself on the mercy of Pompey, who thereupon broke off negotiations with Phraates, sent Afranius to drive the Parthians out of Gordyene and Nicibis and returned these regions to Tigranes. Phraates protested to Pompey but got no satisfaction. 2) Both Parthia and Armenia now realised that to quarrel was to play Rome's game for her, and they agreed to divide the disputed territory. But Os- romanus, one of Mithridates II's Mesopotamian conquests, broke away, and the Abgar Arimanes II 3) placed himself under Pompey's protection. Alehandonius, an Arab sheikh who held territory west of the Euph- rites seems to have followed his example. 4)

In 57 B.C. Phraates III was murdered by his sons, Mithridates and Crodes. The brothers soon quarrelled, however, and Crodes was only able to recover his throne 5) with the help of the private army of the powerful nobleman Surenas. 6) Gabinius was on the point of invading Parthia in answer to an appeal for help from the hard- pressed Mithridates when he was asked by the triumvirs to restore Ptolemy Auletes. 7) He knew that either venture would lead to his prosecution and doubtless preferred the certain to the uncertain reward. Mithridates was soon defeated and shut up in Seleucia, where he was still standing siege when Crassus reached Syria. 8)

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1) Dio 36-3 ff.: App. Mithr. 57: Plut. Luc. 30: These events are far from clear.
3) Probably Abgar was his official title: see p.216 n.2.
4) Dio 40-20: see p.216 n.2.
5) De Keat (op. cit. p.109) makes Mithridates succeed to the throne wrongly.
6) cf. Warwick the Kingmaker.
8) Mommsen (History of Rome IV p.309 Every. Trans.) says Mithridates was relying on Gabinius returning from his Alexandrian expedition to help him: his death was a "palpable loss" to the Romans.
When the campaigning season began Crassus had organised his thirty-five thousand men into seven legions. These were supplemented by small forces of light-armed troops and cavalry, the latter quite inadequate for the task before them. 1) P. Crassus did not arrive in Syria until the first campaign was over; 2) and without Caesar's thousand Gallic cavalry Marcus could not contemplate a thrust towards Seleucia in the first summer. This late arrival of Publius is hard to explain, since he was certainly in Rome to support his father's candidature in the early months of 55 B.C., and there is no evidence that he returned to Gaul. Again, it is difficult to believe that Caesar did not provide the promised cavalry in time for them to leave Rome with the rest of the eastern force: on the contrary the troops which Publius brought to Rome for the elections at the end of 56 B.C. were probably none other than those intended for Syria. 3) Perhaps Crassus thought it expedient to leave this valuable part of his army behind until the next spring when ocean-travel would be safer. If this was the reason, he must have made up his mind before he left Rome not to strike into the heart of Parthia before 53 B.C.

In the summer of 54 B.C. the Romans crossed the Euphrates - probably at Zeugma 4) - and operated in the country between that river and the Belich, where there were several towns hostile to Parthia. 5)

1) Crassus's legati were Vargunteius, Octavius (Prasbeutis-Plut.Crass. 27) and P. Crassus. C. Cassius Longinus - the murderer of Caesar - was his quaestor, and Petronius, Censorinus and the brothers Roscius were tribuni militum. Meyer's suggestion (op.cit.p.170) that Crassus had 8 legions and left one behind in Syria is based on the assumption that he must have had an even number; cf. Gelzer (M. Licinius-68- Crassus in P.W.). By far the most important accounts of the Bellum Parthicum are Plut.Crass.17-33 and Dio 40-12-27. Florus and Appian contribute little, and other references are cursory (see p.211 n.1).
2) Plut.Crass. 17: Deknatel(op.cit.p.109) states that Publius returned to Gaul to collect the thousand cavalry, hence his late arrival in Syria - a most unlikely suggestion.
3) See p. 198.
4) See Regling (Kilo VII p.365 n.6) Crassus did not go through the formality of declaring war (Dio 40-12). Günther (Beiträge zur Geschichte der Kriege zwischen Römer und Parthern p.14) suggests that Crassus's route was from Antiochia over Beroea or Chalcis and then he crossed the river at either Zeugma-Apamea or at Thapsakos. Orodes's messengers met him at the beginning of 53 B.C. Günther does (over
Most of these received him voluntarily as he moved east from Agamem to Batnae Anthemusias. From there he went on to Carrhae, where he turned south and followed the Belich. Sillaces, the Parthian governor of this region, was defeated by the Romans and retired to report to his master. 1) Zenodotium; 2) where a hundred Romans were killed - we are told by treachery - was pillaged. 3)

For this exploit Crassus was hailed imperator by his troops - an indication of the assurance with which the Romans, influenced by the resounding victories of Lucullus in Armenia, undertook the conquest of Parthia. Crassus then proceeded to Nicephorium, a town at the junction of the Belich and Euphrates, 4) where he met an embassy sent by Orodes to enquire why he was waging undeclared war against a people who had given Rome no cause for offence. 5) When Crassus declared that he would give his answer in Seleucia, the chief ambassador replied, stretching out his upturned palm, "Hairs will grow here, Crassus, before you will see Seleucia". The embassy hastened back to Orodes and Crassus returned to Syria, 6) leaving seven thousand infantry and a thousand cavalry to garrison the occupied towns. 7)

Crassus has been severely criticised because he did not advance immediately on Seleucia. 8) But his operations on the Belich were an important part of the plan of campaign in which Artavasdes of

(contd.) not say where - see Appendix XVIB.

