

Roman Restraint: Competition and Morals in the Roman Republic

Paul Belonick, Binghamton, New York

B.A. Hamilton College, 2002

M.A., University of Virginia, 2007

J.D., University of Virginia, 2010

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Department of History

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Abstract

Iam pridem equidem nos vera vocabula rerum amisimus.

Indeed, for quite some time now we have lost the true vocabulary for things.

— Sallust, *Bellum Catilinum* 52.11

Scholars have long recognized that the fervid competition among Roman elites for status, achievement, and offices was a defining characteristic of the Roman Republic. This competition for self-advancement helps explain the Republic's culture of electoral and legal contests and its military expansion. But the fervid competition raises the question of how a group of hyper-competitive aristocrats managed to keep a republic functioning for nearly four centuries.

This dissertation explores the answer to that question, and examines the inverse of self-advancement: values of self-restraint that made the Roman Republic's longevity possible. The dissertation argues that certain "restraint values" to which the Romans gave names such as *moderatio*, *temperantia*, and *modestia*—which encouraged respect for and deference to peers and equals—have been long misinterpreted as personal or ethical values. The dissertation shows how, instead, these concepts formed a group of *political* values that restrained and ordered the aristocratic competition.

The dissertation then investigates how the social norms of the restraint values dissolved, arguing that the values eventually lost their prohibitory force to constrain action, not because they were abandoned, but because disputes over the proper application and meaning of the restraint values in novel political and social circumstances grew into violent clashes as men on both sides of the disputes imagined themselves as last-ditch defenders of the essential values and, accordingly, imagined their opponents as bent on the Republic's destruction.

Thus, paradoxically, the restraint values became accelerators of conflict rather than constraints on conflict, until the Roman aristocratic competition found itself without functioning guardrails, and plunged into civil war.

Keywords: Roman Republic, Competition, Fall, Breakdown, *Moderatio*, *Modestia*, *Temperantia*, *Existimatio*, *Pudor*, *Verecundia*, Deference, Restraint, Moral, Norms, Aristocratic, Gracchus, Marius, Sulla, Pompey, Cato, Crassus, Caesar, Catiline, Cicero.

Dedications

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Introduction

In June 43 B.C., an anxious Cicero wrote to his friend Brutus. Julius Caesar was dead by Brutus' hand, but civil war persisted. At the recent battle of Mutina, the Republic's forces had defeated a Caesarian army under Marc Antony, but at great cost, and the republican commander Decimus Brutus had failed to pursue. Both consuls had died. The city was uneasy. The republican army was respectable, but not overpowering. Antony might return. There was plenty cause for worry.

Still worse, wrote Cicero, an "internal disease" in the Republic grew more severe daily: "we suffer from domestic enemies more than from external ones."¹ He inveighed against unnamed reprobates who would destroy honest men. Young Octavian, by now styling himself "Caesar" after his adoption by his assassinated great-uncle, seemed in particular danger of falling prey to a frightening desire for power stoked by certain friends.²

And so Cicero feared for the Republic: it should have been immortal, he lamented, but was not, because "everyone in this Republic demands as much as he can for himself as he has the force to."³ Nothing constrained insolent generals, soldiers, or would-be despots:

Neither reason, nor moderation (*modus*), nor law, nor custom (*mos*), nor duty, has any strength, nor do the judgment and esteem of the citizenry (*existimatio civium*), nor shame (*verecundia*) at what posterity will think.⁴

To Cicero, these forces normally prevented ambitious men from going too far, from becoming anti-republican: reason, moderation, law, custom, duty, the opinion and esteem of others, and shame. In Cicero's eyes, they were all failing, and the *res publica* with them.

¹ Cic. *ad Brut.* 1.10.1: ingravescit enim in dies intestinum malum nec externis hostibus magis quam domesticis laboramus.

² Cic. *ad Brut.* 1.10.3: eius necessarios qui eius cupiditati suffragari videbantur ("his connections who seemed to favor his ambition").

³ Cic. *ad Brut.* 1.10.3: Tantum quisque se in re publica posse postulat quantum habet virium.

⁴ Cic. *ad Brut.* 1.10.3: non ratio non modus non lex non mos non officium valet non iudicium non existimatio civium non posteritatis verecundia.

Around a decade later, in his monumental *Ab Urbe Condita*, Livy related the fall of the Tarquin monarchy four and half centuries earlier and the abuses of the last Roman king: Tarquinius Superbus, Tarquin the Proud. Tarquin reigned, according to Livy, “by no other right but force—not by popular command or by the authority of the Senate fathers.”⁵ His kingship began in crime. Tarquin conspired with certain noble families to put himself on the throne, thrust bodily the old King Servius Tullius down the steps of the Senate house while mocking him as the mere son of a slave, then sent assassins after the stumbling old man who cut him down in the street. Tarquin’s wife Tullia, a daughter of Servius, then drove her chariot over the body of her own father, to whom Tarquin also denied a proper burial.⁶ Tarquin put to death eminent senators whom he suspected of growing too popular, with no regard for their station, and refused to appoint replacements so that, as Livy stated, “the order might become more contemptible for its very smallness, and then less indignant at being ignored.”⁷ He tried all cases at law himself, without advice from anyone, and judged as he pleased so he could steal the accused’s goods.⁸ He was the first, Livy said, to break the tradition of taking the advice of the Senate, and made treaties without the collaboration of either the Senate or the People.⁹ His own children were unable to tolerate his *superbia*.¹⁰ He showed no deference to anyone. Resistance to him grew, and sparked into revolution.

Tarquin became the republican bogeyman for the next four hundred years, and cries of “*rex!*” were commonplace against enemies. Cicero used the fearful word to cut down

⁵ Livy 1.49.3: Neque enim ad ius regni quicquam praeter vim habebat, ut qui neque populi iussu neque auctoribus patribus regnaret.

⁶ Livy 1.48; cf. Cic. *de Rep.* 2.45; Dio 2.10.1 (Zonaras 7.9).

⁷ Livy 1.49.6: quo contemptior paucitate ipsa ordo esset, minusque per se nihil agi indignarentur.

⁸ Livy 1.49.5.

⁹ Livy 1.49.7.

¹⁰ Livy 1.54.1.

opponents, and it was used against him, too.¹¹ Every Roman knew: a republic and a republican must be what Tarquin was not. And what he was not was in Cicero's list. Livy showed every element: Tarquin's treatment of Servius, both alive and dead, displayed no respect for custom, no moderation, no shame. His trying of cases himself, and as he pleased, ignored custom, and he used theft and force to get what he wished. His contempt for Senate and citizenry lacked care for the opinion of others. His own children hated his lack of *modus*, which showed (literally) his want of shame or concern for posterity's judgment. His refusal to show deference to nobles, Senate, and commons alike was intemperate. His sobriquet said it all. The extent to which Livy related history or legend is not important here:¹² the portrait was meant to illustrate the quintessential traits of an anti-republican tyrant. The traits with which Livy chose to paint the tyrant's portrait were precisely those that Cicero had lamented as missing.

One hundred and sixty years after Livy, the Alexandrian historian Appian published his history of Rome. He described the turbulences of the early first century B.C., in which Lucius Cornelius Sulla's march on Rome in 88 B.C. formed a focal point. The cause was disagreement about who would wage what was expected to be a lucrative war in the East. Gaius Marius, unprecedented six-time consul and Rome's hero in wars against barbarian invaders, wanted the command for himself. But so did the ambitious current consul, Sulla. Marius, wrote Appian, conceived a plan to influence the electorate to vote him the post through violence and chicanery. Sulla, already with the army readying the expedition, did not realize until too late that a vote had gone against him. Enraged by this "insult,"¹³ he marshaled his six legions to wipe out Marius and his followers in Rome. On the way he was

¹¹ *E.g.*, Cic. *in Rull.* 11.29; *ad Att.* 1.16.10.

¹² Not important yet; I will examine in Chapter Three to the extent to which such a portrait bears a relation to the Republic's workings in the centuries before Cicero and Livy wrote.

¹³ App. *B.C.* 1.7.57: ὀβριμ.

asked why he was bringing soldiers against his own city. “To free her from tyrants” was his curt reply.¹⁴ “Thus,” Appian commented, “civil strife started as quarrels and love of strife and advanced to murder, and then from murder at length to war, and for the first time a Roman army attacked its own country as if it were an enemy.”¹⁵ Although rivalries about who would take a desirable command had long been common in the Republic, there had never been such widespread and sickening violence. Why this time? Appian answered: “there was no longer restraint on violence either from a sense of shame, or from the laws, or from civil institutions, or for love of country.”¹⁶ Elsewhere he added “reputation,” and “respect for office-holding status”¹⁷ to the list of absent values that led to discord and murder—items parallel to Cicero’s “opinion of the citizenry.”

Separated by decades or centuries, and writing about times even more diverse, Cicero, Livy, and Appian grasped a common thread and common theory: to function, the Republic required citizens who displayed certain traits that restrained them from taking certain courses of action. The similarity calls for an explanation, particularly because considerable scholarly work has shown how pervasive in Rome was the seeming opposite of self-restraint: keen self-advancement. It is now generally accepted that Roman ascendance was in large part attributable to the Romans’ (particularly the Roman aristocracy’s) ravenous competitiveness with their enemies, with their ancestors, and among themselves.¹⁸ From

¹⁴ App. *B.C.* 1.7.57: ἐλευθερώσων αὐτὴν ἀπὸ τῶν τυραννούντων.

¹⁵ App. *B.C.* 1.7.60: δε μὲν αἱ στάσεις ἐξ ἔριδος καὶ φιλονικίας ἐπὶ φόνους καὶ ἐκ φόνων ἐς πολέμους ἐντελεῖς προέκοπτον, καὶ στρατὸς πολιτῶν ὅδε πρῶτος ἐς τὴν πατρίδα ὡς πολεμίαν ἐσέβαλεν.

¹⁶ App. *B.C.* 1.7.60: οὐδενὸς ἔτι ἐς αἰδῶ τοῖς βιαζομένοις ἐμποδὼν ὄντος, ἢ νόμων ἢ πολιτείας ἢ πατρίδος.

¹⁷ App. *B.C.* 1.4.33: οὐδένα ἔτι ὠφελοῦσης οὔτε ἐλευθερίας οὔτε δημοκρατίας οὔτε νόμων οὔτε ἀξιώσεως οὔτε ἀρχῆς.

¹⁸ An excellent overview of Roman aristocratic competition is Rosenstein (2006). See also Earl (1967); Lind (1978); Hopkins (1983) 107-116; Develin (1985) 291-30; Wiseman (1985) 1-13; Rosenstein (1990) (1995); Crawford (1993) 18-20; Hölkesskamp (1993), (2010); Barton

early youth a Roman boy of good family was taught to be the best of all his peers and to aspire to be better than his forbears. His education focused on advancement for himself and family. The walls of his home displayed the wax funeral masks of his ancestors and the spoils of their victories, labeled with descriptions of their magnificent deeds.¹⁹ At every noble's funeral were heard speeches that exhorted the audience to emulate and surpass the dead man's achievements.²⁰ Marks of success were brandished everywhere in Roman society, from a *flamen's* pointed cap to a senator's red shoes. Sarcophagi and plaques could list honors gained.²¹ Generals erected monuments and statues, and put on them inscriptions touting their prowess. The climax of the competition for self-promotion was the triumph, in which a victorious commander dressed as Jupiter—a god for a day in the eyes of the citizens.²² Empire resulted from this thirst for personal glory, *dignitas* (“standing, esteem”), high offices, honors, and praise as Roman conquest overcame Italy, then the Mediterranean, then beyond. Cicero stated the ideal crisply: his childhood dream, he told his brother Quintus, was “to be better by far than others, and more eminent than the rest.”²³

Yet while this phenomenon of aristocratic competition has been well studied, it cannot entirely describe the Republic's operation. Rome could not have survived even as a city, much less ruled its empire, if *everything* were a constant war of all against all. The state

(2001); Martin (2002), especially 167-171; Hillard (2005) 3-4; Patterson (2006) 346-350; McDonnell (2006) 185-195; Pittenger (2008) 3; Steel (2013) 42-46; Flower (2014), Hammar (2015) 87-92, and references.

¹⁹ As well described by Wiseman (1994) 98-102.

²⁰ On funerals and masks see Flower (1996); Hölkeskamp (2010) 112-115; cf. Sall. *B.J.* 1.4.5-6.

²¹ See, e.g., Benedetto *et al.* (1973) 234-41 on the sarcophagi of the Scipios and their epitaphs.

²² On the triumph as performance spectacle, see Beard (2003).

²³ Cic. *ad Q.F.* 3.5.4: πολλὸν ἀριστεύειν καὶ ὑπείροχος ἔμμεναι ἄλλων. Cicero's slight misquotation of Homer (*Il.* 11.784 and 6.208: αἰὲν ἀριστεύειν καὶ ὑπείροχον ἔμμεναι ἄλλων/μηδὲ γένος πατέρων αἰσχυνέμεν (“always to be better than others, and more eminent than the rest/nor to shame the race of one's fathers”)) suggests that he was reciting to his brother from memory. Cf. Lucretius 2.11: certare ingenio, contendere nobilitate (“To compete in *ingenium*, to strive in nobility”); Shackleton-Bailey (1980) 218.

was run by a small group of nobles who wore many hats—senator one day, general the next, governor the next, priest the next. They passed jobs one to another frequently and almost invariably held those positions along with colleagues or groups of colleagues. These men together commanded Rome’s wars, governed its provinces, conducted foreign relations, maintained the city, handled the courts, and let out the government contracts. Such a society run by a small group of aristocrats could not function solely on pure Roman competitiveness—Rome would have collapsed into fratricidal chaos almost immediately.

The development of the republican system was a partial solution to chaos, a means to harness competitiveness, regulate decision-making processes, and to distribute competitive offices and honors among a group of civic leaders according to generally acknowledged merit, determined by an admixture of military success, wealth honestly gained, family history, and speaking ability. Even so, the republican system faced constant danger from the very Roman competitiveness that fed it. The eternal Roman fear was that a single man (perhaps with a small cadre of followers) would—even by undisputed merit—raise himself so far in honor above his fellows so as to ruin the system for everyone else by depriving them of their chances at glory. Naturally too, determined individuals might cheat to win, might break clear rules, and thereby disrupt the system’s logic and order. More subtly, and more dangerously, men ambitious for honors might bend the distribution system’s tenets, or repurpose the definitions of “merit,” to gain personal advantage, and thus might throw off consensus of judgment of who deserved some honor. And, of course, excessive rivalry and personal feuds could disrupt both the system’s order and public decision-making as well.

Nevertheless, in the face of these omnipresent dangers, the Romans managed to run a functioning Republic for some four hundred and fifty years. How did they do it, and do it

for so long? This study posits a reason: certain moderating social factors—what I will call “restraint values”—would have existed to curb competitiveness while permitting it to continue along intelligible and socially useful lines. If this hypothesis is correct, such values, the common property of the ruling class over many generations, would have informed everyone how to compete and to act, what was allowed, what to avoid, to whom to defer, and whom to obey. The values would have fended off the feared would-be king, lessened the dangers of frictions, feuds, and excessive rivalries, and also guided day-to-day decision-making. The restraints, if indeed commonly held, also would have consolidated the Roman aristocrats’ understanding of the system’s rules and definitions, and would have created a sense of solidarity among the aristocracy when acknowledging the “winners” in the competition. The values would not have ended competition entirely, but would have regulated it: if everyone understood and followed the constraining rules, the ruling elite could keep competing among themselves indefinitely with reasonable assurance that relative merit as they saw it—and not violence, bribery, or other undesirable methods—dictated what honors and offices would be distributed, to whom, and how. The competition would therefore have meaning; in that sense, restraint would complement competition.

When such restraint values failed, however, inexorable competition would spin along on its natural course, with consequences inverse to the benefits such restraint values would normally have provided. Conflicts and feuds that were once easily remedied would become resolvable only through violence, decision-making would become very difficult, and the contest would become unpredictable—and thus competition would grow more ardent even while (simultaneously and paradoxically) becoming ever more devoid of satisfactory,

acceptable conclusions.²⁴ In short, such restraint values would have been a *sine qua non* of the Roman republican system.

This study argues that such restraint values indeed existed, and explains what they were, how they worked, why they worked well for so long—and how, why, and the extent to which, in the end, they did not. The inquiry focuses on a cluster of qualities and values cited with uncanny frequency by authors as varied as Plautus, Ennius, Terence, Cato the Elder, Polybius, Sulla, Cicero, Caesar, Sallust, Diodorus Siculus, Dionysius of Halicarnassus, Livy, Velleius Paterculus, Valerius Maximus, Lucan, Plutarch, Suetonius, Florus, Granius Licinianus, Appian, Cassius Dio, Orosius, and (from what we can see of them) their sources.²⁵ The Romans used words such as *pudor*, *verecundia*,²⁶ *existimatio*, *modus*, *moderatio*, *modestia*,²⁷ and *temperantia* to express a set of essential restraint values.²⁸ Greek historians

²⁴ Scattered reference to the value of self-control can be found in Meier (1966) 47-59; Eckstein (1987) xiii, 323-24; Brunt (1988) 13; Eder (1996) 441; Wallace-Hadrill (1997); Flower (2006) 51; North (2006) 266, 275; Raaflaub (2006) 141, 163; Hölkeskamp (2010) 28-29, 40-43, 99-106; Brennan (2014) 21-24. I fill out Brennan (2014) 44: “The simple principle that the empowered should observe a measure of self-restraint in the interest of political harmony (*concordia*) operated as a surprisingly efficacious force down to the end of the Republic.” Morstein-Marx and Rosenstein (2006) 634-35 invite the question this study attempts to solve: “What Roman historians like Sallust and Livy diagnosed in the language available to them as moral collapse, a modern historian of a sociological bent might describe as an increase of individualism and relaxation of the social constraint that earlier generations, faced repeatedly with military crises beginning in the fifth century and extending through the Hannibalic War, had imposed on themselves in the face of the exigencies of self-preservation What is remarkable is not that this elite, whose competitive impulses were always, it seems, highly developed, eventually became chronically and sometimes violently polarized, but how such an artificial creation as a *cohesive* competitive elite had been created and was for so long sustained.”

²⁵ The diversity of these authors is only the first hint that the restraint values were not mere *topoi* and that locating their genesis is not just literary *Quellenforschung*; Chapter Three addresses such concerns.

²⁶ Some detailed studies of *pudor* and *verecundia* exist, e.g. d’Agostino (1969), Kaster (2005), and Thomas (2007). But these are semantic studies, not historically focused.

²⁷ German analyses of *moderatio*—in particular Burck (1951) 167-74 and Dieter (1967)—while useful, are limited in scope, do not perform any sustained historical or contextual analysis and are a touch romantic: Burck, for example, largely focused on the triumph and on heroic Roman moderation “aus den Jahren der höchsten Not” when Hannibal threatened the

noticed these values at work in Roman society as well, and used words such as μετρίτης, ἐπιείκεια, σωφροσύνη, αἰδώς, and δόξα to approximate and describe the Roman concepts.²⁹

peninsula: “Auch diese Entwicklung ist ohne die römische *moderatio* undenkbar” (170). Better is Scheidle (1993), who follows *moderatio*, *temperantia*, and *modestia* as literary terms from the Early Republic through the Principate, and identifies them as primeval domestic values that became the philosophical values of a statesman trying to balance conflicts, although much more can be said. Italian scholarship such as that of Viparelli Santangelo (1976) examined *moderatio* in Livy semantically and as a product of Ciceronian (and thus Greek) philosophy, a conclusion that I will dispute and qualify. Along the same lines is Militeri Della Morte (1980), who studied *moderatio*’s semantics in Cicero and its relations to Stoicism. Perruchio (2005) on *moderatio* provides some historical context, although her work is limited to the *moderatio* of Scipio Aemilianus in Valerius Maximus. Finally, Moore (1989) 72-80, 162 discussed moral terms in Livy, including *moderatio*, *modestia*, and *temperantia*—but these very briefly, with little application outside the literary purposes of a “careful and gifted artist.”

²⁸ Cf. Lintott (1994) 49, and Hellegouarc’h’s magisterial *Le vocabulaire latin des relations et des partis politiques sous la république* (1963). Hellegouarc’h parsed dozens of Latin terms and traced their meanings in the republican political context over numerous sources. Although I also will search a broad range of authors, this work differs from Hellegouarc’h’s in several ways. First, Hellegouarc’h’s stated methodology (4) was to glean from various Latin authors “ce que l’on peut considérer comme la valeur essentielle de chaque terme, indépendamment des nuances particulières qu’il a pu acquérir au cours de son évolution historique.” I am also interested in the meaning of terms, but this study then examines how Roman aristocrats applied the concepts and terms in their interactions with each other over the course of republican history, and how the concepts that the terms expressed restrained aristocratic competition, even when the terms themselves were not used. Hellegouarc’h did not press his analyses so far. Second, Hellegouarc’h did not analyze changes over time. I show how the concepts that the words described resonated differently and became subjects of dispute as centuries and decades passed. Third, to the extent that Hellegouarc’h applied his terms to political life, it was largely to answer how political and prosopographical factions organized around reciprocal “relations personnelles” (18-19). I instead examine how such concepts both regulated and aided a system of aristocratic competition across the board.

Hellegouarc’h found the answer in *fides* (567); I study concepts that, *inter alia*, prevented one from breaking *fides*. Finally, Hellegouarc’h did not examine some of the terms that I study, *pudor* and *verecundia* especially. All told, prior work on these words and concepts has often been semantically rigorous but has largely failed to take the next step: to examine historically how the concepts that the words expressed influenced Roman aristocratic society over time.

²⁹ For these Greek glosses see *TLL* 8 1205, 1220-21; V,2 Fasc. X 1512; X,2 Fasc. XVI 2492. North (1966) is essential on σωφροσύνη and useful on αἰδώς and μετρίτης, with a thorough discussion (258-311) of Romans’ interaction with σωφροσύνη, noting (259) that σωφροσύνη “match[ed]” “deep-rooted and genuinely Roman respect for such qualities as *modestia*, *pudicitia*, *abstentia*, and *frugalitas*.” Rademaker (2005) is also useful on σωφροσύνη, αἰδώς, and μετρίτης, but unfortunately with no specific analysis of Roman interaction with the words. Critical on αἰδώς is Cairns (1993), whose conclusions closely track those of linguists who study *pudor*, as will be seen in Chapter One.

Most critically, even when the ancient authors did not overtly use the words themselves, the concepts and actions that the words expressed appeared regularly in the authors' descriptions of historical events.

Chapters One and Two set the baseline. Chapter One will focus on *pudor*, *verecundia*, and care for *existimatio* (and their Greek counterparts) to show how the words and the concepts that the words connoted created what I will call a restraint value of deference, which undergirt the aristocratic Republic and helped alleviate the internal dangers it faced. This deference was due not only to superiors, but—far more important—to peers and fellow officeholders (colleagues), and most particularly to groups of peers and colleagues. Chapter Two will examine *moderatio*, *modestia*, and *temperantia* and describe how these restraint values further defined a Roman aristocrat's relationships with peers and colleagues, with luxury, lust, and desire, and also with the Republic's operation. The chapter observes that ideal restraint in interpersonal relations among peers, colleagues, and superiors and inferiors applied also, with no alteration, to ideal restraint against luxury and lust, and vice-versa. My methodology for both of these chapters will be primarily to use the works of ancient historians on the Early and Middle Republic (filled out with documentary sources or fragments of contemporary literary sources where available), for the simple reason that such writers provide the fullest picture of how these restraint values were ideally to operate.

Of course, using late historians—almost none of whom wrote during the Republic's lifetime, let alone during its heyday—invites suspicion of literary license and retrojection. A particular worry is that Chapters One and Two discuss values that developed in response to the civil wars of the first century B.C., and therefore tell us very little about restraints on aristocratic competition in the centuries or decades before. Chapter Three therefore serves three functions: first, to attempt (as well as can be, given the paucity of contemporary

evidence from Middle and especially Early Republic) to place the restraint values into their proper contexts in Rome's republican past by avoiding the pitfalls of later historical writing; second, to postulate the restraint values' provenance and path with as much chronological nuance as possible; and third, to situate the observations of the first two chapters into modern scholarship on how the Republic functioned.

Chapter Four is a test case and a turning point, an extended re-examination of the tribunate of Tiberius Gracchus in the light of the restraint values. It proposes some new (and, I hope, coherent) explanations for his actions and those of his opponents, as well as a way to see through the layers of partisanship and confusion that accreted over his story by the time it reached his most prominent biographers. The chapter illustrates how Gracchus' quarrel with and deposition of his colleague and Gracchus' murder were, paradoxically, products of the restraint values, even as the quarrel and murder wrought significant changes to the values' operation. Chapters Five, Six, and Seven will follow and expand on those changes from the death of Gracchus to Caesar's invasion of Italy, and will observe how the restraint values ultimately lost any substance beyond rhetoric and became points for contention, not compromise.³⁰ A short epilogue will consider the restraints in Augustus' principate.

To summarize my conclusions: the Roman Republic ideally operated on a mixture of potent competitiveness and a healthy dose of personal restraint. The restraint values allowed the semi-informal governmental arrangements of the Roman Republic to function in the

³⁰ A brief comparison here to Pierre Bourdieu's theory of *doxa*, in his sense: "[I]n archaic societies there is no differentiation of practices. That is, the objective structures are very stable and the mental strictures are reproduced almost completely so that although they are arbitrary, their arbitrariness is not recognized and they are misconstrued as self-evidently correct." Harker, *et al.* (1990) 16. We will observe how differentiation of practices in fact led to a paradox where the "mental strictures" of restraint became simultaneously disputed and "self-evidently correct."

face of aristocratic competition, while also regulating the competition. The Romans knew this, which is why they cited those restraints constantly, and even—naturally—competed in displaying them. But if the restraints failed, only competition would be left. The restraints indeed failed, because example after unfortunate example, often the product of chance or novel circumstances, broke the consensus and emotional underpinnings that made the restraints function.

A key precipitating factor for this failure was the reforming tribunes and the upheavals that followed, which reconfigured *existimatio*, *pudor*, *verecundia* as aristocrats attacked peers as intemperate and immoderate (and therefore unworthy of deference), while turning for their sense of *existimatio* away from their peers and directly to the People (which upset inter-peer concord). This is not to say that the reformers were counter-cultural radicals: to be sure, the reformers imagined their reconfigurations of the values to be entirely traditional or no change at all. But their adversaries disagreed vehemently, and as a result, the restraint concepts and words came to be cited by diametrically opposed combatants until consensus about them broke, and the restraint values lost the prohibitory force that they once had. Even though Roman aristocrats stridently invoked the values to the very end of the Republic, the values lost the power to order the group's actual operation, and indeed instead came to augment (or even provide the excuse for) sometimes violent discord.³¹ That loss interlocked with other important (and often accidental) developments of the Late Republic: armies' loyalty to generals, widespread urban poverty, proliferation of *exempla* of exceptions to the regular system of officeholding (with resulting loss of coherent rules), novel wealth obtained from empire, demographic implosions and the disruption of hierarchy that

³¹ Compare Wallace-Hadrill (1997) 11: "Mutual accusations of luxury and immorality both reinforced the assumption that power was indeed founded in morality, and undermined the credibility of the power-holders in making good their claim." I will return to this thought in Chapters Five, Six, and Seven.

followed, and the ensuing opportunities from all these changes for irreconcilable clashes between contending parties with at least some claim to republican legitimacy.³² The unrestrained competition that followed disrupted the Republic's functioning until it no longer functioned at all, and the restraint values ironically served to accelerate, not brake, the violence that ensued.³³

Three final points. First, because this study is meant to add to scholarship on the Roman Republic as an oligarchy defined and characterized by its members' pursuit and attainment of *honores* and offices, I do not concentrate *per se* on the Roman People's role in governance or on the relationship of the oligarchy to the People, except where that

³² The latter two points are particularly strong examples of what Morstein-Marx and Rosenstein (2006) 633 have called the "fragmentation of republican legitimacy." I will suggest that changes to the restraint values were a critical part of that fragmentation.

³³ I thus add to and move beyond the work of Rosenstein (1990), who in his study of the general lack of ill consequences for defeated *imperatores* strove to answer in part the question I also address: to determine the nature, provenance, and operation of limits on aristocratic competition, which should have rendered such defeated men political liabilities at the hands of rivals. I leave undisturbed his conclusions that one restraint on competition was an "aristocratic ethos" (153) that could blame defeat in battle on the gods and accepted defeat so long as the defeated general acted honorably (*cf.* Liebeschuetz (1979) 16). I here expand greatly, however, on Rosenstein's question and illustrate several other restraints in other aspects of the "aristocratic ethos" that he posited.

I also correct and add to the work of McDonnell (2006) on *virtus*. He focused largely on the positive value that spurred competition; to the extent that he spoke of restraint on excessive *virtus* (195-205) it was in "institutional" terms, by which he meant "legal" controls like age and iteration limitations on officeholding or the veto of a colleague. Similarly legal-minded is Martin (2002) 167-169, who identified collegiality, annuality of office holding, tribunician power, the authority of the *patres* and Senate, and the censorship as means of social control. I propose to go well beyond these limited issues and the crabbed view of "legal" controls—as though the line between "legal" and "moral" were clear in ancient Rome. Moreover, I will disagree with McDonnell's overarching thesis that the Roman concept of *virtus* split over the second century from an original, martial value into two competing values: the martial value and a Hellenized, ethical value. As this study will show, the restraint values that correspond to what McDonnell sees as Hellenized ethical values were natively Roman, even if later characterized using Greek terms, and were restraints upon war-like *virtus*, not newfangled moral alternatives through which to pursue *virtus*.

relationship touches on the restraint values.³⁴ I largely focus on the observation that the People were both “actor and spectator”³⁵—voters and audience—for the competition among an elite whose values I describe. I do contend, however, that the People largely shared the restraint values with the aristocracy, that they desired leaders who exhibited the values (as especially demonstrated by election speeches that proclaimed the speakers’ chastity and self-control), and that the People expressed that desire (and thus regulated the restraint-imbued aristocratic competition) through their votes.³⁶ Similarly, I spend little time on “institutions” or a set “constitution,” and much less on prosopographical “factions,” except in footnotes where such viewpoints contrast with my conclusions.³⁷ Most historiographical discussion will be found in Chapter Three.

Second, a word on “moralism.” Modern scholars, perhaps apt to see restraint as a “spiritual” or “ethical” value, often sniff derisively at ancient writers who went on and on about the dangers of luxury and pleasure, and in praise of “moderation.”³⁸ The result has been a temptation to jettison “morals” from any “serious” analysis of Roman culture and politics. One of the central aims of this study, however, is to place “morals” back into their

³⁴ The People’s role in the Republic has in any event already been covered and argued over by Nicolet (1980); North (1990); Lintott (1994) 10-15, 45-46; Millar (1984) (1986) (1998) (2002b); Mouritsen (2001); Horsfall (2003); Parenti (2003); Morstein-Marx (2004); Yakobson (2006); Wiseman (2009); Hölkeskamp (2010); and Steel (2013) 51-53, and I would have little new to add.

³⁵ See Hölkeskamp (2010) 57-60; Bell (2004) esp. 172-98; Hillard (2005) 4-5; North (2006) 275; Patterson (2006) 349; Rosenstein (2006) 373; Hölkeskamp (2011) 162; Flower (2014).

³⁶ Cf. Morstein-Marx (2011) 272; Millar (1984) 10-14.

³⁷ I also operate on the premise (as now most scholars do) that what *can* be described as “institutions,” “constitution,” or “factions” were more fluid and informal in Rome than their English names might suggest. On such flexibility see, for example, Sherwin-White (1969) 151-52; Bauman (1983) 10-11; Lintott (1994) 13, 50-53; Hölkeskamp (2010) 23-43.

³⁸ Thus Pelling (1995) 206 notes that in much scholarship, “‘Moralizing’ tends to have an adjective before it—‘mere’, or ‘shallow’, or ‘hackneyed’.” Hammar (2015) *passim* rightly argues against this attitude, and provides numerous references (59-60) to scholars who believed similarly to Gruen that moral invective was “at best, an embarrassing trait of Roman oratory” not indicative of anything of historical value, including Syme (1939) 151: a “screen and sham,” and Crook (1967) 255.

proper place in the story, and one of this study's central contentions is that in the republican Romans' time and context, the restraint values were *political* virtues. Ancient writers were keenly attentive to them because they knew that such values made an immense practical difference: restraint was considered a necessary condition for an aristocratic Republic to operate.³⁹ Consequently, a certain moral righteousness—which was inextricably tied to restraint—was worth dwelling on. The degrees to which such ancient moralism may differ from or be similar to our own will, I expect, become evident in the chapters to follow.

Last, some *modestia* and *temperantia* for myself. My betters have rightly said that “most of us can only follow one or two threads of the web; which is reasonable and useful, provided we do not claim that we have found the answer” or suggest that our thread is the “only one that matters.”⁴⁰ This study looks to illuminate some restraints on aristocratic competition, not to create and examine an exhaustive list of every possible restraining impulse (or every term for restraint) that the Roman aristocracy used, nor to provide ‘The

³⁹ Earl (1967) 17 recognized that the Romans “saw political issues in personal and social terms, that is, in terms of morality,” although he did not follow up on this insight to explore the practical ways in which “morality” actually underlay republican governance. Wallace-Hadrill (1997) 9 correctly notes that the “main, indeed the only, Roman theory of the fall of the Republic is, in our terms, a cultural one: of the corruption of *mores*.” This study will explore how and why. I expand greatly on Edwards’ (1993) 3-4, 12, 176 correct but too brief observation that “Scholars now tend to be embarrassed by Roman moralising, which they dismiss as rhetorical and repetitive, a curious accretion to be ignored by those in pursuit of the real matter in Roman text,” but I disagree with Edwards that Roman “moralising” was merely “used by the Roman elite to exercise control over its own members and to justify its privileged position.” I similarly differ from Hammar (2015), whose otherwise excellent study of Roman morality assumes with Edwards that “morality” (which included values such as temperance and moderation) was little more than symbolic, a marker that one was a member of an elite who “ruled by merit of their moral superiority” (109). This study goes considerably farther, describing why the Roman elite should *choose* certain morals in which to mark themselves as superior—the “morals” that helped the Roman Republic actually work.

⁴⁰ Badian (1958) 215; (1972b) 55.

Answer to the Republic's operation and dissolution.⁴¹ To the extent that this inquiry resolves something of those greater questions, I hope it is in a "reasonable and useful" way.

⁴¹ Absent from examination will be the restraining force of such things as religious oaths, familial ties, *amicitiae*, fear of reprisal, or—what might be surprising from this author, but which would require and deserve its own full study—the law.

Chapter One: Restraint through Deference to Superiors, Peers, and Colleagues

Cicero and Appian believed that “the judgment and opinion of the citizenry,” respect for “office-holding status,” “shame,” and “reputation” should have restrained men from committing evil against the commonwealth—but did not.¹ This was an oft-repeated opinion. Ancient sources that describe the Early and Middle Republic repeatedly presented these concepts as restraints on actions dangerous to the republican system. How and why these values constrained Roman aristocratic competition is the subject of this chapter.

First, office-holding status and reputation created hierarchy, and the Romans expected everyone to submit to recognized superiors without recourse to physical coercion. That is a very unoriginal observation, of course, but the Roman aristocracy did not stop there. Second, and far more important, the Roman nobility also strongly expected dignified peers, and especially colleagues in office, to cede to their peers’ and colleagues’ wishes or judgment in an exercise of mutual deference.

The significance of this restraint value of deference to peer and colleague can scarcely be overstated. Roman aristocrats in our ancient sources over and again exhibited a conviction that mutual accord among equals—and not antagonistic check and counter-balance—defined the ideal collegial or inter-peer relationship.² Third, and consequently, an aristocrat’s individual will could be overborne by a show of solidarity of a *group* of dignified peers or colleagues, and particularly when the Senate, the greatest conglomerate of dignified

¹ Cic. *ad Brut.* 1.10.3; App. *B.C.* 1.4.33.

² I thus will fine-tune statements like that of Lowrie (2010) 178 that “consular *imperium* was understood as kingly power checked by collegiality and term limits,” move beyond the reflections of Eckstein (1987) 324 that *concordia* helped peers and Senate conduct Roman foreign policy, and expand upon too brief observations like that of Levick (1982a) 57: “The senatorial predominance of the second century that followed the Hannibalic War constituted a strong assertion of the principle of restraint, for it entailed subordinating magistrates and promagistrates to their peers.”

men, acted in concert. The opinion of a collection of noble peers could pressure a Roman aristocrat even more than fear of dangerous enemies, physical force, prison, or death.

Fourth, the restraint value of deference was closely tied to inhibitory emotions to which the Romans gave the names *pudor* and *verecundia*, a “sense of shame,” whence came “respect” for others, which were in turn related to the restraining concern a Roman had for his *existimatio*, his sense of worth in the eyes of others.

Of course, as Romans of all periods knew, these restraint values might occasionally fail. It could be very painful for an ambitious, proud Roman aristocrat to submit to the will of others. But even if deference and its attendant restraint values faltered, Roman aristocrats regularly appealed to these values in their first attempt to rein in a malfeasant, which shows the values’ significance. Additionally, the rewards or punishments respectively associated with proper showings of deference or improper and shameless refusal to care for the “judgment and opinion” of one’s fellows cemented the values’ power.

And to what end? Ultimately, the restraint value of deference appears as essential to the proper functioning of the Republic. We see among the aristocracy a clear belief that the day-to-day operation of the Republic was in danger of breaking down unless they collectively agreed to abide by the rules of deference and to be receptive to the restraints placed on them by the weight of shame and the reputation, judgment, and opinion of their peers. That is why Cicero and Appian placed these things in their list of failing fail-safes. And that is also why men of the Early and Middle Republic, as we shall see, were described as fixated on the restraint values’ proper function. A three-episode account from Livy begins the inquiry.³

³ This chapter and the next largely examine how authors such as Livy presented the ideal operation of the restraint values. A constant question will be the veracity of such authors, and these notes will track discussion and debate among modern scholars. So here: Cornell *et al.* (2013) II 93 argue that the entire episode that follows here was genuine and preserved in a Fabian family archive to which Fabius Pictor had access. *Cf.* Cornell (1983) 82; Forsythe

* * *

Young Quintus Fabius Maximus Rullianus was no mean soldier. He had distinguished himself in battles against the mountain-dwelling Samnites, and his bravery led to advancement: when in 325 B.C. the Samnites threatened once again to move down from the hills, and the consul had fallen gravely ill, the Senate asked for the great general Lucius Papirius Cursor to be dictator.⁴ Papirius chose Fabius for his Master of Horse.⁵

Yet along the Roman army's march to Samnium, the sacred chickens began to act strangely, giving ambiguous signs. The dictator knew that it was perilous to ignore the sacred chickens' warnings.⁶ He decided to return to Rome to take new auspices to determine the gods' will, and sternly charged his subordinate Fabius that the army was to seek no battle until his return.⁷ Fabius, however, like any ambitious young Roman, was eager for a victory that would bring him further fame and influence. Why, thought Fabius, should he not claim his own due while the army was under his control? And so, when he discovered that the Samnite pickets were lax in guarding their territory, he eagerly attacked.⁸

The fight could not have gone better. The most ancient writers recorded up to twenty thousand Samnites killed.⁹ The exultant Romans gathered up the enemy's armor and weapons in a great pile in front of Fabius, who put it to the torch. This was either to fulfill a

(2005) 76, 295. Somewhat in accord is Oakley (2007) II 696, who believes that the quarrel, if not all the details, is historical, largely because this episode was recorded by Fabius Pictor, and "since it does not reflect well on Rullianus, Pictor is unlikely to have included or invented it to enhance the glory of his *gens*." Chaplin (2000) 111, however, believes that the episode is meant as exemplary only, in that traditional values are "upheld at every level of the story."

⁴ Livy 8.29.8-9; Val. Max. 2.7.8.

⁵ Livy 8.29.10.

⁶ On the proverbial dangers of ignoring portents of the sacred birds, see Cic. *de Div.* 1.29, 2.20, 2.71; Livy 6.41.8; Livy *Per.* 19; Val. Max. 1.4.2-3, 7.2.5; Suet. *Tib.* 2.2; Gell. 10.6.2; Plut. *Tib.* 17; and Flor. 1.18.29.

⁷ Livy 8.30.3.

⁸ Livy 8.30.4-5.

⁹ Livy 8.30.7. Oakley (1997-2008) II 711 suggests that this tally comes from Fabius Pictor.

vow to the gods, or perhaps to ensure that Papirius would not be able to carry any of the enemy's arms in triumph or write his name on them in claim of the spoils, as would be his right as the technical commander-in-chief.¹⁰ In a final insult, Fabius sent a dispatch of his victory directly to the Senate—and nothing to his superior—to show that he had no intention of sharing any of the glory with him.¹¹

Papirius was furious and rushed back to the camp. Fabius, learning that Papirius was en route, begged the army to protect him from the dictator's wrath. The army, grateful to Fabius for their victory, pledged their support. Papirius entered the camp, sounded assembly, and roundly attacked his junior officer for his disobedience. Fabius shot back that it was unfair to be attacked by a man who was both judge and jury, then snarled that he could lose his life more easily than he could ever lose the glory of his deeds.¹² At this, Papirius ordered his lictors to bind Fabius for summary execution. Fabius escaped their grasp and hid among the soldiers, who pleaded with Papirius to forgive: Fabius' youth had been adequately chastened, and it would not do to punish a young man of such merit so harshly.¹³ This unavailing, they clamored to the verge of mutiny. Papirius shouted back. The din went on until dark, when Fabius slipped out of camp and fled to Rome, there to appeal to the senators.

Thus a personal rivalry for glory first swallowed the army and now came before the Senate. Fabius had barely begun to make his defense in front of the fathers when Papirius

¹⁰ Livy 8.30.8-9.

¹¹ Livy 8.30.8-11. Oakley (1997-2008) II 704 argues that this dispatch to the Senate was a literary figure that permitted Livy to make an easy transition from the camp to Rome and back. If so, note that the literary figure is nonetheless based on an impertinent lack of deference to an official superior. Cornell *et al.* (2013) III 34, however, accept both the historicity of the letter and the possibility that Fabius Pictor found it in the aforementioned family archive.

¹² Livy 8.32.1-11.

¹³ Livy 8.32.14. Val. Max. 2.7.8 gave a rather more noble version of the story: that Rullianus bravely volunteered to be beaten but the army persuaded him to flee.

arrived. The senators, together with Fabius' father Marcus Fabius Ambustus, as a group entreated the dictator to put aside his anger, to no avail. At this, Ambustus, once dictator himself, decried that "neither the authority of the Senate nor my old age . . . nor the *virtus* and nobility of your Master of Horse"—what evidently seemed to him (or at least to Livy) to be restraints on the desires even of dictators—had any weight with Papirius.¹⁴ Stymied, Ambustus led the senators outside to a growing throng.

Ambustus and Papirius then faced each other at the speaker's platform. On the one side was the authority of the Senate and of the multitude, along with a gathering of leading men; on the other the authority of the dictator, accompanied by only a few attendants. Custom, precedent, and law supported both.¹⁵ Ambustus, after having submissively stepped down from the platform at Papirius' insistence, asked Papirius to defer to the majesty of the Senate, the favor of the People, the help of the tribunes, and the memory of the absent army.¹⁶ Where, Papirius retorted, was respect for the Roman People who had given him dictatorial powers, or the old-time discipline and the memory of Titus Manlius Torquatus, who, it was said, as dictator had killed his own son for similar disobedience? Let Fabius off, Papirius argued, and soldier would not obey commander, and no one would have respect for men, for gods, for auspices. The entire Republic might be destroyed for the *licentia* of young Quintus Fabius Maximus Rullianus.

At this, the crowd began to beg, falling to the pavement. Fabius and Ambustus too bowed in front of Papirius and pleaded for forgiveness. Moved, Papirius asked for silence. "It is well," he said, and declared that discipline was restored: Fabius had learned in war and

¹⁴ Livy 8.33.7: quando quidem . . . apud te nec auctoritas senatus nec aetas mea . . . nec virtus nobilitasque magistri equitum.

¹⁵ Livy 8.33.9-23, 34.1-4.

¹⁶ Livy 8.34.1: stabat cum eo senatus maiestas, favor populi, tribunicium auxilium, memoria absentis exercitus.

peace to “submit to legitimate authority.”¹⁷ The People might therefore have Fabius’ life restored to them as a gift. He thus deferred to their wishes in exchange for the show of deference to himself. The quarrel subsided—and without violence.

Fifteen years passed. Fabius had since been consul and dictator himself, and was one of the first men in the state. Now he was consul again, and once again was in the field against the Samnites. But exaggerated reports had fanned rumors in Rome that the legions under Fabius’ consular colleague Gaius Marcius had been wiped out in the tangles of the woods.¹⁸ The Senate, in dismay, called for a dictator to lead the counter-attack. By custom, a consul must appoint him.¹⁹ Marcius was feared lost, and only Fabius remained to perform the rituals to appoint the man who would take from him his preeminence and the credit of his campaign. The Senate chose as dictator none other than Lucius Papirius Cursor.

The senators were not foolish in doing so. Papirius was the foremost general of the day. But Fabius’ private enmity with Papirius and the shame he had suffered at Papirius’ hands fifteen years before now caused the senators to worry. This appointment would not be without friction. To ensure that Fabius’ anger “would not obstruct the public good,”²⁰ wrote Livy, the Senate decided to send an honorable “deputation of former consuls,” because, the Senate judged, they “could add their own personal *auctoritas* to that of the nation, and thereby convince Fabius to put aside the memory of his quarrels for the sake of the country.”²¹ The party—all Fabius’ peers and (perhaps) sometime colleagues—set off and met with Fabius at his camp. There they pressed the opinion of the Senate and urged

¹⁷ Livy 8.35.7: *pati legitima imperia*.

¹⁸ Livy 9.38.4-9.

¹⁹ On the requirement, see Pina Polo (2011) 188-191.

²⁰ Livy 9.38.11: *quae ne ira obstaret bono publico*.

²¹ Livy 9.38.11-12: *legatos ex consularium numero mittendos ad eum senatus censuit, qui sua quoque eum, non publica solum, auctoritate moverent ut memoriam simultatium patriae remitteret*.

Fabius to defer to their wishes and to put aside all private grudges for sake of the commonwealth.²²

Silence. Fabius fixed unmoving eyes on the ground—then got up, turned, and left without a word.²³ History does not record what Fabius did for the next few hours. Likely he pondered. He was consul. He could refuse his rival and deny Papirius this new chance to overtake him. But the Senate had urged otherwise, and sent men of the greatest worth to plead with him to cede to their and the Senate's wishes. These particular men, moreover, had been sent precisely because the Senate expected that Fabius would weigh their opinions heavily in light of their immense dignity. And so, as was custom, in the middle of the night he left his tent, prepared the sacrifice, and appointed Lucius Papirius Cursor over himself as dictator. The next day the deputation learned of it and hurried into Fabius' tent to thank him for "admirably conquering his feelings."²⁴ Silence again. Fabius bade them leave without reply and without mentioning a word of what happened. That, wrote Livy, was a "clear sign of how his singular sorrow was crushed by his great spirit."²⁵ For this act, wrote the historian Cassius Dio, he "gained the greatest glory."²⁶

A further fifteen years passed. There was no doubt that the now-aging Fabius would be selected to his fifth consulship, for the year 295. He tried to beg off because of his weakness, but "overcome by the consensus" of all he agreed, on the condition that the other consul be P. Decius Mus, his colleague in two previous consulships and censorship.²⁷

²² Livy 9.38.9-13; Dio 8.26.

²³ Livy 9.38.13-14: consul demissis in terram oculis tacitus ab incertis, quidnam acturus esset, legatis recessit.

²⁴ Livy 9.38.14: cui cum ob animum egregie victum legati gratias agerent.

²⁵ Livy 9.38.14: ut appareret insignem dolorem ingenti comprimi animo.

²⁶ Dio 8.36.26: εὐκλειαν ἐκ τούτου μεγίστην ἔλαβεν.

²⁷ Livy 10.22.2: vincebatur consensu.

Through his experiences, Livy had Fabius say, he had learned that “nothing protected the Republic more firmly than concord among colleagues.”²⁸

* * *

These three episodes show not only the temptations that a Roman aristocrat faced to engage in self-glorifying behavior that might interfere with the desire of his fellows, but also amply illustrate the observations made above about the proper functioning of restraint.

1. Deference to Superiors

Noticeable first is the presumption that a man would yield to a superior in official position. Papirius as Dictator simply expected obedience and was livid when he did not receive it. But submission in these episodes did not necessarily depend on a threat of violent force. Although force was one influence—Papirius had rods and axes handy—threat of force was not the determining factor that resolved the conflicts. The People—the theoretical highest power in the Republic²⁹—did not threaten to kill Papirius to get their way, and he apparently feared no violence from them; he stood with only a few attendants.³⁰ Nor did Fabius fifteen years later face any hazard of bloodshed from the senators who visited him to give the Senate’s opinion, and yet he gave ground in the end.

2. Deference to Social Equals and Colleagues

²⁸ Livy 10.22.3: *expertum se nihil concordi collegio firmius ad rem publicam tuendam esse.*

²⁹ Oakley (1997-2008) II 729 wisely notes that the *provocatio* by Fabius to the People here is unhistorical—a patrician would not make such an appeal in the fourth century B.C.—and thus this element of the story is invented. Granting that, this need not have been an “official” *provocatio* to the People, but rather an emotional appeal that illustrates the point of deference that I examine below, particularly because to ignore the People in any capacity could lead, as Oakley admits (730 and 732) to accusations of *superbia*.

³⁰ Livy 8.33.9: *cum paucis.*

The second and more important observation helps explain why physical force was not necessary in these cases.³¹ Deference to one's dignified peers was a powerful restraint value. Fabius ran to his consular father and to the Senate to protect him from Papirius—but not for their physical strength. The aged Ambustus is portrayed as assuming instinctively that even though Papirius was within his legal rights as military superior and dictator, he might be swayed by the opinion of consulars and social peers. The Senate assumed the same of the noble deputation of Fabius' peers whom they sent to convince Fabius to appoint his hated rival dictator.

There is ample evidence that later generations believed that from early on in the Republic peers, and particularly colleagues in office, showed mutual deference to one another as a salve for the dangers that competition posed to the republican system. For example, although the temptation for a Roman aristocrat to take a fair chance of glory in battle away from a rival was always strong, Livy wrote that the consuls of 446 B.C., who were of “equal authority” in the army, made “a most healthy system in the administration of great matters”: the first-time consul Sex. Agrippa Furius yielded command to his colleague and fourth-time consul T. Quinctius Capitolinus, who answered this act of submission by sharing equally with Agrippa all his communications, plans, and glory in battle.³² This despite the fact that according to Livy Agrippa (the consulship aside) was Quinctius' social inferior—*inparem sibi*—and junior. Agrippa was evidently not necessarily expected to yield to his colleague simply by virtue of being junior and social inferior: if he *chose* to yield, he would

³¹ The Romans sensed the difference between *auctoritas* and violent force: Livy 38.13.3 stated a stronghold could be compelled to repent from revolt either *auctoritate aut armis*.

³² Livy 3.70.1, 10: quod saluberrimum in administratione magnarum rerum est . . . se comiter respondebat communicando consilia laudesque et aequando inparem sibi . . . Agrippa, aetate viribusque ferox . . . Cf. Ogilvie (1965) 522.

receive great praise. Quinctius' response was also evidently ideal: to treat a colleague, even if the colleague admitted himself inferior, as an equal.

Similarly, when the great general Camillus, the “second founder of Rome,” was voted one of six military tribunes with consular powers in 386 B.C., his colleagues reportedly agreed to defer command of all pressing military affairs to him, believing that there was “no detraction from their own majesty in doing so.”³³ The Senate enthusiastically approved this result, and Camillus replied that the greatest responsibility he felt came from the “deference shown him by such honored colleagues.”³⁴ Then he immediately delegated powers back to them. The senators again shouted their approval: the state would never need a dictator with men in such “concord,” they said, “equally ready to command and obey” and “adding to common praise rather than detracting from the common good for their own purposes.”³⁵

³³ Livy 6.6.7: *nec quicquam de maiestate sua detractum credere*. Oakley (1997-2008) I 446 accepts the veracity of this college, largely because of the obscurity of its other members—there would be no reason to falsify such names—but suggests (448) that the preeminence of Camillus as portrayed here is a “romantic idealization.”

³⁴ Livy 6.6.8: *ingens inde ait onus . . . maximum tam honoratorum collegarum obsequio iniungi*.

³⁵ Livy 6.6.18: *si tales viros in magistratu habeat, tam concordibus iunctos animis, parere atque imperare iuxta paratos laudemque conferentes potius in medium quam ex communi ad se trahentes*. Oakley (1997-2008) I 455 writes that the couplet *parere atque imperare* corresponds to the speech of Canuleius in 445 B.C. that Livy reports at 4.5.5: *si in societate rei publicae esse, si, quod aequae libertatis est, in vicem annuis magistratibus parere atque imperitare licet* (“[The Roman people are prepared to go to war if] . . . they have a share in the partnership of government, and if, as a matter of equal liberty, they are allowed to govern and obey in turn, with the annual change of the magistrates”). Oakley also comments, I 455, that this phrase “well brings out the centrality of the concept to the Republican ideology,” although he suggests, IV 515, that the idea originally came from Greek thought. It is entirely possible, of course, that even if the thought as expressed was originally Greek, it was readily adopted in Rome because it resonated with pre-existing Roman ideas of *moderatio*, a question to which I will return in Chapter Three, and see Scheidle (1993). The necessity that republican colleagues defer to each other, and also that office holders would regularly rotate into private citizenship, would make Roman ground fertile for the Greek apothegm.

Furthermore, in 381 B.C. Camillus was colleague as military tribune with consular power³⁶ with his own brother's son, L. Furius Medullinus.³⁷ Camillus, more cautious than his nephew, permitted the enemy to draw close, but did not engage. Medullinus impatiently claimed that Camillus had had “enough of glory” in his life, gathered the soldiery, and importuned his uncle to fight.³⁸ Camillus ceded to Medullinus' wishes.³⁹ But the nephew's show of solidarity with the soldiers was not what tipped Camillus: Camillus reportedly said that he was accustomed to direct the army and not be directed by it.⁴⁰ Rather, what swayed him was that “he had a colleague of equal right and authority,” and he could not “impede the command of his colleague”—his own nephew, and he the (traditionally stern) *patruus*.⁴¹ After Medullinus failed disastrously, Camillus was forced to rescue him, and was afterwards appointed to carry on the war himself. The Senate gave Camillus permission to choose an adjutant, whereupon, to everyone's surprise, he chose Medullinus.⁴² By this “*moderatio*”—a

³⁶ On the military tribunes with consular powers, who for some time were elected instead of consuls in groups generally of between two and six, see Adcock (1971); Forsythe (2005) 234, Drogula (2015), and their ample references. Of interest here is that deference was apparently expected to function in collegial groups even larger than two.

³⁷ MRR I 104.

³⁸ Livy 6.23.7: Camillo cum vitae satis tum gloriae esse.

³⁹ Livy 6.23.9.

⁴⁰ Livy 6.23.10: itaque se quod ad exercitum attineat, regere consuesse, non regi.

⁴¹ Livy 6.23.9-10: nunc scire se collegam habere iure imperioque parem . . . collegae imperium se non posse impedire. In Livy's telling, Camillus is overcome entirely by the soldiers' wishes and his colleague's equal *iure imperioque*. Plutarch *Cam.* 37.3 recounts instead that Camillus was ill and asked for delay so he could recover, and permitted his nephew to take command only unwillingly—ἄκων—and only out of “fear that some might think that on account of jealousy he was trying to steal from young men opportunities for success and pursuit of honor” (φοβηθεὶς μὴ φθόνῳ δὴ τινὶ δοκῇ κατόρθωμα καὶ φιλοτιμίαν ἀφαιρεῖσθαι νέων ἀνδρῶν συνεχώρησεν ἄκων ἐκείνῳ παρατάξαι τὴν δύναμιν). Klotz (1941) 307 concluded that Plutarch followed older sources more closely than Livy for this episode, and Oakley (1997-2008) I 580 comments that Livy has invented a nobler excuse for Camillus' cession than Plutarch provides. Note, however, that in both versions Camillus operates under the assumption that he *should* cede to a colleague, and that Plutarch's telling makes plain the consequences of not so ceding: for Camillus to deprive his young colleague of his just rights and opportunities would be shameful. On the stern *patruus* see Martin (2002) 160-61.

⁴² Cf. Plut. *Cam.* 38.2.

topic to which I will return in the next chapter—Camillus “lightened his colleague’s infamy and brought on himself great glory.”⁴³

Finally, consider the “first” set of decemvirs, who were said to have acted in total *concordia* among themselves and with humility in dispensing justice.⁴⁴ Thus the principle of collegial deference in these most ancient stories is described not only as mechanism to stave off fear of sole power, but also as a means to spread around glory and *honores* to many worthy persons, increasing the concord and cohesion of the nobility despite any internal imbalances of social status or seniority in age, and thus softening rivalry.⁴⁵ The state would benefit therefrom, and the parties would receive due glory for their show of deference and mutual regard.

By the same token, stories of the oldest times consistently frowned upon total and obstinate refusal to cede to peers or colleagues. Senators were said to have left Rome during the “second” decemvirate, indignantly feeling they were free from *iniuria* only if they kept away from the arrogance of the board members.⁴⁶ In 418 B.C., the several military tribunes with consular power argued among themselves—each boasting of his abilities as a general—about who would get the glory of a campaign and who would have to stay behind to govern Rome. Livy records that the senators looked on with “astonishment” at this contest of self-

⁴³ Livy 6.25.6: qua moderatione animi cum collegae levavit infamiam tum sibi gloriam ingentem peperit. Bruun (2000) 64-65 notes the possibility that the reason L. Furius was included in the story was that his presence “was so strongly encased in the historical tradition.” But Bruun rejects that possibility, and instead sees the influence of Furian “intervention or interpolation.” Bruun dismisses without legitimate reason the objection to his conclusion that “To a modern reader it seems that a Roman writer whose only concern was to celebrate Camillus would have done better to have his hero forgive a person not related to him.”

⁴⁴ Livy 3.33.8; Cic. *de Rep.* 2.61. On the decemvirs, see generally Ogilvie (1965) 451-66; Forsythe (2005) 222-228; von Ungern-Sternberg (2005a) (first decemvirate (79) “can be accepted”; second decemvirate (83) “purely fictitious”).

⁴⁵ Oakley (1997-2008) I 580 comments “This, L[ivy] seems to tell us, is the way for a successful man to treat his colleagues.”

⁴⁶ Livy 3.38.11.

advancement, which had become *parum decorum*—“scarcely honorable.”⁴⁷ Quintus Servilius, a former dictator, ended the matter with a tongue-lashing. Because, he seethed, the tribunes had no sense of *verecundia* or “respect” for Senate or Republic, he would order his tribune son to stay in Rome. As for the tribunes who went out to fight, he warned, they had better conduct the campaign with “more harmony and concord than they sought it.”⁴⁸ And when two of the tribunes continued to bicker, their lieutenants castigated them and forced them to compromise by exchanging days of command—apparently a second-best solution.⁴⁹

Similarly, in 296 B.C. the army became distraught at a quarrel between the consuls Appius Claudius and L. Volumnius Flamma. Volumnius had come to Appius’ aid, confusedly thinking that Appius had sent a letter asking for help—Livy wrote that three annalists asserted that the letter had been sent, but he could not make out the truth of the affair himself—but Appius angrily shunned his offer.⁵⁰ Volumnius’ lieutenants, Livy writes, thought this dispute between colleagues was *pravum*—“perverse.” When Volumnius kept up the quarrel, the lieutenants begged him not to betray the Republic—*ne rem publicam prodāt*.⁵¹ The soldiery all but had to drag the two together and make them undertake the campaign together harmoniously.⁵²

So much for the earliest stories. By the Middle Republic the value appears only the more strongly entrenched, and ceding to the wishes of colleagues and peers seems to have

⁴⁷ Livy 4.45.8: cum parum decorum inter collegas certamen mirabundi patres conspicerent.

⁴⁸ Livy 4.46.8: consideratius concordiusque quam cupiunt. Ogilvie (1965) 604 calls this entire episode “a tendentious fabrication to provide an explanation for the system of rotating command.” Even if a wholesale fabrication for this instance, a system of rotating command would be a practical way to apply the fiction of perfect equality among colleagues. Cf. Drogula (2015) 151: “This alternation of supreme command was probably a voluntary agreement backed by customary practice . . . which enabled one consul to yield to his colleague without creating any imparity between them.”

⁴⁹ Livy 4.46.3.

⁵⁰ Livy 10.18.7, 10-14.

⁵¹ Livy 10.19.2.

⁵² Livy 10.19.5.

been not only praiseworthy but solidly customary. Livy's books covering the years between 296 and 173 B.C., for example, repeatedly inform us that the consular or censorial pairs acted among themselves "with the greatest concord" (or some close variant) with such passing insouciance that one suspects that Livy was relating some traditional formula of approval.⁵³ An inscribed bronze fish of the Middle Republic hints at such a formula:

"[*Consc*]riptes cose."—by the "consensus of the conscript fathers."⁵⁴

Stories about the Middle Republic once again portray collegial deference as alleviating the pressures of competition and internal dissent. Livy reported strife in 187 B.C. between the consul Marcus Aemilius Lepidus and Marcus Fulvius Nobilior, consul of 189.⁵⁵ Lepidus blamed Fulvius for blocking him from becoming consul sooner,⁵⁶ and while Fulvius was away from Rome on campaign, Lepidus presented an embassy of natives to bring charges of cruelty against Fulvius.⁵⁷ Then Lepidus went on campaign himself, and Fulvius came back to Rome to ask for a triumph. The tribune of the *plebs* Marcus Aburius resisted, and told Fulvius that he had personal instructions from Lepidus to make Fulvius wait for his

⁵³ Livy 10.24.2 (*concordia inter se*); 22.32.1 (*summa inter se concordia*); 27.38.10 (*omnia cum summa concordia consulum acta*); 32.7.2-3 (*censores . . . magna inter se concordia et senatum sine ullius nota legerunt*); 40.40.14 (*cum summa concordia*); 40.51.1 (*censores fidei concordia senatum legerunt*); 42.10.4 (*concors et e re publica censura fuit*). Levick (1978) identifies *concordia* as primarily an aristocratic virtue.

⁵⁴ Warmington (1935-2006) IV 208. Warmington dates the fish to 222-153 B.C., although it is difficult to tell for certain whether the Roman Senate is meant; the fish was found at Fundi. Nevertheless, if not the Roman Senate, one might expect the Fundian aristocracy, who perhaps used this fish as a gift to create a guest bond with a *Ti. Claudius* in Rome, to mimic Roman *mores*. Cf. Hellegouarc'h (1963) 123 on "l'accord réalisé à l'intérieur du Sénat."

⁵⁵ On this enmity see Develin (1985) 193-94; Chaplin (2000) 154; Epstein (1987) 13, 15, 25, 59, 73.

⁵⁶ Livy 37.47.6. There is a hint in Livy that Lepidus' previous failures were attributable to a history of failures of deference. He ran for the consulship, Livy writes, *adversa omnium fama* because he had left his province of Sicily *non consulto senatu*.

⁵⁷ Livy 38.43.1-13.

triumph until Lepidus could speak against it.⁵⁸ Fulvius responded by requesting that a *superbissimus* enemy not be permitted to make a fool of him.⁵⁹

All the senators began either to implore or castigate Aburius—but the speech of Aburius’ colleague in the tribunate Tiberius Sempronius Gracchus (father of the famous tribune brothers) reportedly moved him most.⁶⁰ It is not right, Livy had Gracchus say to Aburius, to use a magistracy to fight even one’s own personal battles as a tribune, let alone those of others, and it is *turpe* for a tribune to take private sides, *indignum* for the college and its sacred laws. It would also make for terrible precedent: Gracchus was no friend of Fulvius, but he had “put aside enmities for the sake of the state,” while Aburius put forward another’s enmities. Should two tribunes, Gracchus asked, two colleagues, be at odds with each other in this way? What would posterity think of that?⁶¹ At this, Aburius dropped his claim and left the Senate meeting, *victus castigationibus* of his fellow tribune—a curious phrase to which I will return. Fulvius triumphed.⁶²

The disputants Lepidus and Fulvius were chosen censors together in 179 B.C. By now, their vicious arguments had erupted on more than one occasion in the Senate and in front of the People, and there was great anxiety about how they would behave as colleagues.⁶³ The two new censors took their seats, as was custom, by the altar of Mars after

⁵⁸ Livy 39.4-5. The opponents of Fulvius evidently argued he did not capture any Aetolian cities, as Fulvius claimed; Cato reiterated that charge around 178. *ORF*³ 57 fr. 148 (= Gell. 5.6.24); Gruen (1990) 132.

⁵⁹ Livy 39.4.13: *se et patres conscriptos orare et ab tribuno petere, ne se superbissimo inimico ludibrio esse sinant.*

⁶⁰ Livy 39.5.1: *undique omnes alii deprecari tribunum, alii castigare. Ti. Gracchi conlegae plurimum oratio movit.* Briscoe (2002) 179 comments, “There is no reason whatsoever to doubt the historicity of Gracchus’ intervention against M. Aburius.”

⁶¹ Livy 39.5.5: *ne hoc quidem cernere eum, fore ut memoriae ac posteritati mandetur eiusdem conlegii alterum e duobus tribunis plebis suas inimicitias remisisse rei publicae, alterum alienas et mandatas exercuisse.*

⁶² Livy 39.5.2-6.

⁶³ Livy 40.45.7: *inimicitiae . . . atrocibus celebratae certaminibus.*

their election. Quintus Caecilius Metellus, the aged consul of 206, approached them with a crowd of *principes senatorum*. It was usual, he said, for censors to admonish others in their manners, not the vice-versa. But given the situation, he must point out “what there is in you two that offends all good men, or at least what they should like to see changed.”⁶⁴ For years, he knew, the two had harbored a feud, a “grave and atrocious” thing in and of itself, but all the more “dangerous now to us and to the state.”⁶⁵ The Republic, he said, would suffer because the two disliked each other.⁶⁶ Metellus, together with the dignified men around him, now begged them to make the customary censorial prayer—“that this matter may turn out well and happily for myself and my colleague”—a reality.⁶⁷ He reminded them of the examples of the past, when feuds ended happily. His speech done, the crowd cheered.

It is risky, of course, to rely on set speeches in ancient texts—although given the Romans’ traditional religious scrupulousness the text of that remarkable prayer is surely a direct quotation.⁶⁸ But the restraint value of deference to colleague that imbued this set speech matched the denouement: at first, Lepidus and Fulvius, rivals as they were, could not let go quite so easily. Lepidus openly complained of several indignities, including the old charge that Fulvius had prevented his election to consul. Fulvius shot back that Lepidus had wounded him on numerous occasions, and once shamed him in a *sponsio*. But as the censors

⁶⁴ Livy 40.46.2-3: indicandum tamen est quid omnes bonos in vobis aut offendat aut certe mutandum malint.

⁶⁵ Livy 40.46.5-6: graves et atroces . . . periculum est ne ex hac die nobis et rei publicam quam vobis graviore fiant.

⁶⁶ Livy 40.46.4-5: non possumus non vereri, ne male comparati sitis, nec tantum rei publicae prosit, quod omnibus nobis egregie placetis, quam, quod alter alteri displicetis, noceat. Pittenger (2008) 210 n.35 comments: “The Romans valued *concordia* between the censors not only because it helped them fulfill their duties if they worked together, but also because they were supposed to set an example for others, and *inimicitiae* could mar decorum.”

⁶⁷ Livy 40.46.9: ut ea res mihi collegaeque meo bene et feliciter eveniat.

⁶⁸ Hickock (1993) 70-71, 141 n.2 recognizes that at minimum, the last part of this formula is at least as old as Cato the Elder, *re Rust.* 141.3. As Briscoe (2008) 531 notes, the censorial prayer recorded in Varro 6.86 differs in some respects, but still contains the words *mibique collegaeque meo*.

looked on their dignified petitioners, the valued deference to colleague and peer took hold. Both stated that, if the other wished—*si alter vellet*—they would “put themselves in the power of these men,” such an impressive group of leading nobles of the state as they were (*tot principum civitatis*).⁶⁹ At the urging of all present, they shook hands, forgave each other, and ended their feud. Applause again: the crowd accompanied them to the Senate, where the fathers approved and praised both the care that the dignified nobles took of the situation and also the courteousness of the censors in coming to agreement.⁷⁰ We can be quite sure that this reconciliation in fact occurred; the contemporary Ennius celebrated it in verse.⁷¹

Note what did *not* solve the feud: a suggestion that one colleague cede to the other as junior or inferior or for any reason, or that one should be obeyed more than the other for any reason.⁷² Nor did it apparently occur to anyone simply not to elect the two rivals

⁶⁹ Livy 40.46:14: tamen ambo significare, si alter vellet, se in potestate tot principum civitatis futuros.

⁷⁰ Livy 40.46.16. Cf. Val. Max. 4.2.1; Gell. 12.8.5-6.

⁷¹ Cicero's version of the story in *Prov. Cons.* 20-21 runs as follows: an vero M. ille Lepidus qui bis consul et pontifex maximus fuit, non solum memoriae testimonio, sed etiam annalium litteris et summi poetae voce laudatus est, quod cum M. Fulvio collega quo die censor est factus, homine inimicissimo, in campo statim rediit in gratiam, ut commune officium censurae communi animo ac voluntate defenderent? (“And what of Marcus Lepidus, who was twice consul and was *pontifex maximus*, and who was praised, not only by the witness of memory, but also in the annals and by the voice of our greatest poet, because he at once reconciled himself to his colleague Marcus Fulvius, his greatest enemy, on the day he became censor, so that together they might perform their censorial duty with common spirit and will?”). The reference to the “greatest poet” is certainly to Ennius, Briscoe (2008) 528. Caecilius Metellus' intervention is absent in the versions of Cicero (Ennius?), Valerius Maximus, and Gellius, although these reports may simply be compressed, and at any rate the ideal of collegial *concordia* is evident in either tradition. Develin (1985) 194 notes that the Senate might have wanted to avoid a repeat of the spectacle of the censors of 204 B.C., Claudius Nero and Livius Salinator, described below.

⁷² The very creation of consular colleges, of colleges of military tribunes with consular authority, and of the college of tribunes of the *plebs*, necessarily implied some means of sharing collegial responsibility, especially because there is no indication that one member's desires would for any reason automatically outrank those of his colleague or colleagues, a point to which I will return in Chapter Three. The ideal solution, it seems, was for one colleague to be prepared to cede to another, which would redound to praise for both.

together.⁷³ Indeed, electing rivals to serve together would have been normal; indeed, inevitable. Given the step-by-step progression of Roman office holding, age-peers would contest against each other at every stage of advancement, and *any* pair of potential colleagues would be lifelong rivals. That fact makes it all the more remarkable that everyone assumed that—although it might not be certain—the two bitter opponents, once in office, might value deference to the wishes of a colleague, just as Aburius had ceded to Gracchus.

With such pressure, it is unsurprising that men could espouse the value of deference to colleague even *in extremis*: amidst the carnage at Cannae, we are told, the wounded consul Lucius Aemilius Paullus sat on a rock, bleeding to death. A junior officer rushed up to him on horseback and begged for him to take the horse and escape. Paullus refused, and ordered the officer to flee himself to warn Rome to prepare for attack. He could not go back, anyway, he said. In Rome, he would be forced to do one of two unbearable things: to be put on trial, to his great disgrace, or, what seemed worse, to accuse his colleague Terentius Varro and blame him to defend his own innocence.⁷⁴ Such measured refusal in such a pass to attack and blame a colleague illustrates a restraint value of remarkable power.

In all these examples we find common themes: an individual was tempted to carry out some desired goal that would accrue to his own benefit in some way. But these goals

⁷³ Indeed, Lepidus and Fulvius seem to have been chosen out a group of many candidates. Evans and Kleijwegt (1992) 186.

⁷⁴ Livy 22.49.11: *me in hac strage militum meorum patere exspirare, ne aut reus iterum e consulatu sim aut accusator collegae existam ut alieno crimine innocentiam meam protegam*. Amazingly, Terentius Varro was also praised for his *modestia*, at least after a show of some remorse (Val. Max. 4.5.2): *Confregit rem publicam Terentius Varro Cannensis pugnae temerario ingressu. idem delatam ab universo senatu et populo dictaturam recipere non sustinendo pudore culpam maximae cladis redemit effecitque ut acies deorum irae, modestia ipsius moribus imputaretur* (“Terentius Varro broke the commonwealth by entering the battle of Cannae rashly. But when he was chosen by the whole Senate and people to become dictator he refused, unable to accept because of his sense of shame, and thus redeemed the disaster. By this act the blame for the battle was imputed to the gods, and modesty to his own character”).

presented some danger to the republican system: either a man would gain too much power alone, someone would be deprived of a merited chance for glory and honor, an action would ferment dissention among the nobility or set a bad precedent, or a feud would threaten orderly administration or tarnish the honor of an office. In response, mindfulness of a colleague's or peer's equal worth or an appeal to concord among colleagues were potent restraints upon such impulses.⁷⁵ Praise from peers followed agreement, to the point of formula; blame followed continued obstreperousness.

3. Groups of Peers

If the normal pressure on a Roman aristocrat to defer to peer or colleague was strong, the pressure was much more intense when groups of great men helped enforce it. Repeatedly, the *patres* considered that, not a simple order or message, but a deputation of grandees was the best way to influence men on the verge of succumbing to temptations that would endanger the Republic, particularly if the temptations to act selfishly were acute. We have already seen this concept at work twice: the deputation that the Senate sent to Fabius in Samnium and the crowd of *principes senatorum* led by Quintus Caecilius Metellus to reconcile Fulvius and Lepidus. It would not be the last time. In 167, for example, when L. Aemilius Paullus Macedonicus and the praetor L. Anicius were to settle Macedonia and Illyria after the battle of Pydna, the Senate sent *tales viri* (former consuls, including a former colleague of Paullus, and censors) to the commanders so that the Senate could “hope that by their advice

⁷⁵ As notes Akar (2013) 98: “Tout d’abord, la *concordia* ne concernait que les mêmes magistrats, soit de censeurs, soit des magistrats détenteurs de l’*imperium*, des consuls, des préteurs, des proconsuls. Il n’est jamais question d’une *concordia* entre des magistrats hiérarchiquement différenciés.”

the generals would establish nothing unworthy of the clemency or dignity of the Roman People”—as apparently the senators feared the generals might do if left alone.⁷⁶

If a deputation of great men could restrain, the opinion of the full Senate was considered weightier still. Consider Livy’s repetitive use of the phrase “*vicit auctoritas senatus*” and phrases similar to it. In 402 B.C., Livy reported, the military tribunes with consular power, Lucius Verginius and Manius Sergius, had a rivalry that led to military disaster.⁷⁷ Sergius’ camp came under attack, and Verginius pridefully refused to help. Sergius, for his part, obstinately refused to ask for aid, preferring defeat to allowing Verginius any chance at glory. Called before the Senate for this debacle, they heaped abuse and blame on each other. The meeting turned into a shouting match, wrote Livy, with many of the senators arguing for their own favorite. The leading senators—*primores patrum*—however, had seen enough, and proposed a *senatus consultum* that no matter the cause of the disaster, the military tribunes were to resign their offices on October 1, two and a half months before the expiration of their term. Deeply indignant, Verginius and Sergius protested: first they begged to be spared this ignominy, and then defiantly refused to obey, insisting that they would stay in office until December come what may.⁷⁸

At this, the tribunes of the *plebs* began to threaten the military tribunes that unless they obeyed the Senate they would be sent to prison.⁷⁹ Here one might expect that Verginius and Sergius would be constrained by the threat of custody, to the Senate’s applause. Not so. Gaius Servilius Ahala, one of the other military tribunes, sharply castigated the tribunes of the *plebs* for meddling; it was enough that “it is *nefas* to oppose the

⁷⁶ Livy 45.17.7: Ceterum quamquam tales viri mitterentur, quorum de consilio sperari posset imperatores nihil indignum nec clementia nec gravitate populi Romani decreturos esse.

⁷⁷ Livy 5.8.8-13.

⁷⁸ Livy 5.9.1-3.

⁷⁹ Livy 5.9.4.

auctoritas of the Senate.”⁸⁰ If, Ahala glowered, his colleagues Verginius and Sergius insisted on being stubborn—*pertinacius tendent*—they could now obey the Senate or face a dictator. Now came applause: the “fathers, with one accord praised the speech and rejoiced that they did not need the threats of the tribunician power, but had discovered another and greater force to coerce the magistrates.”⁸¹ That force, as Livy described it, was the display of their unanimous collective will and the restraint value of deference to that will: Verginius and Sergius, *victi consensu omnium* (“conquered by the opinion of all”) resigned forthwith.

The pattern repeats in stories of the Middle Republic. According to Livy, the fathers knew that one consul in the election for 207 B.C. would be Gaius Claudius Nero, who was “far preeminent above all others.”⁸² But they were concerned: Hannibal was still a grave danger in Italy, and Nero was known to be an impetuous and violent man.⁸³ They needed someone to “temper” him as colleague, a senator of “moderation and prudence” (a theory that assumed, of course, that colleagues would defer to each other).⁸⁴ Marcus Livius, later given the cognomen Salinator, might be the man. But this choice was worrying: in 219 Livius had been convicted for taking too much spoil from a campaign, and Nero had been a witness against him.⁸⁵ Livius had accordingly withdrawn from the city for many years, grumbling that in his misfortune Nero had also treated him with contempt.⁸⁶ And so Livius

⁸⁰ Livy 5.9.6: sed nefas est tendere adversus auctoritatem senatus.

⁸¹ Livy 5.9.7: cum omnium adsensu conprobata oratio esset gauderentque patres sine tribuniciae potestatis terribilibus inventam esse aliam vim maiorem ad coercendos magistratus.

⁸² Livy 27.34.2: longe ante alios eminebat.

⁸³ Rosenstein (1993) 327 notes another drawback to his election: that Hasdrubal had duped Nero four years earlier into allowing his army to escape. How this comported with Livy’s judgment that Nero was “far preeminent above all others,” particularly when, for example, Q. Fabius Maximus was apparently still fit for service, is explained in note 86 below.

⁸⁴ Livy 27.34.3: temperandum . . . moderato et prudenti viro adiuncto conlega.

⁸⁵ Frontinus 4.1.45; Suet. *Tib.* 3; Livy 27.34.3-4, 29.38.11.

⁸⁶ Livy 27.35.7. On the enmity between the two, see Epstein (1987) 13, 17-18, 70, 94. Rosenstein (1993) 327 notes that because of Livius Salinator’s self-imposed exile after his conviction in 219, he had no military experience against the Carthaginians, which highlights

at first refused to consider running. The Senate, however, together strongly rebuked him: the great Camillus, after all, had once suffered exile and returned to office, so Livius too must suffer and bear the harshness of his city. The Senate wished it, and he yielded.

Through the “united efforts of all” the senators—*adnisi omnes*—he was elected with Nero.⁸⁷

Because the upcoming year was going to be extremely dangerous,⁸⁸ the Senate wanted the consuls-elect to begin preparations immediately. The senators were still anxious about the consuls’ feud, and discussed reconciliation. Quintus Fabius Maximus Cunctator took the lead, and asked the pair on behalf of the Senate to put aside their quarrel. Yet in spite of the obvious military hazards of having a pair of backbiting commanders, the two at first refused. Livius, still brooding on Nero’s insult to him at his trial, argued that there was no need to be reconciled with Nero because their enmity would keep them alert to avoiding errors that the other might exploit.⁸⁹ The Senate, however, would have none of this line of reasoning. Concord, *not* check-and-balance—that was the ideal. Instead, “the Senate’s

the oddity of this choice at this dangerous juncture of the war. But with Rosenstein’s further observation that the Senate was weary of consulships held by Q. Fabius Maximus, M. Marcellus, and Q. Fulvius Flaccus, who had held more than half the consulships of the previous eight years, the answer grows clearer. Rosenstein concludes, correctly I think, that the choice of general came down, not to military skill, but to the man most capable of embodying *virtus* and thus inspiring his troops. That calculation, of course, not only explains the choice of Nero, if he indeed was “preeminent above all,” for whatever reason, but also the choice of Livius to temper any parts of Nero that detracted from that *virtus* and would thus endanger military success. Vishnia (1996) 102-03 suspects that Livius was chosen at least in part because Q. Fabius Maximus and Q. Fulvius Flaccus, two members of the “old guard” who found themselves in control of the war after a “middle generation” of *nobiles* were killed in the battles with Hannibal in 218-16, recalled Livius “to retain their supremacy” in the face of youthful challengers. This theory still fits with Rosenstein’s conjecture above: Livius, being a member of the “old guard,” would have the correct amount of *virtus* to lead an army, be a fresher face than Fabius or Fulvius, and would also have been responsive to pressure from peers to act in harmony with his colleague despite their enmity.

⁸⁷ Livy 27.34.15.

⁸⁸ Gruen (1990) 85-87 vividly describes the combined threat of Hannibal and Hasdrubal in that year, and the frantic religious expiations by which the Romans sought to stave it off.

⁸⁹ Livy 27.35.8. Valerius Maximus was quite confused: at 4.2.2 he recorded that Livius *sua sponte* put aside his anger in order to be a good consul, but then at 7.2.6a stated that the impetus was the Senate’s.

auctoritas overcame them (*vicit tamen auctoritas senatus*) to make them administer the Republic with a common mind and counsel, putting aside their hatred.”⁹⁰

The two quickly had opportunity to show it. Livius worried that the army assigned to him was inferior, and the Senate accordingly gave the two consuls the power to make all preparations and exchange soldiers, which they now did *cum summa concordia*.⁹¹ There was here no conflict about who would aid whom, and the two fought bravely at the Metaurus River, winning a tremendous victory over Hasdrubal, Hannibal’s brother. The victorious pair then courteously decided not to enter Rome separately: they had fought the war in common. But first rank in the procession must go to someone, and they came to an agreement. Because the major battle had been fought in the territory assigned to Livius (Nero had met him by forced march at night), the auspices on that day happened to be Livius’ (they alternated days of command), and Livius’ army had returned to Rome while Nero’s remained in the field, Livius would ride the triumphal four-horse chariot, while Nero would come in behind, on horseback. This sharing of the triumph, commented Livy, added to the glory of both, but even more so for Nero, who, although he achieved more in the actual fighting, “ceded the greater honor to his colleague.”⁹²

⁹⁰ Livy 27.35.11: *vicit tamen auctoritas senatus ut positis simultantibus communi animo consilioque administrarent rem publicam*. Fabius Maximus may have been the special choice for this task because of possible family ties to Livius, Vishnia (1996) 228 n.179. Epstein (1987) 13 comments: “The Senate’s reaction . . . confirms its concern about potentially destructive feuds in sensitive places, and emphasizes its capacity to pressure individuals to conform to its collective values.”

⁹¹ Livy 27.38.11, although Livius had not put aside his anger at the People, who had condemned him: Livy records that Fabius Maximus advised him not to rush into battle. Livius replied that he would fight as soon as he could: either he would gain glory from a victory or joy at so many countrymen dead so quickly, Livy 27.40.9; Val. Max. 9.3.1. Livius’ vicious attitude as commander makes his later compliance with collegiality and with deference all the more striking.

⁹² Livy 28.9.9-11: *ita consociatus triumphus cum utrique, tum magis ei qui quantum merito anteibat tantum honore collegae cesserat, gloriam auxit*; Pittenger (2008) 83 comments that “instead of a dual triumph [Nero and Salinator] decided to mark [the victory] with a

Thus the force of deference to colleague and to collective senatorial opinion appeared in this instance once again as a solution to dangerous rivalry. But the value also took on another role: a means to help the nobility decide who deserved which honors and praise. In 200 B.C., Lucius Cornelius Lentulus the proconsul came back from a successful campaign in Spain. After giving an account of his successes to the Senate, he asked for a triumph. Because his had been an emergency appointment, however, he was technically not qualified for the honor; the auspices had not been in his own name.⁹³ When the Senate suggested an ovation instead, the tribune Tiberius Sempronius Longus objected to this as also being against precedent. Yet, *victus consensu patrum*, he withdrew his veto and Lentulus got his ovation.⁹⁴ In 167 B.C., Servius Sulpicius Galba opposed a law granting Lucius Aemilius Paullus a triumph for his victory at Pydna, accusing Paullus of stinginess in distributing the spoils. The first tribes, surrounded by menacing, sullen soldiers, started the vote against Paullus, and an uproar ensued among the senators. Marcus Servilius, who, Livy informs us, had been consul and Master of Horse, requested that the tribunes start the vote over again. No doubt the tribunes would have enjoyed the goodwill of the voting soldiers,

relatively austere victory celebration, oddly enough to the greater glory of them both.” The outcome is less “odd” if the principle of deference to colleague is taken into account. Drogula (2015) 147 writes that because Salinator held the *provincia* in which the battle was won, “Nero was only following proper procedure when he allowed his colleague to receive primary credit for the joint victory.” That diagnosis does not take enough into account the fact that, according to both Livy and Valerius Maximus, the Senate decreed an *equal* triumph for both and Nero’s deference was therefore an example of *praecipua moderationis* (“exceptional moderation”). Val. Max. 4.1.9.