1) Dio 40-12; he reappears in the Parthian army at Carrhae.
2) North of Ichnae (Regling cit. p.365 n.11). See Appendix XVI Map.
3) Plut.Crass. 17 speaks of a prince Apollonius. Crassus lost c.100 men, took the town by assault, plundered it and sold the inhabitants as slaves. Dio 40-13 speaks of treachery. He also declares that Crassus attacked only such places as could easily be seized and "paid no attention to the rest nor even to the places conquered but was vexed by the delay in Mesopotamia and longed for the indolence of Syria" - a malicious statement which is typical of Dio's account.
4) Dio 40-13; For Crassus's route see Regling (Klio VII pp.365-6).
5) See Appendix XVIB.
6) Along the Euphrates (Regling cit. p.367). Where he crossed the river is unknown.
8) For a discussion of this campaign see Appendix XVIA.
armenia, whose cavalry was as numerous as his own was scanty, was to cooperate. Crassus had asked the king to be ready to advance down the Belich in 53 B.C. and meet him at Nicephorium. To make the Armenian march easier he promised to garrison the region beforehand. Although early in 53 B.C. Artavasdes hinted that he would not carry out his part of the plan and advised the Romans to invade Parthia through Armenia, Crassus was still relying on Armenian help even after he had begun his second campaign. Whether in the event Artavasdes would have helped him is doubtful; but Crassus settled the question by invading Armenia himself.1)

During the winter Crassus called upon neighbouring chieftains to supply contingents of cavalry and light-armed troops. Ariamnes of Osroene and Alchaudonius attached themselves to Rome and contributed native soldiers, whose expert knowledge of the country made them valuable scouts.2) Crassus did not need native infantry and apparently waived his claim to these in return for money.3) To fill his war chest he also plundered the temples at Jerusalem and Bambyce.4) But his most important task was to strengthen his cavalry. Publius had arrived with his Gauls; but even though Artavasdes was expected to bring a strong contingent, Crassus had

1) See Appendix XVI.
2) Plut. Crass. 21: Abgarus II. (Ariamnes) was king at Edessa the capital of Osroene: since the Roman-Parthian rivalry he had jumped from one side to the other. For his support of Pompey see - Plut. Pomp. 36: Crass. 21: Dio 57-5: 40-20: p.213 . Regling (op. cit. p.370) suggests that Abgar preferred, as a guarantee of his own importance, that a counterpoise between Rome and Parthia should be maintained. Deknatel (op. cit. p.113) gives the orthodox story of his treachery. Alchaudonius (Dio 36-2-5: 40-20) - or Alchaudonius (Strabo XVI -723) was leader of nomads living on the west of the Euphrates. His troops were bowmen (Dio 47-27). He had supported Lucullus and thereafter the Roman side. After he left Crassus he was anti-Roman and effected the relief of Cæcilius Bassus when he was besieged in Apamea by Antistius (Dio 47-27). For his motives see Strabo (cit.)
3) Plut. Crass. 17:
4) Joseph. Ant. XIV -7 -1: Bell. Jud. I -8 -8: Oros. VI -13: Zonaras V -7: Moses of Chorene II -17: Pliny N.H. XXXIII -10 (47) -134. For the implied contrast of Crassus with Pompey, Livy’s favourite, see Regling (de fontibus etc. p.57) Bambyce = Hieropolis (Plut. Crass. 17.).
through the river, a thunderstorm destroyed the bridge, and

Roman cavalry was of little use all through the Republic. Regling (op.cit. p.373), who is followed by F. Smith (H. Z. CVX 1916 p.242) declares that Crassus drew 1500 cavalry from Syria and collected perhaps 1000 during the winter of 54-5 B.C. Taking into consideration the 1000 brought by Publius and the 1000 left on garrison duty and the statement that the Romans started out with 4000, these writers decide that Crassus had perhaps 3000 for the 54 B.C. campaign. Crassus saw how weak his cavalry was and decided to wait for Publius and to strengthen the legions before marching to Seleucia. So Smith, who goes on to point out the part to be played by Artavasdes (see Appendix XIA) and that Crassus did not originally intend to start for Parthia proper in 54 B.C., Regling counts thus: - 4000 cavalry altogether (Plut.Crass. 20); of these there were 1000 Gallic cavalry (Plut.Crass. 17), 300 with which Egyptians and 500 with which Cassius escaped to Syria, presumably 300 which were added to Publius's 1000 for his attack. The remaining 1800 would be recruited from Syria and from friendly princes. Abar brought cavalry and Arab horsemen are also mentioned (Plut. Crass. 26). Rice Holmes (op.cit. II p.314) is not convinced by this argument - which, I agree is largely doubtful conjecture - since we do not know how many cavalry Crassus brought from Rome. He thinks that Crassus of necessity used the cavalry which he had left for his garrisons. But how did he collect them? The numbers of the army were - 7 legions (55,000 men) 4,000 horsemen 4,000

\[ \frac{7 	imes 55,000}{100} = 45,000 \text{ men.} \]

In Plut. Crass. 51-10,000 are captured and 20,000 dead; in Appian B.C. II -18 - 10,000 men (II -49 -2 legions) returned. Florus's 11 legions and Appian's 100,000 men are gross exaggerations; cf. Ferrero (op.cit. II p.108 n.8). Günther (op. cit. p.20) thinks we must assume from Plut.Crass. 17 that Crassus made no additions to his force, except, of course, Publius's auxiliaries. He reckons 40-45,000 combatants, 15,000 non-combatants and c. 12,000 animals. Delbrück (Geschichte der Kriegskunst I p.407) reckons the non-combatants at a higher figure and the whole at Carrhae at 80-90,000 men, which is very high, even if we count the garrison troops (3,000). But both Günther and Delbrück are conjecture.

5 May by the old calendar. Regling (op.cit. p.374 n.4) counts 4 days along the river and 4 to the Belich i.e. starting c. April 28th. Kromayer (Hermes XXXI p.100) thinks the beginning of May. Günther (op.cit. p.20) - end of April - beginning of May after wasting a most valuable week in the district, which in view of his object - i.e. Seleucia - is incomprehensible. Was he perhaps waiting for word of Artavasdes?
A number of his men were killed. Although Crassus himself was not removed, the superstitious soldiers were visibly disheartened.

Then Crassus tactlessly declared that not a man should come back over this bridge - he meant that he intended to return through Armenia - the soldiers saw in his remark a further omen of defeat and were the more despondent.1) Scouts soon returned to report that they had found not the enemy himself but traces of retreating horsemen. The quaestor, Cassius, advised Crassus to establish a base in a fortified town on the river until more definite information about the Parthian movements was forthcoming. Since the Romans knew neither the size nor the exact position of the enemy force, which was operating in the neighbourhood, Cassius's caution was tactically sound. When Crassus chose to continue his advance, Cassius urged him at least to keep to the river, where transport was easy and his line of communication secure. Throughout this campaign Cassius is presented in a light, more favourable than his assertion after Carrhae seems to warrant, and it is difficult not to suspect that later writers accepted without question the story he told to justify his conduct. It is not surprising that at this stage Crassus neglected his quaestor's advice, since he wanted to meet Artavasdes at Nicephorium at the earliest possible moment.2)

But in the neighbourhood of Bethamaeris, a town on the river probably due east of Bambyse,3) messengers from Artavasdes brought

1) The number of bad omens recounted of the Parthian War makes one suspect that the Livian tradition was responsible for a highly coloured picture which emphasised the wickedness of Crassus. Regling (op.cit. pp. 374-5) suggests the presence of optimate agents or defectists?

2) Regling (op.cit. pp.377-8) suggests that Crassus was influenced in his march along the Euphrates by the fact that the Parthians were useless at attacking the fortified places on the Belich. Was he not expecting Artavasdes to protect these also? See Appendix XVI.

3) See Appendix XVI : Regling (op.cit. p.376) suggests that Crassus turned eastward between Oscherije, which is in the same latitude as the source of the Belich, and Serrhae, which is in that of Ichnae, Plut. Crass. 20 disposes definitely of a suggestion that Crassus went east from Zeugma (Ihme - Römische Geschichte VI p.433) or south-east (Ritter - Erdkunde von Asien X p.1131: Drumann IV p.102 f.; Mommsen (History of Rome IV p.310 Every, Trans,) and so came to Carrhae (Ihme) or to a point on the Belich between Carrhae (over
Crassus the news that the king could not cooperate with the Romans, since Orodes had invaded his country and was pressing him hard. Suspecting that Artavasdes had deliberately betrayed him, Crassus sent back the angry reply that he would deal with the king when his hands were free. 1) The defection of Artavasdes compelled Crassus to revise his plans. In a council of war Cassius again urged a cautious advance along the river. Ariamnes on the other hand declared that if Crassus struck immediately he could easily destroy the Parthian force which had been sent to watch his movements. Crassus had no reason to doubt the good faith of one who owed his kingdom to Rome. But he turned east not, as his critics said afterwards, because he trusted blindly in the Abgar but because he believed that by bringing the Parthians to battle he would relieve the pressure on his outposts on the Belich. 2) Then he could either march south to join the Euphrates at Nicephorium 3) or, what is more likely, force the issue with Orodes in Armenia. 4)

At first the Romans marched through fertile country, but this deteriorated into a waterless waste across which they had to travel for more than a day before reaching the Belich. 5) The soldiers, who had not been trained for such hard marching, began to complain against Ariamnes for leading them through such difficult country. He rebuked them with the remark that they were in Arabia, not Campania; 6) and it was perhaps at this point that Alchaudonius and

1) (contd.) and Iohannes (Ritter cit. etc.). The story of the journey over the desert would thus be false, since the way lay through fertile country (see Regling Klio I p. 467). Rice Holmes (op.cit. II p. 161) suggests that Crassus turned east about Caselliana; C.A.R. IX p. 668 says opposite to Bambyce, where an Arab trade route skirted Anthesmias to the south and crossed the Belich between Carrahe and Iohannes. D.G. IV p. 113 n. 4 places the turn too far south. Günther (op.cit. p. 26 n. 2) thinks they marched along the southern edge of the fruitful land of Anthesmias and then turned south-east into the desert in the general direction of Dabana.
He left Crassus in the lurch. Historians have stated unhesitatingly that they intended from the first to betray Crassus. 1) But an equally reasonable explanation of their conduct is that they realised that Crassus was bent on coming to grips with the Parthians as soon as possible and therefore led him along a nomad road which crossed the Euphrates south of Carrhae. At first Ariamnes may well not have known how formidable the Parthian army was. Later, however, when he saw that the legionaries, though strong in numbers, were of poor material and unlikely to make up for the deficiency in cavalry, he lost faith in a Roman victory. So, when a favourable opportunity came, he offered to use his troops to create a diversion, and Crassus saw neither Alchaulonius nor him again. Probably their departure was hastened by reports from scouts that only a few miles away they had met an unexpectedly large enemy force and had suffered some casualties. 2) In the event of a Roman victory no doubt Ariamnes would have returned with some equally plausible excuse for his absence. 3) But, however reprehensible his conduct, the charge that he plotted with Surenas to lead the Romans into the desert is not proved. 4)

Up to this point the army had marched in a long line with a cavalry detachment on each wing and another in front to reconnoitre; behind came the baggage, which was protected by a rear guard. 5)

1) See Appendix XVI p.337.
3) Plut. Crass. 22: for a different version see Dio 40-21 ff. It is open to conjecture whether with the departure of Ariamnes the Roman cavalry was depleted. Perhaps Plutarch did not count this contingent, since Ariamnes did not join Crassus until after he had crossed the Euphrates (Smith op.cit. p.246).
4) Regling (op.cit. pp.378-9 n.2) - Crassus was not well informed of the difficulties of the terrain or of the Parthian methods of fighting. Von Gutschmid (Geschichte Irans pp.91 ff.) and Holzapfel (Ber. Phil. Woch. 1901 p.853 f.) doubt the treachery of Ariamnes. Gutschmid points out that in 53 B.C. Ariamnes apparently lost his throne because he sided with Rome; cf. C.A.H. IX p.618. Dio 40-21 reports that he took part in the battle, but Plut. Crass. 22 is against this. An attempt to make him desert but return to fight against the Romans is unconvincing. Regling (op.cit. p.381 n.2) considers that Dio drew from Livy whose account excused Rome Günther (op.cit. p.23) opposes Regling and combines Plutarch and Dio.
5) Plut. Crass. 23: for the formation see Appendix XVIC.
realising that he would be heavily outnumbered in cavalry, Crassus drew his legionaries together into a deep square with twelve cohorts on each side and allotted a small troop of cavalry to each cohort. He himself commanded the forward line, and it seems likely that Publius was instructed to arrange the remaining eight cohorts on the right of the square. When the army turned south - apparently after a short rest - Publius transferred his troops to the right to protect the new front. Crassus and his staff and Cassius, who commanded the left wing, presumably moved from one end of their lines to the other.