⁹³ Sage (1933-2000) ix 59 n.2 explains the emergency position and ineligibility for a triumph.

⁹⁴ Livy 31.20.6. Briscoe (1973) 110 writes that it is “hardly likely that the whole of the Senate was united and only one tribune objected.” Perhaps so, but even if there was “clearly a majority” against Longus, the force that made him withdraw was not voting, but a show of a large united front.

but, *victi auctoritatibus principum*, they allowed Servilius to address the assembly, and then repeated the proceedings. Paullus triumphed on the second vote.⁹⁵

In sum, episodes over the breadth of the Early and Middle Republican periods show that individual will could be overcome or defeated (*victus*) by the authority or united will of others, particularly the Senate or the leaders thereof.⁹⁶ If an individual wished to advance himself or pursue rivalry to an unacceptable degree, such men gathered together and presented a united front. The individual's submission was then expected, and when granted, highly praised.⁹⁷ Indeed, the value of deference worked on the intransigent even when seemingly more obvious restraints, such as the threat of prison, the good of the country, or dire military necessity, did not.⁹⁸ Moreover, the value of individual deference to aristocratic group opinion was also described as helping to define how merit and honors would be acknowledged and distributed.

4. *Pudor*, *Verecundia*, and *Existimatio*

⁹⁵ Livy 45.36.10.

⁹⁶ Thomas (2007) 412 comments on this construction: "*Verecundia victus* signifie que le sujet reconnaît définitivement la prééminence de l'autre."

⁹⁷ Brennan (2014) 31, 44-45 writes that a "show of consensus by Rome's ruling establishment was an effective brake on those magistrates who insisted on exercising their full powers in the city," and cites, for example, the fact that there is not one solidly attested instance of a praetor vetoing a colleague's decision. He concludes: "To use one's full magisterial power against a colleague was, at the least, construed as a serious affront to his personal dignity. In an extreme situation, it could seriously breach the *concordia* that bound together Rome's governing class." I would add to this observation that the examples of Fabius and Papirius, Livius Salinator and Nero, and the generals of 167 B.C. shows that consensus was valued *outside* the city, as well. Cf. Hellegouarc'h (1963) 53, who notes the power of agreement within political combinations, but primarily in the context of factions.

⁹⁸ This is, of course, not entirely to dismiss the judgment of Develin (1985) 118-25 that military necessity *could* cause the *patres* to suspend normal aristocratic competition; creation of a dictator for military matters so proves. But my observations can comport with Rosenstein's (1993) that military necessity sometimes increased competition in the hope of greater glory, that such competition centered on calculating the candidates' relative *virtus*, and that in such instances restraints other than mere (!) common danger were vital.

But why did this restraint value of deference have such a powerful effect? A clue comes from Cicero and Appian, who used certain words to express emotions that underlay and shaped the value. Cicero, recall, lamented that *verecundia* and *existimatio* had vanished. Appian cited the loss of ἄξιωσις, a sense of “being thought worthy,” or “good reputation,” as well as of αἰδώς, a “sense of shame”—or in Latin, *pudor*.⁹⁹ The scholars Robert Kaster and Jean-François Thomas have studied carefully across the entire Roman historical, poetic, and dramatic record the emotions that Romans sought to express with the words *verecundia*, *existimatio*, and *pudor*, and have come to two conclusions pertinent here.¹⁰⁰ First, the emotions of *pudor* and *verecundia* opposed in some regard the *gloria* and *laus* that every man sought—but one could nevertheless receive praise for their practice.¹⁰¹ Second, the words connoted a sense of mutuality: each emotion was related to, and affected by, the opinions of those who observed the man experiencing them. Take *pudor*, usually translated along with αἰδώς as a sense of “shame” or “respect.”¹⁰² As Kaster explains, a Roman’s experience of this emotion was directly tied to the opinions that other Romans had of him, and his

⁹⁹Cic. *ad Brut.* 1.10.3; App. *B.C.* 1.4.33, 1.7.60. Examples of the belief that Rome’s decline was caused by a loss of shame could be multiplied. Cf. Barton (2001) 19 n.5; Ovid *Fasti* 1.251, speaking of Rome’s prehistorical golden age: proque metu populum sine vi pudor ipse regebat (“instead of fear, shame itself without violence ruled the people”).

¹⁰⁰Thomas (2007) 328-30 (who does not cite Kaster’s work) charts the uses of *pudor* in nine definitions from over 800 appearances from Plautus to Suetonius, which, from most to least common, are as follows: “sentiment de honte,” “pudeur,” “sentiment de l’honneur,” “scruple, timidité, modestie,” “deshonneur,” “respect,” “honorabilité, honneur,” “cause du sentiment du honte,” and “action de faire honte, humiliation.” Unfortunately, Hellegouarc’h (1963) 283 is very meager on *pudor*, describing it only as “un des éléments nécessaires à un homme chargé des responsabilités politiques Il exprime le fait de se garder de toute passion et désigne par conséquent une forme d’honnêteté morale Le mot exprime donc l’attitude de l’homme politique qui n’ose pas enfreindre les limites de ce qu’il considère comme son devoir.” I hope that this section will show a far greater role for *pudor* in the republican economy of restraint than Hellegouarc’h, perhaps hemmed in by his goal of finding what bound factions together, accorded it.

¹⁰¹Thomas (2007) 52.

¹⁰²*LSJ* 36: “reverence, awe, respect for the feeling or opinion of others or for one’s own conscience, and so shame, self-respect.” Cf. Cairns (1993) 7, noting the “shame” and “respect” aspects of the word.

reaction thereto: “All experiences of *pudor* depend upon notions of personal worthiness (*dignitas*) and value (*existimatio*), which in turn derive from seeing myself being seen in creditable terms. I experience *pudor* when I see myself being seen as *discredited*, when the value that I or others grant that self is not what I would have it be.”¹⁰³

Verecundia was similarly mutual, although it differed slightly from *pudor*.¹⁰⁴ While *pudor* was primarily an inward-facing, unpleasant feeling of being lowered in the eyes of others, *verecundia*, Kaster writes, was an outward-facing emotion that “animates the art of knowing your proper place in every social transaction and basing your behavior on that knowledge; by guiding behavior in this way, *verecundia* establishes or affirms the social bond between you and others, all of whom (ideally) play complementary roles.”¹⁰⁵ Critically, *verecundia* meant that each Roman would constantly gauge his “standing relative to others” and would present himself “in a way at least that will not give offense . . . and that preferably

¹⁰³ Kaster (2005) 29. Cf. Kaster (1999) 4: “*Pudor* primarily denotes a displeasure with oneself caused by vulnerability to just criticism of the socially diminishing sort,” a “sense of shame” accompanied by an “admirable sensitivity to such displeasure, and a desire to avoid behavior that causes it.” Cf. TLL X,2 Fasc. 16 2491: in glosses on Terence’s *Andria* 633 and 637, *pudor* is defined as the shame possessed of *bonorum hominum*, as opposed to *timor*, the fear that evil men feel; but *pudor* nevertheless *est mali facti, verecundia recti et honesti*. Thomas (2007) 325 writes that *pudor* and *verecundia* are the “termes prédominants” that express the “impact de [le] déshonneur sur la psychologie individuelle et les mentalités collectives” imposed on a Roman aristocrat by the concepts expressed by *dedecus*, *turpitude*, *flagitium*, *probum*, *infamia*, and *ignominia*. Thomas’ review of the semantic nuances for these words is exhaustive and will not be repeated here; in short (322) the words express a “lexical field” that covers bad reputation, offensive manners, and loss of esteem. *Pudor*, writes Thomas (358), at the time of Plautus expressed “l’image que le sujet a et donne de lui-même à travers son action.” By the time of Cicero it also clearly expressed a “sentiment de l’honneur,” which considered not only the past action but the future consequences of a bad action (373-74).

¹⁰⁴ Kaster (2005) 63. Thomas (2007) 446 summarizes *pudor* as “mouvement de la conscience morale” and *verecundia* as “veille attentive de la conscience morale.”

¹⁰⁵ Kaster (2005) 15. Thomas (2007) 403 notes that the most common uses of *verecundia* in the Latin corpus are “scrupule, timidité, modestie,” “respect,” “sentiment de honte,” and “sens des limites,” the latter being in use since Plautus. Thus, *verecundia* was also forward looking: it “exprime la retenue que le subject s’impose devant des mauvaises actions possibles” Further, Thomas (439) is certainly correct to see *verecundia* as “une disposition psychologique,” just as Kaster calls it an “art.”

will signal [his] full awareness of the others' face, the character they wear in the transaction and the respect that that character is due."¹⁰⁶ As a result, a Roman possessed of *verecundia* would "stop short of overtly pressing [his] full claims, yet not be excessively self-effacing."¹⁰⁷ Thus the "mutuality of *verecundia*, the way that its wariness looks both to the self and to the other . . . is the essence of the emotion as a force of social cohesion."¹⁰⁸ So too Thomas: *verecundia* "s'applique au respect très general qui doit exister entre les êtres humains au-delà de leurs conditions: c'est un élément du progress de la civilisation qui assure l'entente entre les hommes."¹⁰⁹

Finally, a proper showing of *verecundia* avoided jeopardizing one's *existimatio*, one's "sense of worth" in the eyes of others,¹¹⁰ which completed the circle back to *pudor*, the desire to avoid shame and "loss of face."¹¹¹ *Existimatio* also depended on how well a Roman nobleman considered the "face" of others.¹¹² The "unimpeded liberty" that some manifestations of *pudor* sought to control was, as Kaster writes, "commonly, even typically," conceived as a "desire not just to satisfy myself at others' expense but also to distinguish and separate myself from others, whose claims on me I can then ignore and—as important—whose equality with me I can deny,"¹¹³ or, more bluntly, "doing what I damn well please."¹¹⁴

¹⁰⁶ Kaster (2005) 15.

¹⁰⁷ Kaster (2005) 15.

¹⁰⁸ Kaster (2005) 19. Cf. Barton (2001) 209: "How did shame bind? In the homeopathic emotional economy of the ancient Romans, voluntarily holding back or restraining one's self was a form of sharing one's portion that created a debt-bond."

¹⁰⁹ Thomas (2007) 412.

¹¹⁰ Hellegouarc'h (1963) 362 defined *existimatio* as "l'impression produite par l'homme politique sur ses concitoyens et l'opinion qu'ont ces derniers de sa personne et de ses actions." Cf. *TLL* V.2 Fasc. X 1512.

¹¹¹ Kaster (2005) 43.

¹¹² Kaster (2005) 63-64. Hall (2005) excellently and convincingly describes how respect for the "face" of peers can be seen in Cicero's letters.

¹¹³ Kaster (2005) 55. More vividly, Kaster (55) writes that *pudor* was in part a "psychic energy to restrain the anarchic and solipsistic pursuit of more, more MORE for me, me ME."

Concern for one's *existimatio* was also a mutually felt emotion, and closely linked with a Roman man's calculation of parity and equality with a peer.¹¹⁵ In short, if one failed to exhibit *verecundia*—the studied calibration of one's actions with a view to one's standing relative to others—one could lose *existimatio*, which would lead to *pudor*, a feeling of discredit in the eyes of others; an outcome to be foreseen and avoided in a Republic fueled by desire for glory.¹¹⁶

The connections among *pudor*, *verecundia*, and *existimatio* and the restraint value of deference to peer and colleague now come clear. Kaster's and Thomas' descriptions show that these emotions operated identically to underpinnings of the deference ideal. Even if the ancient historians did not use these words when describing episodes of deference, the emotions are recognizable in their effects on the actors. When faced with the senatorial deputation's request that he appoint his rival Papirius dictator, Fabius Rullus could not speak a word or even remain in their presence. Instead he cast his eyes down on the ground and

¹¹⁴ Kaster (2005) 43. Compare Cairns (1993) 432, who describes αἰδώς as a “prospective, inhibitory emotion focusing on one's idea of oneself, especially as that idea is affected by or comes into contact with others . . . this focus on self *vis-à-vis* others remains constant *aidōs* includes concern both for one's own *timē* [“honor,” roughly *dignitas* in the Roman context] and for that of others. As a result, part of the function of *aidōs* is to recognize the point at which self-assertion encroaches illegitimately upon the *timē* of others, and this means that *aidōs*, while always responding to a situation in which *timē* is relevant, is concerned not only with one's own prestige, but also with the concepts of moderation and appropriateness in the pursuit of prestige.”

¹¹⁵ Pittenger (2008) 133-34 writes, “The verb *existimare* originated strictly as a monetary term, ‘to set a price [*aes*] on’ something, but then gravitated into the social and ethical realm, where it came to signify the specifically aristocratic preoccupation with judging and being judged by one's peers on a scale of culturally embedded standards and expectations. Because their whole lives were subject to *existimatio*, Roman aristocrats became preternaturally aware of hypothetical judges watching their every move.” Moreover (139), all aristocrats “simultaneously functioned as both performer and judge: through *existimatio* they always held each other accountable to the standards of aristocratic conduct.”

¹¹⁶ Thomas (2007) 400-01: “*Pudor* dit surtout la distance critique et éthique devant l'action,” and thus expressed “le contrôle qu'exerce la conscience morale du sujet sur sa propre conduite.”

left the tent.¹¹⁷ Kaster notes that *pudor*, the feeling of having one's *existimatio* lowered in the sight of others, not only restrained action, but might cause one to "break . . . off contact with others: silence, downcast eyes, averted glance, a turning away, or an actual withdrawal."¹¹⁸ That is, Fabius, even without Livy's using the word, evidently felt *pudor* relative to a group of peers who sought to demote him.

But that same *pudor* also explains why Fabius *obeyed* them. The genius of sending a deputation (and not just a mere messenger or order in a letter) was that it forced Fabius then and there to calibrate his worth relative to that of multiple peers—*verecundia*. If Fabius failed to defer to one peer, to consider that man's "face," the loss of *existimatio* in the eyes of others would be bad enough.¹¹⁹ But if Fabius failed to defer to the wishes of *many* peers, to take no account of their combined "faces," the display of non-*verecundia*, and the resulting loss of *existimatio* and consequent *pudor*, would be far worse—and worse even than the sting of demotion. And this fear of *pudor*, concern for *existimatio*, and calibration of *verecundia* are also closely linked with what an aristocrat felt if he became *victus consensu omnium*. Thus the interplay of these emotions constituted a force so strong that it could outweigh even military danger as an impetus to restrain or channel action.

These emotions, moreover, help explain the deferential structure of the Roman college. As seen, colleagues in office were ideally to consider each other equals in all respects, and act accordingly, even if when outside the college they plainly were not equal in

¹¹⁷ Livy 9.38.13. Oakley (1997-2005) I 535 comments on a different incident of downcast eyes that the gesture "might reflect a variety of moods—for instance, modesty, embarrassment, sorrow, or fear."

¹¹⁸ Kaster (2005) 32. Kaster does not cite this scene. Compare the averted eyes of the humiliated Romans after the battle of the Caudine Forks, Livy 9.5.13-14; cf. Barton (2001) 208, 254.

¹¹⁹ Kaster (2005) 20-21 explains that if one failed to show *verecundia*, it would also cause a sense of shame in the onlookers.

age, status, experience, or even in intra-familial rank.¹²⁰ The fiction of perfect equality among colleagues interlaces elegantly with the emotions of *verecundia* and *pudor* and the restraint value of deference. First, forced parity required colleagues automatically to practice *verecundia*, a constant adjustment of one's position in light of the needs and desires of a perfect equal. A Roman man would thus all but automatically experience *pudor* if he failed to take the "face" and wishes of his colleague into account—something that he would not feel so harshly if he could consider his colleague an inferior.¹²¹ Accordingly, the Roman college ensured foreseeable, instant, and potent *pudor* should an officeholder become self-willed, obstreperous, and non-deferential.¹²² That is no doubt why Camillus was mythologized as having a pitch-perfect sense of deference to colleagues, and even to his young, foolhardy relative.¹²³ Second, and inversely, the collegial structure provided an aristocrat a tailor-made *opportunity* to display *verecundia*, to his credit. An aristocrat elevated to any office (save dictator) received immediately at least one collegial peer upon whom he constantly could practice *verecundia* and the avoidance of *pudor*.¹²⁴ Thus the college created a glorious challenge. Again, given the nature of the Roman electoral system, peers in age were constant rivals for office, and any set of colleagues almost certainly had been opponents for their

¹²⁰ Vishnia (1996) 200 writes, "This equality was, of course, in many ways theoretical, as at any given time some families were more influential and powerful than others; nevertheless, among these families, the principle prevailed."

¹²¹ Cf. Kaster (1999) 9 "The simultaneous working of internal and external [*pudor*] also gives the emotion its reciprocal character: someone capable of feeling *pudor* is ipso facto a decent person, deserving from me a certain consideration and respect; and I should feel *pudor* if I fail to pay that respect."

¹²² Compare Sall. *B.C.* 6.7: after expelling the kings the Romans created two chief *imperatores*: eo modo minime posse putabant per licentiam inolescere animum humanum ("They thought that by this means it would be the least likely that men's minds would become haughty through license").

¹²³ Or, again, in Plutarch's telling, *Cam.* 37.3, that Camillus faced shame if he deprived a colleague of an opportunity for glory.

¹²⁴ Thus Barton (2001) 202: "*Pudor* and *verecundia* were inhibiting emotions *Pudor* was the shyness that caused one to draw back before another, the fear or respect that caused one to make way for another even when one was within one's rights, one's *libertas* or *ius*."

entire lives. Exercise of restraint within the college therefore could lead all the more to praise and *gloria*, as Livy repeatedly reported.

Thus the concepts described by the words *pudor*, *verecundia*, and *existimatio* undergird the deference to colleague, peer, and groups of peers that we have previously observed. Moreover, the nature of the Roman college not only provided multiple men with multiple opportunities for advancement and achievement—the competition a Roman man craved—but at the same time also produced restraint by providing an arena in which a Roman noble would practice *verecundia* and care for his *existimatio*. The aristocrat would feel *pudor* if he failed and gain *gloria* if he succeeded. The restraint value of deference to colleague and peer, so necessary to the orderly operation of the Republic, thus rested on these concepts and emotions—emotions that Cicero and Appian would mourn as lost.

5. The Recalcitrants

Exceptions prove this rule. The Roman aristocracy portrayed in the cited sources considered *pudor*, *verecundia*, *existimatio*, and the system of deference that they supported to be the most ready remedy for cowing a miscreant into submission, even when the restraint values ultimately (the Romans being only human) failed. That is, the nobility assumed that the restraint values would function properly even when the values squared off against potent temptations for self-aggrandizing behavior.

The desire for high office, for example, often opposed deference. According to Livy, in 310 B.C. Appius Claudius—later the Blind—insisted on remaining censor past the expiration of his term and could be “compelled by no force” to abdicate, as his colleague had willingly done.¹²⁵ Publius Sempronius, tribune of the People, attempted to apply the restraint values. With the force of the united citizenry and *nobiles* behind him, he tried to

¹²⁵ Livy 9.33.4: nulla vi conpelli, ut abdicaret, potuit.

persuade Appius by first appealing to multiple precedents of dictators—a group of peers—who had laid down their power after just days. But neither the *exempla*, the “expiration of Appius’ term, nor his colleague’s resignation, nor law, *nor pudor* could coerce” Appius; he mistook “the contempt of gods and men” for virtue.¹²⁶ Appius continued as sole censor—but not without earning that very hatred that he scorned, *invidia omnium ordinum*.¹²⁷ Similarly, in 185 B.C., the consul Appius Claudius Pulcher canvassed intemperately for his brother in the election for 184, “flitting about the whole forum” after voters, and unattended by his lictors.¹²⁸ The “majority of the Senate” scolded him for forgetting that he was consul of the Roman People first, not brother to Publius—a clear attempt by the mass of peers to instill *pudor*. But “he refused to be coerced from this extravagant pursuit.”¹²⁹

¹²⁶ Livy 9.34.26: *te nec quod dies exit censurae nec quod collega magistratu abiit nec lex nec pudor coercet: virtutem in superbia, in audacia, in contemptu deorum hominumque ponis.*

¹²⁷ Livy 9.34.22. Oakley (1997-2008) III 361 suggests that this vignette was colored by a stereotyped portrayal of the Claudii as imbued with *superbia*, although Oakley recognizes that “a convincing explanation of the origin of this portrait is not easily found.” Cf. Develin (1985) 215-24; Wiseman (1979) 57-139, esp. 86-87, where Wiseman doubts this episode’s historicity entirely. But whether the portrait is true or was a scurrilous invention meant to attack a rival, it would reflect a system for judging the actions of others based on the restraint values I have been describing here: a rival would attack Claudius with an invented story of failing to cede to a peer effectively only if failing to cede were considered quite wrong. Of course, this observation is the most useful to this study if Claudius’ portrait was of early origin. Wiseman (1979) 104-112, 138-39 famously argued for a late provenance, in the second half of the first century B.C. Humm (2005) 77-97 is *contra* on the grounds that the tradition could not have appeared “d’un coup entre 52 et 46 av. J.-C.” Humm (87-88) instead assigns the tradition at least as early as Fabius Pictor, who could have spoken to men who remembered Appius Claudius Caecus, or even earlier to pontifical records that might have recorded this censorial incident (81-82, 86) and the sacrileges of Appius’ son P. Claudius Pulcher at the disastrous battle of Drepana in 249 B.C. (82-84) as religious transgressions. Similar is Ungern-Sternberg (2006) 290-99, 749-50. The hostile treatment of the Appii Claudii, notably, also included a charge that they regularly attempted to split tribunician harmony, Wiseman (1979) 91 n.111, 100.

¹²⁸ Livy 39.32.10: *toto foro volitando.*

¹²⁹ Livy 39.32.11-12: *maiore parte senatus . . . coerceri tamen ab effuso studio nequit.* Compare the more salutary example of the Fabii Maximi, father and son, who in 213 B.C. were *legatus* and consul, respectively. The father dismounted his horse out of respect to his son’s *imperium*, which *populi esset* (“belonged to the People”), Gell. 2.2.13 = Cornell *et al.* (2013) II 525 fr. 57 (Cl. Quadrigarius), and cf. Livy 24.44.9-10; Val. Max. 2.2.4b. In Livy’s

Another *contentio* arose soon after when Gaius Decimus the praetor died.¹³⁰ Quintus Fulvius Flaccus, aedile, wished to run for the vacant higher office while already in a curule office.¹³¹ When he began to canvass, the Senate voted that the consul should appeal to him personally not to act in this unprecedented way. Flaccus replied to the consul that he would “do nothing unworthy of himself,” a “measured response by which he gave hope to those who interpreted it as they wanted to that he would cede to the authority of the fathers”—the expected and approved outcome of the practice of deference and restraint.¹³² But when election day came, Flaccus continued in his *pertinacia*. When the senators saw that their “authority could not move him”—as they evidently first assumed it would—they appealed to the assembly.¹³³ Flaccus, “unmoved even then by opinion,” merely played to the crowd, who seemed ready to vote for him.¹³⁴ Exasperated, the Senate finally decreed that the vacated office would not be re-filled; the one remaining praetor alone would handle all

version the father approached the son deliberately and slowly past eleven lictors until the son told his closest lictor to order the father to dismount; the father replied that he wanted to see whether the son knew he was consul.

¹³⁰ Livy 39.39.1. Briscoe (2008) 347 comments, “Livy unusually found information on a praetorian by-election in his sources”; thus this event was notable enough for Livy’s sources to comment on Flaccus’ *pertinacia*.

¹³¹ Livy erred that Flaccus was merely *aedilis designatus*; Briscoe (2008) 348, *MRR* I 375.

¹³² Livy 39.39.8: *respondit Flaccus nihil quod se indignum esset facturum. medio responso ad voluntatem interpretantibus fecerat spem cessurum patrum auctoritati esse.*

¹³³ Livy 39.39.10: *auctoritas patrum nihil movisset.* Vishnia (1996) 122 comments: “If the senators, headed by the consul, feared that Fulvius’ election would create a tempting precedent for other ambitious young men, they probably realized that they could do very little to prevent him without adequate legislation; *mos maiorum*, it seems, were [*sic*] no longer enough.” (Indeed, Flaccus’ career was not evidently damaged: he became praetor 182, consul 179, and censor 174: *MRR* I 382, 391, 404.) But Vishnia’s grim assessment ignores three points: one, the Senate and consul initially attempted to use deference to gain their way. Two, Flaccus’ enigmatic statement, which is pithy and memorable enough to raise the suspicion it is *verbatim*, shows he honored deference in the breach. Three, he plainly could go too far: when as censor he stripped the Temple of Juno Lacinia of its tiles to build his own temple, the Senate was outraged and compelled him to return them. Livy 42.3.1-11; Val. Max. 1.1.20; cf. Orlin (1997) 138-139. Livy 42.28.10-13 reported that Juno’s anger, combined with the deaths of Flaccus’ sons, drove him to suicide—although it is a fair guess that *invidia* from his peers contributed more to his death than Juno’s wrath.

¹³⁴ Livy 39.39.11: *ne tum quidem de sententia motus.*

jurisdictions. In all these instances the Senate did not attempt simply to order these recalcitrants to obey, which did not even seem to be an option. Rather, the Senate relied on the power of persuasion and the weight of the authority of dignified men. Despite ultimate failure, the Senate's first option was to appeal to the malfeasant's *verecundia* and *pudor*, and to threaten implicitly or explicitly his *existimatio*.

Desire for a triumph and military glory might also be a temptation to excessive self-promotion. Lucius Postumius Megellus, cos. 305, 294, 291, is said to have haughtily demanded triumphs from the Senate on a number of occasions. Being refused—perhaps in part because he had left Samnium to attack Etruria without the Senate's leave—and ignoring the “*consensus senatus*,” he triumphed anyway, by the leave of the People.¹³⁵ When consul for the last time in 291 B.C., in addition to forcing his soldiers to work as common laborers on his estate, possibly in the sacrilegious clearing of a sacred grove, Postumius also demanded command of the Samnite war for himself. His colleague, Gaius Junius Bubulcus Brutus, was “vexed” on the grounds he was being pushed aside from his “equal rights,” and “often pressed his rights” to the Senate.¹³⁶ But at length Bubulcus “came to agreement” and “yielded to his colleague and conceded . . . command of the war.”¹³⁷ Still, the previous year's

¹³⁵ Livy 10.37.6-12. On Megellus see Oakley (1997-2008) III 571-73. On persons insisting on triumphing without the consent of the Senate, see also Brennan (1996) 317-21; Chaplin (2000) 140-62; Pittenger (2008) 44-47; and Oakley (1997-2008) I 720-21, who argues that a commander with *imperium* strictly speaking had the right “to decide whether or not to triumph,” but that by the Middle Republic it was “standard to try to gain the permission of the Senate.” Cf. Vishnia (1996) 177-79.

¹³⁶ Dion. Hal. 17.4.2: ἐφ' οἷς ὁ συνύπατος αὐτοῦ καταρχὰς μὲν ὡς ἀπελαυνόμενος τῶν ἴσων ἡγανάκτει καὶ πολλάκις ἐπὶ τῆς βουλῆς τὰ δίκαια πρὸς αὐτὸν ἔλεγεν.

¹³⁷ Dion. Hal. 17.4.4: εἰξέ τε τῷ συνυπάτῳ καὶ παρεχώρησε τοῦ . . . πολέμου τὴν ἡγεμονίαν. Dionysius reports that Postumius ceded on account of Bubulcus' plebeian background, fewer friends, and weaker influence. Evidently the ideal of perfect equality among colleagues, embodied by Camillus, was not entirely impervious to other social forces at this time, although Bubulcus clearly thought at first it might be. I return to the congealing of the restraint values among patricians and plebeians during the creation of the “new nobility” in Chapter Three.

consul Quintus Fabius Gurgus—son of Fabius Maximus Rullianus—was on campaign by the Senate’s leave. Postumius then insisted that Gurgus withdraw.

The Senate’s first response to the crisis was (here it is again) to send a deputation of noblemen to persuade Postumius to resolve the issue and to allow Gurgus to continue as general. Postumius, however, scoffed at them “arrogantly and tyrannically” (ὕπερηφάνους καὶ τυραννικὰς) saying that it was for him to command the Senate, not the Senate to command him.¹³⁸ At least he shared the assumption with the deputation that someone would and should cede to *someone*. Indeed, Gurgus “ceded” to this “madness”—ἐῴξας τῇ μανίᾳ.¹³⁹ After the campaign, Postumius demanded yet another triumph. Instead, the People fined him heavily.¹⁴⁰

Similarly, a century later in 197 B.C., the consul Quintus Minucius Rufus, jealous of his colleague Gaius Cornelius Cethegus’ exploits that year, for which the Senate granted a triumph *consensu omnium*, demanded a joint triumph, despite having himself achieved only a

¹³⁸ Dion. Hal. 17.4.5. Gabrielli (2003) 254-55, 259 blames the clash between Postumius and the Senate on the rise of “new *nobilitas*” and Postumius’ dictum as evidence of conservatism: he who held *imperium*, and not the Senate, represented the state, and his use of soldiers for private labor represents “aristocratic modes of labour exploitation.” Cf. Hölkeskamp (1993); Spielvogel (2004) 384; Oakley (2004) 21.

¹³⁹ Dion. Hal. 17.4.6.

¹⁴⁰ Dion. Hal. 17.5.4. On this trial, see Bravo and Griffin (1988) 507-510, who note that Livy *Per.* 11 gives as grounds for conviction only that Postumius forced his soldiers to work his land; Gabrielli (2003) 254. Postumius is perhaps the subject of a fragment of Livy discovered in 1986 which discusses the use of soldiers as labor and a threat to Fabius to use *imperium* in person ([*l*]n *praese(n)tem*) if he did not leave the *provincia*. Unfortunately the fragment cuts off after Fabius receives this command, but the threat of *imperium* may stem from the fact that prorogation was relatively new (or that the People in this case had not voted on prorogation) and thus there was an “argument, however specious, that Postumius advanced to justify his stance,” Bravo and Griffin (1988) 504-06. Nevertheless, it is also possible (506, 513) that the “prorogation” was not “official” but “a more informal senatorial request” for Fabius to continue in command, and may have contained the condition that Fabius and Postumius must cooperate for Fabius to remain—which obviously would reflect an ideal of collegiality. Postumius’ refusal was meant to defeat the condition, which would have enraged the Senate only if they assumed that Postumius would not do such a thing. On the fragment, see Gabrielli (2003); Bravo and Griffin (1988) 447-521; Palmer (1990).

few small and dubious victories.¹⁴¹ At first Cornelius did not resist, but the tribunes of the plebs stood together to oppose: a consul, they said, should not grant a colleague an honor he did not deserve but which he “shamelessly sought.”¹⁴² When Minucius saw that the “whole of the Senate” opposed his triumph, he declared he would triumph on the Alban mount, to much malicious gossip that the procession was less honorable than Cornelius’ and involved possible pilfering from the public treasury.¹⁴³ Finally, and strikingly, in 171 B.C. the consul C. Cassius Longinus *sua sponte* invaded Macedon, his colleague’s *provincia*. The outraged Senate voted to have the praetor appoint (yet once more) a delegation to persuade him to desist.¹⁴⁴ Evidently, a simple order from the Senate would not do.

¹⁴¹ Livy 33.22-23.

¹⁴² Livy 33.22.6: non tamen nec illum nec quemquam alium civem tantum gratia atque opibus valuisse, ut, cum sibi meritum triumphum inpetrasset, collegae eundem honorem inmeritum inpudenter petenti daret.

¹⁴³ Livy 33.23.3-8: adversum omnem senatum . . . inhonoratior. On triumphs on the Alban mount, see Pittenger (2008) 44-47; Brennan (1996), esp. 325-27 on this triumph, which he argues was so distasteful that there was no triumph on the Alban mount for twenty-five years, when C. Cicereius, a former scribe of the Scipios who captured 200,000 pounds of beeswax from an enemy, demanded a triumph, was (unsurprisingly) denied, then triumphed on the Alban mount; the last such spectacle because of Cicereius’ shameful precedent. Cf. Val. Max. 3.5.1.

¹⁴⁴ Livy 43.1.70. M. Cornelius Cethegus, cos. 160, Marcus Fulvius, and Publius Marcius Rex, none of whom had much of a career to that point, comprised this delegation (MRR I 418). Perhaps in this instance the delegates were chosen not so much for *gravitas* as for youth and vigor; the Senate wished them to catch up to Cassius *quantum adcelerare possint*—“with as much speed as they could manage.” Vishinia (1996) 188 claims that “We have no evidence that Longinus was ever punished for his grave infraction,” although there is some reason for that: he stayed in Greece as tribune of the soldiers at least three more years to avoid punishment, and meanwhile the Senate heard the complaints of local tribes he had plundered in Gaul, who were in fact compensated, Livy 43.5, MRR I 421, 425, 429; cf. Oakley (2014) 32-33. Longinus was, however, censor in 154 B.C. (MRR I 449), a fact not simple to explain. But perhaps by that time, and with Macedon defeated, Longinus could claim his offense seventeen years earlier had been mere excessive zeal and his error should be forgotten. It may also be pertinent that according to Cic. *de Dom.* 130, 136, as censor Longinus carefully consulted the *pontifices* about dedicating a statue and the Senate-house to *Concordia*; perhaps in amends, or as a sign of a new leaf? Cf. Levick (1978) 220.

Lastly, desire for vengeance, or other forms of personal *inimicitiae*, might weaken the force of deference in some individuals.¹⁴⁵ In 204 B.C., just three years after the celebrated joint consulship described above in which Gaius Claudius Nero and Marcus Livius Salinator acted *cum summa concordia* and triumphed over Hasdrubal at the Metaurus,¹⁴⁶ the quarrelsome pair joined in the censorship together. Their *concordia* as consuls was quickly forgotten and their feud erupted into a dispute that became “infamous.”¹⁴⁷ The censorial rolls were called, and, as was usual, Nero began to check the knights’ credentials and summon men of questionable status for examination. When the herald reached Livius’ tribe and hesitated to call the name of the censor, Nero called out the name himself—and then took away Livius’ public horse. When Nero’s tribe was called, Livius gave him tit for tat. “Equally disgraceful,” wrote Livy, was their contest in defaming the other—“to the detriment of both

¹⁴⁵ Epstein (1987) collects *inimicitiae* and their multifarious causes, including “personal grievances,” differences over political questions, violations of trust, family feuds, “irritation and envy,” particularly of new men and of powerful men, competition for offices, and interference with one’s career or clients. Epstein’s conclusion (22) that vigorous prosecution of *inimicitiae* with “positive relish” was an aristocrat’s duty is correctly tempered by his observations (25) that “A Roman prided himself on *virtus*, a code of conduct that sometimes restrained a man’s desire to humiliate his foe,” and (28) that “the Romans recognized that single-minded pursuit of personal interests was not compatible with the best interests of the state or of humanity.” This chapter, however, undercuts Epstein’s (28) conclusion that “The Romans sensed a conflict and resolved it only imperfectly, by lame exhortations to *inimici* not to forget the interest of the state or by efforts to control the worst excesses of *inimici* toward each other.” Epstein also writes (127-28) that “Roman society was never very successful . . . in defining acceptable behaviour or in regulating the conduct of its most powerful citizens. The revolutionary conditions of the last century of the Republic eroded the influence of those values and institutions that had traditionally worked to restrain *inimici* who threatened the national interest.” Epstein’s first sentence, as this chapter shows, is simply wrong: Roman society was for a long time quite successful both in defining ideal behavior and in restraining aristocratic quarrels. The prescience of the second sentence will come clear in due course.

¹⁴⁶ Livy 27.38.10.

¹⁴⁷ Dio 17.71: διὰ τε οὖν τοῦτο περιβόητοι οἱ τιμηταὶ οὗτοι ἐγένοντο, καὶ ὅτι τε ἀλλήλους τῶν τε ἵππων παρείλοντο καὶ αἰραρίους ἐποίησαν. Cf. Val. Max. 2.9.6a-6b; Vishnia (1996) 81-82.

reputations”—when the censorship closed.¹⁴⁸ Nero demoted Livius to an *aerarius*—a lower class of citizen.¹⁴⁹ Not to be outdone in petulance, Livius had his revenge on the Roman tribes who had condemned him in 219, declaring them all *aerarii*.¹⁵⁰ By default, Nero would now also be an *aerarius*. But if, sneered Livius, he had any precedent for it, he would have named Nero *aerarius* again to stamp him twice with ignominy.

Of course, because both censors had to agree on any act, their individual sniping had no effect.¹⁵¹ But that only increased the grotesqueness of it all: Livy called this contest “perverted” (*pravum*). Dio said that their reputations became “scandalized” (περιβόητοι).¹⁵² The censors were brought into such *invidia* that a mere tribune of the *plebs*, thinking this an opportunity for advancement for himself, began building a case to prosecute both of them in front of the People. The tribune dismissed the matter at the *consensu patrum*—thus showing proper deference—because the fathers feared putting censorial power into the hands of the capricious commons in all future cases.¹⁵³ Nevertheless, the Senate’s reaction had been shame and shock. More than a trace of that shame and shock survived in the reports of the historians centuries later.

All said, a Roman aristocrat unsurprisingly, might in a given instance wish to promote himself despite his peers’ contrary desires, and might be tempted to prefer desire

¹⁴⁸ Livy 29.37.11: *aeque foedum certamen inquinandi famam alterius cum suae famae damno factum est exitu censurae*.

¹⁴⁹ On the *aerarius*, (probably) a lower class of citizen who had to pay a higher poll-tax because of censorial condemnation, see Oakley (1997-2008) III 436-37.

¹⁵⁰ Livy 29.37.13; cf. Livy 27.34.13.

¹⁵¹ Thus Akar (2013) 99: “La censure était la seule magistrature pour laquelle était explicitement prévue la nécessité de l’accord entre les deux titulaires.” Cf. Develin (1985) 32.

¹⁵² Livy 29.37.16; Dio 17.71.

¹⁵³ Livy 29.37.17; cf. Val. Max. 7.2.6a. That tribune, Cn. Baebius, eventually became consul in 182. *MRR* 1.381.

for glory, command, or high office, enmity with rivals, or fear of disgrace over restraint.¹⁵⁴

But if he did, someone initially *tried* to wield the influence of deference that he assumed would work. Success was expected, even if the effort ultimately failed; we can glean from the accounts that incidents of total non-deference and protracted conflict were considered rare and shameful. Papirius Cursor and Fabius Rullianus' discord was "noteworthy."¹⁵⁵ Cassius Dio, who followed a source independent from Livy for that period of history, reported the same ancient conflict and its result.¹⁵⁶ Nero's and Livius' feud was also reported by multiple historians and was described as notorious and depraved. Evidently, some source(s) from the Middle Republic found such quarreling, brought to such a dangerous head, unusual—and therefore worthy of record. Deferential concord was instead the envisaged norm.

6. Consequences

And what if one remained obdurate? We can see deference's value because of the consequences the historians described of showing or not showing it. Appius Claudius, we are told, earned *invidia omnium ordinum* for his refusal to submit and resign his sole censorship. The military tribunes with consular powers of 418 B.C., each of whom claimed to be the best general, were roundly castigated by senator, Senate, and then soldiers for not submitting to each other. Quintus Minucius Rufus' triumph on the Alban mount without the Senate's approval was the subject of slander and was described as *inhonestior* than his colleague Claudius', who triumphed *consensu omnium*. Nero and Livius became "infamous" for their

¹⁵⁴ Pittenger (2008), for example, provides analyses of men who proposed to become *triumphatores* but withdrew their bids when, as happened, they sensed they lacked enough support. Pittenger 136 describes this give-and-take as a "demanding performance" on the part of both the petitioner and the Senate.

¹⁵⁵ Livy 8.29.10: *par nobile rebus in eo magistratu gestis, discordia tamen, qua prope ad ultimum dimicationis ventum est, nobilius.*

¹⁵⁶ Dio 8.36.6. Dio seems to have followed a different source from Livy for the episode, Schwartz *PW* 32 1684-1722.

squabbles while censors, incurred *invidia*, suffered in their own reputations because they attacked others, and were almost prosecuted for it. Postumius Megellus was also prosecuted and fined for his ill-advised demands for triumphs, his sacrilege, and his poor treatment of his soldiers; the *invidia* appears to have ended his career.¹⁵⁷ In 184 B.C. Cato the Elder and his colleague L. Flaccus expelled L. Flaminius, cos. 192, from the Senate for a horrific act of cruelty: at a dinner party, to please his lover, he had summarily executed a prisoner.¹⁵⁸ After the expulsion Flaminius kept himself at the back of the theatre during games, far from the rest of the senators.¹⁵⁹ Shameful acts, properly punished, could have publicly visible effects.

By contrast, deferential men gained *laus*: the senators loudly approved when Camillus and his five fellow military tribunes with consular powers reportedly showed their willingness both to command and to obey.¹⁶⁰ Crowds cheered the concord of Volumnius Flamma and Appius Claudius, of M. Aemilius Lepidus and M. Fulvius Nobilior as censors, and also cheered the speech of Quintus Caecilius Metellus, who reconciled them. When they were consuls together, at least, Nero got praise for ceding the greater honor to Livius Salinator, even though Nero acted more gloriously than Livius in the victory over Hasdrubal.

¹⁵⁷ Despite his run of military victories, his sole office afterwards was to be a member of an embassy to Tarentum twelve years after his prosecution, and perhaps that only for the practical reason that he was the rare Roman of the time to speak some Greek. *MRR* II 608. Dionysius of Halicarnassus 19.5.1-6 recorded that the Tarentines showed up for Postumius' speech only for the chance to mock his grammatical errors. He failed to impress: upon his and the other ambassadors' exit, a spectator reportedly defecated or urinated on Postumius' toga. Cf. Dio 9.40.7; Val. Max. 2.2.5. On Postumius' abilities in Greek and his and his family's long-standing connection with Greek culture and cult, see Palmer (1990) 13-16; Oakley (1997-2008) III 572.

¹⁵⁸ Cic. *de Sen.* 42; Livy 39.42.6-43.5; Val. Max. 2.9.3; Plut. *Cat. Mai.* 17.1-4, *Flam.* 18.2-5. The basic outline of this incident is clear; details are garbled in the various tellings. *MRR* I 374; Bloomer (1992) 137; Briscoe (2008) 358-59.

¹⁵⁹ Val. Max. 4.5.1; Plut. *Cat. Mai.* 17.6, *Flam.* 19.4. Eventually the crowd, possibly moved by his contrite and humble mien, compelled Flaminius to return to a seat more appropriate to his consular station. For the debate on whether the primary source for this incident is Valerius Antias, see Bloomer (1992) 136, who instead settles on Livy.

¹⁶⁰ Livy 6.6.11-16.

When Fabius' noble peers prevailed on him to cede and appoint Papirius dictator and Fabius (albeit grudgingly) acquiesced to their wishes, he received gracious thanks and praise in return. In every one of these instances, the two sides engaged in exchange: praise and thanks followed deference; contempt followed non-deference. And *laus* less *invidia*, of course, resulted in a good *existimatio*.

7. Restraints and *Res Publica*

Because one's willingness to show deference improved one's *existimatio*, and because men with high *existimatio* were successful in seeking *honores*, it is only a short leap to a critical conclusion: that the Romans intertwined the restraint values with ideal leadership in the Republic and with the proper distribution of honors and offices.¹⁶¹ The senators who came to Fabius asked him to appoint his rival Papirius Cursor dictator and to put aside all private anger "for the sake of the commonwealth and to defer to their wishes."¹⁶² Fabius reportedly said that "nothing protected the Republic more firmly than concord among colleagues."¹⁶³ The Senate once declared that the state "would never need a dictator" with men like Camillus and his fellow tribunes in such "concord."¹⁶⁴ Tiberius Sempronius Gracchus castigated Aburius for not putting aside enmities "for the sake of the state" so that an

¹⁶¹ And, as a Roman man climbed higher, there was both more opportunity to display, and more expectation that he would embody, the restraint values. Kaster's (1999) 11 observation is apt: "[W]e might say that Roman social life was structured precisely as a two-fold challenge: on the one hand, to show always that you were a decent sort, capable of feeling *pudor*—and on the other hand, to behave always in such a way that you did not need to feel it. Thus the *pudor* of the elite entailed something of a high-wire act: the higher the wire—the more exposed to *pudor*—the more enviable your position and the more admirable your performance." Cf. Barton (2001) 27, who comments "[F]or the ancient Romans, honor pivoted on the Heroic Middle; it was a tense and dramatic high-wire act on a line at once taut and perilous."

¹⁶² Livy 9.38.11-12; Dio 8.26.

¹⁶³ Livy 10.22.3: *expertum se nihil concordie collegio firmitus ad rem publicam tuendam esse*.

¹⁶⁴ Livy 6.6.18.

otherwise worthy man could triumph.¹⁶⁵ Cassius Dio reported that on account of Scipio Africanus the Younger’s “moderation” (μετριότητα) and “yielding” (ἐπιείκειαν), he “escaped the envy of his peers, for he chose to make himself equal to his inferiors, not better than his peers, and inferior to men of greater renown, and so avoided jealousy.”¹⁶⁶ For this he received praise and *honores*, and “none of the other nobles expected serious trouble from him (even though he was obviously an obstacle to them) because they admired his value to the state.”¹⁶⁷

The restraint value of deference worked repeatedly, in fact, to ensure the Republic’s proper functioning. None of the disputes described in this chapter—covering centuries—became violent or (with the exception of Papirius’ and Fabius’) were described as having any real potential to become so. That fact alone should pique our interest, and Appian captured the spirit of this observation when he wrote that there was no internal violence in Rome from Coriolanus to Tiberius Gracchus because “discords” were worked out through “mutual concession” and a “sense of honor towards another” with a “sense of shame and respect” (αἰδώς).¹⁶⁸ Instead, as we have seen, these numerous problems were ultimately resolved either by one man’s yielding and earning praise, or by his incurring *invidia* for his obstinacy.

¹⁶⁵ Livy 39.5.5.

¹⁶⁶ Dio 21.70.9: τοιγαροῦν μόνος ἀνθρώπων ἢ καὶ μάλιστα διὰ τε ταῦτα καὶ διὰ τὴν μετριότητα τὴν τε ἐπιείκειαν οὔτε ὑπὸ τῶν ὁμοτίμων οὔθ’ ὑπὸ τινος ἐφθονήθη. ἴσος μὲν γὰρ τοῖς ὑποδεεστέροις, οὐκ ἀμείνων δὲ τῶν ὁμοίων, ἀσθενέστερος δὲ τῶν μειζόνων ἀξιῶν εἶναι, κρείττων καὶ τοῦ φθόνου τοῦ μόνου τοὺς ἀρίστους ἄνδρας λυμαιομένου ἐγένετο.

¹⁶⁷ Dio 24.84.1: οὐκοῦν οὐδὲ τῶν ἀντιστασιωτῶν τις αὐτῷ θανόντι ἐφήσθη, ἀλλὰ καὶ ἐκεῖνοι, καίπερ βαρύτερον αὐτόν σφισι νομίζοντες εἶναι, ἐπόθησαν: χρήσιμόν τε γὰρ πρὸς τὰ κοινὰ ἑώρων, καὶ δεινὸν οὐδὲν οὐδ’ ἂν σφεῖς παθεῖν ἀπ’ αὐτοῦ.

¹⁶⁸ Appian *B.C.* 1.3: Ῥωμαίοις ὁ δῆμος καὶ ἡ βουλὴ πολλάκις ἐς ἀλλήλους περὶ τε νόμων θέσεως καὶ χρεῶν ἀποκοπῆς ἢ γῆς διαδατουμένης ἢ ἐν ἀρχαιρεσίαις ἐστασίασαν: οὐ μὲν τι χειρῶν ἔργον ἔμφυλον ἦν, ἀλλὰ διαφοραὶ μόναι καὶ ἔριδες ἔννομοι, καὶ τάδε μετὰ πολλῆς αἰδοῦς εἵκοντες ἀλλήλοις διετίθεντο. Although Appian was speaking of strife between *plebs* and patricians in these sentences, the thought matches the observations of this chapter.

To conclude: a Roman man always felt pressure from two sides. On the one, pressure to conquer, to gain glory, to advance himself. On the other, pressure to keep himself within limits, to cede, to defer, to restrain himself through submission not only to superiors, but to colleagues and to peers, who were considered equals.¹⁶⁹ All this, as Cicero and Appian wrote, involved *verecundia* and *pudor*/αἰδώς for himself and in the eyes of others, and care for his *existimatio*, which depended on his ability to take his peers' wishes into account. Those who displayed these restraint values received praise, and greater chances for advancement. Those who did not received censure and felt shame. When a Roman aristocrat looked as though he might risk Rome's safety or the dignity of others, a first line of defense was an appeal to the shared value of deference, often in the form of a colleague, who provided a constant opportunity to practice *verecundia* and deference, with concomitant opportunity for praise. Pressure came all the more in the form delegations or gatherings of great men. Although no one believed that yielding was not painful, a Roman man was encouraged to "cede his full rights"—*summa iuris*—and "meet with concord *mediis consiliis*," as an early Roman reportedly put it.¹⁷⁰ The state would be made safer thereby, and a man would win praise as an incentive to act in a way that benefitted the commonwealth.

When the Romans were at the height of their power, wrote Cassius Dio, they showed "great daring against their enemies but to each other forbearance and yielding

¹⁶⁹ Cf. Levick (1982a) 61.

¹⁷⁰ Livy 4.43.11, writing about L. Papirius Mugillanus: *quin illi remittendo de summa quisque iuris mediis copularent concordiam*. Ogilvie (1965) 599 considers this a speech "couched in terms which any senator might have used during the crisis of 52 B.C." Again, no doubt the sentiment matched Livy's own time; my point remains that the sentiment also matched the restraint values of the Early and Middle Republic, an argument to which I will return in Chapter Three.

(ἐπιεικές) that went hand in hand with good order (εὐταξία).”¹⁷¹ That shared value of forbearance, yielding, and deference helped make a republic made up of ambitious men work, and is why Cicero and Appian included it on their list of failing safeguards in a failing commonwealth. That meant, of course, that the restraint values could in fact fail. And that would become of grave consequence.

¹⁷¹ Dio 13.52.1: πρὸς τοὺς ἀντιπάλους ἐνδεικνύμενοι, τὸ δὲ ἐπιεικές, οὗ κοινωνεῖ ἡ εὐταξία, κατ’ ἀλλήλους παρεχόμενοι. On the connection between εὐταξία and *modestia* see Cic. *de Off.* 1.142.

Chapter Two: Moderatio, Modestia, and Temperantia

Chapter One explored the pressure on a Roman aristocrat to defer to his fellows, a pressure closely connected to αἰδώς/*pudor*, *verecundia*, and *existimatio*. But along with *pudor* and *verecundia*, Cicero also complained of a lack of *modus* in the splintering Republic.¹ This chapter describes restraining pressures to which the Romans gave the names *modus*, *modestia*, *moderatio*, and *temperantia*, and examines them in three different arenas: restraint vis-à-vis one's aristocratic fellows; the restraint of one's desires for things, for luxury, or of lust; and restraints affecting the Republic as a whole.

The Romans believed that restraint in these three arenas overlapped to ensure the proper functioning of the Republic. A man able to array these restraining qualities in public and in private would fill his offices well and take orderly part in the distribution of honors because he could operate well with superiors, inferiors, and noble peers, with the citizenry, with foreign nations, and with tradition. A man who did not have these qualities—either in public or in private—could not. Because Roman aristocrats so valued these restraints, and so knitted them into their ideals of proper governance, they ascribed an (almost) unbelievable *moderatio* and *temperantia* to the glorious Republic of their ancestors. Of course, these restraints conflicted with the usual pressure for self-advancement, and were no doubt painful to learn and internalize. Nevertheless, as with *pudor* and *verecundia*, one could also compete in, and gain *gloria* for, demonstrations of *modestia*, *moderatio*, or *temperantia*.

How to Act with Others: Restraint with Superiors and Peers*Modestia*

¹ Cic. *ad Brut.* 1.10.3.

The word *modestia* is at least as old as Plautus and Ennius.² It once largely connoted female chastity, but eventually came also to denote a political virtue that men could display. In 189 B.C., for example, young King Attalus II of Pergamon allied himself with the consul Gnaeus Manlius Vulso during the latter's campaign in Galatia. At the end of the successful venture Vulso gathered an assembly, at which he "praised everyone and gave gifts according to each's merits, but above all to Attalus, with the complete assent of the rest, for the young man had shown not only singular bravery and assiduousness in all his labors and dangers, but also *modestia*."³ What had Attalus done? First, Attalus had given his troops to the Romans to command, and second, he had obeyed the orders of Vulso to attend him.⁴ In other words, he voluntarily made his troops underlings, and himself an attendant, to the consul—neither of which, presumably, he would *have* to do as a sovereign king. Instead, his actions displayed no desire on his part to retain those powers: he gave everything up instantly. Significantly, this section of Livy came from a first-hand source, possibly some sort of war diary, and therefore illustrates a contemporary understanding of *modestia* from the 180s B.C.—or at the very least what would eventually be called *modestia*.⁵

² TLL 8 1221 and references, particularly Plaut. *Trin.* 317 and *Enn.* Scaen. 55; cf. Scheidle (1993) 37.

³ Livy 38.23.11: *laudati quoque pro contione omnes sunt, donatique pro merito quisque, ante omnes Attalus summo ceterorum assensu; nam singularis eius iuvenis cum virtus et industria in omnibus laboribus periculisque tum modestia etiam fuerat.*

⁴ Livy 38.12.9, 20.10.

⁵ So Sage (1933-2000) 50 n.2, 80-81 nn.1-2, repeating the theory proposed by Mommsen (1864-79) II 538-45. Sage, however, disagreed with Mommsen that Polybius himself was the diarist, although Mommsen was convinced in part by the style of autopsy. *Contra* is Briscoe (2008) 56, who dismisses "out of hand" Sage's suggestion that Claudius Quadrigarius used an official report by Manlius Vulso, and instead argues that the narrative of this campaign comes instead entirely from Polybius, although he admits (93) that Livy's references to Quadrigarius and Valerius Antias in sections 9-11 make it "unclear" what portion of the sections are entirely from Polybius or from a later annalist. At any rate, taking either Sage's (or Mommsen's) position or Briscoe's, the description of this episode is on balance at least as old as Polybius, or perhaps a first-hand source he used, although of course I cannot discount the possibility of Livian embellishment.

Similarly, Livy described how in 182 B.C. the brothers Perseus and Demetrius argued in front of their father, king Philip V of Macedon. Perseus, the elder prince, accused his younger brother of wanting to usurp his place. Choked by tears, Demetrius—who had spent much time in Rome—is said to have replied that the charges were all untrue, that “nothing would be more unworthy of him,” that as the younger, he perhaps ought “neither to hope for the kingship nor even to hesitate over it.”⁶ For if he did such a thing, he protested, he would do it through vice (*vitiis*), and not with *modestia*, by not “ceding place” (*cedendi*) to one to whom it was *ius fasque* to yield.⁷ In other words, he knew well his position as younger prince, stated that it would be wrong and even impious to exceed it, and disavowed hope or even desire for the kingship.

Cicero made considerable use of *modestia* in his letters, particularly in recommending young men to his peers for various positions. He commonly described such young men as being *modestus*, sometimes along with *verecundia*.⁸ And where Cicero did not use the actual word itself, he often made it clear that the young man was obedient and would not exceed his place.⁹ In return, the young men received the orator’s praise and recommendation.¹⁰

⁶ On Demetrius’ time in Rome as a hostage in 184 B.C., see Briscoe (2008) 378-81. His favorable treatment by Rome was possibly a ploy by the Senate and Quinctius Flaminius to split the Macedonian royal house, an embarrassing fact Livy may have suppressed, and which caused Demetrius’ execution in 180 B.C. It would nevertheless not be surprising to see Livy paint Demetrius as showing Roman virtues. Briscoe (2008) 381; Cancik and Schneider (2004) IV 246; Moore (1989) 157.

⁷ Livy 40.15.4-5: Ego autem, pater, quem ad modum nec nunc sperare regnum nec ambigere unquam de eo forsitan debeam, quia minor sum, quia tu me maiori cedere vis, sic illud nec debui facere nec debeo, ut indignus te patre [indignus] omnibus videar. id enim vitiis meis, non cedendi cui ius fasque est modestia consequar.

⁸ E.g., Cic. *ad Fam.* 13.15.1: modestiam; 13.63.1: singulari modestia; 13.17.3: verecundiam; 13.10.3: modestum hominem.

⁹ E.g., Cic. *ad Fam.* 13.38.1: L. Brutius . . . adulescens . . . meque observat diligentissime.

¹⁰ Cf. Val. Max. 2.1.9, who describes the ideal relationship between respectful youths and instructive elders. Cf. Woodman and Martin (1993) 280-281; Evans and Kleijwegt (1992) and references. Cotton (1986) does not focus on the recommendees, but does observe (447-

Finally, Livy reported the value operating during very early republican events, writing that in 446 B.C. the *plebs* forced the election of military tribunes with consular powers.¹¹ Plebeian candidates bustled about the Forum seeking votes to such an extent that patricians were at first too embarrassed even to stand for office. Eventually, however, they grudgingly put up candidates so that they would not lose control of the state. The People thereupon chose only patrician candidates, apparently content merely that plebeians were allowed to run. Livy commented that in no way would one find such *modestia* in his own time, heartily approving the willingness of the *plebs* to cede to their betters—although the *plebs* evidently had the option of electing one of their own, even if only to defy the patricians.¹²

These examples help us craft a working definition of *modestia* as a political virtue: the quality of an inferior who, as such, would cede place, obedience, and honor to a superior. Absolute place in the Roman hierarchy did not matter, only relative place: the word as easily applied to aristocratic young men (or even young kings) who knew how to obey their elders or the consul without grumbling as to the lowly commons who knew to pick patricians for offices. The word had an inherent association with proper orderliness; Cicero equated it with the Greek *εὐταξία*, and proposed an ideal law that all senatorial business be carried on with *modestia*.¹³ Moreover, *modestia* seems in these examples to have been a quality of

48) that Cicero often hinted that an accepted recommendation would increase the *existimatio* of a letter's recipient; apparently taking on virtuous young men brought public approval.

¹¹ Livy 4.6.12. Ogilvie (1965) 540-41 argues that the tradition that the decision to elect military tribunes instead of consuls was based on the conflict between plebeians and patricians has "no respectable antecedents"; rather, the decision to elect military tribunes was one of military necessity. This example, however, at least illustrates how Livy thought *modestia* was supposed to work. That "restraint on the part of the governed (*modestia*)" was the prevailing theme of Livy's Book 4 was recognized by Ogilvie (1965) 233; cf. Moore (1989) 154.

¹² Livy 4.6.12: hanc modestiam aequitatemque et altitudinem animi ubi nunc in uno inveneris, quae tum populi universi fuit?

¹³ Cic. *de Off.* 1.142; *de Leg.* 3.10, 3.40 ("quaeque in patribus agentur, modica sunt' id est modesta et sedata")("Whatever is done in the Senate, let it be done with moderation,' that

character, and not so much a conscious action,¹⁴ a disposition that implied that the *modestus* was empty even of any desire to exceed his place, even when he might nominally at least have power so to do—the *plebs* could have voted for a plebeian magistrate, Attalus the king might have insisted on command of his own troops, Cicero's recommendees were not necessarily beholden to his correspondents.¹⁵

Most important, *modestia* involved reciprocity: one could expect rewards for the display of *modestia*, be it praise, or instruction, or even a recommendation for an honorable position. And having received good things, it was also an exercise in *modestia* to give good things in return. In 368 B.C. the tribunes Gaius Licinius and Lucius Sextius requested re-election on the strength of the many measures they had passed to help the commons, and reportedly chided the voters: it would be unlike the usual *modestia* of the Roman people, they said, to have received so many benefits at their hands and then give no honor or hope of honor back to them, the men who made all their benefits possible.¹⁶ Contrarily, if one showed proper *modestia*, one could expect to be spared wanton attacks from superiors: in 190 B.C., P. Villius, consul, found part of his army mutinying as he arrived in Macedonia to take command. The troops complained that they had signed up to go to Africa only, and had

is, with *modestia* and calm"). Dyck (1996) 320, 429 proposed that Cicero used *modestia* in two senses, a normal sense of personal self-control, and a "forced" sense of "orderly behavior," although the practical difference, if any, is unclear, and Cicero does not seem to have noticed one. See also Dyck (2004) 538, proposing "what is viewed as *modicum* may vary from observer to observer; hence this is one of those provisions that is more like an exhortation than an enforceable law." Not so: Cicero's precise point in *de Legibus* and *de Officiis* was to enforce a uniform vision, by his time felt as lacking; cf. Rawson (1991) 146-47.

¹⁴ Cf. Militeri Della Morte (1980) 34: "*Modestia* . . . esprime la qualità dell'essere del *modestus*, cioè di colui che è misurato."

¹⁵ I thus qualify Moore's (1989) 75 incomplete observation that "Livy nearly always uses *modestia* to describe the restraint of those under the control of others." While the control over another might be strong, as in the case of soldiers, it was not always so.

¹⁶ Livy 6.39.9-10: non esse modestiae populi Romani id postulare ut ipse fenore levetur et in agrum iniuria possessum a potentibus inducatur, per quos ea consecutus sit senes tribunicios non sine honore tantum sed etiam sine spe honoris relinquat. The historicity of their repeated tribunate is highly questionable; Forsythe (2005) 262-65.

been taken east against their will. Villius replied that he understood the merit of their argument, but could not agree with their means. If they agreed to stay with the standards and obey orders, he promised that he would write to the Senate on their behalf, but that the men would have a better chance to have their desires met by showing *modestia* rather than *pertinacia*—“stubbornness.”¹⁷

Modestia’s reciprocity implied by extension respect for order, and for the property, persons, or honor of others. Livy spoke of the *modestia* of the *plebs* during a secession; they did not plunder anyone’s farm.¹⁸ Livy also reported an argument during the Second Punic War between two soldiers over which of them first scaled the walls of New Carthage, and so should win the mural crown—an argument that nearly came to blows because it was being carried on *sine modo ac modestia*.¹⁹ Hannibal’s troops were exemplars of the anti-virtue: they did not leave the roads in Campania to pillage, it was said, “more because” of Hannibal’s strict orders not to alienate the locals than “because of any natural *modestia* of the soldiers”—unlike Roman soldiers who actually *competed* with each other in showing modest restraint from pillaging while on campaign.²⁰

That the Carthaginian soldiers were said to be abstemious only under orders and not through *modestia* illustrates a further point about the restraint value: *modestia* did not derive from a fear of punishment, and was not the same as a threat of force or punishment if one did not behave properly. The two were conceptually separate. When, for instance, the

¹⁷ Livy 32.3.7: itaque si manere ad signa et dicto parere velint, se de missione eorum ad senatum scripturum; modestia facilius quam pertinacia quod velint impetraturos. Cf. Tac. *Ann.* 1.19.5, 1.29.4, in which Tacitus described a soldiers’ mutiny and contrasted the soldiers’ goals achieved by *necessitate*, *terrore*, and threats (*minis*) rather than through *modestia*.

¹⁸ Livy 3.54.8.

¹⁹ Livy 26.48.11.

²⁰ Livy 24.20.10. See also 27.45.11, in which the Roman soldiers *modestia certare*, “compete in showing *modestia*,” by each refusing to take more from the locals on march than he had to. On soldierly *modestia* see TLL 8 1222, Goodyear (1972) 257; Moore (1989) 76 and references.

people of Praeneste did not welcome the consul-elect Lucius Postumius Albinus in 173 B.C. in the honorific manner to which he felt entitled, he furiously demanded several expensive perks at his next arrival. Either, Livy stated, through fear—*timidum*—or through *modestia*, the Praenestenes obeyed, even though no such thing had ever been demanded before.²¹ Another example of the dichotomy can be found in the famous story of Manlius Torquatus' execution of his son for engaging in single combat without orders. Everyone, Livy records, was astounded at the command, and then was hushed, "more through fear than through *modestia*."²² That is, normally *modestia* compelled obedience—but on this occasion, it was actual fear, something different entirely.²³

To summarize so far: *modestia* was a constraint on action that was not fear of force or of physical punishment. It rather was a disposition marked by a lack of desire²⁴ to climb above one's station relative to others, even if one were already very highly placed, or if one might have the right, or at least the power, to act in that particular way. *Modestia* also implied reciprocity of respect: the man who showed *modestia* would obey others willingly, while the one to whom the *modestus* deferred was to show the *modestus* respect and even to offer something in return, like high praise, or a recommendation. The prospect of reward was so concrete that a man could even compete in displaying *modestia*.

Moderatio

²¹ Livy 42.1.12.

²² Livy 8.7.20: metu magis quam modestia quievere.

²³ Cf. Ter. *Adel.* 57-58, contrasting *pudor* with *metus* as a means of raising children. Hellegouarc'h (1963) 264 also noted that *modestia* avoids recourse to force, although without reference to the sources cited here.

²⁴ Compare *Rhet. ad Her.* 3.2.3: *modestia est in animo continens moderatio cupiditatem* ("modestia is moderatio controlling desire in the mind.") Hence Hellegouarc'h's (1963) 263 statement that *modestia*, along with *moderatio*, expressed "une forme de la maîtrise de soi." Hellegouarc'h did not notice, however, the fact that *modestia* more usually applied to someone relatively low on the social scale, often because of age, which is important for understanding *modestia* in the scheme of aristocratic competition as a force of restraint on the young and relatively socially inferior.

Modestia, naturally, shared similarities with its cousin *moderatio*—both being grounded in *modus*, a “measure” or “limit.”²⁵ But *moderatio* more usually described a man who was already in quite a high social place relative to potential antagonists who refused to take some action that his position permitted him to take. In 451 B.C., for instance, the “first” decemvirate was said to have ruled with “unique concord,” and Livy called one incident “sufficient proof to note their *moderatio*.”²⁶ A murderer had been captured. The decemvirs, having dictatorial power, could have executed him summarily. But the decemvir Gaius Julius *decessit iure suo*—“put aside his right”—and gave the man a regular trial in front of the People.²⁷ Similarly, in 407 B.C., Gaius Servius Ahala was said to have been re-elected military tribune with consular powers in large part because of his “singular moderation”²⁸: in the previous year in the same office he had deferred to the Senate’s wishes in naming a dictator and decried his own colleagues’ desires to go on campaign themselves, “preferring that his colleagues would of their own free will give in to the senators’ authority” and “placing the Republic above the favor” of the other tribunes.²⁹ After all, what good citizen, Livy had him ask, “considers his own interests apart from those of the nation?”³⁰ Thus, although he and his colleagues had every right to seek a command, he ceded that right. In 211 B.C., the famed consul Marcus Marcellus won *gloria* for an act of *moderatio*: although he

²⁵ OLD² II 1237; cf. TLL 8 1252; Lobur (2008) 45. The line between *modestia* and *moderatio* is not always clear; compare Ogilvie (1965) 233 with *id.* 390.

²⁶ Livy 3.33.8-9: *unica concordia . . . moderationis eorum argumentum exemplo unius rei notasse satis erit*. Ogilvie (1965) 390 notes that the theme of Livy’s Book 3 is “restraint on the part of the government (*moderatio*).” The “government” is perhaps too abstract a term.

²⁷ Livy 3.33.10.

²⁸ Livy 4.57.12: *unica moderatione*.

²⁹ Livy 4.57.3-5: *quia maluerit collegas sua sponte cedere auctoritati senatus quam tribuniciam potestatem adversus se implorari paterentur . . . potioem sibi collegarum gratia rem publicam fore*.

³⁰ Livy 4.57.3: *quem enim bonum civem discernere sua a publicis consilia?* Ogilvie (1965) 597 writes that this sentence “summed up” Livy’s attempt to “unite a series of essentially disparate scraps into a coherent whole.”

had the evident privilege as consul to bring up any matter he wished in front of the Senate, he refused to allow complaints about his actions in Sicily to be heard without his colleague present, so that the Sicilian accusers in front of him would feel protected by the presence of his colleague and would not be ashamed or afraid to charge him to his face alone.³¹

Similarly, Valerius Maximus cited as an example of *moderatio* an incident in the censorship of Scipio Aemilianus in 142. Scipio knew personally that one L. Licinius Sacerdos had perjured himself, but no accuser came forward. Scipio excused Sacerdos on the ground that he as censor would “not be seen to play the role of accuser, witness, and judge.”³² *Moderatio* thus here described a self-imposed sacrifice of a highly placed man’s prerogative to wield just powers.³³

Additionally, *moderatio* described a powerful man’s refusal to seek honors that he otherwise might licitly seek. As noted in the last chapter, in 382 B.C. Camillus deferred to his own nephew as colleague. After Medullinus’ defeat, Camillus did not attack his nephew in writing to the Senate—although he apparently might have done so with perfect right—and later chose him as lieutenant, for which act of *moderatio* Camillus reportedly gained great *gloria*.³⁴ Quintus Fabius Rullianus was asked to run for the consulship of 297 B.C. By then a very old man, he was not interested: there was no lack of offices for brave men, he said, nor other brave men for offices, and he feared lest some god deem that he had already enough

³¹ Livy 26.26.5-9: *moderati animi gloriam eo die adeptus* (“having won glory for a moderate spirit that day”); cf. Val. Max. 4.1.7. Cf. Eckstein (1987) 173-75.

³² Val. Max. 4.1.10 (in his chapter on *moderatio*): *ne ego in tua persona et accusatoris et testis et iudicis partes egisse videar* (“lest I seem to play the part of prosecutor and witness and judge in your case”). Cf. Cic. *pro Cluen.* 134; Plut. *Apophtb. Scip. Min.* 12.

³³ Cf. Cic. *Phil.* 13.6.14: *Neque enim, quod quisque potest, id ei licet, nec, si non obstat, propterea etiam permittitur* (“Nor indeed is it permissible for a man to do whatever he is able; even if there is no obstruction, that does not mean he is allowed to do it”).

³⁴ Livy 6.23.10, 6.25.6.

good fortune.³⁵ “I have risen up,” he instead declared, “to equal the glory of my elders and I am happy to see others growing up to my measure.”³⁶ This display of *moderatio*, we are told, only increased his friends’ enthusiasm and that of the voters, so that eventually, *consensu civitatis victus*—again that language of deference—he agreed to his fourth consulship.

Likewise, in 201 B.C. Gnaeus Cornelius Lentulus and Publius Aelius Paetus were consuls, and Lentulus greatly wanted to have a forthcoming African command. But the famed Scipio Africanus was the most likely choice for the job—indeed the citizens had decided so the previous year.³⁷ Paetus, whom Livy described as a “moderate and prudent man,” refused even to attempt to obtain the command, thinking it would be “unjust” and even “unfair” to go up against Scipio for that honor.³⁸ (He was right: in the end, all Lentulus got was a sea command.)

³⁵ Livy 10.13.6.

³⁶ Livy 10.13.7-8: et se gloriae seniorum succrevisse et ad suam gloriam consurgentes alios laetum aspicere; nec honores magnos fortissimis viris Romae nec honoribus deesse fortes viros. acuebat hac moderatione tam iusta studia. Oakley (1997-2008) IV 141-42 comments that Rullianus’ refusal of honors became a “motif” in Livy, who was otherwise confused about the details of elections in these years and who reported similar refusals by Rullianus on two other occasions, which suggests to Ogilvie that this particular episode was “invented.” Cf. Livy 10.6.3-9; 10.15.7-12. Even if so, it would not mean that Rullianus was not an exemplar of a restraint value prominent in his time, and a doublet hardly proves that such a refusal did not occur least once. Oakley in fact notes (141 n.1) that because the Suda and a lost fragment of Dionysius of Halicarnassus share Livy’s version, it shows “that the inventions in his account go back to his annalistic sources,” which might plausibly suggest some older tradition of such a refusal, which may have been picked up on in a garbled fashion by later authors: according to *de Vir. Ill.* 32.2: Rullus refused to repeat as censor, saying that “it was not to the advantage of the Republic to have the same men become censors often.” (Iterum censor [Rullus] fieri noluit dicens non esse ex usu reipublicae eosdem censores saepius fieri), and Valerius Maximus (4.1.5) reported that Rullianus told the People that his should son not be elected consul lest there be too much power in one family.

³⁷ Livy 30.40.8.

³⁸ Livy 30.40.8: moderato viro et prudenti . . . iniquum etiam . . . impar. Develin (1985) 205 notes that “The refusal of P. Aelius Paetus . . . to enter into the contest merely shows that not everyone, whether by a sense of justice, deference to senatorial opinion, or lack of inclination, was prepared to be dominated by the quest for *gloria*.” Of course, we cannot discount the possibility that Paetus feared that certain defeat would bring unnecessary shame on himself, and thus simply preferred to abstain.

An ideal *moderatus* thus consciously acknowledged the at least equal worthiness of others, made no discernible effort to promote himself, and happily allowed others to take a coveted place or prize. Even when the *moderatus* was *already* at the top of a state's hierarchy and was acknowledged for his great merit, he would because of his *moderatio* refuse to use or extend his potential power when other individuals, such as a colleague, also were deserving of some attractive chance for achievement.³⁹ Little wonder that Livy used the word to describe keeping a ship from going as fast as it otherwise might.⁴⁰ *Moderatio* also involved a sense of reciprocity similar to that of *modestia*: one could receive praise, offices, commands, or *gloria* for displays of *moderatio*.

Moderatio, Modestia, and Res Publica

The link between *modestia* and *moderatio* should be fairly evident. The biggest distinction between the two was that *modestia* more comfortably described men lower (or at least younger) than their betters or elders, while *moderatio* more often described a great man dealing with a peer, colleague, or inferior. But otherwise the two concepts were very close, and seemed to build as a Roman man grew: a young *modestus* was disposed to cede to his elders and betters until such time as he grew into a great *moderatus*, who was then disposed to deal well with his colleagues, fellows, and underlings. Thus Cicero: "For it is necessary that the man who rules well must have obeyed at one point, and he who obeys modestly will appear worthy to rule later on."⁴¹ And just as *modestia* commanded respect for the honor,

³⁹ Cf. Moore (1989) 75. Thus Livy 4.10.8: T. Quinctius Capitolinus, cos. 443 B.C., brought concord and peace through his *moderatio* of rights between high and low: *iura infimis summisque moderando*. Oakley (1997-2008) I 600 comments briefly but correctly that *moderatio* is "behavior on the part of an office holder who has resisted the temptation to exploit his position for all it was worth."

⁴⁰ Livy 26.42.5, 28.30.8.

⁴¹ Cic. *de Leg.* 3.5: *nam et qui bene imperat, paruerit aliquando necesse est, et qui modeste paret, videtur, qui aliquando imperet, dignus esse*. Crawford (1993) 29 noticed that the "hierarchical ordering of society and the importance of traditional patterns led to a

wishes, person, and property of others, *moderatio* required a Roman leader to monitor constantly the opinions and positions of his equals and inferiors, to determine how his actions might affect them. Livy described the legendary hero Verginius' plan during a debt crisis in the earliest years of the Republic as *medium . . . moderatum* because it “took account of all sides”—*utroque consilium*.⁴²

With these pieces in place, we can begin to understand the interplay the two qualities had in the ideal operation of *res publica*.⁴³ *Modestia* reinforced a voluntary obedience of inferior to superior necessary for a peaceful Republic that could not rely on constant physical force to create cohesion. Praise for *modestia* also spurred a young Roman to wait his turn for honors to come in due course, which ensured orderly and reasonably predictable distribution of offices based on relative merit, of which seniority was a component.⁴⁴ *Moderatio*, in turn, related closely to the deference to peer and colleague described in the last chapter that both permitted a Republic composed of multiple collegial officeholders to make decisions, and also ensured that opportunities for advancement would be available to many even if one man grew preeminent in achievement. Most important, both qualities were imbued with reciprocity of honor, praise, and even offices in return for honoring others, which suggests

conceptualization of the political process in predominantly moral terms,” but did not press this insight. Dyck (2004) 436 errs when he writes that “*modeste*” is a purely “ethical term,” and that Cicero looked to “place the relations between governing and governed on a new basis”; Cicero wished in *de Legibus* to repair a practical value that he thought had been lost.

⁴² Livy 2.30.1.

⁴³ I return in a sustained way to these points in Chapter 3, but mark them here as a guidepost for the reader.

⁴⁴ It was only relatively late that the *lex Villia annalis* of 180 B.C. set minimum ages for offices by law, which at any rate probably reflected only prior custom that was no doubt upset by losses of young men in the Hannibalic war. Livy 40.44.1; Astin (1958); Hopkins (1978) 47; Develin (1979); Briscoe (2008) 522. Evans and Kleijwegt (1992) 184 suggest wisely that the *lex* originally had nothing to do with youth per se: it was meant to handle a “surfeit of candidates” who cropped up because of an increase in the size of the praetorian college. They note (187), however, that many of the candidates were considered *adulescentes*, even though they were in their thirties, because of their youth and inexperience relative to others.

that the qualities were not social niceties but an integral part of the operation of a *res publica* that subsisted on such exchanges of honor and praise.

Hence, if everyone in a group of noble peers were *moderatus* or *modestus*, the peers could compete indefinitely for honors, offices, and praise, without the competition leaving too many men of merit without the proverbial musical chair. That fact, of course, would make the competition worthwhile. The obvious great praise we have seen for exercises of *moderatio* and *modestia* suggests that praise was a reward meant to stimulate that result. It followed that the more a Roman noble had a right to get his way, the more praiseworthy it would be if he moderately refused to do so; an idea summed up neatly in the words that Livy gave the tribune Lucius Valerius during debate in 195 B.C. over the sumptuary Oppian Law (to which I will return below): *quo plus potestis, eo moderatius imperio uti debetis*—“the more powerful you are, the more moderately you should use your authority.”⁴⁵ There was, to be sure, no physical enforcement mechanism to ensure this outcome. The only way that such a system could work, therefore, were if the restraint values were drunk deeply into the Roman noble’s worldview; the constant hammering of these themes to the point of trope is evidence that they were.

Temperantia

But how to hammer in these restraint values, and how to maintain them? We proceed to *temperantia*. There was some overlap among *temperantia*, *modestia*, and *moderatio*. Like *moderatio*, *temperantia* could describe situations in which an actor had the power to do something to an inferior, antagonist, or peer, but chose not to do so. Thus the word could refer to a commander’s refusal to press a war to the fullest by attacking the cities of an

⁴⁵ Livy 34.7.15. Cf. Cic. *de Off.* 1.90: quanto superiores simus, tanto nos geramus summissius (“The more superior we are, the more we should conduct ourselves quietly”).

enemy after their defeat.⁴⁶ Or the word could illustrate a refusal to push a legal right against an opponent as far as it might go. For example, in 476 B.C. the tribunes brought charges against the former consul Titus Menenius for losing a military outpost. Although it was a capital conviction, the tribunes *temperarunt*: they just assessed him a fine.⁴⁷ Similarly, it was said that during a *lectisternium* in 399 B.C., personal enemies put off their disagreements, exchanged kind words, and “tempered themselves from quarrelling and lawsuits”—*iurgis ac litibus temperatum*.⁴⁸

Moreover, like *moderatio*, *temperantia* could describe refusal to accept office even when electoral victory was assured. In 211 B.C., Titus Manlius Torquatus, against his will, was elected consul for the fourth time. He refused the honor: his eyes were bad, he complained, and thus it would be “shameless”—*impudentem*—for him to demand that others entrust their lives and fortunes to him.⁴⁹ There were other worthy men, and besides, he knew he was too harsh a man for the job: “I could not put up with your manners,” he said to the People, “and you could not put up with my *imperium*. Vote again, remembering that the Punic war is in Italy and Hannibal is the commander of your enemy.”⁵⁰ The elder men then re-started voting, and the younger men followed their lead. Livy commented: “Neither could the leading men of the state have been more serious or temperate in avoiding the lust for power”—*principes graviores temperantioresque a cupidine imperii*—“or the multitude have better

⁴⁶ E.g., Livy 7.20.9; 10.12.8; 25.25.9.

⁴⁷ Livy 2.52.5.

⁴⁸ Livy 5.13.8.

⁴⁹ Livy 26.22.5-7: erectis omnibus expectatione quidnam postulaturus esset, oculorum valetudinem excusavit: impudentem et gubernatorem et imperatorem esse qui, cum alienis oculis ei omnia agenda sint, postulet sibi aliorum capita ac fortunas committi.

⁵⁰ Livy 26.22.9-10: tum Torquatus ‘neque ego vestros’ inquit ‘mores consul ferre potero neque vos imperium meum. redite in suffragium et cogitate bellum Punicum in Italia et hostium ducem Hannibalem esse.’ Dio 7.35.9 puts a similar phrase into the mouth of that Manlius Torquatus who killed his son in 340: “I could not endure you nor you me,” he said to the voters who tried to make him consul for the fourth time (ὅτι οὐτ’ ἂν ἐγὼ ὑμῶν ἀνασχοίμην οὐθ’ ὑμεῖς ἐμοῦ); cf. Val. Max. 6.4.1b.

sense.”⁵¹ And the younger men even conferred with their elders before voting, then did as they were instructed (although obviously having the right to vote as they pleased)—a thing “scarcely to be believed”—*vix ut veri*—grumbled Livy, what with the indulgent way children were treated in his own time.⁵²

But although *temperantia* overlapped with *modestia* and *moderatio* in that it restrained the desires that one had the power or even right to bring about, *temperantia* more easily than *moderatio* described suppressing a kind of desire that the Romans found either morally wrong, or licit but unseemly, especially in that satisfying it might insult or injure others.⁵³ After pardoning young Fabius Rullianus—with resulting praise—the dictator Papirius Cursor returned to camp.⁵⁴ But the soldiers, we are told, had taken it badly that he had listened to

⁵¹ Livy 26.22.14: non equidem . . . aut principes graviores temperantioresque a cupidine imperii aut multitudinem melius moratam censeam fieri posse.

⁵² Livy 26.22.15.

⁵³ Thus Hellegouarc’h (1963) 259: “Ce mot . . . au moins partiellement, désigne la qualité par laquelle l’on sait réprimer ses passions et ses impulsions immédiates; son contraire est *libido* ou *luxuria*.” Hellegouarc’h states that the practice of *temperantia* helped create an “attitude de sage modération que constitue la *prudentia*”; as I have argued, *temperantia* aided one who had not yet obtained such sagacity to avoid *pudor* through some bad act. I cannot follow Moore’s (1989) 153-54, 210 strange conclusion that *temperantia* does not appear in Livy “before the third decade” because the word has “conspicuous philosophical association” and thus was not proper in the mouths of the most ancient Romans; the abstract noun indeed does not appear in the early decades of Livy, but the concept the word describes and the related verb *temperare* certainly do, as the references in this section make clear. The verb referred to control of one’s libido or of luxury very early: e.g. Ter. *Heaut.* 580; Plaut. *Truc.* 61. The noun and verb forms both refer in authors throughout the republican period to the exercise of restraint or moderation; OLD II 2019. North (1966) 262, 263 comments “Plautus and Terence abound in the verb *temperare*, the nouns *pudor*, *modestia*, *verecundia*, and *pudicitia* . . . ; thus the principal Latin translations of *sôphronein*, *sophrosyne*, and *sôphrôn* became familiar long before the systematic effort to find philosophical equivalents began in the first century. . . . The abstract noun *temperantia* became common in the generation of Cicero, Caesar, and Sallust, and was from then on the normal equivalent of the Greek *sophrosyne*.”

⁵⁴ Livy 8.35.1-9. Oakley (1997-2008) II 706 writes “if the behaviour of Papirius Cursor was legally justified, that means neither that it was morally justified nor that the reader is expected to approve of it.” This too then was an exercise in *temperantia*, perhaps signaled by Livy’s use of *iram deprecari*—to avert by supplication the anger of—the dictator. Livy 8.35.4.

the pleas of the People to save Fabius but not to their own, and fought listlessly for him.⁵⁵

Papirius, of course, as dictator, in theory could have started the executions at will. But instead, the “experienced general saw what obstructed victory: he needed to temper (*temperandum*) his *ingenium*, and to mix his *severitas* with leniency.”⁵⁶ And so, Papirius went around and met with wounded soldiers, put his head into each’s tent personally and asked how each was doing, called them by name, and pledged care for them from his lieutenants. Livy describes the effect: the soldiers healed more quickly because of the good feelings, and when the army was well enough they routed the Samnites.

The reference to Papirius’ “tempering” his *ingenium* hints at a fundamental aspect of *temperantia* that also differentiates it from *moderatio* and *modestia*. *Ingenium* was one’s innate personality and natural disposition. Papirius, Livy implies, was by nature a harsh and cruel man. In “tempering” himself, Papirius was attempting to change his inmost character. That required work. Thus while *moderatio* or *modestia* could describe a serene lack of desire to act upon one’s prerogatives,⁵⁷ *temperantia* described the sometimes painful struggle against one’s fitful *ingenium*.⁵⁸ Cicero called *temperantia* an act of “shaping”—*conformatio*.⁵⁹

⁵⁵ Livy 8.35.12.

⁵⁶ Livy 8.36.5: *sensit peritus dux quae res victoria obstaret: temperandum ingenium suum esse et severitatem miscendam comitati.*

⁵⁷ Thus Militeri Della Morte (1980) 35 notes that in Cicero *moderatio* “può dare all’uomo la possibilità di pervinere al divino . . .”

⁵⁸ I quibble with Hellegouarc’h (1963) 264, who argued that while *modestia* was “une qualité,” *moderatio* was a “nom d’action,” “le fait de régler, de maintenir dans le mesure,” and with Viparelli Santangelo (1976) 75, who in her study of *moderatio* and *modestia* in Livy concludes that while *modestia* “reca più spresso in sè il sema aspettuale della staticità, la *moderatio* molto spresso quello dell’azione, della dinamicità.” Cf. Militeri Della Morte (1980) 34, citing Hellegouarc’h. My analysis here suggests that *moderatio*, in Livy and later historians, at least sometimes expressed an individual’s quality, while *temperantia* was a “nom d’action.” That would comport both with TLL 8 1206 (“*actus moderandi vel habitus moderatus*”), and also with North’s (1966) 262 observation that *temperantia* has the “basic significance” of “proper mixing” of elements. I admit the possibility, as Moore (1989) 72, 152 and Viparelli Santangelo (1976) 74-77 conclude, that *moderatio* as Livy presents it stems from Cicero’s philosophy on the active role of the *moderator rei publicae*; cf. Militeri Della Morte (1980) 36-

Many examples illustrate. In 390 B.C. infuriated Roman soldiers were “scarcely” able to restrain the impulse to attack immediately Etruscans who had seemingly betrayed them—*vix temperavere animis quin ex templo impetum facerent*.⁶⁰ The word described mobs that could not be restrained—*temperantum*—even by violence,⁶¹ or patricians who “denied that they would restrain their violence”—*negent se manibus temperaturos*—against a tribune,⁶² or meetings whereat members could “scarcely” avoid brawling amongst themselves.⁶³ King Antiochus *temperavit irae*—restrained his anger—when a Rhodian embassy opposed him to his face.⁶⁴ Pity moved Titus Quinctius Flaminius to restrain his anger—*irae . . . temperem*—against the Aetolians, who had disparaged his great feats in Greece, after he razed their walls.⁶⁵ The Carthaginian general Mago, Hannibal’s brother, is said to have been “scarcely able to restrain himself from tears”—*vix lacrimis temperans*—when recalled to Carthage during the second

37, TLL 8 1207. But even presuming that Livy did not know of the concept outside of his readings in Cicero, which seems unlikely, Pacuvius, Accius, Plautus and Terence knew the verb and concept of *moderare* and plainly applied it to the control of unseemly urges and even of one’s *ingenium*, e.g. Pac. Fr. 3; Acc. Fr. 288; Plaut. *Bacch.* 91, *Poen.* 239; *Mil. Glor.* 1214; Ter. *Heaut.* 216, 519; *Andr.* 61. Thus even if philosophy spawned the abstract *moderatio* or adjective *moderatus* as we now see them in Livy and Cicero, and even if such ideas later became proverbial (see Tosi (1991) §§ 1756-61 and references), the idea had found a ready-made linguistic home in Italy by the late third century, as notes North (1966) 263. I do agree, however, with Hellegouarc’h that the quality of *moderatio* signals “l’homme qui en est pourvu et qui, de ce fait, est éminemment apte à exercer un rôle directeur dans l’État” (265).

⁵⁹ Cic. *de Off.* 3.96; cf. 1.17. Cf. Corbeil (2001) 262-263: “Extant texts of the Republic . . . place great stress on the the *ingenium*, the inborn quality guaranteed by nature which, when combined with training, can create the perfect citizen.”

⁶⁰ Livy 5.45.7.

⁶¹ Livy 2.23.10; Livy 5.25.2.

⁶² Livy 4.3.6.

⁶³ Livy 32.20.3: *vix manibus temperatis*.

⁶⁴ Livy 33.20.6.

⁶⁵ Livy 36.35.4. Briscoe (1981) 6 notes that the construction *temperare irae* occurs in Plautus but not again until Livy, although Cicero and Caesar used *temperare mihi, tibi, and sibi*. Harris (2001) is fundamental on restraint of anger in the ancient world, and writes (203) that “Mid-Republican Roman society was too structured and in some ways too disciplined for anger in public life to be an issue,” although it became so in the violence surrounding the end of the Republic.

Punic War.⁶⁶ Hannibal had a dream, it was said, that he was walking when a ghostly guide appeared and ordered him not to look behind him. But Hannibal disobeyed the command: he “was unable to control his eyes”—*temperare oculis nequivisse*—and he turned to see a horrifying serpent following, signaling the devastation of Italy.⁶⁷ And young patricians of the Early Republic are described as tempering their fury—*temperare impetus*—against the *plebs* who wished to pass a law curbing the consuls’ powers. Instead, wrote Livy, they saluted the *plebs* courteously, they conversed with them, they invited them to their houses, assisted them in the courts, permitted the tribunes to have uninterrupted meetings, and were not *truces* (“wild” or “fierce”) either in public or private (except when the law came up).⁶⁸

In the preceding examples a particular word repeats: *vix*—“scarcely, barely.” That is a clue to *temperantia*’s operation: *temperantia* implied struggle. As Cicero said, *temperantia* fights—*certant*—with the vices.⁶⁹ Victory was not assured: young men, Cicero also wrote, must show deference to their elders and attach themselves to the best of them, and even when youth want to relax they must *caveant intemperantiam, meminerint verecundiae*—“beware of *intemperantia* and remember *verecundia*.”⁷⁰ No one pretended that *temperantia* was easy. The virtue was supposed to defeat strong and dangerous emotions: it was *sedatio perturbationum animi*, said Cicero, a calming effect on strife of the soul.⁷¹

⁶⁶ Livy 30.20.1.

⁶⁷ Livy 21.22.7. Cf. Cic. *de Div.* 1.49 = Cornell *et al.* (2013) II 391 fr. 8 (Coelius Antipater).

⁶⁸ Livy 3.14.5. The passionate desire might not always be negative: in one example the senators could “scarcely restrain their happiness”—*laetitiae vix temperatum*—when the knights and then the People rushed to volunteer to donate for the war against Veii, Livy 5.7.8.

⁶⁹ Cic. *in Cat.* 2.11.25.

⁷⁰ Cic. *de Off.* 1.122: Est igitur adolescentis maiores natu vereri exque iis deligere optimos et probatissimos, quorum consilio atque auctoritate nitatur; ineuntis enim aetatis inciticia senum constituenda et regenda prudentia est. Maxime autem haec aetas a libidinibus arcenda est exercendaque in labore patientiaque et animi et corporis, ut eorum et in bellicis et in civilibus officiis vigeat industria. Atque etiam cum relaxare animos et dare se iucunditati volent, caveant intemperantiam, meminerint verecundiae.

⁷¹ Cic. *de Off.* 1.93. Cf. Dyck (1996) 249-50.

The restraining concepts of *moderatio*, *modestia*, and *temperantia*, of course, also intersected to some extent with *pudor* and *verecundia*.⁷² Like *pudor* and *verecundia* (and the mutuality and deference they inspired), *moderatio*, *modestia*, and *temperantia* reinforced and defined a Roman aristocrat's place among his fellows, and ideally made him refuse ever to embarrass or injure others through too much self-promotion. But there was some difference: *modestia*, *moderatio*, and *temperantia* described a tamping down of anti-social desires before the desires ever reached the point at which *verecundia* or *pudor* had to step in to prevent selfish acts. That is, a man who was *modestus* or *moderatus* might never need the clawing sense of *pudor* or the careful calibration of *verecundia* described in the last chapter to restrain him. Rather, by constantly practicing *temperantia*, a man's *ingenium*, his internal nature, would already be oriented in such a way as to be, if never quite immune to desires that might upset his peers, at least in such control of such desires that they were all but suffocated.

Thus a hierarchy of restraints: *modestia* in a young noble or in a lower-class man, and *moderatio* in a great man, were the most desirable states: an absence of yearning to exceed one's place or demand one's full rights.⁷³ *Temperantia* was the process of restraint of any urges that remained. *Verecundia* was the art of constant calibration of social worth that helped determine how to apply deference. Praise attended the exercise of all these restraints. *Pudor* sprang into action once the other restraints failed: the certain result when one realized one's

⁷² Cf. Dyck (1996) 249, noting a degree of overlap in Plautus of *modestia* and *verecundia*. The relationship among *temperantia*, *moderatio*, and *modestia* was so close that Cicero translated them in a cluster of words along with *pudor* by σωφροσύνη (*Tusc.* 3.8.16, *de Leg.* 1.19.50, *Fin.* 2.22.73), and caused Hellegouarc'h (1963) 258 to list them together as differing manifestations of *prudentia*. I have no firm objection to that grouping, but here explain their relationship in more detail than did Hellegouarc'h, and disagree with him in certain respects. Cf. North (1966) 268-69.

⁷³ The higher on the scale, of course, should in theory be *moderatus*: Ogilvie (1965) 526 commented, rightly but unfortunately without enough elaboration, that "*modestia—moderatio*" is "the necessity for give and take" in Roman society.

act would lower one's *existimatio*—an outcome to foresee and avoid.⁷⁴ Hence Cicero and Appian covered all of these restraint pressures in their plights: *modus* first, then *verecundia*, αἰδώς, and *pudor*, all of which worked together to maintain *existimatio*.

How to Deal with Things: Restraint of Lust and Desire for Luxury

Now, an important turn. The above *exempla* all illustrate how a Roman noble could practice *moderatio* and *modestia* vis-à-vis his fellow Romans, or how he employed *temperantia* when angered or saddened by interaction with an enemy, a mob, or noble peer. But the three restraints were not confined to interpersonal relations. No student of Rome—from the first day of Latin One—can fail to notice the countless speeches and stories that railed against luxury, avarice, lust, and the like. Such harangues against lack of self-control in regard to physical objects or lust were in fact an application to *luxuria* and *libido* of the *same*

⁷⁴ Kaster (1999) 12 argues that *pudor* is largely retrospective, not prospective, in action: the bad act has already occurred, and *pudor* was more a “source of remorse and reproof than counsel and prevention,” and thus not a very powerful means of social control. While I have concluded with Kaster that *pudor* was not considered as strong a restraint as *moderatio*, *modestia*, or *temperantia*, it is difficult to believe that fear of shaming played no role in a Roman’s calculation whether to perform an act. See Thomas (2007) 373-74, who notes *pudor*’s prophylactic nature. Kaster further argues (1999) 15 that “sanctions” for a lack of *pudor* “were rare” because all Roman men were on the same “high-wire” and feared “mutually-assured destruction.” The metaphor betrays the argument: simply because nuclear weapons have been rarely used does not make them an ineffective deterrent or means of international constraint. Kaster’s further argument (15) that attacks on one’s enemies of *impudicia* were ineffective because one’s enemy was “by definition one who did not think much of your opinion” fails for oversimplification: surely the Romans did not constantly attack each other for lack of *pudor* purely *pro forma*; barbs were meant to stick because they *could* stick, and not everyone was one’s clear enemy or friend. Thus even Kaster admits (14) that there were “many instances where Romans are seen responding to *pudor*’s goad.”

I do agree with Kaster’s point (17) that *pudor* was sometimes weak in the face of the Roman admiration for boldness, but that of course tells us little more than that Roman values competed. Finally, Kaster suggests (17) that loss of *pudor* was related to the dissolution of the Republic and growth of empire inasmuch as “Rome had grown far beyond a face-to-face community, and beyond ready consensus,” and thus *pudor* could not operate as effectively as it once had. I think that contention hard to square with the fact that even into Caesar’s dictatorship the aristocracy was still tiny, and, as evidence such as Cicero’s *post Red. in Sen.* 13 proves, the aristocrats still knew each other and each other’s families and family history intimately.

restraint values that regulated interpersonal relations.⁷⁵ That is, the restraint values operated according to the *same pattern* no matter whether their object were relations with peers or with physical things, because the Romans believed that unrestrained *luxuria* and *libido* revealed a lack of *modestia*, *moderatio*, and *temperantia* that would necessarily interfere with a man's proper and deferential relations among peers, superiors, and inferiors when he engaged with the *res publica*.⁷⁶

In other words, if pattern of restraint of the great *moderatus* vis-à-vis a peer was to repudiate desire for advancement, all to great praise, we should see great men show the same pattern of restraint vis-à-vis material goods.⁷⁷ And so we do. Manius Curius Dentatus (cos. 290, 284, 275, 274 B.C.) was said to have been sitting in his simple country house preparing a meager dinner in wooden bowls when a deputation of Samnites arrived bearing bribes and gold for him. Cicero, channeling a version told by Cato the Elder, related how Dentatus rejected the offer while quipping that “possessing gold is not as glorious as conquering its possessors.”⁷⁸ This is *moderatio*'s pattern personified: the great hero Dentatus displayed no desire for wealth or the gold, consequently refused it, and received the glory of posterity.

⁷⁵ Edwards (1993) 5 writes that the Romans inextricably linked *libido* and *luxuria*. The traditional story of luxury's link with decline is well covered in Lintott (1972).

⁷⁶ Hammar (2015) 323, in his study of Cicero's oratory, has coined the useful term “web of immorality” to describe how Cicero (and his audiences) believed that a man who exhibited one vice was likely to exhibit any and all others.

⁷⁷ As has been often noted, e.g., Zanda (2011) 1, the meaning of “luxury” is always “relative” in a society and among societies. That relativity is both a virtue and vice: virtue, because the restraint values are measures of *relations* among Roman aristocrats; vice, because a loose standard quickly can become an empty standard.

⁷⁸ Cic. *de Sen.* 56: non enim aurum habere praeclarum sibi videri dixit, sed eis qui haberent aurum imperare. The story is as old as Ennius *Ann.* 373V, who might well have met men who knew Dentatus personally. Cicero wrote that Dentatus' simple home was still to be seen near one of Cicero's estates. Val. Max. 4.3.5 tells the story thus: M'. autem Curius, exactissima norma Romanae frugalitatis idemque fortitudinis perfectissimum specimen, Samnitium legatis agresti se in scamno adsidentem foco eque ligneo catillo cenantem—quales epulas apparatus indicio est—spectandum praebeat: ille enim Samnitium divitias contempsit, Samnites eius paupertatem mirati sunt: nam cum ad eum magnum pondus auri

Appian told a similar tale of Dentatus' contemporary Gaius Fabricius Luscinus, cos. 282, 278 B.C. King Pyrrhus of Epirus invaded Italy in 280, captured numerous Roman prisoners, and offered an exchange. Among the Roman ambassadors sent to discuss the terms was Fabricius.⁷⁹ Pyrrhus discovered that although Fabricius was very powerful in the city, he was very poor, and offered him gifts as a bribe. At this, Fabricius burst out laughing: "my poverty is more blessed," Appian reported him saying, "than any tyrant's wealth combined with fear."⁸⁰ In Dio's telling, Fabricius sagely added he was satisfied with what he had, and that he had no desire for what belonged to others; further, that an upright man would do nothing against his country, while the only truly poor man is the one who puts no boundary on his desires and is not content with what he has.⁸¹ Praise ensued. Again the pattern: absence of desire, repudiation, reward.

publice missum attulissent, benignis verbis invitatus ut eo uti vellet, voltum risu soluit et protinus 'supervacuae' inquit, 'ne dicam ineptae legationis ministri, narrate Samnitibus M'. Curium malle locupletibus imperare quam ipsum fieri locupletem, atque istud ut pretiosum, ita malo hominum excogitatum munus refertote et mementote me nec acie vinci nec pecunia corrumpi posse' ("Manius Curius, a very model of Roman frugality and most perfect example of self-control, provided a lesson for certain Samnite legates while sitting on his rustic stool and eating out of his wooden bowl—a sure sign of the type of dinner he was preparing. He had contempt for the Samnites' wealth; they were amazed at his poverty. For when they brought him a great weight of gold sent from their treasury, with kind words he told them that he was unwilling to have it. His face broke into a smile and he straightaway said: 'Just to ensure that your embassy was not superfluous—I won't say offensive—go tell the Samnites that Manius Curius would rather rule the rich than become rich himself, and that this is precious: I prefer you to take back your gift and for me to be thought of as a man unconquered by the sword and not corruptible by money'"); Harris (1979) 66 n.3: "The apophthegm may be authentic." A similar tale is told at Gell. 1.14.1 of Fabricius and Samnite envoys; clearly there is some confounding of examples. In Gellius' version, Fabricius touched himself from head to foot and announced to the envoys that because he could control (*imperare posset*) all the parts that he had touched, nothing would ever be lacking for him, and thus he refused their money.

⁷⁹ App. B.S. 10.4; cf. Flor. 1.13.22.

⁸⁰ App. B.S. 10.4: καὶ τὴν πενίαν τὴν ἑμαυτοῦ μακαρίζω μᾶλλον ἢ τὸν τῶν τυράννων πλοῦτον ὁμοῦ καὶ φόβον.

⁸¹ Dio 9.34-36: οὐ γάρ που καὶ κατὰ τῆς πατρίδος τι πρᾶξαί με ἀγαθόν, ὡς φῆς, ἄνδρα ὄντα ἀξιόσπειον . . . εὖ τοίνυν ἴσθ' ὅτι ἐγὼ μὲν καὶ πάνυ πολλὰ ἔχω καὶ οὐδὲν δέομαι πλειόνων: ἀρκεῖ γάρ μοι τὰ ὄντα, καὶ οὐδενὸς τῶν ἀλλοτρίων ἐπιθυμῶ . . . ὅταν γάρ τις τοῦτο πάσῃ καὶ μηδένα

Dio also recorded that Fabricius felt great enmity towards P. Cornelius Rufinus because of Rufinus' susceptibility to bribery, and how in 275 B.C. as censor Fabricius expelled Rufinus from the Senate for owning ten pounds of luxurious silver plate, even though Rufinus had been dictator and twice consul—a notorious removal that Livy and other historians also described.⁸² The pattern in reverse. Yet Fabricius—as Camillus with his nephew Lucius Medullinus—later chose Rufinus to lead the fight against Samnites who were plundering Campania, “making his private enmity of little account when compared with the commonwealth” and considering it “all equal as far as he was concerned if the city benefitted by him or one of his fellows, whether or not that man were an opponent.”⁸³ For this he gained great “regard,” δόξα. There once again: the lack of desire to pursue anger, refusal to act even within one's power, and reciprocity, including praise.

Even when the financial stakes were as high as they could possibly be, the pattern still played out. In one of the best documented events of the Middle Republic, Lucius Aemilius Paullus conquered Perseus of Macedon in 168 B.C. and added all of Greece to Rome's possessions. The spoil he captured was so great that the citizen inhabitants of Italy did not have to pay any land taxes (*tributum*) to Rome for over one hundred and twenty

ὅρον τῆς ἀπληστίας ποιῆται, πτωχότατός ἐστι. Valerius Maximus 4.3.5b recorded that after Pyrrhus' defeat, Dentatus would not touch any of the spoils, and refused to accept a larger share of captured land than the Senate decreed than was given to the rest of the populace.

⁸² Dio 8.40; Livy *Per.* 14; Dion. Hal. 20.13.1, Val. Max. 2.9.4; Gell. 4.8.7; Flor. 1.13.22; *MRR* I 196. *Cf.* Starr (1980) 47; Astin (1988) 23; Crawford (1993) 30; and Zanda (2011) 43-44, who notes this was the first censorial expulsion for *luxuria*. Crawford (1993) 30 writes that in consequence Rufinus' family “was submerged for four or five generations.” *Cf.* Keaveney (2005) 5-6. Fabricius' personal incorruptibility is not certain: he reportedly had a silver salt dish with an elegant horn pedestal—a fact worth recording, of course, only if such luxury would elicit comment. Val. Max. 4.4.3. Starr (1980) 47 suggests that Rufinus was simply less “discreet” than his contemporaries, which may be true, but still would not explain why it was thought that he should be more discreet.

⁸³ Dio 8.40: καὶ παρ' ὀλίγον τὴν ἰδίαν ἔχθραν πρὸς τὰ κοινῇ συμφέροντα ἐποιήσατο . . . ἐν τῷ ἴσῳ τὸ τε ὑφ' ἑαυτοῦ καὶ τὸ δι' ἑτέρου τινός, καὶν διάφορός οἱ ἦν, εὖ τι τὴν πόλιν παθεῖν ἐτίθετο.

years⁸⁴—but Paullus himself, Plutarch tells us, “did not even want to look upon” the great quantities of silver and gold, and instead handed the lot over to the quaestors for the public treasury.⁸⁵ For this, “men greatly praised him.”⁸⁶ Then, Paullus prayed, as Camillus once had, that no divine retribution would follow from too much good fortune; but if any bad fortune were to come, let it come on him instead of on the city.⁸⁷ Although he had obtained such a vast amount of wealth for the state, Paullus’ abstinence was so thorough that at his death he did not even leave enough to pay back his wife’s dowry.⁸⁸ When Paullus’ contemporary Polybius reported this fact, he wrote that he knew his Greek reader might find it incredible—but it was true.⁸⁹ This was *moderatio* in all its aspects *par excellence*: absence of desire, refusal to look at (much less take) even what one had the right to take, reciprocity, and praise. Paullus lived the restraint pattern—and not in hoary legend.

And the struggle of *temperantia*? It described restraint from luxury and lust using the same pattern that applied to restraint of anger, sadness, or enmity.⁹⁰ Polybius reported that Scipio Africanus the Elder when a very young general in Spain returned a beautiful prisoner rather than indulge himself with her, with the explanation that he gladly would have enjoyed

⁸⁴ Plut. *Aem. Paull.* 38.1; Cic. *de Off.* 2.76; Flower (2014) 385.

⁸⁵ Plut. *Aem. Paull.* 28.10-11: πολὺ μὲν ἀργύριον, πολὺ δὲ χρυσίον ἐκ τῶν βασιλικῶν ἡθροισμένον οὐδ’ ἰδεῖν ἐθελήσαντος.

⁸⁶ Plut. *Aem. Paull.* 28.11: ἐπήγουν οἱ ἄνθρωποι.

⁸⁷ Two sons died shortly after. Zonaras 9.24; Val. Max. 5.10.2; Vell. Pat. 1.10; Plut. *Apophth. Aem. Paull.* 9; Sen. *Ad. Marc. de Cons.* 13.

⁸⁸ Livy *Per.* 46; Polyb. 31.22.1; Val. Max. 4.5.8-9. This is not to say that Paullus was not extremely wealthy relative to the common *plebs*, but Paullus clearly eschewed wealth relative to his peers. Crawford (1993) 75.

⁸⁹ Polyb. 31.22.1. Cf. Cic. *de Off.* 2.76, claiming that Paullus’ praise was equally attributable to the rectitude of the times as to the man. Cf. Dyck (1996) 469, noting Polybius’ insistence that the “Romans of his day set a higher standard than the Greeks in the handling of public monies.”

⁹⁰ Thomas (2007) 35 also notes the close connection between dishonor and the intemperate practice of luxury.

such pleasures as a private citizen, but as a commander he must refuse.⁹¹ For this display of ἐγκρατεία and μετρίότης (“self-control” and “moderation”), his troops gave him “great approbation”: μεγάλην ἀποδοχήν.⁹² Livy similarly described a meeting during the Second Punic War between Scipio and the allied Numidian King Masinissa, who yearned for the Carthaginian princess Sophonisba. Scipio said that he was proud of his *temperantia et continentia libidinum*—his “restraint and self-control of his lusts.” You too, Masinissa, he scolded, should have these virtues, because there was greater danger from pleasures than from enemies: indeed, whoever conquered *voluptas* (pleasure) by his *temperantia* has won a “greater distinction and victory”—*maius decus maioremque victoria*—than that recent one over their great mutual enemy (and Sophonisba’s husband) Syphax.⁹³ The comparison to battle, of course, meant that Scipio considered it very hard to conquer such desires. Distinction, however, would follow victory.⁹⁴

⁹¹ Polyb. 10.19.5-7; cf. Livy 26.50; Val. Max. 4.3.1, Dio fr. 57.43. On this incident see Cornell *et al.* (2013) III 344. Valerius Antias, alone among annalists or historians, however, stated that Scipio kept the slave girl. Cornell *et al.* (2013) II 571 fr. 29 (= Gell. 7.8.6).

⁹² Polyb. 10.19.7. For the gloss of μετρίότης as *moderatio*, see TLL 8 1205.

⁹³ Livy 30.14.7-8.

⁹⁴ Evidently Scipio the Elder had good reason to consider *temperantia* a struggle. Not only did Polybius (10.19.3) report that Scipio was usually φιλογύνης (“fond of women”), but a comedic fragment of Naevius accused him of succumbing to his *libido* shamefully in his own youth: “Even he who so often gloriously performed mighty acts by his hand/whose deeds live even to this day/who alone excels all nations/him his father dragged away in his underclothes from his girlfriend.” Naevius fr. 1-3 (= Gell. 7.8.5): etiam qui res magnas manu saepe gessit gloriose/cuius facta viva nunc vigent/qui apud gentes solus praestat/eum suus pater cum pallio uno ab amica abduxit. Scipio, although not named, was almost certainly Naevius’ target. Gellius so identifies him, and Gruen (1995) 85 n.114 notes that “The allusion would have struck a familiar chord, for Scipio had been criticized for Hellenic affectation at Locri, which included the wearing of a *pallium*.” Cf. Livy 29.19.11-12; Val. Max. 3.6.1; Gruen (1990) 100-101. Whether the youthful Scipio truly was a rake, or later learned restraint to pass the lesson on to Masinissa, is beside the point. Naevius’ jibe shows that the poet shared with the reports of Livy and Polybius a belief in the restraint value; if *temperantia* was praised, its lack was mocked. Barton (2001) 222-23 also observes that praise for *temperantia* could come only if one could “reveal to others the cost of that control”; thus praise for Scipio’s *temperantia* would be stronger if he had a prior “reputation as a womanizer,” which he evidently did. Cf. Val. Max. 6.7.1, 6.9.2, and Hallett (1996) 417-18,

Consider also a quip attributed to Cato the Elder as reported by Horace: upon seeing a young man exiting a brothel, Cato at first praised him for relieving his lusts there instead of meddling with other men's wives.⁹⁵ But upon seeing the young man again exit the brothel a few days after, the censor now chastised him: "Young man, I praised you for coming here occasionally, not for living here!"⁹⁶ Here again the pattern, without even needing to use the word *temperantia*: praise followed control of troubling desire; mockery followed failure. And Cato himself, of course, emphatically practiced "conspicuous parsimony" with money to the great acclaim of peers and posterity alike.⁹⁷

Finally, take Polybius' famed portrait of Scipio Aemilianus. Whereas the young Scipio's contemporaries had taken to male prostitutes and courtesans and banquets and various luxurious habits—so much that Cato the Elder complained that a pretty boy slave or a jar of fish sauce might cost more than a decent farm or worker—Scipio, by contrast,

turned himself onto the opposite training course for life, and marshaling up his forces against all his urges, and furnishing himself fully with a consistent and orderly way of life, in perhaps five years he built up a reputation for himself in front of everyone of discipline and self-restraint.⁹⁸

427, who detects references to Scipio's dalliances in Plautus' plays. To that extent, one might read Naevius' fragment as praise of the adult Scipio's newfound *temperantia*. Either way, however, Naevius would be appealing to a commonly held restraint value.

⁹⁵ Hor. *Sat.* 1.2.31-35. quidam notus homo cum exiret fornice, 'macte/virtute esto' inquit sententia dia Catonis/nam simul ac venas inflavit tecta libido/huc iuvenes aequum est descendere non alienas/permolere uxores.

⁹⁶ *Schol.* on Hor. *Sat.* 1.2.31-35 (= Keller (1904) II 20): adolescens, ego te laudavi, tamquam huc intervenires, non tamquam hic habitares.

⁹⁷ Dauster (2003) 73.

⁹⁸ Polyb. 31.25.8: πλὴν ὃ γε Σκιπίων ὁρμήσας ἐπὶ τὴν ἐναντίαν ἀγωγὴν τοῦ βίου καὶ πάσαις ταῖς ἐπιθυμίαις ἀντιταξάμενος καὶ κατὰ πάντα τρόπον ὁμολογούμενον καὶ σύμφωνον ἑαυτὸν κατασκευάσας κατὰ τὸν βίον ἐν ἴσως πέντε τοῖς πρώτοις ἔτεσι πάνδημον ἐποίησατο τὴν ἐπ' εὐταξίᾳ καὶ σωφροσύνῃ δόξαν. Compare the equally flattering detail recorded by Posidonius that Scipio on a mission to Asia took but five slaves, and when one died Scipio sent home for another rather than plunder the local population for more. Kidd (1999) 339 fr. 265 (=Athen. 6.273.a-b); cf. Plut. *Apophth. Scip. Min.* 13; Val. Max. 4.3.13. According to Cicero *Verr.* 2.4.9-10 this would be an example of antique and venerable ways. On Scipio's reputation for resistance to riches see Aelian *Var. Hist.* 11.9; Pliny *N.H.* 33.50; Plut. *Apophth. Scip. Min.* 1, 7, 16, 17.

Flush with military metaphors about harsh discipline and drill, this passage describes the constant process of effort that exemplified *temperantia*, applied it directly to luxury and lust, and noted the praise that resulted from the effort.

So far there is perfect parity between the action of the restraint values in interpersonal relations and in resistance to pleasures. And, as with interpersonal restraints, the restraints against luxury were also in hierarchy with each other, and related to *pudor* and *verecundia*. A Livy attributed to Cato the Elder illustrates. During the Second Punic War, the tribune Gaius Oppius carried a law that no woman should possess more than a half ounce of gold or wear a dress trimmed with purple or ride in a carriage in Rome.⁹⁹ In 195 B.C., about twenty years later, two tribunes, including Lucius Valerius, proposed abolishing the Oppian law.¹⁰⁰ This provoked a public outcry, both for and against, and on the day of debate between Cato and Lucius Valerius the Forum filled with women who, Livy wrote, were not constrained to stay at home by their husbands' *auctoritate* or *imperio*, or even by their own *verecundia*, which should have prevented them from antagonizing the men.¹⁰¹ The lack of shame among the matrons reportedly abashed Cato himself—to be spoken to by other men's wives, in public!—as he walked to the rostra.¹⁰² And so he railed:¹⁰³ in the olden days,

⁹⁹ On the *lex Oppia* see Zanda (2005) 114-17; Aubert (2014) 176. Gruen (1990) 143-46 comments that the law was a wartime measure to impose a "patriotic uniformity."

¹⁰⁰ Livy 34.1.2.

¹⁰¹ Livy 34.1.5: *matronae nulla nec auctoritate nec verecundia nec imperio virorum contineri limine poterant.*

¹⁰² Livy 34.2.8-10. Cf. Kaster (2005) 20-21, who notes that a person who shows no *verecundia* causes witnesses "to experience *verecundia* of their own."

¹⁰³ This speech is probably an invention by Livy, see Briscoe (1981) 39 and Astin (1978) 25-27, although some scholars have argued that Livy included at least some of an original Catonian speech or other Catonian elements, Kienast (1954) 20-22; Pachkowski (1966). Cornell *et al.* (2013) I 197 agree the speech is a fabrication, but note the possibility that Livy derived some of it from Cato's *Origines*, even though this work was unlikely to have been written by 195. Cf. Luce (1977) 252 n.47. Johnston's (1980) 147 assessment is quite sensible: "It is generally recognized that these speeches are Livy's fabrication, no doubt influenced by

there was no need to pass laws about luxury because no one had any desire for it that needed to be restrained, and women used to refuse luxury voluntarily (the *moderatio/modestia* pattern).¹⁰⁴ This line, incidentally, has more than just Livy's authority: a fragment of Ennius, attributed to Cato's speech on this occasion, describes how a proper woman once "blushed"—*erubuit*—in shame when offered luxuries, perhaps by Pyrrhus.¹⁰⁵ But luxury now, Livy had Cato say, had become like a wild beast: one could not first put on it chains that anger it and then let it go again.¹⁰⁶

All the restraints had failed in turn: the women should have been displaying *modestia*, but they were not. In the old days no one even desired luxury: *moderatio* and *modestia*, Cato implied, once ruled. Now the desire for luxury was a thing needing to be chained, a *temperantia* metaphor. But it was not constrained enough, and even the last lines of control,

Cato's later works The depiction in this speech of Cato's point of view, however, is consistent with what we know from other sources about Cato's attitude toward such 'luxury' property as women's dresses and jewels and expensive vehicles," and noting the steps that Cato took as censor against such luxuries. Cf. Fest. 109 (= Cornell *et al.* (2013) II 221 fr. 109), who quotes Cato's *Origines'* description of women's luxury items. Johnston also convincingly argues (147-58) that both the *Aulularia* (498-504) of Plautus, with its reference to purple, gold, and carriages, and the debate of the sisters in *Poenulus* (210-88) about the luxuries of women, were humorous comments on the *lex Oppia* and on the debates surrounding its repeal. Contra Gruen (1990) 145, who claims such dating and connection to Cato are "unverifiable" because Plautus often mocked female luxury, and suggests that Cato's lines more reflect Livy than Cato. I find Johnson's connection through the mention of carriages strong, however, and, as Johnston writes, the plays center around concepts of *modus* and *pudor*, as Cato is also made to argue. All told, if Livy could so capture Cato's contemporary attitude towards luxury, he may also have captured in the speech Cato's sensitivity, on evident display elsewhere, to restraints that he felt were missing.

¹⁰⁴ Livy 34.4:9-10: nulla erat luxuria quae coaceretur . . . itaque minime mirum est nec Oppiam nec aliam ullam tum legem desideratam esse quae modum sumptibus mulierum faceret, cum aurum et purpuram data et oblata ultro non accipiebant. Cf. Cic. *de Rep.* 1.2-3; Woodman and Martin (1993) 293-94.

¹⁰⁵ Warmington (1935-2006) I 129 (= Ennius fr. 361 (352)): et simul erubuit ceu lacte et purpura mixta ("And at once she blushed like milk and purple dye mixed.") On the connection of the fragment to Cato's speech see Briscoe (1981) 42.

¹⁰⁶ Livy 34.4.20-21: et luxuria non mota tolerabilior esset quam erit nunc, ipsis vinculis, sicut ferae bestiae, irritata, deinde emissa.

verecundia and *pudor*, had failed: the women were shamefully out of doors asking for luxury items from men not their husbands.¹⁰⁷

Livy did not make Cato's opponent Lucius Valerius question Cato's premises. Instead, Valerius argued that the law was *unnecessary* because it was passed only as an emergency measure, and without it the women (with the help of their men, of course) had long been perfectly capable of maintaining *pudor*.¹⁰⁸ Then, as quoted above, he accused the husbands of not showing *moderatio*: *quo plus potestis, eo moderatius imperio uti debetis*—"the more powerful you are, the more moderately you should use your authority."¹⁰⁹ The voters accept this argument.¹¹⁰ The entire debate, therefore, Livy presented as an exercise in weighing the relative power of the restraint values.

In short, *modestia*, *moderatia*, and *temperantia* restrained according to precisely the same pattern no matter whether the impulses to be restrained were desire for luxurious objects, lust, or emotions that might affect inter-peer relations. That shared pattern leads to a vital conclusion: the Romans did not moralize against luxury or lust for the sake of it, but were rather concerned that if someone could not restrain himself in those areas, he would, by the logic of the parallel, also deal poorly with others, ignore their "face," exercise powers over them with no regard for *existimatio*, would thereby upset the processes and fruits of competition, and would thus prove a poor participant in *res publica*.¹¹¹ And these were not

¹⁰⁷ Livy 34.2.10.

¹⁰⁸ Livy 34.4.9.

¹⁰⁹ Livy 34.7.15.

¹¹⁰ Briscoe (1981) 62 nicely comments, "Valerius argues that Cato's picture of women needing to be kept under control is completely wrong. The women are happy to accept the judgment of the men to whom they are subject, and the men should use their power with humanity." That, in a nutshell, is the ideal *modestia-moderatio* reciprocal relationship, which perhaps is why Livy portrayed it as appealing best to the voters.

¹¹¹ So Cic. *pro Sex. Rosc. Am.* 27.75: *ex luxurie existat avaritia necesse est, ex avaritia erumpat audacia, inde omnia scelera ac maleficia gignuntur* ("From luxury necessarily arises avarice, and from avarice springs audacity, from which all crimes and misdeeds are born"). This

the only benefits of *temperantia* to the Republic. Lack of relative luxury may also have created a sense of camaraderie, especially when generals farmed small plots for their living after campaigning season just like their soldiers and peers.¹¹² Moreover, as Lobur has argued, excessive luxury might skew the aristocratic competition from a qualitative contest of merit into a mere quantitative contest of wealth.¹¹³ Further, as Crawford observed, Roman resistance to luxury can also be understood “in the context of the urgent need of the . . . aristocracy to preserve the cohesion of the group.”¹¹⁴ It was in all these ways that luxury threatened to unbalance the nobility—a fact that helps explain why egregious displays of *private* wealth, and not wealth *per se* (for example, through agricultural or respectably

conclusion, of course, is not to detract from other reasons why the Romans believed that a man who lacked self-control could not be a useful participant in the republican exercise. As Hammar (2015) 317, 323 argues, immorality in Rome operated as an interconnected “web,” such that an immoral man’s “lack of self control made him undependable. He would feast and drink instead of conduct his political duties and . . . end up controlled by immoral men and women. The effeminacy that followed from such depravity was likewise damaging to the military prowess of Rome The immoral man was likely to commit crimes to sustain his costly depravity and would eventually threaten the state. Immorality posed a threat also to Rome’s relationship with her gods.” Effeminacy would also have subtracted from a man’s *dignitas*, and thereby his ability to participate in *res publica*. Cf. Corbeill (1994) 128-173
¹¹² Cf. Jehne (2011) 214, which helps explain the tales of Fabricius and Dentatus.

Rosenstein’s fascinating article (2009) suggests strongly that, *pace* Cato the Elder (but see Plut. *Cat. Mai.* 21.5), it was very difficult to get rich from agriculture. Thus senators who became luxurious were perhaps not engaged in the bucolic pursuits that senators once held in common with each other, their ancestors, and their soldiers.

¹¹³ Lobur (2008) 44, 45-46; Lintott (1990) takes a similar line. Lintott (6, 16) sees few complaints of straight gifts-for-votes bribery in the Middle Republic, even as sumptuary legislation arose, possibly because the Romans had yet acquired the cash and taste for bribery from their Eastern conquests. The sumptuary laws of the earlier period, of course, targeted luxurious dinners that impressed even voters who did not attend, which still upset competition. Cf. Tac. *Ann.* 3.55. Resistance to this sort of generous display evidently eroded in time, Q. Cic. *Comment. in Pet.* 5.19, 8.30, 11.44, probably as worse forms of bribery rendered it more palatable and growing violence made it less a concern. Lintott (14-16).

¹¹⁴ Crawford (1993) 76, with particular reference to the sumptuary legislation of second century. Cf. Wiseman (2009) 52: “Sumptuary legislation . . . was designed to preserve the egalitarian ethos of the citizen body by controlling ostentatious expenditures on private gratification. The Roman People did not like private luxury; they valued the traditional Republican ideal of personal frugality and resources spent on public benefits. Only a dangerous citizen would want more than his 7-*iugera* farm or a 30-*asses* dinner.”

commercial success) drew the censors' scorn.¹¹⁵ Thus Pliny the Younger reported a record of Carthaginian ambassadors who said that no people lived more kindly among each other than the Romans because each used the same plate service at every banquet.¹¹⁶ *Temperantia* was a political value as much as a personal one, to the extent such a dichotomy even existed.

A fragment of a speech by Gaius Gracchus ties up the point: upon his return from his quaestorship in Sardinia in 124 B.C. he defended the *political* charge that he had abandoned his commander too early by touting his *personal* restraint: Gracchus told the

¹¹⁵ Cf. Cic. *pro Mur.* 76: odit populus Romanus privatam luxuriam, publicam magnificentiam diligit ("The Roman People hates private luxury, but loves public splendor"). For this reason, I consider quite incomplete Astin's (1978) 94-97 answer to the question why a Cato would disapprove of "hydra-like luxury." Astin first argues that property owners were not to waste patrimonies because "the prosperity of individuals was collectively beneficial to the state of the whole." Cf. Edwards (1993) 178-80. Second, Astin writes of the worry about "proper conduct in public office," without defining what that meant. I have suggested such a connection. Third, Astin writes that "Cato regarded the spread of luxuries as enervating, as damaging to the physical and moral strength of a military people." There is, of course, much of that view in the ancient literature. Cf. Zanda (2011) 4-5; Edwards (1993) 63-97. But I here have suggested, *contra* Astin, Zanda, and Edwards, a practical mechanism through which *luxuria* and *libido* could cause such "enervation" of the Roman state: *luxuria* illustrated one's lack of restraint and proved self-centeredness, which affected relations with peers—and thus weakened the fundamental operations of republican competition and office-holding—and would, in addition to all that, be a violation of *mos*.

Zanda, for her part, repeats (4-5, 113) arguments derived almost entirely from Edwards and also from Dauster (2003) 70, 91, who contended that sumptuary legislation reflected not hatred of luxury per se but a practical concern of the nobility to control generally equal access to patronage, in which banqueting played a major role. But the laws did not limit outlay of foodstuffs from one's own farm (68), nor "attendance at other outdoor functions such as *lectisternia*, or banquets held during and before funerals, games, plays, and other religious observances," nor expenditures on triumphs or temples or the like (92)—all of which, presumably, also could help a wealthier Roman gain more clientage than his poorer peers. Thus, imbalanced wealth's effect on clientage could not be the problem. The key, as Dauster (92) far too briefly touches on, is that banquets of foreign delicacies—paid for with cash, not produce of one's farm—were a form of competition for clients that was 1) not traditional, and 2) private. The *lex Orchia* therefore opened the doors of private banquets to public view, according to Macrobius, *Sat.* 3.17.1-21. Those two aspects of the "modern" luxury suggest that a man who would give such an untraditional, selfish, and delicate feast was by definition intemperate, and thus *ipso facto* would not display *interpersonal* restraint with his peers either.

¹¹⁶ Pliny *N.H.* 33.143: invenimus legatos Carthaginiensium dixisse nullos hominum inter sese benignius vivere quam Romanos. eodem enim argento apud omnes cenitavisse ipsos.

crowd that he came back with empty money belts, spent no time with prostitutes or in bribery, and entertained and ate *modestius*; if that were not true, the audience could consider him the lowest of men.¹¹⁷ That is, of course, the *moderatio/modestia/temperantia* pattern. But there was more: “from the fact” (*inde*) that Gracchus lived so “chastely” among Sardinian slaves and whores, the crowd could “judge the manner in which he treated their sons” billeted in Sardinia.¹¹⁸ That is, he was suggesting that these restrained actions showed not only his innocence of the charge, but also his fitness for future office and command.¹¹⁹

How to Face the Commonwealth: *Moderatio, Modestia, Temperantia*, and *Res Publica*

Now, the third angle: if the restraints of *moderatio, modestia*, and *temperantia* acted in the same way upon desires for luxury as they did upon personal relationships, and if the smooth operation of *res publica* depended largely on correct relationships among noble men, then the restraint values should also work according to the same pattern when one might act, not necessarily against a specific antagonist, or in an interpersonal relationship, or towards

¹¹⁷ORF³ 181-82 fr. 26-28 (= Gell. 15.12): *versatus sum . . . in provincia, quomodo ex usu vestro existimabam esse, non quomodo ambitioni meae conducere arbitrabar. Nulla apud me fuit popina, neque pueri eximia facie stabant, et in convivio liberi vestri modestius erant quam apud principia . . . Ita versatus sum in provincia, uti nemo posset vere dicere assem aut eo plus in muneribus me accepisse, aut mea opera quemquam sumptum fecisse. Biennium fui in provincia; si ulla meretrix domum meam introivit aut cuiusquam servulus propter me sollicitatus est, omnium nationum postremissimum nequissimumque existimatote . . . zonas, quas plenas argenti extuli, eas ex provincia inanes retuli; cf. Lintott (1994) 77.*

¹¹⁸ORF³ 182 fr. 28 (= Gell. 15.12): *cum a servis eorum tam caste me habuerim, inde poteritis considerare quomodo me putetis cum liberis vestris vixisse.* Levick (1982a) 54 was quite incorrect to dismiss fear of *luxuria* as a possible source of political tension: “[*Ambitio*] has a direct relationship with other members of society, which *luxuria* lacks: any well-off Roman family might aspire to own a pedestal table, without making it impossible for others to do so; but there were only two hundred consulships available every century.” If Levick was correct, why, then, were men such as Gaius Gracchus so interested in proving their want of *luxuria*? Gaius’ own speech gives the answer.

¹¹⁹Cf. Heitland (1909) II 296. Relevant here is Morstein-Marx’s (2011) 272 observation that the average Roman in the crowd shared republican civic virtues, and cared that his leaders showed them; cf. Millar (1986) 4.

luxuria, but against the needs of the *res publica* in general and the normal operations of officeholding and distribution of honors.

Once again, they do. First, the *moderatio* pattern. Gaius Servius Ahala the military tribune displayed “singular *moderatio*” in “placing the welfare of the state above the favor” of his rival tribunes who were competing with each other for commands.¹²⁰ Fabricius considered it “all equal as far as he was concerned if the city benefitted by him or one of his fellows, whether or not that man were an opponent,” for which he earned great regard—a lack of desire to push his full rights, connected directly to the welfare of the city and the choice of proper men for important offices.¹²¹ Cincinnatus famously was said to have claimed dictatorial power not a day longer than he had to, even though he might have stayed dictator for his full term.¹²² Camillus showed no desire to outstrip his military tribune colleagues, but instead voluntarily shared with them his honors and responsibilities.¹²³ In 421 B.C. the *interrex* L. Papirius Mugillanus asked for compromise when the electorate could not decide whether to have consuls or military tribunes: everyone should “release somewhat his full rights,” *summa iuris*—the touchstone of *modestia* and *moderatio*—and meet *mediis consiliis* to complete the election.¹²⁴ Valerius Maximus in his chapter on *moderatio* recorded that in 265 B.C., C. Marcus Rutilus Censorinus rebuked the People for electing him censor for the second time; this office was already limited in duration.¹²⁵ In 216 B.C., during the Second Punic war, Marcus Fabius Buteo was appointed dictator to draw up the long-overdue list of the Senate, but while the current dictator, Marcus Junius Pera, was already out with the

¹²⁰ Livy 4.57.3: quem enim bonum civem discernere sua a publicis consilia?

¹²¹ Dio 8.40.

¹²² Livy 3.29.7.

¹²³ Livy 6.6.18.

¹²⁴ Livy 4.43.11.

¹²⁵ Val. Max. 4.1.3. Plut. *Coriol.* 1.1 states that Censorinus passed a law against repeating censorships. MRR I 202.

army.¹²⁶ Buteo became very upset: he did not approve of two simultaneous dictators, he said, something that had never been done before, nor of a dictator being appointed without a Master of Horse, nor of having the dual censorial power devolve on one man, nor for a second time on himself, nor of having *imperium* going to a dictator who was not in charge of handling all of the state's affairs.¹²⁷ Nevertheless, he announced, because the difficult circumstances forced such "*inmoderata*" on him, he would set a "*modum*" on himself.¹²⁸ He would not eject any senators allowed by the last censors, and deceased members he would replace only with worthy men equal to their predecessors' rank who had held office or who had been war heroes. He read out his new list of senators, immediately abdicated, stepped off the platform a private citizen, and ordered his lictors to leave him.¹²⁹ He then—with *moderatio*'s signature lack of desire—tried to kill time in the Forum with private business so that everyone eventually would wander off. His ploy failed; a crowd followed him home in admiration. Finally, because of Scipio Aemilianus' μετριότης (moderation) and ἐπιείκεια, as Dio described, Scipio chose voluntarily to "make himself the equal of his inferiors, not better than his peers," "and an inferior to men of greater repute," and thus a benefit to the commonwealth.¹³⁰

Similar was *temperantia* in service of the Republic. Scipio's self-control against lust was proper for a republican commander.¹³¹ Fabius Rullianus' silence in response to the deputation that stripped him of command showed what *insignem dolorem ingenti comprimi*

¹²⁶ Livy 23.22.11.

¹²⁷ Livy 23.23.1-3.

¹²⁸ Livy 23.23.3: quae inmoderata forsan tempus ac necessitas fecerit, iis se modum impositurum.

¹²⁹ Livy 23.23.7.

¹³⁰ Dio 21.70.9: ἴσος μὲν γὰρ τοῖς ὑποδεεστέροις, οὐκ ἀμείνων δὲ τῶν ὁμοίων, ἀσθενέστερος δὲ τῶν μειζόνων ἀξιῶν εἶναι, κρείττων καὶ τοῦ φθόνου τοῦ μόνου τοὺς ἀρίστους ἄνδρας λυμαιομένου ἐγένετο.

¹³¹ Here again is relevant Rosenstein's (1993) 333-34 observation that the goal of a general was to display *virtus*, which included self-restraint, and thereby to inspire his troops.

animo—what “manifest pain was *suppressed* with his great soul,” as he allowed the Republic’s established decision-making processes to override his personal desires¹³² to praise. Cato the Elder removed the public horse of a corpulent *eques* with the line, “What good is a body like that to the Republic, where everything from gullet to groin serves the stomach?”¹³² Cato again: “The worst ruler is one who cannot rule himself.”¹³³ Scipio Aemilianus caught a military tribune with gem-encrusted wine cups in his saddle bags and temporarily relieved him of duty: “You’ll be useless to me for a short time, but to yourself and to the Republic forever.”¹³⁴ Sallust a century later: “Those who have the greatest power have the least freedom in action What is called ‘irascibility’ in private citizens is called ‘*superbia*’ and ‘cruelty’ in those with power.”¹³⁵ And Sallust once more: “when you all individually seek your own interests, when you serve private pleasures at home or money or influence in public, that results in an attack on the empty Republic.”¹³⁶ In his list of ideal statutes in his treatise *On the Laws*, Cicero commanded that those who had power *se et suos continent*:

¹³² Plut. *Cat. Mai.* 9.5: τῇ πόλει σῶμα γένοιτο τοιοῦτόν χρησιμον, οὗ τὸ μεταξύ λαιμοῦ καὶ βουβώνων ἅπαν ὑπὸ τῆς γαστρὸς κατέχεται; Astin (1978) 82, 97 considers this an authentic Catonian saying. Gell. 6.12.4 comments that *ignominia* attended such a rebuke: non omnino inculpatum neque indesidem visum esse, cuius corpus in tam immodicum modum luxuriasset exuberassetque (“The man was not entirely seen as without blame or laziness, whose body had grown so *luxuriant* and corpulent to such an immoderate degree”). Of course, there are the military impracticalities of an obese cavalryman, but Cato’s attack, citing the belly as *master*, also derided the man’s general intemperance.

¹³³ Plut. *Apophth. Cat. Mai.* 8: κάκιστον δὲ ἔλεγεν ἄρχοντα εἶναι τὸν ἄρχειν ἑαυτοῦ μὴ δυνάμενον; cf. *Mor.* 210 F (33).

¹³⁴ Front. *Strat.* 4.1.1: mihi paulisper, tibi et rei publicae semper nequam eris. Cf. Plut. *Apophth. Scip. Min.* 17 to similar effect; Liv. *Per.* 57; Val. Max. 2.7.1; Polyæn. 8.16.2.

¹³⁵ Sall. *B.C.* 51.13-14 (Caesar is the speaker in the debate on the captured Catilinarian conspirators): Ita in maxima fortuna minuma licentia est quae apud alios iracundia dicitur, ea in imperio superbia atque crudelitas appellatur.

¹³⁶ In the mouth of Cato the Younger in the same debate, Sall. *B.C.* 52.23: ubi vos separatim sibi quisque consilium capitis, ubi domi voluptatibus, hic pecuniae aut gratiae servitis, eo fit ut impetus fiat in vacuam rem publicam.

“should control themselves and their own,” and the Senate, “free of vice, should be an example to all.”¹³⁷ “If we gain this,” Cicero wrote, “we gain everything.”¹³⁸

Again, not that *temperantia* was easy, and failure of self-control was possible even when the state would benefit thereby. A fragment of a speech by Scipio Aemilianus as censor in 142 B.C. shows that if restraint did not come from within, for the protection of the Republic it must come from without: he said to the People that he would be a “guard for you and the Republic, like a collar for a dog.”¹³⁹ The point of the layered metaphor (one recalls Cato’s “chains”) was equally one of restraint and one of protection, because dogs’ collars were often spiked to defend them from wolves. Thus the censor’s restraint was to be applied where men’s personal restraint did not; such unrestrained men would be the “wolves,” against whom the censorial harshness would defend.¹⁴⁰

The danger could come from anywhere. In 187 B.C. the tribune Tiberius Gaius Sempronius Gracchus (father of the famed tribune brothers) castigated the normally composed Scipio Africanus the Younger when Scipio lost control of his anger.¹⁴¹ According

¹³⁷ Cic. *de Leg.* 3.9, 3.10: Is ordo vitio vacato, ceteris specimen esto.

¹³⁸ Cic. *de Leg.* 3.29: quod si tenemus tenemus omnia.

¹³⁹ ORF³ 126 fr. 15 (=Paul. Fest. 137.3): vobis reique publicae praesidio erit is quasi millus cani.

¹⁴⁰ Scullard (1960) 68 comments on this passage that the wolves might include anyone who threatened *mos maiorum*, “particularly the Optimates” who might upset the balanced “constitution” that Scipio learnt from Polybius. For the spikes see ORF³ 126 n.16.

¹⁴¹ Livy 38.56.1. A full discussion of the confusion surrounding the trials of the Scipios is beyond the scope of this work. On these “intractable” problems see Astin (1978) 59-72; Briscoe (2008) 170-179; Scullard (1951) 290-303; Richard (1972) 43-46; Luce (1977) 92-104; Bauman (1983) 192-212, Develin (1985) 245-48; Gruen (1995) 59-90, especially 77; Vishnia (1996) 129-32, and their further references. My limited point here is that, again, no matter which version of this story one believes, the issues were mediated through the context and in the language of the restraint values. The version of this story, for example, reported by Gellius 6.19, differs greatly from Livy’s, but nevertheless supports the conclusions of this and the previous chapter. In Gellius’ telling, which includes purported quotations from decrees made during the affair—although Briscoe (2008) 173 argues that the decrees are forgeries—the tribune Gaius Minucius Augurinus imposed an unprecedented fine on Scipio Asiaticus after he called an assembly without consulting the auspices, and ordered Asiaticus’

to Livy, Lucius Scipio Asiaticus, Scipio Africanus' brother, was accused of bribery while Scipio was on commission to Etruria.¹⁴² Scipio rushed back to Rome, where Lucius was about to be thrown in chains. As Scipio approached, he pushed back the messenger sent to him and physically attacked the tribunes of the *plebs* who tried to stop him, "with more piety for his brother" than "*civiliter*"—than was "appropriate for citizen."¹⁴³ In his uncontrolled anger, Scipio had just broken one of the most significant taboos of the Roman Republic, the sacrosanctity of the tribune's person. Gracchus remonstrated: Scipio had for so long otherwise displayed a reputation for *moderationis et temperantiae*. He had rebuked the People who had wanted to make him perpetual consul and dictator, forbade statues of himself to be put up around Rome, and had refused to allow his statue to be put into triumphal dress and carried from the Temple of Jupiter Optimus Maximus¹⁴⁴ But in failing to restrain himself at

imprisonment. Africanus pleaded to the tribunes on behalf his brother. The tribunes wrote a decree, noting that Minucius asked his colleagues *ne sibi intercedamus quominus suapte potestate uti liceat*: "not to interfere with their colleague's exercise of his legal powers." The colleagues, thus pressed on one side by the great hero and by the collegial deference noted in the last chapter on the other, attempted compromise: if Asiaticus would give security for arbitration, they would prohibit Minucius from arresting him. Asiaticus refused to give security, and Minucius attempted to send him to prison. At this, the tribune Gracchus intervened. After swearing that he had not become friends with Scipio and remained his opponent, he nevertheless vetoed his colleague's imprisonment order because it seemed *alienum videtur esse dignitate reipublicae*—"against the dignity of the Republic"—to incarcerate a triumphator in the same prison in which he placed his captives. This, of course, describes an act of *moderatio* or *temperantia* for the benefit of the state, for which, wrote Valerius Maximus 4.1.8, Gracchus received due praise.

¹⁴² Livy 38.56.8.

¹⁴³ Livy 38.56.10-11: reppulisse a corpore eius viatorem, et tribunis retinentibus magis pie quam civiliter vim fecisse. Cf. Sen. Cons. Polyb. 14.4, who called Scipio in this instance *impatiens iuris aequi* ("impatient of equal rights") out of love of his brother.

¹⁴⁴ Val. Max. 4.1.6 and Sen. Brev. Vit. 10.17.6 also report that Scipio rejected such praises. This sentence prompted Mommsen (1864-1879) II 502-10 to argue that the speech was composed no earlier than Caesar's dictatorship; see also Briscoe (2008) 200. As Scullard (1951) 282 noted, the argument in favor of forgery boils down to two points: First, that Cicero Brut. 79 said that no speech of this Gracchus had survived to his day. Second, that "Scipio's alleged violence to the tribunes and his refusal of a perpetual consulship and dictatorship are more typical of the end of the Republic than of the mid-Republic." The first objection may be dispensed with by the supposition that Varro later found the speech as he

this moment, charged Gracchus, Scipio had “overthrown”—*victam*—the whole Republic.¹⁴⁵ Such accusations drove Scipio—the vanquisher of Hannibal and a man who could control both Senate and massive public gatherings through sheer force of personality—to self-imposed exile at his country estate, where he wasted away and died.¹⁴⁶ His sole reprisal was to deny his country his ashes, which Valerius Maximus described as an attack not with weapons but with “*verecundia*.”¹⁴⁷

Was Gracchus spouting hyperbole when he feared that Scipio’s actions might overthrow the whole Republic? Not if one considered the importance of the restraint

assembled Caesar’s library, as Haywood (1933) 15 suggested. The second objection is rather undercut by Polybius’ 10.40.9 statement: λέγω δὲ βασιλείας, τοῦτ’ ἐκεῖνος πολλάκις ὑπὸ τῆς τύχης αὐτῷ δεδομένον ἀπηξίωσε, καὶ περὶ πλείονος ἐποιήσατο τὴν πατρίδα καὶ τὴν ταύτης πίστιν τῆς περιβλέπτου καὶ μακαριστῆς <βασιλείας> (“[Scipio] repeatedly rejected as unworthy what Fortune had given him—I speak of kingship—and made more of his country and its trust than kingship, which all men admire and envy”). Cf. Richard (1972) 52-53, who accepts that these stories of the virtuous elder Gracchus are forgeries, but, *contra* Mommsen, concludes they were forgeries contemporaneous with the deaths of the Gracchi brothers, possibly created by L. Calpurnius Piso Frugi, meant to contrast the sons to their virtuous father.

Nevertheless, even if forged (or perhaps original in some part but later altered to fit better the politics of a later era?), the idea would be to reflect what Gracchus plausibly *might* have said on such an occasion, and the speech follows the well-worn path of the restraint values. If Scipio physically attacked the tribunes in anger, it would show an exceptional lack of *temperantia*, which Scipio otherwise was indubitably famous for showing, and this lack of *temperantia* directly affected the proper functioning of officeholding, to the danger of the state. Moreover, whether or not Gracchus gave such a speech or any attack on the tribunes occurred, Gruen (1995) 77 accepts the intervention of Gracchus as a “staged event,” and argues that Gracchus’ point was to check publicly the Scipios’ reputation, attested in Livy, of *regnum in senatu*, Livy 38.54.6. That again would constitute a check on *intemperantia*.

¹⁴⁵ Livy 38.56.10: haec enim ipsa Ti. Gracchus queritur dissolutam esse a privato tribunicam postestam, et ad postremum, cum auxilium L. Scipioni pollicetur, adicit tolerabilioris exempli esse a tribuno plebis potius quam a privato victam videri et tribunicam potestatem et rem publicam. Along with Briscoe (2008) 199 I note that the “odd” construction appears to make Gracchus say that his *own* acts are destroying the Republic, but the sense is clear enough: Africanus “overthrew” the tribunician power by his attacks on the tribunes, and Gracchus might be accused of the same “overthrow” of both the tribunician power and of the state by failing to punish Africanus (or Lucius). But better for posterity that a tribune “seem” (*videri*) to have done these things than that a private citizen (Scipio) *actually* have destroyed both tribunician power and the *res publica*.

¹⁴⁶ Polyb. 23.14; Livy 38.52-53; Gell. 4.18; 6.19; Scullard (1970) 224, 234.

¹⁴⁷ Val. Max. 5.3.2b.

values. It was not physical force or fear that constrained one from attacking the laws and processes of the Republic, from usurping its normal operation or officeholding procedures, or from uprooting its traditions. Instead, the restraint values of *modestia*, *moderatio*, and *temperantia* helped to perform that task. Gracchus reportedly believed that when the restraints were practiced, the state would be well and would function as expected. If they failed, even in one man in a single moment, the *res publica* could be “overthrown.”

* * *

At the beginning of the Republic, Valerius Poplicola, one of the first consuls, was said to have lowered the fasces and removed the axes when in front of the assembled citizenry: an act of *moderatio* that lessened the crowd’s fear of overweening and regal power.¹⁴⁸ As the Republic disintegrated, Cicero blamed the disruptions, in part, on a lack of *modus*, a concept imbued with the ideas of *modestia*, *moderatio*, and *temperantia*. These values ensured that a man would never desire to infringe on the rights of others, become greedy, or upset the normal functioning of the republican system. Praise encouraged the values’ exercise. Where these restraints failed, as the last chapter showed, *verecundia* or fear of *pudor* might step in. The values all operated together, in three aspects of a Roman man’s life: in his desires to outstrip his fellows, with possessions and with lusts, and with the normal operation of the Republic itself.¹⁴⁹ If one were unrestrained in one area, it showed that one lacked restraint in all areas. The smallest deviation was a sign of danger. Or, as Cicero would put it, just as an

¹⁴⁸ Cic. *de Rep.* 1.62, 2.53; Livy 2.7.7; Val. Max. 4.1.1; Dio 3.1. On this gesture, practiced in historical times and at least attributed to Poplicola, see Hölkeskamp (2011) 171.

¹⁴⁹ Ogilvie (1965) 514 comments: “Real concord requires the co-operation of all parties in the states [sic], *clementia* from those who are in a position to be vengeful, *moderatio* from those who have opportunities of power, *modestia* from those who have grievances to air.”

expert musician can sense a note slightly out of tune, so too did one small flaw of character signal greater and more fundamental vices.¹⁵⁰

¹⁵⁰ Cic. *de Off.* 1.146: itaque, ut in fidibus musicorum aures vel minima sentiunt, sic nos, si acres ac diligentes <iudices> esse volumus animadversoresque vitiorum, magna saepe intellegemus ex parvis. *Cf. Rhet. ad Her.* 2.3.5: qui illud fecerit tam nequiter eundem hunc tam perperam fecisse non mirandum (“if he would act criminally and do that, it should be no wonder that he’d act wrongly in this case”). Thus Barton (2001) 214: “Social grace, in ancient Rome, required one to orient and reorient oneself as constantly and delicately as a musician in a string quartet.”

Chapter Three: Reality, History, and Theory

The first two chapters have relied unapologetically on ancient historians and biographers to describe values that restrained aristocratic competition in the Middle and Early Republic, although I have already included many references to sources contemporary with the action to make some points more vivid.

Ancient historians, however, notoriously provide uncertain ground from which to glean fact.¹ The most potent objection to this study's conclusions thus far is that we have seen nothing more than Livy's (and other historians') late thesis about how the restraint values and the Republic *should* work. Moreover, it might be objected, that thesis, patched by historians and annalists onto oral traditions, bare annalistic bones, and other scraps to create an intelligible and morally pleasing narrative, was a product of its late time, and that it far more reflected the experience of Sulla and Caesar than the Scipiones or Paullus, much less Camillus or Cincinnatus.² The objector might also note that the values often appear (in Livy's descriptions in particular) to act in stories of the earliest Republic in the same way that Livy perhaps wished that they would have in its final century, which suggests that Livy retrojected fully evolved late values into early history.

¹ The standard treatments of this problem are Wiseman (1979) and Woodman (1988), and to similar effect Badian (1966). Useful overviews of the problem, with different conclusions, include Alföldi (1972); Crawford (1993) 5-15; Ungern-Sternberg (2005a); Raaflaub (2005a) 4-12, 26-28; Lendon (2009); and Oakley (2014) 3-4. Full-length critical works that explore errors in the ancient descriptions of the Early Republic include Miles (1995), Raaflaub, ed. (2005) and the contributions therein, Forsythe (2005), Wiseman (2008), and MacMullen (2011). More optimistic is Cornell (1986) and (2005) who, despite acknowledging the problems posed by the late sources, believes (1986) 85 that "The Roman historical tradition was ultimately founded upon a sound body of authentic historical information" from as early back as the sixth century. In general accord is Develin (2005). The issue, expertly debated by Raaflaub (2005a) and Cornell (2005), is insoluble here. Thus, while I generally share Lendon's (2009) and Cornell's (1986) 82 optimism that the annalists "did not . . . greatly alter the basic outline of events that had been handed down to them," to make my points as strong as possible I try in this chapter to avoid entanglement with the ancient historians.

² Cf. Forsythe (2005) 67; Ogilvie (1965) 597; Bruun (2000).

A particularly pressing problem is the thesis of decline. By the time of Sallust, Cicero, and then Livy, a narrative was in place that described the failures of the Republic in what modern scholars have called “moral” terms.³ This narrative of “moral” decline is well known: in the past, the story went, the ancestors were less greedy, less selfish, and less lustful, and more temperate, brave, modest, and moderate. Then, at some point, the increase of such vices and the loss of the virtues led to the Republic’s woes.⁴ Many modern scholars have attacked this thesis as pure fiction with little or no early evidence to support it.⁵ And, of course, because the narrative also probably influenced the ancient historians’ presentation

³ Levick (1982a) 60-62, for example, explains the role of the “language of morals” in Roman historiography as a product of the historians’ desire for a “place in the world of action.”; cf. Earl (1962) 470-71. Oakley (1997-2008) I 74 summarizes: “the increasing acceptance at Rome of the role of historiography in moral instruction made it particularly tempting for historians to tamper with their evidence so as to facilitate such moralizing.”

⁴ The ancient authors were in general agreement about the moral decline, although they disputed the precise date that the decline began: Livy 39.6.7 and Florus 1.48.7, for example, chose the conquest of Syria in 186 B.C.; Sallust B.C. 10-11.1 picked the destruction of Carthage in 146 B.C., cf. Lucan 1.158-182. Fabius Pictor wrote that the Romans first perceived wealth at the time they conquered the Sabines. Cornell *et al.* (2013) II 99 fr. 24. Cf. Lintott (1972) 628-29; Starr (1980) 40-41. L. Calpurnius Piso Frugi chose 154 B.C. as the year in which the Romans’ “sense of shame was overthrown” (*pudicitiam subversam*), Plin. N.H. 17.244. Tacitus 2.38 posited that the troubles began *subacto orbe et aemulis urbibus regibusve excisis securas opes concupiscere vacuum fuit* (“when the world was conquered, and cities and kings destroyed, there was space to lust freely for wealth”). Lintott (1972) 628-29 reviews the debate among the ancients on the subject, but concludes (638)—quite wrongly, in my opinion, as this chapter will demonstrate—that the narrative of moral decline arose from Gracchan-era propaganda. Levick (1982a) 54 correctly disputes Lintott’s conclusions with the observation that “[i]t leaves the question open why Aemilianus and Nasica would have appealed to the arguments they did; the ancients’ deep-seated preoccupation with *ambitio* and *luxuria* needs to be explained.”

⁵ Lind (1979) 11 quotes (although disagrees with) the particularly strong stance of Henry (1937) 27-28: “It is clear then that the Roman tradition [of morality] upon which Augustus relied [in his moral reforms] has no solid historical basis to support it. It was the product partly of Roman patriotism, partly of Greek philosophy, and we cannot trace it beyond the second century B.C. That the Romans of an earlier period had any higher moral standard than the Romans of the last two centuries of the Republic is but a pious opinion.” The “moral decline” narrative is also contrary to the conclusions of influential scholars such as Brunt (1972) and (1988) and Gruen (1974), who saw the Republic’s collapse, respectively, as a product of loss of cohesion between the Senate and the many orders of society or of haphazard chance and civil war.

of earlier centuries, the decline thesis calls this study's conclusions about restraint—thus far drawn largely from ancient historians' work—into doubt as historical realities.

Such objections cannot be dismissed lightly. I do not doubt that Livy (or Polybius or Cicero or Valerius Maximus or Dionysius or Dio or Appian or Plutarch or all the rest, for that matter, or even their sources) had theses, contemporary biases, and even, sometimes, ulterior motives.⁶ Nor do I doubt that these writers used such theses and biases to explain, embellish, or at times outright invent coherent or dramatic storylines, nor that many of the details that such historians stitched onto the laconic *fasti* or *annales* were artificial.⁷ Nor can even I deny that their views were solidified by the experience of the civil wars of the first century B.C.⁸

But neither should these arguments dissuade. Such issues do not necessarily make the late historians entirely wrong about the existence or operation of the restraint values even in the earliest times, nor do such issues necessarily undermine the strength of the conclusions that this study has so far drawn. Instead, if we can demonstrate the early

⁶ Perruccio (2005) 62-63, for only one example, argues reasonably that Valerius Maximus presented the moderation of Scipio Aemilianus to ingratiate himself with the current Emperor Tiberius who wished “di forti limiti da porre all’incremento territoriale dell’impero,” a “scelta di una politica estera di contenimento,” as Augustus had recommended. Oakley (1997-2008) I 77 thus suggests a “sliding scale” of truth in sources: “the reporting of archival notices” is spare but mostly accurate, followed by “plausible reconstruction of what the annalists imagined must have happened,” then “places where a tale was improved for literary purposes,” then “crude sensationalism” then “perversion of the truth because of national or family biases.”

⁷ Rich (2009) 129: “Livy himself evidently consulted only earlier historical writers, but the chronological structure and the wealth of domestic detail which he provides for the Middle Republic must derive ultimately from archival sources, exploited by one or more annalistic intermediaries with a good deal of distortion and invention creeping in in the process.”

⁸ On this phenomenon see Luce (1977) 286-295; Woodman (1988) 128-140. Oakley (1997-2008) I 86-87 sees numerous retrojections into the earliest centuries of the Republic of “ideas, terminology, and slogans that are derived from the momentous struggles which brought down the Republic,” although noting that “many of the themes of politics during the early and late Republic were similar,” and thus possibly that the annalists “might occasionally have chanced upon authentically old terms and slogans.”

existence and observance of restraint values, it would show that at least one of the decline narrative's premises—that there was a time when men strongly valued the restraints—had some substance.⁹ The demonstrably early existence of restraint values would also undercut an objection that the ancient historians' descriptions of the Middle and Early Republic were entirely late products of a moralistic narrative.

The simplest way to test the hypothesis is to push back as far in time as reasonably possible to seek evidence of the restraint values contemporary with the Middle and Early Republic. Such evidence exists. To be sure, because we can see the restraint values in those early times often only in fragments, the later and clearer picture afforded by the historians must provide some interpretive context and shape.¹⁰ This tactic presents some risk of circularity: we might wrongly assign to early dates the restraint values of later days because a piece of stray evidence from early times resembles to us the later manifestation of the values. That is especially true because most pieces of contemporary early evidence come to us stripped of context, and their meaning, as we will see, is hotly debated.

But with due caution and as much sensitivity for chronological nuance as we can reasonably apply under the circumstances, we can still draw some conclusions about the restraint values from the most ancient contemporary evidence. With such evidence we must deal in probabilities, not certainty; the extent to which multiple separate probabilities hang together coherently will help prove their worth. To reduce the chance of error and to meet objections like those posed above, I will in this chapter avoid later ancient historians all but

⁹ Of course, from that premise would not necessarily flow the conclusions that the “virtues” once outweighed “vices,” nor that the virtues later declined relative to vices, nor that any imbalance of virtue and vice had anything to do with the Republic's dissolution. But first steps first; I will return to these considerations in Chapters Five through Seven.

¹⁰ As McDonnell (2006) 52 notes when writing of the Roman conception of *virtus* in the Middle Republic, the sparse and fragmentary nature of the mid-republican written sources makes comparison to later periods and within the same period difficult.

entirely, and will inspect the oldest surviving primary sources to see the extent to which the restraint values existed in Rome's most distant past, and in what form.

The goal of this chapter is three-fold. First, to bolster the historians' late narratives and descriptions of the restraint values with what hard core of fact about earlier periods can be found. Second, to seek the provenance of the restraint values. Third, to position that hard core and the observations of the first two chapters in current scholarly discussions on the operation of the Republic.

* * *

We begin with simple cases. The two previous chapters have included examples of primary, contemporary evidence of the restraint values at work in the Middle Republic. In a speech upon his return from Sardinia in 124 B.C., Gaius Gracchus expressly connected his continence with slave boys and luxurious dinners to his fitness to command the sons of the crowd, and thus to his fitness for the elective office he soon would seek.¹¹ As a young man in the 160s B.C., Scipio the Younger publicly strove for and developed a reputation for self-restraint and modesty, which helped secure his advancement in offices.¹² Upon the death of Lucius Aemilius Paullus in 167 B.C. his family could not pay for the funeral despite the massive influx of wealth he brought to the state: a magnificent display of *moderatio* and *temperantia* that redounded to his praise.¹³ And in 179 B.C., a deputation of senators publicly reconciled the enemy censors Fulvius and Lepidus to great praise, a fact lauded by the contemporary Ennius.¹⁴

This is certainly not all the primary evidence of restraint values from the second century. Lucilius mocked those who "put feasting and spending before honest living":

¹¹ ORF³ 181-82 fr. 26-28 (= Gell. 15.12).

¹² Polyb. 31.25.8.

¹³ Polyb. 31.22.1.

¹⁴ As noted in Cic. *Prov. Cons.* 20-21.

ridicule that we may take as evidence that he valued *temperantia*.¹⁵ Consider too the witness of Terence, whose plays were roughly contemporaneous with the death of Paullus and the youth of the younger Scipio. Terence translated and produced plays from Greek originals, but occasionally added some Roman seasoning for his audiences.¹⁶ In the play *Adelphoe*, for instance, translated from Menander's original and given in 160 B.C.,¹⁷ the playwright himself spoke in an original prologue to address a rumor that he himself had not written the plays, but was the front man for ghost authors, certain *homines nobiles*.¹⁸ His enemies, he said, called this a *maledictum vebemens*—a “serious slander.” Terence disagreed, and called it “great . . . praise, because he pleases those who are pleasing to you all and to the public, the aid of whose works in war, in peace, and in business each of them at various times has made use, without arrogance (*superbia*).”¹⁹ Thus Terence in his own voice connected the absence of *superbia* with the proper conduct of governance both military and civil (perhaps in patron-client relations), and also illustrated the mutuality of restraint: for leading the people “without arrogance,” the People showed respect to and pleasure with the *nobiles*.

In addition to adding the prologue, Terence seems to have made drastic changes to *Adelphoe*'s original Greek ending. The plot revolves around the romantic foibles of two

¹⁵ Warmington (1935-2006) III 402 fr. 1234: quod sumptum atque epulas victu praeponis honesto.

¹⁶ Earl (1962) concludes that Terence was less of a Romanizer than Plautus, borrowed Greek plays for their “humanist” themes, and generally avoided politics to avoid offending his noble patrons. Certainly, as we shall see, Terence was loath to mock aristocratic values, and instead manipulated Greek plays to extol Roman aristocratic virtues. *Contra* to Earl is Starks (2013) 141-155 (with references). Starks concludes, I think more correctly, that Terence regularly altered his Greek originals to match his Roman audience, and, moreover, communicated in his plays “Elite Male Ideals for all to Admire”: e.g., *gloria*, *nobilitas*, paterfamilial authority, *dignitas*, and *fides*, often (comically) in the mouths of lower-class *dramatis personae*.

¹⁷ Gratwick (1987) 6.

¹⁸ Ter. *Adel.* 15. Cf. Forehand (1985) 6-7; Gratwick (1987) 1; Hanchey (2013) 118-31.

¹⁹ Ter. *Adel.* 17-19: laudem . . . maxumam quom illis placet/qui vobis univorsis et populo placent/quorum opera in bello, in otio, in negotio/ suo quisque tempore usust sine superbia. This speech provides the leaping off point for Starks' (2013) discussion.

young brothers, each raised by a different father, who are themselves brothers: Micio (one young brother's adoptive father) lenient, Demea (natural father of both boys) strict. The two young brothers, as is typical of Greek New Comedy, are spendthrifts, partygoers, and dally with prostitutes, which provides the play's comic twists. The lenient father Micio believes that discipline of a young man through kindly *amicitia* is stronger than authority heavily imposed through *imperium*; thus he sees nothing necessarily wrong with a young man for a time chasing girls and drinking—he (and his stern brother too) would have done the same in youth had they been able to afford it.²⁰ Micio thus does not mind (a reasonable amount, to be sure) of intemperance in luxury and lust. Demea, however is quite the opposite, and blames his brother's soft influence for the boys' impending downfall.²¹

It seems that Micio's lenient views on childrearing prevailed in Menander's lost play, particularly because, for over ninety percent of Terence's lines, the strict Demea is portrayed as losing the argument, is the butt of jokes, and seems about to shift attitudes: he suggests at one point that he will succumb to his lenient brother's viewpoint to gain popularity with his sons.²² But in Terence's telling, Demea's views suddenly triumph in the final scene in a pungent monologue on morality and his brother's failed laxity—so abrupt that some commentators have described the change as a “*deus ex machina*.”²³ Terence's play ends with Demea, to the approval of all, informing the brothers (to their thanks and praise) that if they need correction from their prodigal and libidinous ways, he stands ready.²⁴ We should therefore suspect that in this very awkward ending Terence molded his Greek original to

²⁰ Ter. *Adel.* 65-67, 105-06.

²¹ Ter. *Adel.* 95-97; 792-93; 835-37.

²² Ter. *Adel.* 855-81. Cf. Traill (2013) 327-39.

²³ Thus notes Forchand (1985) 110.

²⁴ Ter. *Adel.* 985-95.

please the *nobiles* of his prologue with traditional Roman *mores*—*mores* such as *temperantia* and *modestia*, of which the two errant brothers of Menander’s creation had been entirely devoid.²⁵

The language in Terence’s plays elsewhere resonates with such molding. In the play *Andria*, for instance, the old father Simo described the sad moral decline of his son Pamphilus since he met his *amica* Glycerium. After Pamphilus left military service, Simo gave the young man the power to live in greater freedom: “He had the power to live rather freely/for who can know or understand his *ingenium*/when youth, fear, and tutor prevented it?”²⁶ Thus only when given independence could a young man display his restraint so as to reveal his true *ingenium*. And Pamphilus indeed acted for a time with notable “moderation”—*mediocriter*.²⁷

What made him so good? Simo explained: “Thus was his life: ready to endure and permit all/to give himself to whomever he was in company with/to comply with all their

²⁵ The ending of the play has been the subject of spirited scholarly discussion, explained by Forehand (1985) 108-109, 110-111, 117-119; Traill (2013) 320-324, 326-339; and their references. Rieth (1964) 131 (“Aus Demeas Schlussrede spricht römischer Stolz”); Gratwick (1987) 17, 55-57; and Barsby (2001) 245 argue (in my view persuasively) for a wholly original ending by Terence, based largely on the absurd speed of the reversal. Thus Gratwick (1987) 17, 56-57 comments, “Terence . . . vindicates . . . respect for what happen to be very Roman ideas about fatherhood,” and that “Menander’s play would end on a of humane reconciliation and with irony rather than with the crude evaluations and didactic moralizing which blemish the Roman.” “Blemish” is in the eyes of the beholder; Terence’s *nobiles*, presumably, would not have characterized it so. Forehand (1985) 119, by contrast, attempts to see “compromise” between the parenting styles in the sudden and forceful ending compared to the rest of the play; Gratwick (1987) 17 mordantly counters, “The view that there is a ‘British Compromise’ and that each brother is supposed to have learnt something from the other is a misreading of the script.” *Contra* is Grant (1975), who sees both fathers as espousing aspects of peripatetic philosophy, both of which “win”; also Victor (2012) 683-691, who argues that Terence altered somewhat the original Menandrian ending for greater rhetorical effect, but with the same substance. Johnson’s (1968) reading also sees some compromising lesson, in that both the vices of Micio’s “liberal smugness” and of Demea’s harshness are held up to mockery—although Johnson admits Terence’s creation of the last scene (172 and nn.) and writes (185) that the play’s “major theme can hardly be the vice of conservative smugness.”

²⁶ Ter. *Andr.* 52-54: *liberius vivendi erat potestas, nam antea/qui scire posses aut ingenium noscere/dum aetas, metus, magister prohibebant?*

²⁷ Ter. *Andr.* 59.

pursuits, contrary to no one/never to put himself ahead of anyone, so that most easily you might come upon praise without envy and also make friends.”²⁸ Moreover, said Simo, even when Pamphilus began to keep company with a fast crowd who drank and chased girls, he at first maintained his self-control and was a model of “*continentia*,” which showed his strong character: “For he who contends with such types/and whose soul is however not moved/you can know in what manner of life he keeps himself.”²⁹

Of course, it is impossible entirely to disconnect the Roman play from the Greek original,³⁰ but Terence’s choice of language is so strikingly similar to the operation of the restraint values that we see elsewhere that we should suppose that his presentation of Menander was meant to fall on receptive Roman ears, particularly again because Terence himself said that his work pleased the *nobiles*.³¹ Thus, in Terence’s description, a man’s *ingenium* could be revealed only through self-restraint, not through fear or force. Pamphilus

²⁸ Ter. *Andr.* 62-66: sic vita erat: facile omnes perferre ac pati/cum quibus erat quomque una eis se dedere/eorum obsequi studiis, advorsus nemini/nunquam praeponens se illis, ita ut facillume/sine invidia laudem invenias et amicos pares.

²⁹ Ter. *Andr.* 93-95: nam qui cum ingeniis conflictatur eiusmodi/neque commovetur animus in re tamen/scias posse habere iam ipsum suae vitae modum. Cicero evidently found Simo’s speech exemplary, and repeatedly cited it: Cic. *Inn.* 1.19.27, 1.23.33; *de Orat.* 2.172, 2.326-9; cf. Ter. *Heaut.* 282-284: nam ea res tum dedit existumandi copiam/cottidianae vitae consuetudinem/quae quousque ingenium ut sit declarat maxume (“for the matter then gave ample opportunity for evaluating the custom of her daily life, a thing that makes most clear what sort of *ingenium* one has”).

³⁰ Nor do I doubt that “basing a theory for a central element of Roman political ideology on comedies that were adapted from Greek models is in itself risky,” McDonnell (2006) 135. I have therefore limited myself to those scenes that Terence most probably Romanized, at least in language. Germany (2013) 232-33 suggests that Terence reworked this scene with some changes from the Greek original, including the addition of a minor character, especially because the language has certainly been Romanized: Zanetto (1998) 72 n.11 notes that Simo “usa qui una fraseologia da romano, più che da greco,” in particular in the use of phrases in lines 83-84 that described victorious gladiators, which proves that Terence was sensitive to the *romanitas* of his vocabulary in Simo’s speech.

³¹ Of course, if Terence lied in the prologue to *Adelphoe* and the *nobiles* indeed did (help?) write the plays, the proof that the plays espoused aristocratic virtues would be only clearer.

was (at first) temperate, and yielding and deferential, especially to those in his company of peers. Praise (and expanded social opportunity) resulted. The restraint values are in action.

Examples of these attitudes in the mid-to-late second century could be multiplied.³² And from these examples we should conclude beyond serious cavil that by the last two thirds of the second century B.C., some significant portion of the Roman aristocracy not only valued both the ideal of deference among peers and also actions described by the words *temperantia*, *modestia* and *moderatio*, but also connected personal success in aristocratic competition and praise to the display of these values.

Can we go back farther? We approach Plautus and Cato the Elder. As has long been recognized, Plautus' works, like those of Terence, were taken from Greek originals, but to a far greater extent than Terence's were altered to reflect current events in order to provide "vehicles to address, promote, mock, or satirize items that held public attention or provoked public debate."³³ So too did Plautus represent aristocratic virtues, even in jest; satire, after all, reflects reality.³⁴ Examples are myriad in Plautus' plays,³⁵ but a few lines serve to illustrate.

³² MacMullen (1991) 431-434 collects dozens of contemporary references to attacks on *luxuria*, libido, and the like over the course of the second century into the first century, which he sums up as a "matter of morality" on the part of some aristocratic Romans in the face of eastern pleasures. I have focused on examples in which display of the mindset is expressly connected to personal success within the republican scheme.