In this order they reached the Belich about midday on June 8th. Some of the officers advised pitching a camp there in order to rest the soldiers and to find out more about the enemy's movements. But Crassus was determined to keep on the heels of the Parthians; so after a hasty meal, which they took standing in their ranks, the legions hurried south along the river. Very soon the advance guard of the Parthian army appeared over a neighbouring hill. At first the Romans thought that they had to deal with only a small force; but they were quickly disillusioned when the main Parthian army led by Surenas came into sight. Both sides immediately prepared for battle. Cassius guarded the river on the Roman left, while on the right of the square Publius and his cohorts stood ready to check any encircling movement by the enemy. Crassus himself took up his position in the centre and in front of the legions he stationed his light-armed troops.

1) Plutarch does not mention the R.Karamu (see Regling - Klio I p. 465; Sachau - Reise etc., pp.236-7). Neither it nor the Belich had much water - cf. Plut. Crass. 23.
2) Plut. Crass. 23; Ovid - Fasti VI, 465: Actually it was May 6th. See Appendix XVI.
3) Regling (op.cit. pp. 381; 384). The Parthians stood to the south (cf. Smith - op.cit. p.247). Ritter (op.cit. X p.1121) says there were enemy cavalry on the east side of the river; Mommsen (History of Rome IV p.311Every. Trans.) assumes that the Romans crossed the river. But there is no evidence for this, and on technical grounds it is hardly likely (see Regling - Klio I p.464). Furthermore Plut. Crass. 25 is against it. Rice Holmes (op.cit. II p.162) - "Crassus yielded to the importunity of his son".
4) Plut. Crass. 23:
The Parthian army was composed almost wholly of the retainers of Surenas,¹ the second man in the empire. To his family belonged the privilege of crowning the king of Parthia,² and he himself, although less than thirty years of age, was allowed to remain as large a force as he could conveniently handle. Before invading Armenia Orodes had instructed Surenas to harass the Roman march: whether he risked a general engagement with Crassus was left to his own discretion.³ At this time Surenas's private army numbered ten thousand horsemen who saw constant service and were therefore very efficient.⁴ The only fixed part of their dress was a light leather collar, and their only weapon was the bow which they used with deadly effect. Their tactics were to deliver a series of wild mass-attacks and then by retreating to lure the enemy into a premature advance. Their strength lay in their ability to charge repeatedly and by changing their point of attack to inflict heavy losses, unless the enemy countered with similar tactics.⁵ To these Orodes had added a thousand cataphracts or shock-troops on horseback who, like medieval knights, were protected by plate or chain armour which reached to their knees. A double-ed cap with a slit in it for the eyes covered the whole head, and

¹ Surenas was his title; his personal name is unknown.
³ Velleius (II -46 -2) says wrongly that Orodes himself went against Crassus. For his object in invading Armenia see - Plut. Crass. 21: Dio 40-16. Perhaps when Crassus was defeated Artavasdes made peace with Parthia, as a token of which his sister married Pacorus (Plut. Crass. 33; Justinus 42-5-1). Günther (op.cit. p.19) remarks how favourable to Parthian strategy was Crassus's decision to march along the Euphrates and not to combine with Artavasdes in Armenia, which would have made things very difficult for Parthia. But, if Artavasdes had done what was expected of him, Orodes would still have been in difficulties - which the king himself recognised by hurrying to Armenia.
⁴ Bagling (op.cit. p.377) points out that Parthia turned out 50,000 cavalry against Antony (Justinus 41-2-6) and Volageses promised Vespasian a force of 40,000 - an indication of the total strength in cavalry of Parthia. Only Velleius (II -46-2) attributes a large force to Surenas. The Livian tradition, thinks Bagling, was to make the Roman defeat as crushing as possible.
⁵ See Appendix XVI Plate.
over this they wore a bell-shaped helmet with fluttering bands. Their horses also were covered either wholly or partly on the head and breast. Their chief weapon was a lance, which was attached to the horse's harness by a chain, and to use this effectively they had, unlike the light-horsemen, to advance in good order. A circular bronze shield, a short sword in the girdle and the national weapon, the bow and quiver, completed their outfit of offensive and defensive weapons. Their task was to break the enemy's line and thus to pave the way for an attack by the light-armed forces. Food, water and ammunition were brought up to the troops by a rearguard. It is not known whether Surenas had any foot-soldiers in his army; but if these were present they stood out of bow-shot and therefore played an unimportant part in the battle.

Surenas headed north into Mesopotamia. So long as Crassus held the Euphrates the Parthians were helpless; but the moment the Romans turned east Surenas saw his chance to make full use of his overwhelming superiority in cavalry. Taking up his position on the road to Nicephorium, about half way between Carrhae and Ichnae, he sent scouting parties to watch the Euphrates road in the south-west and the road through Carrhae to Nisibis in the north-east. These scouts quickly made contact with Crassus, and by leaving traces of their presence along the Roman route spurred him on to a more rapid pursuit. Then they hurried back to tell Surenas that the legions were approaching.

Crassus's experience had been confined to warfare in which the chief task of the commander was to bring the legions into contact with the enemy. But he did not doubt that his legionaries would be more than a match for the Parthian horsemen. Surenas rode on to the field with his face painted and his hair curled. But in spite

1) See Appendix XVI Plate.
2) See Appendix XVI Plate: Gunther (op. cit. pp. 21-2).
of his youth and his feminine appearance he knew how to inspire his men far more effectively than did Crassus.