³³ Gruen (1990) 129; cf. Nichols (2010) 42 and references. Searching for evidence for current events in Plautus can go too far. I agree with Gruen's assessment (128), for example, that it is foolish to attempt to identify particular factional loyalties in Plautus. My purpose here is to show that no matter Plautus' loyalties, the attacks and praises in his language often reflected current aristocratic beliefs in the restraint values.

³⁴ Earl (1967) 25-26, 34.

³⁵ The foundational study of Plautine adaptation and Romanization of Greek originals is Fraenkel (2007 [1922]); see also Gruen (1990) 125, Owens (1994), Hallett (1996), all with further references. Earl (1960b) particularly examines the appearance of contemporary Roman political and moral issues in Plautus' plays. See also Earl (1962) 469: "That this aspect of Plautus' comedy owed nothing to his Greek originals seems certain."

The plot of the *Bacchides*, taken—with significant Plautine adaptation—from a Menandrian original,³⁶ is typically silly: two sisters, both (curiously) named Bacchis, are prostitutes. Two young friends, Mnesilochus and Pistoclerus, unwittingly fall in love with different Bacchises, each unaware of his comrade's affair with the other sister. Comic misunderstandings ensue, but not without Plautus' emphasizing several moral points.

First, a man who cannot practice self-control is of no value. Pistoclerus says in his lust for his Bacchis: *summe autem nihili qui nequeam ingenio moderari meo?*—"Am I not worth nothing if I cannot moderate my *ingenium*?"³⁷ Lefèvre comments on this line that Pistoclerus, the "spineless young man," "bekräftigt die Unterwerfung mit einem römischen juristischen Terminus" when he finally submits to his *amica*: "*mulier, tibi me emancipo*" ("Woman, I emancipate myself to you"), the formal language of legal surrender of power over a person.³⁸ Because the result of Pistoclerus' lack of self-control is put into Roman legal language, we should strongly suspect that Plautus couched Pistoclerus' lack of self-control, even if in the Greek original, in Roman social terms. Pistoclerus' old tutor agreed: *nam ego illum perisse dico quoi quidem periit pudor*—"For my part, I say that anyone is destroyed whose *pudor* is

³⁶ For commentaries on this play see Barsby (1986), Lefèvre (2011), along with the critical edition of Questa (2008), which I follow here for the Latin. Barsby (1986) 1 places the play between 194 and 184 B.C. Owens (1994) explores carefully Plautus' addition to the original of a new third plot line to highlight Roman *fides* in contrast to Greek trickery: evidence of the extent to which Plautus could reconfigure Greek originals to meet Roman *mores*. Lefèvre (2011) 185-186 also compares the numerous changes that Plautus made to the Menandrian original, for which we luckily have papyrological evidence. Hence Barsby (1986) 4 writes that "Plautus is not simply translating or imitating his Greek originals; he is transforming, even subverting them."

³⁷ Plaut. *Bacch.* 91. Cf. Earl (1962) 469: "The extent to which whole paragraphs have been completely recast in Roman language and Roman thought, the extent, too, to which these peculiarly Roman allusions occur in casual reference are indicative of the lengths to which Plautus went in Romanizing his Greek plots." Moreover, part of Plautus' joke must be that lack of self-control leads directly to the shameful spectacle of a young freeborn man in the "legal control" of a prostitute.

³⁸ Lefèvre (2011) 82, on Plaut. *Bacch.* 92.

destroyed.”³⁹ Thus Plautus by this language intended his audience to recognize, even in this farce, what we know later would be called *temperantia*—the control of one’s *ingenium* in the face of strong desire—and to connect personal worth to its practice.⁴⁰

Later, Mnesilochus mistakenly becomes enraged at his friend during their confusion over the sisters, but then repents and berates himself: “Wanton am I, of a shameless, wrathful, ungovernable, unthinking nature, without *modus* or *modestia*, without justice or honor/I live unable to control my mind, unloving, uncharming, born with an evil *ingenium*.”⁴¹ The language reflects almost perfectly the hierarchy of restraints we saw in the previous two chapters: an evil *ingenium* is bad enough, but all the worse when combined with lack of control of anger and lust despite force of effort.

Plautus even considered lack of restraint to damage the Republic itself. In Plautus’ *Mercator*, Demipho, an old man, falls in love with his own son’s *amica*. He is rebuked by his stern friend Lysimachus and his son’s friend Eutyclus:

Lysimachus: *etiam loquere, larva? temperare istac aetate istis decet ted artibus.*

Demipho: *fateor; deliqui profecto.*

Eutyclus: *etiam loquere, larva? ess’ vacinom istac ted aetate his decebat noxiis. itidem ut tempus anni, aetatem aliam aliud factum condecet. nam si istuc ius est, senecta aetate scortari senes, ubi loci est res summa nostra publica?*

Lysimachus: Are you still speaking, you demon? At your age it’s fitting for you to temper such practices.

Demipho: I confess it; I’ve certainly been lacking.

³⁹ Plaut. *Bacch.* 485.

⁴⁰ On the large aristocratic proportion of the audience, see MacMullen (1991) 421-424.

⁴¹ Plaut. *Bacch.* 612-615: petulans, protervo, iracundo animo, indomito incogitato/ sine modo et modestia sum, sine bono iure atque honore/incredibilis imposque animi, inamabilis, inlepidus vivo/malevolente ingenio natus. These repeated statements of self-abuse mirror the use of strong comparatives and superlatives in speeches, noted by Fraenkel (1922-2007) 5-16, esp. 10, that signal an original Plautine touch.

Eutychus: Are you still speaking, you demon? At your age you should have been devoid of these faults. Just as the year has its seasons, each deed is fitting for a different age. But if it is right that old men in their old age chase whores, what will become of our *res publica*?⁴²

The connection of temperance and moderation in matters sexual to the health of *res publica* in this passage resonates with the restraint ideals. Note the tenses of the verbs as well, which show the restraints at work: it would have been fitting for the old man not even to have felt the lusts that he currently fails to fight. Plautus illustrates in his language the conclusion that restraints are not only valuable to the Republic, but match the relative social station of the man who should display them.

The connection of restraint values to the health of the community in fact appears several times in Plautus' language. In one of the first references in written Latin to the *mos maiorum*,⁴³ Plautus tied temperance to *mores*, a proper *ingenium*, and personal restraint in matters of luxury, and then joined all three with the public good. The scene is in *Trinummus*, wherein the slave Stasimus is, amusingly enough, the mouthpiece for a very aristocratic point of view. Facing the prospect of being cheated of money by lowly persons, he complains: "If only the old ways of men, the old parsimony, got greater respect than these evil ways here."⁴⁴ His master, listening secretly, opines to himself: "Immortal gods! This fellow begins to speak of princely deeds! He seeks the old ways, you can tell he loves the old ways of the manner of our ancestors (*more maiorum*)."⁴⁵ Stasimus continues:

Shouldn't this matter be attacked publicly? For this breed of men is the enemy of all men and harms the entire public, for by working in bad faith they destroy the faith even of those who don't deserve that to happen to

⁴² Plaut. *Merc.* 983-986.

⁴³ Thus notes Lind (1978) 51. De Melo (2013) 116 places the play in 188 or 187 B.C.

⁴⁴ Plaut. *Trin.* 1028-1029: *utinam veteres homin<um mor>es, veteres parsimoniae/potius <in> maiore honore hic essent quam mores mali.*

⁴⁵ Plaut. *Trin.* 1030-1031: *di immortales, basilica hicquidem facinora inceptat loqui/vetera quaerit, vetera amare hunc more maiorum scias.*

them; for men judge the *ingenia* of such men by the deeds of those other men But I'm too much of a simple-minded man to take upon myself public affairs when I should worry about saving my own skin, which is my biggest concern!⁴⁶

The final comic touch highlights the ridiculous contrast between the public display of aristocratic values in public service and Stasimus' servile condition, and lampoons—gently enough—the connection that an aristocrat would surely draw between the conduct of public affairs, the relationship among peers, and resistance to greed.

Finally, some lines from the *Poenulus*. Patricia Johnston has convincingly argued that a particular scene in that play is either an original Plautine creation or at least a “clever adapt[ation] to the Roman situation.”⁴⁷ Two Carthaginian sisters, Adelphasium and Anterastilis, are (of course) prostitutes, and discuss the ample time and money required to polish, perfume, paint, bathe, clothe, and adorn themselves day and night.⁴⁸ But Adelphasium is not happy: “Envy and malice,” she says to her sister, “were never innate in me—I'd prefer to be adorned with a good *ingenium* than with much gold. Good luck finds gold, while nature creates a good *ingenium*. I'd rather be called good than rich.” Moreover, she opines, “it is fitting for a prostitute to wear *pudor* rather than purple, and far more fitting

⁴⁶ Plut. *Trin.* 1046-1048, 1057: nonne hoc publice animum advorti? nam id genus hominum omnibus/univorsis est advorsum atque omni populo male facit/male fidem servando illis quoque abrogant etiam fidem/qui nil meriti; quippe eorum ex ingenio ingenium horum probant sed ego sum insipientior, qui rebus curem publicis/potius quam, id quod proximum est, meo tergo tutelam geram. Cf. Earl (1960b) 267. De Melo (2013) 113 comments on Stasimus' entire monologue that “Plautus seems to have turned the Greek scene into a running-slave scene merely in order to provide some action and the standard criticism of contemporary society.” Fraenkel (1922-2007) 103-105, by contrast, identifies these lines of Stasimus' monologue as from the original Greek play, in part because the general tenor of the play decries the loss of old morals, although he admits (333 n.24) the possibility of some Plautine adaptation for these lines. I suspect that even if the scene is originally Greek, Plautus' choice of language, including the giveaway use of the phrase *more maiorum*, was meant for a Roman audience.

⁴⁷ Johnston (1980) 144.

⁴⁸ Plaut. *Poen.* 210-215.

for her to wear *pudor* than gold.”⁴⁹ But, concludes Adelphasium in a wry twist: *modo muliebris nullus est!*—“there is no moderation for women!”⁵⁰

Johnston sees in such passages a reference to the debates surrounding the Oppian law in 195 B.C., for which Livy provided (if not created) the set speeches of Cato and the tribune Valerius described in the last chapter, when the women flooded the Forum to support the law’s repeal. Recall that there Livy had Cato argue that women should not desire such luxuries at all, and, at the very least, shame (*pudor*) should dissuade them from such display. Here, humorously, a Carthaginian female prostitute echoes the sentiments of the austere, paternal, and patriotic Cato—a viewpoint, as Astin astutely noted, that was surely shared by many among the *patres*.⁵¹

Thus, in Plautus, a good *ingenium* is the opposite of lust for luxury, *pudor* is an effective remedy against gold and purple, and praise—even for a prostitute—results from the display of these virtues. Indeed, later in the play the sisters’ *pudor* and resulting relatively plainer adornment even give them *victory* in the competition among prostitutes for

⁴⁹ Plaut. *Poen.* 300-305: *invidia in me numquam innata est neque malitia, mea soror/bono med esse ingenio ornatam quam auro multo mavolo/aurum, id fortuna invenitur, natura ingenium bonum/[bonam ego quam beatam me esse nimio dici mavolo]/meretricem pudorem gerere magis decet quam purpuram/[magisque id meretricem pudorem quam aurum gerere condecet].*

⁵⁰ Plaut. *Poen.* 230.

⁵¹ Astin (1978) 93-94 lists the numerous men who shared Cato’s views, particularly his censorial colleague L. Valerius Flaccus, and notes the “widespread support” of the Senate. *Cf. id.* 293-295: “a Roman of his time.” Gruen (1990) 146 disagrees with Johnston that Plautus is espousing “Catonian conservatism” in such sentiments; he sees instead a “parody” of the “moralism that frowns on luxury but is powerless to check it.” Be that as it may, Plautus would have to parody a real worldview. Thus Johnston (1980) 159 comments, “Adelphasium denies the existence of any *modus muliebris* whatsoever. The exculpation of *pudor* by this (Carthaginian) *meretrix*, and her concomitant denigration of purple and gold, perversely mimic Cato’s exhortation that the state protect Roman matrons from feeling shame at their poverty by continuing to impose poverty equally on all of them.”

pulchritude—a victory, says Anterastilis, comparable to men’s achievements in their own fields.⁵² Display of the restraint virtues once again leads to personal competitive success.

The mention of Cato the Elder now turns us to him. He was, of course, a fierce proponent of restraint in *luxuria* and the like, and we might be cautious in assuming that Cato’s high ideals were widely shared. But not too cautious: as has been well stated, the “social exclusiveness of the nobility included not only cutting itself off from ambitious *homines novi* but also the irrefutability of its own values, rules and standards. This kind of basic position did not allow social climbers with new ideas to pave the way for their descendants into the nobility; on the contrary the *homo novus* should set a perfect example of the aristocratic norms so that his descendants’ assimilation was assured.”⁵³ We thus should draw with confidence from the fragments of Cato’s speeches and works.

There are several valuable points to draw. First, the Censor’s famed hatred of *luxuria*. In his (unfortunately largely lost) *Carmen de Moribus*, he contrasted luxury to the parsimony of the ancestors, and he displayed conspicuous parsimony himself, particularly when the public might benefit thereby.⁵⁴ After his successful campaign in Spain in 195 B.C., he insisted that his soldiers be paid handsomely from the spoils, declared in a speech given during his triumph that it was better for many Romans to return home with silver than a few with gold, and made evident to everyone he took nothing from the campaign but what he

⁵² Plaut. *Poen.* 1192^a-1193: ut volup est homini, mea soror, si quod agit cluet victoria; sicut nos hodie inter alias praestitimus pulchritudine (“As it is a pleasure to a man, if what he does brings victory, so we excel the other women in beauty today”). Cf. Johnston (1980) 159, who notes the “irony” of the denouement but does not grasp entirely its implications in light of the restraint values: *pudor* leads to advancement in competition.

⁵³ Spielvogel (2004) 395; McDonnell (2006) 321-323. Cf. Astin (1978) 87: Cato’s status as *novus homo* made him “a particularly enthusiastic champion of the traditional ideals and responsibilities of the class into which he had won his way.” So too Lind’s (1979) 53 observation: “Both Cato and Cicero were *novi homines*: for this reason as well both displayed an even greater passion than the nobles did for the *mos maiorum*, which was identified with the aristocracy to which they had gained admission by their virtue and industry.”

⁵⁴ Gell. 11.2.2.

himself ate and drank.⁵⁵ He repeated this claim in several later speeches, of which we have a fragment: “I do not blame those who wish to profit from booty, but I wish rather to vie in goodness with the best man than in wealth with the richest and in greed with the greediest.”⁵⁶ And, as he stated in another speech on his wealth for which we have his original words, he never took any money from captured towns at the expense of the public good, nor split booty only among a few friends, nor made them rich to the disadvantage of the public, but instead gave the wealth to the men who captured it.⁵⁷

In these examples we see the *moderatio* pattern precisely. Cato displayed a complete lack of desire for luxury, refused to succumb to temptation, and expected concomitant praise, while he also argued that the luxurious man had no place in proper republican society. Moreover, Cato turned display of *temperantia* and *moderatio* in the face of luxury into a *competition* with his aristocratic peers. Added to these speeches is the element of public benefit, which would no doubt redound to Cato’s own benefit when later seeking offices. Hence Cato’s acts contain the element of mutuality inherent in the restraint values.

Cato’s largesse should therefore not be seen as a mere *douceur* to the soldiers as potential voters. Cato’s attitude towards booty distribution—of which he made no secret⁵⁸—should instead be interpreted as a very public signal of his acceptance of

⁵⁵ Plut. *Cat. Mai.* 10.4. On this campaign and speech see Astin (1978) 28-50, 52-53.

⁵⁶ Cornell *et al.* (2013) II 233 fr. 135 (= Plut. *Cat. Mai.* 10.4): καὶ οὐκ αἰτιῶμαι . . . τοὺς ὠφελεῖσθαι ζητοῦντας ἐκ τούτων, ἀλλὰ βούλομαι μᾶλλον περὶ ἀρετῆς τοῖς ἀρίστοις ἢ περὶ χρημάτων τοῖς πλουσιωτάτοις ἀμιλλᾶσθαι καὶ τοῖς φιλαργυρωτάτοις περὶ φιλαργυρίας. Cf. Astin (1978) 53, who comments that this repetition is “evidence enough of his confidence that his claims about his own conduct were beyond reasonable challenge.”

⁵⁷ ORF³ 82 fr. 203 (= Front. 92.21). Cf. ORF³ 91 fr. 224 (= Gell. 11.18.18). Cf. Harris (1979) 65-68, esp. 66 n.4 and references, and 74-77. Cicero attributed the same attitude towards booty to Romulus, *de Rep.* 2.16.

⁵⁸ Livy 34.15.9 noted with some apparent distaste that Cato was *haud sane detractor laudum suarum*: “scarcely one to detract from his own achievements.” Cf. Plut. *Cat. Mai.* 14.2: ὁ δὲ Κάτων ἀεὶ μὲν τις ἦν, ὡς ἔοικε, τῶν ἰδίων ἐγκωμίων ἀφειδῆς καὶ τὴν ἀντικρυς μεγαλαυχίαν ὡς ἐπακολούθημα τῆς μεγαλουργίας οὐκ ἔφευγε . . . (“Cato, it seems, who was always rather

aristocratic social rules, which was essential for the *novus homo* to display. We have already seen this ideal spectacularly espoused upon the impoverished death of Aemilius Paullus; Cato anticipated this personal rectitude towards booty and generosity to the state and citizens at his own expense—with praise in recompense—by three decades. Worth comparison is an anecdote that Dio told of Gaius Marius, who decades later through his honest distribution of booty to the soldiers during the campaigns against the Celts reportedly gained the approval and praise, not just of the People (who already loved him), but of the nobility, who had hitherto hated him.⁵⁹

This insight into Cato's attitude towards booty distribution also explains another fragment of a speech that he made against a Claudius Nero, who was possibly the praetor of 195 and Cato's former comrade in Spain: *pecunia mea rei publicae profuit quam isti modi uti tu es*—"My money is more beneficial to the Republic than the way in which you use yours."⁶⁰ Whether Cato exaggerated or not, the insult was framed as an accusation, not only that Claudius violated an attitude towards wealth the two aristocrats should share, but that part of the ideal attitude was that one should and would use wealth to benefit the Republic and not to enrich one's self or one's friends alone.

That passage in turn harkens back to the Roman sumptuary legislation discussed in the last chapter, which concluded that laws against banqueting and the number of guests at feasts were not attacks on wealth as such, but were attacks on *privately consumed* wealth. The person who would engage in such luxuriousness was by definition intemperate and selfish. An intemperate attitude in the private life would bleed into inability to conduct oneself

unsparing of his own praises, and did not shy from following up great deeds straightaway with great boasting . . ."). Of course, to compete in parsimony one must publicize it.

⁵⁹ Dio 27.92.1.

⁶⁰ *ORF*³ 36 fr. 83 (= Prisc. *GL* 11 228.3); Astin (1978) 81 and nn. Astin notes the obscurity of this speech's context.

according to the restraint values in public life. Such a person therefore would not be a useful participant in the republican exercise, which fundamentally required care for the “face” of others. Cato explicitly blended private and public bad faith together: “Who does not consider his stomach to be an enemy, who throws banquets at the Republic’s expense rather than his own, who makes promises stupidly, who builds lustily.”⁶¹ Cato’s attack was not merely that his targets were unrestrained, false, and greedy men who did not share with their fellow citizens, which was blameworthy enough. Rather, such attitudes made for bad aristocrats and bad republicans. Cato’s trumpeting of his own continence was the inverse.

Four final illustrations from Cato’s speeches draw the points together. The first is from an attack on Q. Minucius Thermus, who as consul in Spain in 193 (allegedly) executed ten uncondemned free men without legal recourse, appropriated booty to himself instead of being generous to his soldiers, and inflated the number and scale of his victories to demand a triumph. Cato assailed Thermus on all these fronts.⁶² A line survives from the speech against the wrongful executions: *neque fidem, neque iusiurandum, neque pudicitiam multifacit* (“he thought nothing at all of good faith, or legal oath, or shame”).⁶³ The rising tricolon suggests the hierarchy of restraint seen before: if not good faith, nor law or oath, then at least shame should have prevented this horrific act in the last resort.⁶⁴

⁶¹ ORF³ 53 fr. 133 (= Iul. Rufin. RhL p. 43, 21): Qui ventrum suum no pro hoste habet, qui pro re publica, non pro sua, obsonat, qui stulte spondet, qui cupide aedificat.

⁶² On these speeches see Astin (1978) 63.

⁶³ ORF³ 28 fr. 61 (= Fest. p. 140.17); *GLat* IV 270-71 (= Fest. p. 140.17, Paul.).

⁶⁴ Thus Astin (1978) 63-64: “All these, abuse of power, misappropriation of booty, failure to observe the proprieties and obligations of public duty, are matters about which Cato protested repeatedly during his career and about which the genuineness of his concern cannot reasonably be doubted.” Cf. Hopkins (1983) 80 on “increased individualism” in the early second century as illustrated by diverting “profits or war to . . . personal advantage” and the “sea-change” of corruption as the century progressed as compared to the more austere past.

Second, Cato shared his contemporary Plautus' (and Ennius')⁶⁵ belief in *mos maiorum*, and believed that his attitudes had the ancestors' approval. In his attack on Q. Minucius Thermus for exaggerating or even creating victories to gain a triumph, Cato inveighed against an incident of violence: Minucius Thermus had ordered Roman citizens flogged by certain barbarians. Cato thundered rhetorically, "Who can bear such insult, such tyranny, such slavery? No king ever dared do such a thing; should it be done to good men, born of good families, with good intent? Where is fellowship (*societas*)? Where is the good faith of the ancestors (*fides maiorum*)?"⁶⁶ Little comment should be necessary by now on the connection between aristocratic solidarity, the negative precedent of kingship, and the good faith of the ancestors.

Third, the fragments of Cato's speech on behalf of the Rhodians in 167 B.C.⁶⁷ Rhodes was allied with Rome, but was also friends with Perseus, the last king of Macedon. When Rome and Macedon went to war, the Rhodians had attempted to negotiate peace, but when that effort failed some Rhodian citizens began to argue that Rhodes should ally itself with Perseus. Nothing came of these urgings, but upon Perseus' defeat and capture, the Rhodians became afraid of Roman retribution and sent envoys to the Senate to apologize for the hasty disloyalty of their compatriots. After the envoys humbly presented their positions and withdrew, debate opened. Some senators wished to declare war on Rhodes, in part, reported Aulus Gellius, because of the possibility for rich conquest.⁶⁸ Cato, however, spoke

⁶⁵ Enn. *Ann.* 156 (500) (= Cic. *de Rep.* 5.1): moribus antiquis res stat Romana virisque ("Upon ancient ways and ancient men stands the Roman state"). Cf. Earl (1960b) 237-238.

⁶⁶ ORF³ 27 fr. 58 (= Gell. 10.3.14): quis hanc contumeliam, quis hoc imperium, quis hanc servitutem ferre potest? nemo hoc rex ausus est facere; eane fieri bonis, bono genere gnatis, boni consultis? ubi societas? ubi fides maiorum? On this speech see Astin (1978) 143, 327.

⁶⁷ On this speech see Astin (1978) 123-24, 137-39.

⁶⁸ Gell. 6.3.

on the Rhodians' behalf in a speech that he included in his *Origines* and that he also published. The entire prologue is extant:

scio solere plerisque hominibus rebus secundis atque prolixis atque prosperis animum excellere atque superbiam atque ferociam augescere atque crescere. quo mihi nunc magnae curae est, quod haec res tam secunde processit, ne quid in consulendo advorsi eveniat, quod nostras secundas res confutet, neve haec laetitia nimis luxuriose eveniat. advorsae res edomant et docent quid opus siet facto, secundae res laetitia transvorsum trudere solent a recte consulendo atque intellegendo. quo maiore opere dico suadeoque uti haec res aliquot dies proferatur, dum ex tanto gaudio in potestatem nostram redeamus.

I know that when matters have gone successfully and smoothly and prosperously most men's minds tend to puff up, and their *superbia* and fierce insolence grow and swell. For this reason I am very worried that, because this matter has turned out so successfully, some adversity might enter into our discussion and confound our successes, or that this happiness might become too luxuriant. Adverse circumstances subdue us and teach us what ought to be done, while successes, with attendant happiness, tend to push us away from proper deliberation and understanding. Therefore it is with great urgency that I say and advise that this matter should be put off for some days, during which time we might return from such joy back to mastery of ourselves.⁶⁹

This preamble maps seamlessly into the framework of restraint values. In Livy's description, *temperantia* should restrain even good but distracting emotions like joy.⁷⁰ Cato here too warned against excessive joy, and connected it directly to the proper mien necessary to govern the state. Moreover, he expressly guarded against *superbia*, the regal trait, and warned against its entry into the Senate's deliberations.

We must not let these words pass by as a mere clever rhetorical device. Cato meant something practical and concrete: that the Senate's deliberations would be marred and its

⁶⁹ ORF³ 62 fr. 163 (= Gell. 6.3.14).

⁷⁰ Cf. Livy 5.7.8: the fathers could "scarcely restrain their happiness"—*laetitiae vix temperatum*—when the People donated to the campaign against Veii; Sall. B.C. 11.4-7: *neque modum neque modestiam victores habere* ("the victors had neither moderation nor modestia"); B.C. 38.3: *pro sua quisque potentia certabant, neque illis modestia neque modus contentionis erat; utrique victoriam crudeliter exercebant* ("each strove for his own influence, and there was neither *modestia* nor moderation in their battles, but each victor exploited his victory with cruelty"); Sall. B.J. 40.5: success leads to *insolentia*.

conclusions erroneous if individuals were unable to control their emotions and arrogance. The reference to *superbia* and the fact that certain senators already were thinking of voting for war to enrich themselves with spoils suggests the mechanism by which the marring would occur. Cato believed that personally intemperate or non-deferential men—even ones intemperate in their happiness, and especially those seeking wealth—would disrupt the *consulendo*, the act of collective (*con-*) decisionmaking of the Senate. This would happen, he said, because lack of self-control would lead directly to *superbia*. *Superbia*, of course, was a quintessential want of respect for the *existimatio* of others, particularly of a peer—the means by which the collective decision-making process would be hampered.

The connection between a man's personal exercise of temperance and the proper functioning of the Republic could hardly be clearer. This study has repeatedly stressed that a practical purpose and effect of what is often dismissed as Roman "moralism" was to regulate the personal relationships among aristocrats so as to permit both the day-to-day decision-making processes of the government and also the system of aristocratic competition to operate in an orderly fashion. The aristocrats whom Cato addressed were, after all, personally the government. Thus Cato's speech—and the first words of it, at that—appealed to the shared values of personal self-restraint that the aristocrats, at least in theory, agreed were necessary for the republican machinery to operate when considering important questions of policy.⁷¹

⁷¹ The context in which this speech was preserved is enlightening. Gellius 6.3.12-15 quoted a letter by Tiro, Cicero's famed freedman, wherein Tiro quoted and criticized this preamble on the grounds that it was *nimis insolenti nimisque acri et obiurgatorio usus sit*—"far too insolent and far too harsh and reproachful." Tiro's charge was that an advocate should use his preamble *conciliare sibi et complacare indices debent sensusque eorum expectatione causae suspensos rigentesque honorificis verecundisque sententiis commulcere, non iniuriis atque imperiosis minationibus confutare*: "to conciliate the jurors to one's self and to please them, and to soften their minds, which are in suspense and rigid in expectation of hearing the case, with flattering and modest sayings, not to abash them with unjust and domineering threats." Gellius thought Tiro incorrect; Cato,

Fourth, on at least one occasion Cato linked his personal obedience to the restraint values to his collection of *honores* and magisterial offices. In his speech *de Vestitu et Vehiculis*—one thinks of the *lex Oppia*—he not only decried *luxuria*, but concluded, “Because offices have been given me on account of those *mores* that I held before I was elected, it would be quite unjust after I was elected to change them and become a different type of man.”⁷² We should take Cato at his word. Such a statement would be ridiculous if success in gaining offices were not considered connected to displays of restraint of the kind that Cato conspicuously showed throughout his entire career.

In short, through the evidence of Plautus and Cato, we may with confidence say that by the beginning of the second century B.C., the restraint values were largely in place, were generally accepted, were considered necessary for the upkeep of *res publica*, and were associated with the achievement of offices and *honores*. Moreover, the values were envisioned in that period in quite the same form as we saw them described by Livy, Cicero, or Dionysius of Halicarnassus a century and a half or more later, or—even later still—by Plutarch, Appian, and Dio. The fact that the restraint values do not seem to have changed greatly in nature or description between the second century B.C. and Livy should not throw us off; that fact instead might remind us that Roman society was highly traditional—and also remind us that a young Cicero could encounter old men who had heard Cato.⁷³

said Gellius, might have showered blandishments at the jurors for a private client, but spoke properly when the health of the state was at stake and correctly did not waste words on self-promotion (Gell. 6.3.19-20). But perhaps both commenters—each separated by a great span of time from Cato’s *milieu*—missed the point: it is probable that Cato was indeed conciliating the jurors to himself to strengthen his credibility by referring in his opening remarks to shared beliefs in the restraint values.

⁷² ORF³ 39 fr. 93 (= Prisc. GL 2 p. 226.16): *nam periniurium siet, cum mihi ob eos mores, quos prius habui, honos detur, ubi datus est, tum uti eos mutem atque alii modi sim.*

⁷³ Cf. *Cic. de Rep.* 2.1.

Can we go even farther back in time? Although at this point we all but lose contemporaneous literary sources, there remains enough of a handhold for some reasonably secure conclusions. Generational bridges like those from Cato to Cicero run in both directions. Plautus made his references to the familiar language and concepts of restraint and to the customs of the elders in the 190s and earlier. Cato was born in 234 B.C., was 50 when censor in 184 B.C., and gave some of the speeches quoted above as early as 195 B.C. By the mid-190s he spoke nonchalantly of concepts later denoted by *moderatio* and *temperantia*, and, most important, he attributed such attitudes to the *mos maiorum*. But to avoid looking ridiculous, Cato needed to sound plausible to his colleagues of the generations previous to him, those born as far back as the 260s and 250s. At least some of these men were still alive in the mid-190s, and we can reasonably infer that the customs that Cato invoked had to appear to such men as ancient as he claimed. Plautus too had to sound plausible in his invocation of the *mores maiorum* on stage, even in jokes.

Those facts anchor the mindset we are seeking at least as early as the 250s, when, as we can reasonably assume,⁷⁴ the most senior men of the 190s were boys, and were instructed by their fathers in the correct way to live as aristocrats.⁷⁵ But that is not all: as we may also reasonably assume, at least some of the grandfathers of the senior men of the 190s—that is, men who were the boys of the 310s and 300s—would still have been alive during the teaching process of the 260s and 250s and (especially as *patresfamilias*) doubtless would have

⁷⁴ Of course, life expectancy in this pre-industrial society was low; Hölkeskamp (2014) 105 calculates an average life expectancy of 55 for a young man who lived to twenty. Hopkins (1983) 72 conservatively calculates that at around twenty to twenty-five percent of men who survived to age 20 reached age 60.

⁷⁵ Hopkins (1983) 58-59 noted that in this period 30-38 percent of consuls had consular fathers, 40-43 percent of consuls had consular grandfathers, and up to 62-68 percent of consuls had consular fathers, grandfathers, uncles, or elder brothers.

directed some of the instruction their grandsons received.⁷⁶ At least some senior men of the 190s would still easily have been able to remember such facts of their youths. Although of course it is possible that the grandfathers of the senior men of the 190s were espousing some new values to their grandsons in the 250s and 260s, a more reasonable supposition is that the grandfathers *themselves* held such values they passed on to their progeny, and that these values would have been gained in their own youths. Thus Cato the Elder's speeches and Plautus' plays permit us, even using these conservative suppositions, to hypothesize fairly well settled restraint values at least as far back as the closing of the fourth century B.C.—a time span that both qualifies as the era of *mos maiorum*, while still being within oral memory of the senior men of Cato and Plautus' audiences.⁷⁷

There is evidence contemporaneous with the late fourth century and early third century to fasten down this hypothesis. One of the earliest fragments of Latin literature dates from around the beginning of the third century B.C., when the grandfathers of the senior men in Cato's and Plautus' audience were young boys. Appius Claudius Caecus, the famous blind censor of 312 B.C., compiled a list of sayings, the *Sententiae*. Of this ancient

⁷⁶ Particularly if the fathers of the old men of the 190s were occupied during the First Punic War. Again, a substantial portion of men born in the 310s or 300s would have survived to see grandsons raised in the 260s and 250s. Hölkeskamp (2014) 119 suspects about one-third of men who married around age 25 had living fathers, who would be in their fifties, and fifteen years later about one in fifteen men had living fathers, who would be in their fifties and sixties while their grandsons were boys. We might also reasonably suppose that even if not all of the particular individuals of the generation born in the 260s and 250s and who were still alive when Cato spoke had themselves seen living grandfathers, such men grew up among at least some (now deceased) peers who did see living grandfathers. And all this is, of course, not even to consider adoption, or the fact that Roman education generally involved young boys following their elders to watch public business performed by men of all ages, on which see generally Eyre (1963) 47-48; Bonner (1967); Corbeill (2007); Billows (2009) 35; and Scholz (2011). For the sake of avoiding controversies, I pass over alternate moral or historical educational methods that scholars have posited might also have transmitted aristocratic values, such as banqueting songs and dramas, for which see Corbeill (2001) 263-66, Wiseman (1989), (2000), and references.

⁷⁷ Cf. Forsythe (2005) 294-95. Already we have well surpassed the pessimistic view of Henry, quoted above, note 5.

work only scraps remain. One is as follows: <ae>*qui animi compotem esse/ne quid fraudis stuprique ferocia pariat*, which may be rendered, “to be the master of a balanced mind/lest fierce insolence give birth to rupture of good faith and to shameful disgrace.”⁷⁸

This tiny kernel carries in its orbit a number of assumptions that correspond to the restraint values. Appius Claudius connected a *compos animus*, a controlled or balanced mind, as opposed to a “fierce” and “insolent”⁷⁹ one—an attitude that surely would later have been termed *moderatio* or *temperantia*⁸⁰—to two assumed and inevitable results. First, the man who could not (or would not) control his mind would engage in *fraus*, and the reference must refer to some extent to *fraus* among one’s peers. The word in classical Latin, of course, connotes trickery or deceit.⁸¹ But the correct translation of this term in its archaic context was recognized by Humm: “la signification première de *fraus* est ‘rupture’ et désignerait d’abord la rupture d’un certain ordre, d’une certaine norme de comportement ou d’une ‘catégorie sacrée’ dont l’expression positive serait la *fides*; de là, la *fraus* a fini par désigner le ‘préjudice’ qui résulte de cette ‘atteinte à la *fides*,’ puis le ‘méfait.’”⁸² With this insight, the word *fraus* suggests that Appius Claudius saw an inexorable step (*pariat*—“beget,” “spawn,” “give birth”) from a personally uncontrolled and fiercely insolent mind to a breach of normal inter-peer relations. Such a breach, we may add, would also constitute a breach of

⁷⁸ Morel *et al.* (1927-2011) 12 fr. 1 (= Fest. 418 L (317 M)). The fragment is ungrammatically garbled (*qui . . . esse*) in Festus; I accept Morel’s reconstruction and translate accordingly. Other attempts at reconstruction by Lejay (1920) 134 and Palmer (1965) 316 differ somewhat but do not detract from the points here.

⁷⁹ For my translation of *ferocia* as “fierce insolence,” I rely on OLD² I 757: “2. Ungovernable disposition or conduct, arrogance, insolence.”

⁸⁰ A conclusion bolstered by the appearance of *compos animus* in Ter. *Adel.* 310 in the mouth of a furious character: *me miserum, vix sum compos animi, ita ardeo iracundia* (“Miserable me! I’m scarcely able to control myself, so strongly do I burn with anger”). Recall from the first chapter Livy’s repeated use of *nix* to express the effort required by *temperantia*.

⁸¹ OLD² I 804 5, 6, 7.

⁸² Humm (2005) 529. So TLL VI Fasc. I 1267: *praevallet notio nocendi, i.q. malum damnum, inuria*. Hellegouarc’h (1963) 567, it should be recalled, saw in *fides* the foundation for Roman social relations. Cf. Freyburger (1986) 125-32; 311-12.

the “gentlemen’s agreement” by which some scholars have described the Republic as governed.⁸³

Appius Claudius also connected an uncontrolled and fiercely insolent mind to an inexorable path toward *stuprum*. This word too has a deeper meaning than first appears. While in classical Latin *stuprum* connoted sexual perversity, Festus luckily quoted this passage as an example of an archaic use of *stuprum* for the classical Latin *turpitude*; hence *stuprum* here can be rendered something like “shameful disgrace” or “dishonor.”⁸⁴ Again, the shame and dishonor Appius envisioned surely came from one’s peers or superiors. Accordingly, the fragment’s logic illustrates that the restraint values later described by the words *temperantia* and *moderatio*—the ability to control the fierce desires of the *ingenium* or *animus*—operated for Appius Claudius in a way quite similar to the descriptions by Livy *et al.* centuries later: failures of personal self-control necessarily “birthed” shame, lowered one’s *existimatio* in the eyes of peers, and disrupted relations with one’s peers.

And that is not all: it is also plausible that Appius’ sentiments melded with those of philosophers from Magna Graecia and Sicily, who repeatedly warned that tyranny could result from such unrestrained passions.⁸⁵ Thus, argues Humm, there is an anti-tyrannical impetus behind Appius’ denunciation of *stuprum*, *fraus*, and *ferocia*.⁸⁶ This conclusion is bolstered by the fact that the second oldest appearance of *ferocia* in the Latin lexicon (Appius’

⁸³ Thus Bernstein (1978) 195 and Rosenstein (1990) 154. Cf. Develin (1985) 55, who saw the Republic as operating according to a “quietist and gentlemanly political process.” Meier (1995) 12 also rightly sees that “the citizen body could be said to *be* a political order rather than to *have* one.”

⁸⁴ OLD² II 2198: “2a: a shameful quality (of a person’s character, actions, etc.) . . . 2b: shameful reputation, disgrace.” Humm (2005) 532 translates “comportement honteux.”

⁸⁵ Humm (2005) 532–39.

⁸⁶ Thus Humm (2005) 537. Humm (537) also sees an anti-tyrannical underpinning for another early reference to Appius, via Ennius *Ann.* 199 (202): quo vobis mentes, rectae quae stare solebant/antehac, dementes sese flexere via? (“How is it that your minds, which used to stand so rightly/before now, demented shift from their path?”). The reference is perhaps to Appius’ famous speech urging the Senate to refuse peace with Pyrrhus.

being the first) is Cato's speech for the Rhodians above, in which he connected *ferocia* to the quintessential monarchical trait of *superbia*.⁸⁷ If there was an anti-regal tradition in Rome in Appius' time—and I shortly will argue that there was—such Greek sentiments fit quite snugly into Roman ideals about how to preserve a Republic.

This fragmentary survival of one of the earliest Roman authors therefore illustrates several aspects of the restraint values at work among aristocrats of the turn of the fourth to the third century: respect for peers, the valuation of what would later be called *temperantia* and *moderatio*, reciprocal effect of the restraint values to organize inter-peer relationships, and resulting disgrace and shame for a man who failed to display the values, all to the benefit of *res publica*.⁸⁸ This is true even though Appius did not use the words that later Romans applied to those concepts.⁸⁹ Although the view is admittedly growing dimmer, we can still

⁸⁷ *TLL* VI Fasc. I 565: rebus secundis . . . superbiam atque ferociam augescere.

⁸⁸ Thus Earl (1967) 35 is quite wrong to claim that Plautus is the “ideal of the Roman aristocracy in its earliest expression known to us.”

⁸⁹ Which ultimate terminology, of course, may have been mediated through Greek influences. Scheidle (1993) 19-22, 209-211; cf. Harris (2008) 79-84, 113 on the shaping of the word *virtus* through Greek influences in the second century, for which the direct evidence is thin but palpable. At least one alternative interpretation of the fragment should be rejected: Palmer (1965) 316-19 wrings from the passage a clouded reference to Pythagorean musical therapy for mental illness. Humm (2005) 529, as noted, sharply disagrees with Palmer. In accord with Humm is Lejay (1920) 134, who correctly surmises from the fragment: “*Ferocia* est le contraire de *compote esse*, c’est l’incapacité à se maîtriser. On notera toujours ce jeu d’antithèses, cher aux Romains. La maxime elle-même s’inspire de ces vertus prônées et pratiquées par eux, *constantia*, *patientia*. Elle n’a pas besoin d’avoir été prise à un auteur grec, et il est curieux que le hasard, qui nous au sauvé trois fragments de *Sententiae*, nous en ait gardé un qui correspond si exactement à un certain idéal national.” In accord is Burck (1951) 169, albeit rather romantically: “Wirkt es nicht geradezu symbolhaft, daß von den ersten quasi-literarischen Aufzeichnungen eines Römers, den Sinnsprüchen des durch sein Kriegstaten gleichermaßen wie durch den Bau der ersten Heerestraße und des ersten Aquäduktes berühmten Appius Claudius Caecus, neben dem Sprichwort, daß jeder seines Glückes Schmied sei die Aufforderung zum Maßhalten, zum das *aequus animus* erhalten ist, damit nicht ‘unbeherrschter, trotziger Stolz eine unrechte oder schimpfliche Tat gebäre?’” The extent to which the aristocracy drew any restraint ideals from Greek contacts is too difficult to determine with certainty, although see Stoessl (1979). The Romans would have adopted those Greek ideas most fitting to their own preexisting cultural *milieu*. That is the

make out the restraint values from contemporaneous evidence as early as the lifetimes of men who lived in the late fourth century and early third century B.C. That explains why the next generation after Appius reportedly saw Manius Curius Dentatus' simple fare and Gaius Fabricius Luscinus' rejection of Pyrrhus' bribes—and also would help explain the solidly attested fact that Fabricius as censor in 275 B.C. expelled P. Cornelius Rufinus, former dictator and twice consul, from the Senate for owning those ten pounds of silver plate.⁹⁰

We can continue farther back into this period, albeit on ever more unsteady ground.⁹¹ Contemporaneous literary evidence ends; archeology, epigraphy, arguments from social structures, and shards of fact mined from tradition provide what evidence remains. But exploration of this period, while bound to be uncertain, remains profitable, and a key means of exploration is to examine a new and important social context: the emergence in the second half of the fourth century of what has been termed the “new nobility” or the “patricio-plebeian nobility.”⁹² The creation of this new nobility brought with it an emphasis on personal restraint, particularly as part of the new nobility's stress on *concordia* and deference.

I state the bare minimum of agreed fact. Roman tradition and some epigraphic evidence permit us to infer that for some period of time before the first quarter of the fourth

thesis of Scheidle (1993), esp. 46-54, 212-213, who sees *modestia*, *continentia*, etc., as original Roman virtues related to the proper ordering of rustic *res domesticae* that were later infused with Greek influences, although he admits that their later political development in relation to Greek ideas is difficult to trace without “die Möglichkeit der Projektion” through later authors; cf. Brunt (1988) 39; Lévy (2006) 563-71.

⁹⁰ Dio 8.40; Livy *Per.* 14; Dion. Hal. 20.13.1, Val. Max. 2.9.4; Gell. 4.8.7; Flor. 1.13.22; *MRR* I 196; Astin (1988) 23.

⁹¹ Oakley (2014) 4 rightly states that “[M]ost scholars believe that our evidence gets better the further away the event in question is from 509 B.C. and that our evidence for the years after 300 B.C. is notably better in quality than that even for the period 350-300 B.C.”

⁹² Thus Ferenczy (1976); Gabrielli (2003) 245-55; Forsythe (2005) 96; Oakley (2014) 8-9. Cf. Crawford (1978) 33; Palmer (1970) 253-276; Mitchell (1990) 1-30; Martin (2002) 167-168; McDonnell (2006) 154 (“formation of the patrician-plebeian nobility”), 194; Bringmann (2007) 40-41; Wiseman (2008) 75, and the references therein.

century B.C., the Roman aristocracy comprised families who, collectively, are known to us as “patrician.”⁹³ What, precisely, defined them as such has been debated extensively, although part of the answer is certainly the traditional patrician monopolization of certain archaic priesthoods and related religious knowledge of the auspices. Having had access to the former royal council was also perhaps a criterion.⁹⁴ By invoking these criteria the patricians

⁹³ Forsythe (2005) 165-67 argues that patrician dominance of offices may not have existed from the birth of the Republic, but developed only towards the end of the fifth century B.C. as patricians drew apart from a group of plebeian rivals. He proposes this as a solution to the famous so-called “plebeian names” problem: names identifiable in historical times as plebeian (e.g., A. Sempronius Atratinus in 482 B.C.) appear in the consular *fasti* in the fifth century when, according to Livy at least, patricians held the office alone. Cf. Oakley (2014) 7; Momigliano (1969) 10, 25; Mitchell (2005) 132. Forsythe postulates, following De Sanctis (1956-69) I 228-30, that there was an initial period of fluidity in the aristocracy and openness to plebeians, outsiders, and even foreigners, before the “*serrata del patriziato*” towards the end of the 400s. Smith (2011) 25-26, however, is right that we simply cannot know whether names and status were static over the course of centuries, and is certainly correct that only a “committee of idiots” would forge the *fasti* by adding plebeian names late in the Republic.

There is no space here to resolve such issues, but I am inclined to the tempering view of Raaflaub (2005b) 201. Raaflaub agrees there was a *serrata del patriziato*, and also agrees there was an initial openness to outsiders, at least for foreign fellow nobles. But he surmises first (209) that the “closing” of the patrician elite was in the early fifth century (much earlier than Forsythe places it), and (201) that it was not a closure as against an equally wealthy plebeian elite, but rather as against an “emerging plebeian organization” of lower-born persons. As such, “Under permanent external pressure, the patricians had already begun to discipline themselves.” When the plebs organized, the aristocracy “responded by developing a strict aristocratic code that justified its claim to power with the nobleman’s inherited qualities and natural superiority There was indeed a ‘*serrata del patriziato*,’ but not in the sense that nonpatrician members of the aristocracy were excluded. Rather, the aristocracy was fixed as it was, membership was frozen” I suggest that the aristocracy did more than just define and exclude by birth, but also assumed and developed an aristocratic code that valued restraint. Cf. Mitchell (1973) 112-113 (“[The Roman nobility’s] attitude was not one of vigorous exclusion but of carefully controlled inclusion”).

⁹⁴ Mitchell (1973) 105-106; Momigliano (1989) 102-03; Linderski (1990) 565-569; Crawford (1993) 24-25; Forsythe (2005) 159-60, 167, 228; Richard (2005); Bringmann (2007) 7 also suggests the patricians were cavalry. *Contra* are Momigliano (1969) 22-23; McDonnell (2006) who more correctly see aristocratic cavalrymen as a later development. Mitchell (2005) particularly sees in the patriciate a religious caste, not a social or political group; *contra* Raaflaub (2005b) 205, who argues that social standing creates priests, not the other way around, although I see no reason why the two aspects of the patriciate could not be mutually reinforcing. Traditionally there was a ban on intermarriage between patrician and plebeian, as recorded in the XII Tables, which Mitchell (2005) 150-151 sees as maintaining ritual purity. Cf. Watson (1975) 20-23. *Contra* are Forsythe (2005) 227-230 and Momigliano (2005)

maintained a monopoly upon the consulship and other *honores* for some lengthy period of time. But around the year 367 B.C., again traditionally,⁹⁵ the aristocracy in some way opened to certain newcomers whom history has termed “plebeian,” perhaps now by admitting them to the consulship. With that change, the definition of *nobilitas* began to extend beyond birth alone to include the holders of certain offices, and to their descendants.⁹⁶

To be sure, change was not immediate. Even after the traditional date of the entry of the plebeians into the consulship, patrician names dominate (but notably do not monopolize) the consular *fasti* for some twenty-five years.⁹⁷ At that point, the *leges Genuciae* of 342 B.C. and *Pubiliae* of 339 B.C., which may have followed some military or debt crisis, permanently altered the nature of republican officeholding.⁹⁸ The *leges Genuciae* banned holding more than one office at the same time, and prevented iteration of the same office for ten years. A further *lex Genucia* apparently guaranteed that one consul of the pair had to be plebeian.⁹⁹ The *leges Pubiliae* seem to have provided that plebiscites—that is, votes by the

180, who argue that the reference to a ban on intermarriage is unhistorical. Given the strength of opposition, I make no arguments based on a supposed ban on intermarriage.

⁹⁵ Staveley (1953); Develin (2005) *passim*. The laws that supposedly worked such changes are traditionally known as the Licinio-Sextian rogations. For the historical difficulties surrounding these laws see Palmer (1970) 247-253; Ferenczy (1976) 47-54; Cornell (1989) 338-339; Oakley (1997) 645-661; Bringmann (2007) 43; Oakley (2014) 6; Brennan (2014) 27.

⁹⁶ On this process, see Starr (1980) 2, 57; Brunt (1982); Hölkeskamp (1993); Cornell (2000) *passim*; Humm (2005) 126-128, 539; Flower (2006) 51; North (2006) 259-66; Hölkeskamp (2010) 77-78.

⁹⁷ As note Forsythe (2005) 271; Develin (2005) 297, 302-303; and Bringmann (2007) 43.

⁹⁸ Thus Cornell (2000) 78-79, following Münzer (1920) 46; Forsythe (2005) 366; Humm (2005) 118 and nn. For ancient references to the laws see Livy 7.42.1-2, 8.28; Tac. *Ann.* 6.16.2; Dion. Hal. 16.5; Cic. *de Re Pub.* 2.34, *de Or.* 2.255. Cf. Drogula (2015) 40 and references. Forsythe (2005) 272, with typical criticism, denies that any “sedition” prompted the laws, but notes the laws’ importance. Cf. Hölkeskamp (1987) 107.

⁹⁹ Livy 7.42.2. The historical record is somewhat confused; some ancient historians reported that the law meant that both consuls could be plebeian, something not achieved until 172 B.C. This interpretation was surely incorrect, Cornell (1989) 338.

plebeian assembly—would be binding on the whole community,¹⁰⁰ and also that one of the censors would be plebeian.¹⁰¹ The shift these laws produced was profound. In the ensuing decades there is an undeniable influx of new names into the consular lists: up to twenty per cent of consulships in a decade went to new *gentes* until the year 260.¹⁰² The aristocracy was expanding.

Apart from the *fasti*,¹⁰³ there is also contemporaneous evidence, not merely of changing personnel, but of an attitude of consolidation among the new aristocracy of care for *existimatio* and for the “face” of one’s fellow aristocrats. Aristocrats in the new nobility were becoming willing to accept each others’ relative merits in the competition for *honores*. Such acceptance must have involved something like a calibration process that *verecundia* and care for *existimatio* later described. For example, it is apparently around the turn of the third century when generals began to dedicate temples to express their prowess.¹⁰⁴ Critically, however, the temples also show that the new aristocracy valued more than personal achievement alone. Eric Orlin has shown persuasively that even when a general vowed a temple to glorify his achievements, the Senate of the early third century—the general’s peers—ordinarily provided the funds, such that “[p]rivate initiative mingled with public

¹⁰⁰ There is much debate whether provisions of later laws of the third century, particularly the *lex Hortensia* of 287 B.C., have been retrojected into our reports of these laws. See Drummond (1989) 223. The truth is unnecessary to prove here, however: as Cornell (1989) 223 correctly notes, plebeian opinion was potent enough to impose plebeian views through plebiscite, even without “formal” legal force, in the late fourth century.

¹⁰¹ On the *leges* see Cornell (2000) 78-79; Forsythe (2005) 274-75; although Forsythe suggests the *lex Publilia* on the censorship may only have “refined” one of the *leges Genuciae*.

¹⁰² Hölkeskamp (1993) 23-26; Cornell (2000) 79; Forsythe (2005) 165, 270-276, 366; Humm (2005) 127-128.

¹⁰³ Smith (2011) adequately relieves any doubts on the accuracy of these records.

¹⁰⁴ Orlin (1997) 127; McDonnell (2006) 154.

oversight to create a situation in which both sides shared in the rewards; a sharp distinction between public and private is . . . not possible.”¹⁰⁵

Likewise, epitaphs glorified the dead, but with an eye to peers.¹⁰⁶ The tomb of L. Cornelius Scipio, cos. 259 B.C., for example, is inscribed with the archaic words: *bonc oino ploirume cosentiont R[omai]/duonoro optumo fuisse viro/Luciom Scipione* (“Most Romans agree that this Lucius Scipio was the best of the good men”).¹⁰⁷ Similarly, Cicero recorded the inscription of A. Atilius Catalinus, cos. 258, 254: *hunc unum plurimae consentiunt gentes/populi primarium fuisse virum* (“Most of the families (*gentes*) agree that this man was first among the people”).¹⁰⁸ That *cosentiont* is important: rather than simply declare their subjects to be the best or first, the eulogists took the effort to carve into stone the agreed opinion—the *existimatio*—of the majority of the fellow citizens of the deceased.¹⁰⁹ Further, the fact that the epitaphs recorded that “most” of the families or good men held that opinion also suggests

¹⁰⁵ Orlin (1997) 159, 198 concludes: “Fundamentally, the Republic depended on the cooperation of a highly competitive group of nobles. The construction of new temples illustrates one way in which that cooperation operated: individual Roman generals vowed the majority of these temples on their campaigns, while their peers sitting in the Senate accepted the vow on behalf of the state and provided political and financial support for the vower. By this means nobles might seek glory for themselves and still promote the overall interests of the state: relations with the gods would be solidified and relations among the aristocracy would be maintained.” Orlin (195-196) contrasts this situation with that of the Late Republic, during which time, he argues, generals dedicated shrines “connected more intimately with the individual himself” and not state temples: “One of the defining characteristics of the Late Republic is a shift in emphasis from the interests of the Republic to the interests of the individual.”

¹⁰⁶ North (2006) 377-78. See Zevi (1968), Benedetto *et al.* (1973) 234-41, Bringmann (2007) 48-49, and Wiseman (2008) 6-7 on the sarcophagi of the Scipios.

¹⁰⁷ *CIL* 1.2.9 = *ILS* 3 = *ILLRP*² 180-81. Zevi (1969-1970) 66-67 n.7 comments on this inscription: “È interessante il concetto del ‘consenso’ cittadino, chi ritorna in parecchi altri testi,” for which he cites Livy 10.13.12, the initial refusal by the aged Fabius Maximus Rullianus to stand for consul in 297 B.C. and his eventual agreement *consensu civitatis victus*.

¹⁰⁸ Cic. *de Sen.* 17.61. Cf. Hellegouarc’h (1963) 123 on “*consentire*.”

¹⁰⁹ The dating of this inscription has been put as late as 200 B.C. on poetic considerations, but Zevi more convincingly argues the lines are contemporary with the funeral, possibly part of the *pompa funebris*, even if appended to the sarcophagus later, Zevi (1968) 66-67 and references; Degraffi in *ILLRP*² 181 n.310 decided *c.* 230 B.C., shortly after Scipio’s death.

that aristocrats calculated and publicized the relative sizes of the groups of peers that supported them: a majority to whom deference would be due. A member of the nobility of the third century thus valued and touted not only achievement, but consensus about the merit of that achievement. It is unlikely coincidence that there appears in the *fasti* after the year 300 a marked decrease in the use of dictators, which suggests a growing confidence in the ability of many noble men from many families to hold office even during emergencies—something possible only if nobles were willing to yield chances for glory regularly to peers.¹¹⁰

Indeed, the period's emphasis on *concordia* strongly implies that men were encouraged and expected on occasion to yield place to others. Cn. Flavius, a former scribe of Appius Claudius and a son of a freedman, was among the new officeholders and became curule aedile in 304 B.C.¹¹¹ Around this time he dedicated a temple to *Concordia*.¹¹² Whether Flavius meant by *concordia* newly forged bonds between the classes, or whether he (as a new man) wished to espouse the preexisting values of the nobility, or whether he celebrated *concordia* among the new nobility, or some combination thereof, is difficult to say.¹¹³ But three aspects

¹¹⁰ Cf. North (2006) 264. Drogula (2015) 123-24 (and references) suggests that a *lex Valeria de provocatione* “defanged” the dictatorship by permitting appeals from dictatorial action, which “reduced” the dictatorship’s “effectiveness” in quelling social disturbances. Why the Romans should then replace dictators with even less effective consuls is not explained; Drogula is more on point when he recognizes that by 300 B.C. the “resolution of the so-called Conflict of the Orders” “reduced the frequency of domestic strife.”

¹¹¹ Livy 9.46.2; *MRR* I 168. On the traditions surrounding Flavius’ career, see Forsythe (2005) 318-20.

¹¹² Livy 9.46.2; Pliny *N.H.* 33.19; *InsIt* 13.2 15,47. On this temple see Ziolkowski (1992) 21-22; Orlin (1997) 163-165; Levick (1978) 221.

¹¹³ The shrine’s presence at the *comitium*, per Pliny, admittedly suggests that the point was *concordia* among the classes, although Akar (2013) 98 has argued convincingly that *concordia* was first and foremost a value shared by aristocrats of the same rank. Humm (2005) 622-23 takes the founding of this shrine as the part-and-parcel application of the Pythagorean ideal of ὁμόνοια to the new rapport among the classes of Rome, which resulted in “l’égalité géométrique.” Somewhat *contra* is Freyburger (1983) 314-15, who states that “De telles idées ont certes dû, de quelque façon, régner à Rome de tout temps,” but concludes “le concept romain de *concordia* est, dans la pratique, tout à fait conforme à son correspondant grec,” ὁμόνοια. Hellegouarc’h (1963) 127 is more measured: while not doubting the influence of

surrounding the episode stand out. First, the divinization of the ideal in a temple at just at this time speaks loudly.¹¹⁴ *Concordia* was more than an ideal only; it had practical effects. Flavius' act reportedly provoked some enmity: at least according to Livy, who followed here the *popularis* history of the first-century tribune C. Licinius Macer, Flavius founded the temple *summa invidia nobilium* ("to the great hatred of the nobles").¹¹⁵ To the extent the nobles' objection is historical, it was not to the ideal of *concordia* or to its divinization: it was that a mere (freedman's son) aedile, and not a consul or general, as customary, was attempting to found a temple.¹¹⁶ Nevertheless, the *pontifex maximus* agreed to conduct the ceremony and to read aloud the ritual words for Flavius to repeat: *concordia* overcame dissention.¹¹⁷ Second, the ideal of *concordia* either was or became so widespread around this time as to be quotidian: a drinking cup of the late fourth or early third century inscribed with a dedication to "*cucordia*" is of the exact type of many others devoted to more recognizable deities such as Juno and Vesta.¹¹⁸ Third, even if initially the value meant nothing more than inter-class consensus, the addition of plebeians to all the officeholding colleges would soon *ipso facto* inject divinized *concordia* between the classes into intra-collegial relations, particularly

Greek ideas, he writes "*Concordia* apparaît ainsi comme une transposition quelque peu idéalisée, sous l'influence de la culture hellénique, des vieilles notions latines de *consensus* and *consensio*." These "old Latin notions," as just seen, were loudly touted by aristocrats. Stronger is Axtell (1907) 59: "One of the earliest cults, Concordia, was certainly native." Levick (1978) 221 suggests international concord because of the temple's position near the ambassadors' waiting area, although this has no support in any ancient source.

¹¹⁴ Camillus supposedly dedicated a temple to *Concordia* in 367 B.C., although it was possibly never built, Livy 6.42.5. The story is of highly questionable historicity; Ziolkowski (1992) 22-23, 187 denies that Camillus' temple existed, although Axtell (1907) 11 accepted the date. If such a temple were constructed at that time, however, it would place the divinization of the ideal at the time of the creation of the new nobility.

¹¹⁵ Livy 9.46.6. Levick (1978) 221 notes the authorship of Macer.

¹¹⁶ Livy 9.46.7.

¹¹⁷ That the priest was reportedly "forced by the consensus of the People," (coactusque consensu populi) sounds suspiciously like the influence of Macer, although if true it would add to the evidence that the People reinforced aristocratic restraint values, Livy 9.46.6.

¹¹⁸ Benedetto *et al.* (1973) 66 no. 31.

among the required plebeian/patrician consular colleagues. From there it would spread to relations among all senators.

The contemporary *lex Ovinia* gives further evidence of emphasis on *concordia* (bound up with deference), care for *existimatio*, and *verecundia*, and connected *concordia* to other restraint values later known as *moderatio* and *temperantia*. According to Festus, after the kings were expelled, the consuls (and consular tribunes) had the power to choose the Senate as they wished. But after the Ovinian law, the censors had the task *ex ordine optimum quemque [iur]ati in senatum legerent* (“having taken an oath, to enroll into the Senate the best men from [every] order”).¹¹⁹ Thus apparently began the *lectio senatus*, the enrolling of the Senate—the task for which the censorship became both famous and powerful.¹²⁰

The date of this law is debated. Mommsen surmised slightly before 312 B.C., just prior to the censorship of Appius Claudius Caecus and C. Plautius Venox.¹²¹ Some modern scholars tend to favor before 318 B.C. or even between 339 B.C. and 334 B.C.¹²² But all are within range of the creation or settlement of the new nobility. More important is content. What qualified the “best men from [every] order”? Certainly some wealth, family

¹¹⁹ Fest. 290 L. The manuscripts have *curiati* for *iurati*; I follow Cornell (2000) 83 emending the manuscripts to include the oath, for which Cornell notes substantial independent support, but see Jehne (2011) 218. Stone (2005) 71-72 sees the attractiveness of *iurati* but proposes *quiritium*, which is not impossible and would do the work of excluding total undesirables such as men of the *municipia* or *libertini*, but still would require the censors to sort “the best” candidates according to some standard criteria beyond mere birth or wealth. Stone (2005) 70, unfortunately with too little explanation, credits the *lex Ovinia* with creating a “concord-society.”

¹²⁰ Martin (2002) 169. *Contra* is Mitchell (2005) 147, who presumes that the early Romans would not have let the censors “acquire the power and influence so often credited to them,” although without citation.

¹²¹ Mommsen (1887) II 418-19 n.3; in accord is Hölkeskamp (1987) 142 n.15.

¹²² Thus Cornell (2000) 79. Williamson (2005) 189 n.144 gives “ca. 339-332”; at 452 she gives 313 B.C. Bunse (2001) 152 suggests before 312 B.C. Develin (2005) 301 cautiously suggests 314 B.C. Mitchell (2005) 146 is agnostic: either before Appius Claudius’ censorship in 312 or in consequence of it. Bringmann (2007) 46 argues between 318 and 312 B.C. Late is Stone (2005) 73, who argues 295 B.C. as a measure to complement the *lex Hortensia*.

background, and influence were necessary;¹²³ but the facts suggest there must have been other and more complex criteria than mere adequate wealth or birth.¹²⁴

First, both censors had to agree to a candidate's enrollment or rejection. This all but guaranteed that relatively objective criteria like wealth or birth cannot have been the only deciding factors. Two censors were hardly necessary to agree on basic math or to check a genealogy. Instead, requiring the agreement of two colleagues, each with veto power over the other's choices, suggests that the candidate also had to be *socially* inoffensive. And because in theory any citizen could now be enrolled, including plebeians, we can assume without much difficulty that the former patrician aristocracy, who for most of the century reportedly fought hard to retain their privileges, would desire the enrollment of those who most resembled themselves.¹²⁵ The new plebeian nobility, in turn—an entire group of *novi homines*—would wish to mimic the patricians they had at last joined.¹²⁶ To avoid one censor's rejection might be hard enough, but to avoid that of two required compliance with whatever social standards the two censors had, and which they (no doubt) shared with the larger group. The structure of the *lex Ovinia*, then, encouraged (required?) social *concordia* with reference to generally accepted standards.¹²⁷ This concord would have been critical in what were evidently rocky years as the plebeian and patrician nobles learned to coexist.

¹²³ Cornell (2000) 80.

¹²⁴ Cornell (1989b) 393-94 laments that the criteria for selection are “obscure”; my conjectures, I hope, are reasonable. Cf. Smith (2005).

¹²⁵ This means of sorting senators can be seen in the breach as well: Cn. Flavius, the son of freedman, was deeply offensive to the *nobiles*, his patron Appius Claudius gained such scorn for enrolling freedmen into the Senate that they soon after were banned, and Appius himself gained a reputation for *superbia*. Humm (2005) 643 discusses; cf. Cornell (2000) 84-85.

¹²⁶ Thus Develin (2005) 305: “The plebeian nobility, as it developed, could adopt the exclusive habits of their patrician counterparts.”

¹²⁷ I therefore suggest that there was more reason for the dual censorship than “einen Schutz gegen Willkür,” Martin (2002) 170. Cf. Cornell (2000) 83: “peer pressure and close adherence of Roman aristocrats to the prevailing value system meant that there would in practice be little disagreement about the definition of *optimus quisque*.” Cf. Palmer (1970) 256-

Second, according to the law the censors had to apply a *nota*—a reason for a rejection. It would, again, seem pointless to require an explanation for rejection if the criteria for membership were limited to evident deficiencies in family background or pocketbook. Rather, this requirement suggests a more important underlying purpose: to set the social standards publicly, and thus to allow the entire group to witness and understand which transgressions would result in rejection. Accordingly, the threat of the *nota* required senator and censor alike to consider carefully his own “face” and the “face” of others.

Third, the censors swore an oath that they were taking the “best” men, which, we are told, prevented favoritism.¹²⁸ Such an oath, of course, presupposes that some criteria for “*ex ordine optimus*” existed other than personal preference for friends and relatives; one’s colleague also needed to agree that a man was among the “best.” This simple rule—which the censors evidently took quite seriously—put the force of religion behind the need to evaluate each candidate on some system of merits; one might say on his *existimatio*.

Fourth, Festus stated that before the *lex Ovinia* there was no disgrace in being passed over for the Senate, but that after the law men felt ashamed if they were excluded from the Senate.¹²⁹ If Festus can be trusted, the shame cannot have arisen from mere lack of wealth or birth, which criteria were the same before or after the law. Rather, the shame seems to have resulted from social behavior that somehow disturbed *concordia*. The other evidence of the period we have witnessed, particularly the expulsion of Rufinus and the testimony of Appius Claudius, has suggested what such behavior might be: actions arising from a “fiercely

265. Momigliano’s (1969) 28 conjecture that the *patres* hand-selected *conscripti* to join the Senate fits well here, giving some precedent for the process by which the plebeians came to join the Senate.

¹²⁸ Zonaras 7.19; Cic. *pro Clu.* 121.

¹²⁹ Fest. 290 L: praeteriti senatores quondam in opprobrio non erant . . . quo factum est ut qui praeteriti essent et loco moto haberentur ignominiosi (“There was a time when passed-over senators gained no opprobrium . . . by [this change] it came about that those passed over or removed from their place were considered shamed”).

insolent” *ingenium*, lack of a moral criterion later denoted by the words *temperantia* or *moderatio*, a self-servingness, ignoring of one’s duties to the state, and lack of respect for one’s peers and for *consensus*. Those acts simultaneously marked a man as socially inept and thereby unfit for the exercise of government, an important source of honor. In short, we can tentatively suggest that the *lex Ovinia* helped both shape and enforce the restraint values at the very same time that the new patrician-plebeian nobility settled in, and that it permanently and directly connected the exercise of the restraint values to participation in republican government.¹³⁰

All told, the pieces of contemporaneous evidence we can collect from the period of the late fourth and early third century, read in the context of the creation of the new nobility, reveal the first glimmers of the restraint values that we see operating later in the fuller light of history: deference to colleague and peer, *concordia*, recognition of the concepts later described by the words *temperantia* and *moderatio*, reciprocal effect of the restraint values in inter-peer relationships, and resulting shame in the eyes of peers for a man who failed to display the values. Numerous scholars have recognized the pivotal effect that the creation of the new nobility had on the rest of republican history.¹³¹ Even if we go no further back in

¹³⁰ In this respect I disagree with Astin’s (1988) 24 claim that the censors’ resistance to luxury “lacked a well-defined and systematic basis.”

¹³¹ E.g., Oakley (2014) 9 (“The values of these nobles, dominant among which were the desire for military repute, the advertisement of one’s achievements and those of one’s family, the refusal to allow any one member of the governing class to become preeminent for too long, and a suspicion of outsiders, were probably not strikingly different from what had gone before. What was different was the success of this new nobility in maintaining a dominant position in the state, which it did from 287 (at the latest) more or less until Caesar crossed the Rubicon in 49 B.C.”); Forsythe (2005) 276 (“[T]he middle of the fourth century B.C. was the crucial period during which the Roman ruling class developed the general policies and practices that henceforth formed the basis of the Roman aristocracy”); Hölkeskamp (1993) 36 (“These factors now formed the framework in which conflicts could be solved, controversies pacified, the patricio-plebeian gap bridged and the emerging homogeneity of the new elite consolidated and its consensus broadened”).

time, if we stop in the early fourth century, or even at 367 B.C. as a hard date,¹³² we have gone back far enough into the past to root the restraint values and to begin to trace their influence on the Rome of the second and first centuries. We have found in this period, if not the ore mine, then the forge of the values that restrained aristocratic competition for the remainder of the Roman Republic.

But could we go back even earlier? We are already at the dawn of reliable history, and behind this line lies little more than legend and conjecture. But if we continue, we must ask to what extent the new nobility assumed old values or created values afresh to help the new aristocracy meld. Five pieces of evidence suggest an adoption by the new patricio-plebeian aristocracy of at least some preexisting values of an archaic patrician nobility.

First, the curious story of Marcus Manlius Capitolinus. The legend in brief: at the time of the Gallic sack around 390 B.C., Manlius bravely and all but alone defended the Capitoline hill from the barbarians, assisted only by the alarm raised by the squawking of Juno's sacred geese as the invaders crept up the hill at night.¹³³ A few years later, however, his name became synonymous with sedition. In Livy's telling, Manlius had great "scorn" for the other nobles, and was particularly envious of the great Camillus, who, Manlius felt, had stolen from him the glory of final victory over the Gauls.¹³⁴ Manlius soon put himself out as defender of the poor and the indebted and attempted to gain royal power. Tried and condemned, he was executed, in Livy's version by being thrown from the very Tarpeian

¹³² *Cf.* Burse (2001), for one, who situates the collegiality of magistrates and censors no earlier than in 367 B.C.

¹³³ Livy 5.47.

¹³⁴ Livy 6.11.3: *sperneret*.

Rock that he had defended.¹³⁵ His family decreed that no other member of the *gens* should thereafter bear the *praenomen* Marcus.¹³⁶

Modern scholars have approached the traditional story of Manlius with varying levels of suspicion, particularly in that the story mirrors the experience of late, radical tribunes.¹³⁷ But even if, in an abundance of caution, we jettison all possible accreted details, we are left with the historical trace of one man's attempt to rule and the wrath that it inspired. One salient fact remains: indeed no other member of the Manlii, even into historical times, bore the *praenomen* Marcus again.¹³⁸ Even so committed a skeptic as Forsythe has deduced from this point that it is "beyond reasonable doubt" that some sedition aimed at *regnum* took place and was put down.¹³⁹ Something about the desire for one-man rule deeply offended the aristocracy of the early fourth century—so deeply that its members would resort to a (sort of) *damnatio memoriae* of any aristocrat who violated that imperative.¹⁴⁰ That fact necessarily

¹³⁵ Livy 6.14-20. Manlius' sedition was also recorded by Diodorus Siculus 15.35.3; Zonaras 7.23.10; and Gellius 17.21.24.

¹³⁶ Livy 6.20.14; Cic. *Phil.* 1.32.

¹³⁷ Ogilvie (1965) 734 calls the defense of the Capitoline "the authentic stuff of history"; Forsythe (2005) 254 quite the contrary: "historical fiction." Oakley (1997) 476 is agnostic on that point, but details (481-92) the level to which the Gracchan and Catilinarian seditions influenced the details in Livy's narrative; to similar effect is Valvo (1980). Oakley thus concludes (492) that little of Livy's detail is sound but does not doubt the historical core of the incident.

¹³⁸ As Oakley (1997) 492, 567 and nn. affirm, although Forsythe (2005) 261 notes a possible exception in Livy 42.49.9, which mentions Marcus as the father of a Manlius Acidinius, a military tribune in 171 B.C.; Forsythe, however, suggests that the manuscript is corrupt.

¹³⁹ Forsythe (2005) 261 ("beyond reasonable doubt . . ."); Oakley (1997) 492: "That a M. Manlius was put to death and that many later generations believed that he aimed at tyranny is certain . . . [Livy] records the passing of measures that no patrician might in the future live on the Capitol and that no future Manlius might be called Marcus. These statements are supported by other sources . . . and there is no reason to doubt that the exploits of M. Manlius lie behind them. In which case Manlius must in some way have tried to subvert the constitution, and an attempt at tyranny seems very plausible . . ." Cf. Raaflaub (2005a) 31, who accepts the general historicity of Manlius, but not Livy's details.

¹⁴⁰ Cf. Flower (2006) 68. I hardly need add that, apart from M. Manlius Capitolinus, tradition also told the stories of Spurius Cassius and Spurius Maelius (Livy 2.41-43, 4.13-15; Dio. Hal. 12.4.2-5; Gell. 17.21.23-24; Flor. 1.17.7-8). On the extent to which the story of Maelius or

implies a social arrangement involving some understood methods of aristocratic cooperation and agreement, which in turn suggests an early valuation of *consensus* in some form or other, and also suggests respect for the “face” of one’s fellow aristocrats by not trying to strip power from them.

Second, one of the most ancient of Roman institutions: the *interregnum*. When a king died, the Senate appointed a series of interim kings (*interreges*) who presided over the selection of a new king.¹⁴¹ Each *interrex* would hold office only a short time before the next *interrex* took over or a new king was chosen. In the Republic the system stayed in place when a magistrate died or otherwise left the office vacant. The first recorded *interreges* of the Republic held the office in 482.¹⁴² We know that men took pride in holding this position: Appius Claudius’ epitaph recorded his three iterations as *interrex*.¹⁴³ But, as Drummond has noticed, the entire theory of an interregal procedure presupposed an aristocracy that had already recognized among itself and its members some general equality. Accordingly “the forms in which patrician political power was institutionalized from the start of the Republic sought both to forestall abuse and usurpation by individual magistrates and to ensure a major role for the voice of the patriciate as a whole. The principle of collective aristocratic authority is, indeed, already implicit in the *interregnum* procedure.”¹⁴⁴

others was a late-republican creation, see Ogilvie (1965) 337-39, 550-52 (with many doubts); Lintott (1968) 55-57; Forsythe (2005) 193, 240 (some “kernel” of truth to Maelius’ story); 259-61 (same); Raaflaub (2005a) 25, 29 (skeptical); Cornell (2005) 50-51 (“unlikely . . . fiction”); Lowrie (2010) 171-73, and references.

¹⁴¹ Forsythe (2005) 110 and his ample references. Cf. Palmer (1970) 226-232.

¹⁴² Dion. Hal. 8.90.4-5. See Palmer (1970) 301 for a list of republican *interreges*.

¹⁴³ *CIL* I² 192 no. X (= *ILS* 54); Humm (2005) 52.

¹⁴⁴ Drummond (1989) 184. Palmer (1970) 253, 286 notes the use of the *interregnum* device by patricians to thwart plebeian officeholding; cf. Linderski (1990) *passim*, especially 564-567, 569. also the derivation of *curia*—the archaic social or military unit of which the curiate assembly was comprised, and which was also the name for the Senate house—from *co-viria*. See Levick (1982a) 56 and references. Richard (2005) 108-109 probably correctly denies that *curiae* were comprised solely of patricians, but Mitchell (2005) 130-131 suggests patricians at

Third, Table X of the XII Tables restricted the clothing, accouterments, and expense of funerals, as well as excessive mourning and (perhaps) wailing.¹⁴⁵ The precise meaning of some of the ancient prohibitions escaped even Cicero, and little more detail can be gleaned for certain.¹⁴⁶ But we can draw from this evidence that by the middle of the fifth century the aristocracy somehow disdained what they felt were immoderate displays of emotion and of private wealth at funerals, for which they set standardized limits. That reasonably suggests, of course, that this standardization was meant to establish a principle of isonomy and to prevent any one *gens* from trying to outdo the others in some respect.¹⁴⁷ Such reasoning would accord well with the restraint values.¹⁴⁸

least “dominated” the *curiae*. The derivation from *co-viria* prompts Palmer’s (1970) 67, 75 definition of *curia* as “a band of men who claim equality among themselves and with other bands of men,” which he identifies with the synoecism of archaic Rome among the several communities that settled on the original hills. It is possible, although I will not press this point for lack of any real evidence, that in this synoecism (and concomitant theory of equality) among peer groups on the hills lies the deepest provenance of some of the restraint values.

¹⁴⁵ Cic. *de Leg.* 2.59-62; Fest. 158; Warmington (1935-2006) III 498-503, *FIRA* I 66-69: *tribus riciniis et tunica purpurea et decem tibicinibus* (“three veils, a purple tunic, ten flute-players”); *mulieres genas ne radunto, neve lessum funeris ergo habento* (“women shall not tear at their cheeks or have a ‘*lessum*’ at funerals”); *ne sumptuosa respersio . . . <ne murrata potio> . . . ne longae coronae . . . ne acerrae* (“no costly sprinkling . . . no myrrh-drink . . . no long garlands . . . no incense-boxes”); *neve aurum addito* (“nether must gold be added”).

¹⁴⁶ Cicero, following certain equally confused *iurisprudentes*, guessed that the Table’s ban on the mysterious archaic word *lessum* was a restriction on *lugubrem eiulationem*—a “mournful song.” Cf. Starr (1980) 74; Zanda (2001) 34-36; Dyck (2004) 404-05.

¹⁴⁷ See Toher (2005) 269-270 and references. Toher (286) states that reduction in status competition is at least in part correct, but adds (through comparison to dark-age and archaic Greek societies that also created funeral legislation) an attractive thesis: “The communal funeral ritual that served to protect and renew the social order of small, dark-age communities against the trauma of death had become in the new circumstances of the expanding archaic communities a disruptive venue for status competition. This change in circumstances put the communal funeral in crisis, and the community’s unique interest in the proper execution of private funeral ritual [*i.e.*, fear of ‘unsettled’ dead and supernatural forces] made it a topic of public concern.” Toher means in his thesis the entire community, rich and poor alike, although there is no particular reason not to limit the “unsettled” target community to the aristocracy.

¹⁴⁸ If I have interpreted the funerary rules correctly, it is interesting to see competition in wealth and emotional display regulated by law, and so early; perhaps the law was necessary

Fourth, the early existence of priestly *collegia*. It is certain that the collegiality of the consulship and other offices, whenever it occurred, was anticipated in the religious field.¹⁴⁹ Even more important, certain restrictions on membership in priestly colleges appear quite antique. These included that a single *gens* could not provide more than one member to a college, and that a person could not hold several collegial positions simultaneously.¹⁵⁰ These restrictions also suggest principles of isonomy among the aristocracy, which would require some measure of deference to the merits of others. Moreover, it was not permitted for a priest to be co-opted into a college if he had enmity with any member.¹⁵¹ In this arrangement we thus also find an origin of the ideal of deference to colleague: at all accounts enmity must be avoided to ensure the sacred operation of the priesthood.

It is highly probable that the same understanding would apply later to the consulship, especially given the close relationship of the ancient consulship to the auspices. There is some hint of this understanding in the *fasti*: between 366 B.C. and 264 B.C., at least nine pairs of men iterated in the consulship together, at least four times men iterated with a relative of a former colleague, and at least five times a pair of consuls later became censors

because in this (most emotionally sensitive) area the nascent aristocratic ethos of consensus was recognized as too weak. Or, as Eder (2005) 259 argues, “the codification of law in archaic times primarily served the purpose of securing aristocratic predominance.”

¹⁴⁹ Forsythe (2005) 153: “[T]he concept of collegiality was already part of the Roman experience in the form of priestly colleges of the augurs and pontiffs; and collegiality among public magistrates was also common among the Greek city-states of the archaic period (probably including the western colonies), suggesting that it was a widespread feature of contemporary political culture.” Cf. Drummond (1989) 187: “Collegiality . . . seems rapidly to have established itself as the hallmark of both the state and plebeian offices.” A collegial censorship may have also antedated the Republic, Bunse (2001); Smith (2011) 21-22 and references.

¹⁵⁰ As notes McDonnell (2006) 198; cf. Dio 39.17.1-2. Richard (2005) 110-111 proves that the patricians dominated the priesthoods.

¹⁵¹ Cic. *ad Fam.* 3.10.9. Liebeschuetz (1979) 19 states, “as a result [the priests’] advice will have tended to reflect the consensus of the nobility”; cf. Develin (1985) 66.

together.¹⁵² But despite this type of iteration, never once at the very beginning of the Republic did a single *gens* hold both consulships simultaneously, nor did any single man hold the consulship in successive years. Thus each individual noble and each *gens* was under considerable pressure, even in the heated competition for office, to show care simultaneously for the “face” of his colleague and also for the aristocracy as a whole, so as to share the offices with peers.¹⁵³

Fifth, and finally, the nature of consulship itself. It is most probable that the dual consulship—and the very name simply means “colleague”¹⁵⁴—was in many respects created in reaction to the single kingship.¹⁵⁵ How and when the consulship assumed this final form is a subject of significant disagreement among modern scholars, but I believe that the best view remains the traditional one: the monarchy was followed by two magistrates (likely originally called *praetors*) with equal powers and a limited term in office.¹⁵⁶ We should

¹⁵² As notes Forsythe (2005) 269, who sees this iteration as evidence for the creation of plebeian-patrician political “tickets” wherein the parties pooled political resources in “deliberate campaigning.” It is difficult, however, to understand what the “pooling” of “resources,” whatever these were, would effect: surely the fact that the two candidates formerly worked well together was itself the main selling point.

¹⁵³ Cf. Drummond (1989) 206 and notes; Smith (2011) 32 and references.

¹⁵⁴ Forsythe (2005) 151.

¹⁵⁵ Thus Lowrie (2010) 178: “A weakness of the republican constitution is that the Romans based their understanding of sovereignty on kingship. The power of the king is *imperium*, and the various republican mechanisms for assigning or distributing *imperium* could always revert to a surrogate king. Despite the Romans’ hatred of the word *rex*, ‘king,’ consular *imperium* was understood as kingly power checked by collegiality and term limits.”

¹⁵⁶ E.g., Momigliano (1969) 18. The biggest stumbling block to concluding definitively that a dual consulship with equal powers immediately followed the kingship is the reference in Livy 7.3.5 to a *praetor maximus* who drove a nail into a wall in the temple of Jupiter every year; the superlative implies a magistrate without equal colleague. Cf. Fest. 152L, 249L, and 276L; Varro *Ling.* 5.80; Herguon (1964); Guarino (1969); Adcock (1971) 12-13; Pina Polo (2011) 36-38. Wiseman (2008) 298-299, who argues that the dual consulship began only in 367 B.C., holds this line up as signal proof. Bringmann (2007) 15, 41-46 is in accord; cf. Hanell (1946). Drogula (2015) 41-42, 185-188, following Bunse, contends that a collegial board of three praetors was created in 367, which eventually developed into a dual consulship plus a praetor, and adds the interesting proposal (188) that “the two praetors sent to fight wars probably acquired the nickname consuls because they consulted (*consulere*) with one another

therefore assume that, whatever the last monarch did or failed to do, it related somehow to his single, life-long rule, which so displeased the aristocracy of the time that they did away with it permanently.¹⁵⁷

To explain this change, we need not invent in a Tarquin a depraved and violent man, devoid of all restraint both personal and political—although it is of immense interest that tradition made him so.¹⁵⁸ The last monarch's crime need only have been that he somehow insulted or upset the patrician nobility, who saw themselves as a group with a determinable voice, in such a way that they wished to restrain their future leaders from repeating his

about military matters.” Holloway (2009) 74 suggests that a *sole* consul followed the kings; Urso (2011) 41-60, following the singular account of Cassius Dio, argues that the dual collegial consulship followed the arrogant “second” decemvirate.

I repeat that locating the restraint values in the early fourth century is far enough back for the purposes of this study, and the caution on this subject of Levick (1982a) 57 (“unwise to be dogmatic”), Martin (2002) (“spätestens 367/366”), and Oakley (2014) 7. But on balance I am persuaded by Smith (2011) and Ogilvie (1965) 230-31 that “the most satisfactory account still seems to be the traditional”: the earliest consular *fasti* show two names, some of which are too obscure to be late inventions, and the “collegiate principle of equal *imperium* was a feature of the Roman constitution which most impressed foreigners and which the Romans themselves regarded as primeval.” Drummond (1989) 187-88 and the usually skeptical Raaflaub (2005a) 13 agree. Also persuasive is Forsythe (2005) 151-53, who notes that if the dual consulship was not original, we should “wonder where the Romans got the idea of organizing their affairs in this manner. These questions and doubts seem excessive.” He concludes, “there do not seem to be adequate grounds to call into question the fact that the Romans replaced the king with two annually elected magistrates who shared equal power”; the “superlative *maximus* was used to distinguish the consul who held the fasces from his consular colleague and the praetor.” Momigliano (1969) 19-20; Linderski (1990) 570 and Cornell (1995) 218-239 echo this conclusion, although Cornell suggests the last “kings” might have been populist tyrants or “life-magistrates,” the traditional kings already having been put aside. Drogula's (2015) 43 idea that the Licinio-Sextian rogations first created the one-year term limits for military commanders does not adequately take into account the antiquity of the *interrex*, whose purpose was to bridge legal terms. But although the early dual consulship is the best view, the theory of *par potestas* of course also applies to the many colleges of the Early Republic. Cf. Beck *et al.* (2011) 4.

¹⁵⁷ Forsythe's (2005) 148 observes that Tarquin was the only king who obtained his post through heredity. Of course, heredity itself could not have been the only objectionable aspect of his reign; the Romans simply could have removed him and selected a new, unrelated king, as had (at least according to tradition) been done before.

¹⁵⁸ Cf. Hammar (2015) 166, noting that the image of the “tyrant” was that of the “quintessential un-Roman” who displayed immoral lack of self-control.

transgressions.¹⁵⁹ From the structure that they created we might deduce their reasons. It is easy to focus on the power of the collegial veto to explain the new structure, or to see in yearly turnover of office the desire of the many *gentes* to participate in rule. But the veto cannot be the only reason for dual consuls (or indeed the collegiality of the many magistracies): why not simply declare that a single king who stepped out of line could be deposed, as had just occurred, or devise a system by which his decisions could be overruled by the *patres* as a whole? Nor does iteration alone explain dual consuls: why not just limit a *single* king-like magistrate to a year in office?

The answer lies elsewhere. The evidence instead has been that the college provided more than a negative vote: it exemplified the ideal inter-noble cooperation that we have sensed even in this near-darkness, the kind of deferential spirit that the last king appears to have lacked and that a next king could not be trusted to have. We have already seen that concord—and not check-and-balance—was the ideal collegial attitude.¹⁶⁰ I have also already suggested that one of the built-in advantages of paired collegiality is that it provided aristocrats with front-and-center partners whose “face” they had to take into account constantly—partners with whom to practice the concepts of *verecundia*, *moderatio*, *temperantia*, deference, and the other restraint values that made an effective college possible and

¹⁵⁹ Cf. Martin (2002) 167; Raaflaub (2005a) 29, who responds to the problems with the legends surrounding Tarquin’s removal with a “minimalist conclusion”: “Near the end of the sixth century the rule of kings (or leaders later seen as kings or tyrants) was replaced by the collective rule of aristocratic families through Senate and magistrates (of one type or another) with limited power.”

¹⁶⁰ Above, Chapter 1 notes 89-90 and accompanying text. I suspect that keen focus on check-and-balance and the veto derives ultimately from Polybius via Mommsen, who imagined much of early Roman history in modern constitutional, legal, and political terms, as noted by Hölkeskamp (2010) *passim*. Cf. Martin (2002) 168-169, following Bleicken (1975) (social controls included “Regeln und Ordnungen” such as annuality, collegiality, the rights of a presiding magistrate over an election, tribunican power, the *auctoritas senatus*, and the censorial *nota*); and McDonnell (2006) 197 and nn., citing several works of Mommsen, who locates “institutional” restraint on excessive *virtus* in “the principle of collegiality serving as a check on the abuse of power” and in the legal limits on iteration of office.

competition for office-holding viable, and for displays of which men were granted the rewards of office.¹⁶¹

Thus, if the aristocracy sensed that the last monarch did not respect its collective “face” and could not exercise restraint in the exercise of his powers, a dual, iterative consulship (for which the existing priesthoods offered a ready model) provided a solution. The arrangement, of course, permitted a veto on a colleague’s particular action or question and permitted many men chances at an office. But the system also forced a noble magistrate to calibrate constantly his respect for a peer. Moreover, respect for yearly iteration exemplified respect for a group of peers—the nobility as a whole. Both attitudes are something that tradition and common sense suggest that the last monarch lacked. And in such a system, each noble—with theoretically equal probability and according to set rules—could chase a piece of the former kings’ dignity without fear that another would snatch it away forever.

Therefore, even avoiding excessive speculation, we can see at the beginning of the Republic the formation of the restraints on aristocratic competition that would be invoked over the course of the Republic’s entire history, and which subsequently crystallized into place over the course of the third and second centuries. Our remaining task is to reconsider some modern theories about why the Romans adopted and then continued to use the restraints as political virtues.

The work of Christian Meier and Karl Hölskeskamp is particularly pertinent here. Modern historiography on the Roman Republic has turned in recent decades from institutional, constitutional, or prosopographical studies to the problem of examining the social norms of the aristocracy and relating them to the governance of the Republic, a trend

¹⁶¹ Chapter 1 note 124 and accompanying text.

largely begun by Meier. The most important insight to be drawn from the work of these scholars is that the Republic operated, not as a state dominated by foundational “constitutional” or “institutional” rules, but largely through the interpersonal relations among aristocrats and the display of aristocratic virtues to the general public; the “gentlemen’s agreement.”¹⁶² These underpinnings of governance, while traditional, were exceedingly flexible. But if this was so—if legal structures or institutions or even the “state,” as a modern might interpret it did not bind the *res publica* together—then to Hölkeskamp (and Meier) the long-term stability of the Republic called for explanation. Why and how was it that a group of nobles who were otherwise in heated competition with each other managed to keep an astoundingly successful Republic going for over four hundred years?¹⁶³

Meier’s solution was to imagine a stable consensus among the nobility, something so strong as to approximate a code of ethics: self-definition as a group of persons ennobled by offices and in service to the *res publica*.¹⁶⁴ So powerfully did the nobility hold that vision of itself, he argued, that, as the years progressed and problems mounted, no one was willing to abandon the failing system in which they had a vested stake, which sparked, in Meier’s famed formulation, a “Krise ohne Alternative.”¹⁶⁵ Hölkeskamp, who adds to Meier’s suggestion, has attributed much of the Republic’s long-term stability to fealty to *mos maiorum*, a plastic concept but one of considerable strength.¹⁶⁶

¹⁶² See above 83; cf. Hölkeskamp (2010) 16 and references, in particular opposition to the views of Mommsen. For reasons of space I do not here reproduce either Hölkeskamp’s *passim* or Rosenstein’s (2006) 627-629 reviews of historiographical trends of the last century; I instead connect the findings of this study with the questions both authors prompt as the next steps for research.

¹⁶³ Hölkeskamp (2010) 16 and references.

¹⁶⁴ Meier (1966) 47; (1995) 349-63.

¹⁶⁵ On this see also Rosenstein (2006) 627-628.

¹⁶⁶ Hölkeskamp (2010) 99, 105-106.

But as this study has suggested, there is far more to be said, and the observations of Meier and Hölkeskamp need critical honing. The key breakthrough, I think, comes from a brief look that Hölkeskamp takes outside the aristocracy. In attempting to place the People into the republican picture, Hölkeskamp invokes the studies of the sociologist Georg Simmel. Simmel's insight was that competition within a social group is not necessarily inimical to consensus. Instead, the process of competition can itself fuel consensus, provided that two conditions are met: first, that every person involved in the competition knows and understands the clearly defined rules of the competition, and second, that there is a fair and impartial recognized judge to award prizes in the competition according to merit.¹⁶⁷ Hölkeskamp is surely right that in the Roman context the second condition of Simmel's formulation is met: the People played the role of judges through elections, and the Senate also could play a role as mediator and judge.¹⁶⁸

But while Hölkeskamp accurately placed the People and Senate into this social scheme, and while Meier understood the role that consensus, tradition, and service to the state played in binding the nobility, the two scholars did not place enough emphasis on the actual rules of the competition, except (in Meier's case) to imagine them as a "tradition" of republicanism, or (in Hölkeskamp's case) to blanket them under the too general heading of *mos maiorum*. As this study has repeatedly shown, however, the values covered by *moderatio*, *modestia*, *temperantia*, *pudor*, *verecundia*, care of *existimatio*, and deference to peer and colleague (and to groups of peers) played a critical role not only in preventing aristocratic competition from getting out of hand, but also in permitting the Republic to function by setting clear

¹⁶⁷ Simmel (1992) 204, 323, 340; Hölkeskamp (2010) 99; thus Morstein-Marx (2009) 126, citing Simmel's theory: "The arbitrament of a 'dritte Instanz', after all, needs to be respected by all competitors if it is to serve its systemic function."

¹⁶⁸ Hopkins (1983) 113-114; Spielvogel (2004) 384, and Hölkeskamp (1993) 19, 34-37, (2010) 25-27, 99. Cf. also Millar (1984) 10-14.

rules about inter-personal relations among aristocrats. *Moderatio* enforced hierarchy and reciprocity among nobles, while also ensuring that no one man would dominate the competition, nor ever even seek to unbalance relations with peers and underlings. *Modestia* too enforced hierarchy, encouraging the relatively young man to wait his turn for *honores*. *Temperantia* regulated the strong emotions among peers that could tempt them to disrupt the settled rules, particularly by failing to show the proper respect due a peer. *Pudor* and *verecundia*, along with care for *existimatio*, ensured that every peer had to respond carefully to the “face” of every other peer—and thus ensured that the competition would proceed, as far as was possible, by determination of merit. Deference to colleague, peer, and groups of colleagues and peers aligned with and derived from the rest of these virtues, and enforced respect for the results of the competition.

Moreover, to invert Simmel’s insight, competition not only could create consensus so long as these values were in place, but the consensus around the values could itself create a new competition that acted as a feedback loop and self-enforcement mechanism for the restraint values. Roman men competed, sometimes spectacularly (Cato the Elder, Aemilius Paullus, the young Scipio Aemilianus, and later, famously, Cato the Younger) in displaying the restraint values, for which they were rewarded both with praise in the eyes of their peers and often by the receipt of the offices and *honores* that they sought. Indeed, apart even from all the evidence that we have already adduced about the importance of the values, the very fact that the Romans competed in displaying the values shows their significance.

Thus, when taken together, if the People and the Senate as judges were the second half of Simmel’s sociological *desiderata* for controlled competition, the restraint values

provided the first *desideratum* for the social group's successful competition.¹⁶⁹ The fact that the Romans believed that the *maiores* also held these values was important, of course, but—*pace* Hölkeskamp and Meier—the values' perceived age was not alone the source of their power. Instead, the values themselves had positive content: they permitted the aristocratic competition to continue regularly, hierarchically, and with general equality of opportunity to pursue reliable and foreseeable rewards. If the conditions generated by the restraint values were in place, the best man could win, and his peers and the People could accept that victory and his leadership. That acceptance gave the Republic the force, direction, and function it required for its daily business, without the need for threat of physical coercion.

In sum, both day-to-day governance and decision-making and the republican scheme of competition for officeholding required the restraint values to function—which is to say no less than that the *libera res publica* functioned optimally only when the restraint values existed, when their form and function were generally agreed upon, when the restraints were generally honored among aristocrats, when nobles could generally expect that their fellow nobles would also abide by the values, and when no single malfeasant had the power to upset the system unilaterally. Moreover, because the restraint values' purpose was appurtenant to the competition for republican officeholding, the values' substance would have changed little over the centuries of the Republic, for as long as the competition itself spun on. It is therefore small wonder that we should find the values in similar form in the hard core of fact of the earliest days of the Republic as in later days, or consolidating as the republican aristocracy and the Republic formed and strengthened, or in the narratives of its

¹⁶⁹ Thus I return to Morstein-Marx's and Rosenstein's (2006) 634–635 appeal for a history with a “sociological bent” to search for “how such an artificial creation as a *cohesive* competitive elite had been created and was for so long sustained.” Meier's and Hölkeskamp's answers that *mos maiorum*, consensus, and service to the state were defining factors were accurate as far as they go; I have gone much farther.

greatest heroes, or on indisputable display in the second (and, as we will see, first) century, or eventually—decades or centuries later—in the stories reported by the several historians.

The story does not end here. The mere fact that restraint values were necessary to a properly functioning Republic does not mean either that human men would always observe them in the face of temptation for self-promotion, or—what is far more essential—that human men would always agree on *how* to observe them in a given situation, even if all concerned agreed in the abstract that restraint values must be observed. To illustrate how and why such men could disagree, I turn to the tribunate of Tiberius Gracchus.

Chapter Four: Tiberius Gracchus

Cicero, Appian, and Cassius Dio agreed that Tiberius Sempronius Gracchus (c. 163-133 B.C.) caused the Republic great damage. Appian took a long view. In the farthest past, he wrote, there had often been some level of strife between the People and Senate about the passing of laws, or debts, or distribution of lands, or election of officials. But discord did not bring internecine violence in those days; the “mere differences” (διαφοραὶ μόναι) and “strifes” (ἔριδες) remained “within the limits of the law” (ἐννομοί), and the parties, “yielding to each other with much respect, settled them mutually.”¹ No violence could be found in the ancient rivalries,² and no political murders until Tiberius Gracchus brought forth his agrarian law as tribune. But then, said Appian, did “disorderly *hubris* take hold,” along with a

¹ App. B.C. 1.1.1: Ῥωμαίοις ὁ δῆμος καὶ ἡ βουλὴ πολλάκις ἐς ἀλλήλους περὶ τε νόμων θέσεως καὶ χρεῶν ἀποκοπῆς ἢ γῆς διαδοτουμένης ἢ ἐν ἀρχαιεσίαις ἐστασίασαν: οὐ μὲν τι χειρῶν ἔργον ἔμφυλον ἦν, ἀλλὰ διαφοραὶ μόναι καὶ ἔριδες ἐννομοί, καὶ τάδε μετὰ πολλῆς αἰδοῦς εἰκόντες ἀλλήλοις διετίθεντο. Cf. Sall. B.C. 9.1-3.

² Other than the affair of Coriolanus, and he a vengeful exile. Appian overlooked such stories as those of Spurius Cassius, Spurius Maelius, and Marcus Manlius Capitolinus (Livy 2.41-43, 4.13-15, 6.14-20; Dio. Hal. 12.4.2-5; Gell. 17.21.23-24; Flor. 1.17.7-8). No matter here; those affairs dated from the fifth and fourth centuries, as much as two hundred and fifty years before Tiberius Gracchus, during which gap no internal political violence is reported. Cf. Millar (1984) 2. Lintott (1968) 70-71, 209, in attempting to assert a long “tradition” of republican violence, can cite before the Gracchi only four weak episodes. First, the riot of the *publicani* in 212 B.C. when they disrupted a vote on a fine against one of their own. The Senate dealt with this riot firmly, with multiple punishments and exiles, Livy 25.3.9-4.11. (Notably, the *publicanus* in question reportedly hoped for a veto from a tribune relative, but the tribune, in the face of the crowd, refused to veto, moved by *metus pudorque*—“fear and shame,” Livy 25.3.17.) Second, the “coercion” displayed by Appius Claudius in 185 B.C. after he “flitted about the Forum” on behalf of his brother (Livy 39.32.12-13). Lintott admits that this was a poor example, and Livy’s short notice on the subject implies as much. Wiseman (1979) 100 attributes the entire story to the hostile tradition against the Appii Claudii. In any event, if the incident is historical it is unclear to what extent violence was used; Livy wrote that the tribunes and People were divided amongst themselves in *contentionibus* and *pugnabant in vi Claudiana*, but noted no deaths. Third and fourth, Lintott (209) describes the two imprisonments of the consuls by the tribunes in 151 and 138 B.C. (Livy *Per.* 48, 54, 55; *Oxy. Per.* 54, 55; Cic. *Leg.* 3.20) as “in effect formalized violence”—as though there is little difference between arresting a consul and beating men to death in the Forum with staves. In fine, there was no “tradition” of political violence at any point in the Middle Republic—the violence began with Tiberius Gracchus. I will return to the arrests of the consuls below, note 133.

“shameful disdain for laws and justice.”³ The violent deaths of Tiberius and of his supporters at the hands of a mob of club-wielding senators was the grim result, and was the first incident of internal strife that Appian recorded, which for him culminated in the wars between Antony and Octavian, the destruction of the *res publica*, and the coming of monarchy.

Cassius Dio taught that Tiberius Gracchus “threw Roman affairs into disorder”⁴ because of his “love of honor” (φιλοτιμίαν) despite his excellent family, nature, and upbringing. After Tiberius proposed his agrarian law, Dio wrote, there was no “practice of moderation” (οὐδὲν μέτριον ἐπράττετο), but as Gracchus and his fellow-tribune Marcus Octavius jealously vied “to be superior to each other rather than to benefit the state,” they “committed many acts of violence more fitting in a tyranny than in a democracy” and did “unusual” things more appropriate for war than peace.⁵ The agrarian law was only a pretext; in reality the tribunes and their supporters “sought eagerly not to be made inferior to each other.”⁶ The result was that the usual government business fell into disorder: magistrates could not perform their duties, courts stopped operating, contracts ceased, and everything was in upheaval and confusion.⁷

³ App. *B.C.* 1.1.2: ὕβρις τε ἄκοσμος ἐπέιχεν αἰεὶ δι’ ὀλίγου καὶ νόμων καὶ δίκης αἰσχρὰ καταφρόνησις.

⁴ Dio 24.83.1: ἐτάραξε τὰ τῶν Ῥωμαίων.

⁵ Dio 24.83.4-5: ὅτι Μάρκος Ὀκτάουιος τῷ Γράκχῳ διὰ φιλονεικίαν συγγενικὴν ἐκὼν ἀντηγωνίζετο. καὶ ἐκ τούτου οὐδὲν μέτριον ἐπράττετο, ἀλλ’ ἀντιφιλονεικοῦντες περιγενέσθαι μᾶλλον ἀλλήλων ἢ τὸ κοινὸν ὠφελῆσαι, πολλὰ μὲν καὶ βίαια, ὥσπερ ἐν δυναστείᾳ τινὶ ἀλλ’ οὐ δημοκρατία, ἔπραξαν, πολλὰ δὲ καὶ ἄτοπα, ὥσπερ ἐν πολέμῳ τινὶ ἀλλ’ οὐκ εἰρήνῃ, ἔπαθον.

⁶ Dio 24.84.5: τῇ μὲν προφάσει τῇ τοῦ νόμου χρώμενοι, τῷ δὲ ἔργῳ καὶ ἐς τὰ ἄλλα πάντα διασπενδόμενοι, ὥστε ἐν μηδενὶ ἀλλήλων ἐλαττοῦσθαι.

⁷ Dio 24.83.6.

And Cicero? Tiberius, Cicero wrote, “sought to overturn the Republic,” he “convulsed it,”⁸ “he tried to—no, rather—he *did* rule like a king for a few months.”⁹ “For, as you see,” Cicero said, “the death of Tiberius Gracchus, and even before that the entire method of his tribunate, split the unified people into two parties.”¹⁰ That suffices for Cicero’s belief in Tiberius’ anti-republicanism.¹¹

These authors’ claims about Tiberius’ tribunate were not without some basis in fact.¹² For some three centuries, it seems, political murder simply did not happen in the Republic.¹³ And then, with the killing of Tiberius Gracchus, it did. Cicero, Appian, and Dio identified a qualitative change in the Republic, and pinpointed this tribunate as the fulcrum. The goal of this chapter is to examine Tiberius’ well-known story in the light of the restraint values, to use them as tools to assess the extent to which these authors and others—writing long after the fact, and also through layers of confusion, partisanship, and re-interpretation—relate anything accurate about how Tiberius’ tribunate represented real change, how his tribunate

⁸ Cic. *de Fin.* 4.24.65: rem publicam studuerit . . . evertere; *de Har. Resp.* 19.41 convellit statum.

⁹ Cic. *de Am.* 12.41: Ti. Gracchus regnum occupare conatus est, vel regnavit is quidem paucos menses.

¹⁰ Cic. *de Re Pub.* 1.31: nam, ut videtis, mors Tiberii Gracchi et iam ante tota illius ratio tribunatus divisit populum unum in duas partis. For the reasons described below, note 130, I do not follow Wiseman (2009) 179, (2010) 28 in his translation of *tota illius ratio tribunatus* as “the whole policy of his tribunate.”

¹¹ Cf. Béranger (1972); Murray (1966).

¹² As Clark (2007) 131 writes, Tiberius’ death was “enshrined . . . as a turning point by more than one historiographer,” and examples of ancient historians who marked Tiberius Gracchus as the beginning of the end of the Republic could be multiplied: e.g., Vell. Pat. 2.3.3: hoc initium in urbe Roma civilis sanguinis gladiatorumque impunitatis fuit. Inde ius vi obrutum potentiorque habitus prior, discordiaeque civium antea condicionibus sanari solitae ferro diiudicatae . . . (“This was the beginning of civil bloodshed in Rome and of impunity of violence. From that point right was buried by force and the more powerful took precedence, and discords among citizens that before were accustomed to be resolved through agreement now were decided with steel . . .”); Flor. 2.2.14: primam certaminum faciem Ti. Gracchus accendit (“Tiberius Gracchus sparked the first torch of the strifes”).

¹³ Cf. Boren (1963) 358; Millar (1984) 2.

affected some function or operation of the Republic, and why it ushered in heretofore unknown violence.

The answer is that two groups of aristocrats (or, in the end, one aristocrat alone and a group of aristocratic opponents) both appealed to the traditional restraint values in irreconcilable ways, until ultimately one noble showed himself unrestrainable in an unprecedented way. Violence was the unprecedented solution. I do not contend that one side was objectively restrained and one not. Instead, the very problem was that each side could reasonably claim that it was acting according to traditional restraint, and its opponent(s) not. The restraint values are accordingly palpable in every extant version of Tiberius' story, both in those traditions favorable to him and in those opposed. Indeed, the various narratives all cohere around the restraint values in ways that cannot be coincidence, even when the later biographers and authors did not always name or recognize the restraints underlying the actions of their characters.

The story begins in Numantia in Spain. Young Tiberius was posted there in 137 B.C. as quaestor under the consul C. Hostilius Mancinus, whom Plutarch called the “unluckiest of Roman generals.”¹⁴ The consular army found itself surrounded by an army of natives. Hostilius asked for terms, and the Numantines replied they would treat only with Gracchus (whose family had a reputation and *clientela* in Spain).¹⁵ Tiberius negotiated the truce, wrote Dio, “in the hopes that he would be honored.”¹⁶ After all, as Plutarch commented, Tiberius' treaty did in fact save the lives of thousands of citizen-soldiers.¹⁷ But

¹⁴ Plut. *Tib.* 5.1: βαρυποτμοτάτῳ δὲ Ῥωμαίων στρατηγῷ. Cf. Val. Max. 1.6.7, who seems to have taken his account of the Gracchi from the lost book 55 of Livy; Bloomer (1992) 37.

¹⁵ *Tib.* 5.2-3; Cf. Stockton (1979) 29.

¹⁶ Dio 24.83.2: τιμηθήσεσθαι πρότερον ἅτε καὶ πρυτανεύσας αὐτὰ ἐλπίσας.

¹⁷ *Tib.* 5.4.

the Senate disavowed the treaty and continued the war,¹⁸ and some in Rome even counseled that the cowardly consul and his officers be delivered naked to the Numantines, as failed leaders of olden times had been sacrificed to enemies.¹⁹

The People, influenced by Scipio Aemilianus, spared the officers,²⁰ but Tiberius came away from the entire affair humiliated and greatly angered.²¹ To the extent that we can take Dio's later diagnosis at face value, Tiberius also "came to perceive that one's deeds are estimated, not according to one's worth or the truth, but through sheer luck"—a point to which I will return.²² Certainly Tiberius' reputation, and thus political future, was in extreme danger from the ill-will of the *nobiles*—a wound to his *existimatio*.²³ That detail, though uncontroversial, should not be underestimated. Nor should we underestimate another detail that Plutarch added: despite the reaction of the *nobiles*, Tiberius received effusive thanks and praise from the families of the common soldiers whose lives he had saved.²⁴

¹⁸ Why is not perfectly clear; Plut. *Tib.* 7.1 suggested that it was considered "a dreadful and shameful disgrace to Rome" (ὡς δεινὴ καὶ κατασχόνουσα τὴν Ῥώμην αἰτίαν).

¹⁹ *Tib.* 7.2; cf. Cic. *de Off.* 3.109; *de Vir. Ill.* 59.

²⁰ Mancinus was duly shipped, bound and naked, to the enemy, who refused him; he returned to Rome and enjoyed a successful career, in part because of the "exceptional self-sacrifice the aristocratic code required" of him in facing his punishment. Rosenstein (1990) 137, 148-50. Cf. Bernstein (1978) 68; Dyck (1996) 633; Brennan (2014) 39-44.

²¹ Cic. *Brut.* 103: ex invidia foederis Numantini bonis iratus ("he was angered against the better folk on account of ill-will he suffered from the Numantine treaty"); Vell. Pat. 2.2.1: graviter ferens aliquid a se pactum infirmari ("He took it badly that anything he settled should be annulled"); Flor. 2.2.14; Oros. 5.8.3.

²² Dio 24.83.2-3: ἔγνω καὶ τὰ πράγματα οὐκ ἀπ' ἀρετῆς οὐδὲ ἐπ' ἀληθείας, ἀλλ' ὥς που καὶ ἔτυχεν, ἐξεταζόμενα. Morgan and Walsh (1978) 201 and nn. write that the Senate had ratified a similar Numantine treaty by a defeated general just two years prior, although, as Rosenstein (1990) 198-99 notes, Mancinus' Numantine affair re-opened the incident. Cf. Steel (2013) 68). Perhaps Tiberius considered the decision in his case arbitrary. That, of course, would cause him serious consternation, taking into Simmel's (and thus Hölkeskamp's (2010) 103-106) observations from the last chapter that the rules of the competition game must seem settled and predictable for the "correct" results to obtain.

²³ Morgan and Walsh (1978) 200-03 are particularly good on this point; see also Stockton (1979) 29-30; Konrad (2006) 167; Bernstein (1978) 69-70, 117-19.

²⁴ *Tib.* 7.1.

To rebuild his injured reputation,²⁵ Tiberius became tribune of the *plebs* in 133 B.C., and promulgated his famous agrarian law. The terms of the bill were simple enough: men who held over 500 *ingera* of public land, in violation of a well established (and fairly recently enforced) law,²⁶ had to surrender the land, for which they would be compensated,²⁷ to commissioners, who would redistribute the land to smallholders. No fines or penalties would be assessed. As soon as Tiberius had conceived of his law in or around 133 B.C., his first move, we are told, was to gather notable supporters and counselors.²⁸ Among these were P. Licinius Crassus Mucianus Dives, cos. 131 B.C., father-in-law to Gaius Gracchus and later *pontifex maximus*, and Tiberius' father-in-law Appius Claudius Pulcher, cos. 143 B.C., censor 136 B.C., and current *princeps senatus*, who, along with Tiberius and Gaius Gracchus, would be on the first board of land commissioners after the law's passage. Tiberius also attracted P. Mucius Scaevola, consul that year in 133, and natural brother of Crassus

²⁵ *Tib.* 8.5-6 suggests other spurs for the law as well. Because I am more interested in the process by which the law was debated, the interactions among Gracchus, his supporters, Octavius, the "wealthy" who opposed the law, and the Senate, and the framework of restraint through which the parties mediated their positions about the law's passage, I leave aside a great deal of the debate on the content or purpose of the law—for example, the extent to which it addressed social, military, or economic problems, and by what means. On these thorny issues see Earl (1963) 40-60; Becker (1964); Brunt (1965a); Badian (1969) 210-13; Brunt (1971b) 77-78; Nagle (1970-1971); Badian (1972a) 674-90, 92-93; Bernstein (1978) 127-149, 157-59; Stockton (1979) 31-35; Bauman (1983) 249-272; Horvath (1994); Lintott (1994) 62-65; and Spielvogel (2004) 394, who postulates that the landowners' prospective loss of wealth meant loss of clientage and thus of further electoral chances.

²⁶ Whether this was a *lex Licinia-Sextia* of 367 B.C. is hotly debated, but not very important here. See Bauman (1983) 255-60 and Forsythe (2005) 265. Whatever the law was (see Badian (1972a) 701-06; Stockton (1979) 47-48; Konrad (2006) 168, and citations therein on that law's provisions), the speech of Cato the Elder for the Rhodians, *ORF*³ 65-66 fr. 167 (= Gell. 6.3.37) proves its enforcement at least as of 167 B.C.

²⁷ Whether Tiberius' bill provided full compensation for the value of the land or some other provision is unclear, Bernstein (1978) 150. The debates on compensation, as Stockton (1979) 57 points out, are "tiresome," and are again besides the point here. The first draft version of the bill was mild and provided some form of compensation, the second was less mild and did not.

²⁸ *Tib.* 9.1.

Mucianus.²⁹ A well-known *iurisprudens*, Scaevola was perhaps co-author of the law along with Tiberius, Claudius, and Crassus.³⁰ Other known or probable supporters of Tiberius included C. Papirius Carbo, cos. 120 B.C., C. Porcius Cato, grandson of Cato the Elder, a Fulvius Flaccus (either Gaius, cos. 134 B.C., Marcus, cos. 125 B.C., or Servius, cos. 135 B.C.),³¹ a consular named “Manilius” or “Manlius,”³² and Q. Caecilius Metellus Macedonicus, cos. 143 B.C. and censor in 131.³³

Plutarch described these glittering republican heavyweights with two words, one more significant than the other.³⁴ The first was that they possessed ἀρετή—a favorite theme of the moralist Plutarch.³⁵ Here Plutarch seems to have meant by ἀρετή something close to our English “virtue”: he quickly contrasted these men’s ἀρετή to the πλεονεξία (“arrogant greed”) of the πλούσιοι καὶ κτηματικοὶ (“rich and opulent men”), which caused them to hate the law, and noting their ὀργή and φιλονεικία (“wrath” and “love of strife”) which caused

²⁹ See Briscoe (1974) 129; Bernstein (1978) 110 on this connection. Badian (1972a) 691 notes that the Mucii were also “almost certainly *pontifices*,” which might allay any religious objections to the bill.

³⁰ Bernstein (1978) 110; Stockton (1979) 27; Bauman (1983) 247-48, citing Cicero, *Ac. Pr.* 2.13. Plutarch *Tib.* 9.1-2 suggested that all four men worked on the terms together. The consul Scaevola would fail to defend Tiberius at the critical moment of danger and then later succor the instigator of Tiberius’ murder, P. Cornelius Scipio Nasica. Cf. Earl (1963) 117; Lintott (1994) 73.

³¹ Bernstein (1978) 110; Briscoe (1979) 130.

³² Stockton (1979) 28 n.26 speculates this for Plutarch’s *Tib.* 11.1 consular named Μάλλιος, and considers T. Manlius Torquatus, cos. 165, A. Manlius Torquatus, cos. 164, or perhaps M’. Manilius, cos. 149, as candidates. Briscoe (1974) 130, 132 considers any attempt to settle this man’s identity “fruitless,” although he rejects M’. Manilius, asserting instead he was a supporter of Scipio and thus, from a prosopographical viewpoint, an enemy of Tiberius. I discuss Bauman’s (1983) 272 and Badian’s (1972a) 706 n.116 views below in note 81. Whoever it was, yet another consular was part of Tiberius’ supporting group.

³³ Cic. *de Re Pub.* 1.31. Cf. Stockton (1979) 27-28, 36; Briscoe (1974) 127.

³⁴ *Tib.* 9.1: τοῖς δὲ πρωτεύουσιν ἀρετῇ καὶ δόξῃ τῶν πολιτῶν.

³⁵ On Plutarch as moralist and teacher of ἀρετή to his contemporaries through moral *exempla* see Russell (1973) 84-99; Wardman (1974) 18-48; Pelling (1995), (2011) 237-51; Duff (1999) (especially 52-71); and Stadter (2000).

them to hate the law's promulgator.³⁶ But the detractors and supporters of Tiberius cannot be divided crassly into neat economic factions of “rich” versus “poor,” as both Plutarch and Appian tended to do.³⁷ Tiberius' friends were as rich and powerful as any Roman could be. Plutarch's colorful description of them as a clutch of “manly” and “virtuous” citizens soon to clash with a luxuriant den of the “wealthy” is therefore highly misleading—particularly because this cadre of “virtue” would soon abandon Tiberius to death at the hands of his enemies.³⁸

The second term Plutarch used to describe Tiberius' friends, however, is more useful for a nuanced understanding of Tiberius' reason for cultivating such supporters: δόξα, their “reputation,” what in Latin would involve *dignitas* and *existimatio*.³⁹ This assemblage of an impressive list of officeholders is no coincidence in light of the restraint values and the value of deference. This was not just a kindly group of like-minded men with ἀρετή: it was a tried-and-true collection of noble peers who had a compelling weight of combined *dignitas*, gathered to prevail on others to take (or refrain from) a course of action.⁴⁰ Such a group would be necessary for Tiberius' success: even if convinced of his law's legality, no one could have believed that it would be effortless to convince so many opponents—powerful,

³⁶ *Tib.* 9.3: οἱ δὲ πλούσιοι καὶ κτηματικοὶ πλεονεξία μὲν τὸν νόμον, ὀργῇ δὲ καὶ φιλονεικία τὸν νομοθέτην δι' ἔχθους ἔχοντες.

³⁷ Especially App. *B.C.* 1.1.10, specifically contrasting the arguments of the πλούσιοι (the “rich”) with those of the πένητες (the “poor”); cf. Magnino (1993) 526. Pelling (1983) 166–171, 175–181, 187 recognizes Plutarch's habit of setting historical issues into economic and social antitheses (rich/poor, aristocratic Senate/*dēmos*) as the bending of “Roman history to fit stereotypes” of Greek political theory. I thus am *contra* Brunt (1965a) 189, 192, who bluntly stated, “The conflict is between the poor and the rich, the governing class” and that “Tiberius sought to redress social misery.”

³⁸ Stockton (1979) 38–39, 81, noting particularly Metellus Macedonicus' and Crassus Mucianus' continued support of the Gracchan reforms and their continued success in the Republic.

³⁹ *Tib.* 9.1. For the gloss on the Greek see *TLL* V,2 Fasc. X 1512.

⁴⁰ Meier (1995) 44 is thus quite incorrect that Tiberius saw himself, at least at first, as “an individual [who had] the right to challenge Senate.”

dignified, office-laden opponents, at that—to abandon their lands (filled with the bones of their ancestors and mingled with their wives’ and daughters’ dowries, as Appian reports them arguing⁴¹) without a struggle.

Indeed, Tiberius knew that a similar law had failed before. Gaius Laelius, pr. 145 B.C., cos. 140, and the close companion of Scipio Aemilianus, apparently considered some kind of agrarian law at some point in the 150s or 140s B.C. and had been dissuaded. Plutarch, unfortunately, is the only source for this proposed law, and he states briefly only that Laelius’ failure came because “the powerful men (δυνατοί) clashed with him” and he feared some “upheaval” if he persisted.⁴² We must be careful reading overmuch into such short sentences, but the value of deference to groups of peers (and possibly *modestia*) plausibly was at work here. First, there is no indication in this account that Laelius gathered any substantial help in his endeavor from influential nobles—at least not enough to counterweigh the “powerful.” If Laelius had gotten full-throated aid from his friend Scipio, Plutarch surely would have mentioned it.⁴³ As a result, when the plan met with potent enough obstruction from some unknown δυνατοί—who, we can gather from the plural, *did* form some sort of group—Laelius dropped his law, thus deferring to the combined will of his collected opponents.⁴⁴ Second, it is probable that Laelius brought his legislation as a

⁴¹ App. B.C. 1.1.10.

⁴² Tib. 8.5: ἀντικρουσάντων δὲ τῶν δυνατῶν φοβηθεὶς τὸν θόρυβον. On Laelius’ obscure legislation see Stockton (1979) 33; Scullard (1960) 62-66; Bernstein (1978) 113; Bauman (1983) 253 n.182, and references.

⁴³ Scullard (1960) 63 presumes that because “Laelius must have been supported by the *auctoritas* of Aemilianus and his friends, it is difficult to see why the proposal should have met such serious opposition.” Scullard’s unstated premise, of course, is that because Laelius was friends with Scipio, Scipio’s “faction” must have supported any measure by one of its members. Yet there is no evidence for this premise, and Plutarch’s silence suggests otherwise.

⁴⁴ Plutarch’s word choice of δυνατοί explains nothing useful to us: Laelius, either on his own or as friends of Scipio, was among the δυνατοί himself by any measure of the word. But

tribune in 151 B.C., which would make him relatively young compared to the “powerful,” and thus susceptible to *modestia*, although of course this was no *sine qua non* for deference.⁴⁵ Third, wrote Plutarch, for his capitulation Laelius obtained the flattering epithet *Sapiens*, the “Wise.” Thus, although because of Plutarch’s brevity this conclusion must remain conjecture, the outline of the story maps deference’s pattern: nobles gathered, deference resulted, the deferrer was rewarded and praised for that deference.

Tiberius surely knew of Laelius’ attempt, and he would not make the same errors as Laelius, whatever they were, even for the chance at a nice *cognomen*. Consequently, Tiberius resorted from the very first to the familiar Roman means of persuasion *par excellence*: to gather a group of *nobilissimi*. How exactly he managed it, and why these particular men,⁴⁶ cannot be known for certain, but once we cast his actions against the background workings of restraint values and deference, his move makes complete sense. Success would require persuasive—and plural—pressure up front.

But not too much pressure, and not in the wrong way. The value of deference also explains why the terms of the first draft of the law, as Plutarch stated, were “rather mild.”⁴⁷ Again, the illegal holders of land would be compensated, and no fines or other penalties would follow. Plutarch, tellingly, took this lenity amiss: he would have liked to have seen the

Plutarch again, despite his desire to see facile party divisions, has preserved some core of truth: plural opposition proved effective against an isolated individual.

⁴⁵ Scullard (1960) 63, although Scullard (64) is inclined to accept 145 B.C., the date of Laelius’ praetorship and the demobilization of troops after the Corinthian campaign, which might have occasioned such a law as a favor to veterans. Lintott (1994) 62 accepts 140 B.C., the year of Laelius’ consulship.

⁴⁶ Although some were clearly relatives, is not necessary here to consider this assemblage from a prosopographical or factional perspective, as do Boren (1963) 360 and Briscoe (1974), especially because some were clearly not relations. It is sufficient here that such men were assembled. Cf. Rosenstein (1990) 155-56.

⁴⁷ *Tib.* 9.2: *πραότερος*.

grasping wrongdoers punished harshly.⁴⁸ Rarely is it so patent how distant the moralist Plutarch is from his subject. The gentle action of Tiberius and his supporters makes perfect sense within their own context of deference, *moderatio*, *pudor*, and *modestia*. Under the plan, the wealthy landholder, who was often enough a senator, would suffer as little loss as possible in exchange for obedience to a law written and proposed by his grandest peers, and passed with the imprimatur of the sovereign People. More important, the landowners would have little fear of *invidia* for their transgressions—no convictions or fines, as Tiberius might have pursued, to their shame. Tiberius (a recent victim of dishonor, it might be added) showed no desire to lord it over any superior; passage of the bill (and submission to the law) would be as painless as could be. That might be enough to prevent a group of *δυνατοί* from forming a persuasive opposition.

In view of the values of deference and restraint, therefore, the bill had an ingenious construction. It made potential opponents susceptible to deferential persuasion, with minimal risk to their own *dignitas*, and thus made them less likely to resist (as they had at least once before), particularly if the right amount of dignified pressure from the right group of men were applied. At the same time, Tiberius, with the proper *verecundia* and *modestia* befitting his relative youth, could avoid being seen as pushing *too* strongly on others nobler (and certainly older) than he.⁴⁹ Instead, his company's combined *dignitas* and ample, studied show of *moderatio* in the law would both disarm discontent and also shield him from too much personal reproach—or from being cowed himself into deferential submission.

⁴⁸ *Tib.* 9.2: οὓς γὰρ ἔδει δίκην τῆς ἀπειθείας δοῦναι καὶ μετὰ ζημίας ἦν παρὰ τοὺς νόμους ἐκαρποῦντο χώραν ἀφεῖναι, τούτους ἐκέλευσε τιμὴν προσλαμβάνοντας ἐκβαίνειν ὧν ἀδίκως ἐκέκτηντο (“For those who should have paid a penalty for their disobedience, and who should have handed over their land, which they were enjoying illegally, with a fine, the law required only to disgorge with compensation that what they had taken unjustly”).

⁴⁹ Diodorus Siculus 34/35.5.1 makes clear that the “opponents were of greater prominence” than Tiberius: ὑπεροχὴν τῶν ἀντιπραττόντων.

Meanwhile, Tiberius' name would be in front of the People, his *existimatio* raised in their eyes for his solicitude and in the eyes of his senatorial audience for his *moderatio* and *modestia*, and the state would benefit from more smallholders (and thus soldiers). Tiberius and his supporters, working within the familiar modes of deference and restraint values, could reasonably believe these factors would tip the lawbreakers into the expected dignified compliance, while maintaining proper relations with them, all to Tiberius' praise.

The opponents, however, refused and began to resist the voting on the law. Such resistance was not startling, which is why Tiberius was sure to begin his task with weighty supporters and mild terms. But the opposition also understood the rules of counter-balance. Appian relates an important detail about their methods: they "stood together in groups."⁵⁰ Both sides knew the force of *dignitas* and the value of groups of peers. Yet because, perhaps unlike in Laelius' attempt, Tiberius had been careful to amass such noble density in his favor, enough to counter-weigh any pressure on himself, the opponents of the law at length decided that they must shift course.⁵¹ Their next move was to turn to an impeccably traditional method to influence a magistrate.

Enter Tiberius' fellow-tribune Marcus Octavius. Plutarch described him as ἐμβριθής τὸ ἥθος καὶ κόσμιος: "dignified and moderate in bearing."⁵² Moreover, he was a ἐταῖρος δὲ

⁵⁰ App. B.C. 1.1.10: συνιστάμενοι δὲ κατὰ μέρος.

⁵¹ Diodorus Siculus 34/35.6.2 wrote rather dramatically that the force on both sides was "equally balanced" such that the "scales" could tip either way.

⁵² Tib. 10.1. This assessment, of course, is opposed to Dio's 24.83.4: ὅτι Μάρκος Ὀκτάουιος τῷ Γράκχῳ διὰ φιλονεικίαν συγγενικὴν ἐκὼν ἀντηγωνίζετο. The translation of Dio's phrase is troublesome: I follow Badian (1972a) 701 n.99 and Epstein (1983) 297-98 in translating "Marcus Octavius willingly opposed Gracchus because of a congenitally contentious temperament," and rejecting the translation of the prosopographically inclined: "Marcus Octavius willingly opposed Gracchus because of a family feud." Because there is no way to reconcile Dio and Plutarch's descriptions of Octavius here, I take Plutarch's version as closer to the truth, especially as the *lectio difficilior*: how much easier for Plutarch to create a bad man with bad character to oppose the hero? Instead, Plutarch's nuanced treatment of Octavius shows, unsurprisingly, an attempt to harmonize conflicting and politicized sources about the

τοῦ Τιβερίου καὶ συνήθης: “a companion of Tiberius and a friendly acquaintance.” These are important words in light of the ideal of *concordia* among peers and, especially here, colleagues.⁵³ The opponents knew this ideal well: now “giving up speaking against” (ἔασαντες οὖν τὸ ἀντιλέγειν) Tiberius directly, as Plutarch tells us, the opponents “turned” (τρέπονται) to Octavius.⁵⁴ Given the plural verb, they came to him, predictably, in a group. What they said is not recorded, but is easy to guess by how things played out: because they themselves could not persuade Tiberius, they wished Octavius to convince his co-tribune to rescind his proposal, and if Octavius could not, perhaps to veto the law. Their implicit assumption was that if Tiberius would not cede to a group of *nobiles*, he might cede to a colleague—exactly the assumption that the previous chapters have observed.

But after the landowners’ overtures, wrote Plutarch, “because of” his status as Tiberius’ “companion and acquaintance,” Octavius διὸ τὸ μὲν πρῶτον αἰδούμενος ἐκεῖνον ἀνεδύετο.⁵⁵ This sentence deserves careful pause. Start with the verb: Octavius ἀνεδύετο. A metaphor from the flow of sea waves, this curious word can mean “to decline,”⁵⁶ but here almost certainly means “to withdraw, to draw back from.”⁵⁷ Recall that *pudor* might cause

protagonists. At least some sources found Octavius honorable, and Plutarch probably felt that he needed to reflect that. Cf. Clark (2007) 129 and nn.; Badian (1972a) 726 n.168, 729; Linderski (2002) 340. Note that the positive judgment of Octavius hinges on the extent to which he modeled the restraint values of *moderatio* and *temperantia*.

⁵³ Epstein (1983) 296 argues that because of the evident struggle between the two, Plutarch has created this “friendship” because “Plutarch fully exploits the dramatic opportunities provided by the tragedy of a warm personal friendship torn apart by political controversy.” Cf. Linderski (1982) 244-45, and references. I see no reason why the two fellow tribunes need not have been friends as well, and moreover contend, as shown below, there is no reason to suppose prior enmity. At any rate, the stronger tie Octavius felt to Tiberius would have been their shared official capacity.

⁵⁴ *Tib.* 10.1.

⁵⁵ *Tib.* 10.2.

⁵⁶ *LSJ*; e.g. Plut. *Sert.* 3.3: Marcellus “declines” an offer of single combat.

⁵⁷ *LSJ*; e.g. Plut. *Pomp.* 23.3-4 describing Pompey’s “withdrawal” from the Forum for fear for ἄδοξία, “loss of reputation.”

silence, downcast eyes, or an actual withdrawal.⁵⁸ Octavius was feeling what he would have called *pudor* in the face of his colleague. And indeed, Plutarch represents Octavius' emotions at the withdrawal in Greek with αἰδώς; we can translate the sentence as, "Octavius at first withdrew, feeling shame on account of Tiberius (αἰδούμενος ἐκεῖνον)."⁵⁹ *Pudor*, as seen in Chapter One, of course, was intimately related to a fear of losing one's *existimatio*, and thus might restrain one from taking an action one perceived as wrong, as Octavius "at first" (πρῶτον) apparently did.⁶⁰

But of what could Octavius possibly have been ashamed at that point, and what fear could he have had? He had as yet done nothing except hear the request of a group of powerful men who wished him to act against the plan of his companion, peer, and colleague. And that is precisely it. His reaction was in line with the ideals of inter-colleague deference and concord. Plutarch's language makes this clear. It was "because of" (διὸ τὸ) Octavius' status as Tiberius' companion and peer—as well no doubt as being ἐμβριθής τὸ ἥθος καὶ κόσμιος, "dignified and moderate in bearing," *i.e.*, perhaps, filled with *modestia* and *moderatio*—that Octavius felt αἰδώς (*pudor*) upon hearing the request of his callers. Such *pudor* made him "withdraw" from the opponents (or possibly from Tiberius' companionship) while "feeling shame" on Tiberius' account. Plutarch focused on reporting Octavius' upstanding moral nature in this incident, but even putting aside Plutarch's (centuries-late) language, we can see

⁵⁸ Kaster (1995) 32. Cairns (1993) 433 also notes that αἰδώς has "close associations with 'face' or facial or ocular interaction (blushing, the lowering of one's eyes, etc.)"

⁵⁹ An alternate translation, that Octavius "at first declined, respecting Tiberius" is equally possible and equally in accord with the restraint values, although I think less precisely relates the restraints and emotions involved.

⁶⁰ Recall Cairns (1993) 432: "[A]ιδῶς, while always responding to a situation in which *timē* is relevant, is concerned not only with one's own prestige, but also with the concepts of moderation and appropriateness in the pursuit of prestige." Appian *B.C.* 1.1.12 unfortunately provided no detail in the narrative here, but proceeded directly in his narrative to the comitial showdown between Octavius and Tiberius, by which point Octavius has already been "suborned" (παρεσκευασμένος) into interposing his veto of the bill.

behind Octavius' physical actions the push and pull of the forces that encouraged Roman inter-peer, and here especially inter-colleague, harmony.

The unfortunate Octavius now faced a serious dilemma within the familiar framework of restraints. The value of deference to a noble group's *dignitas* squared directly against the *pudor* entwined with deference to colleague—no doubt with Octavius' own ambition as an unstable variable. And so, in Plutarch's vivid description:

πολλῶν δὲ καὶ δυνατῶν δεομένων καὶ λιπαρούντων ὥσπερ ἐκβιασθεὶς ἀντικαθίστατο τῷ Τιβερίῳ καὶ διεκρούετο τὸν νόμον.⁶¹

Because of the begging and persistent pleading of the powerful, he began to oppose Tiberius as though compelled by violence, and resisted the law.

This sentence also deserves close attention. Consider first the continual “begging” and “persistent pleading” of the “powerful.” Despite their name, the “powerful” clearly could not simply order Octavius to oppose Tiberius, and although victory over the principles of collegiality was evidently possible (why else bother to ask?⁶²), it could be achieved only through persistent and plural persuasion. Octavius, unlike Tiberius, apparently had no group of *nobiles* at his back to absorb the pressure. And so, at some point unsalvageable to history, the scales tipped in Octavius' mind ὥσπερ ἐκβιασθεὶς: *as though compelled by violence*.⁶³

Wherever Plutarch derived this turn of phrase, it described a fact of Roman aristocratic relations: in Chapter One, we saw repeatedly that deference to groups of peers could be a more powerful goad than the threat of actual physical force.

Provoked by this sudden and unexpected turn of events, Tiberius stripped out the provision of the law that permitted compensation,⁶⁴ a move that evokes a meeting that Livy

⁶¹ *Tib.* 10.2.

⁶² Nevertheless, a tribunician veto of his colleague's bill would have been quite rare. Badian (1972a) 697-701, 706.

⁶³ *Tib.* 10.2.

⁶⁴ *Tib.* 10.3.

described between Hannibal and Scipio the Elder. When Hannibal refused to seek peace willingly, Scipio declared himself unbound by *verecundia*—that is, he no longer felt obligated to avoid confrontation.⁶⁵ He could now push his interests in full.⁶⁶ The sentiment resonates with the actions here of Tiberius, who now felt he could act with less regard for the landowners' *existimatio* that he had modestly cultivated the first time around. And yet his *modestia* had not yet completely given out, as subsequent events show.

Octavius and Tiberius now matched off nearly daily in oratorical counter-point with competing speeches about the law in the Forum. At this moment in the narrative, Plutarch lapses into purple. Although the two rivals, he wrote, struggled with each other with great “earnestness and ambition for victory,”⁶⁷ they did not speak any ill of each other, or lash out in unseemly anger. To Plutarch, this was proof positive of their “superior moral natures and upbringing” which “comported and ordered their thinking.”⁶⁸ This sort of talk might at first glance seem like Plutarch’s attempt to suit the heroic mien, or to raise the dramatic tension—but Plutarch insouciantly mentions that he got these details from some outside sources.⁶⁹ Thus, “noble natures” or no, the fact of the pair’s mutual restraint at this juncture is attested by more than Plutarch’s say-so, and some older sources—perhaps especially shocked by the contrast to the later break—had found worth reporting displays of collegiality, *temperantia*, and *modestia* laudably at work at this stage of the story.

⁶⁵ Livy 30.31.9: nulla sum tibi verecundia obstrictus.

⁶⁶ Cf. Kaster (1995) 15 on *verecundia* as the art of not “overtly pressing your full claim.”

⁶⁷ *Tib.* 10.5: ἄκρας σπουδῆς καὶ φιλονεικίας.

⁶⁸ *Tib.* 10.6: τὸ πεφυκέναι καλῶς καὶ πεπαιδεῦσθαι σωφρόνως ἐφίστησι καὶ κατακοσμεῖ τὴν δianoian.

⁶⁹ *Tib.* 10.5: λέγονται.

Indeed, such collegiality was expected because for more than 150 years there had been no recorded instance of a tribune vetoing a plebiscite over the wishes of his colleague.⁷⁰ Tiberius could foresee opposing speeches—that would be nothing new—but reasonably could calculate that eventually Octavius (or he himself, if the wind smelled wrong) would defer, and the bill either go to a vote or be dropped. Because of this, there was no reason for any untoward personal abuse, and collegial deference in theory and practice repressed such bile. If it did not (Romans being but human), the perpetrators could always be rebuked.⁷¹ Plutarch thus misinterpreted his sources' reports of these speeches. When contemporary sources took note of the speakers' civility, Plutarch saw it as evidence of the speakers' unusually noble characters, without correctly attributing these facts to the appropriate dynamic (long vanished by Plutarch's day) of the republican collegial system.⁷²

⁷⁰ Badian (1972a) 697-701, 706; Lintott (1994) 66-67. Morgan and Walsh (1978) 205-6, who argue that Octavius was doing nothing unexpected with his veto, attempt to counter Badian's conclusion with two weak counter-attacks on examples that he provides. First, they dispute his citation of the case of M. Antius Briso, who, according to Cicero *Brut.* 25.97 threatened to veto a colleague's plebiscite in 137 B.C., but was talked out of it by Scipio Aemilianus. Second, they discuss the case of C. Valerius Trappo, who in 188 B.C. proposed a bill to grant voting rights to several towns. According to Livy 38.36.8, four tribunes interposed a veto on grounds the Senate had not approved the bill, but *edocti populi esse, non senatus, ius suffragium quibus velit impertire, destiterunt incepto* ("having been taught that it was for the People, not the Senate, to give the right to vote to whomever they chose, the tribunes desisted from their undertaking"). Who "taught" the four tribunes is not stated, but the most obvious guess would be fellow-tribunes. Morgan and Walsh take these cases as proof that tribunician vetoes *could* be successfully interposed. No doubt true in theory, but two examples prove more strongly the power of persuasion from superiors or peers *not* to veto than the normalcy of tribunician vetoes. If Tiberius knew of these examples, he probably would have inferred that Octavius might threaten a veto but would be unlikely to carry it through, and that he might be able to persuade Octavius to desist. Cf. Bauman (1983) 279.

⁷¹ Recall, for example, the censorship of Gaius Claudius Nero and Marcus Livius Salinator, in which both sought to degrade the other, and which Livy 29.37.16 recorded as *pravum*.

⁷² Epstein (1983) 297 is unconvincing when he argues that "Plutarch's own evidence contradicts his claim that the two tribunes conducted a gentlemanly debate" because Tiberius offered to pay Octavius for any land he owned that might be affected by the bill—what Epstein calls a "low blow." Cf. Bernstein (1978) 170. But Epstein misses λέγονται; this civility was not Plutarch's creation. More important, it would have been no "low blow" to offer Octavius what the law already offered; a jibe, but we have no reason to think it out of

But when it became evident that neither Octavius nor Tiberius would budge, the shot-and-volley pressure on both sides began to grow. Tiberius closed the temple of Saturn to prevent all public business until his law was heard—a stunning move. We can only guess Tiberius’s thinking, but this stroke is best explicable as a tit-for-tat response to this unnerving resistance of his colleague. The “wealthy,” in response, went about in rags and mourning, putting on a show to gain support.⁷³ Their garb takes on another restraint attribute when we recognize that it was also meant to bring their opponents into *invidia*.⁷⁴ A dangerous solution to the impasse now circulated: assassins were said to be in the offing. That was something quite new; in response, Tiberius kept a bodyguard and carried a dagger.⁷⁵

The day of voting arrived.⁷⁶ The opposition stole the voting urns, while the supporters of Tiberius banded together.⁷⁷ Tiberius ordered the clerk to read the law; Octavius vetoed and ordered the clerk to keep silent. Tiberius, rebuking him, but still respecting his colleague’s decisions, delayed the voting a day. The next morning, the scene

bounds. Dio’s comment at 24.83.4 that the two committed many acts of violence (πολλὰ μὲν καὶ βίαια) hardly merits Epstein’s (1983) 297 vivid assessment that “In [Dio’s] account, the two men battle bare-fisted, each hoping to destroy the other, neither giving a thought to the interests of the state.” *After* the two became enemies, violence ensued; the fact that Dio compressed time here is not dispositive of enmity at this point in the story.

⁷³ *Tib.* 10.7. And also perhaps to bring Tiberius into *invidia*. Lintott (1968) 16-17.

⁷⁴ Gruen (1968) 16-17, 20.

⁷⁵ *Tib.* 10.7; App. *B.C.* 1.12.

⁷⁶ The timelines of Appian and Plutarch of that day differ, but harmonization is not my goal. Cf. Badian (1972a) 720-721. One difficulty is whether the two consulars approached Tiberius on the day of voting on the agrarian law before much of anything else occurred (*Tib.* 11.1-2), or only after Octavius imposed his veto and ordered the clerk to be silent and Tiberius suspended proceedings until the next day (App. *B.C.* 1.1.12). If Plutarch is followed, the tension is higher, but then Tiberius went directly from hearing the consulars’ pleas in the Forum to the Senate house, and there would not have been time for the clerk-reading incident, of which Appian provides some detail. I thus follow Appian’s general outline, although more for ease than on principle; resolving this discrepancy does not matter for my purposes. Stockton (1979) 62-63 melds the accounts.

⁷⁷ *Tib.* 11.1.

repeated. Then, for the first time, collegial restraint showed unmended seams. The two fell to “reviling” (λοιδοριῶν) each other.⁷⁸

At this precise moment, Appian reported, some “powerful men” approached Tiberius to ask him to send the matter to the Senate.⁷⁹ Plutarch is more specific: two consulars, Μάλλιος (possibly “Manilius” or “Manlius”) and Fulvius (Flaccus, the Gracchan partisan?), rushed up to Tiberius and fell to their knees, “weeping and begging him to stop.”⁸⁰ If this Μάλλιος and Fulvius were part of Tiberius’ original group of supporters, as is probable,⁸¹ we might well ask their motives—should not they have been standing with Tiberius in support of their law at this crucial juncture?

We now must make a firm distinction, and hold that distinction firm, as we consider the oncoming moment of crisis and beyond. It is tempting to assume (as did Plutarch and Appian) that the most important issue facing the players was the *content* of Tiberius’ law, and that the dispute over content had created two factions, one poor, one rich, one for, one against, the law’s provisions.⁸² But if that is so, then the two consulars here, and shortly the consul P. Mucius Scaevola, who helped draft the law, appeared to switch sides, or declare

⁷⁸ App. B.C. 1.1.12.

⁷⁹ App. B.C. 1.1.12. These “powerful men” are δυνατοί; all the more clear that all sides of the controversy had δυνατοί among them.

⁸⁰ Tib. 11.2: δακρύοντες ἐδέοντο παύσασθαι.

⁸¹ But not certain. Gruen (1968) 53 comes to no firm conclusion. Bauman (1983) 271-72 correctly notes the difficulties in assigning Μάλλιος to any group either in support or opposition. Badian (1972a) 706 n.116. suggests that the two consulars who approached Tiberius were delegated because they held mutually opposing views of the law; one might possibly be the M. Manilius who was friends with Scipio and thus not a Gracchan supporter, Gruen (1968) 53. If so, it would be evidence that the ideal of deference to groups of dignified men transcended any particular “political” viewpoint.

⁸² Scullard (1960) 65 wrote that Scipio Aemilianus “probably thought that Gracchus’ scheme was inopportune and unlikely to succeed, [but] it was Tiberius’ constitutional methods which he probably disliked rather than a land-bill *per se*.” But after this sage observation Scullard slipped into a discussion about whether Aemilianus might have supported reform measures that could also be supported by the “Gracchan reform party,” and then (73) into an excursus on three factions Scullard saw operating in the Senate, according to their views of agrarian reform: conservative, “moderate,” or “radical.”

fickle neutrality, for no evident reason. They obviously had foreseen strong opposition from powerful senators when they first endorsed or even personally composed the law—why lose their stomach for it just when the voters were gathering?

The answer, of course, is that these senators did not change their minds about the content of the law. It would, indeed, persist after Tiberius' death and be enforced by his supporters, including Appius Claudius, the *princeps senatus*.⁸³ Instead, it was the process, the path of the law towards promulgation, that grieved two consulars so much that they would kneel before a young tribune and beseech him to desist.⁸⁴ That path at first had followed, and now for the first time broke with, the traditional restraint values. Tiberius had gathered his supporting group of grandees. He found powerful, plural opposition. Not an insurmountable problem, but enough to prompt modest caution. The law's first provisions had anticipated this. He had made his speeches. All well to that point. Then his tribunician colleague balked from backing down—unexpectedly and perhaps without precedent in living memory, but there it was.⁸⁵ Query: should not Tiberius himself now cede, just as Laelius the Wise had? Because no obvious answer presented itself, the Senate might help.

That was the impulse behind the consulars' fevered request: that Tiberius immediately put the now intractable matter—"beyond their worthiness to advise," they said,

⁸³ Lintott (1994) 73 writes that there was no objection to the *lex Sempronia* "in principle," provided that the commissioners "were thought to be sound men." Stockton (1979) 80-82 summarizes conveniently the post-tribunate work of the land commissioners.

⁸⁴ Cf. Seager (1977) 386-87. On the distinction between the content of the law and Tiberius' "unorthodox" methods, see Earl (1967) 291-92, 296; Bernstein (1978) 110, 161, 198-225; Stockton (1979) 84; Lintott (1994) 67-73, although Lintott notes "ideological" resistance to the law *per se*.

⁸⁵ Stockton (1979) 64 calls this Octavius' "unexpected obduracy." Bernstein (1978) 185 concurs that Octavius' "persistence in his veto was a flagrant and unprecedented breach of constitutional custom." *Contra* is Seager (1977) 386-87, who writes that such a move was not a *novum exemplum*, although that is not to say that it was likely to occur. See above note 70.

even as consulars⁸⁶—into the hands of the full Senate. Why? What advice would Tiberius ask the Senate that he could not ask them? Tiberius obviously needed no more input on the law’s *content*, and at any rate could get no better advice or draftsmanship in the *curia* than he already had gotten. But if instead the issue was failing *process*, then Μάλλιος’ and Flaccus’ suggestion makes great sense: they wanted the Senate to arbitrate the collegial dispute—as Appian’s report of their words may be translated⁸⁷—because their worry was the way in which Tiberius’ and Octavius’ current actions threatened to strain tribunician *concordia* to breaking.⁸⁸ Moreover, the consulars believed that their own influence was insufficient to sway this out-of-the ordinary clash of wills. Instead, the full Senate, as a far greater collection of authority, would decide. Someone soon might be *victus consensu omnium*, or perhaps some compromise would be reached, and all would be well. And so Flaccus and Μάλλιος—together, not coincidentally—approached the young Tiberius with tears, just as in 179 B.C. the aged consular Quintus Caecilius Metellus had led a group of *principes* to beg the censors Aemilius Lepidus and Fulvius Nobilior to act in harmony.⁸⁹

⁸⁶ *Tib.* 11.3: οὐκ ἔφασαν ἀξιοχρεῶ εἶναι πρὸς τηλικαύτην εἶναι συμβουλίαν.

⁸⁷ App. *B.C.* 1.1.12: οἱ δυνατοὶ τοὺς δημάρχους ἡξίουσιν ἐπιτρέψαι τῇ βουλῇ, περὶ ὧν διαφέρονται (“The powerful men besought the tribunes to turn over to the Senate the issues over which they disagreed”).

⁸⁸ As had been done before in cases where tribunes threatened vetoes against each other: *e.g.*, Livy 39.38, wherein the Senate mediated a disagreement between the consuls (each with tribunes to back him) about whether the two praetors in Spain would be allowed to bring back troops with them. On the Senate as mediator see Speilvogel (2004) 384, and Hölkeskamp (1993) 19, 34-37 and (2010) 25-27, who makes the excellent point that the Senate could wield “immense authority” in all aspects of governance precisely because its role was without “formally defined or precisely circumscribed responsibilities.” I would extend that observation by pointing out that the Romans would have no need to create “formally defined” rules for senatorial action if, as I have posited, relations among noblemen were first and foremost circumscribed and defined by the values of deference and restraint. Inter-peer relations among and with fellow senators would be similar, writ large, as with the Senate as a whole.

⁸⁹ Livy 40.45-46.

Tiberius was not insensitive to this time-trusted tactic. Reportedly moved δι' αἰδῶ for the pair of noble men—that restraint of “shame” and reciprocal respect once again—he asked what they would have him do, and then agreed to their entreaty.⁹⁰ Appian further reported that Tiberius consented because he felt that the law was “satisfactory to all well-thinking men.”⁹¹ That is something of a puzzle, for if Tiberius was so confident of the law’s acceptability to most senators, why had he not approached the whole Senate before, perhaps even before promulgating the bill?⁹² To be trapped by the puzzle is to miss the issue: perhaps Tiberius only now cared to bring the matter to the Senate because *only now* did he believe a serious enough problem had arisen. Again, not with the law’s content, which had hardly changed through the entire affair, but with the procedure and plan for its passage, which had started in accepted, traditional ways and only now had careened into unrestrained rancor. The two tribunes, after all, had only now put aside civil debates, and at this precise moment were for the first time described as λοιδοριῶν, “reviling,” each other—with the crowds restless as a result. Thus, while there had long been potential for strife, only now, and for the first time, was restraining *concordia* among colleagues, along with *moderatio* and *temperantia*, actually breaking down.

And so Tiberius went to plead to the senators. What happened in the Senate is opaque; the meeting was kept secret. Neither Plutarch nor Appian divulge much except to

⁹⁰ *Tib.* 11.2.

⁹¹ App. *B.C.* 1.1.12: ὥς δὴ πᾶσι τοῖς εὖ φρονουῖσιν ἀρέσονται τοῦ νόμου.

⁹² Stockton (1979) 66 finds himself confused by Appian’s exuberant explanation. “Perhaps,” he speculates, “the Senate would [now] note his determination and be anxious to avoid further trouble.” It is improbable that Tiberius “legally” had to bring the bill to the Senate before bringing to the People for a vote, Badian (1972a) 694-96; Bernstein (1978) 162; Lintott (1994) 67; Konrad (2006) 168; von Ungern-Sternberg (2014) 79. As Stockton (1979) 64 convincingly argues, Tiberius’ experienced supporters would not have been such “foolish amateurs” to have bypassed the Senate unless it were permissible, even if not often done.

say that there Tiberius was “insulted” by the “rich.”⁹³ But this was a more important moment than either Plutarch or Appian understood. Tiberius almost certainly asked and expected the Senate to resolve the problem of Octavius’ unexpected stubbornness.⁹⁴ He would not have doubted the strength of his position. But if the sources’ report is right, then rather than getting any arbitration, Tiberius found himself slighted.

That must have been a sour shock. To Tiberius’ thinking, the Senate would have failed in its expected function in such situations. The Senate should cow obstinate malfeasants into submission, its consensus rendering a man *victus consensu omnium*, or otherwise achieve some settlement while sparing the *dignitas* of the contestants.⁹⁵ But that day, in Tiberius’ mind, it did not—and here recall Dio’s remark that after Numantia Tiberius learned that luck, and not true merit, determined winners and losers.⁹⁶ Why the Senate, or consul, or Tiberius’ father-in-law the *princeps senatus*, refused to or were unable to help him is as obscure to us as it was perhaps confusing to him.⁹⁷ Perhaps Tiberius’ supporters summed up the opposition and now felt overpowered. Perhaps Tiberius’ abuse of his colleague, combined with the closing of the treasury and the harshening of the law, showed the senators that he had lost self-control. Perhaps some other reasons moved them. But both Appian and Plutarch stated unequivocally that this was the instant at which Tiberius first formulated his ill-fated and unparalleled plan to remove his colleague Octavius from office.

According to the give-and-take of the restraint values, the reason why is plain. Tiberius’ thinking had to this point followed a relentless logic: first, gain others’ accession to one’s wishes through one’s high office-status or *dignitas*. If one did not have that on one’s

⁹³ *Tib.* 11.2; Appian *B.C.* 1.1.12: ὑβριζόμενος ὑπὸ τῶν πλουσίων.

⁹⁴ Bernstein (1978) 174; Eder (1996) 447.

⁹⁵ See Badian (1972a) 690, 697, 706-707; Eder (1996) 447-49; Hölkeskamp (1993) 33-37.

⁹⁶ Dio 24.83.2-3.

⁹⁷ Badian (1972a) 707 decries the obscurity of this critical meeting in the extant sources. Cf. Val. Max. 2.2.1a on the secrecy of the Senate’s meetings.

own, being so young (or recently disgraced), gain it through the help of a group of friends' office-status and *dignitas*; failing that, gain it through a show of *modestia* and *moderatio* in a law that appealed to and protected others' *existimatio* and *pudor*; failing that, gain it through debate to convince a colleague to act in concord and to cede *modeste*; failing that, try repeatedly to convince him; failing that, gain it through senatorial influence; failing that, defer one's self with proper *modestia*.

But for Tiberius, for reasons known best to him—but certainly related to the failure of his Numantine treaty—that final link in the chain was impossible.⁹⁸ Nor would any laudatory *cognomen* like Laelius' be forthcoming now that he had pushed matters this far. And so, failing that final link? Tiberius' subsequent actions show reluctance and perplexity about how to take the only conceivable remaining steps: he decided, lest *he* have to defer to his opponents, that to gain others' submission through appeal to the theoretical greatest power in the Republic: the sovereign People. And if the People could not sway Octavius, then nothing was left. Octavius would have to go—the truly unprecedented step.⁹⁹

Tiberius called for a vote of the People to remove Octavius as tribune, but with careful staging that suggests that he did not necessarily wish Octavius' deposition, and looked first to use the People's weight to compel his colleague (more or less) voluntarily to yield at last. Diodorus Siculus and Plutarch report that Tiberius opened his gambit with a public proposal that both tribunes might lay down their offices, or he his own, if Octavius

⁹⁸ Cf. Morgan and Walsh (1978) 201; Bernstein (1978) 230.

⁹⁹ Seager (1977) 386; Bernstein (1978) 185, although Bernstein sees some senatorial resistance to tribunician vetoes in the past. Appeal to the People to achieve one's ends was, of course, not a new concept. But considering that according to Cic. *Lael.* 96 it was only in 145 B.C. that a speaker for the first time faced the People on the rostra, to appeal to the People to remove a colleague must have been very shocking. Cf. Taylor (1965) 25.

would desist, in which we can see an appeal to *concordia*, *moderatio*, and *modestia*.¹⁰⁰ Octavius demurred. The voting commenced, and the first tribe voted to remove Octavius. Tiberius stopped the polls at once, turned to his co-tribune, and “in the view of the People” begged him to withdraw his veto.¹⁰¹ Octavius refused. The voting continued. When seventeen of the thirty-five tribes, one short of a majority, had voted to strip Octavius of his office, Tiberius stopped the proceedings again and turned to his colleague and former friend, “embracing and kissing him in the sight of the People”—that is, showing *concordia* and collegiality—and begging him not to allow himself to become “dishonored,” ἄτιμος.¹⁰² Centuries’ worth of constraint pulled on both men, from multiple directions.

At this, Plutarch recorded, a source or sources related¹⁰³ that Octavius began to weep, and stood still for a very long time. But at length, as he turned his head to the side,

πρὸς τοὺς πλουσίους καὶ τοὺς κτηματικούς συνεστῶτας ἀπέβλεψεν, αἰδεσθεὶς δοκεῖ καὶ φοβηθεὶς τὴν παρ’ ἐκείνοις ἀδοξίαν ὑποστῆναι [καὶ] πᾶν δεινὸν οὐκ ἀγεννῶς <καὶ> κελεῦσαι πράττειν ὃ βούλεται τὸν Τιβέριον.

he caught sight of the rich and wealthy men, who were standing together. Being filled with shame, it seems, and fearing low regard from them, he withstood the risk not unnobly, and told Tiberius to do what whatever he wished.¹⁰⁴

This description is rich with restraint values—and their failure. Tiberius told Octavius not to suffer dishonor (no doubt loss of *existimatio*) by resisting the People. He asked one last time

¹⁰⁰ Diodorus Siculus 34/35.7.1; Plut. *Tib.* 11.3-4. Diodorus reported that Tiberius suggested that both tribunes leave office. Plutarch, however, stated that Tiberius suggested one or the other must go, but that Octavius could have the first chance to vote to depose Tiberius. Either suggestion would evoke collegial deference, even if Tiberius could expect to win.

¹⁰¹ Appian *B.C.* 1.1.12: ἐν ᾧ τῷ δήμῳ. That showmanship accords well with observations such as those of Hölkeskamp (2011) 161 of Roman politics as a “culture of spectacles,” in which power is mediated and defined through public acts and symbols, or that the People were both “actor and spectator”—voters and audience—for the competition among the elite, Hölkeskamp (2010) 58. Cf. Millar (1984).

¹⁰² *Tib.* 12.2: περιέβαλεν αὐτὸν ἐν ᾧ τῷ δήμῳ καὶ κατησπάζετο.

¹⁰³ *Tib.* 12.4: λέγουσιν.

¹⁰⁴ *Tib.* 12.4.

for Octavius' deference, this time to the wishes of the very People themselves. Octavius clearly felt the crushing force of this argument: he did not know how to respond, stood silent, dropped his head, and broke into tears. But then he looked up and saw the opponents of the law *standing together*—and the importance of that detail should need no repeating by now. With that view in his eyes, he appeared to feel αἰδώς and fear of ὑδοξία among them. In Latin, he would have felt *pudor* and fear of a loss of *existimatio* in their sight. And, as if to cap the scene, Octavius' final words evoked consummate, if ironic, deference to his colleague.

Why at this critical moment fear of *pudor* and loss of *existimatio* in the sight of the law's opponents outweighed Octavius' fear of dishonor in front of the People cannot be answered. History trips over inscrutable personality. The framework of restraint values, however, that structured and molded both Tiberius' and Octavius' thinking and their momentous decisions is, I hope, by now clear. The events had coursed entirely within and according to the accepted borders and patterns of the restraint system that ruled the Middle Republic, and now channeled the players in full view of the People into a stalemated clash of shared restraint values, forcing a moment of decision. Collegial *concordia* stood toe-to-toe with *pudor* and care for *existimatio* in the face of great men. Octavius chose to whom to cede. Tiberius once more in the sight of the People begged him to relent. Nothing. As Cicero would later put it, Octavius' *patientia* "broke" Tiberius.¹⁰⁵ Finally, with all other means

¹⁰⁵ Cicero *Brut.* 95: eodem in genere est habitus is qui iniuria accepta fregit Ti. Gracchum patientia, civis in rebus optimis constantissimus M. Octavius ("Of the same type [of orator] is considered that most constant citizen in supporting the best type of men, M. Octavius, who, having suffered injury, broke Tiberius Gracchus with patience"). Epstein (1983) 297-299 argues from this sentence that Octavius was nursing an old grudge, which belies "the dignified parliamentarianism portrayed by Plutarch." Epstein's logic is quite flawed: even assuming a grudge, the bitterest enemies (e.g., Claudius Nero and Livius Salinator) were still expected to put aside personal quarrels when colleagues and behave themselves. To fail to do so was notable and *pravum*. There also is no particular reason why the *patientia* must refer

exhausted, Tiberius asked the gods to witness that he “unwillingly dishonored his colleague.”¹⁰⁶ Even at this last instant, the ingrained collegial values tugged like stretched elastic—but then snapped. The next tribe voted to remove Octavius, and Tiberius had his freedmen physically drag his sacrosanct colleague from the platform.

With no opposition (Tiberius replaced Octavius with a supine client named Mucius or Mummius¹⁰⁷) the *lex Sempronia* then passed. Tiberius, his brother Gaius, and Appius Claudius the *princeps senatus* were named land commissioners, and would proceed to divide up and reallocate the illegally held plots. Plutarch describes the following months quickly. The Senate engaged in obstructive tactics—withholding supplies, allowing a pittance for expenses—but the law was enforced. Tiberius in kind brought a bill to seize the treasure of the late king of Pergamon in an act of one-man foreign policy, circumventing the Senate’s primeval sphere of influence.¹⁰⁸ Livy would chalk up Tiberius’ death to the “many

to Octavius’ speeches and not to Octavius’ last stand even in the face of immense pressure from his colleague and the crowd. Thus I disagree with Badian (1972a) 707 to the extent that he states that it was through Octavius’ *patientia* in opposing the *law* that the “revolution” came; Badian makes the better claim (711) that Tiberius’ reaction to Octavius’ *patientia* caused the breach. Linderski (1982) 246 is more correct that the *patientia* is Octavius’ reaction to his impending deposition, although Linderski takes this scene as Cicero’s rhetorical figure and concludes that Tiberius’ *pertinacia* was to blame. To make the question of blame either/or, however, muddles the bigger point that the actual “revolution” came from the example both parties set in stretching and breaking the restraint values.

¹⁰⁶ Appian *B.C.* 1.1.12: ἄκων ἄνδρα σύναρχον ἀτιμοῦν.

¹⁰⁷ *Tib.* 13.2; Oros. 5.8.3 (“Minuncium”); Appian 1.1.12 calls him Q. Mummius.

¹⁰⁸ *Tib.* 14.1-2; Oros. 5.8.4. Badian (1972a) 713 notes that this was Tiberius’ first entirely inarguably extra-constitutional act, and correctly points out the serious foreign policy implications of Tiberius’ rash move: the East could be thrown into unrest, and Rome’s allies would be highly upset by his unilateral distribution of the bounty for his own purposes. The conclusion of Eckstein (1987) 323-24 about the nature of Roman foreign relations in the Middle Republic is particularly apt here: “[It was the] atmosphere of trust, understanding, and cooperation between Senate and general, this widespread practice among Roman aristocrats of the middle Republic of deferring to the opinions (once explicitly expressed) of other aristocrats—to put it in a word, this internal social *concordia*—that made possible the relatively smooth running of what was, in the end, a cumbersome mechanism of decision making concerning Roman foreign relations.”

indignities” that he showed to the fathers.¹⁰⁹ Rumors also abounded that Tiberius had a crown and purple robe at his house: the ancient charge of regal *superbia*.¹¹⁰

In the midst of this rising tension, Plutarch mentions a quip of Quintus Caecilius Metellus Macedonicus, cos. 143 B.C., one of Tiberius’ former supporters. Metellus declared that Tiberius Sempronius Gracchus *père* was so grave as censor that people extinguished their lamps as they saw him walking home for fear he would think they were reveling, but that Tiberius *fils* now was lighted on his way home by the torches of degenerates.¹¹¹ This is a marvelous non-sequitur. The two clauses of this jibe are not at first glance congruent: whereas the father walked in the dark because of his battle with *luxuria*, the son walks in the light because of . . . his support among the poor? How are battling the drinking parties of the rich and gaining power through appealing to the plebs mirrors to each other, as they logically must be for this barb to stick?

To a Roman aristocrat of the Middle Republic, the predicates were equivalent. Resistance to *luxuria* and *intemperantia* and maintaining proper relations with superiors and peers instead of using the weighty mass of the poor to get one’s way—these were nothing but different manifestations of the same value of self-control. Intermingling the two in the joke was as natural a connection for Metellus as equating tyranny and violence. The attack is only more striking in that Metellus formerly *supported* the law that would have helped such poor folk; once again, Tiberius’ process, not the law’s content, offended Metellus. And so it was all the more alarming to the senators when the “tyrant” with the hidden purple robe and

¹⁰⁹ Livy *Per.* 58: tot indignitatibus.

¹¹⁰ *Tib.* 14.2. Cf. Hellegouarc’h (1963) 439-440. Hellegouarc’h notes, incidentally, that *superbia* “s’agit d’une forme très ancienne, appartenant au vieux fonds de la langue.”

¹¹¹ *Tib.* 14.3-4.

crown announced that he wished to run again for tribune—something not precisely illegal, but not done in at least two hundred years.¹¹²

As election day approached, the tribune Rubrius was chosen by lot to preside over the voting.¹¹³ When he expressed doubt about the legitimacy of Tiberius' candidacy, Mucius (or Mummius), Octavius' replacement, proposed that he himself be substituted for Rubrius. Rubrius agreed, but the other tribunes objected. Their stated ground was that Rubrius had been chosen by lot, and so should his replacement. Pure collegial equality was the ideal.¹¹⁴ Tiberius in response went about in black, asking citizens to save him with their votes.

Crowds began to gather the evening before the election.¹¹⁵ In the morning, Tiberius' fellow tribunes somehow prevented the voting from going forward.¹¹⁶ But Tiberius was past submitting to the protests of colleagues. The Senate, meanwhile, had called a meeting in the Temple of Fides,¹¹⁷ and as reports came to them the fathers in uproar asked the consul

¹¹² Konrad (2006) 169. Badian (1972a) 722 is agnostic on whether reelection was "legal," but agrees it was highly unconventional. Cf. Steel (2013) 18.

¹¹³ Appian *B.C.* 1.1.14. The surviving accounts of the election, the day of Tiberius' death, are tangled and hypothetical at many points; unsurprising for a day marked largely by chaos. No matter: we are not looking here for the perfect reconstruction, but rather the criteria according to which the actors made the various decisions that our sources report.

¹¹⁴ I take the lot casting as further evidence of the theory of collegial equality; otherwise, why not choose age, prior offices, or some other hierarchical trait as an ordering principle?

¹¹⁵ On the final assembly see Taylor (1963) (1966), who argues that the assembly was not an election per se, but (perhaps) a vote on whether a tribune could be reelected; *contra* Earl (1965) who saw an election barred at most by *mos*. I tend to Earl's view, but remain agnostic for this study's purposes. Bernstein (1978) 215 sees it as an election, and notes the tradition that many of Tiberius' rural supporters did not attend the election. App. *B.C.* 1.14 attributed this absence to the harvest. Bernstein, however, offers the interesting suggestion that the People abandoned their patron because his unorthodox practices endangered tribunician sacrosanctity, and because the Senate also promised not to oppose implementation of the *lex Sempronia*.

¹¹⁶ App. *B.C.* 1.1.15.

¹¹⁷ It is tempting to find some symbolism in this choice of venue. Clark (2007) 199 n.19 suggests that Fides represented abandoning of warlike action and accepting of agreement. I will return shortly to Clark's excellent discussion of the curious fact that the senators covered their hands with their togas upon exiting the meeting. Cf. Freyburger (1985) 311-12.

Scaevola to put down the “tyrant.”¹¹⁸ One of the senators slipped away into the thick of the crowd to warn Tiberius of the growing danger. Tiberius called to the throngs for aid by pointing to his head. His opponents read the gesture as a demand for a crown.¹¹⁹

When this news reached the Senate, the *pontifex maximus*, Tiberius’ cousin, Publius Cornelius Scipio Nasica, called upon the consul Scaevola to save the state. Scaevola recoiled: he would overrule any illegal acts passed by the assembly, but would engage in no preemptive violence.¹²⁰ He held to the last a sense of restraint that Nasica did not. The *pontifex* wrapped his toga around his head,¹²¹ called on all who wished to preserve the

¹¹⁸ *Tib.* 19.3.

¹¹⁹ *Tib.* 19.2; *Flor.* 2.2.14.

¹²⁰ That Scaevola initially supported Gracchus and helped draft the law, but now, at the critical moment, failed to help him—and, moreover, after the murder supported Nasica’s action (*Cic. de Dom.* 91; *pro Plan.* 88)—has caused consternation among supporters of prosopographical or other “factional” interpretations of this incident, who resort to explanations such as that Scaevola was a shameless political opportunist, or (more kindly) a political “independent” or a “jurist who placed professional integrity above anything else,” Gruen (1965) 326-27; Briscoe (1974) 128; Bauman (1983) 274. Another solution is far simpler and better: Scaevola supported Gracchus as long as Gracchus obeyed the code of deference and restraint. Upon Tiberius’ failure so to do, Scaevola opposed (or at least did not aid) him, although he did support the legislation after Tiberius’ death. *Cf.* Earl (1963) 291-92; Wiseman (1970); Bernstein (1978) 110; Crawford (1993) 112. Indeed, Scaevola’s *aporia* shows how strongly the restraint values captivated the Roman aristocratic mind; it may be that Scaevola did not have the mental tools to conceive of any means to control Tiberius now that all the normal restraints had failed. Violence, the only other even imaginable option, was, to him, still out of the question.

¹²¹ Or around his left hand: *Val. Max.* 3.2.17; *Vell. Pat.* 2.3.1. The import of the toga wrapping, either of head or hand, is hotly disputed. On these debates see Earl (1963) 118-19; Badian (1972a) 725; Bernstein (1978) 223; Stockton (1979) 76 n.43; Bauman (1983) 272; Spaeth (1990) 192; Linderski (2002); Flower (2006) 74-75; Wiseman (2009) 185-87. I am intrigued by Clark’s (2007) 128 theory that Valerius Maximus and Velleius Paterculus have it correct that the senators and Nasica wrapped only their left hands, and not that Nasica wrapped his head. (In Plutarch, the *followers* of Nasica wrap their left arms, *Tib.* 19.4.) Clark considers the possibility that the head-wrapping originated in pro-Gracchan propaganda against the *pontifex* to highlight his horrific sacrilege in killing a sacrosanct tribune in an inaugurated assembly. *Cf.* ORF³ 179 fr. 18 (= *Char.* 255.29), in which C. Gracchus distinguished a wise man from a man who slaughters humans like pigs; an almost certain reference to Nasica as *pontifex*, particularly given his nickname Serapio, a reference to a slave who handled sacrificial swine. *Cf.* Binot (2001) 192, 194-95. The hand-wrapping, by contrast, notes Clark, was a more neutrally explainable (and thus less likely invented) detail.