The battle opened\(^1\) with a charge by the cataphracts against the Roman light-armed forces; whether the attack failed or whether the Parthians refused to make contact when they saw the depth of the Roman line is uncertain;\(^2\) but they soon retreated behind the horse-archers, who now subjected the Roman square to a withering fire. Crassus ordered his archers and light troops to charge, but so heavy was the barrage of Parthian arrows that they were driven back upon the legions.\(^3\) The shields of the legionaries gave some protection against arrows fired directly, but when the Parthians, like Duke William at Hastings, began to shoot into the air also, the Roman losses mounted steadily. Crassus realised that his cavalry was too weak to risk a charge, but he stood his ground confident that the Roman turn would come when the Parthians had exhausted their arrows. He reckoned, however, without the foresight of Surenas, who had included in his equipment a thousand camels which carried ample reserves of ammunition. These stood in the rear of the army and were used by the horse-archers in relays. Thus the

\(^1\) The battle took place from 30–35 kilos south of Carrhae (Regling op.cit. pp.322). Agnatius took from midnight to morning to reach Carrhae (Plut. Crass. 27), while the main body of the army arrived there in the course of the day. P. Crassus was advised to take refuge in Ichnae — \( \text{οὐδὲ} \ \text{κατάκτη} \ \text{όδον} \) (Plut. Crass. 25). Since Plutarch spoke of \( \text{τέλεια ἑκτημάτα} \) in the neighbourhood of the battlefield (Crass. 25), Sachau (Reise etc. pp.234: 257 f.) has placed this at Tell Wazz Göl, perhaps 33 kilos from Carrhae on the edge of the Belich. So Ritter (op.cit. X p.112 ff.). Mommsen (History of Rome IV p.314) very. Trans.) places the battlefield 20 miles from Carrhae. Günther (op.cit. pp.28-9) calculates thus: The battle took place about half way between Carrhae and Ichnae (75 kilos distant). A troop of horse left the field after dark (6.30 – 7 p.m.) and reached Carrhae c.midnight. The main army followed at perhaps 9 p.m. and arrived there after daybreak (c.5 a.m.) and before midday. Counting the darkness, ignorance of the country etc. we might assume a speed of 7 k.p.h. for the horsemen and 3 k.p.h. for the army. Therefore the battle was c. 35 kilos from Carrhae and 10 south of Debana (1 kilom. = 4 fur., 213ygds.).

\(^2\) Plut. Crass. 24: Smith (op.cit. p.253) supports the second view.

\(^3\) Regling (op.cit. p.383) speaks of the demoralisation of the troops even before the battle.
 legionaries were compelled to stand helpless under a rain of arrows which never slackened. Gradually the Parthian line extended until the Roman right wing was in danger of being surrounded and attacked from both front and rear.\(^1\) In desperation Crassus formed a mobile force to drive back the Parthian left and scatter the camels. The eight cohorts of the right wing, five hundred archers and thirteen hundred horsemen, mostly Gauls, were placed under the command of Publius and ordered to charge.\(^2\) Immediately the Parthians turned about and galloped away. Publius and his Gauls pursued lightly and disappeared from sight in a cloud of dust. The retreating Parthian left wing was followed by cataphracts and some bowmen, and the main attack subsided. Thereupon Crassus closed his ranks and withdrew to some higher ground in his rear to await the return of his son.\(^3\)

But, unknown to Marcus, Publius was fighting against desperate odds. With visions of an easy victory before him he had impulsively pursued far from the main army. When he was completely isolated, the Parthians suddenly stopped and turned to fight. The Romans were doomed from the first. The cataphracts made charge after charge, while the bowmen prevented the cohorts from retaliating. When he saw that he was being surrounded, in desperation

\(^1\) Plut. Crass. 24: The Romans must have made some effort to advance to close quarters; but the Parthians retreated, shooting as they went (Plut. cit.: Justimis 41 -2 -7).

\(^2\) Smith's account is rather different (op. cit. P. 254) - The Parthians annoyed the Roman light-armed sent against them. When they threatened the right wing, Crassus gave his son the order to attack. Since he had formed a square, he was open to being taken in the rear. If he sent out a larger force, he could not finish the march into line (see Appendix XVI). Perhaps he feared that not only the right wing might be surrounded but the whole army thrown into confusion. Dio's account is much shorter, and Manfrin (La cavalleria di Parti p.34) points out how alien his story is from Roman ideas of discipline. But Dio does at least correct Plutarch's impression - according to Smith - that Publius' charge was made without any definite plan. Regling (op. cit. p.383) gives as Crassus' objects in ordering his son to charge - a) the demoralisation of the army under Parthian fire; b) the mounting losses, which, however, influenced him less than the moral effect: c) to prevent the army from being surrounded.

\(^3\) Plut. Crass. 25: According to Smith (cit.) Crassus left a gap in his now completed line (see above) for his son's troops on their return. When news of the disaster came he had to close the gap.
Publius ordered his men to close with the enemy at any cost. But the Romans were mown down by the Parthian arrows as they charged. Publius himself was wounded, and friends advised him to make a dash for Ichnaæ. He refused, however, to leave his men, and to avoid certain capture he killed himself. 1) 

Far behind Crassus had received news that his son was in difficulties. While he was still undecided whether or not to advance to his assistance, the victorious Parthians returned carrying Publius's head on a lance. 2) This sight shook the morale of the legions. Crassus himself took the blow bravely and went along the lines encouraging his men: his son's death, he said, was his private loss, and Roman arms, while often in difficulties, had always fought to a successful issue. When night fell and the enemy withdrew, the square was still intact, but the Roman losses were very severe. 3) Since they were helpless when dismounted, the Parthians usually retired some distance from the battlefield; but on this occasion they pitched their camp within easy reach of the Romans, confident that they would complete their victory on the morrow.