Republic to follow him, and rushed from the temple into the multitude. True to the deference due the mob of great men, the crowds parted before their “worthiness,” even trampling each other to get out of the way.¹²² The senators broke up benches, turned the pieces into clubs, then rushed on towards the knot of supporters around Tiberius. His cordon broke. He turned, fled, broke a grip on his toga, tripped. The first blow, “without doubt,” said Plutarch, came from Publius Satureius, one of Tiberius’ co-tribunes.¹²³ Three hundred men were beaten to death with him. The bodies were dumped into the Tiber.

This, wrote Plutarch, was the first *stasis* since the end of the monarchy to end in violence. All other contentions had been solved ἀνθυπείκοντες ἀλλήλοις—“yielding in turn to each other.”¹²⁴ Yet even on this occasion, Plutarch opined, Tiberius might have been persuaded to give in, except that his opponents used violence.¹²⁵ The apparent unexpectedness of the bloodshed—the senators neither brought weapons with them to their meeting nor arranged for them, but made them makeshift out of benches¹²⁶—makes

Clark instead posits that wrapping the left hand might represent a conscious reversal of the rites to Fides, in whose temple the Senate was meeting, which normally entailed wrapping the right hand. That, I submit, would suggest that the senators saw Tiberius’ actions as a breach of some agreement—perhaps of an understood aristocratic ethos or code—any remaining trace of which the senators were now ceremonially undoing as they went to confront the “tyrant,” and which now freed them to take their violent action. This interpretation, incidentally, would comport with Hellegouarc’h’s (1963) 27 identification of *fides* as an essential political bond.

¹²² *Tib.* 19.4. “worthiness” = ἀξίωμα.

¹²³ *Tib.* 19.6; cf. Oros. 5.9.2. Not quite everyone agreed: *Rhet. Ad. Hen.* 4.55.68 envisions Nasica felling Tiberius himself, although this seems suspiciously like dramatic rhetoric; cf. Diod. Sic. 34/35.33.7; Val. Max. 1.4.2.

¹²⁴ *Tib.* 20.1. Plutarch, admittedly, also described this *stasis* as the “powerful” against the “many,” although of course that is a Greek gloss.

¹²⁵ *Tib.* 20.1-2: ἐδόκει δὲ καὶ τότε μὴ χαλεπῶς ἂν ἐνδοῦναι παρηγορηθεῖς ὁ Τιβέριος ἔτι δὲ ῥᾶον εἶξαι δίχα φόνου καὶ τραυμάτων ἐπιούσιν (“For it seems that it would not have been difficult even then for Tiberius to have been persuaded to cede, and would have been all the easier if his enemies had not used murder and assault”).

¹²⁶ *Contra* is Lintott (1968) 68, (1994) 72, who argues the death was premeditated. *Tib.* 19.5 states that the senators’ attendants carried clubs taken from home, although this may signify nothing more than protection or intimidation against the large crowds attending Tiberius,

Plutarch's point. No one was quite sure what to do or how far to go when a nobleman showed such a loss of self-control as Tiberius had displayed. Perhaps even his killers were shocked, unsure of what they had just done, and of what would happen next. In the aftermath, the Senate turned to the Sybilline books and emergency sacrifices and expiations to Ceres.¹²⁷ Nasica, apparently on pretext of going on commission, went away to Asia, where he died.¹²⁸ Meanwhile, Tiberius became an icon among the People.

We return to the original question. What focused Cicero, Appian, and Dio on this episode, above all others? The answer stems from the irreconcilable clash of restraint values that the Middle Republican Roman identified so indissolubly with the health of the state. Both sides defined the conflict in those terms. Tiberius' supporters could point to Octavius' refusal to back down as a failure of *concordia*, could claim that too many senators were too corrupted by intemperate greed to mediate the conflict correctly, and could easily argue that the senators' murder of a sacrosanct tribune in an inaugurated assembly was outrageously unrestrained. Tiberius' opponents, by contrast, could say that by removing his colleague, pressing ahead with his law, seizing the Pergamene treasure, and running for tribune a

who were prepared for some violence. It is clear, however, that the *senators* did not make any provision for their own weapons with which to attack Tiberius and his supporters; their attack seemed spontaneous after Tiberius appeared to ask for a crown.

¹²⁷ Spaeth (1990) notes that Ceres from ancient times defended both a tribune's sacrosanct status and also was the goddess to whom the goods of a killed would-be tyrant were offered. Flower (2006) 73-75 also may be right that the Senate's sudden fevered consultations and resulting expiations following the murder were an attempt to blur the death of the sacrosanct tribune with the deaths in a recent slave revolt in Sicily and with Tiberius' agrarian legislation. Thus Flower: "Because several points of view could be appeased by this solemn offering, perhaps the interpretation was deliberately left open, in an effort to achieve at least the impression of renewed consensus." Further: "In this context, Ceres was called upon by the Senate to rescue Rome from partisan strife and failed leadership. The decision to turn to the goddess was a sign that the explanations and actions of both sides in the political clash had failed to restore a sense of order." Because both a tribune and the *pontifex maximus* could be interpreted as "betray[ing]" Rome, "[o]nly a deity could provide both explanation and healing, preferably a goddess who could address issues of consecration, community, and the future survival of Rome and the Roman way of life."

¹²⁸ Val. Max. 5.3.2e.

second time, Tiberius showed that, if he chose, he now never would and never would *have to* cede to anyone. Not colleague, not peer, not senatorial or consular superior. Tiberius ignored the combined pleas of numerous nobles, harshened his law, refused to accept the persistent veto of his co-office holder, and disregarded the direction of the Senate. What kind of man refused to give in, to be restrained, in the face of that kind of pressure? What kind of man paid so little regard to the *existimatio* of his fellow Romans, and especially of a peer and colleague? What kind of man felt no *verecundia* or *pudor*, no *moderatio* or *modestia*, but instead showed such obvious ambition to get his way, with no *temperantia* in his pursuit of it? Only a tyrant. And that is precisely what Tiberius was called.¹²⁹ Now (the accusation could go), with the whole People behind him, he could be entirely unrestrained in any action by anyone but himself.¹³⁰

If that seems a drastic diagnosis, it was because Tiberius had touched on a foundational condition of the Roman Republic: it worked only when everyone agreed together to make it work, when Roman noblemen voluntarily operated within the boundaries of the deference and restraint patterns—or at least were sufficiently motivated by

¹²⁹ *Tib.* 19.3. Konrad (2006) 169 with merit, albeit dramatically, states that Tiberius “aimed to escape accountability and make his one-man government permanent—enough to cause most nobles sleepless nights as they beheld the specter, rising from the grave, of Tarquin the Proud.”

¹³⁰ Thus Sall. *B.J.* 42.2-3: et sane Gracchis cupidine victoria haud satis moderatus animus fuit (“to be sure, in their lust for victory the attitude of the Gracchi was too much unrestrained”); cf. Bernstein (1978) 214. Perhaps even more so with the recent advent of the secret ballot, Yakobson (1995). Wiseman (2009) 179, (2010) 28-29 correctly notes that Cicero *de Re Pub.* 1.31, which started this chapter, was “carefully neutral” whether Tiberius’ death or Tiberius’ *ratio* in carrying on his tribunate were responsible for the damage done the Republic—the two competing viewpoints just laid out. I do not follow Wiseman’s translation of *tota illius ratio tribunatus* as “the whole policy of his tribunate” if Wiseman means by “policy” a fixed political objective the law would effect. I have argued instead that the content of the law mattered less than the procedure by which Tiberius pursued it. I therefore translated *ratio* at the start of this chapter as “the whole *method* of his tribunate.” Cf. Hellegouarc’h (1968) 423, who notes this passage and translates as “la politique du tribunaat,” but admits that this translation derives from formulas that boil down to “la manière de conduire.”

pudor and *verecundia* to avoid too much transgression. It worked only when everyone valued the ideals of *modestia*, *temperantia*, *moderatio*, and care for *existimatio*, and practiced them (at least tolerably well) in relation to one another. And, perhaps most important, it worked only when everyone generally agreed *how* to practice the values properly. Only then, with generally voluntary consensus and compliance by all, could offices and honors be distributed according to merit, and thus territories governed, Senate seats filled, generals chosen to win wars, and the necessities of governance effected and obeyed by a small group of aristocrats, without need for violence or autocrat.¹³¹ But once one man discovered a means by which he did not have to obey these rules and still could get his way any time he wished (and every Roman man so anxiously wanted to get his way), the theoretical girders of the Republic would vanish.

Of course, defiance and violations of the restraint ideals had very often occurred.¹³² Nobles had quarreled, some celebrated triumphs without leave of the Senate, the occasional commander would cross some boundary, censors insulted each other publicly, men behaved badly while in far-flung *provinciae*, and so on. In recent years the Republic had witnessed even the spectacle of tribunes imprisoning consuls.¹³³ The restraint values had always been tested in the face of ambition, *inimicitia*, and desire.

¹³¹ See again Hölkeskamp (2010) 103-06, and citations therein.

¹³² Morgan and Walsh (1978) 210-211 state that a theory of “consensus politics” “flies in the face of a substantial body of evidence,” and cite the numerous prosecutions, demands for triumphs, and *inimicitiae* of the era. There is no doubt whatsoever that politics of the Middle Republic could be rough and tumble, cf. Epstein (1987). Not one of Morgan and Walsh’s citations, however, is to intra-college strife or to a break that combined lack of restraint with an appeal to the People in support: crucial aspects of Tiberius’ case, as I will discuss momentarily.

¹³³ In 138 B.C. tribunes imprisoned the consuls, one of whom was Scipio Nasica, during a debate over a levy, possibly in response to an ignored tribunician veto. Cicero *Leg.* 3.20; Livy *Per.* 55; *Per. Oxy.*; cf. Binot (2001) 187-88. The incident would, of course, explain Nasica’s particular sensitivity to perceived excesses of tribunician power. Cf. Binot (2001) 200; Gruen (1968) 45-46. But this astounding act (similar to an imprisonment that occurred in 151 B.C.,

But five points made Tiberius's case different. First, the extent to which the parties breached the normal expected restraints. Tiberius showed egregious lack of restraint in pursuit of his goals: his personal hijacking of foreign policy and his one-man deposition of a colleague, with physical battery at that, were completely unparalleled. Tiberius, of course, could claim with equal justice that Octavius' outright refusal to yield to a colleague who acted with the full assent of the People was also an extreme violation of the restraint values and of collegial deference. Thus, although the restraint values formed and bounded the actors' grounds for contention, the idiosyncratic circumstances of this clash—a tribunician bill brought by an unusually strong-willed advocate who was opposed by a colleague equally powerfully swayed by group of *nobiles*, with appeal to the People thrown in—permitted each side simultaneously, and with merit, to claim that his opponent had committed an exceptional breach.¹³⁴ The parties together stretched the restraint values farther than in any single previous episode, which bared the restraints' limitations for all to see and exposed them as imperfect barriers. This *mutual* stretching and breaking, and not any single party's act or "political" stance, revealed the uncomfortable fact that restraint worked only when agreed upon—a revelation that would underlie the even more horrible examples of the century to come.

Livy *Per.* 48) did not spark a crisis in the way Tiberius Gracchus' tribunate did, probably because of absent variables: the People there sided with the consuls and convinced the tribunes to let the consuls go, *cf.* Taylor (1962) 26-27; the tribunes' actions did not threaten collegiality or the system of gaining offices; and no one was *deprived* of an office.

¹³⁴ Badian's (1972a) 697 comment that "Nowhere in history has the element of *tyche*, which the ancients knew well and moderns conspire to ignore, come more into its own" is well taken. Somewhat in tension, however, he also (707) correctly stated that Tiberius and Octavius were "helplessly caught in the conventions of their class." But the two points—the influence of randomness combined with comforting explicatory power of structure—can be combined: the stress *of* the social conventions on the parties put unbearable strain in these particular circumstances *on* the social conventions; the strength of the conventions to channel the two men into this particular clash at the same time revealed the conventions' ultimate weakness to restrain a headstrong man convinced of his rectitude.

Second, and accordingly, the violence. Physical force is ideally the last resort for getting one's way. When the restraint values in this case reached the limits of their ability to constrain action, the only remaining resort was to violence: Tiberius to drag his colleague bodily from the assembly, Tiberius' murderers to their clubs. Although Cicero concluded that Tiberius *ab ipsa re publica est interfectus*,¹³⁵ the truth was quite the opposite. Such violence did serious damage to the Republic because the previously unthinkable (for at least three centuries) was now thinkable. The socially disrupting implications of that fact became immediately apparent. Shortly after Tiberius' death the tribune C. Atinius Labeo attempted to have Q. Caecilius Metellus the censor flung from the Tarpeian Rock for passing him over on the senatorial roll.¹³⁶ Another tribune had to be found in the emergency to subdue his colleague. It is extremely difficult to believe that a tribune of earlier decades (much less centuries) would ever have suggested such a thing.

Third: the new way in which Tiberius combined support of the People with the restraint values to unsettle accepted methods of office-seeking and of collegial deference. The previous breaches of the restraint values that we have seen were qualitatively different from tampering with the office-holding process and with the rights of a colleague. Insisting on a triumph on the Alban mount by leave of the People against the will of the Senate, for example, was unseemly, but everyone understood it was something less than a full honor,¹³⁷ and others could still achieve glorious triumphs. Insulting one's censorial or consular colleague was *pravum*, but did not deprive anyone of an office or a colleague of his power. Disobeying a superior was wrong, but would not cost a peer his position. All of these things were dangerous and bad, but not, so to speak, mortal sins. But if a single man, in defiance of

¹³⁵ Cic. *Brut.* 27.103: Tiberius "was killed by the very Republic itself."

¹³⁶ Livy *Per.* 59; Pliny *N.H.* 7.44.143; Cf. Cicero, *de Dom.* 123.

¹³⁷ Livy 33.23.3-8; Brennan (1996) 325-27.

all pressure from his noble peers and even his own *ingenium* (that is, a man without *pudor*, *temperantia*, or *moderatio*) could dictate—using the exclusive backing of the People¹³⁸—who would and would not hold offices¹³⁹ and who could be removed from office, and who could occupy a post as long as he liked and show no regard for his equal colleague's wishes, it would cause existential damage to a fundamental purpose of the republican form of government: to distribute *honores* regularly and according to merit as they saw it, with due respect for the virtues of peers and colleagues, and with (at least theoretical) equality of opportunity for advancement.¹⁴⁰

Fourth, we are drawn back to a striking aspect of Tiberius' story: the extent to which every issue was mediated through the traditional language, patterns, and concepts of the

¹³⁸ Bernstein (1978) 165 correctly notes that it was a risk to make “fact what until then had been merely an awkward and dangerous constitutional theory—the sovereignty of the Roman People.” Scipio Aemilianus had, for instance, sought an irregular second consulship with the support of the People, but never deposed a sitting colleague or brought issues so far to a head. Astin (1967) 183–84, 234; Gruen (1968) 91 and references. Appeal to the People's sovereignty here, however, caused irreconcilable conflicts in the restraint values, particularly between deference to colleague and to groups of dignified men.

¹³⁹ Indeed, perhaps Tiberius' seemingly effortless choice of his client Mucius (or Mummius) as Octavius' replacement was also highly offensive to his opponents. Bauman (1983) 278 n.348 suggests, however, that the rest of the tribunician college *supported* Octavius' deposition, and that the new tribune was voluntarily coopted. That might suggest that Octavius felt pressure not to veto his own deposition, although the silence of the sources makes this too difficult to say. *Contra* is Badian (1972a) 711.

¹⁴⁰ Stockton (1979) 84 captured part of this conclusion when he wrote that Tiberius' acts upset the “twin pillars of collegiality and limitation of tenure of office The nobles of the late second century were understandably appalled at the vista which seemed to be opening up of a demagogue's holding office indefinitely and directing the affairs of Rome without fear of serious impediment from colleagues and without reference to Senate and consuls,” although the idea needs stating more precisely and fully. Cf. Akar (2013) 186. So too Konrad's (2006) 169 statement that “Tiberius knocked away one of the unwritten principles of republican government, as the nobles understood it—the limitation of official power inherent in the presence of colleagues with exactly equal power” is correct, but quite incomplete, as is Hellegouarc'h's (1963) 11 observation that “L'annuité” and “la collégialité” comprised an “échec” against personal power. Hellegouarc'h's further observation, however, is quite insightful: that these checks, “par un chemin certes plus long et plus détourné,” eventually drove the Romans to the result—monarchy—that they intended by such strictures to avoid.

restraint values. All the actors, even if they dimly sensed that something new was occurring, could not and did not process the situation except through the conceptual framework of restraint and deference that they had always used.¹⁴¹ But while traditional ways of thinking had led before to satisfactory (or at least tolerable) solutions, in this case the ideals of restraint led the parties to a dead end. The restraints both made the actors unable to handle any novelty and also forced any novelty into traditional miens. The restraints also gave every actor simultaneously reasons to be mortally certain that he was in the right, and particularly because Tiberius had ushered a new concept into Roman politics: the idea that, perhaps, the Senate as a whole or in great part *need not be heeded* because they were collectively stricken with the vices of *intemperantia* and immoderation. The senators, of course, shot back with similar accusations against Tiberius. That is, everyone agreed that restraint was good. But they could not agree on who best comported his behavior with restraint—which only increased the discord.

Fifth, and finally, the killing came too late to prevent new, insurgent thoughts from seeping into men's minds. The idea that one could again do what Tiberius had done, more carefully this time, was planted. In the right circumstances, and with the right amount of support from the People, or even with violence, one might find the means to be constrained by no peer, colleague, or superior. The People evidently perceived some change in their role

¹⁴¹ It is worthwhile to consider the argument of Horvath (1994) 94, 99, 101, 103, 105 that the “Gracchan revolution” was the product of “fundamental changes in Roman jurisprudence,” a replacement of traditional jurisprudence based on “Old taboos founded on religion and tradition” with “a rational jurisprudence that presupposed that the law had organizing principles of its own that were essentially independent from ‘the way of the ancestors’” such that “the letter of the law, rather than ‘accepted procedure,’ had become the new measure of legality”—a move that “destroy[ed] old attitudes.” Thus, according to this theory, Tiberius (and his brother Gaius) now could conceive of jurisprudence “that could be altered and modernised to accommodate new circumstances.” The evidence of pervasive traditional thinking adduced in this chapter suggests, however, that although Horvath seems correct in *hindsight* that important intellectual and legal changes might have been occurring, it was not obvious to the parties involved, who continued to interact according to traditional patterns.

too. According to Valerius Maximus, only five years before Tiberius' death Scipio Nasica had given a speech against a tribune's proposed grain distribution. When the People grumbled out loud, he spoke the mere words, "Quiet, please, citizens. For I know better than you what befits the Republic"—whereupon all "fell silent in veneration of his authority," which was "greater than their desire for grain."¹⁴² Now, after Tiberius' death, a difference. Scipio Aemilianus, in Spain at the time of all these events, quoted Homer when he heard of his tribune cousin's end: "Thus may any man die who should attempt such things."¹⁴³ An easy dismissal. But when Scipio returned to Rome and spoke to the crowd, they began to interrupt and then jeer him—something that had never happened before.¹⁴⁴ In response, the man whom Polybius made so famous for his self-control lost his temper and shouted insults back.

¹⁴² ORF³ 157 fr. 3 (=Val. Max. 3.7.3): obstrepente deinde plebe, 'tacite, quaeso, Quirites,' inquit: 'plus ego enim quam vos quid rei publicae expediat intellego.' qua voce audita omnes pleno venerationis silentio maiorem auctoritatis eius quam suorum alimentorum respectum egerunt.

¹⁴³ *Tib.* 21.7, quoting *Hom. Od.* 1.47: ὡς ἀπόλοιτο καὶ ἄλλος, ὅτις τοιαῦτά γε ῥέζοι.

¹⁴⁴ *Tib.* 21.5; Cf. Val. Max. 6.2.3; Vell. Pat. 2.4.4.

Chapter Five: Tiberius Gracchus to Sulla

The last chapter showed how the restraint values, and particularly that of deference, failed to create concord between Tiberius Gracchus and the Senate, failed to help colleagues resolve disputed questions, and failed to guarantee adherence to accepted patterns of republican office-holding—even though all expected otherwise. Instead, the restraint values fuelled conflict and made differences irreconcilable as all parties imagined themselves in the right and expected their opponents simply to cede. It then became clear, perhaps for the first time, that physical force might replace the restraint values as a way to settle disputes and to order political operation.

That pattern would repeat in the following decades.¹ This chapter follows Roman restraint values over fifty-five years, from the tribunate of Tiberius Gracchus through the

¹ There is a dearth of source material for the years between the Gracchi and Sulla, a time when Rome came “near to the felicity of those who have no history” (Last, *CAH*² IX 73). General surveys on this period (e.g. Scullard (1982) 42-84, Konrad (2006)) have had to work harder than usual at getting even the basics of chronology correct, and have focused largely on legal, “factional,” and “constitutional” questions, largely ignoring the rhetoric and cultural motivations of men struggling to hold onto their conceptions of restraint and *mos maiorum* in the face of important changes. Many studies on the period (e.g. (Lengle (1931), Gabba (1951), Gabba (1953), and Stone (2005)) have focused on legal process, an issue of only limited value to this work. More common has been a prosopographical approach: Bloch (1909); Badian (1956b), (1957), (1962), (1984), and the collections in (1964); Carney (1970); Gruen (1966, 1968); and Luce (1971). Gruen, for example, postulated the decades between 149 B.C. and 78 B.C. as marked by “dizzying shifts” in prosopographical *factiones* (differing from Badian, who was engaged in the same enterprise but in the belief that *factiones* were generally stable). I have no quarrel with the idea that Roman men formed (malleable) groups of supporters, but the restraint patterns that help explain how and why men in such groups interacted played no role in Gruen’s or Badian’s work. Brunt (1988) 443-504 also rejected anything more than small variable groupings, but otherwise focused on the political relations in this period among the aristocracy and the *equites*, Italian allies, soldiery, and urban plebs—issues largely outside the focus of this study.

Sulla, Marius, and Cinna are better sourced. The biographies by Bennett (1923), Kildahl (1968), Evans (1994), and Lovano (2002) are good resources, albeit different in scope and aim from this study, and often still with prosopographical approaches. The chapter will make plain my disagreements with such scholars as Keaveney (1983, 2005) who wrote of Sulla in terms of “constitutional” history, and Flower (2010b), who sees Sulla’s

retirement of L. Cornelius Sulla Felix in 78 B.C.—and from the death of one senator at the hands of dozens of his peers to the deaths of dozens of peers at the hands of one senator. Values of personal restraint, paradoxically, shaped the course of that grisly progression. Roman aristocrats of these years continued to wish to be perceived as restrained and continued to operate under the impression that the problems that they faced could be analyzed and solved by using restraint patterns, just as their ancestors had done. Nevertheless, during these critical decades the Roman aristocracy experienced an intermittent but increasing breakdown in consensus about how to apply the restraint patterns to a given issue, or about who practiced restraint rightly. They particularly struggled to determine who should defer to whom, and why. Violence increasingly began to follow.

The causes of this breakdown in consensus were multifarious and intertwining. Part of the reason that some men grew unwilling to cede to their peers was the development of new (and yet colorably traditional) justifications not to stand down, particularly Tiberius' invigorated appeal to the power of the sovereign People. Some men, with popular backing, eventually did not overly care what the Senate, colleagues, or peers thought of them so long as they acted as the People's champion—especially when such men convinced themselves that they were restrained and temperate and their antagonists unhinged and luxuriant. In return, the charge of “tyrant” against such men could leave an opponent's conscience clear for a bloody response. Violence bred further violence. These changes combined with random chance, unexpected new influences and opportunities for disputes, unusual circumstances, and idiosyncratic personalities to create new and unpredictable breaches in the social arrangement. As often as not, disputes about the restraint principles barnacled

actions as such a divorce from republican “institutions” that they constituted a “new” Republic.

over previous disputes. The result, step by step, was increasing confusion and discord about restraint, even while all might agree in the abstract that restraint was ideal behavior.

Because of this uncertainty, the values' traditional strength no longer served to bind the aristocracy. Instead, the values came to provide potent motives for *disagreement*, and the unprecedented violence recorded in these decades was both cause and effect of breakdown and confusion in restraint as men learned an ugly truth: restraint was critical to proper inter-peer relations, but because general agreement had held for so long about who should defer to whom and about how to display restraint, the aristocracy had developed very few alternatives to contain members perceived as disorderly. The surprising rapidity with which even senators felt that they had to turn to violence in the face of perceived lack of restraint illustrates the point, and also shows how terrifying supposedly unrestrained men seemed—so terrifying that such men became considered morally (and, later, legally) equivalent to *hostes*, enemies of the state against whom violence was not only justified, but necessary. And yet those very alleged *hostes* often justified their own actions through highly visible exercises of self-control.

Thus, as *moderatio*, *modestia*, *temperantia*, and deference came into dispute, they became neither clear nor firm guides for behavior. Men lost confidence that others would follow the values. But because men still tried to use the values as they always had to judge each other's merits, disputes about restraint became tinderboxes. Once violence resulted, the increasing randomness and gruesome extent of the bloodshed became self-replicating as more than a few men realized that, no matter how great a store of personal restraint one might believe one had or that one might show, or no matter one's membership in the aristocratic group, the ability to defend one's self and to get one's way might depend ultimately only on one's

ability to wield naked force. If that meant a mob, perhaps good enough. An army, of course, would be even better.

* * *

Deference, *Pudor*, *Verecundia*, *Existimatio*, and Violence

The decades that followed Tiberius Gracchus' murder were tumultuous. Ten years after Tiberius' death his younger brother Gaius followed him into the tribunate and passed extensive and controversial new legislation to aid the Roman commons. He died, like his brother, at the hands of his fellow senators. Tribunes such as L. Appuleius Saturninus fomented serious internal discord and deadly riots among the People. Assassinations—unthinkable even a decade or two before—became a familiar part of politics. The Romans fought grueling wars in North Africa, beat back invasions of their peninsula as Germanic barbarians breached the Alps, and then faced unexpected danger as their own allies in Italy rose in revolt.

Nevertheless, considerable evidence survives from these turbulent years of attempts to practice restraint ideals in recognizably traditional ways. Even in the sadly patchy sources for this period we can see *temperantia*, for example, invoked with some regularity. The censors continued their work, sumptuary laws continued to be passed, orators gave speeches decrying luxury and feasting, and attacked their enemies for extravagance and lust. The censorship of L. Cassius Longinus Ravilla and Cn. Servilius Caepio in 121 B.C. expelled senators from the *curia* for having houses rented for more than the relative pittance of six thousand sesterces and for having villas that were built too tall.² The *princeps senatus*, M. Aemilius Scaurus (cos. 115), passed laws restricting delicate foods at banquets, and (according to Sallust, at least) *animum a consueta lubricine continuit* (“restrained his mind from his

² Vell. Pat. 2.10.1; Val. Max. 8.1.damn.7; MRR I 510; Astin (1988) 25.

usual wantonness”) because he recognized that *invidia* awaited the *licentia* of those who accepted the “shameless” (*inpudentem*) bribes that the Numidian prince Jugurtha passed around Rome.³ Sometime around 111 B.C. the consul Scipio Nasica Serapio demolished a theater, which he considered a nest for sedition and a portal for eastern “pleasures.”⁴ A censor of 108 B.C., Q. Fabius Maximus Eburnus, perhaps taking tradition a bit too seriously, had his own son killed on grounds of “dubious chastity.”⁵ Around 104 B.C. an orator pilloried the “prefects of cookshops and of luxury” who believed that no dinner was elegant unless a stream of ever more elaborate dishes arrived from the kitchen, who ate delicate morsels from rare birds, and who scorned the unrefined palates of their guests. “If luxury continues to grow at this pace,” the orator groused, “what will be left for men to do but order others to eat dinner for them, so that they don’t get tired out from eating, while their couch is more adorned for mortals than for the immortal gods with gold, silver, and purple?”⁶ And in 101 B.C. P. Rutilius Rufus, cos. 105 B.C., of whom more shortly, attacked in a speech one Sittius for “luxuriousness and effeminate lust.”⁷

Moreover, deference to peer and superior, along with its underpinnings *pudor* and *verecundia*, still appeared hale in many instances. The *princeps senatus* Scaurus inspired “fear”,

³ Sall. *B.J.* 15.5; cf. Plin. *N.H.* 8.223; Gell. 2.24.12, *de Vir. Ill.* 72.5; Oros. 5.14.3-5; *MRR* I 531.

⁴ App. *B.C.* 1.4.28: ἡδοναθείαις.

⁵ Val. Max. 6.1.5: dubiae castitatis. He reportedly first exiled the young man to his family’s country estate, then thought even better of it and sent two slaves to kill him. Valerius Maximus wrote that Eburnus went into voluntary exile afterwards. Orosius 5.16.8 and Pseudo-Quintilian *Decl. Mai.* 3.17, however, state that he was prosecuted by Cn. Pompey Strabo; cf. Cic. *pro Balb.* 28; Badian (1984a).

⁶ ORF³ 204 fr. 1 (= Gell. 15.8), speech of “Favorinus,” taking Malcovati’s conjecture for the date of the speech as ca. 104 B.C.: “praefecti popinae atque luxuria . . . si pro portione pergit luxuria crescere, quid relinquuntur nisi ut delibari sibi cenas lubeant, ne edendo defetigentur, quando stratus auro argento purpura amplior aliquot hominibus quam dis immortalibus adornatur?” On the identity of this obscure orator, see Malcovati (1929).

⁷ Cornell *et al.* (2013) II 469 fr. 15 (=Athen. 543 A-B): τροφή καὶ μαλακία.

and, according to Cicero, “all but ruled the world with a nod of his head.”⁸ He also personally enforced proper deference: as consul, he was said to have smashed the chair of the praetor Publius Decius Subulo who would not rise for him.⁹ Attacked as an old man in 90 B.C. by a tribune named Varius from Spain for allegedly betraying Rome during the run-up to the recent Social War, Scaurus’ sole defense was to address the crowd: “Quintus Varius Hispanus says that Marcus Scaurus the *princeps senatus* mustered the allies against Rome in arms; Marcus Scaurus, *princeps senatus*, denies it. There is no witness. Which of the two, Quirites, should you believe?”¹⁰ The crowd shouted the tribune down and dispersed. Similar was the trial for extortion of Q. Caecilius Metellus Numidicus in 112 B.C.: Cicero’s father related to his son how the jury commendably “averted their eyes”—note the traces of *pudor* and *verecundia*—and would not even glance at Metellus’ account books out of trust and respect for the man.¹¹ Moreover, the Senate might defer to the will of a tribune and People out of *pudor*, even on gravely important matters: Appian reported that the Senate was “very much ashamed” of the profligate conduct of certain provincial governors who then escaped

⁸ Sall. *B.J.* 25.10: noting that Jugurtha *plurimum metuebat*; Cic. *pro Front.* 24: nutu prope terrarum orbis regebatur.

⁹ *de Vir. Ill.* 72.6; Crawford (1993) 124. Scaurus reportedly had egged on the consul Opimius to murder Gaius Gracchus, whom he possibly disliked from their military days in Sardinia, and Decius may have refused to stand because he had supported the Gracchi and prosecuted Opimius. Cic. *pro Sest.* 101; *de Vir. Ill.* 72.9; Bloch (1909) 14-15; Badian (1956) 94-96; Bates (1986) 252-53 and references. *Contra* is Gruen (1968) 97 on the grounds that Scaurus was only former aedile at this time, but see Bates (1986) 253. Assuming Drogula’s (2015) 197 theory that praetors and consuls shared equal *imperium*, Drogula’s conclusion on the Decius incident is consonant with the conclusions of this study: “[T]here is a big difference between polite respect and legally required obedience.”

¹⁰ ORF³ 167 fr. 11 (= Ascon. 22C): Q. Varius Hispanus M. Scaurum principem senatus socios in arma ait convocasse; M. Scaurus princeps senatus negat; testis nemo est: utri vos, Quirites, convenit credere? Cf. *de Vir. Ill.* 72.11 and Val. Max. 3.7.8, to similar effect, but attributing the trial to a charge that Scaurus took bribes in Asia.

¹¹ Cic. *pro Balb.* 11: neminem quin removeret oculos; *ad Att.* 1.16.4; Val. Max. 2.10.1: oculos avertit.

prosecution through bribery, and as a result “yielded” to Gaius Gracchus’ controversial law that placed equestrians on juries.¹²

Instances of non-deferential behavior, moreover, could incur stern punishment. Q. Servilius Caepio (cos. 106 B.C.) was widely suspected of spiriting away sacred gold from the captured Gallic town of Tolosa.¹³ He also could not bring himself, as proconsul, to act in concert with the consul of 105, Cn. Mallius Maximus, a *novus homo*, when Mallius asked for aid against an incursion of Germanic Cimbri from the north. Caepio, at the head of a proconsular army in the region, insulted Mallius as a “timid consul,” refused to regard Mallius as an equal out of “jealousy,” set his camp closer to the enemy to gain the first glory, would not let the Roman armies combine to cooperate, and threatened to kill the barbarians’ envoys because they had approached Mallius first to treat.¹⁴ Worse, when the Senate (predictably) sent a group of *legati* “to see that the consuls would act in *concordia* and would at the same time aid the Republic,” Caepio “did not deign to listen.”¹⁵ Caepio also resisted his own soldiers’ pleas to consult with Mallius. When the soldiers finally forced the two to meet, the generals could not reach agreement, and, according to Dio, “fell into rivalry and into insulting each other, and broke up the meeting disgracefully.”¹⁶

¹² App. *B.C.* 1.3.22: ἄπερ ἡ βουλὴ μάλιστα αἰδουμένη ἐς τὸν νόμον ἐνεδίδου (“The Senate was very much ashamed of these things and yielded to the law”).

¹³ Kidd (1999) 344-45 fr. 273 (=Strabo 4.1.13); Gell. 3.9.7; Dio 27.90; Oros. 5.15.25. Gruen (1968) 162 comments that for this Caepio was later charged “almost certainly [with] *peculatus*, not, as Strabo indicates, *sacrilegium*. Thefts of funds from non-Roman temples would hardly be regarded as sacrilege in Rome.” Rumors that the gold became haunted, however, suggest otherwise, at least among a superstitious populace. Bloch and Carcopino (1935) 336. The theft may have been at least partly exaggerated: some of the money reappeared later for Saturninus’ use in founding colonies, *de Vir. Ill.* 73.5.

¹⁴ Dio 27.91.1-4: “jealousy” = φθόνος; Gran. Lic. 33.7: *timenti consuli*.

¹⁵ Gran. Lic. 33.7-8: *nec legatis, quos senatus miserat, ut co[n]cordes essent simulque rem publicam iuarent, auscultare dignatus est*.

¹⁶ Dio 27.91.4: ἐς τε γὰρ φιλονεικίαν καὶ λοιδωρίας προαχθέντες αἰσχυρῶς διελύθησαν. Cf. Oros. 5.16.2: *ubi dum inter se gravissima invidia et contentione disceptant* (“they disputed among themselves with the most grave hatred and contention”) = Cornell *et al.* (2013) II 595

This utter lack of deference to the Senate and a consular peer in the face of the enemy seems unparalleled since at least the second Punic War, and when a frightful military rout at Arausio at the barbarians' hands resulted in the deaths of tens of thousands of Roman soldiers, Mallius and Caepio were heavily punished. Through the efforts of tribunes in several judicial proceedings Caepio's goods were confiscated by an act of the People, he was stripped of his proconsular *imperium*, he was condemned by the People for his theft of the sacred gold and haled into prison, where he remained until a friendly tribune intervened, and then went into exile.¹⁷ The tribune L. Cassius Longinus followed with a plebiscite that any man whom the People deprived of *imperium* would be removed from the Senate.¹⁸ Livy commented that such a sweeping penalty had not been meted out since the time of the kings, which raises the strong suspicion that it was not just the loss of the army but Caepio's particular intransigence added to sacrilegious greed that permitted the tribunes to set the crowd off.¹⁹

(Valerius Antias). As Drogula (2015) 158 n.90 comments, "the soldiers urged Caepio to consult with Mallius, indicating that they believed the consul was owed deference, if not obedience."

¹⁷ Kidd (1999) 344-45 fr. 273 (= Strabo 4.1.13); Cic. *de Orat.* 2.125, 2.199; *Rhet. ad Her.* 1.14.24; Livy *Per.* 67; Gell. 3.9.7; Ascon. 78C (= Lewis (1993) 157). On Caepio's trials see Lingle (1931) esp. 313; Gruen (1968) 161-65; Ferrary (1983) 558-61; Bates (1986) 266; Epstein (1987) 16; Rosenstein (1990) 125 n.50; Lintott (1994) 93 and references. The assembly that deprived Caepio of his *imperium* (or perhaps inquired into the gold) was probably organized by a tribune, Norbanus, and was held amid confusion and violence, and Scaurus was even struck by rock. Cic. *de Orat.* 2.197, 2.203; *Part. Or.* 104-105.

¹⁸ *MRR* I 559 and references, esp. Ascon. 78C (= Lewis (1993) 157).

¹⁹ Gruen (1968) 162 notes that Caepio escaped a senatorial *quaestio* on the stolen gold, but then became a victim of tribunician proceedings, which indicates that popular politicians were embracing the restraint patterns to radical ends. Drogula (2015) 216-17, in his efforts to show that consuls and proconsuls shared equal *imperium*, argues that Mallius was punished equally with Caepio, "indicating that neither man was required to obey the instructions of the other." I have no disagreement with that conclusion, although the ancient sources generally focus on the exceptional hatred of Caepio and the severity of his punishment, which means that his actions collectively were seen as worse.

That suspicion is bolstered by the fate of Mallius, who, while not so badly bludgeoned as Caepio, was reportedly “ejected from the city by plebiscite for the same reason as Caepio.”²⁰ Because the “same reason” cannot be the theft of the Tolosian gold, in which Mallius took no part,²¹ the phrase suggests that Mallius did something hateful at Arausio that Caepio also did. Again, it was not likely military loss only. Nathan Rosenstein has amply proven that Roman commanders were not usually prosecuted simply for losing battles.²² Rosenstein therefore hypothesized that Mallius went into exile because he, like Caepio, shamefully fled the field.²³ But other than the fact that Mallius was alive to be punished, which does not necessarily prove anything (compare Varro after Cannae), that inference is not supported by any ancient source. Lingle was similarly confused; he noted that Mallius’ punishment could not be for insubordination because the generals were theoretical equals, and so proposed that Mallius fell prey to the frenzy of tribunes and the new populism of a new age that thought differently from that of Cannae.²⁴ This theory is closer, but misses an obvious point. What *is* supported by Granius Licinianus, Dio, and Orosius (who, notably, followed the generals’ contemporary Valerius Antias) is that the *two* commanders together could not agree with each other and argued disgracefully, even in the face of pleas by the soldiers and the Senate itself to act in concord.²⁵ That failing left both Mallius and Caepio susceptible to attack from tribunes and a citizenry that, like the soldiery

²⁰ Gran. Lic. 33.13: ob eandem causam quam et C<a>epio L Saturnini rogatione e civitate ple<bis>cito eiectus.

²¹ Lingle (1931) 306; cf. Gabba (1951) 22 n.4.

²² A point strengthened by Rich (2012) 110.

²³ Rosenstein (1990) 126 n.47; cf. Lingle (1931) 307. But Rosenstein is also not far off when he writes: “even if we assume that Caepio’s decision to put the interests of the state behind the selfish pursuit of his personal feud against Mallius formed a principal theme in the case against him, his action involves much the same sort of moral turpitude as does his flight to save his own life instead of sacrificing it in a final, desperate attempt to turn the tide of battle.”

²⁴ Lingle (1931) 314-15.

²⁵ Cf. Rich (2012) 109-110.

and Senate, still expected in their generals cooperation, mutual deference, and deference to the *patres*.²⁶

If the practice of restraint was still considered important in those years, so too was the desire to be perceived as restrained. Perhaps the most famous example is the trial around 94–92 B.C. of P. Rutilius Rufus. Rutilius—reportedly one of only a handful of men in Rome who respected laws against extravagant dining²⁷—administered the province of Asia with such scrupulousness that the tax collectors and moneylenders prosecuted him for extortion to discourage examples of probity that might cut into their profits.²⁸ Rutilius prepared a defense in a pose restrained to the point of martyrdom. Preferring to rely on his virtues rather than on wearing long hair and filthy clothes to “temper the judges,” he refused to abase himself before the jury and spoke only for himself without advocates.²⁹ But no respect for his morals—or at least not enough to overcome the jury’s wrath—was shown in return to him, as it had been about twenty years before to Metellus Numidicus at his

²⁶ I repeat Morstein-Marx’s (2011) 272 observation that the average Roman in the crowd shared republican civic virtues, including restraint values, and cared that his leaders showed them.

²⁷ Athen. 6.274.c; Badian (1956b), (1958) 324; Gruen (1968) 120, 161. I have already mentioned Rutilius’ attack on Sittius’ lust, above note 7.

²⁸ On this trial see Badian (1956b), (1976) 43; Gruen (1966) 53–55; Gruen (1968) 204–05; Alexander (1990) 49–50 with complete references; Lintott (1994) 81–82; Fantham (2004) 42–43. The moneylenders were allegedly supported by many senators, including Gaius Marius and possibly M. Aemilius Scaurus. Kallet-Marx (1990) 137–138 renders the prosopographical judgment that Rutilius, for various reasons, had by the late 90’s lost the support of his former faction, or at least of “senatorial solidarity,” of Scaurus, with whom he had clashed in the previous decade, and of those senators who wished to line their pockets with the help of the *publicani*. If true, and to the extent that a factional analysis is useful, at least we can tell that the “isolated” Rutilius also stood little chance within the dictates of the deference scheme, which demanded plural support against a group of peers. Dio 38.97.2 attributed Rutilius’ conviction to the fact that Gaius Marius was jealous of him (*cf.* Badian (1956b) 117). It is possible: Rutilius was almost certainly the favored legate of Metellus Numidicus who had handed Metellus’ army to Marius in 107 B.C. See note 147 below. Evans (1994) 130 somehow misses Dio’s reference and thus erroneously claims that Marius was “so completely silent that one is tempted to imagine concealment.”

²⁹ Oros. 5.17.12: *iudices temperarit*.

extortion trial.³⁰ According to Cicero, Rutilius' conviction was considered a thorough scandal that "convulsed the Republic."³¹ Rutilius retired to Asia to the warm welcome of the very provincials whom he had allegedly fleeced.

Even revolutionary tribunes wished to display themselves as restrained, and even as they carried out programs that others found profoundly shocking. We have already seen how Tiberius Gracchus gamely tried to follow the deference patterns to the end. Gaius Gracchus, the first truly radical tribune, made considerable use of the patterns too. As seen in Chapter Two, he made his defense to the political charge that he had abandoned his commander in Sardinia by insisting on his chastity and self-control. We also have fragments of his speeches in support of his laws wherein he railed against *luxuria* and overweening power: he attacked as *libido* and *intemperantia* the actions of wealthy young men who lorded it over poor foreigners, and also decried those luxuries that went beyond the necessities of life.³² Naturally high-tempered, he made remarkable efforts to moderate himself while speaking by having a slave strike a low note on a musical instrument when he seemed to be getting too emotional.³³ Plutarch averred that Gaius and his brother both "had no desire for money" and kept themselves "pure" from "unjust gain"—as proved by their refusal to take money while in office—and further opined that "shame" prevented the pair from

³⁰ No doubt some of Rutilius' restrained traits were attributable to his Stoic beliefs, but his Stoicism fit well with the ideals of *temperantia* and moderation as virtues of a good republican. Cf. Josserand (1981) 430; Lévy (2006) 563-44, 570-71; Arena (2011) 317. Scipio Africanus the Younger made a similar defense when he refused to shave or change clothes when accused by Claudius Asellus, whom Scipio as censor had degraded from the rank of *eques*, Gell. 3.4.1. Recall that clothes of mourning were also meant to bring one's opponent into *invidia*. Lintott (1968) 16-17.

³¹ Cic. *Br.* 115: quo iudicio convulsam penitus scimus esse rem publicam.

³² E.g., ORF³ 191-192 frs. 48-51, esp. 51 (= Gell. 9.14.16) (non est ea luxuries [*sic*], quae necessario parentur vitae causa); Gruen (1968) 74-75.

³³ Plut. *Tib.* 2.4-5.

abandoning the virtues of their ancestors.³⁴ Plutarch recorded also that Gaius walked through the Forum surrounded by men of every station, from grammarians to contractors to soldiers, yet showing to each such courtesy that his enemies were seen by contrast as “wholly vulgarly arrogant” and “violent.”³⁵ Finally, Plutarch berated Gaius for showing too much unwillingness to defend himself with force when the consul Opimius and armed men chased him and his followers down to kill them.³⁶

Other tribunes followed suit. Around 104 B.C. the tribune L. Marcius Philippus (who changed his tune somewhat as consul in 91 B.C.) complained in a speech in *popularis* style that not two thousand men in the state had any property. Cicero noted approvingly, however, that when the redistributive agrarian bill that the young Philippus was pushing had failed to pass, he took it *facile*, “conducted himself extremely moderately,” and did not make further trouble.³⁷ Consider also L. Appuleius Saturninus, the most violent of the tribunes in these decades. Saturninus did not cavil to attack colleagues physically to pass a colonization bill, and was not above assassinating rivals. Cicero would describe him as *effrenatus et paene demens* (“unrestrained and nearly mad”).³⁸ Yet there is some evidence that he too knew the power of at least displaying (if not fully adopting) restraint. The Senate stripped Saturninus as a young quaestor of his position managing the grain flow from Ostia to Rome, either on

³⁴ Plut. *Comp.* 1.3-4: διαδοχὴν ἀρετῆς πατρώας καὶ προγονικῆς ἡσχύνθησαν ἐγκαταλιπεῖν . . . καὶ μὴν τῆς γε Γράγχων ἀφιλοχρηματίας καὶ πρὸς ἀργύριον ἐγκρατείας μέγιστόν ἐστιν ὅτι λημμάτων ἀδίκων καθαρὸς ἐν ἀρχαῖς καὶ πολιτείαις διεφύλαξαν ἑαυτούς (“They were ashamed to abandon the inheritance of virtue from their ancestors and fathers . . . and the strongest proof that the Gracchi had no desire for money and were self-controlled towards wealth is that they thoroughly guarded themselves and kept pure from unjust gain in their terms of office and political life”).

³⁵ Plut. *C. Gr.* 6.4: φορτικὸν ὅλως ἢ βίαιον.

³⁶ Plut. *Comp.* 4.3. Cf. Gabba (1977) 49-51, 54, surmising that the Gracchi saw themselves as continuing Catonian ideals.

³⁷ ORF³ 266-67 fr. 8 (= Cic. *de Off.* 2.73): vehementer se moderatum praebuit.

³⁸ Cic. *de Har. Resp.* 41. Cf. *de Vir. Ill.* 73.1; MRR I 576; Lintott (1968) 210; Flower (2010) 77.

account of poor performance or to give the post to the *princeps senatus*, Scaurus.³⁹ Cicero claimed that Saturninus became a *popularis* from the *dolor* (“pain”) of this insult. All the same, according to Diodorus Siculus, to return to power Saturninus reportedly made some showing of a change from his former ἀκολασία (“intemperance”) to lead a “self-controlled” (σώφρων) life to gain the tribunate.⁴⁰ Cicero grudgingly agreed that Saturninus “acted, if not moderately, at least in the popular interest and abstinently.”⁴¹ Unfortunately, Cicero and Diodorus did not spell out precisely what they meant, but Saturninus clearly felt that some display of memorable personal restraint was helpful to be elected—further evidence, if nothing else, of the fact that the People expected their leaders to adhere to the traditional restraint patterns to at least some degree. Yet the fact that Saturninus could seemingly shuffle the values of restraint on and off at will shows also that the values also could no longer be trusted to be internalized or reflexively automatic—they could instead be manipulated for sheer self-advancement.

Finally, consider Livius Drusus, who in 91 B.C. unsuccessfully attempted to reconcile popular and senatorial opinion over several persistent issues such as the role of *equites* on juries, colonization, and the growing discontent among Rome’s allies in Italy who had grown tired of fighting Rome’s wars while not sharing fully in her civic power and wealth.⁴² Part of Livius’ strategy was to develop an unspotted reputation for self-control. Thus Plutarch called him “a most chaste man in all respects,” Cicero styled him a man of impressive

³⁹ Cic. *de Har. Resp.* 43. Cf. *pro Sest.* 39. Appian *B.C.* 1.4.28 recorded that Metellus Numidicus was prepared to remove Saturninus and Glaucia from the Senate for their “shameful mode of life” (αἰσχροῶς βιοῦντας) but was prevented by his colleague; the close brush insulted Saturninus nonetheless, who planned revenge by running once more for tribune.

⁴⁰ Diod. Sic. 36.12.1: διορθωσάμενος δὲ τὴν προϋπάρχουσαν ἀκολασίαν καὶ τοῦ σώφρονος ἀντεχόμενος βίου δημαρχίας ὑπὸ τοῦ δήμου κατηξιώθη.

⁴¹ Cic. *pro Sest.* 37: Saturnin[us] . . . si non moderate, at certe populariter abstinenterque versat[us].

⁴² App. *B.C.* 1.5.35-37; Vell. Pat. 2.13.1-3.

severitas, and Velleius Paterculus reported an anecdote that Drusus asked his architect to construct his house in such a manner that all could constantly watch him, no doubt so that all could admire his virtues and see that he practiced no vice.⁴³

So far, the evidence shows something of the familiar patterns, and shows men taking personal restraint very seriously. And yet in these same examples we also sense that the actors felt that something was gravely wrong. One detects, for example, decided frustration underlying Rutilius Rufus' uncompromising approach to his extortion trial, a perception that *temperantia* no longer functioned as he expected that it should. His reaction was to exaggerate the desired pattern of behavior. Indeed, many of these acts of restraint and punishments for failures of restraint—killing a son, smashing a curule chair, executions, theater demolition, stripped *imperium*, fines, exile—are so harsh that they suggest that the actors believed that restraint was in danger, and that the solution was to enforce the restraint patterns to an extreme degree. This attitude explains why L. Caecilius Metellus and Cn. Domitius Ahenobarbus as censors in 115 B.C. expelled thirty two men from the Senate, or just over ten percent of the nominal membership. The next most rigorous censorship in Roman history had been that of 252 B.C., which had expelled only about five percent of the senators. Indeed, between 252 and 115 B.C. no recorded censorship expelled more than three percent of the *patres*, and most censors had ousted a mere one or two percent. Even the legendarily grave Cato the Elder had removed only two and a third percent of the Senate

⁴³ Plut. *Cat. Min.* 1: τὰλλα σώφρων ἀνὴρ ἐν τοῖς μάλιστα; Cic. *de Off.* 1.108; Vell. Pat. 2.14.1: meliore in omnia ingenio animoque quam fortuna usus; 2.14.3 (on the house). Compare also the favorable reports of Drusus in Appian *B.C.* 1.35-36 and Diod. Sic. 37.10.1. Badian (1958) 326 proposed that Drusus was so “high-minded and priggish” that he divorced his wife, sister of the younger Caepio, for her immoral life (*cf.* Strabo 4.1.13), which motivated Caepio to resist Drusus' measures.

in 184 B.C.⁴⁴ Metellus' and Ahenobarbus' unprecedented rigor suggests unprecedented worry.

Evidence from the period shows that these actors had good reasons to suspect that something about the restraint values was malfunctioning. And yet we must be precise.

Despite what a Rutilius or Eburnus would probably say, the evidence does not show some clear, simple divide between properly traditionally restrained and counter-culturally unrestrained persons. Instead, the evidence more often shows that restraint was a subject of confusion, suspicion, and lack of consensus.

Luxuria, for instance, was a particular ground for quarrel. In the years following the destruction of Carthage Rome famously experienced an influx of wealth from its new-found empire unlike anything it had ever encountered before.⁴⁵ The Romans collectively struggled to apply the ideal of *temperantia* to the new circumstances. Around 97 B.C., for example, the

⁴⁴ Astin (1988) 28, 30 compiles these figures; cf. Liv. *Per.* 62; Cic. *pro Cluent.* 119; Val. Max. 2.9.9. Astin (31) hypothesized that the "sharp increase" of expulsions in 115 was a function of "partisan politics" after the Gracchi, but admitted himself puzzled: "if that is the major or primary explanation for a quite dramatic change of practice, it remains surprising that no traces survive of recriminations, no anecdotes embodying confrontations between political figures, nor any other hints." His other conjecture, that of a sudden "constitutional change" of rules governing expulsions, is unattested in any ancient source and is unpersuasive. The better (and better attested) explanation for the sharp increase is a generally accepted feeling in the wake of the Gracchan disturbances and continuing unrest that the restraint values were suffering and that drastic action was needed. "Partisan politics" need have played no role as such. Incidentally, one of censors' victims, C. Licinius Geta (*cos.* 116) was later reinstated and became censor himself in 108 B.C., further suggesting (1) considerable confusion in these years in deciding who qualified as restrained and moral, even as morality was deemed important enough to merit mass stigmatization, (2) that the stigma of a *nota* no longer shamed men quite as much as it used to, and, perhaps, (3) that "An unduly rigid attempt to uphold older values could all too easily have exacerbated the conflicts between old values and new and laid a basis for more serious and pervasive division within the aristocracy," Astin (34).

⁴⁵ The growing availability of wealth as empire swelled and its effects on the senatorial class has been covered well by Gelzer (1968) 8, 11-12; Harris (1979) 54-104, especially 88-89; cf. Astin (1968) 339; Badian (1965). Harris (90) concludes, however, little more than that wealth became more tempting as time passed: "it seems likely that some senators became more willing during the second half of the second century to subordinate other traditional values to the desire for gain."

censors removed the tribune M. Duronius from the Senate for “impudently” proposing that an antiquated law on banqueting, “covered over with the rust of horrid age,” be abolished.⁴⁶ In spite of the censors, Duronius had at least a few enthusiasts on his side: Lucilius probably referred to this law when he mocked those who said *legem vitemus Licini* (“let’s evade the Licinian law”).⁴⁷ Yet as radical as Duronius’ position sounds, he did not in fact endorse gustatory orgies or a libertine life; his point was that there could be no “freedom” unless people could choose to “kill themselves with luxury,” which he evidently perceived as a bad thing to be avoided through self, not state, control.⁴⁸

Similarly, there was a common belief that there should be some limit on senators’ lodgings and lifestyle, and yet opinions fluctuated wildly on what the limits exactly should be.⁴⁹ The censorship of 121 B.C. that expelled men over rents and building heights shows plainly that many senators were not of one mind. Three decades later, in the censorship of L. Licinius Crassus and L. Domitius Ahenobarbus in 92 B.C., the limits were even less clear. Domitius accused Crassus in a public *altercatio* of living in a house far too expensive for a

⁴⁶ Val. Max. 2.9.4: *impudenter*.

⁴⁷ Gell. 2.24.10. For the connection to the Licinian law see Macro. *Sat.* 3.17.7 and Gruen (1966) 41 n.56.

⁴⁸ Val. Max. 2.2.4: *freni sunt iniecti vobis, Quirites, nullo modo perpetiendi. alligati et constricti estis amarovinculo servitutis: lex enim lata est quae vos esse frugi iubet. abrogemus igitur istud horridae vetustatis rubigine obsitum imperium: etenim quid opus libertate, si volentibus luxu perire non licet?* (“Bridles are thrown upon you, Quirites, that in no way should be tolerated. You are tied and constricted by the bitter bond of slavery: a law was carried that orders you to be temperate. Let us therefore abrogate this command, covered over with the rust of horrid age. For what use is freedom, if it is not permitted for consenting persons to kill themselves with luxury?”)

⁴⁹ *Some* wealth (honorably gained and in relative parity with one’s peers) was always part of a mix of necessary credentials for a nobleman, as Cato the Elder, Polybius 6.56.1-3, Sallust *B.C.* 7.6, and Pliny *N.H.* 7.139-140 recorded, although this thought was perpetually in tension with legends of the utterly impoverished *maiores* whom we have seen in Chapter Two, who represented the outer limit of restraint on that wealth.

censor, with marble columns and shady trees, and asked him what he thought it was worth.⁵⁰ Crassus replied a million sesterces, but queried Domitius what he would buy it for without the columns and trees. Domitius answered that he would give a million sesterces as is, but without the trees and columns nothing. Crassus laughed and said that he himself provided the grave censorial example and Domitius a luxurious one: while Crassus lived graciously in a house that he had honorably inherited, and bought the columns for a (mere) hundred thousand sesterces, Domitius valued trees and columns at a million sesterces! On another occasion, Domitius accused Crassus of the “perverted crime” of crying over the death of a pet eel that Crassus used to call and feed by hand. So far from “blushing to admit it,” Crassus boasted in the Senate that such “pious devotion” to his pet should be *praised*.⁵¹ Wholly unable to work together, the two resigned their censorship without completing the census.⁵²

These attacks and punchlines make no sense unless Crassus, Domitius, and their audiences operated within some context of *temperantia*. The insults were meant to get the audience to agree that the target had committed some moral transgression. But these ridiculous repartees ended not in a clear answer but in *détente*, and show how unpredictable the definition of “luxurious” was becoming. Crassus exemplifies the confusion: he was

⁵⁰ Plin. *N.H.* 17.1.3-8 and Val. Max. 9.1.4 report the anecdote somewhat differently, but with punchlines to the same in effect. I meld some details for clarity, using mostly Pliny’s version. Millar (1986) 5 cites the public nature of the discussion.

⁵¹ Macrob. *Sat.* 3.15.5: Domitius in senatu hoc ei quasi deforme crimen obiecit. neque id confiteri Crassus erubuit sed ultro etiam, si dis placet, gloriatus est censor, piam affectiosamque rem fecisse se iactans. (“Domitius objected in the Senate to this as if it were a perverted crime. But Crassus not only did not blush to admit to it, but far from it—heaven forbid—the censor even gloried in it, arguing that he had done a pious and affectionate thing”); cf. Plut. *Mor.* 89 F; 811 A; 976 A; Aelian *HA* 8.4.

⁵² *MRR* II 17 and references. The only thing that the two could agree on was expelling Latin *rhetores* from Rome, which insulted the Italian allies and helped foment the Social War.

lampooned in his lifetime⁵³ for his pet eel and marble columns, but also left fragments of speeches that condemned the haughty “libidinousness” of men who would not show proper deference to a united Senate (note the mingling of *temperantia* concepts with deference to peers), attacked “lust” that undercut “innocence,”⁵⁴ and even became in the works of his student Cicero a noble, principal character in learned treatises and an example, of all things, of being “most parsimonious regarding elegant items.”⁵⁵

The definition of proper restraint was not the only point of contention. The personal attacks made on some major political actors of the era suggests that the aristocratic group’s collective ability to brand malfeasants as unrestrained—and thus to demand the malfeasants’ deference—was fracturing. Thus in 123 B.C. the consular and historian L. Calpurnius Piso Frugi—who attributed Rome’s decline since the mid-second century B.C. to an “overthrown sense of shame”⁵⁶—opposed Gaius Gracchus’ contentious grain law. Gaius felt that a strong riposte would be to accuse Frugi of *turpia et flagitiosa* (“indecent and dissolute”) behavior, particularly in his youth.⁵⁷ The irony, of course, was that the very *cognomen* “Frugi” showed that Piso greatly valued the concepts denoted by *temperantia* and

⁵³ Particularly attacked by P. Rutilius Rufus, Cic. *de Orat.* 1.227.

⁵⁴ ORF³ 267 fr. 10 (= Cic. *de Orat.* 3.4) (attacking on behalf of the “whole” Senate the *libidinem* of the frustrated consul Philippus, who angrily snapped during a Senate meeting on Drusus’ legislation that he could not “do the government’s business with such a Senate” (illo senatu rempublicam gerere non posse)), and see below note 88; Cic. *Or.* 219: nam ubi libido dominatur, innocentiae leve praesidium est (“where lust reigns, innocence has scant protection”).

⁵⁵ Cic. *Br.* 148: Crassus erat elegantium parcissimus; *de Orat. passim*. Cf. Badian (1962) 57. Fantham (2004) 26-48 provides a full description of Crassus’ career.

⁵⁶ Cornell *et al.* (2013) II 331 (= Plin. *N.H.* 17.244): pudicitiam subversam.

⁵⁷ ORF³ 186-87 frs. 39, 40, 43 (= Cic. *pro Font.* 39; Schol. Bob. in Cic. *Flacc.* p. 96, 26; Isid. *Etym.* 2.21.4). Frugi was born around 182-179 B.C., and seems have gotten his distinctive nickname during his own lifetime for his “upright and austere behavior,” Forsythe (1994), 12, 25-27.

modestia.⁵⁸ Thus when Gaius ordered “Piso” to be called before the assembly, and the herald asked which of the many Calpurnii Pisones Gaius meant, Gaius (no doubt annoyed) had to reply “You force me to call my enemy ‘temperate.’”⁵⁹

Q. Servilius Caepio, as we have seen, bore the reputation of being an uncontrolled, non-cooperative colleague, as well as a thief of sacred gold. But to Cicero, he was a *vir acer et fortis*—a “fierce and brave man”—as well as a *vir bonus* possessed of *prudencia*.⁶⁰ Conversely, Cicero said that Mallius was “not only ignoble, but indeed without *virtus*, without *ingenium*, and even led a contemptible and filthy life.”⁶¹ These restraint-oriented verdicts were perhaps rooted in the angry memoirs of Mallius’ co-consul Rutilius Rufus and of Q. Lutatius Catulus, whom Mallius defeated for that consulship.⁶² Yet Mallius had impressed the crowds enough to be elected consul as a *novus homo*, and the orator Antonius evoked great *commiseratio* for Mallius—things difficult to believe if the man had so wholly sordid a repute as Cicero (or Rutilius and Catulus) implied.⁶³

The personal restraint of the *princeps senatus* Aemilius Scaurus was also a matter of controversy in his own lifetime.⁶⁴ We know that Scaurus carried a sumptuary law during his

⁵⁸ TLL VI Fasc. VI 1400 (*Frugi*): *abstinentia, temperantia, modestia*. Plautus *As.* 857 connected the word to *continentia*, Terence *Heaut.* 580 to *temperantia*. Cicero translated *frugalitas* along with *modestia, temperantia*, and *moderatio* by σωφροσύνη, *Tusc.* 3.8.16. Cf. OLD² I 811 1: “Having merit or worth, honest, deserving, well-conducted, sober, thrifty.” Forsythe (1994) 12, 25-27 and Cornell *et al.* (2013) I 230-231 are convincing that the name refers to Frugi’s moral virtues, which tracked restraint, and surviving fragments of Frugi’s speeches clearly approve of sexual and gustatory continence and attack greed and extravagance.

⁵⁹ ORF³ 186 fr. 39 (= Cic. *pro Font.* 39): Cogis me . . . dicere: inimicum meum Frugi.

⁶⁰ Cic. *Tusc.* 5.14; cf. Val. Max. 6.9.13. Here Cicero must have meant *acer* as a compliment like “vigorous.”

⁶¹ Cic. *Pro. Planc.* 12: non solum ignobilem, verum sine virtute, sine ingenio, vita etiam contempta ac sordida.

⁶² Gruen (1968) 161.

⁶³ Cic. *de Orat.* 2.125.

⁶⁴ Cf. Bloch (1909) 1-2: “Jamais en effet personnage historique n’a été l’objet de judgments plus contradictoires et ne s’est présenté à nous un aspect plus déconcertant et plus énigmatique.”

consulship that apparently banned certain specific luxurious imported foods, and he was reportedly a strict censor.⁶⁵ But we have from Cicero fragments of speeches from Scaurus' contemporaries that ridiculed his perverted renown for greed and theft, joking that he would chase down funeral biers as if to gain inheritances.⁶⁶ In one muddled breath Sallust included Scaurus among men for whom the *bonum et aequum* was "more dear than riches," while in the next sentences he decried Scaurus' cupidity.⁶⁷ Later sources about Scaurus may have preserved some fragments of the controversy. On the one hand, Tacitus grouped Scaurus with the sinless hero Rutilius, and praised his "good conscience."⁶⁸ On the other hand, a scathing passage of Pliny the Elder accused Scaurus of acting as vile receiver for treasures plundered by Marians from provincials,⁶⁹ and we read in Sallust, Florus, and *de Viris Illustribus* that Scaurus in fact succumbed to Jugurtha's bribes.⁷⁰

⁶⁵ Pliny *N.H.* 8.223; Gell. 2.24.12; *de Vir. Ill.* 72.5.

⁶⁶ *ORF*³ 216-217 fr. 5 (= Cic. *de Orat.* 2.283): Vide . . . Scaure, mortuus rapitur, si potes esse possessor. ("Look Scaurus, a dead man is being carried away; if only you can become the heir!"); Cic. *de Orat.* 2.280: Aemilius fecit, plectitur Rutilius ("Aemilius stole, punish Rutilius"). Cf. Bloch (1909) 19-20. Gruen (1968) 147 notes how "Rumors [of Scaurus' bribery] obviously had been circulated."

⁶⁷ Sall. *B.J.* 15.3-5: pauci, quibus bonum et aequum divitiis carius erat . . . vitia sua callide occultans . . . animum a consueta lubidine continuit ("the few, to whom the good and the just were more dear than riches . . . craftily hiding his vices . . . he restrained his soul from its usual cupidity").

⁶⁸ Tac. *Agric.* 1.2-3: bonae . . . conscientiae. An odd grouping; the two once prosecuted each other for *ambitus*, although their *inimicitia* may have been short-lived. *ORF*³ 165 fr. 3-4; Bloch (1909) 25; Bates (1986) 255; Epstein (1987) 117. Compare also the very favorable references to Scaurus in Ascon. 21C (= Lewis (2006) 43); Val. Max. 4.4.11; 5.8.4: lumen ac decus patriae ("the light and ornament of his country"); Hor. *Odes* 1.12.37; Juv. *Sat.* 2.35 and 11.91. Bates (1986) 254, perhaps overenthusiastically, concludes from such evidence as the above that the views of Sallust and the *Auctor de Viris Illustribus* are too partisan, and that Scaurus was in fact "like Cato" the Elder in his integrity. It is possible that the "good" tradition about Scaurus stemmed from his own memoirs; the extent to which he would want to paint himself as restrained shows the power of the values in his thinking.

⁶⁹ Pliny *N.H.* 36.116. Bates (1986) 274 plausibly suggests that his charge stemmed from invective by the younger Caepio.

⁷⁰ Sall. *B.J.* 29.2-3; Flor. 1.36.5; *de Vir. Ill.* 72.4. Gruen (1968) 148 n.58 and references show that it is unlikely that Scaurus, who opposed Jugurtha's claims to the throne of Numidia and later terrified Jugurtha's camp, took Jugurtha's money. The fact of the rumors and Sallust's

The tribune Drusus too, having put himself at the center of intractable political controversy, developed a mixed reputation for restraint. Despite the open house that could reveal his virtues, late sources relate hostile stories that Drusus was *ambitiosus et superbus*, threatened to throw opponents from the Tarpeian Rock, acted *contra dignitatem* with money, was rumored to enjoy luxurious meals of pickled thrush, gave overly extravagant games while aedile, and, when a colleague confronted him to ask what good such spectacles were to the Republic, retorted uncollegially, “What good are *you* to the Republic?”⁷¹ Pliny the Elder similarly included Drusus in a list of those who hoarded astounding amounts of silver, accusing him of owning 10,000 pounds of it, and observing that it was a far cry from the pittance for which men were once ejected from the *curia*.⁷²

The underlying truth of these sorts of personal attacks is impossible to salvage. But even if our sources, early or late, recounted nothing more than rumors and hearsay, it would show that restraint was important enough to be a point of vicious attack, but that its application to a given individual was often unsettled, which suggests that no single bloc or group of senators—even the most powerful—could claim a monopoly of authority to decide who was or was not restrained. There is no hint in these instances of a single view that left someone *victus consensu omnium*. Rather, we repeatedly see passionately contested views without clear resolution. Still worse, such attacks presuppose suspicion that displays of

grudging report (compare *B.J.* 15.4), however, speak to how reputations were judged through restraint patterns.

⁷¹ *de Vir. Ill.* 66.1-2, 5, 9: “Quid tibi,” inquit, “cum republica nostra?” See also the unfavorable reports in *Liv. Per.* 70: [Livius] . . . qui ut vires sibi adquireret, perniciose spe largitionum plebem concitavit (“Livius . . . so that he might acquire power for himself, incited the plebs with pernicious hope of largesse”); *Ascon.* 69C (=Lewis (1993) 139): postea eo licentia est progressus [Drusus] ut nullum in morem servaret (“After this [Drusus] progressed so far in *licentia* that he no longer cared for any custom”); and the anecdote in *Val. Max.* 9.5.2 that when called to the Senate Drusus scoffed that the senators should come to him instead of he going to them.

⁷² *N.H.* 33.142; compare the shocking prices of luxury goods *Diodorus Siculus* 37.3 cited.

restraint might not reveal one's true *ingenium*, but rather might be a sham: "Frugi" might not truly be temperate, Scaurus might only mask wantonness, Drusus, despite his house, might still conceal vice. Such suspicion was sometimes merited: as seen, Saturninus seemingly turned the values on and off as he pleased. All told these were ominous developments for a system dependent on general agreement about who was acting rightly or wrongly.

The strongest evidence for turmoil in the traditional restraint patterns—and particularly in the deference pattern—is the repeated violence that occurred during these decades. A.W. Lintott counted in the seventy-nine years before Tiberius Gracchus' death at most four (highly questionable) instances of public "violence."⁷³ Afterwards, a quantum leap: thirty seven separate incidents of public violence are reported between 133 B.C. and Caesar's consulship in 59 B.C., and twenty seven more between 59 B.C. and the outbreak of the civil war in 49 B.C.⁷⁴ Riots associated with the promulgation of laws occurred in 111, 110, 104, 103, 102, 101, 100, 99, 92, 91, 90, and 88 B.C.⁷⁵ Several instances of this rioting attended collegial or other inter-aristocratic disputes for which one or another party (or both) apparently expected deference. In 111 B.C., the tribune Gaius Memmius sought the testimony of prince Jugurtha on charges of bribery, but his colleague Baebius (possibly himself bribed) simply ordered Jugurtha to be silent. The unruly crowd, evidently taking the side of Memmius, attempted to shout Baebius down, but (in Sallust's words) Baebius' stubborn *impudentia* won out.⁷⁶ The next year the tribunes Publius Lucullus and Lucius Annius "attempted to prolong their terms in office over the resistance of their colleagues."⁷⁷

⁷³ See Chapter 4, note 2.

⁷⁴ The following list is in large part derived from Lintott's (1968) useful appendix A.

⁷⁵ Lintott (1968) 210-211 and references. Kelly (2005) describes the particularly violent years between 104 and 99 B.C.

⁷⁶ Sall. *B.J.* 34.1; Lintott (1968) 210.

⁷⁷ Sall. *B.J.* 37.2: *resistentibus conlegis continuare magistratum nitebantur.* Cf. Liv. *Per.* 64.

The rioting that followed forced elections to be postponed to the end of the year.⁷⁸ In 103 B.C. Saturninus used violence to pass an agrarian bill. But he soon found himself a target of violence. In 103 or 100 B.C. his colleagues vetoed his proposed grain bill. Saturninus ignored the veto, whereat a young quaestor, Q. Servilius Caepio (son of the disgraced general), broke the voting booths and ballot boxes with the help of a gang of *virī boni*—aristocratic men.⁷⁹

The change came both in the quantity and in the brutality of the violence. We have seen how shortly after Tiberius Gracchus' murder the tribune C. Atinius Labeo attempted to have Q. Caecilius Metellus Macedonicus the censor hurled from the Tarpeian Rock for passing him over on the senatorial roll.⁸⁰ In 121 B.C. the consul Opimius and armed men killed Gaius Gracchus, his consular ally M. Fulvius Flaccus, Fulvius' young son, and many of Gracchus' supporters. Plutarch shows how disagreement over restraint words and concepts mingled with acts of violence: after the slaughter, Opimius, with the Senate's approval, dedicated a temple to the deferential ideal of *Concordia*—concord he achieved only through bloodshed.⁸¹ Someone scrawled on the temple wall the line "A work of discord builds this

⁷⁸ Sall. *B.J.* 37.1; Rolfe (2013) 250 nn.128-129; Lintott (1968) 210.

⁷⁹ *Rhet. ad Her.* 1.21; Sall. *Hist.* 1.62; on the dating see Lintott (1968) 211; Gruen (1968) 196, Ferrary (1983) 567.

⁸⁰ Livy *Per.* 59; Plin. *N.H.* 7.44.143; cf. Cic. *de Dom.* 123. Lintott (1968) 210 places this event in 131 B.C.

⁸¹ Plut. *C. Gr.* 15.6. Akar (2013) 186 captures this idea: "La construction du temple de Concordia par le consul Opimius, après qu'il eut mené la repression contre C. Gracchus et ses partisans, démontrait la volonté d'une majorité au Sénat d'affirmer que la concorde ne pouvait être rétablie qu'en considérant comme des ennemis certains de ses membres et leurs partisans." I cannot agree with Levick's (1978) 218-220 argument that *concordia* was a "slogan for those in power" if by that she means, as it seems, that it was a cynical means to exert control over others rather than being simply an aristocratic value. Those with "less" power, whatever that might mean, would hardly be persuaded by a slogan invented for the purpose of oppressing them. It rather would have to appeal to them, and that popular reformers used it as well suggests it had a longer and more objectively respected pedigree.

temple of Concord.”⁸² Saturninus and his ally C. Servilius Glaucia carried agrarian laws by mob force and assassinated at least two political opponents, Aulus Nunnius (or Nonnius) and Gaius Memmius.⁸³ In response to the slaying of Memmius in 100 B.C.—committed, wrote Appian, without “any bit of shame”⁸⁴—to advance Glaucia’s chances in his run for the consulship, the Senate declared a *senatus consultum ultimum* and besieged Saturninus, Glaucia, and their followers on the Capitoline. Promised safe passage for their surrender, they were escorted to the Senate house. But an angry mob swarmed over the building, stripped off the roof tiles, and pelted the prisoners to death.⁸⁵ Appian shuddered at what the deaths of elected officials, still in their insignia of office, at the hands of the Senate, portended.⁸⁶

Political violence, while by no means endemic or constant, repeated thereafter. The tribune Publius Furius, by turns friendly then inimical to Saturninus, was torn to pieces by a mob in the following year.⁸⁷ In 91 B.C., the consul Philippus, opposing Drusus’ reforms, snapped during a Senate meeting on Drusus’ legislation that he could not “do the Republic’s

⁸² Plut. *C. Gr.* 17.6: ἔργον ἀπονοίας ναὸν ὁμονοίας ποιεῖ.

⁸³ *MRR* I 571-72, 575-76; App. *B.C.* 1.4.28, 32; Liv. *Per.* 69, Val. Max. 9.7.3, Plut. *Mar.* 29.1; Oros. 5.17.3. Cf. Badian (1984b) 112-118; Evans (1994) 125; Ferrary (1997) and references. I do not dwell here on the oath that Saturninus attempted to extract from the Senate in support of his law except to comment, as Evans (1994) 123 perceptively did, that it was meant to shift “the delicate balance between the Senate and *populus* in favor of the latter. The Senate was to be subordinated to the will of the people”—which, of course, meant that unbalanced power was to be shifted to any tribune who so desired it.

⁸⁴ App. *B.C.* 1.4.32: οὔτε τινὸς αἰδοῦς; Orosius 5.17.6 describes the rage of the Senate and People at Memmius’ death.

⁸⁵ App. *B.C.* 1.4.32, Liv. *Per.* 69, Vell. Pat. 2.12.6, Plut. *Mar.* 30.1-4, Flor. 2.4.1-6. Badian (1984b) provides a detailed account of the day.

⁸⁶ App. *B.C.* 1.4.32-33. The mob was made up of senators and their supporters, Billows (2009) 29. Badian (1984b) 118 and Evans (1994) 126 recognize that never before had a *s.c.u.* been used against magistrates and tribunes in office—Gaius Gracchus and his followers had all been *privati*. Gruen (1968) 184 suggests that after this moment the Senate “closed ranks” and factional rivalry abated for a time. Perhaps for a brief time, but the violence would repeat.

⁸⁷ App. *B.C.* 1.4.33; Dio 28.95.2-3. Gruen (1966) 35, (1968) 188 properly blamed this death on anger for Furius’ desertion of and then opposition to Saturninus.

business with such a Senate.”⁸⁸ L. Crassus responded with an attack on Philippus’ *libido*, at which Philippus ordered Crassus’ arrest. Crassus shoved back the lictor with the words “you’re no consul to me, Philippus, because I’m no senator to you.”⁸⁹ Violence and lack of mutual deference here aligned directly. On another occasion, during a raucous public assembly, one of Drusus’ attendants seized Philippus by the throat and choked him until blood poured out of his eyes and mouth.⁹⁰ An unknown assassin murdered Drusus soon afterwards. The consuls were naturally suspected.⁹¹

Of course, for long intervals during these decades the business of the Republic carried on without incident. Such violence was not yet fatal to the state, and men might still resist violence with self-restraint alone. Metellus Numidicus, for instance, refused to swear an oath to uphold laws of Saturninus passed by violence. When he was condemned to exile, and some in the crowd offered to form a mob on his behalf, he thanked them but said that he “could not permit any danger to the fatherland on his account” and went quietly away.⁹² Nevertheless, such novel violence, unparalleled by anything in Roman history except in legend, revealed a troubling and growing lack of mutual trust. In an older time, a man could reasonably be expected to defer to colleagues and groups of peers, even in very difficult situations. He would do so, in part, because he believed with some certainty that peers might also show mutual deference to him. Now, a fair number of men seemed willing to

⁸⁸ Cic. *de Orat.* 3.2: illo senatu rempublicam gerere non posse.

⁸⁹ Val. Max. 6.2.2: non es . . . mihi, Philippe, consul, quia ne ego quidem tibi senator sum; cf. Cic. *de Orat.* 3.4. Crassus died soon afterwards, apparently of a heart attack. Cic. *de Orat.* 3.6.

⁹⁰ Flor. 2.5.8; Val. Max. 9.5; *de Vir. Ill.* 66.9.

⁹¹ Liv. *Per.* 71; App. *B.C.* 1.5.36; Vell. *Pat.* 2.13-14; Sen. *de Brev. Vit.* 6.1; *de Vir. Ill.* 66.13; cf. Lovano (2002) 18. Notable also is the death in 88 B.C. of the praetor Aulus Sempronius Asellio, killed in broad daylight while vested in his ceremonial robes and making a sacrifice. He had dared side with debtors against creditors. App. *B.C.* 1.6.54, Liv. *Per.* 74, Val. Max. 9.8.4. It is unclear whether fellow senators were involved, but Valerius Maximus blamed a riot stirred up by a tribune of the plebs.

⁹² App. *B.C.* 1.4.31: οὐκ ἔφη δι’ ἑαυτὸν ἐάσειν οὐδένα κίνδυνον ἐπιγενέσθαι τῇ πατρίδι. Cf. Liv. *Per.* 69; Plut. *Mar.* 29.8; Val. Max. 3.8.4; Flor. 2.4.16; Oros. 17.4; *de Vir. Ill.* 62.

turn to violence or even outright assassination to get their way, which shows that the old certainty was lessening. When Appian described “almost constant” (αἰεὶ δι’ ὀλίγου) warlike violence in these decades, he (in typical Greek fashion) connected it to στασίαρχοι μοναρχικοί, “heads of factions seeking monarchy.”⁹³ But what he observed actually illustrated a change in the Roman mindset. Roman men had always formed groups of peers. Before, however, the groups were meant to effect only social pressure. Now, for the first time, at least some men began to believe that they might obtain safety, or mediate conflict, or carry their way, not through traditional patterns of deference alone but only with the addition of violence, which shows that the expectation that the traditional system would be sufficient to order relations was open to considerable doubt.

So far, we have reviewed significant evidence of discord, disputes, attacks, and violence that explains why contemporaries feared that restraint and, especially, normal patterns of deference, were faltering. But why were these episodes and disputes occurring at all? Because the evidence for the period is so spare, we must resort to some guesswork, but a few reasons are probable.

A standard diagnosis among the ancients was that the growth of wealth as the Republic’s empire flourished brought with it new temptations.⁹⁴ There is something to this theory in that, as wealth became more widely available, it appears to have proliferated disputes about how to use it.⁹⁵ The era shows such a wide range of reaction to luxury—

⁹³ App. *B.C.* 1.pr.2:

⁹⁴ See above, note 45. Crawford (1993) 71-72 theorized that increased size of empire unduly increased competition as the Romans created more junior offices to meet the needs of the provinces. Perhaps, but evidence linking overheated competition to the troubles is wanting; the praetorship, for example, was expanded to four in 277 and to six in 197, yet for several generations no violence followed.

⁹⁵ I do not argue that growing imperial wealth created a vague moral corruption per se; rather, growing luxury broke down the homogeneity of the Roman nobility and consensus of opinion about wealth. Cf. Deiter (1967) 71, who blames eastern luxury at this time for

Lucilius' targets, Crassus' trees and columns, Duronius' libertarian stance, Scaurus' itchy fingers, Rutilius' theatrics—that we should conclude that the Romans faced a novel level of tension. Even with scattered data points we can see increased wealth sowing discord over time: in 121 B.C. questions of *luxuria* turned upon thousands of sesterces and by 92 B.C. upon millions. Metellus Numidicus believed, correctly, that he could rely upon personal virtue to save himself from charges of extortion in 112 B.C., while twenty years later Rutilius' extraordinary efforts in *temperantia* led only to condemnation at the hands of greedy *publicani*.

The mere answer that temptation for luxury increased, however, cannot explain fully the extreme anxiety and violence that we have reviewed. A better explanation is that key after-effects of changes in the restraint values wrought by Tiberius Gracchus' tribunate reverberated loudly in his generation, and that the generation(s) that followed accepted the changed landscape as a new normal, then stretched the after-effects to even further lengths.

The first key after-affect was a change to the operation of *existimatio*. Tiberius Gracchus' turn to the People had provided for posterity a pedigreed justification not to care too deeply for one's *existimatio* in the eyes of at least some of one's aristocratic fellows. A man would be warranted, after all, in refusing to bow to men or even groups of men who would not bow to the *populus Romanus*, whose welfare aligned with the good of the *res publica*. This was particularly true if those groups of men could be called luxurious and immoderate—terms that were now increasingly complex and fraught with hot emotion. If *intemperantia* had been merely a private vice, the evolving dispute about its practice would have yielded little more than unusually interesting gossip. But the Romans never treated it

increased individualism: “Eine der Äusserungen des Individualismus war das bedingungslose Streben nach Geltung, Reichtum, und Ruhm”; cf. Lintott (1972) 638: “Imperial expansion in general did of course have divisive economic and political effects. This discord should not necessarily be interpreted as moral decline.” If not “moral decline,” then certainly danger to consensus over the practice of political virtues.

so. Instead, regard for a man—and thus his political weight—was always tightly linked to his reputed level of personal self-restraint. Shifting interpretations of temperance just at this time therefore amplified the flux that Tiberius' tribunate had caused in the practice of deference and care for the opinions of others.

As a result of Tiberius' turn to the People and the unsettled state of *temperantia*, one man—often a tribune claiming the authority of the People's good—could now declare large portions of the rest of the senatorial group incontinent, with ease, and to great effect. That tactic could afford him real power to implement his views over attempts of the rest of the group to get him to defer, even if the senatorial group in previous times might have collectively overruled his effort to define right and wrong behavior. Thus Gaius Gracchus could declare that “if I light upon some desired object of the People, I will affirm the benefit of the Republic,”⁹⁶ while at the same time in fact carrying laws for the People's benefit by attacking the laws' opponents, as we have seen, as rife with *intemperantia*, *libido*, and luxury.⁹⁷

The (viable) charge that a substantial bloc of his peers was licentious also permitted Gaius to contrast the “wisdom” and “virtue” of the People and to orient them into the rhetorical position of a proper aristocratic peer.⁹⁸ This seems quite new. As we saw in the last chapter, about two decades before Gaius' tribunate, Scipio Nasica had quieted the *plebs* at a word by telling them that he knew what was best for them and the *res publica*.⁹⁹ But now Gaius stated that he sought from the crowd, as he would from a peer, “honor,” praise, and a

⁹⁶ ORF³ 183 fr. 30 (=Prisc. GL II p. 513, 16): si nanciam populi desiderium, conprobabo rei publicae commoda.

⁹⁷ ORF³ 191-92 frs. 47-50.

⁹⁸ ORF³ 187-88 fr. 44 (=Gell. 11.10): Nam vos, Quirites, si velitis sapientia atque virtute uti . . . Cf. Lobur (2008) 48 “[The strategy of the *populares*] deplores the absence of traditional standards; they complain that the leadership is without virtue and that civic norms have become meaningless through greed. Thus they urge the people to assert their traditional popular sovereignty in defense of traditional values, and not to destroy the dignity of the Senate, but rather to restore it.”

⁹⁹ Chapter 4 note 142.

“good *existimatio*,” while he sniped at his senatorial opponents for caring for nothing but the riches of foreign kings.¹⁰⁰ This breach of inter-peer *existimatio* had lasting consequences. As Ferrary has shown, Saturninus and Glaucia later espoused the *maiestas*, not of the *Populus Romanus* simplex, but *only* of those of the *plebs* who, like they, actively opposed the rest of the aristocracy, which suggests that they took the idea a step farther than Gaius.¹⁰¹ The People were receptive to these ideas, taking over functions previously handled by the Senate, and giving support that could lead to election.¹⁰² The changes to restraint were now affecting the undergirding of the competitive system.

This change to *existimatio* also explains why Gaius appeared to care less (and less *modeste*) about the Senate’s or his colleagues’ approval than any man of his generation. Not yet thirty, he was the first to show his back to the Senate and turn on the Rostra to face the People in the Forum,¹⁰³ he stripped senators of their monopoly on jury-membership in the *repetundae* court,¹⁰⁴ he abandoned his home on the Palatine to live in the poorer quarters of the city,¹⁰⁵ and he denounced the consul in a public edict.¹⁰⁶ Plutarch flatly accused him of

¹⁰⁰ ORF³ 188 fr. 44 (= Gell. 11.10): verum peto a vobis non pecuniam, sed bonam existimationem atque honorem (“Truly I seek from you not money, but a good *existimatio* and honor”). On this speech on the “so-called *lex Aufeia*” see Hill (1948), Heitland (1909) II 304.

¹⁰¹ Ferrary (1983) 564: Nous voyons ainsi se préciser une conception de la majesté qui en fait en quelque sorte l’expression de la puissance et des pouvoirs du peuple, non pas du peuple-État, mais du peuple opposé aux magistrats et au Sénat. Ferrary (571) notes that Saturninus and Glaucia’s interpretation hearkened back to a “sens primitif” in an ancient democracy, whereas the Senate resisted this interpretation of the *maiestas* of the Roman People and imagined it instead as the “la grandeur du peuple-cité, du peuple-État qu’il invitait les magistrats à garantir” (569).

¹⁰² Millar (1986) 6-8 recounts in detail the growing control of the People in these years of legislation on an “enormously extended” “scope of the subject-matter of politics.”

¹⁰³ Plut. *C. Gr.* 5.3. This was in his effort to pass the law putting equestrians onto juries. According to Cic. *Lael.* 96, however, a speaker first did this in 145 B.C. Even if Cicero and not Plutarch was correct, however, we may still presume that Gaius’ act was calculated to show his low opinion of the Senate relative to the People, amidst his other provocations.

¹⁰⁴ Plut. *C. Gr.* 5.2.

¹⁰⁵ Plut. *C. Gr.* 12.1.

“deposing the Senate.”¹⁰⁷ He also offered grave insult to his colleagues. The tribunes had constructed for certain games some wooden seats for paying customers, which blocked the (non-paying) People’s view. Gaius harangued his fellows to remove the seats, to no avail—and then, in the dark of night, had his own workers do the task. For this act, Gaius’ colleagues thought him “reckless” and “violent” and machinated his defeat at the next polls.¹⁰⁸ Doubtless Gaius’ attitude towards peer and colleague was an idiosyncratic product of understandable rage over his brother’s murder, his dislike of men whom he saw as idling in wealth to the detriment of the common good, and also of his genuine solicitude for the *plebs Romana*.¹⁰⁹ But no matter the amalgam of reasons, his attitude towards *existimatio*—and the example that it set—made him extremely dangerous within a republican framework that depended on inter-peer deference to function.

Tiberius’ turn to the People and away from his colleague had also reconfigured *pudor* and *verecundia*, the other underpinnings of the deference ideal. It is difficult to get at the emotions of the men of this ill-documented period at this distance, but we see far less of the overt blushing, weeping, downcast eyes, or upset feelings in the face of colleagues and peers of the kind, for example, that Octavius had shown regarding Tiberius. Gaius Gracchus especially did not seem the least bit troubled by his actions. His decision to tear down the seats for the benefit of the urban poor showed little calibration toward the “face” of the majority of his colleagues that would have attended traditional *verecundia*. This attitude only swelled in time: Saturninus brazenly insulted the Senate when members claimed to hear

¹⁰⁶ Plut. *C. Gr.* 12.2.

¹⁰⁷ Plut. *C. Gr.* 5.1 καταλύων τὴν σύγκλητον; these observations somewhat undercut Brunt’s (1971b) 83-84 idea that Gaius wished to work with the Senate.

¹⁰⁸ Plut. *C. Gr.* 12.4: ἰταμὸς καὶ βίαιος.

¹⁰⁹ Cf. Cic. *de Har. Resp.* 20.43; ORF³ 188 fr. 44 (= Gell. 11.10), in which he decried his opponents’ love of Asian bribes, and blamed that love for their opposition to his salutary laws.

thunder that would invalidate his acts, mockingly proclaiming that if they did not keep quiet it might hail, too.¹¹⁰ Instead, such men appeared to calibrate their emotional map relative only to the goodwill of the *plebs*: Gaius is recorded as groaning and weeping in front of his father's statue only once he began to feel that the People had abandoned him, and his tears caused some to rally back to him.¹¹¹

The violence of Tiberius's death, and the extent to which he and Octavius had stretched the restraint values, had also unsettled the third leg of the deference pattern, mutuality. Assurance that deference would be met with reciprocal deference was replaced by fear that it might instead meet with violence—a fear that became self-reinforcing. Appian's competing *στασιάρχαι*, as well as the mobs that the likes of Gaius and Saturninus gathered against equally determined forces of opposing senators and *equites*,¹¹² show that in the decades immediately following Tiberius' death violence produced counter-violence among aristocrats, either out of mimicry or self-preservation.¹¹³ A man who continued to trust that traditional deference would always be sufficient to settle difficult questions might (once again, for the first time since legendary days) find a knife in his side. Indeed, we are told that Gaius Gracchus became prepared to come to the Senate to “persuade” them (*πείθειν*) rather than risk bloodshed when violence seemed imminent, but none of his partisans would agree

¹¹⁰ *de Vir. Ill.* 73.7. The point of the joke was a pun: thunder and hail together created what augural practice called a *calamitas*, with which Saturninus threatened the Senate. Linderski (1983) 453-59. Here again see the anecdote in Val. Max. 9.5.2 that Drusus supposedly scoffed when called to the Senate that they should come to him instead of he going to them.

¹¹¹ Plut. *C. Gr.* 14.4.

¹¹² Plut. *C. Gr.* 14.4-15.1, 16.3.

¹¹³ Thus Crawford (1993) 158 is right when he notes that violence was a “factor in the slackening of political scruple” that led eventually to the violence between Pompey and Caesar, although he is wrong that the violence stemmed from “early traditions of self help”; such “traditions” appear wholly absent in the political sphere, at least, before the Gracchi. Steel (2010) 49 perceptively writes that the tribunate was particularly affected by violence: “to be a victim of violence which did not provoke an immediate and supportive response from the people was to be visibly undermined as a holder of that office” and that the “possibility of violence became an inescapable element” of tribunician activity.

with him, certainly because they recognized that matters were too far gone.¹¹⁴ They proved right. Once violence became a possible alternative to deference, deference could lose out.

Worse, some of the violence described above was perpetrated not just by single men or small groups with toughs at their backs, but also by significant numbers of senators.¹¹⁵ The deaths of Tiberius and Gaius Gracchus and the siege of Saturninus at the hands of *senators* are only the most obvious evidence that, once a player steadfastly decided not to act according to the rules of deference, the Senate itself might find recourse only in cudgels. That violence hints that the power of deference to this commensurate group of dignified peers had been adequate to regulate inter-peer relationships for so long that if the restraint totally failed, the aristocracy struggled to imagine many methods by which a man could be reined in other than physical attack.¹¹⁶ Of course, the Senate's descent into violence did not solve its problems. Instead, it could become hated for the harshness of its methods; the People turned the Gracchi practically into gods.¹¹⁷ Nevertheless, senators' willingness to use

¹¹⁴ Plut. *C. Gr.* 16.3.

¹¹⁵ Billows (2009) 43 argues that the Senate was most often the escalator of violence in these years because the senators were opposed to real political reform and land redistribution out of greed. This reductionist view swallows Plutarch's and Appian's "rich vs. poor" narrative whole.

¹¹⁶ No *lex de vi* would exist until the 80s B.C. at the earliest, and the threat of censorial stigma seemed not completely effective, as the consul Geta had shown by overcoming a *nota* to become censor himself. Heitland (1909) II 528; Lintott (1968) 122; Bonnefond-Coudry (1989) 780. Kelly (2005) would place a *lex Lutatia de vi* in 102 as a reaction to the violence in that year, although 78 B.C. is the "overwhelming consensus" date for the law (98). Kelly's argument depends on dismissing 78 as a not particularly violent year. That verdict ignores Lepidus' revolt, and Kelly is wrong to assume that a *lex* must have been drawn up on the spot in 102 rather than after the collective wisdom of twenty years of violence. More important, Kelly does not adequately explain why no prosecutions under such a law seem to have come from the very violent years of 102-99. His claim that the law set up a wholly senatorial jury which indeed tried Saturninus for *vis* (cf. Diod. Sic. 36.15.1-3) and then immediately fell into desuetude seems improbable. Even in this era of spotty evidence so exceptional an act as constituting an all-senatorial jury to try a demagogue could not have passed so unnoticed, and if such a thing were so simple to do, one wonders what all of Gaius Gracchus' and Drusus' problems with equestrian juries were about.

¹¹⁷ Plut. *C. Gr.* 18.2.

lethal force—even if shortsighted—should alert us to how calamitous the senators imagined their opponents’ lack of deference to be.

The intensity of that sense of calamity was exacerbated by the fact that the rhetoric of the restraint values created a sort of black-and-white toggle-switch of moral and immoral.¹¹⁸ Lucilius intoned:

virtus scire homini rectum utile quid sit honestum/quae bona quae mala item, quid inutile turpe inhonestum;/virtus quaerendae finem re scire modumque;/ hostem esse atque inimicum hominum morumque malorum/contra defensorem hominum morumque bonorum.

Virtue is to know what is right and useful and honorable for man/and again what things are good and what are bad, what are useless, shameful, and dishonorable/ virtue is to know the end and *modus* of things/ to be adversary and enemy of bad men and bad habits/and on the other hand a defender of good men and good habits.¹¹⁹

Similarly, Gaius Gracchus could say “it is inescapable that a man who approves of dishonest men will disapprove of honest men,” and that those who killed his brother—great nobles all—were in fact *pessimi*.¹²⁰ The trouble was that Gaius’ enemies and Lucilius’ marks would have agreed with such all-purpose statements. The nub of debate was over who qualified as *honestus*, and in these decades answers were unpredictable because of the changes we have seen to *existimatio*, *pudor*, *verecundia*, and *temperantia*, and the resulting violence. Everyone might believe in the abstract, for example, that a luxurious or libidinous man was *malus*. But Tiberius Gracchus’ episode revealed that a senator husbanding a great estate was now a divisive character in a way he was not before: intemperate and greedy to some, traditional and upright (enough) to others.

¹¹⁸ Cf. Hammar (2015) 302: “In Cicero’s oratory there was no moderate immorality and no light depravity. He argued that a man was either good or bad—either moral or immoral.” Related here is the observation that a man’s character was fixed, and his actions could be predicted through observation of his prior actions. Riggsby (2004) 177.

¹¹⁹ Luc. *Sat. Fr.* 1198-1205.

¹²⁰ Quoted by Cic. *Or.* 70.233: abesse non potest quin eiusdem hominis sit probos improbare qui improbos probet; ORF³ 178 fr. 17 (=Char. P.313).

Finally, an important mental leap sprang from the changes to the restraint values and the Roman tendency to separate actions into neat dichotomies of pure good and evil. We have seen several men to this point in Roman history be inflexible and unrestrained. Such obstinacy, however, had never been enough to merit death. Yet around the time of the Gracchi a new metaphor (if not yet the legal title, which would come) seems to have been applied for the first time to troublesome citizens: the concept of the *hostis*, an impudent foreign enemy against whom lethal force was justifiable and expected.¹²¹ Scipio Nasica believed that Tiberius Gracchus's unprecedented lack of restraint meant that he was actually trying to *destroy* the Republic. There was no middle ground—and thus no quarter. In 131 B.C., Scipio Aemilianus judged Tiberius *iure caesum* (“justly killed”), a point Scipio reportedly amplified in 129 B.C. when a mass of Gracchan supporters shouted for his death as a “tyrant,” to which Scipio casually replied, “They want to kill me—just what one would expect from the those who make war on the fatherland.”¹²² When a decade later one of Gaius Gracchus' supporters killed one of the consul Opimius' attendants, Opimius called on armed troops and foreign archers to help put Gaius' followers down.¹²³ Flower comments that this was “the first occasion on which Roman citizens were treated as enemies by their own government, even if they were not openly called *hostes*.”¹²⁴ Even those opposed to Opimius assumed the metaphor: some felt that Opimius' dedication of his temple to *Concordia* was arrogant, and too much resembled a victorious general celebrating a triumph

¹²¹ Cf. Cic. *de Off.* 1.37.

¹²² Cic. *de Orat.* 2.106; Vell. Pat. 2.2.4; Ps.-Plut. *Apophth. Scip. Min.* 23: τῶν δὲ περὶ τὸν Γάιον βοῶντων κτεῖναι τὸν τύραννον, ‘εἰκότως,’ εἶπεν, ‘οἱ τῇ πατρίδι πολεμοῦντες ἐμὲ βούλονται προανελεῖν.’ (“As supporters of Gaius were shouting “kill the tyrant,” he said, “They want to kill me—just what one would expect from those who make war on the fatherland”). He added: οὐ γὰρ οἷόν τε τὴν Ῥώμην πεσεῖν Σκιπίωνος ἐστῶτος οὐδὲ ζῆν Σκιπίωνα τῆς Ῥώμης πεσοῦσης (“For Rome cannot fall with Scipio alive, and Scipio cannot live if Rome falls”). Cf. Gruen (1968) 65; Astin (1967) 234, 240.

¹²³ Plut. *C. Cr.* 16.3; App. *B.C.* 1.3.25.

¹²⁴ Flower (2010) 76, albeit not taking into account the stories of Maelius, *et al.*

over foreign enemies.¹²⁵ According to many modern scholars, stories of legendary citizen-*hostes* such as Spurius Maelius, Spurius Cassius, and Marcus Manlius Capitolinus also gained currency around this time to help justify the murders.¹²⁶ At all events, if one truly believed that one's fellow senators—indeed one's cousins, in Scipio's case—were on the same moral plane as foreign hordes, the concept of mutual deference was in arduous straits indeed.¹²⁷

To sum up to this point: all agreed that certain restraint words, actions, and ideas were powerful. Everyone apparently expected them to have effect, and wished to be perceived as following the traditional rules. The political verdict on a man continued to be evaluated through the standards of restraint. Yet the questions of how to practice restraint rightly and who practiced it rightly were both highly charged and becoming deeply unsettled. Tiberius' tribunate—and many examples that followed—had disrupted and reconfigured the values of *existimatio*, *pudor*, *verecundia*, and deference, while tying into the increasingly uncertain state of *temperantia*. The result was growing chaos.

Hence, a paradox. Because the traditional display of deference and restraint values had long been the chief measure of political and social rectitude, the disruption and reconfiguration of the restraint values caused serious debate over who best displayed the values, stark dichotomies quickly formed, and the less power the restraint values exercised to unite and order the group as a whole. But because the restraint values remained so socially potent, they were beginning to augment disagreement, and even to endanger those who

¹²⁵ Plut. *C. Gr.* 17.6: σεμνύνεσθαι γὰρ ἔδόκει καὶ μέγα φρονεῖν καὶ τρόπον τινὰ θριαμβεύειν ἐπὶ φόνοις τοσούτοις πολιτῶν (“For it seemed that [Opimius] was exalting himself and thinking arrogantly of himself, and that he was celebrating a triumph of sorts over the murder of so many citizens”).

¹²⁶ Cicero's *Catilinarians* are the oldest contemporary evidence for use of the word to apply to seditious citizens. *TLL* VI, 3 Fasc. 13-17 3057. On the extent to which the stories of Maelius and others were created (or, more probably, revived) in reaction to the Gracchi, see Chapter Three note 140.

¹²⁷ Cf. van der Bruwaene (1950-51) 231-38.

trusted too much in them.¹²⁸ Violence, to the point of murder, might occasionally resolve what *concordia* could not—which only further disrupted trust and aroused suspicion and anxiety, and which in turn only further corroded mutuality, deference, and care for *existimatio*. To be sure, such violent incidents were at first sporadic, but bloodshed now threatened as never before.

Marius and Sulla

It is within this turbulent context that we can best understand what has been called Rome's "First Civil War."¹²⁹ It began with personal rivalry. Gaius Marius, born around 157 B.C. in the rustic town of Arpinum, began his rise by impressing Scipio Aemilianus at Numantia with his military prowess.¹³⁰ He then entered politics, but with mixed initial success and in a convoluted path that tracked the confused state of the restraint patterns in this period. His first foray was to be elected military tribune on the strength of his reputation as a fighter.¹³¹ Sallust and Plutarch agreed that he also made some showing of personal restraint: Sallust portrayed Marius' further rise from quaestor (ca. 123 B.C.) to tribune of the plebs (119 B.C.) to praetor (115 B.C.) as a product of his "moderate living at home" and his "victory over lusts and riches."¹³² Similarly, Plutarch wrote that Marius personally avoided "luxury and extravagance."¹³³ But Marius also exemplified the disorder of the period, marking his term as tribune of the *plebs* in a radical but fumbling *popularis* style. He promulgated a law that narrowed the gangways through which voters passed to reduce

¹²⁸ Cf. Wallace-Hadrill (1997) 11: "Mutual accusations of luxury and immorality both reinforced the assumption that power was indeed founded in morality, and undermined the credibility of the power-holders in making good their claim."

¹²⁹ Keaveney (2005) 108; cf. Tacitus' observation (*Hist.* 2.38) that in the years of Marius and Sulla *temptamenta civilium bellorum* ("the first attempts at the civil wars") were made.

¹³⁰ Plut. *Mar.* 4.2-3.

¹³¹ Sall. *B.J.* 63.4; *MRR* III 139.

¹³² Sall. *B.J.* 63.2: *domi modicus, libidinis et divitiarum victor*.

¹³³ Plut. *Mar.* 3.2: *τροφῆς καὶ πολυτελείας*; cf. Diod. Sic. 37.29.2.

the chances for influential citizens to buttonhole them, and the Senate called him to account. Marius, however, “did not act like a young man who had just entered politics without a brilliant background,” *i.e.*, modestly.¹³⁴ Rather, he threatened to throw both the consul Cotta and his own patron (the same Quintus Caecilius Metellus Numidicus whose account books later went unseen at his extortion trial) into prison if they dared oppose him. His tribunician colleagues, perhaps surprisingly, supported him, and the Senate—just four years out from the second Gracchan debacle—yielded.¹³⁵

Plutarch, however, wrote that because of this incident, men thought Marius “uncaring for shame,” although a “fierce opponent of the Senate and favorable among the demagogues.”¹³⁶ He was rejected soon after for the curule and plebeian aedileships, allegedly because many said he was *θρασύς* and *αὐθάδης*, “over-bold” and “self-willed.”¹³⁷ Marius’ electoral miscarriage reveals that he failed in some expectation that he might show *modestia*, although colleagues’ support (in support of the People), to be sure, shows that not everyone fully shared that interpretation. Marius overcame this misstep—unfortunately we are not told how—and was elected praetor for 115 B.C., albeit narrowly, and under a cloud of suspicion of bribery, for which he was barely acquitted.¹³⁸

Marius thereafter continued to display a tenuous relationship with the concept of mutual deference. After Marius’ praetorship, Metellus took him as legate to North Africa against Jugurtha, where Marius fought brilliantly, but reportedly in a fashion meant to gain

¹³⁴ Plut. *Mar.* 4.2: ἐκεῖνος οὐκ ἔπαθε νέου πάθος ἀπὸ μηδενὸς λαμπροῦ προεληλυθότος ἄρτι πρὸς τὴν πολιτείαν.

¹³⁵ Plut. *Mar.* 4.2

¹³⁶ Plut. *Mar.* 4.3: ἄτρεπτος δὲ ὑπ’ αἰδοῦς, δεινὸς δὲ κατὰ τῆς βουλῆς ἀνίστασθαι χάριτι τῶν πολλῶν δημαγωγῶν.

¹³⁷ Plut. *Mar.* 5.2.

¹³⁸ Plut. *Mar.* 5.2; cf. Val. Max. 6.9.14; Diod. Sic. 34/35.38.1.

glory for himself and not his patron.¹³⁹ Metellus accordingly drew the line at indulging any of his client's further political pretensions. When in 109 B.C. Marius asked Metellus for a furlough to seek the consulship in Rome, Metellus at first feigned kindness and advised him not to think above his station.¹⁴⁰ When Marius persisted, Metellus coldly landed a lacerating remark: "don't be in such a hurry to go to Rome to run—it will be just the right time for you to seek the consulship when my son does."¹⁴¹ The boy was only twenty.

Marius resolved to overcome this condescension by earning the support of merchants who believed that the war was progressing badly and who were put off by Metellus' imperious personality,¹⁴² and also by sharing in the hardships of his troops, no doubt to contrast himself with the perceived arrogance of the commander.¹⁴³ Jugurtha also provided fodder for victories that advanced Marius to the consulship in 107 B.C.¹⁴⁴ After the election, Marius and a friendly tribune engineered a plebiscite that deprived Metellus Numidicus of the African supreme command and allotted it to Marius.¹⁴⁵ Metellus, we are told, reacted to the news by being "unable to temper his tears or control his tongue"; for this lack of self-control contemporaries (and later Sallust) castigated him, and explained his

¹³⁹ Plut. *Mar.* 7.1.

¹⁴⁰ Sall. *B.J.* 64.2.

¹⁴¹ Sall. *B.J.* 64.4: fertur dixisse, ne festinaret abire, satis mature illum cum filio suo consulatum petiturum. Cf. Plut. *Mar.* 8.3; Sherwin-White (1956) 2. For the debate on the veracity of the remark see Paul (1984) 172, who dismisses the story as Marian propaganda against the Metelli; Evans (1994) 63-64 and nn. are to similar effect. What makes the comment remarkable is that Marius' career to that point had been very successful, and his chances at becoming consul were as good as those of a P. Rutilius Rufus or M. Aemilius Scaurus, as Evans (1994) 52-63 has decisively shown. Accordingly, if the story is propaganda, then Marius would have created it to attack aristocratic *superbia*.

¹⁴² Sall. *B.J.* 64.1, 64.6.

¹⁴³ Plut. *Mar.* 7.2; Sall. *B.J.* 64.5; Diod. Sic. 34/35.38.2.

¹⁴⁴ Evans (1994) 68-73 covers the election in detail.

¹⁴⁵ Sall. *B.J.* 73.7; cf. Gruen (1968) 154-55. Evans (1994) 74-78 is too dramatic that "the consequences of the transfer of Metellus' command" "paved the way for the end of collective government at Rome." Although a precedent for putting assignment of *provinciae* into the hands of the People was set, the clear distinction between this situation and that in 89 B.C. will be shown below, note 175.

unseemly crying and curses either by his *superbia* or an insulted *bonum ingenium*.¹⁴⁶

Nevertheless Metellus yielded and handed over the command, albeit through his legate, the eternally composed P. Rutilius Rufus, rather than having to face Marius himself.¹⁴⁷ By 104 B.C. Jugurtha graced Marius' triumph in Rome.

To this point, Marius' career had careened between at best clumsy navigation of *modestia*, deference, and *pudor*, which reportedly resulted in defeat at the hustings, and some reputation for *temperantia*, care for the People's (and troops') *existimatio*, and skill as one of Rome's foremost fighting men, which had kept his hopes for higher office viable, if not sterling.¹⁴⁸ A confused opportunist, perhaps, in a jumbled social context. He might have been little further heard from but that chance obliged. The terrifying Germanic incursions that overwhelmed Mallius and Caepio at Arausio impelled the voters in the Forum to grant Marius an unprecedented five consecutive consulships between 104 and 100. For his victories over the invaders he was called the "third founder of Rome" after Romulus and Camillus.¹⁴⁹ Yet after Marius staved off the threat, and through most of the 90's B.C., the ageing general found himself with little to do.¹⁵⁰ The aristocracy, which respected Marius' achievements while barbarians menaced south of the Alps, never welcomed him fully into

¹⁴⁶ Sall. *B.J.* 82.2-3: neque lacrimas tenere neque moderari linguam.

¹⁴⁷ Sall. *B.J.* 86.5; Plut. *Mar.* 10.1; *MRR* II 613; Badian (1957) 324.

¹⁴⁸ Cf. Plut. *Mar.* 31.2. Velleius Paterculus noticed the contradiction as well, and juxtaposed Marius the humble Arpinian and "contemptible candidate" (*fastidiendo candidato*) with Marius the victor over Africa and seven-time consul, and wrote (2.11.1-2): fuit C. Marius . . . vitaeque sanctus, quantum bello optimus, tantum pace pessimus, immodicus gloriae, insatiabilis, impotens semperque inquietus (C. Marius . . . was a man of austere life, as good in war as he was wretched at peace, immoderate in his pursuit of glory, insatiable, without self-control, and always restless").

¹⁴⁹ Plut. *Mar.* 27.5: κτίστην τε Πρώμης τρίτον.

¹⁵⁰ I have described Marius to my students as a man who did not know how to fix a problem that he couldn't stab. Cf. Plut. *Mar.* 32.1.

their well-bred fold¹⁵¹—try as he might to gain approval by distributing booty honestly,¹⁵² by “wishing to show himself as moderate after such good fortune” by presenting himself as *contentus* with a single triumph when offered two, and by insisting on sharing his triumph over the Cimbric tribes with his co-general Q. Lutatius Catulus.¹⁵³

Such efforts to trace traditional patterns of restraint, however, did not fully yield the *gratia* that Marius sought, a turnabout that reflects the contorted state of the restraint values and Marius’ accidental rise.¹⁵⁴ Accordingly, in 99 B.C. Marius went to the East to “fulfill a vow,” but perhaps to make trouble enough to start a war that could keep him in the spotlight.¹⁵⁵ His target was Mithridates VI of Pontus, who conveniently for Marius was rumbling out a bellicose policy in Asia Minor. If war was Marius’ goal, it took a few years to

¹⁵¹ Cic. *de Prov. Cons.* 19: Quis plenior inimicorum fuit C. Mario? (“Who had more enemies than C. Marius?”). We must be cautious in overemphasizing this commonplace, as Luce (1970) 164-65 notes, citing the honor of an augurate in 98 B.C. But, especially considering Marius’ assured disappointment in not reaching the censorship, we still cannot escape the general picture of a restless and pining Marius in the 90s suffering from the sting of *invidia* from some of the aristocracy for his multiple consulships. Cf. Plut. *Mar.* 30.4; Luce (1970) 164, 179. Evans (1994) 128 engages in wishful thinking in rehabilitating his biographical subject to make him an “elder statesman” in the 90s, elsewhere admitting how “obscure” and “absent” Marius was in these years.

¹⁵² Dio 27.92.1.

¹⁵³ Plut. *Mar.* 27.6: μέτριον ἐπὶ τηλικαύταις εὐτυχίαις βουλόμενος παρέχειν ἑαυτόν; Liv. *Per.* 68: Marius totius ciuitatis consensu exceptus pro duobus triumphis qui offerebantur, uno contentus fuit; cf. Cic. *Tusc.* 5.56; Vell. Pat. 2.22.4; Val. Max. 9.4; Eutrop. 5.1.2. Cf. Badian (1958) 203, 210; Kildahl (1968) 123; Brunt (1971b) 97; Evans (1994) 89-90. Some *nobiles*’ rejection of Marius’ restraint gesture was perhaps attributable to Catulus’ insistence (backed by a commission that surveyed the field), that he alone should have triumphed, and certainly also to jealousy of the *novus homo* who was racking up consulships, Plut. *Mar.* 27. 4.

¹⁵⁴ Luce (1970) 169-70, 173 perceives that in the 90s a group of men including Scaurus, Rutilius, and Sulla personally administered affairs in Asia in a muscular foreign policy directed at making sure that “Marius was to be blocked at all costs and his ambition thwarted,” which led to the series of suits and counter-suits we see in the decade, usually on charges of peculation. Cf. Badian (1956b) 117-22.

¹⁵⁵ Plut. *Mar.* 31.2; Luce (1970) 166-69; Keaveney (2005) 37; Gruen (1968) 191 also suggests an *absentia* after the recent troubles with Saturninus to “make the heart grow fonder.” See Evans (1994) 116-27 on Marius’ confused relationship with Saturninus.

achieve, during which time, to Marius' vexation, rose his great antagonist, a man about nineteen years his junior, Lucius Cornelius Sulla.¹⁵⁶

Sulla was of patrician Cornelian stock, but of a disgraced station. His father had left him nothing, and he spent a number of years living vivaciously in the company of actors until he set himself enough financial footing to embark on a minor career.¹⁵⁷ Through a display of military skill of his own, Sulla eventually became Marius' own legate in North Africa during the war with Jugurtha. Marius, we are told, was irritated with his legate's reputation for frivolity,¹⁵⁸ yet Sulla nevertheless fought with notable valor, undoubtedly to try to overcome his maculate past. Sulla, like Marius, also exemplified deference in some disarray. Although Marius' military subordinate, Sulla portrayed himself as the actual winner of the war because he personally captured the renegade Jugurtha in 104 B.C. (with the help of treachery that he arranged with Jugurtha's father-in-law,¹⁵⁹ King Bocchus of Mauretania) and thereby brought several years of exhausting conflict to a tidy finish.¹⁶⁰ He also flaunted the new-found wealth gained from his expedition, to the dislike of some who wondered aloud how he could be an honest man if he got so rich so quickly.¹⁶¹

In other circumstances, and with different men, this sort of opportunistic self-advancement might have aroused at most indignant disdain from the elder consul, just as it had when Marius had similarly crossed Metellus Numidicus. Indeed, the rivalry merely

¹⁵⁶ Plut. *Mar.* 32.1-2; Heitland (1909) II 356.

¹⁵⁷ On Sulla's impoverished background and time living amongst actors see Badian (1976) 37-39; Keaveney (2005) 6-10 and references.

¹⁵⁸ Val. Max. 6.9.6.

¹⁵⁹ Or possibly son-in-law, compare Sall. *B.J.* 80.6 to Plut. *Mar.* 10.2 and Flor. 1.36.17. On the problems with the manuscripts on this point see Rolfe and Ramey (2013) 340 n.246.

¹⁶⁰ Plut. *Sull.* 3.2-4; Plut. *Mar.* 9.3-6; Sall. *B.J.* 112-113; Diod. Sic. 34/35.39. Marius was particularly upset that Sulla made a signet-ring that depicted the scene, Plut. *Sull.* 3.4-4.1.

¹⁶¹ Plutarch (*Sull.* 1.2) recorded an anonymous nobleman who berated Sulla: καὶ πῶς ἂν εἴης σὺ χρηστός, ὃς τοῦ πατρός σοι μηδὲν καταλιπόντος τοσαῦτα κέκτησαι ("How can you be an honest man, who have become so rich even though your father left you nothing?").

simmered over the next decade while both men were occupied with more pressing concerns: Marius with the Germans, and Sulla with assistance against the barbarians and then with various provincial duties and wars.¹⁶² But starting in 91 B.C., events and the unsettled social context of these decades converged to turn mutual dislike into a violent series of coups and counter-coups.

First, King Bocchus dedicated with the approval of the Senate several trophies and images on the Capitol that depicted Sulla's capture of Jugurtha. Marius was furious.¹⁶³ Not enough that memory of his achievements was dimming—it was now being actively erased. Then the assassination of Livius Drusus sparked the uprising of Rome's Italian allies and the Social War. Over the next two years both Marius and Sulla took commands as legates against their erstwhile peninsular comrades. But Marius, although he enjoyed early success, was then “unceremoniously shunted aside” by a Senate afraid of his aspirations,¹⁶⁴ while Sulla handily defeated some of Rome's former allies from the region of Samnium, which gave him the attractive distinction of being the new conqueror of the bogeymen of Rome's distant past. In 89 B.C. Sulla's victories secured for him the consulship he had long craved. Meanwhile, while Rome was occupied in Italy, Mithridates opportunistically moved against his western antagonists. He ordered the murder of all Roman residents in Asia Minor and then marched his armies into Roman territories.¹⁶⁵ Naturally, the Roman who could avenge

¹⁶² Badian (1964) 157-78, (1976) 41; Keaveney (2005) 22-39 and references. Sulla acted as legate to Marius' colleague Q. Lutatius Catulus, perhaps even at Marius' behest, to avoid disaster: Catulus, three times repulsed for the consulship, was not notably an able soldier. Cf. Badian (1976) 41-42.

¹⁶³ Plut. *Mar.* 32.2; Plut. *Sull.* 6.2.

¹⁶⁴ The phrase is Luce's (1971) 184; cf. Oros. 5.18.24. Plut. *Mar.* 33.1; Plut. *Sull.* 6.2 report Marius' military failures, although perhaps this was Sullan propaganda.

¹⁶⁵ On the opening of the first Mithridatic war, see Greenidge and Clay (1960) 168-69; Keaveney (2005) 65 n.1, Konrad (2006) 178-79 and references. Luce (1971) 188-90 suggests that certain Roman ambassadors friendly to Marius helped to provoke Mithridates.

Mithridates' genocidal crimes would bask in praise. As duly elected consul, Sulla was one of the first two choices, and the command fell to his lot.

To Marius that result was intolerable. In denial of his sagging septuagenarian physique he began to compete embarrassingly in military exercises with much younger men, even as people murmured that he should have been content and quiet with all of his incomparable successes.¹⁶⁶ He gave the farcical excuse that he wanted to help train his son for war. No one believed him. The vignette is notable.¹⁶⁷ It shows, first, a lack of traditional *moderatio* in the "third founder of Rome." A Camillus or a Fabius Rullianus would have been imagined resting on laurels at this point in his life, not pressing a senescent body for campaign—here, the result of the peculiar question of what to do with a six-time consul whose humble beginnings stirred especial pique if he perceived himself flagging relative to old-line grandees. It also shows a lack of shame: despite wagging tongues, the old man stripped down amongst the young. His tone-deafness suggests that he was not quite as susceptible to others' distaste as many felt he should be. Most important, the scene reveals that Marius held a curious mingled attitude towards his *existimatio*. On the one hand, he cared very much about getting praise from the nobility for achieving honors and triumphs. On the other, perhaps a result of his dazzling rise in the face of continuous disdain, he seemed to care little what his peers thought of him otherwise, so long as he got the

¹⁶⁶ Vell. Pat. 2.18.6; Plut. *Mar.* 35.4; Diod. Sic. 37.29.1; Lintott (1971a) 443 n.3.

¹⁶⁷ Heitland (1909) II 451 and Lintott (1971a) 443 believed that this detail came from hostile sources, perhaps Sulla's memoirs. But Sulla could hardly invent so public a scene from whole cloth, and Luce (1971) 193 has instead proven that the account is contemporary: references to proposed battle sites in the passages describing Marius' exercises can have been envisioned only just as the Mithridatic war was breaking out, and not for long after as the theater of the war shifted.

command that he felt was his due. Plutarch captured the idea with the incisive comment that Marius “did not care to be the best man so long as he could be the greatest.”¹⁶⁸

As yet Marius had done nothing that merited more than chatter. Circumstances, however, took a serious turn, and the restraint values infused the events that followed. Around this time Marius found an ally in the tribune Publius Sulpicius, who had been rebuffed by Sulla after giving him some political support.¹⁶⁹ Sulpicius saw his own path to power in the form of the Italian allies, most of whom had by now made peace in the Social War on condition of receiving the enfranchisement long denied them. Sulpicius determined to support their desire to have their new votes distributed evenly among the tribes, and to protect himself from the certain backlash (and, of course, to force his will) he surrounded himself with a bodyguard of swordsmen he mockingly called the “anti-Senate.”¹⁷⁰ Marius and Sulpicius now came to a covert pact: Marius would support Sulpicius’ legislation aiding the Italians’ voting rights if Sulpicius would do him a portentous, secret favor. Violence and rioting followed as Sulpicius urged his voting laws, and Sulla attempted to annul the voting by suspending public business.¹⁷¹ After being personally threatened in the melee (in which Sulla’s co-consul Q. Pompeius Rufus’ son was killed), Sulla sought refuge in Marius’ house, and there arranged to cease his opposition to the law in exchange for calm.¹⁷² Sulla then

¹⁶⁸ Plut. *Mar.* 28.3: ὑπὲρ τοῦ μέγιστος γενέσθαι τὸ βέλτιστος εἶναι προϊόμενος.

¹⁶⁹ Luce (1971) 194 (on the timing); Keaveney (1983) 53-54; Seager (1994) 167-68, and references. Sulpicius had opposed Caesar Strabo’s candidature for the consulship of 89 B.C. to aid Sulla, at first using “just” means (*iure* . . . *resisteret*), but then turning to violence. Ascon. 25C (= Lewis (1993) 51). See below at text accompanying notes 189-90.

¹⁷⁰ Plut. *Mar.* 35.2; Plut. *Sull.* 8.2; cf. App. *B.C.* 1.8.55-56. Badian (1958) 234 n.1 questions this fact, in part on the linguistic grounds that “anti-Senate” (ἀντισύγκλητος) has no known Latin cognate, but Keaveney (1983) 55 and Lintott (1971a) 442 n.3 rightly see that as irrelevant and accept Plutarch’s description.

¹⁷¹ Liv. *Per.* 77; App. *B.C.* 1.7.55-56; Plut. *Sull.* 8.6; *Mar.* 35.3. Levick (1982b) notes that the consuls were “within their competence and discretion” to declare the religious holidays.

¹⁷² Lintott (1971a) 443 outlines the two versions of the story in Plut. *Mar.* 34: the Marian source’s version that Sulla was forced to flee to Marius’ house (to insinuate that Sulla became

quitted Rome to be with his army besieging the Italian holdout of Nola, intending to snuff out the last cinders of allied resistance and to prepare for the East.¹⁷³ There word presently reached him that after he had left Rome, Sulpicius, with due regard for his clandestine deal, had passed a plebiscite that had stripped Sulla of the Mithridatic command and given it to Marius.¹⁷⁴

At this, Appian informs us, Sulla gathered together his soldiers and told them to be ready to obey his orders. He would not yield as had Metellus Numidicus had twenty years before.¹⁷⁵ Several details of the scene stand out. Sulla, according to Appian, characterized Marius' and Sulpicius' actions in personal terms, as an "insult" (ὕβρις) against him. The history of violence of the last decades (and indeed the rioting of the preceding weeks) also surely left Sulla to conclude that with this insult not only his command and reputation but also his life were in danger. We are told also that the soldiers feared that if Sulla were replaced, Marius would choose new men to fight and they would be deprived of the chance for eastern spoils. Thus it happened that an affront to the consul's traditional aristocratic *existimatio* intersected with the interests of soldiers at arms in Italy who could offer redress at

an ingrate later), and Sulla's version (from his memoirs) that he deliberately went to Marius' house to seek cessation of hostilities. Cf. Evans (1994) 135. Lintott (1971a) 445 rejects the possibility that Sulla knew that Marius was planning to bring his bill on the Mithridatic command, instead suggesting plausibly that Marius had only let it be known he would have wanted to be consul for 88 B.C. to get the command regularly, which would also explain his military exercises. The military exercises, of course, could also be explained by his hope that he might be sent out *pro consule* at some point.

¹⁷³ Billows (2009) 43 observes that this army had loyally fought with Sulla in the Social War. Keaveney (1983) 59 comments: "What was Sulla's state of mind as he left Rome? . . . Since he had behaved with his customary moderation—almost to the end of his life his enemies were to benefit from this moderation—he had managed for the moment, at least, to put an end to civil strife."

¹⁷⁴ Vell. Pat. 2.18.16; Liv. *Per.* 77; App. *B.C.* 1.8.55-57; Plut. *Mar.* 35.4; Plut. *Sull.* 8.4.

¹⁷⁵ And with justifiable reasons. Morstein-Marx (2011) 263 notes the critical distinction between the cases: Marius in 107 B.C. was a sitting consul to whom was transferred the command of a proconsul; in 88 B.C. he was a *privatus* who took command from a consul.

swordpoint.¹⁷⁶ We nevertheless see a great hesitation among Sulla's fellow aristocrats at the course Sulla now took: to Rome with an army at his back. Appian states that all of the officers (save the quaestor L. Licinius Lucullus, of whom we will hear more) refused to follow.¹⁷⁷ The unprecedented act, although immediately rational to Sulla in the circumstances, was to them as yet unthinkable. They were about to get an indelible lesson.

Sulla put the army to march, and the Senate sent as envoys the praetors M. Junius Brutus and a Servilius.¹⁷⁸ The former was a known supporter of Marius.¹⁷⁹ Brutus was a ludicrous choice unless we perceive that the Senate expected that the group *dignitas* of the embassy would outweigh any possible objection by Sulla to their personal stances. But the gravity of the praetors' office did not prevent the outraged soldiery from smashing their fasces and tearing at their robes when they spoke to Sulla with "rather much boldness."¹⁸⁰ The envoys did have the time, however, to ask Sulla why he was leading his soldiers against Rome. In the introduction to this study we heard his reply: "To free her from tyrants."¹⁸¹

Why did Marius and Sulpicius merit the title "tyrant?" The epithet was a product of the last few decades of fraught emotion over disputed restraint, disorder in the restraint patterns, and recurrent resort to force. From Sulla's point of view, Sulpicius and Marius had

¹⁷⁶ Cf. Gelzer (1968) 11 on the dependence of soldiers on booty; Morstein-Marx (2011) 272 and Morstein-Marx and Rosenstein (2006) 632 also argue convincingly that the average soldier, apart from his personal loyalty to Sulla and his hope of gain, truly cared about republican civic values and did not want to see a consul deprived by "tyrants" of the powers that the soldiers as citizens had voted him—a feeling to which Cinna soon would also appeal.

¹⁷⁷ App. *B.C.* 1.8.57. For the identification of the unnamed sole officer in Appian as Lucullus, see Levick (1982b) 503, Keaveney (1984) 119; (1992) 18, and (2005) 52, and references. Levick argues that Appian's ἄρχοντες were not of the senatorial class but centurions and military tribunes. But even if true, *a fortiori* it is plain from Appian that no members of the senatorial group in the army except Lucullus followed Sulla.

¹⁷⁸ Plut. *Sull.* 9.2; MRR II 40-41.

¹⁷⁹ The latter otherwise unknown. Liv. *Per.* 89; MRR II 41. Keaveney (2005) 53 notes Brutus' sentiments.

¹⁸⁰ Plut. *Sull.* 9.2: θρασύτερον.

¹⁸¹ App. *B.C.* 1.7.57: ἐλευθερώσων αὐτὴν ἀπὸ τῶν τυραννούντων.

committed profound violations of the restraint rules. Sulpicius had once upheld the values: he had promulgated a law to prevent senators from holding too much debt, and opposed (eventually with violence) the illegal candidature of the aedile C. Caesar Strabo (who had not yet held the praetorship) for the consulship.¹⁸² It was during the latter episode that Sulpicius became “accustomed to the idea of gang warfare.”¹⁸³ He had by turns supported Drusus and then Sulla, but then suddenly turned over to Marius. The reasons for his shift are murky, but were uniformly presented in the language of restraint. According to Velleius Paterculus, Sulpicius was once a good man who gained popular support through “most honorable methods” (*rectissima*), but then discovered that following traditional rules brought him only “poor outcomes,” and so, “as though regretting his virtues,” he suddenly “abandoned” them.¹⁸⁴ Plutarch, who probably followed Sulla’s memoirs here, described Sulpicius in wilder terms: “A man who was second to none in the heights of evil, so that one could not ask who was more wicked than he, but rather only how he could outdo his own wickedness.”¹⁸⁵ The purported “heights of evil” were high indeed. In Plutarch’s telling Sulpicius used the mob to prevent somehow the consul (and Sulpicius’ long-time friend) Q. Pompeius Rufus from

¹⁸² On Sulpicius’ career see Badian (1958) 230-234; Gruen (1965a) 72-74; Lintott (1971a); Keaveney (1979) 454-55, (1983); and Mattingly (1974) 264-66. *Cf.* Cic. *de Har. Resp.* 43. Gruen believes that Sulpicius was once part of a “Metellan *factio*” and thus opposed Drusus’ measures. To the extent that *factio* is a useful description, it at least means that Sulpicius once kept more *optimatus* company before he turned to mob violence; indeed before he led gangs in the Caesar Strabo affair he once prosecuted Norbanus for stoking civil unrest. Strabo may have been eyeing the Mithridatic campaign for himself.

¹⁸³ Badian (1958) 232; Plut. *Sull.* 8.1.

¹⁸⁴ Vell. Pat. 2.18.6: quasi pigeret eum virtutum suarum et bene consulta ei male cederent, subito pravus . . . se . . . C. Mario . . . adduxit; *cf.* Ascon. 64C (= Lewis (1993) 129): ab initiis bonarum actionum ad perditas progressus esset (“He progressed from good actions in the beginning to wretched ones”).

¹⁸⁵ Plut. *Sull.* 8.1-2: ἄνθρωπον οὐδενὸς δεύτερον ἐν ταῖς ἄκραις κακίαις, ὥστε μὴ ζητεῖν τίνος ἐστὶν ἑτέρου μοχθηρότερος, ἀλλὰ πρὸς τί μοχθηρότατος ἑαυτοῦ, and noting rumors that Sulpicius had massive debts. *Cf.* Appian 1.7.55. On the connection to Sulla’s memoirs see Badian (1958) 232 n.3; Lintott (1971a) 442; Evans (1994) 134.

exercising his powers, and the mob, as noted, also killed Pompeius' son in a riot.¹⁸⁶ There was also Sulpicius' decidedly disrespectful "anti-Senate," which could be seen as a bodyguard—a classic mark of a would-be tyrant.¹⁸⁷ Plutarch (again following Sulla's memoirs) further supposed that ordinary avarice and bribery abetted the change, as evidenced by a suspicious episode that saw Sulpicius counting out money in the Forum.¹⁸⁸

Of course, we must be more cautious than Plutarch. Badian and Keaveney adduced the more attractive argument that Sulpicius proposed his bill to aid the Italians just as Drusus might have, and was then insulted when his friend Pompeius Rufus and Sulla, whom he had just aided in winning the elections, prevented (or threatened to prevent) a vote on his bill. Only then did he turn to violence and a compact with Marius.¹⁸⁹ Lintott may also have identified part of Sulpicius' motivation when he proposed that Sulpicius was insulted by *boni* while resisting Caesar Strabo's illegal candidacy—and we might imagine that this caused Sulpicius to believe that he was being punished for respecting tradition more than certain greedy peers.¹⁹⁰ If the latter two theories have any truth to them, we would also have some explanation for why Sulla would be eager to deflect criticism of his and his peers' own actions, which he chose to do in his memoirs by ascribing to Sulpicius the pungent motive of *intemperantia*. Nevertheless, we have from all of this evidence a snapshot of Sulla's

¹⁸⁶ Plut. *Sull.* 8.3 states that Sulpicius deposed Pompeius, which cannot be correct, but certainty on what precise actions he took is impossible. On the confusion in the sources see Lintott (1971a) 443 and references. On the former friendship of Sulpicius and Pompeius see Cic. *Am.* 2; *de Orat.* 3.11.

¹⁸⁷ Cf. Dunkle (1967) 164.

¹⁸⁸ Plut. *Sull.* 8.1-2.

¹⁸⁹ Badian (1957) 344, (1958) 232-33, (1976) 46; Keaveney (1979) 455, 459-60; (1983) 53. Cf. Brunt (1971b) 104 (similar, albeit noting the "meagre" evidence); Lovano (2002) 21; Konrad (2006) 179. Gruen (1965a) 72 n.160 too strongly states that the "reasons for Sulpicius' volte-face are probably unfathomable" but assumes that Plutarch is correct that debts and bribery played a role. Kildahl (1968) 151 is equally flummoxed: "[W]hy he was so easily suborned, will never be known." Sulpicius was about 33 at the time, Sulla about 50.

¹⁹⁰ Lintott (1971a) 451.

justification as he marched: the unrestrained and immodest Sulpicius had once been a supporter of the aristocracy and good order, but then went to the mob after failing to defer properly to consular or peer opinion and then greedily taking bribes. Sulpicius, of course, would have responded that he had been frustrated by selfish *superbi* as he acted in the defense of traditional *modestia* and deference in office-holding or lawmaking patterns, and all the facts indicate that he assumed that he was in the right and that Sulla would simply quietly cede to the People's law as a deferential nobleman properly should.¹⁹¹

Now for the aged Marius. In Sulla's opinion—again as reflected in his memoirs—Marius should have been satisfied with his unprecedented six consulships and numerous victories, and should with *moderatio* have left chances at glory for others (especially for a sitting consul). *Moderatio* failing, he should at least have put his energy into tempering himself rather than into puffing, stripped and ridiculous, about the exercise field.¹⁹² Instead, Plutarch (who followed Sulla here as well) described Marius' δοξομανίας καὶ φιλοτιμίας—his “madness for praise and love for honor.”¹⁹³ Worse, not only could Marius not control his personal urges, but he found in plebiscites and violence the means to bypass peers to fulfill those urges, thereby proving himself unrestrained and unrestrainable—to the end that he could all but dictate who would and who would not receive offices, commands, and honors. Tendrils first seen in the Gracchan tribunes resurfaced.

¹⁹¹ Sherwin-White (1956) 5 rightly observes: “The story of Sulla's *coup d'état* shows that it never occurred to Marius and his associate, Sulpicius Rufus, that the consul Sulla might refuse to obey the plebiscite that legally deprived him of his eastern command. Metellus in 107 had obediently gone home when deprived of Africa, and they expected Sulla to do likewise in 88. He did not, and thereby a violent phase of the late Republic began”; cf. Badian (1958) 235; Luce (1970) 193 n.132.

¹⁹² That this episode was described in Sulla's memoirs, see above, note 185.

¹⁹³ Plut. *Sull.* 7.1; cf. Flor. 2.9.6: initium et causa belli inexplebilis honorum Marii fames (“The cause of the war was Marius' insatiable hunger for *honores*”); Diod. Sic. 37.29.3-5 also alleged a desire for Asian riches.

Lack of personal restraint, therefore, made Marius and Sulpicius “tyrants,” and Sulla must have decided as a result that he need feel no care for their opinion. “Tyrants” required no such consideration,¹⁹⁴ and at any rate dissuasion would be unlikely, particularly after Sulla had received such cheap recompense for halting his opposition to Sulpicius’ violent lawmaking. Sulla probably calculated that, even if his officers blanched, many of his peers in Rome would agree, and indeed his consular colleague Q. Pompeius Rufus did join him.¹⁹⁵ All told, if this diagnosis of Sulla’s basis for his charge of “tyrants” is correct, then in a remarkable twist, the rhetoric and logic of personal restraint let Sulla validate the inconceivable: to attack the home city with an army.

That Sulla saw the problem as largely limited to Marius’ and Sulpicius’ personal moral failures can be seen from the denouement. After the envoys left (and the Senate, naturally, sent at least two more sets of envoys),¹⁹⁶ Sulla entered Rome and subdued the city, then summoned a *contio* and proposed four measures of import.¹⁹⁷ First, Marius, Sulpicius, and ten others were declared public enemies.¹⁹⁸ This was new: for the first time the Senate

¹⁹⁴ Cf. Cic. *de Off.* 3.32: Nulla est enim societas nobis cum tyrannis, et potius summa distractio est, neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est (“We have no communion with tyrants; rather the bitterest feud. Nor is it contrary to nature to rob, if possible, a man whom it is morally right to kill, and this entire race of pestilential and impious men should be exterminated from the community of humanity”); Lintott (1968) 57: “[A] tyrant has no rights at all and no claim to justice.”

¹⁹⁵ App. *B.C.* 1.7.57. Small wonder, admittedly: as seen, Pompeius’ son had been murdered in Sulpicius’ riots. Plut. *Sull.* 8.3; *Mar.* 34.2.

¹⁹⁶ The sources are confused on the number of embassies, ranging from two (Plutarch) to four (Appian); I follow Keaveney (1983) 66. It is also possible that at this point the orator Antonius suggested that both Marius and Sulla disarm, *Schol. in Luc. Phar.* 2.121; Broughton (1953) 209.

¹⁹⁷ App. *B.C.* 1.7.59; *MRR* II 40 and references. Keaveney (2005) 55-57 examines these measures, and argues (I think correctly) against the theory that they constitute a doublet from laws Sulla later passed upon his return from Asia. There is much confusion as to the details of these measures; what appears here can be only their general form.

¹⁹⁸ Cic. *Br.* 168, Livy *Per.* 77, and Val. Max. 1.5.5 agree that they were declared (*iudicati*) *hostes* by the Senate; Vell. Pat. 2.19.1 mentioned a *lex* passed by an assembly; Appian *B.C.* 1.7.60

officially declared particular citizens *hostes* by that name.¹⁹⁹ Marius managed a sequence of thrilling escapes and found his way to Africa to plot revenge; Sulpicius was betrayed by a slave and slain on the spot. Second, Sulla enacted a law that no new business was to be brought to the People before approval of the Senate, the size of which he also possibly expanded at this point.²⁰⁰ Third, he saw to it that all *leges* were to be passed through the *comitia centuriata*, which ensured that the propertied centuries' votes would control any proposal. Fourth, Appian reported that Sulla somehow curtailed the power of the tribunes, although it is unclear what measures he implemented at this time.²⁰¹

At a high level of generality, these actions reduced the power of the People and of a branch of the state (the tribunate) relative to the influence of institutions controlled by more senior *nobiles*. Sulla's biographer Keaveney thus saw in his subject's acts a "programme" of "constitutional amendment" that was a result of complex "political thinking" meant to provide stability to the Republic while solidifying the influence of the propertied over the poor.²⁰² But we ought not to see in these acts a constitutional counter-revolution meant to

noted a vote by some unnamed group; Plut. *Sull.* 10.1 described a vote for a death sentence. Although Bauman (1973) 285 may be right that the Senate's declaration was followed by a formal *lex*, which caused the confusion, Cicero's testimony should weigh most heavily. Bauman (1973) 277-78 is surely correct that Sulla went beyond a mere *senatus consultum ultimum* in part because the *s.c.u.* would not necessarily "guarantee that a specific person or persons would be killed," and there is something to his argument (283) that Sulla wanted the *hostis* declaration to justify his march on the city retroactively. What made his enemies *hostes* at all, of course, was an issue mediated through the language and logic of restraint.

¹⁹⁹ Lintott (1968) 155, Bauman (1973); Seager (1994) 171; Flower (2010) 78.

²⁰⁰ App. *B.C.* 1.7.59; cf. Keaveney (2005) 56. Keaveney, however, is reluctant to assign to 88 B.C. any actual change in the number; *contra* is Heitland (1906) II 456. For Sulla's judicial acts, see Gruen (1968) 258-65.

²⁰¹ App. *B.C.* 1.7.59. We do not, however, have any indication that Sulla interfered at this point with the tribunician veto, as he would later in 81 B.C.

²⁰² Keaveney (2005) 56, 57, 150-51. Cf. Badian (1976) 56-57 who also sees "constitution[al]" shifts. Keaveney comes far closer to the truth (150) when he considers Sulla's legislation upon his return from Asia a check on "an individual grown over-powerful [who] represented a definite threat to the welfare of the state as a whole." Badian (58) noticed as well that a "balanced constitution could work only if there was *concordia*," but here Badian meant

effect general political transformation. They instead were a limited reaction to the excesses of specific bad actors, and the fine-grained precision of Sulla's legislation raises the suspicion that he thought less in broad "constitutional" sweeps than in the more personal terms of inter-peer relations.

Using a more nuanced view than Keaveney's, we can perceive that Sulla was navigating what he saw as a broken restraint system. Appian wrote that "because the smallness of the Senate had incurred contempt, [Sulla] straightaway enrolled 300 of the best men."²⁰³ This plan makes the most sense if Sulla believed both that would-be radicals would at last defer to refreshed and expanded group *dignitas*, and also that the 300 "best men" senators would probably act in traditional concord and not simply double any discord. Voting controlled by those with "prudence"²⁰⁴ would also help ensure concord in time. Sulla's further actions were meant to cut off the primary means by which any remaining personally unrestrained men like Marius or Sulpicius could do any actual damage. An aristocrat who fell prey to Marius' "madness" might think nothing of the social controls and shame applied by his peers, but at least now, imagined Sulla, he would simply flounder helplessly, shunned and ignored, and unable to use the People to bypass the deference system to any real effect.²⁰⁵ In Appian's words, Sulla removed any "starting point for civil

between the *equites* and the Senate, and did not examine how the measures were meant to heal senatorial, inter-peer relations.

²⁰³ App. B.C. 1.7.59: ὀλιγανθρωπότατον δὴ τότε μάλιστα ὄν καὶ παρὰ τοῦτ' εὐκαταφρόνητον ἀθρόους ἐκ τῶν ἀρίστων ἀνδρῶν τριακοσίου. Note the reverse echo of Livy's claim (1.49.6), cited in the Introduction to this study, that Tarquin the Proud *refused* to increase the size of the Senate *quo contemptior paucitate ipsa ordo esset, minusque per se nihil agi indignarentur* ("so that the order might become more contemptible for its very smallness, and then less indignant at being used for nothing").

²⁰⁴ App. B.C. 1.7.59: εὐβουλία.

²⁰⁵ Hence, albeit too narrowly, Akar (2013) 237: "La stabilité de la domination du Sénat . . . avait [pour Sulla] pour fondement la concorde des magistrats supérieurs de même rang." Sulla, as seen, had several other *fondements* in mind as well that would keep the "conflits entre

strife.”²⁰⁶ Legislation would always flow through those who knew how deference worked.

But that Sulla did not begrudge the People’s judgment *per se* is evident in the facts that the People did not lose their right to pass laws, and that he did not interfere in the next election, at which Marians defeated his picked candidates.²⁰⁷

Moreover, Marius’ and Sulpicius’ fates were far less impulsively imposed than the mob lynchings of the Gracchi brothers or Saturninus, and not very different from the swift executions of the Catilinarian conspirators twenty-five years later at Cicero’s otherwise genteel hand. The violence, this time at least, was contained and targeted—“moderate,” one might say.²⁰⁸ That is, Sulla tried to play the perfectly restrained leader in volatile circumstances. Appian accordingly commented that Sulla “perhaps could have ruled as monarch,” but “willingly refrained from force” while consul.²⁰⁹ He apparently used *concordia* as a slogan.²¹⁰ The only guarantee that Sulla provided for his laws was the religious oath that he obtained from Cn. Octavius and the Marian L. Cornelius Cinna as consuls-elect not to

aristocrates, inhérents et même nécessaires au fonctionnement de la République, devaient demeurer à l’intérieur de certaines limites.”

²⁰⁶ App. B.C. 1.7.59: γιγνομένας δώσειν ἔτι στάσεων ἀφορμὰς. Cf. Gruen (1974) 9: “The Sullan system did not enforce total harmony. Its purpose was to assure that political fights would stop short of producing alienated social reformers . . . whose allegiance or appeal could threaten the establishment.”

²⁰⁷ Plut. *Sull.* 10.3. Plutarch wrote that Sulla pretended to be pleased at the outcome because it showed that the People owed their freedom to him. On popular legislation following Sulla, see Millar (1998) 54-55.

²⁰⁸ That the exercise of violence was considered not *per se* unrestrained seems clear. How and whether to use it in given circumstances was the question. Consider in this regard Marcus Antonius’ successful defense of Gaius Norbanus in 101. Sulpicius had charged Norbanus with *maiestas* for the civil discord that occurred during his prosecution of Q. Servilius Caepio. Antonius argued that the People’s participation in discord was justified because it aided the prosecution of a serious malefactor. Cic. *de Orat.* 2.197-202. Notably, Antonius, according to Cicero at least, used only legendary *exempla* of civil discord to make his points, which highlights discord’s general absence from republican history.

²⁰⁹ App. B.C. 1.7.63: δυνηθεὶς ἂν ἴσως ἤδη μοναρχεῖν . . . τὴν βίαν ἐκὼν ἀπέθετο.

²¹⁰ Sall. *Hist.* 1.49.24.

disturb his acts while in office.²¹¹ According to Dio, Sulla expected no trouble from Octavius on account of Octavius' ἐπιεικεία, a word we have seen repeatedly used to register the value of deference.²¹² Sulla wanted restraint to work as it once had.

Nevertheless, there had been yet another radical change in Roman affairs. Sulla's march showed that agreement about the proper exercise of deference was deeply disjointed, and in several respects. First, what existed of general consensus had been disrupted. Sulla may have imagined himself moderate, but from the point of view of many in the Senate, Sulla's invasion of the city was wholly unrestrained and wholly revolutionary. Valerius Maximus captured this unsettled state in a quotation from the senior senator and augur Q. Mucius Scaevola: "you can show me the gang of soldiers with which you've surrounded the Senate-house; you can threaten me with death over and over again; but you can never bring about, by spilling out my aged blood, that I'll declare Marius a public enemy, by whom the city and all Italy were saved."²¹³ Which man was in the right? The aged six-time consul who usurped a peer's prerogatives—but by turning to the People with the help of a tribune who attacked lawbreakers? The current consul who stood up to demagogues—but who invaded Rome, voided a plebiscite, declared Rome's "savior" a *hostis*, and who evidently (unlike his officers) felt no scruple about it?²¹⁴ Moreover, was the *extent* of violence the proportional act of a restrained man, or an astounding breach of *mores*? Sulla's attempt to apply restraint-

²¹¹ Plut. *Sull.* 10.4; cf. Keaveney (2005) 61.

²¹² Dio 31.102.3.

²¹³ Val. Max. 3.8.5: 'licet' [Scaevola] inquit 'mihi agmina militum, quibus curiam circumsedisti, ostentes, licet mortem identidem miniteris, numquam tamen efficies ut propter exiguum senilemque sanguinem meum Marium, a quo urbs et Italia conservata est, hostem iudicem'. Bauman (1973) 273 is surely right that other senators beyond a single "octogenarian" opposed Sulla, although Scaevola's hoary head probably gave him alone the license to speak what others thought.

²¹⁴ Cf. Cic. *Att.* 9.10.3, debating whether Sulla, Cinna, and Marius acted *iure*, and coming to the conclusion that they did until they turned to violence once victorious; Ascon. 64C (= Lewis (1993) 129); Morstein-Marx (2011) 261-62.

laden gestures after the fact could not paper over, much less resolve, these uncertainties—to say nothing of the underlying question of who should get the eastern command. Scaevola’s dark protest hinted that only further violence would answer any of these disturbing questions definitively. Thus lack of consensus had caused violence, which caused further lack of consensus.²¹⁵

Second, the march had critically upset mutuality. For centuries, at least one answer to the question “Why should I exhibit restraint?” was “I will be praised.” Scaevola’s quotation reveals a disquieting new development. Try as Sulla might to portray himself in a traditional, restrained mien, he found himself not the object of admiration, but of deep scorn and mistrust in many quarters, without the clear mutual reciprocity between restraint and praise that helped to make the restraint values work. Sulla’s precedent would continue in the future to decouple conspicuous acts of moderation or deference from hoped-for group praise, replacing praise instead with fear that the displayer was not truly restrained, but displayed restraint only to further sinister designs.

Third, Sulla’s march also quickly inspired others to attempt their own violence in a reversion, as Sallust described, to “the barbarous past in which right was based on might.”²¹⁶ Sulla, perhaps wishing some insurance for his laws while he would be in Asia, arranged for his consular colleague Q. Pompeius Rufus to take proconsular command of troops in Picenum who were then under the command of Pompeius Strabo (cos. 89 B.C.), father of Pompey (the soon-to-be Great). Strabo pretended to cede place upon Rufus’ arrival. Traditional enough. But in short order Strabo’s troops (likely at his command) fell upon

²¹⁵ Cf. Akar (2013) 236 on the “divorce” between the current rhetoric of *concordia* and the violent realities of the Sullan regime.

²¹⁶ Sall. *Hist.* 1.43: et relatus inconditae olim vitae mos, ut omne ius in viribus esset. (McGushin (1992) 28, trans.).

Rufus and murdered him—the first time a consul was killed by Roman soldiers.²¹⁷ As Keaveney rightly commented, Sulla “had not yet fully realised the implication of what he himself had lately done. If he could insist on the legitimacy of his command and destroy those who would take it from him, then so might others. So great was the power of tradition and so far was Sulla under its spell that he seems now to have been unable to conceive of its being violated . . . his ignorance now led him to send his friend to his death when he thought he was sending him to a place of safety.”²¹⁸

Any remaining illusions vaporized quickly. The new consul Cinna also began his time in office in violence. Soon after Sulla at last departed for the East, Octavius and Cinna rallied factions and supporters, all with daggers.²¹⁹ Octavius drew from the traditional citizenry of Rome, Cinna from the newly enfranchised Italians.²²⁰ Octavius succeeded in driving Cinna from the city in a furious riot, and had the Senate declare him a *hostis* and abrogate his consulship.²²¹ The latter fled to Capua and in tears addressed the Roman troops stationed there, laying his fasces at their feet, rending his robes, and lying on the ground before them, warning that unless he were restored as consul, their rights to vote were annulled.²²² Bauman offers the interesting suggestion that Cinna intentionally “perfected” the Senate’s decree and rescinded his rights to office by laying down the fasces and tearing his robes, and then asked (in effect) the ancient assembly of the army for re-election—which

²¹⁷ Vell. Pat. 2.20.1.

²¹⁸ Keaveney (2005) 62.

²¹⁹ App. B.C. 1.8.64; cf. Liv. Per. 79; Vell. Pat. 2.20.3.

²²⁰ App. B.C. 1.8.64–65; Vell. Pat. 2.20.2–3.

²²¹ Liv. Per. 79; Vell. Pat. 2.20.3; App. B.C. 1.8.65; Bauman (1973) 271, 286–88 and references. The charge was of abandoning the city in danger, but Morstein-Marx (2011) 265 is correct that the abrogation was “A truly remarkable step . . . for the consulship was in the gift of the people, not of the Senate.” Both Vell. Pat. 2.20.3 and Cic. *ad Att.* 9.10.3 considered this act illegal, but hinted that it was understandable under the circumstances; cf. Lovano (2002) 35. The Senate may have justified the move by vague reference to the Sybilline Books (Gran. Lic. 35.1–2).

²²² App. B.C. 1.8.66; Vell. Pat. 2.20.4.

they provided (after some hesitation) by picking him and his fasces up off of the ground and replacing him on his curule chair.²²³ If correct, the restraint patterns reveal that Cinna's strategy was to display to the soldiers fealty to the Senate's declaration that removed him from office, before overriding it through successful and humble appeal to the sovereign People.²²⁴ The result, in any event, was that for the second time in as many years a Roman army marched on Rome. After all, Cinna surely reckoned, if Sulla could do it, why not I?²²⁵

Velleius Paterculus provided a significant detail: although strong in numbers, Cinna felt that he lacked enough *auctoritas* to carry out his plan.²²⁶ That is, Cinna evidently still believed that pressure from dignified peers held sway, but supposed that he must bring the sword as well; further evidence—if any were still needed—that the restraint patterns were in serious disarray. And so along the way he engaged a glowering presence. Marius returned from Africa, took command of some of the troops, and sacked Rome's port of Ostia, cutting off the city's grain supply. Octavius and his new colleague the *flamen dialis* Lucius Merula sued for terms, and attempted to get Cinna to swear an oath to avoid bloodshed. Cinna gave the lame reply that he would not willingly cause anyone's death.²²⁷ Marius stood next to the consular chair in silence; a scowl revealed the vengeful slaughter he was planning.²²⁸

The briefest catalogue of the violence that followed should impress us with the fourth result of Sulla's (and now Marius') march: how in such unprecedented butchery no

²²³ Bauman (1973) 289; cf. Morstein-Marx (2011) 264–71, 278, who also rightly sees Cinna as re-creating a citizens' *contio* and reminding the troops that their voting rights were at stake.

²²⁴ According to Vell. Pat. 2.20.4 and Livy *Per.* 79, a little bribery sweetened his offer; the accusation is absent in Appian. Lovano (2002) 37 is justifiably suspicious of Sullan propaganda. On Sulla's propaganda generally see Frier (1972).

²²⁵ Compare Cic. *ad Att.* 9.10.2, putting that thought into the mouth of Pompey.

²²⁶ Vell. Pat. 2.20.5: *opus erat partibus auctoritate*. Pace Lovano (2002) 38, who sees Sullan bias in an allegation that Cinna "lacked . . . *auctoritas*"; but if the line were Sullan propaganda it would come too close to admitting that the *hostis* Marius increased legitimacy and *auctoritas*.

²²⁷ App. *B.C.* 1.8.70.

²²⁸ App. *B.C.* 1.8.70; Plut. *Mar.* 43.1.

amount of personal virtue or dignity—and no store or display of personal or traditional restraint—could guarantee one’s safety.²²⁹ Cinna had the Sullans declared *hostes*.²³⁰ Octavius removed to the Janiculum and quietly sat in his curule chair, adorned in his consular robes and surrounded by his lictors. Perhaps he wished to emulate the legendary *sangfroid* of the senators who sat in motionless stately silence in their homes for the invading Gauls in 390 B.C.²³¹ Marius’ partisans were less impressed than the Gauls. They sliced off Octavius’ head and put it on display in the Forum; the first consul to meet such an end.²³² Upon arrest for doing nothing more than having succeeded Cinna, Merula opened his veins.²³³ He pulled off his flamminal hat before he slit his wrists, lest he violate a sacred taboo—a piety reminiscent of the legendary priests during the Gallic sack who rescued sacred implements and walked serenely past astonished enemy pickets to shrines in captured parts of the city to attend to appointed rituals.²³⁴ The renowned advocate Marcus Antonius, later lionized by Cicero as an ideal orator, fled for the countryside.²³⁵ Discovered, he spoke so skillfully and sympathetically to the soldiers who came for him that they stayed their hands and wept.

²²⁹ Compare Tacitus’ similar diagnosis describing the civil wars after Pompey’s death: *detrimenta quaeque impune ac multa honesta exitio fuere* (“all acts of the basest nature passed with impunity, and many of honesty were led to extermination”), *Ann.* 3.28 (Woodman (2004) 97).

²³⁰ Bauman (1973) 270, 290-93 and references.

²³¹ App. *B.C.* 1.8.71; Diod. Sic. 38/39.2.2; cf. Livy, 5.41.1-10. Plut. *Mar.* 42.5, however, has Octavius murdered in the Forum after being dragged from the rostra.

²³² App. *B.C.* 1.8.71. Bennett (1923) 27 n.13 quibbles that Sulpicius’ head had been exposed the year before, although the fact that this was the first consul’s head on the rostra is surely Appian’s point. Lovano (2002) 47 has this correct.

²³³ App. *B.C.* 1.8.74; Vell. Pat. 2.22.2.

²³⁴ App. *B.C.* 1.8.74; Vell. Pat. 2.22.2; Val. Max. 9.12.5; Flor. 2.9.16. Cf. Livy 5.40.7-10; 5.46.1-3; Cornell *et al.* (2013) II 259 fr. 22 (L. Cassius Hemina). Bennett (1923) 27 and references nicely note that Merula not only removed his cap, but he took the trouble to leave a written letter stating that he had done so.

²³⁵ On Antonius see *ORF*³ 221-237 and references; Broughton (1953) 209-210; and Badian (1984b) 122.

Their leader, waiting outside, became annoyed at the delay and rushed in to finish Antonius off before he too could be enchanted.²³⁶ Antonius' head also found its way to Marius.²³⁷

Of Quintus Lutatius Catulus—Marius' own former colleague, with whom he insisted on sharing his triumph over the Cimbri—Marius said only "He must die." Catulus was hunted down until he locked himself in a small, recently plastered room, where he lit a fire and suffocated himself.²³⁸ The consular Publius Licinius Crassus also committed suicide.²³⁹ Numerous senators were seized in the street and murdered.²⁴⁰ The tribune P. Popilius Laenas threw the previous year's tribune Sextus Lucilius from the Rock. When Laenas prepared the same fate for his tribunician colleagues, they fled in fear to Sulla, whereupon Laenas passed a decree of exile against them.²⁴¹ Marius' son slew a tribune with his own hands.²⁴² The historian Dio gave up counting the dead.²⁴³ The former praetor Quintus Ancharius suffered an emblematically arbitrary end. We are told that when Marius ran out

²³⁶ Plut. *Mar.* 44.1-4; Val. Max. 8.9.2.

²³⁷ App. *B.C.* 1.8.72; Vell. Pat. 2.22.3; Plut. *Mar.* 44.1-4; Val. Max. 9.2.2.

²³⁸ Cic. *de Orat.* 3.9; Cic. *de Nat. Deor.* 3.80; Cic. *Tusc.* 5.56; Vell. Pat. 2.22.3-4; Plut. *Mar.* 44.5; App. *B.C.* 1.8.74; Diod. Sic. 38.4.3; Flor. 2.9.15; Val. Max. 9.4. Marius' hatred was stoked by the fact that he had assisted Catulus in achieving the consulship and had aided him militarily (ironically by giving him Sulla as a legate, see Badian (1976) 41-42), but Catulus' and Marius' enemies nevertheless ungratefully insisted for years that the triumph should have been Catulus' alone. Badian (1957) 324; Kildahl (1968) 124 and references. It is may be too much dramatic irony to believe with App. *B.C.* 1.74 that Marius once saved Catulus' life, but see Bennett (1923) 27.

²³⁹ Gruen (1968) 232.

²⁴⁰ App. *B.C.* 1.8.72.

²⁴¹ Plut. *Mar.* 45.1; Vell. Pat. 2.24.2. The tradition is somewhat garbled here: Livy *Per.* 80 reports the victim as a senator named Sex. Licinius, and Dio 30.120 may have conflated the incident with a desaxination committed by Marius' son. Cf. Bennett (1923) 37. The incident may have occurred after the elections as the victim laid down his office.

²⁴² Dio 30.103.12.

²⁴³ Dio 30.103.11. There is, of course, room for exaggeration and Sullan bias in the sources, noted as early as Bennett (1923) 24, 34. Several historians, such as Bennett and Lovano (2002) 45 have claimed that "only" a dozen or so were murdered, as noted by Gruen (1968) 231 n.75 and references. But even accounting for some ancient stretching of the numbers, the horror of these novel assassinations should not be underestimated, as Gruen more rightly argued, and the lack of respect for peers' *dignitas* should be self-evident.

of all the enemies he could think of, he ordered his gangs to kill anyone to whom he did not extend his hand in greeting. When Ancharius approached Marius in the Forum and received no reply—whether on purpose or on accident is unclear—he was stabbed to death instantly.²⁴⁴ Dio lamented that things came to such a pass that men died not only without trial, but sometimes even without enmity. All it took was a withheld hand.²⁴⁵ A personal store of dignity was meaningless.

It was thus for good reason that Appian cited Sulla's march as the moment after which "there was no longer restraint on violence either from a sense of shame, or from the laws, or from civil institutions, or from love of country,"²⁴⁶ and wrote that Marius' followers had "neither αἰδώς for the gods, nor the fear of men's *nemesis*, nor [did] fear of hatred of their acts any longer exist among them."²⁴⁷ At one time, one answer to the questions "Why should I trust that others will be restrained and defer?" and "Why should I be restrained and defer?" was: "My display of the values will cause others to respect my 'face' and even praise me, and I will respect their 'face' in return. Thus our mutual *existimatio* is connected to our display of traditional restraint values." If Appian's quotations reflect anything of the truth of the time, filled with capricious death in successive attacks on the *urbs*, that syllogism was now far more uncertain than it had ever been before.

Upon Sulla's vengeful return five years later the lesson repeated and amplified.²⁴⁸

Again Sulla approached Rome, and now Roman fought Roman in outright civil war across

²⁴⁴ Dio 30.103.10-11; Plut. *Mar.* 43.3; App. *B.C.* 1.8.73, but see Bennett (1923) 32 who thinks that the circumstances were so contrived that Ancharius' death was pre-ordained.

²⁴⁵ Dio 30.103.10-11.

²⁴⁶ App. *B.C.* 1.7.60: οὐδενὸς ἔτι ἐς αἰδῶ τοῖς βιαζομένοις ἐμποδὼν ὄντος, ἢ νόμων ἢ πολιτείας ἢ πατρίδος.

²⁴⁷ App. *B.C.* 1.8.71: αἰδῶς τε θεῶν ἢ νέμεσις ἀνδρῶν ἢ φθόνου φόβος οὐδεὶς ἔτι τοῖς γιγνομένοις ἐπῆν.

²⁴⁸ A granular study of the *Cinnanum tempus* would enlarge this study impractically, but a review through the lens of the restraint patterns would be consistent with its observations.

Italy. Marius' twenty-seven-year-old son, who had managed to get himself made consul, was defeated by Sullans and committed suicide as his pursuers closed in.²⁴⁹ Sulla mocked his immodest aspirations and his youthful severed head with a quotation from Aristophanes: "first learn to row before you try the rudders."²⁵⁰ After victory Sulla improved upon Cinna and Marius by dispensing death through the introduction of proscription lists of men to be killed as public enemies by any comer. The lists provided a grotesque incentive: a listed man's property would be forfeited to his murderers. "The richest man was he who killed the most," wrote Velleius Paterculus.²⁵¹ Hundreds died.²⁵²

And yet, despite all the carnage and upheaval, invocations of the traditional patterns of restraint still did not simply disappear. Sulla's main political objective, as is well recognized, was a return to normalcy. Once ensconced in power, and with his enemies dead, he passed legislation designed to uphold the power of the Senate and to cut down the risk of rogue operators, particularly meddlesome tribunes.²⁵³ Now no tribune could bring bills

Gruen (1968) 238-44, 281 offers the argument that Cinna attempted to "forge consensus" among the aristocracy during Sulla's absence by "conciliating all factions and creating a new unity." Cf. Bennett (1923) 67, Lovano (2002) 69, 77, 128. That consensus would be protection against Sulla, of course, but also would be an attempt at a return to traditional aristocratic relations. Further evidence that aristocrats attempted to return to the deference patterns is the surprisingly normal censorship of 85 (Bennett 44-45, Lovano 61-63 and references) and the testimony of Liv. *Per.* 83 that L. Valerius Flaccus, *princeps senatus*, tried to restore peace with Sulla and Cinna with the help of a group *qui concordiae studebant* ("were pressing for *concordia*"); cf. Frier (1972) 591, and particularly the discussion at 603-604 about Sulla's postured "moderation" in response. Cinna's efforts seemed to have worked to the degree that the Republic saw three years of calm, Cic. *Brut.* 308, but Sulla's return shattered whatever progress he had made.

²⁴⁹ Vell. Pat. 2.27.4. Badian (1962) 60 seems correct that the young Marius was made consul in a desperate attempt to get people to rally to his name as Sulla approached.

²⁵⁰ App. B.C. 1.10.94: ἐρέτην δεῖ πρῶτα γενέσθαι, πρὶν πηδαλίοις ἐπιχειρεῖν, quoting Arist. *Knights* 542.

²⁵¹ Vell. Pat. 2.28.3: plurimumque haberet qui plurimos interemisset.

²⁵² Plut. *Sull.* 31.3. Valerius Maximus (9.2.1) put the total number of the proscribed at a rather high 4,700, but Plutarch's figures still run into the hundreds.

²⁵³ Seager (1994) 199 perceives in Sulla's legislation an attempt to mimic the *decemviri* who wrote the XII tables. I disagree with Flower (2010) 81, who sees in Sulla's legislation not any

before the People, nor summon the Senate. More important, no tribune could ever assume a higher office, a change that deterred ambitious young men from seeking the tribunate.²⁵⁴

We see in these acts the same theory as before: Sulla wished to ensure that any unrestrained aristocrat would be subject to his peers' social control, guaranteeing that anyone with any potential power would now have to navigate solely among his senatorial peers to effect any plans. Moreover, he explicitly touted in his memoirs (as recounted by Plutarch) his *ὁμόνοια*—what in Latin would have been *concordia*—with his consular colleague Q. Caecilius Metellus Pius.²⁵⁵ We should also not be in the least surprised to find that in the midst of Sulla's efforts to prevent political upheaval he enacted sumptuary laws on gambling, banqueting costs, exotic foods, funerals, and sexual immorality, and punished soldiers who looted.²⁵⁶ All restraint was of a piece to him, as it was to any Roman. Even the proscription lists could be viewed as a form of restraint: according to Plutarch, Sulla created the lists in response to a request to spare the innocent from suspense and delineate those to be

“restoration” but a complete overhaul of republican institutions to the point where the traditional Republic ended in 88 B.C. True, there were major changes to institutions (most obviously the gelding of the tribunate), but all with the goal of seeing the core of republican government get back to work after a time of troubles.

²⁵⁴ Keaveney (2005) 141 and references.

²⁵⁵ Plut. *Sull.* 6.5. Sulla attributed the concord to his preternatural good luck.

²⁵⁶ Plut. *Sull.* 35; Gell. 2.24.11; App. *B.C.* 1.12, 1.59; cf. Seager (1994) 203; Keaveney (2005) 140-155, 165. Keaveney again both hits and misses his mark: he recognizes, as noted above, that Sulla's political efforts were meant to defend against the possibility of one-man rule, but fobs the sumptuary laws off (149) as “half-hearted lip-service to a general prejudice” against immorality; cf. Bloch and Carcopino (1935) 481: “Sulla a cédé au penchant des absolutists de pourfendre les vices de leur époque, et, sous prétexte de morale, de rechercher, comme autant d'épreuves de résistance, les occasions de s'ingérer avec une despotisme tatillon dans la vie privée de leurs sujets.” These scholars fail to see that because of the intersection of the restraint values as described in the previous chapters, Sulla's sumptuary laws were part and parcel of his efforts against budding tyrants—a man who was unrestrained in bed or at table would be unrestrained in the *curia* or Forum. Hammar's (2015) 323 “web of immorality” applies well here. Anti-Sullan traditions abounded, of course, that Sulla did not keep his own laws but enjoyed various feasts and love affairs. Plut. *Sull.* 35.3-36.5.

punished.²⁵⁷ And, most important, after a period as dictator, Sulla studiously and theatrically laid down his powers. Like the dictator M. Fabius Buteo of 216 B.C., Sulla stepped off the rostra a private citizen and ostentatiously lingered in the Forum with only a few friends.²⁵⁸ A thoroughly traditional performance.

Nevertheless, the key lesson of these incidents was that the traditional patterns of restraint or personal dignity provided limited protection and an imperfect system of order for the noble class. In dangerous circumstances when the aristocracy became divided, a man's safety might now rest ultimately on his ability to apply force. Sallust put this realization into a stock speech by Sulla's Marian opponent M. Aemilius Lepidus (soon also to attempt a brief, failed rebellion himself upon Sulla's death): "In this season, citizens, one must either be a slave or rule, one must fear or cause fear."²⁵⁹ Moreover, whatever sense of safety being a member of a dignified *group* of noble peers might previously have granted was now thoroughly disconcerted. The deaths of the Gracchi and Saturninus had been the result of a united Senate ranged against a relative handful of individuals. By contrast, a relative handful of individuals now meted out slaughter to a large number of fellow members of the senatorial class (and beyond), seemingly at random. Again Sallust: "There was a time, citizens, when you as single citizens had safety in a group, not the group in one man."²⁶⁰ The

²⁵⁷ Plut. *Sull.* 31.2.

²⁵⁸ App. *B.C.* 1.12.104; cf. Livy 23.23.1-3.

²⁵⁹ Sall. *Hist.* 1.48.10 (Speech of Lepidus): hac tempestate serviundum aut imperitandum, habendus metus est aut faciendus. Although couched as a stock speech to the People, it reflects a noble's point of view. Gruen (1968) 276 considers this speech an "anachronism" because Lepidus would not have said such things during Sulla's lifetime; nevertheless Gruen suggests that the speech might have come after 78 B.C. On Lepidus' revolt see Arena (2011) and references.

²⁶⁰ Sall. *Hist.* 3.34.24 (Speech of Macer): Verum, Quirites, antea singuli cives in pluribus, non in uno cuncti praesidia habebatis. I take this to represent Sallust's point of view as much as an exhortation to the People. McGushin (1992) 97 considers the line as "within the sound republican tradition dear" to Sallust, a "recall to the Republic of the Catonian type, a

reason for this outcome was that everyone claimed that his enemies were unrestrained and thus must die as *hostes*; the ultimate product of altered *temperantia*, *existimatio*, and deference patterns, and the resulting violence piled upon violence.