Perhaps a Caesar would have found some way of making a night raid on the enemy encampment. But Crassus had now collapsed under the strain, and the only thought of the army was that of retreat. Since their commander was helpless, Octavius and Cassius gave the order for an immediate retirement on Carrhae. 4) Leaving four

1) Plut. Crass. 25-6: The death of Publius is also mentioned in Dio 40-21; Ovid - Fasti VI 465; Livy, Dutilpion, Cossius, Florus, Festus, Orosius, Servius (who says wrongly that he was captured) cit.: Justinus 41 -4 -5: App. B.C. II -13 etc., 500 were captured and only a few escaped to the main army (Plut. Crass. 26).

2) Smith (op. cit. pp. 255-6) thinks Plutarch's version coloured. Crassus had to decide not only his son's fate but that of 6,000 men, and we cannot doubt, says Smith, that whenever he received the news, he decided on help, so far as the troops were ready for marching.

3) For the course of the action after Publius's death see Appendix XVID.

4) Plut. Crass. 27: Cossius VI -13: Drumm IV p. 106 wrongly says that the Parthians made another attack.
thousand wounded on the battlefield\textsuperscript{1} the Romans marched through-
out the night and reached the town before midday on June 10th.\textsuperscript{2} There was much confusion: Vargunteius and four cohorts were separat-
ed from the main army, while Egnatius deserted with three hundred cavalry and reached Carrhae about midnight. Without pausing there he hurried on to safety at Zeugma.\textsuperscript{3}

The Romans could not stay in Carrhae for long, since the town was not provisioned for an army.\textsuperscript{4} In any case Crassus needed extensive reinforcements, particularly of cavalry, if he was to continue the war. These he could not collect if he remained in Carrhae.\textsuperscript{5} A rumour circulated that he was hoping for Armenian help. But Crassus cannot have had any faith in Artavasdes, and he was well aware that to reorganise his forces he must cross into either Syria or Armenia.\textsuperscript{6} To retrace his steps westward was to

\textsuperscript{1} Plut., Crass. 28; cf. Dio 40-25; Smith (op.cit. p.259) points out that a continuation of the offensive was impossible, even if the foot force had remained intact, since a great part of the cavalry had been lost. Whether the Romans took their baggage with them is unknown. At break of day the Parthians dealt with 4,000 men - presumably the wounded left behind by Crassus (Plut., Crass. 27; Dio 40-25). P.Crassus lost 6,000 men, and Crassus may have lost 10,000 dead or wounded. Small wonder that a night march to Carr-
hae was decided upon. Some of the troops had seen only a few months of service and lacked stability. Again, says Smith, the higher command was unreliable. The example set by Egnatius was the beginning of the end: cf. Günther (op.cit. p.34).

\textsuperscript{2} See Regling (op.cit. pp.357; 359). The Romans considered the day of Carrhae an unlucky one: cf. Fest. Ep. Rev. 18 = P.Ventidius Bassus \ldots Pacorum, regis filium, eadem die, qua Crassus fuerat victus, occidit, ne aliquando Romani ductis more imita relinquer-

\textsuperscript{3} On reaching Carrhae Egnatius told of the defeat, and Coponius, the commander there, went out and led the army into the town (Plut. Crass. 27).

\textsuperscript{4} Smith (op.cit. p.260) - two-thirds of his force.

\textsuperscript{5} Günther (op.cit. pp.34-5) says Crassus had to decide whether or not he was going to continue with the campaign. It was not out of the question that he should: an energetic commander would have profited by what he had learned. But Crassus's army was lacking in discipline - his own fault, since he did nothing in the winter of 54-3 B.C., to win the loyalty of his troops. His fellow-trium-

\textsuperscript{6} Dio 40-28 tells a story that the soldiers offered Cassius the command in place of Crassus and that Crassus agreed but Cassius refused. Dio's story must be quite untrue and may be an instance of the Cassius-glorification which is evident in our accounts. Mommsen (History of Rome IV p.315 Every, Trans.) gives it as fact.
invite a Parthian attack. Consequently he resolved to strike north to the hills of Koprū Dār, where he would be free from attacks by the Parthian cavalry, and to make his way from there to Armenia or Commagene. Since he could not hope to make this journey in safety by day, he began to form plans to creep out of Carrhae under cover of night.

Surenas spent the next day in clearing up the battlefield. Vergun telus and his cohorts were found and killed almost to a man. In order to confirm reports that the Romans were in Carrhae Surenas sent an envoy to the walls to invite Crassus to a conference. Plutarch tells how, when Crassus had accepted the offer, the ambassador insolently demanded that both he and Cassius should give themselves up to Surenas as a token of their good faith. Delighted that Crassus was in the town, the next day Surenas appeared before the walls in person. He was anxious to take the proconsul alive, partly no doubt to enhance his victory but principally to prevent Crassus from reorganising his forces and resuming the struggle.

Crassus hastened to complete his plan of retreat. For a march by night he needed a guide, and once more he blundered by choosing the leader of the pro-Parthian party in Carrhae. In collusion with Surenas Andromachus deliberately led the Romans by a roundabout route through bogs and over difficult ground towards the sources of the river Nahr el Kut and the Koprū Dār hills. Cassius, perhaps scenting a trap, turned back to Carrhae with five hundred

1) His lack of cavalry made this impossible anyway.
2) See Appendix XVI E.
4) Plut. Crass. 28;
5) Plut. Crass. 28 and Dio 40-26 give very different accounts of Surenas's motives.
6) Probably the speedy arrival of the Parthians caused him to make his decision.
7) Smith (op.cit. P.261) is disinclined to believe this story of still more treachery and attributes the disaster to the demoralisation of the Romans. Andromachus was, however, rewarded by the Parthians with the tyranny at Carrhae. Dio 40-25 says that the Romans lost many men on the march; cf. Plut. Crass. 29.
horsemen. When he announced his intention of making a dash westward to Syria, his Arabian guides advised him to wait until the moon had passed out of the Scorpion. Cassius replied that he was more afraid of Sagittarius, and disregarding their advice he reached Syria safely. If his desertion shows him up in a poor light, he partly retrieved his reputation by warding off from Syria the most disastrous consequences of the Roman defeat.

When the sun rose next morning Crassus found himself through the treachery of Andromachus on the edge of the foothills two miles from the fortress of Sinnaca. Octavius had already arrived there with five thousand men, but when he saw Crassus below struggling along with four cohorts, the enemy close behind him, he hurried down from the hills and helped to drive the Parthian vanguard back. Then the whole force took up its position on a low hill. Soon Surenas himself appeared, and advancing with bow unstrung he suggested a conference. Cassius saw that Surenas wanted to take him alive, and he urged his troops to hold their ground during the day. When night fell, he told them, they could march the two remaining short miles to the mountains and safety. But the soldiers had lost all will to resist and clamoured for Crassus to accept the Parthian offer. Seeing that this was the

1) It also completed the demoralisation of the Roman army - Regling (op. cit. p.390).
2) Plut. Crass. 29: Dio 40-25 ff.; Ferrero (op. cit. II pp.119 ff.) suggests without any foundation whatever that Cassius left by agreement with Crassus. On the contrary Crassus needed all the cavalry he had. Deknatel (op. cit. p.115) makes Cassius desert from Carrhae. Rice Holmes (op. cit. II p.163) says Cassius escaped 'with the equivalent of two legions'.
3) For the dating see Appendix XVI F.
5) Regling (op. cit. p.390) suggests that perhaps Octavius got on to the road from Carrhae to Edessa, but shortly before reaching that town - now hostile to the Romans - he turned N.E. to the mountains. According to Sachau (Reise etc. pp.214-7) the journey Carrhae to Edessa would take 1/2 hours. Perhaps Octavius could reach the mountains by a roundabout route (see Appendix XVI Map) i.e. he could cover the distance between sunrise and sunset (c.9 hrs.). For Sinnaca see Regling (Klio I p.458) and Appendix XVI Map: Strabo XVI 747; Günther (op. cit. p.36 n.1) says Sinnaca was perhaps near the present day Garmung, E. of Edessa.
6) Plut. Crass. 29;
7) The basis of the agreement, suggested Surenas, should be the Euphrates boundary (Plut. Crass. 31: Dio 40-26).
Crassus dismissed his staff and went out with dignity to meet his fate. "Tell them at home," he said to Octavius, "that I was deceived by the enemy, not that I was betrayed by my own countrymen." Octavius and Petronius, however, refused to leave him. When the Parthians gave Crassus a horse and tried to hurry him away, Octavius laid hold of the bridle and with his followers attempted to push back the Parthians who were closing in on all sides. A scuffle followed, and he was struck down from behind. None knew how Crassus died. A Parthian named Pomaxaethres claimed to have killed him: but, whatever the truth, Surenas, foiled in his attempt to take the Roman commander alive, sent his head and hand to Orodes. It happened that, when the news of Carrhae arrived, the king's son, Pacorus, was celebrating his marriage to the sister of Artavasdes, who had been forced to make a speedy peace with Parthia. The story went that the satrap Sillaces brought Crassus's head to Orodes during a performance of the Bacchae. Immediately the actor Jason of Tralles seized the head and quoted the words of Agave, "Well are our toils repaid: on yonder mountain we perceive the lordly savage." When the chorus chanted, "Who gave the glorious blow?" and Jason was replying, "Mine, mine is the honour", Pomaxaethres jumped forward to seize the trophy. Orodes, much diverted by this macabre display, rewarded both actor and soldier. The story is, however, much too appropriate to be true, unless the

1) Plutarch's and Dio's story (Crass. 31: Dio 40-26) that Crassus was afraid is nullified by Dio's remark that the soldiers were unwilling to face a long journey - which is the real reason.
2) Smith (op. cit. p. 261) says it is unknown whether Crassus was the victim of a secret plot or fell because Octavius drew his weapon unnecessarily. The former is unlikely, since Surenas wanted Crassus alive. The obvious conclusion is that Octavius saw through the attempt to carry off Crassus.
Few of the soldiers left on the hills escaped. Some surrendered to the Parthians; others tried to fight their way to safety, but few of these survived. Crassus's Parthian adventure, the greatest disaster to Roman arms since the German invasion of Italy half a century before, cost the state thirty thousand men.  

But the Parthian War should not be condemned because it was unsuccessful. Events were to prove that Rome had either to conquer Mesopotamia or to recognise the Euphrates as the boundary between the Parthian and Roman empires. The campaigns of Pompey and of Caesar were parts of the imperialist policy pursued by certain sections at Rome, which the triumvirs had decided at Luca to extend to Mesopotamia.  

1) Plut. (Crass. 32) tells the story of Surenas's triumph at Seleucia. The version that Crassus's mouth was stuffed with gold is difficult to reconcile with the Euripides story: cf. Dio 40-27; Flor. I 1-46; Festus 17: Servius Aen. VII 906. The same story was told of M. Aquilius: cf. D. 4. 11 977. C. A. H. IX p. 618 suggests that the Euripides scene may have been prearranged. Surenas did not profit from his success, for Orodes grew suspicious of him and had him put to death before the end of the year (Plut. Crass. 33).  

2) For accounts of the final destruction of the Romans see Plut. Crass. 30 ff.; Dio 40-26; Livy Epit. 106; Flor. I 1-46; Festus 17. Plutarch and Dio are by no means in agreement; cf. App. B. C. II 49. Elsewhere (II 18) Appian speaks of perhaps 10,000 escaping. The Mesopotamian garrisons must be included, since they fell to Parthia, though Reckling (op. cit. p. 373 n. 8) claims that these 8,000 men would not be counted. Smith (op. cit. P. 262 n. 1) counts thus - 36,000 men at Carrhae; if 30,000 lost, 6,000 escaped to Syria. These were not sufficient for two legions; therefore there were not more that 22,000 dead or prisoners, and the number saved was 14,000. Reckling (op. cit. P. 352) counts - saved 10,000; killed 20,000; prisoners 10,000. These were used in Surenas's triumph (Plut. Crass. 31; Dio 40-27 says otherwise). The prisoners were afterwards settled in Antiochea Margiana (Justinus 42-5-11) and in the farthest districts east (Elnv N. H. VI 47; Solinus 48-5), today the oasis of Merv, where they mixed with the inhabitants (Horace Odes III 5-6). C. A. H. (IX p. 611) says that of 44,000 men, some 10,000 escaped to Syria and another 10,000 were made prisoners and settled at Merv to keep the Parthian frontier. Günther (op. cit. p. 36 n. 3) estimates from 55-60,000 souls; c. 30,000 were lost, therefore 20-25,000 returned as against 10,000 in our authorities (cf. however, Dio 40-27). Günther admits, however, that the authorities may have meant combatants. He counts the dead thus: - Carrhae 2-3,000; P. Crassus 5,000; on the morning after the battle 4,000; Vargunteius 2,000; the return from Carrhae to the river 6-7,000; Total 20,000. Prisoners: on the return 9,500; P. Crassus 5,000; Total 10,000. For an interesting suggestion as to the fate of these prisoners see Appendix XVI G.
as it displeased reactionary elements in the senate. The financier in Crassus was quick to see the advantage of extending the empire to the Persian Gulf.\(^1\) In 37 B.C. Antony undertook the war of revenge for which Caesar had been preparing at the time of his death;\(^2\) but he failed no less ignominiously than Crassus.\(^3\) It was left to Augustus to fix by negotiation the Roman-Parthian frontier and to recover the eagles lost at Carrhae.\(^4\) To a great extent his successors respected his decision, and it was not until the second century A.D. that the plan formulated at Luca was successfully executed.

The fortitude with which Crassus met his death is consistent with the story of his life. Cold, calculating and suspicious by nature he inspired in his contemporaries a fear which was mixed with envy of his wealth and power. His association with Sulla embittered him, and he determined to fight for power with his own weapons and by his own methods. His weapons were money and an unrivalled aptitude for intrigue: his method was to pay others to fight his battles. In this way he came to employ Caesar. Although the apprentice quickly overshadowed his master, Crassus's part in the Roman revolution is hardly less important than Caesar's. His rare appearances on the political stage and his policy of managing the play from behind the scenes have deceived historians into underestimating him. Plutarch was influenced by writers who were prejudiced against Crassus, and his biography is unsympathetic. Yet for twenty years Crassus was a commanding figure in the Roman world. In the struggles of the sixties he held his own with Pompey the Great, whose military prowess he considered overrated and whose political ability he despised. Later, when Caesar

\(^{1}\) *Plut. Crass. 16* - Crassus’s design was to penetrate to the Bactrians, the Indians and the eastern ocean.

\(^{2}\) *Caesar* - naturally - approved of Crassus’s campaign - *Plut. Crass. 16*.

\(^{3}\) *Plut. Ant. 37*; Dio 49-24;

\(^{4}\) *Ovid Fasti VI* -465; *Lucan Pharsal. I* -11; *D.G. T*\(^2\) p.337 n.3;

\(^{5}\) *Strabo VI* -288;
as absent in Gaul, he defeated all attempts to break up the triumvirate and, although he did not realise it, paved the way for a king at Rome. But too late he recognised that supreme power was only to be won on the battlefield. Thus in his sixtieth year he donned the paludamentum once more, and though he no longer possessed the energy necessary to conduct a war in semi-tropical conditions, he went forth to win in Parthia the fame which Pompey had won in Spain and Asia and which Caesar was winning in Gaul.

His enemies at Rome whispered that Crassus forced upon Parthia a war, which he had not the ability to carry through to success, from motives of personal gain, and later writers repeated this version. Unfortunately, historians have assessed Crassus's ability not only as a general but even as a statesman almost wholly from a campaign which the Romans considered to be one of their greatest disasters. Plutarch's charge that Crassus was intent on winning recognition in the field has some foundation in fact. But it is too often assumed that he had no qualifications for leading an army against Parthia. On the contrary he had distinguished himself with Sulla and had conducted the Spartacan War in sound fashion. The poor quality of his legions partially excuses his defeat at Carrhae. But he blundered inexcusably when

1) Dio 40-121 Plut. Crass. 16: Regling (op. cit. p.362) says that apart from Crassus's personal motives there were quite sound political reasons for the invasion of Parthia, the defensive strength of which was as yet unknown, in that the Hellenistic culture of the Arsacids made Parthia a possible jumping-off ground for enemies of Rome. Again, Pompey was glad of the excuse to be rid of Crassus in order to have a free hand at Rome. Regling points out the one-sided attitude of ancient writers towards the Parthian War. Cicero (de fin. III) gives personal aggrandisement as the motive; cf. Orosius, Velleius, Josephus, Servius, Festus, Florus and Eutropius cit.. Livy puts the whole blame on Crassus personally and makes him the scapegoat for the national disaster (see Regling - de beli Parthici Crassiani fontibus p.22). Plutarch moralises on this point which he uses to draw a sharper contrast with Nicias (comp. Nic. and Crass. 1). Apart from personal aggrandisement our authors give as Crassus's motive - desire for glory (see Velleius, Appian, Plut. and Dio cit.). Deknatele (op. cit. p.111) actually says that Crassus was unpopular with his troops because he paid more attention to private business than to the war.
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He failed to adapt himself to Parthian methods of warfare. His inability to win the confidence of his men made it impossible for him to retrieve the situation. Nevertheless, it is unfair to judge Crassus, as his countrymen did, solely by the disaster at Carrhae. He was the third and not the first man of his day at Rome not because he lacked the military skill of Caesar - Augustus had far less - but because he lived in an age when personal appeal counted for everything. Pompey and Caesar possessed this quality in the highest degree. Crassus tried to achieve the same results by the skilful use of his great wealth. But in spite of his talents, which were many, he remains for posterity a courageous but impassive and unappealing figure.