To conclude: Marius and Sulla pursued their feud within the context of decades of growing uncertainty about the restraint values that had begun with the Gracchi. The two then injected a heavier dose of disruptive uncertainty into the traditional patterns and *mores* that once had governed the aristocracy than had ever been absorbed before. There was now even more disagreement about who displayed traditional restraint in the face of aristocratic peers, and what constituted proper restraint if one did show it. At one time, if a man were asked why he should display the restraint values even if he believed that certain others did not, his answer would have been the assured approval of the rest of the group, or the force of deference. Now, after Marius and Sulla, men would never again be entirely convinced. Now, like never before even after Tiberius Gracchus, aristocrats could never fully be assured that their peers would not turn to previously unimaginable measures. Now, more than ever before, debates on what comprised proper behavior were in danger of being channeled not through consensus but through violence, and traditional displays of restraint now might also meet with intense suspicion instead of praise. The clear-cut patterns of mutuality and praise that once attended displays of the traditional restraint values became, as a result, ever more muddled and ambiguous. Worst of all, the armies and the severed heads in the Forum meant that those who trusted that traditional restraint would protect them might pay with their lives. As a result of all of these factors, the ability of the restraint values to enforce social ordering weakened, and violence increasingly became the solution to disputes.

Although this uncertainty did not absolutely necessitate social collapse, uncertainty now

constitution based on collective power and courage, before the emergence of powerful individuals of the revolutionary age.”

would hang in the background of every future aristocratic interaction.²⁶¹ The effects, like hidden fractures swelling and spidering in a foundation, would emerge in time.

Meanwhile, paradoxically, Sulla represented simultaneously an emphatic effort to enforce the traditional restraints that had long served to stave off a king, and an exemplar of unvarnished individual power.²⁶² No matter how much his peers grumbled that Sulla was unrestrained and untraditional—and men did grumble, during his lifetime and after—he, in apparent good faith, went about his bloody business to prove himself right.²⁶³ That is, he apparently felt justified in the bloody business *because* he believed that he, and not his “tyrannical” opponents, more properly displayed the traditional values of moderation and deference; values that he then tried to enforce through his legislation. Loss of consensus, violence, and quarrel over traditional restraint patterns, snowballing over decades, created this irony. Only the tug of unimpeachable tradition near the end of his life kept Sulla from crossing the final boundary—*dictator perpetuus*—and he died in 78 B.C. a simple citizen. Another man in a similar position, to be sure, might make a different decision.²⁶⁴

²⁶¹ Cf. Syme’s formulation: “Sulla could not abolish his own example,” quoted by Badian (1976) 61. As should be clear, I disagree with Badian’s claim (1976) 62 that Sulla’s example “did much to *prevent* imitation.” That proscriptions were to be avoided was a commonplace in the next generation, but the terror that the proscriptions caused aroused suspicion that ruined inter-peer relations.

²⁶² Thus Cic. *de Har. Resp.* 54: sine dubio habuit [Sulla] regalem potestatem, quamquam rem publicam recuperarat (“Without doubt, Sulla held kingly power, although he had restored the Republic”). Gruen (1968) 251-52 and references survey the confusion some scholars see in two aspects of Sulla’s career: a man with “ruthless ambition” who “had not scrupled to offend and shock the aristocracy,” contrasted but mingled with a “champion of orthodoxy and oligarchy” who desired “stability and order.” Inconsistency fades once we realize that Sulla attempted throughout his political career to hew to a kaleidoscopic system of restraint patterns that caused him by turns to be ruthless or orderly as circumstances dictated, but always in pursuit of a traditional restraint value.

²⁶³ To opponents like Lepidus, Sulla considered “nothing glorious unless it is safe, and any means honorable that maintains power” (*nihil gloriosum nisi tutum et omnia retinendae dominationis honesta aestumet*), Sall. *Hist.* 1.48.8. Others were “ashamed even to speak of his vices” despite his achievements (*tanta flagitia in tali viro pudet dicere*), Sall. *Hist.* 1.50.

²⁶⁴ Cf. Suet. *Div. Iul.* 77; Luc. 2.231-232.

Chapter Six: Sulla to Caesar

For the next four decades, Roman men abjured any desire to be the next Sulla. That did not mean, however, that the conditions that had given rise to Sulla disappeared. The last chapter illustrated how the restraint values not only did not prevent civil war, but could even exacerbate it. The history of the next (and last) forty years of republican history can be told in a similar vein as that process repeated among the impressionable youths—the “last generation” of the Roman Republic—who had seen the severed heads in the Forum. The cast is familiar: Lucullus, Catiline, Cicero, Cato, Crassus, Pompey, Caesar. This chapter observes these men’s interactions among each other after the death of Sulla, using the restraint values as touchpoints to show how these men’s differing respective conceptions of the uses, limits, and meaning of restraint shaped their affairs.

It is impossible to cover every facet of this well-documented period. This chapter therefore focuses on three instances of how and why traditional restraint values grew ever less able to corral competition and violence. First, the career of Pompey the Great to 59 B.C. exemplifies how Sulla and Marius had loosened the critical sense of mutuality that once bound the aristocratic group, and how painstaking attempts to exhibit the *moderatio* and *temperantia* patterns that had once led to praise and *honores* might now lead to *invidia* and mistrust. Second, the conspiracy of Catiline shows how the emotional underpinnings of *pudor*, *verecundia*, and care for *existimatio* that once supported restraint and deference could no longer bind the aristocracy, a process that had begun with the Gracchi. Third, a focus on the interactions among M. Licinius Crassus, M. Porcius Cato, and C. Julius Caesar will demonstrate how consensus on the meaning of proper, restrained behavior was becoming impossible to achieve.

These factors—loss of mutuality, loss of emotional underpinnings, and loss of consensus—combined to make deference and restraint into concepts without clear content or application. Manifestations of deference to peer and colleague that once had gained *laus* instead eventually risked suicide—until by 59 B.C. Cicero could say, “we think that there is no resistance without murder, nor see do we see any end for someone who cedes ground except death.”¹ The impetus for that despairing comment was an ominous private arrangement that the unraveling of the binding power of the restraint values helped to create. The “First Triumvirate” has often been explained as a deal made to further certain personal or policy goals. That is in part true, of course. But the evidence will show that the “three-headed monster”² was as much a product of sapped patterns of restraint as it was a practical bargain.

* * *

Pompey, Moderation, and Mutuality

Sulla surrounded himself with ambitious young men during his struggles with the Marians and Cinnans. Chief among them was Gnaeus Pompey, son of the Pompeius Strabo whose troops had murdered Sulla’s consular colleague Q. Pompeius. Pompey’s own gleeful slaughter of Sulla’s enemies earned him the epithet *adulescentulus carnifex*, the “Butcher Boy.”³ Sulla did not seem to mind Pompey’s excesses; he praised the young man’s exploits by giving him another epithet, *Magnus*, “the Great.”⁴

After Sulla’s death, Pompey helped crush the short-lived revolt of the consul Lepidus. Upon that success, and hoping to be posted to foreign command, the twenty-

¹ Cic. *ad Att.* 2.20.3: neque enim resisti sine interecione posse arbitramur nec videmus qui finis cedendi praeter exitium futurus sit.

² App. *B.C.* 2.9, citing the title of a work by Varro.

³ Val. Max. 6.2.8 recorded a speech of Helvius Mancius against Pompey that vividly described Pompey’s noble victims bemoaning their fates in the underworld.

⁴ Plut. *Pomp.* 13.5.

eight-year-old refused to stand down his army at the order of the other consul, Q. Lutatius Catulus.⁵ The Senate, perhaps intimidated by the soldiers lingering near Rome, and facing a lack of military talent in the aftermath of the proscriptions,⁶ gave him what he wanted. Pompey spent the better part of the rest of the 70s in Spain, grinding away at Marian resistance in the stubborn form of Marius' long-time confederate Quintus Sertorius. Sertorius was a worthy match, however, and by mid-decade Pompey's patience and his troops' supplies were at low ebb. Sallust reports Pompey's soldiers' hunger and grumbling, as well as the nonchalance with which Pompey felt that he could threaten the fathers with invasion of Italy if his demands for resupply and reinforcement were not met.⁷

Thus a man barely out of his twenties who had never held a single priesthood or magistracy twice menaced the entire Senate at spearpoint. Only when we compare the operation of *modestia* before Sulla and Marius, and indeed before the Gracchi, can we entirely understand this act. We must not also forget that the proscriptions and the Social War had deeply disrupted the normal inter-generational hierarchy of the aristocracy, as a large portion of the generation of elders vanished at one blow. The last generation of the Roman Republic had been (in many cases literally) orphaned, and made to take on the (already tenuous) restraint system of their disappeared fathers on their own without firm guidance.⁸ As Pompey's career will show, they never quite got the knack of it. Moreover, as we have also already seen from the murderous turn of Pompey's father, once one learnt from Sulla and Marius that the rules of restraint could be bent with the force of the legions, the

⁵ Plut. *Pomp.* 17.3-4.

⁶ A scarcity noted as early as Heitland (1909) III 7, and one of the reasons for Pompey's extreme rise and the extreme reactions thereto.

⁷ Sall. *Hist.* 2.82. Cf. Syme (1964) 201. Meyer (2010) demonstrates that the letter that Sallust quoted is probably a literary creation, although that Pompey indeed threatened the Senate with invasion need not be doubted, Plutarch *Pomp.* 20.1; *Luc.* 5.2.

⁸ Goldsworthy (2006) 151 notes that only fourteen consulars were present for the Catilinarian debate, less than half of what one might expect from normal demography.

temptation to bend them one's self if one could must have been very great. And yet, Sallust reported, the Senate seemed unable to retaliate against Pompey's intimidation, and worried that if Pompey made good on his threats "they themselves would have neither praise nor *dignitas*."⁹ Thus the reciprocity of respect between youthful commander and Senate was mediated not through deference but through coercion.

But Pompey was also a young man who knew what he wanted: a consulship, triumphs, and to be the leading man in Rome—and to bask in the praise that had eluded Sulla.¹⁰ He also knew from Sulla's example that blunt coercion unleavened by some measure of deference would avail him little in pursuit of those goals. He further knew that Sulla had tried to seem moderate, but had incurred only hatred for his efforts. His solution was to try to do better.

That is why Pompey's career in the following years exhibited a constant tension between self-promotion and studied attempts, with evident insecurity, to show as extravagant a fealty to traditional restraint as an ex-Butcher Boy plausibly could.¹¹ Hence, after his eventual victory in Spain he ostentatiously burned the defeated Sertorius' captured papers and welcomed Sertorian veterans into forgiving arms, no doubt to assure those in Rome that he, unlike Sulla or Marius, would bear no sanguinary grudges upon his return.¹² Pompey then repaired to Italy, mopped up the last of Spartacus' then-ongoing slave revolt—

⁹ Sall *Hist.* 2.82.10: *laus sua neque dignitas esset*. Of course patriotism played some role in the Senate's decision; the outlaw Sertorius could hardly go unpunished, and Roman troops could not be left to starve. There were also personal considerations. Plutarch *Luc.* 5.2-3 wrote that Lucullus, who was then consul, raised money for the troops to prevent Pompey from making good on his threat, in part to prevent Pompey from coming to Rome with an army, in part because Lucullus did not want to give Pompey any opportunity by his return to take command of the pending lucrative war with Mithridates. Cf. Keaveney (1992) 53.

¹⁰ Plutarch (*Pomp.*) 68.2 reported a glimpse into Pompey's psyche: the night before the battle of Pharsalus Pompey dreamed that he was applauded in the theatre. There is little reason to doubt that his ideal dream had not changed for decades.

¹¹ Cf. Seager (1979) 16–17, 22–7, 61, 72–3.

¹² Plut. *Ser.* 27; Cic. 2 *Verr.* 5.153.

to the chagrin of the commander in that theatre, M. Licinius Crassus, of whom more later—and stood for the consulship with him. Pompey’s and Crassus’ time together in office began in restrained form, despite their known rivalry in competing for Sulla’s favor, and after the Spartacus affair set them at odds.¹³ Both men at that time had armies near Rome: Pompey from Spain and Crassus from the quelling of the slave revolt. The worried crowd repeatedly implored the antagonists to operate in harmony. Crassus came down from his chair, walked to Pompey, and extended his hand. Pompey, we are told, rose from his seat and “rushed” to match the gesture.¹⁴ He also thanked the crowd for both the office *and* for his colleague. The crowd burst into cheers; naturally they desired peace. But peace came here through a self-consciously traditional display of collegial *concordia*, according to the same script—down to the public handshake and applause—that we have repeatedly seen reconcile rivals.¹⁵

Over the next decade, too, Pompey continually attempted in very public ways to avail himself of the *moderatio*, *temperantia*, and deference patterns. The effort was especially palpable in the run-up to Pompey’s extraordinary command under the *lex Gabinia*. By 67 B.C. the problem of piracy in the Mediterranean had become acute, and threatened even Rome’s grain supplies. A tribune Gabinius proposed that a general be chosen from among

¹³ App. *B.C.* 1.14; Plut. *Crass.* 12.2-4. Plutarch placed the handshake scene at the end of their consulship, not at the beginning, and after the speech of a rustic equestrian who dreamt that Jupiter commanded the colleagues to make peace. Appian’s timeline makes better sense, however, considering the presence of the armies. Cf. Marshall (1976) 49-50; Khan (1986); Billows (2009) 72. *Contra* is Ward (1977) 108-09 and n.37, although noting Appian’s position. Ward suggests plausibly, however, that Crassus urged the rustic—likely a client—to report his “dream” to give Crassus a chance to gain credit for making the public reconciliation. Marshall (1976) 49-50 erred in assuming that there was no enmity between Pompey and Crassus because they managed to cooperate during the consulship to pass important measures, missing the fact that colleagues traditionally could and were supposed to cooperate *despite* enmity.

¹⁴ App. *B.C.* 1.14: ὁ δ’ ὑπανίστατο καὶ προσέτρεχε.

¹⁵ Livy 40.46.16; Val. Max. 4.2.1; Gell. 12.8.5-6; Cic. *Prov. Cons.* 20-21.

the consulars and dispatched to the sea along with a number of legates.¹⁶ This general would have *imperium* not only in the entire Mediterranean but also fifty miles inland of its coasts, overlapping with the *provincia* of all the governors. Pompey was plainly the intended beneficiary of Gabinius' plans. The vast majority of the Senate resisted the proposal with vigor when it considered that so powerful a force might be given to the *carnifex*.¹⁷

Gabinius brought the proposal to the People, in part by invoking the wrath of the mob to cow his fellow tribunes Trebellius and Roscius into not interposing their vetoes (as the Senate attempted to persuade them to do).¹⁸ Velleius Paterculus understood the stakes. Some seven years earlier a similar or even identical extraordinary command had been given to Marcus Antonius (Creticus) (son of the slain orator, and father of Marc Antony) while praetor, but which had not aroused any noted suspicion or violence at the time.¹⁹ Antonius

¹⁶ Dio 36.23.4-5. Steel (2001) 116-156 reviews in detail this speech and the *Pro Leg. Man.* On Gabinius, who was married to an adherent of Pompey, see Seager (2002) 205 n.18 and references.

¹⁷ Dio 36.24.1-3. Plutarch *Pomp.* 25 reported that Caesar (then a former quaestor) was the only senator to support the *lex*. This view has been questioned, Watkins (1987), but with little support.

¹⁸ Dio 36.24.4.

¹⁹ Vell. Pat. 2.31.3-4; Liv. *Per.* 97; cf. Cic. *Verr.* 2.2.8 and 3.213. According to Velleius Paterculus, the same (*idem*) command was given both to Pompey and Antonius, which does not easily square with Dio's speech for L. Lutatius Catulus (36.33.2-4) that speaks of a *καὶνὴν τινα ἀρχὴν* and *ξένην δέ τινα καὶ μηδὲ ποτε γεγενημένην ἡγεμονίαν* ("a new sort of office" and "a sort of foreign and unheard-of command"). Jameson (1970) 546 suggests that Catulus' objection to Pompey's unusual command was to a novel form of *imperium maius*. Contra are Maróti (1971), Badian (1980) 105 (*imperium maius* "simply inconceivable"), and Drogula (2015) 318-322 and esp. n.56 and references, who argues that no *imperium maius* existed at this stage of republican history that would settle disputes between commanders on the basis of a purely legal criterion. On balance Drogula is convincing when he emphasizes Velleius Paterculus' clearer and less rhetorical claim (2.31.4, cf. Plut. *Pomp.* 25.2, App. *Mith.* 94) that Pompey was to hold *aequum imperium* to any other commander, albeit in overlapping *provinciae*, and Pompey's subsequent struggles with Q. Caecilius Metellus Creticus and C. Calpurnius Piso, who felt that they could justly resist Pompey's legates who encroached on their territories. Catulus' fear, therefore, was not of an entirely novel form of power, but of the novelty of investing in a *privatus* repeated commands to the detriment of his office-holding peers' chances to gain military experience and glory, and which overlapped the *provincia* of his peers in an untraditional way. Cf. Dio 36.32.2-33.3.

was evidently no object of fear.²⁰ But Pompey, as Velleius put it, had too often proven ready to take up or lay down power only *suo arbitrio*—at his own whim.²¹ That made him dangerous.

Pompey must have sensed that this was the reason for the obstruction. His antidote was to affect disdain for the command that he in truth so greatly wanted. Dio portrayed his resistance as a sham—but it is important to see how the sham was calculated to work. According to Dio, Pompey thanked the People for the honor, rehearsed his military achievements, and decried the jealousy that the new position would surely bring him. He then resolutely refused the post and said that the People had many options of good generals, old and young: “For surely I alone do not love you, nor am I alone skilled in warfare, but there are also this man and that—I do not mention anyone by name so as not to seem to favor anyone in particular.”²² Even if we take only the outline of the speech as fact, Pompey invoked a *moderatio* script that Livy would later assign to both the aged Fabius Rullianus and to the great Camillus: I thank the People for their choice, but I have had enough honors, and others are equally worthy—choose them.²³ The crowd in reaction clamored the more for Pompey.²⁴ These were the right words for a crowd that appreciated restraint in its leaders.

²⁰ Antonius’ subsequent poor performance in Crete was notorious, Maróti (1971) 267, 270–71. Drogula (2015) 320 aptly comments that Antonius was seen as a personality whose *imperium* could overlap *provincia* with peers but could “respect tradition and the prerogatives of his colleagues” and avoid “destructive deadlock,” which may help explain the lack of fear that his command inspired.

²¹ Vell. Pat. 2.31.3–4. Cf. Plut. *Pomp.* 25.3.

²² Dio 36.26.4. οὐ γάρ που ἐγὼ μόνος ὑμᾶς φιλῶ ἢ καὶ μόνος ἐμπείρως τῶν πολεμικῶν ἔχω, ἀλλὰ καὶ ὁ δεῖνα καὶ ὁ δεῖνα, ἵνα μὴ καὶ χαρίζεσθαι τισι δόξω ὀνομαστὶ καταλέξας. Compare also the efforts of Cicero the following year in his speech on the Manilian law, below, to portray Pompey as restrained and temperate.

²³ Cf. Livy 6.6.18; 10.13.7–8.

²⁴ Gabinius, perhaps on cue, then praised Pompey’s reluctance to take the command: οὐτε γὰρ ἄλλως ἀγαθοῦ ἀνδρός ἐστὶν ἄρχειν ἐπιθυμεῖν καὶ τὰ πράγματα ἔχειν ἐθέλειν (“It is not fitting for a good man in any way to desire to rule and to want to handle public matters”) (36.27.1–4). That this response was “stage-managed,” see Steel (2001) 123.

Nevertheless, the words were not good enough words for many of the nobility. The tribune Trebellius endeavored a speech in opposition. The crowd shouted him down, and Gabinius began to call the tribes together to have him voted out of office.²⁵ Trebellius, unlike Tiberius Gracchus' colleague Octavius six decades before, yielded. In the fracas another tribune, Roscius, could manage only a gesture of two fingers, indicating his desire for Pompey at least to have some colleague.²⁶ A senator growled to Pompey that if he continued to act like Romulus he'd end up like Romulus—disappeared without a trace.²⁷ These exchanges thus ran within the deference, *pudor*, *verecundia*, and *moderatio/temperantia* schemes.

Pompey was in due course voted the command, receiving for his elaborate show of moderate forbearance praise from the crowd—but not from his fellow nobles. From them he had received hatred, suspicion, and even threats to his physical safety. The usual relationship between a display of *moderatio* and the granting of *honores* and praise held in his case only in the will of an assembly, and not because of a willing gift from his peers. It is unsurprising that the senators would be more suspicious than the crowd of Pompey's claim to disdain power. Displays of restraint helped a man get possession of large military forces. A militarily powerful man was dangerous. *Nobiles*, not shopkeepers and craftsmen, would die in any future proscriptions. But because of this fear, the expected aristocratic social pattern functioned abnormally. Pompey's personally brutal history—a consequence of the feud between Sulla and Marius—undercut his current attempts to participate in the *moderatio* script, and caused odium and fear when he obtained a position, instead of respect.

²⁵ Dio 36.30.1-2; Ascon. 72C (= Lewis (1993) 145).

²⁶ Plut. *Pomp.* 25.6; Dio 36.30.3. We do not know the reaction of the other tribunes; Steel (2001) 47 notes that the rest of the college acted with such "circumspection" that we do not even know their names. Perhaps they yielded so fully to one colleague or another that nothing appeared extraordinary.

²⁷ Plut. *Pomp.* 25.4; Dio 36.30.3.

Meanwhile, Pompey's next great opportunity was developing. Seven years' worth of renewed war had not concluded hostilities against the exasperating Mithridates of Pontus or his ally Tigranes, king of Armenia. The long-term Roman commander in that theatre had been L. Licinius Lucullus, consul of 74, the sole staff officer to accompany Sulla in his march on Rome, and a man whose name would become a catchphrase for sybaritic luxuriousness. By 66 B.C. Lucullus had achieved many advances in hard-fought campaigns, but not final victory. The difficulty of the task and the rough terrain were much to blame. But Romans demanded results, not excuses, and nasty rumors about Lucullus began to circulate.²⁸

Lack of success alone does not explain the loss of confidence that now attached to Lucullus. Velleius Paterculus bluntly blamed *cupido pecuniae* for Lucullus' failure.²⁹ Cicero similarly hinted, however gently, that Lucullus had invaded Armenia (and thus lengthened the war) to plunder a temple,³⁰ and Sallust informed Plutarch that Lucullus' troops also accused him of prolonging the war for "love of power and love of money."³¹ Plutarch, moreover, attributed Lucullus' replacement in part to adverse fortune, in greater part to Lucullus' refusal to court the soldiery with booty or billets in cozy Greek cities in winter, but "most of all" because he was not "accommodating with men of power and his equals, but looked down on them all and considered none as worthy as himself."³²

What exactly Plutarch meant by this last phrase is unclear, and he did not give a specific example. But Sallust, whose lost history Plutarch cited in the next sentence, may be

²⁸ Possibly not merited at least at this stage of Lucullus' career, as argues Keavney (1992) 113-15 and references. Heitland (1909) III 36 suggested that the rumors were started by "capitalist" *equites* whose pocketbooks suffered from Lucullus' good governance in Asia, including some debt relief.

²⁹ Vell. Pat. 2.33.1.

³⁰ Cic. *de Leg. Man.* 9.23-24. Cf. Steel (2001) 153.

³¹ Plut. *Luc.* 33.4: φιλαρχίας καὶ φιλοπλουτίας.

³² Plut. *Luc.* 33.2: τὸ δὲ μέγιστον, οὐδὲ τοῖς δυνατοῖς καὶ ἰσοτίμοις εὐάρμοστος εἶναι πεφυκώς, ἀλλὰ πάντων καταφρονῶν καὶ μηδενὸς ἀξίους πρὸς αὐτὸν ἡγούμενος.

the source of this diagnosis, the thrust of which we can gather from Plutarch's following paragraphs. In Lucullus' camp was Publius Clodius, Lucullus' brother-in-law and scion of the haughty Claudii, and who four years later would corrupt the Bona Dea rites.³³ Clodius did not feel as welcomed by his relation as he expected: Plutarch (Sallust?) reported that because of Clodius' "way of life" he "did not receive the honor that he thought worthy of himself"—"first place."³⁴ What our source surely meant is that Lucullus despised his aristocratic peer for some moral failing—probably Clodius' rumored incest with his own sister, Lucullus' wife³⁵—and passed him over for praise and honor.

Clodius' reaction, however, was not to yield in the face of such shameful accusations. Instead, the budding demagogue practiced becoming "friend to the soldiers" by attacking Lucullus with accusations that Lucullus was secreting and sending to Rome golden vessels set with precious stones while the soldiery labored to no reward.³⁶ The troops mutinied. Not even an attempt by Lucullus to affect humility—he went meekly from man to man, taking some by the hand, with tears in his eyes—could match Clodius' words and the soldiers' anger.³⁷ Lucullus' soldiers in response to his pleas threw down their empty moneybags and taunted Lucullus that he should fight alone, if he alone knew how to get rich

³³ On the marriage see Keaveney (1992) 48-49. On the reputation of the Claudii, see Chapter 1 note 127.

³⁴ Plut. *Luc.* 34.1: τότε δὲ τῷ Λουκούλλῳ συστρατεύων οὐχ ὅσης αὐτὸν ἡξίου τιμῆς ἐτύγγανεν ἡξίου δὲ πρῶτος εἶναι, καὶ πολλῶν ἀπολειπόμενος διὰ τὸν τρόπον . . .

³⁵ Clodius' rumored affairs with his sisters, including Lucullus' wife, later may have caused Lucullus' divorce from her upon his return to Rome. Keaveney (1992) 133.

³⁶ Plut. *Luc.* 34.3; Dio. 36.14.4; cf. Cic. *de Har. Resp.* 42. Mulroy (1988) 62-63 argues that Clodius' incitement to mutiny must be a "fiction" on the ground that Lucullus would have used military discipline to prevent Clodius. Military discipline, of course, was the very thing Lucullus undoubtedly lacked, and Mulroy is forced to admit that "*something* did happen at Nisibis" that caused Clodius to leave camp "under a cloud." Mulroy suggests, contrary to all the ancient evidence, that Clodius merely criticized Lucullus' strategy in the general's *consilia*.

³⁷ Plut. *Luc.* 35.4.

from it.³⁸ Thus, if we have pieced together Velleius Paterculus', Sallust's, and Plutarch's stories correctly, Lucullus' downfall in Asia stemmed from disregard (on grounds of personal incontinence) for the "face" of a particularly volatile peer, who chose to take revenge by stirring up soldiers hungry for loot with charges of their commander's intemperance—charges of the same kind that the austere Cato the Elder once leveled against his enemies.³⁹ A muddle of restraint-based arguments, indeed.

Turmoil in the rhetoric of restraint provided Pompey with his opening. Despite the fact that Lucullus had written to Rome to state his confidence in imminent triumph, the tribune Manilius proposed a law to give Pompey (who in an astoundingly successful campaign had rid the sea of pirates in a matter of months, and was in Cilicia wrapping up the engagement) command of the Mithridatic war, with possession of several simultaneous governorships in the East to boot.⁴⁰ Predictably, many members of the aristocracy were deeply displeased, not only at the insult to Lucullus, but even more so at the possibility that Pompey was inching closer to absolutism.⁴¹ After all, had not Sulla also amassed power in a war with Mithridates, only to return to slaughter his fellow citizens? The meeting on the vote grew to such a cacophonous pitch that birds overhead fell from the sky.⁴²

³⁸ Plut. *Luc.* 35.4: οἱ δ' ἀπετρίβοντο τὰς δεξιώσεις καὶ κενὰ προσερρίπτουν βαλάντια, καὶ μόνον μάχεσθαι τοῖς πολεμίοις ἐκέλευον, ἀφ' ὧν μόνος ἡπίστατο πλουτεῖν.

³⁹ See Chapter 3 notes 54-62 and accompanying text.

⁴⁰ Dio 36.42.4-43.2; Plut. *Pomp.* 30.1-3; *Luc.* 35.7. Lucullus had technically already been replaced as commander in Bythnia and Pontus by M.' Acilius Glabrio, consul of 67, in a plebiscite carried by none other than Gabinius. Heitland (1909) III 40 recognized that this first *lex Gabinia* was part of a "general scheme, intended to get rid of Lucullus in advance, before appointing Pompey as his real successor." Cf. Millar (1998) 79; Seager (2002) 43; Drogula (2015) 310-311.

⁴¹ Plut. *Pomp.* 30.3; *Luc.* 35.7; cf. Dio 36.43.3.

⁴² Plut. *Pomp.* 25.6; Dio 36.30.3. Both Plutarch and Dio placed this event at the speech for the *lex Gabinia*, but Dio contrasted the noise to the silence that Catulus obtained through respect from the crowd, and the detail seems more fitting here. See the next note.

Respect for Q. Lutatius Catulus, consul of 78 B.C. and son of the Marian victim of the same name, quieted the crowd sufficiently for them to hear a speech famous enough to have been reported by Dio, Plutarch, Sallust, Velleius Paterculus, and Valerius Maximus.⁴³ Unfortunately little direct quotation remains, but the crux of the argument was that so much power should never repose in one man, particularly in a private individual. Catulus urged the audience to seek out a mountain, as the plebeians had done in the dim past during their secession from the patricians, to escape the coming monarchy.⁴⁴ According to Dio, Catulus provided three main reasons why: because a *privatus*' irregular command would render regular *officia* worthless sinecures, it would deprive other nobles of chances of military experience and glory, and it would inevitably puff up a single individual, no matter how excellent he might be, in the manner of a Marius or Sulla.⁴⁵ The restraint patterns precisely. Nothing else should have been expected from so staunch an aristocrat as Catulus,⁴⁶ nor should what followed surprise: when Catulus rhetorically asked the crowd whom they would choose as a replacement should something befall Pompey, they unanimously cried "you!"⁴⁷

⁴³ Sall. *Hist.* 5.24; Vell. Pat. 2.32.1; Val. Max. 8.15.9; Dio 36.31-36^a; Plut. *Pomp.* 25.5. There is some difficulty here in that Dio, Plutarch, Velleius, and (possibly) Sallust all described this scene in response to the *lex Gabinia*, whereas Cicero *pro Leg. Man.* 59 appears to refer to the incident as part of the debate on the *lex Manilia*. Cf. Millar (1998) 81, who does not come to a clear conclusion. Surely Catulus gave two speeches, which accounts for the confusion, but it seems best to follow Cicero's eyewitness for the particulars.

⁴⁴ Plut. *Pomp.* 30.4.

⁴⁵ Dio 36.32.1-36.4; ORF³ 334 fr. 5 (= Cic. *pro Leg. Man.* 59): si in uno Cn. Pompeio omnia poneretis. Plut. *Pomp.* 25.5 presents the more favorable argument that Pompey should be spared such wearying multiple commands.

⁴⁶ No doubt Catulus also remembered that Pompey had refused to obey Catulus' command to give up his army after Pompey defeated Lepidus' rebellion in 78 B.C. See above note 5.

⁴⁷ Steel (2001) 119 rightly sees the question as implying that Pompey had so monopolized military experience among a nobility depleted by proscriptions that no experienced man could replace him.

According to Velleius Paterculus, at this Catulus, *victus consensu omnium* (!), and in a display of “*verecundia*,” conceded and left the rostra.⁴⁸

In opposition to Catulus spoke Cicero, recently elected praetor, in a speech calculated to vault him into popular favor, and which is contemporary evidence that political questions were still channeled through the rhetoric and logic of personal self-control. Woven throughout the speech is Cicero’s assurance to the crowd that no tyranny need be feared from Pompey’s quarter. Pompey, said Cicero, in contrast to so many rapacious Roman governors, was filled with *tanta temperantia, tanta mansuetudine, tanta humanitate*—“such *temperantia*, such mildness, such humaneness”—that Roman allies considered themselves fortunate when he stayed with them.⁴⁹ Cicero juxtaposed Pompey with men who would sell commissions to centurions, whose cupidity for power would lead them to bribery, who would plunder treasure for themselves, who would terrorize the populace.⁵⁰ “No general,” said Cicero, “can command an army unless he has control of himself, nor can he be a strict judge if he does not wish others to judge him strictly.”⁵¹ The pleasures of Asia—gold, soft clothes, women, pretty boys—would not tempt Pompey as they had so many generals before in wars against eastern kings.⁵² Rather, declared Cicero, like men who were *moderatiores* on account of *pudor* and *temperantia*, Pompey’s *continentia* would hold firm.⁵³ Cicero even explained that Pompey’s military abilities—speed, experience, judgment—were a consequence of Pompey’s *innocentia*, his *temperantia* from luxurious distractions, his *ingenium*,

⁴⁸ Vell. Pat. 2.32.2: tum victus consensu omnium et tam honorifico civitatis testimonio e contione discessit. Hic hominis verecundiam . . . mirari libet . . . quod non ultra contendit . . . Cf. Sall. Hist. 5.24.

⁴⁹ Cic. *pro Leg. Man.* 5.13.

⁵⁰ Cic. *pro Leg. Man.* 13.37–38.

⁵¹ Cic. *pro Leg. Man.* 13.38: neque enim potest exercitum is continere imperator, qui se ipse non continent, neque severus esse in iudicando, qui alios in se severos iudices non vult.

⁵² Cic. *pro Leg. Man.* 22.64, 22.66. Cf. Jonkers (1959) 48 on the trope of Asian luxury.

⁵³ Cic. *pro Leg. Man.* 22.64, 23.67.

fides, and *humanitas*.⁵⁴ As for the argument that too much power should not be given one man, Cicero noted that Catulus and others had said the same in the debate over the pirate command, and had been proven wrong by events; Pompey had shown self-governance as sole general quite adequately.⁵⁵

Why did Cicero make these claims? Steel noticed, for example, that *temperantia* is “far from self-evident as a military quality,” and so suggested that it was part of a “range of further qualities” appended generally to courageous *virtus*, “all of which seem to be good things.”⁵⁶ This does not go far enough. Rather, Cicero was promising the nobility⁵⁷ that Pompey was a restrained man, and thus—all moral behavior being connected⁵⁸—he would restrain himself as general and also restrain himself relative to his peers once he returned to Rome. Disruption to the regular office-holding system—Catulus’ primary fear—would therefore be temporary and minimal.

We should also believe that the crowd thought that these traits were important qualifications for military command. Cicero wished his speech to succeed, and would have chosen his arguments accordingly. References to Pompey’s *temperantia* were thus not mere encomia; they went to the core of the political question. But the contrast between Pompey’s and Catulus’ receptions illustrates the fault lines growing among the aristocracy. Catulus received the expected honor due his station, to the degree of silencing the unruly crowd

⁵⁴ Cic. *pro Leg. Man.* 13.36; 14.40; Cf. Jonkers (1959) 44-45.

⁵⁵ Cic. *pro Leg. Man.* 17.51-53. Cicero 20.60-21.63 also ribbed Catulus’ hypocrisy in agreeing to previous extraordinary honors for Pompey.

⁵⁶ Steel (2001) 133. As Steel rightly argues, there is no need, as some have attempted, to connect Cicero’s speech to ideals found in lost manuals on proper Hellenistic kingship—reference to which genre Cicero would more try to avoid in this situation than emulate.

⁵⁷ Pompey, it should be noted, had some senatorial support beyond Cicero, including from several consuls. *MRR*² 74-77. Cicero’s speech would have been targeted at the remaining unpersuaded.

⁵⁸ Thus again Hammar’s (2015) 323 “web of immorality”: a man who was restrained in one area of life would be so in others, an unrestrained man the reverse.

through respect alone, and responded in kind to their effusive praise in an act of mutual courtesy by ceding place to the crowd's consensus. He also received the evident approval of his peers.⁵⁹ Pompey, however, once again faced *invidia* and suspicion as his touted restraint helped gain him further power. Pompey knew this, which explains why, when news of the appointment reached Cilicia, he assumed a façade of annoyance and claimed to hate the new task.⁶⁰ His comrades, wrote Plutarch, were not fooled, and could scarcely abide this dissimulation.⁶¹

Pompey presently met with Lucullus. At first their conversation was polite, each praising the other's achievements.⁶² Hall correctly saw in this scene traditional aristocratic respect for the "face" of a peer, particularly in the "exaggerated mutual compliments" of the kind that also pepper Cicero's correspondence, and which "opened up at least the possibility of a diplomatic resolution to their antagonisms."⁶³ But soon enough, wrote Plutarch, the two "could find in their conversation nothing tending towards ἐπιεικὲς or μέτριον": "yielding" and "moderation."⁶⁴ Lucullus, at least, tried these paths first with his rival. Dio wrote that Lucullus argued that the war was over and his planned settlement of affairs imminent, but could not "persuade Pompey to withdraw."⁶⁵ At this, the two fell to berating each other, the insults tracking the restraint scripts. Lucullus attacked Pompey's φιλαρχία, "greed for rule."⁶⁶ Pompey threw at Lucullus the reports of his luxuriousness and love of

⁵⁹ Cic. *de. Pro Leg. Man.* 17.51, 20.59. On the luminescent reputation of Catulus, including numerous references to his *clementia*, *verecundia*, *moderatio*, and *prudentia*, see Arena (2011) 304-05, and references.

⁶⁰ Dio 36.45.1-2; Plut. *Pomp.* 30.6.

⁶¹ Plut. *Pomp.* 30.6.

⁶² Plut. *Pomp.* 31.4: ἐν δὲ τοῖς λόγοις πρὸς οὐδὲν ἐπιεικὲς οὐδὲ μέτριον συμβάντες.

⁶³ Hall (2005) 268-69. See also Hall (1996), esp. 104, 106-118 on respect for the "face" of fellow aristocrats, especially in displays of modesty relative to one's peers.

⁶⁴ Plut. *Pomp.* 31.4.

⁶⁵ Dio 36.46.1: ὥς δ' οὐκ ἐπέισθη ἐπαναχωρῆσαι, πρὸς λοιδορίας ἐτράπετο; cf. Plut. *Pomp.* 31.4.

⁶⁶ Plut. *Pomp.* 31.4; Dio 36.46.2

money.⁶⁷ The exchange of insults grew more heated, until bystanders had to drag the pair apart physically. Lucullus returned to Rome.⁶⁸

Once firmly in command, however, Pompey appears to have striven once again to maintain the image of a *moderatus*.⁶⁹ Although he could be haughty at times when dealing with foreign kings, Pompey also publicly made a point of showing that he tempered his baser desires.⁷⁰ He refused, for instance, to touch the captured concubines of Mithridates.⁷¹ A similar story was told, as we have seen, of the abstinent Scipio Africanus the Elder and a captured slave girl.⁷² On the same lines, Pompey refused to accept personal gifts of golden

⁶⁷ Plut. *Pomp.* 31.4: φιλαργυρία; Vell. Pat. 2.33.1: infamiam pecuniae.

⁶⁸ Plut. *Pomp.* 31.4; Plut. *Luc.* 36.4. It is only upon Lucullus' fall from authority and humiliating return to Rome—where he was forced to wait years for a triumph—that we see him truly turn to the *luxuria* for which he became famous. Cic. *de Leg.* 3.30-31; *Luc.* 39.3-40.1; Vell. Pat. 2.33.4; Pliny *NH* 28.56; Keaveney (1992) 153, 157, 162-63, 171. The stories told of the magnificent dinners with which Lucullus entertained Pompey in Rome (Plut. *Luc.* 38-39) suggest that he engaged in conspicuous consumption only after he retired from active politics such that so bitter a political rival as Pompey might care to dine with him—paradoxically confirming that luxury was still perceived as incongruous with proper leadership, as Crassus and Pompey (Plut. *Luc.* 38.4) hinted. Cicero still blamed Lucullus, however, for violating his duty as a nobleman to “break” his desires, and argued that he “infected” the health of entire state by setting a bad example for others. Cic. *de Leg.* 3.30-31: ut enim cupiditatibus principum et vitiis infici solet tota civitas, sic emendari et corrigi continentia . . . non vides, Luculle, a te id ipsum natum, ut illi cuperent? . . . quis non frangeret eorum libidines, nisi illi ipsi, qui eas frangere deberent, cupiditatis eiusdem tenerentur? (“For just as the whole state is wont to be infected by the lusts and crimes of the leading men, so it can be repaired and corrected by continence . . . Do you not see, Lucullus, that it is your own fault that they lust? . . . who would not shatter their desires, if the very men who *should* shatter them were not trapped by the same passions?”).

⁶⁹ On Pompey's military campaign in Asia, see Plut. *Pomp.* 31-43; Vell. Pat. 2.37, 40; Dio 36.47-37.7^a, 37.11-16.

⁷⁰ Cf. Plut. *Pomp.* 38.2; Dio 37.6.2 (refusing to address Phraates of Parthia as “King of Kings”); Luc. 201.

⁷¹ Plut. *Pomp.* 36.2. A similar story was told of Alexander the Great, Front. *Strat.* 2.11.5-6; Martin (1998) 47; Steel (2001) 155-56. Martin argues convincingly that Pompey did not seek to mimic Alexander intentionally in this or any other respect, which would have incurred ridicule and envy, and instead conducted himself as a sober republican general. *Contra* is Goldsworthy (2006) 93; Billows (2009) 61.

⁷² Polyb. 10.19.5-7; cf. Livy 26.50; Val. Max. 4.3.1, Dio fr. 57.43.

furniture.⁷³ The same could have been said of Lucius Mummius after his conquest of Corinth, or of Aemilius Paullus after Macedon, or of Cato the Elder (at any point).⁷⁴ Pompey meant to live up to Cicero's promises to the crowds about his *moderatio* and *temperantia*. The fact that we today know about his efforts to demonstrate restraint shows how much trouble he took at the time to let everyone know and see them. And even if he only feigned restraint in a cynical attempt at self-advancement, it would still demonstrate how important the public and his enemies considered the restraint patterns to be—so important that he should bother to fake them, and yet so broken that he did not consider himself truly bound by them except when convenient.

Pompey's greatest public display of *moderatio* followed his return to Italy in December 62 B.C. after re-arranging all of Asia to the benefit of Rome, perhaps the mightiest act by any Roman to date. Despite his immense power, upon landing at Brundisium, he dismissed his troops without waiting for any vote of the Senate or People.⁷⁵ That Pompey intended this very public performance to redound greatly to his *existimatio* is evident from the deleterious practical effect that it had on another obvious form of self-promotion: the dismissed troops would not be as easily available for the inevitable triumph.⁷⁶ Instead, Pompey journeyed home with only a few friends, and no armed guards.⁷⁷ Crowds followed in demonstrations of good will. He refused any conqueror's *agnomen*; "Magnus," it seems, was enough.⁷⁸ He also refused in the coming months to receive many "excessive" honors, save to wear laurel

⁷³ Plut. *Pomp.* 36.7. Cf. Luc. 9.197-198.

⁷⁴ Polyb. 31.22.1; Cic. *de Off.* 2.76; Strab. 8.831; Plut. *Aem. Paull.* 28.10-11; ORF³ 82 fr. 203 (= Front. 92.21).

⁷⁵ Dio 37.20.5-6. Plut. *Cat. Min.* 26.4 notes the current fear that Pompey would invade Rome.

⁷⁶ Plut. *Pomp.* 43.3.

⁷⁷ Plut. *Pomp.* 43.3.

⁷⁸ Dio 37.21.3.

and military dress at public games and triumphal garb at horse-races.⁷⁹ Dio and Plutarch both make clear how admirable and even “amazing” such acts were considered, especially among the People.⁸⁰

Despite the crowd’s praise, however, Pompey’s ostentatious efforts met once again with a dismal response in many noble *atria* of the capital. His first public speech upon his return, according to Cicero, was dull, and pleased none of the *boni*.⁸¹ Then Pompey was asked his opinion on the Senate’s decision to apply special procedures to try Clodius for his recent scandalous invasion of the Bona Dea rites. Pompey’s response was to state “aristocratically” and “in many words,” as Cicero put it, his “greatest and abiding respect for the Senate’s opinion in all matters.”⁸² As Pompey finished and sat down next to Cicero, he remarked to the orator that he thought that his answers had been sufficient.⁸³ To his mind, they certainly were. One can see a simplistic calculation at work in Pompey’s head. He had played his hand in a very traditionally restrained fashion. After monumental success in Asia, interlaced with displays of personal temperance just as Cicero had guaranteed, he had paid emphatic deference to the Senate’s will, even as he rejected many extraordinary honors, graciously dismissed his troops, and walked home from war a plain private citizen. Now he should receive the senators’ full mutual regard, deferential approval of his settlement of the East, land for his soldiers, and, he hoped, undying *laus*.⁸⁴

⁷⁹ Dio. 37.21.3: “excessive honor” = τιμὴν ὑπέρογκον.

⁸⁰ Dio 37.20.3: ὁ δὲ δὴ μάλιστα αὐτοῦ τε τοῦ Πομπηίου ἔργον ἐγένετο καὶ θαυμάσαι διὰ πάντων ἄξιόν ἐστι (“The most amazing act of Pompey, which deserves credit for all time . . .”); Plut. *Pomp.* 43.2: πρᾶγμα συνέβη θαυμαστόν (“an amazing act occurred”).

⁸¹ Cic. *ad Att.* 1.14.1.

⁸² Cic. *ad Att.* 1.14.1: tum Pompeius μάλ’ ἀριστοκρατικῶς locutus est senatusque auctoritatem sibi omnibus in rebus maximi videri semperque visam esse respondit, et id multis verbis.

⁸³ Cic. *ad Att.* 1.14.2. Cf. Shackleton-Bailey (1965-1967) I 307.

⁸⁴ Cf. Seager (1979) 186–8; Keaveney (1992) 45.

He was grievously mistaken. The first indicator was that the Senate rejected his request to postpone the consular elections while he prepared to re-enter the city to aid a favored candidate.⁸⁵ Soon after Cato the Younger rebuffed Pompey's offer that he and his son marry Cato's nieces.⁸⁶ Immediately after Pompey's first public speech, according to Cicero, Pompey found himself outshone by Crassus, who praised Cicero for his bravery during the Catilinarian conspiracy (of which more shortly) and then by Cicero himself, who coopted the event with a thunderous oration on his own achievements and his theories of harmonious government.⁸⁷ Indeed, Cicero privately (and vainly) commented that Pompey's efforts to praise him showed only Pompey's jealousy.⁸⁸

Pompey's problems multiplied in the following months. It was not that he did not have any supporters—many hoped to benefit from association with him⁸⁹—or that his triumph was not glorious,⁹⁰ but powerful detractors were numerous. The consul Q. Caecilius Metellus Celer not only opposed him politically, but bore a personal grudge: Pompey had divorced Metellus' sister Mucia even though the couple had children.⁹¹ Lucullus (unsurprisingly) also opposed him, seeking revenge for what he saw as Pompey's usurpation of his command and triumph.⁹² Crassus, who at this point was possibly the most

⁸⁵ Plut. *Pomp.* 44.1-2; *Cat. Min.* 30.1.

⁸⁶ Plut. *Pomp.* 44.2-4; *Cat. Min.* 30.2-5. The women were reportedly aghast at Cato's decision, but soon after Cato claimed vindication when Pompey turned to open bribery in the upcoming consular elections. Plutarch commented, however, that Cato's obstinacy ended up doing far greater damage than it first appeared, because it pushed Pompey into the arms of Caesar and into a marriage alliance through Caesar's daughter.

⁸⁷ Cic. *ad Att.* 1.14.4.

⁸⁸ Cic. *ad Att.* 1.13.4; Shackleton-Bailey (1965-1967) I 305.

⁸⁹ The supporters included Caesar at the time. Gruen (1974) 79-80 and references.

⁹⁰ Plut. *Pomp.* 45.1-5; App. *Mith.* 117; Dio 36.2; Beard (2003) 29-34 and references.

⁹¹ Dio 37.49.4; Plut. *Luc.* 42.6. Plutarch *Pomp.* 42.7 cites a lost letter of Cicero to the effect that Mucia had been unfaithful. Her lovers perhaps included Caesar; Goldsworthy (2006) 155.

⁹² Dio 37.49.4-5; App. *B.C.* 2.9; Plut. *Pomp.* 46.3.

powerful man in Rome after Pompey,⁹³ combined with Lucullus, and Marcus Porcius Cato the Younger also came to aid Lucullus as one who had been “patently wronged.”⁹⁴

We should see more than petty irritation in this opposition. Pompey was suffering the fate that, according to Dio Cassius, Scipio Africanus the Younger had avoided. Scipio, as seen in Chapter One, was called moderate and “yielding” (ἐπιείκειαν)—and thus reportedly “escaped the envy of his peers, for he chose to make himself equal to his inferiors, not better than his peers, and inferior to men of greater renown, and so avoided jealousy.”⁹⁵ To the extent that Pompey believed that he was faithfully following (or at least adequately aping) a restraint pattern that Scipio once embodied—and all of Pompey’s temperate actions from at least his victory in Spain to his return from Asia strongly suggest so⁹⁶—the results now were frustratingly different from his expectations.⁹⁷ He once said openly that he feared that his enemies might murder him, just as Scipio had (allegedly) been killed.⁹⁸ We can surmise that he felt little respect for them in return.

By contrast, Cato or Crassus or Lucullus could attack Pompey for the repeated single commands, supercilious decrees to kings, perpetual laurels, personal re-arrangement of foreign policy,⁹⁹ and gory career. Pompey, it seems, could not get the role of *moderatus* quite

⁹³ Plut. *Crass.* 7.2-3; cf. Pliny *N.H.* 33.134; Cic. *de Off.* 1.25; Gruen (1974) 67 and references.

⁹⁴ App. *B.C.* 2.9; Plut. *Cat. Min.* 31.1: Λευκόλλῳ Κάτωνος ἀδικουμένῳ περιφανῶς προσαμύνοντο.

⁹⁵ Dio 21.70.9: τοιγαροῦν μόνος ἀνθρώπων ἢ καὶ μάλιστα διὰ τε ταῦτα καὶ διὰ τὴν μετριότητα τὴν τε ἐπιείκειαν οὔτε ὑπὸ τῶν ὁμοτίμων οὔθ’ ὑπὸ τινος ἐφθονήθη. ἴσος μὲν γὰρ τοῖς ὑποδεεστέροις, οὐκ ἀμείνων δὲ τῶν ὁμοίων, ἀσθενέστερος δὲ τῶν μειζόνων ἀξιῶν εἶναι, κρείττων καὶ τοῦ φθόνου τοῦ μόνου τοὺς ἀρίστους ἄνδρας λυμαιομένου ἐγένετο.

⁹⁶ Cicero *ad Fam.* 5.7.3 suggested to Pompey that he was like a new Africanus the Younger.

⁹⁷ Cf. Cic. *ad Att.* 1.14.3; 2.23.2, 2.17.3, describing Pompey’s misery between 62 and 59 B.C. over his poor reputation. Cf. Bringmann (2007) 229: “So it had brought Pompey nothing that he had attempted to reach agreement with the Senate and had not used violence to implement his goals.”

⁹⁸ Cic. *ad Q.F.* 2.3.3.

⁹⁹ As Gruen (1974) 66 observed, Pompey’s eastern settlement was completed without the “customary consent of a senatorial assembly.”

right—to him, the restraints worked best when they worked in his favor, but not when they might keep him from a desired goal. From that point of view, Pompey’s peers’ *invidia* was fair restitution for his desire for extraordinary power, and was sufficient excuse to block any of his designs.¹⁰⁰ Worse was his peers’ evident suspicion that every act of *moderatio* or *temperantia* that Pompey performed was really meant as subterfuge. Restraint, as Cicero’s speech *pro lege Manilia* concretely proved, was currency that still purchased power, especially with the People. Power, particularly after Sulla, was exceptionally dangerous, especially to the nobility. Was Pompey’s currency forged? Sallust recorded precisely that fear: Pompey was seen as a man of “honest face but shameless spirit,” and “modest in all things except in seeking domination.”¹⁰¹

Hence interpretations of Pompey’s actions coursed through the channels marked out by *moderatio* and *temperantia*, but there was no agreement about whether Pompey actually embodied these virtues or deserved praise for them, mutuality was fractured, and the deference pattern that normally would help order relations could not function. The memory of Marius, Sulla, and the young butcher hung in the background of that fracturing. The fracturing had practical results: Pompey’s acts in the East were not ratified, Pompey’s soldiers did not get their land, and Pompey was in disrepute in many quarters, all while Pompey fumed at the perceived injustice. If he did not wish to face eclipse he would have to find other, more direct ways to manage.

Catiline, Cicero, Shame, and Deference

Pompey’s peers’ nervousness was no doubt exacerbated by the recent intrigue of L. Sergius Catilina, the first lunge at sole rule since the revolt of Lepidus fifteen years before,

¹⁰⁰ Cf. Plut. *Lm.* 42.5-6; Flor. 2.13.9.

¹⁰¹ Sall. *Hist.* 2.17 (McGushin): *oris probi, animo inverecondo*; 2.18 (McGushin): *modestus ad alia omnia, nisi ad dominationem*. Cf. Syme (1964) 206.

and an episode that particularly reveals divisions among the aristocracy about the workings of shame and deference. The details and chronology of the conspiracy have, as an eminent scholar has put it, elsewhere been “thoroughly, even excessively, discussed,” and there is no occasion to repeat most of them now.¹⁰² Also well covered is historical context: scholars for more than a century have recognized that the social and economic backdrop of the 60s B.C. provides some understanding of why Catiline and his small group of followers thought that they might be able to take over the government by force of arms.¹⁰³ In the countryside, in Etruria and the Apennines, there were still to be found men uncomfortable with Roman power after the Social War, as well as Sullan veterans who had gained more with the sword and in the proscriptions than they now did with the plow.¹⁰⁴ Complaints from litigants from these regions about judicial corruption in Rome were prevalent.¹⁰⁵ The Gracchan land reforms had failed to create a peninsula of smallholders; the urban *plebs*, still unable (or at least unwilling¹⁰⁶) to return to the fields, instead provided a ready source of discontent.¹⁰⁷ Great landlords too often found themselves cash poor and in debt in Rome as competition with their fellows drew hard on their pocketbooks.¹⁰⁸ Revolution might have gained support from all of these quarters.¹⁰⁹

But no study, to my knowledge, has focused on the extent to which Catiline, his followers, and his enemies (most notably Cicero) all attempted to use commonly shared

¹⁰² Gruen (1974) 416, and references. Catilinarian bibliography is vast. Levick (2015) 125-130 provides a helpful overview; cf. Hammar (2015) 177 n.557.

¹⁰³ For example, Heitland (1909) III 83-84; Allen (1938).

¹⁰⁴ Gruen (1974) 424.

¹⁰⁵ On this point see especially Allen (1938) 73-77.

¹⁰⁶ Cicero, *de Leg. Ag.* 2.27.71 unsobly suggested that a return to the farms meant a loss of many pleasures of urban life.

¹⁰⁷ Gruen (1974) 427-28 and references.

¹⁰⁸ Heitland (1909) III 83-84; Gruen (1974) 427 also describes a credit crunch in progress in 63 as creditors called in debts to re-invest during an upswing in confidence following Pompey's defeat of the pirates and Mithridates.

¹⁰⁹ The centrality of debt to the conspirators was best recognized by Gruen (1974) 425.

social values both to interpret and to pilot the course of events.¹¹⁰ Sallust's famous conclusion that the conspiracy was the result of failures of personal restraint born from growing imperial luxury needs no belaboring.¹¹¹ And yet, Sallust's conclusion is so famous that it, along with some of Cicero's sharper invective, has been shunted off as so much propaganda that obscures some underlying truest causes, such as those social and economic factors above that modern eyes have discerned.¹¹²

That is not, however, how the ancients perceived the situation. Within the walls of the *curia* and around noble dining tables, the course of events was mentally filtered through the rhetoric of restraint, and rhetoric metamorphosed into physical actions and reactions.¹¹³ Our starting point for understanding the conspiracy should therefore be that rhetoric, and the structure and content of Cicero's Catilinarian speeches show that Cicero hoped to rally substantial, actual support against Catiline by tapping into the restraint values.

The values permeate the first speech, starting from the celebrated opening lines:

Quo usque tandem abutere, Catilina, patientia nostra? quam diu etiam furor iste tuus nos eludet? quem ad finem sese effrenata iactabit audacia?

For how long, Catiline, will you abuse our patience? How much longer indeed will that frenzy of yours mock us? To what end will unrestrained audacity hurl itself?

¹¹⁰ A point missed, for example, by Dugan (2010) 185, who otherwise sees Cicero as touting "tradition and "authority," but in no more detail. Hammar (2015) 169-226 investigates the "moral-cultural logic" (203) of Cicero's Catilinarians. His conclusions—that Cicero's moral invective was meant to mark Catiline as an "isolated deviant" (208), and thus was meant to have the practical effect of defeating him—mesh well with the observations of this study. But Hammar focused only on Cicero's point of view, without examining how Catiline's behavior also reflected contested social values, and Hammar also did not place Cicero or Catiline's behavior into the proper context of a decades-long process of change to the aristocracy's "moral-cultural logic."

¹¹¹ Sall. *B.C.* 10.1-13.5.

¹¹² As did Gruen (1974) 422-23.

¹¹³ Cf. Hammar (2015) 180 ("[an immoral portrait] . . . can most definitely influence [reality]"); Corbeill (1996) 24: invective can have "tangible effects in the political sphere."

We should recognize in this opening an appeal to proper deference to a (most distinguished) group of peers. Cicero's very first step was to separate Catiline out of the assembled group of senators in an unambiguous contrast between "us" and "you."¹¹⁴ Critically, Cicero's dichotomy was no mere metaphor, but was as corporeal an expression of the shared value of deference to peer and groups of peers at work as we might ever see in the ancient evidence. As Cicero twice stated as the speech progressed, the senators had physically deserted Catiline as a group. Before the meeting began, as Catiline entered the Senate, not one of his friends or associates greeted him.¹¹⁵ And as Catiline took his seat his fellow senators—and particularly, as Cicero took the time to remark, the eminent *consulares*—had stood up, walked away from him, and gathered together on the other side of the room, leaving him alone among denuded seats.¹¹⁶ "How," Cicero demanded of Catiline, "ought you to feel about that?"¹¹⁷

Cicero did not need to voice the correct answer: "ashamed." In Chapter One we saw that *pudor*, the desire to avoid "loss of face,"¹¹⁸ helped create deference to peers because it was the painful result of "being seen as *discredited*,"¹¹⁹ and *verecundia* was the "art of knowing your proper place in every social transaction and basing your behavior on that knowledge,"¹²⁰ which required constant calculation of the "face" of others.¹²¹ Both emotions contributed to *existimatio*, one's sense of worth in the eyes of others, and formed the basis for

¹¹⁴ Cf. Langerwerf (2015) 157; Hammar (2015) 181 and references.

¹¹⁵ *in Cat.* 1.16.

¹¹⁶ *in Cat.* 1.16.

¹¹⁷ *in Cat.* 1.16: quo tandem animo tibi ferendum putas?

¹¹⁸ Kaster (2005) 43.

¹¹⁹ Kaster (2005) 29. Cf. Kaster (1999) 4: "*Pudor* primarily denotes a displeasure with oneself caused by vulnerability to just criticism of the socially diminishing sort," a "sense of shame" accompanied by an "admirable sensitivity to such displeasure, and a desire to avoid behavior that causes it."

¹²⁰ Kaster (2005) 15.

¹²¹ Kaster (2005) 15.

deferential behavior. By focusing from the very opening of the speech on the contrast between a lone man and his peers arrayed against him, shown plainly by their physical orientation, Cicero was directing Catiline to calculate his “loss of face” in the presence of his fellow senators, to feel (at last) the *pudor* and *verecundia* that should have guided him to obey the Senate, and to recognize from that calculation that his behavior was indefensible.

Moreover, because physical confrontation was so important to creating these reactions, Cicero ordered Catiline in only the fourth sentence of speech to consider the (very visible) “*concursum* of all good men” and the *ora voltusque*, the “faces and expressions,” of the senators who were all were looking at him, and then asked Catiline why the sight of that gathering and of those faces did not “move” him.¹²² “For my part,” Cicero also professed, “if I saw myself suspected and so offensive to my fellow citizens, even unjustly, I would prefer to absent myself from their gaze rather than be seen by the hostile eyes of all.”¹²³ This is a clear reference to the *pudor* script: as we have repeatedly seen, the experience of *pudor* might cause one to look down at the ground or withdraw from one’s associates.¹²⁴ Cicero wanted both Catiline and his audience to see as clearly as possible how shame in the (literal) faces of Catiline’s peers should have constrained Catiline from taking his present course—but did not. Instead, as Cicero succinctly put it, Catiline was “not a man whom *pudor* would turn back from wickedness, or danger from fear, or reason from frenzy.”¹²⁵

¹²² *in Cat.* 1.1: nihil concursus bonorum omnium . . . nihil horum ora voltusque moverent? Dyck (2008) 65 is quite wrong to suppose that the *concursum* was an “informal and spontaneous” gathering to protect the senators from harm—from one lone man in plain sight?

¹²³ *in Cat.* 1.17: et si me meis civibus iniuria suspectum tam graviter atque offensum viderem, carere me aspectu civium quam infestis omnium oculis conspici mallet. Cf. Dyck (2008) 98 on the eyes as conveyors of emotion.

¹²⁴ Kaster (2005) 32.

¹²⁵ *in Cat.* 1.22: Neque enim is es, Catilina, ut te aut pudor a turpitudine aut metus a periculo aut ratio a furore revocarit. Cf. Dyck (2008) 107: “*pudor* follows upon consciousness of *vitia*.”

Cicero's next move was to add to Catiline's shame by a turn to other restraint values. If Catiline lacked *pudor*, he also lacked the emotional backstop of *temperantia*—to say nothing of the more lofty virtues of *modestia* or *moderatio*. Hence Cicero's first sentences contrasted Catiline's "abuse" with the senators' "patience,"¹²⁶ and scolded his mocking "frenzy" and "unrestrained audacity," which were leading Catiline to breach the bonds that tied him to his peers.¹²⁷ The very words *effrenata audacia* made the point.¹²⁸ To drive the idea home, Cicero then cited *exempla* of wicked citizens—the Gracchi, Spurius Maelius, and Saturninus—who aspired with *audacia* to revolution and were killed swiftly by great patriots, and cleverly inverted the point for effect by arguing that Tiberius Gracchus was killed for only "moderately" endangering the Republic, while Catiline wished to "waste the whole globe in slaughter and fire."¹²⁹

¹²⁶ The contrast between the "patience" of the good man and the fury of the wicked man echoes in Cicero's recount of Tiberius Gracchus: Cic. *Brut.* 95: eodem in genere est habitus is qui iniuria accepta fregit Ti. Gracchum patientia, civis in rebus optimis constantissimus M. Octavius. ("Of the same type [of orator] is considered that most constant citizen in supporting the best type of men, Marcus Octavius, who, having suffered injury, broke Tiberius Gracchus with patience").

¹²⁷ Wirszubski (1961) 15 defines *audax* as describing a man who "dared in public life to do what no good man would think of doing," citing Vell. Pat. 2.24.5 on Cinna. Recall also the epigram of Appius Claudius, <ae>qui animi compotem esse/ne quid fraudis stuprique ferocia pariat: "To be the master of a balanced mind/lest fierce insolence give birth to rupture of good faith and to shameful disgrace." Morel *et al.* (1927-2011) 12 fr. 1 (= Fest. 418 L (317 M)).

¹²⁸ Cf. Sallust *B.C.* 3.3, who to explain his failure in politics juxtaposed his own *pudor* with the *audacia* of others: Nam pro pudore, pro abstinencia, pro virtute audacia, largitio, avaritia vigeant ("For they thrived on audacity, prodigality, and avarice instead of on *pudor*, abstinence, and virtue").

¹²⁹ *in Cat.* 1.2: An vero vir amplissimus, P. Scipio, pontifex maximus, Ti. Gracchum mediocriter labefactantem statum rei publicae privatus interfecit: Catilinam orbem terrae caede atque incendiis vastare cupientem nos consules perferemus? ("Indeed, a great man, P. Scipio, *pontifex maximus*, as a private citizen killed Tiberius Gracchus who was only moderately undermining the Republic: should we the consuls prefer Catiline, who wants to waste the whole globe in slaughter and fire?"). Cf. Quint. 8.14.13-14; Dyck (2008) 69.

At this, a pivot. Cicero detailed what he had already unearthed of the conspiracy, and ended his account with advice that Catiline should leave the city.¹³⁰ Exile would not be so terrible for Catiline, Cicero declared, for what pleasure could he still have in Rome when everyone hated him?¹³¹ Not, as one might expect Cicero to say, that they hated him on account of the *plot*, but instead for a litany of failures of *private* self-control. Catiline's personal affairs were a scandal. What *libido*, asked Cicero, "has been absent from your eyes, what crime from your hands, what shameful act from your entire body?"¹³² And what young man had he not "caught in a net of seduction and provided with weapons for crimes or a torch for his lust?"¹³³ It was true, Cicero noted, that Catiline had developed a "famous" (*praeclaram*) ability to sleep on the cold hard ground, and to face hunger, fatigue, deprivation, and chill. But, said Cicero, Catiline cultivated these controlled traits only so that he could patiently carry out late-night thefts and adulteries.¹³⁴ So too did Catiline owe money, and his ruin in debt was imminent. His *cupiditas* was *effrenata* and *furiosa*.¹³⁵ Voluntary exodus to Etruria, however, promised the delights of bacchanals—a life for which Catiline had been preparing for years by his debauchery.¹³⁶ Buried only in the middle of this catalog were what

¹³⁰ *in Cat.* 1.6-13.

¹³¹ *in Cat.* 1.13.

¹³² *in Cat.* 1.13: quae libido ab oculis, quod facinus a manibus umquam tuis, quod flagitium a toto corpore afuit? Sallust would later diagnose Catiline's drive for supremacy similarly, the result of a man "burning with lusts" with "mind always lusting after things immoderate, unbelievable, too high." Sall. *B.C.* 4.5: ardens in cupiditatibus . . . vastus animus inmoderata, incredibilia, nimis alta semper cupiebat. Cf. Q. Cic. *Comment. in Pet.* 9-10; Ascon. 86C (= Lewis (1993) 172).

¹³³ *in Cat.* 1.13: cui tu adolescentulo quem corruptelarum inlecebris inretisses non aut ad audaciam ferrum aut ad libidinem facem praetulisti?

¹³⁴ *in Cat.* 1.26. Cf. Sall. *B.C.* 5.3. Compare also the grudging praise Cicero made during his defense of Marcus Caelius (5.12-6.14) of some of Catiline's virtues.

¹³⁵ *in Cat.* 1.25.

¹³⁶ *in Cat.* 1.26.

might seem more serious allegations: that Catiline had murdered his wife to make room for a young bride, or had tried to assassinate Cicero, or had even killed his own son.¹³⁷

Cicero would repeat and amplify the same themes the next day in front of the People. Cicero there presented Catiline as the ringleader of an astonishing group of wicked men “shining with unguents” and “flitting about” the forum effeminately, of poisoners, low gladiators, thieves, assassins, parricides, forgers of wills, fraudsters, gluttons, prodigals, adulterers, prostitutes, corruptors of youth and men corrupted themselves, debauchees, gamblers, whoremongers, and drunkards.¹³⁸ Shame became the first theme in his peroration:

Ex hac enim parte pudor pugnat, illinc petulantia; hinc pudicitia, illinc stuprum; hinc fides, illinc fraudatio; hinc pietas, illinc scelus; hinc constantia, illinc furor; hinc honestas, illinc turpitude; hinc continentia, illinc libido; hinc denique aequitas, temperantia, fortitudo, prudentia, virtutes omnes certant cum iniquitate, luxuria, ignavia, temeritate, cum vitiis omnibus.

On the one side fights *pudor*, on the other immodesty; here chastity, there sexual immorality; here good faith, there fraud; here piety, there wickedness; here constancy, there frenzy; here honesty, there evil; here self-control, there lust; here equity, *temperantia*, bravery, prudence, all the virtues that battle with iniquity, luxury, idleness, temerity, and with all vices.¹³⁹

Here is the black-and-white toggle-switch again, and Sallust would later repeat these themes.¹⁴⁰

The significance of Cicero’s strategy has not always been fully appreciated. Gruen, for example, commented dismissively on these arguments that “[p]ropaganda and invective

¹³⁷ in *Cat.* 1.14-16. Cf. Plut. *Cic.* 10, App. *B.C.* 2.2; Val. Max. 9.1.9. Sallust *B.C.* 15.2 considered the guilt caused by Catiline’s murder of his wife and son the “chief cause” of the conspiracy; the lesser emphasis Cicero placed on these shocking rumors suggests that he did not find them entirely credible. Craig (2007) 338 argues that Cicero’s restraint in this speech (relative especially to the wilder invective that he had used against Catiline in the previous year in the lost speech in *Toga Candida*, cf. Crawford (1994) 159-99) shows that Cicero chose attacks in this speech that he thought would be most believed.

¹³⁸ in *Cat.* 2.5: *volitare in foro . . . qui nitent unguentis*; in *Cat.* 2.7; in *Cat.* 2.10.

¹³⁹ in *Cat.* 2.25.

¹⁴⁰ Thus Dyck (2008) 158: “the passage . . . provides important evidence for what Romans perceived as binary oppositions within their value-system”; Sall. *B.C.* 14.1-7. Dyck (158) notes that this is the most extensive example of moral comparison and contrast in Cicero.

pollute the tradition.”¹⁴¹ The word “pollute” is telling, as though Cicero’s strategy only distracts from the “real” social and economic issues that we should go looking for.¹⁴² But Cicero was in the most extreme moment of his life, and believed that he faced death or flight if he failed.¹⁴³ We should expect that Cicero knew that his descriptions of Catiline’s sexual and financial perversity would reverberate with his audiences.¹⁴⁴ Moreover, we should not think Cicero’s listeners such dullards that they could not find mere “propaganda” irrelevant, nor should we believe Cicero such a fool as to waste dire minutes of his audiences’ priceless attention on frivolity.¹⁴⁵ Cicero’s choice of strategy is itself worthy of inspection, not dismissal; the strategy was itself a part of Roman social reality, not a distraction from it. His purpose was to convince his listeners that Catiline was the type of man who would truly plot what Cicero said he was plotting,¹⁴⁶ and to shame Catiline for doing so.¹⁴⁷ His means were

¹⁴¹ Gruen (1974) 422. Hammar (2015) 59-60, in his excellent efforts to show that “morality” mattered to Roman audiences, attacks scholars who believed similarly to Gruen that invective was “at best, an embarrassing trait of Roman oratory” not indicative of anything of historical value, including Syme (1939) 151: “screen and sham,” and Crook (1967) 255; cf. Edwards (1993) 3-4, 12, 176. Powell (2007) 19-20 summarizes the stages of the debate over invective, from purely literary figure to the (now more commonly accepted) belief that Roman audiences took invective seriously as a means of enforcing social conventions.

¹⁴² As noted Earl (1967) 17: “Thus, where we would see the working of the process of economic change and sociological and political adjustment, they saw—or appear to have seen—only ethical issues.” Had Earl added that the “ethical issues” were the methods of conducting interpersonal relationships that in fact constituted the process of republican governance, his insight would have been complete.

¹⁴³ *in Cat.* 1.9-10; Sall. *B.C.* 28.1-3.

¹⁴⁴ Cf. Hammar (2015) 191: “By traversing the superficial line between immorality and conspiracy, the consul effectively erased it. Lust and violence were connected.” Cf. Val. Max. 4.3.pr; Hammar (2015) 149: “Lust and greed led to *furor*.”

¹⁴⁵ Corbeill (2002b) 211 highlights the “interesting and surprising fact” that Cicero tended to use more invective in front of senators than in front of the People, which he explains, correctly to my mind, by stating that “the mechanisms for shame operate differently in the closed oligarchy of the elite and before the people amassed as a body”; no doubt because of the regular personal contact that the closed oligarchy had with each other. I thus disagree with Kaster’s (1999) 17 theory that *pudor* died in Rome as the aristocracy and Senate expanded in size; the group was still quite small.

¹⁴⁶ Langerwerf (2015) 157 writes: “[I]t is important to remember that Cicero possessed no real evidence of Catiline’s intentions until the Allobroges had conveniently constructed and

the logic and language of restraint. We should believe that he knew that his listeners would find his words consonant with a worldview that inseparably amalgamated displays of private self-control with the ability to participate properly in republican governance—the very thing that Cicero alleged that Catiline was not doing.¹⁴⁸ Whether they would believe that what Cicero was saying was *factually* correct was one thing; that they would be receptive to his purpose and methods was another.

Catiline himself confirmed the social reality, wisdom, and force of Cicero's strategy. Far from questioning Cicero's premises, or decrying some translucent "propaganda" that missed the real point, Catiline apparently undertook the same restraint-based approach in reply. Sallust reported that when Cicero sat down at the close of the first speech, Catiline attempted rebuttal:

demisso vultu, voce supplici postulare a patribus coepit ne quid de se temere crederent; ea familia ortum, ita se ab adulescentia vitam instituisse, ut omnia bona in spe haberet; ne existumarent sibi, patricio homini, quous ipsius

acquired it for him." This is not quite true: by this point Cicero had been fed considerable information by informants such as Fulvia (Sall. *B.C.* 28, App. *B.C.* 2.1.3), but it is certain that as yet he had no hard proof that might completely convince his audience. Of interest is a recent sociological paper that contends that the expression of moral outrage against malfeasants increases the perceived trustworthiness of the attacker. Jordan, *et al.* (2016).

¹⁴⁷ Craig (2004) 199 argues that in Cicero's invective "truth value" was "secondary," and had the primary function of "humiliating one's enemies," which accords well with Cicero's purposes here. Corbeill (2002b) 197 is quite correct to identify inculcating "shame" as a point of invective. I therefore cannot agree with Price (1998) that the speech was a "failure" because it showed that Cicero was unable to expel Catiline and had no practical power to put down the conspiracy. The ancients, starting with Sallust 31.6, considered it a resounding success; their yardstick was perhaps not the practical effect of stopping the conspiracy then and there, but of placing Catiline convincingly in the role of malefactor. That Catiline was shouted down after the speech shows that Cicero had his intended effect.

¹⁴⁸ Cf. Hammar (2015) 254; Corbeill 1994 (5) and (2002b) 199: "Invective supplies proof—by identifying a person as unfit for the community the speaker of necessity wins over the jury." Corbeill (2002b) 201, citing Horace's reference in *Sat.* 1.7.32 to "Italic vinegar," also observes that invective was a particularly Roman trait that differentiated Roman oratory from its Greek predecessors. That difference is evidence that Roman rhetoric was tailored to the Romans' own cultural idiom, which included instilling shame as part of a Roman republican deference scheme that was not a feature of the Greek cultural or political experience.

atque maiorum plurima beneficia in plebem Romanam essent, perdita re publica opus esse, quom eam servaret M. Tullius, inquilinus civis urbis Romae.

With downcast eyes and in a suppliant voice he began to ask the fathers not to believe anything about him recklessly; he was born of such a family, and had ordered his life from his youth up, such that he should be able to hope for all good things. They should not think that the destruction of the Republic would be any benefit to him, a patrician, by whom and by whose ancestors many benefits had come to the Roman *plebs*—nor that M. Tullius, a resident alien in Rome, should be the Republic’s savior.¹⁴⁹

The response makes sense only in a context of restraint patterns that Cicero and his audience had just shared. Catiline asked the fathers not to be “reckless”—a gesture towards *temperantia* reminiscent of Cato the Elder’s warning in the opening of his speech on the Rhodian embassy.¹⁵⁰ Catiline then insisted that he would gain nothing by revolution, for he still could expect “all good things” in his career—the offices and *honores* that he had hitherto been denied. Why so? Because he not only came from good family, but he had properly “ordered his life from his youth up.” That phrase was a claim on the efforts of *temperantia*, and was meant as a direct counter to Cicero’s allegations that for Catiline’s entire life—or at least for “many years”—he had engaged in the perverse activities of which Cicero accused him.¹⁵¹ Perhaps by this phrase Catiline specifically meant his reputation for self-control in

¹⁴⁹ ORF³ 370 fr. 9 (= Sall. *B.C.* 31.7). Ramsey (2007) 148 notes that according to Cicero *de Orat.* 129 Catiline was mute after Cicero’s speech, but argues that “this need not preclude the possibility that Catiline offered an extemporaneous disclaimer of guilt,” although admittedly Ramsey believed that this particular speech was invented by Sallust. Plutarch *Cic.* 16.3, however, reported some attempt by Catiline to speak before he was shouted down, and McGushin (1987) 62 considered the tone of the speech to match the (assuredly genuine) letter to Catulus, below, which suggests that Sallust’s reported speech might have reflected some genuine expostulation by Catiline that night.

¹⁵⁰ ORF³ 62 fr. 163 (= Gell. 6.3.14); Astin (1978) 123-24, 137-39. Cape (2002) 145 sees Cicero presenting himself as a consul “who does not rush to violence,” although Cicero’s stance was admittedly as much a product of the uncertain situation as a gesture towards restraint.

¹⁵¹ *in Cat.* 1.13; 1.18: Nullum iam aliquot annis facinus exstitit nisi per te (“For many years no crime has been committed unless with your assistance”). Cf. Sall. *B.C.* 15.1-5; Q. Cic. *Comment. Pet.* 8.

the face of cold, fatigue, and hunger, and his sleeping in fields like an ideal commander—a reputation that he had apparently taken such effort to curry and publicize that Cicero had been able to assume that his audience was familiar with it, and felt that he needed to refute it. Catiline’s response also signifies that both he and the Senate considered such “ordering” to be a requirement for—or at least an ideal trait for—an officeholder. Moreover, Catiline invoked the principles of deference: Cicero, an *equus* from nowhere,¹⁵² though consul, was undeserving, and should not receive the same regard as a man of a family long distinguished as patrons to the Republic’s highest power—a potent recipe for respect. And all of this came in a bodily posture, with downcast eyes, meant to neutralize Cicero’s primary accusation: that Catiline lacked *pudor* in the face of his illustrious peer group. It didn’t work. Catiline reportedly tried further (unfortunately unrecorded) maledictions on the consul in an attempt to re-align the group behind himself and to isolate his antagonist. The enraged senators instead began to shout Catiline down. In response he rushed from the meeting, threatening to bring destruction on them all.¹⁵³

But if Catiline’s efforts did not work on Cicero and the senators, Cicero’s and the senators’ efforts equally did not work on Catiline. Although Catiline left Rome as Cicero had hoped, neither Cicero’s appeal to *pudor* nor the *ora voltusque* of Catiline’s peers took full effect, and the planned revolution continued. Although it is difficult to pierce through hostile sources to get at Catiline’s emotional motivations, we can infer from the extant evidence some reasons why. First, in a speech that Sallust assigned to Catiline at a meeting of the conspirators, “Catiline” explained why they should rise up against their enemies and assume

¹⁵² Cf. ORF³ 368 fr. 3 (64 B.C.) (= *Schol. Bob. in Sull.* 80,13): eius humilitatem natalium maledica insectatione carpebant (“They [Antonius and Catiline] were harrying his [Cicero’s] humble birth with hostile invective”).

¹⁵³ Sall. *B.C.* 31.8-9.

power in Rome.¹⁵⁴ The state, he was made to say, was in thrall to a few powerful men who deprived *boni* such as those assembled of *gratia*, *auctoritas*, *potentia*, *honos*, *divitia*, and treated them like a cheap *volgus*—a mob of commoners.¹⁵⁵ Thus the charge was arrogance, the antimatter of *pudor*.¹⁵⁶ Then, following the same rhetorical pattern as Cicero's First Catilinarian, the speech immediately buttressed this allegation with allegations of lack of self-control: these haughty men leveled mountains and filled seas to build estates, cobbled together multiple houses to form gaudy mansions, lounged among paintings and statuary, and abused their money.¹⁵⁷ Catiline's ascribed motivation was thus, in effect, that his adversaries were all shameless, a fact that their alleged superior attitudes and their luxurious habits proved. So too, according to "Catiline's" reasoning, these traits made his adversaries disrupt the normal course of the officeholding competition to prevent worthy others from gaining *gratia*, *potentia*, and *honos*, and upended the proper deference due to "good men" such as himself and his supporters: *eis obnoxii, quibus, si res publica valeret, formidini essemus* ("We are beholden to men to whom we would be formidable if the Republic were healthy").¹⁵⁸ Thus "Catiline's" justifications constituted the inverse to Cicero's invective, and yet within the same mental framework.

Of course, we must be very cautious with this speech. The meeting was secret, and the structure of the speech, as noted, neatly mirrors the First Catilinarian, which suggests an

¹⁵⁴ Sall. *B.C.* 20.2-14.

¹⁵⁵ Sall. *B.C.* 20.7. Paananen (1972) 60-62 suggests that the ambiguous use of the term *boni* in Sallust here and elsewhere reflects a "semantic shift" current in Sallust's time from referring to those who cared most for the state to referring to those who were prosperous and powerful, and thus the use of the word always represented a disputed "value judgment." That observation would accord well with the dispute between Catiline and Cicero as to who best represented traditional values.

¹⁵⁶ Sall. *B.C.* 20.10.

¹⁵⁷ Sall. *B.C.* 20.12.

¹⁵⁸ Sall. *B.C.* 20.7.

irony-laden literary creation.¹⁵⁹ And yet it is possible that these sentiments were genuine Catilinarian expressions: Ramsey commented on these passages that a “general account” of the meetings would have been passed to Cicero by spies and informers and become “public intelligence,”¹⁶⁰ and McGushin also believed that Sallust “likely had some evidence” for this speech as reported.¹⁶¹ But even assuming a literary creation, Sallust surely hoped that his readers might believe that Catiline, a man who had been very well known and was still very well remembered in Sallust’s day,¹⁶² had said such things.¹⁶³

Indeed, that Catiline did in fact believe something along the lines of Sallust’s speech for him can be seen from his very public exit speech from the *curia*, which Sallust could not have invented entirely, and can also be seen in a letter—all but certainly genuine—quoted by Sallust that Catiline sent to Q. Lutatius Catulus.¹⁶⁴ In it, Catiline asked Catulus’ assistance in caring for his wife, and in a few short sentences made a defense for himself:

¹⁵⁹ That the speech is an inversion of the First Catilinarian is especially hinted at by the line (20.9) *Quae quousque tandem patiemini, o fortissumi viri?* (“For how long will you put up with such things, O bravest of men?”). Malcolm (1979), however, argued that the phrase *quousque tandem*, which appears nowhere else in Cicero but in *in Cat.* 1.1, and in Sallust only here, was in fact an idiosyncratic and well-known (if somewhat ungrammatical and redundant) catchphrase of *Catiline’s* that Cicero mocked in his own opening. *Contra* somewhat is Dyck (2008) 63, who notes other Ciceronian echoes in Sallust’s speech for Catiline.

¹⁶⁰ Ramsey (2007) 117; cf. Sall. B.C. 23.3-5; 48.4.

¹⁶¹ McGushin (1987) 33, noting that Sallust followed the methods of Thucydides.

¹⁶² As Cicero later assumed of his audience in his defense of Caelius (5.13): *Habuit enim ille, sicuti meminisse vos arbitror, permulta maximarum non expressa signa, sed adumbrata lineamenta virtutum* (“For [Catiline] had, as I believe you all remember, muddled signs of the greatest virtues—if not express, at least in hazy outlines”). *Pro Murena* 50 shows that rumors about Catiline’s private speeches were current at the time of the conspiracy.

¹⁶³ McGushin (1987) 35. Sallust could also be discerning in choosing what stories about the meetings to believe. Sall. B.C. 21.

¹⁶⁴ Sall. B.C. 35.1-6. Heitland (1909) III 99 n.3; Syme (1964) 71-72; McGushin (1987) 66; Wilkins (1994) 46; and Ramsey (2007) 155 are all in accord that the letter is genuine, largely because of its un-Sallustian language. Sallust also reports that Catiline, channeling the example of Q. Caecilius Metellus Numidicus, had additionally sent misleading letters to various persons denying complicity in any conspiracy and false rumors about himself, and stating that he was going into voluntary exile *uti res publica quieta foret* (“so that the state might be at peace”).

Iniuriis contumeliisque concitatus, quod fructu laboris industriaeque meae privatus statum dignitatis non optinebam, publicam miserorum causam pro mea consuetudine suscepi, non quin aes alienum meis nominibus ex possessionibus solvere possem—et alienis nominibus liberalitas Orestillae suis filiaeque copiis persolveret—sed quod non dignos homines honore honestatos videbam meque falsa suspitione alienatum esse sentiebam. Hoc nomine satis honestas pro meo casu spes relicuae dignitatis conservandae sum secutus.

Provoked by injustices and false rumors, because I was deprived of the fruit of my labors and industry and could not retain my level of *dignitas*, I took up the public cause of the unfortunate, as is my custom, not because I could not pay my debts out of my own pocket—and the liberality of [my wife] Orestilla, through her own and her daughter's resources, could have covered debts incurred by others—but because I saw unworthy men honored with office and myself denied through false suspicion. For this reason I have pursued honorable enough hopes of preserving what remains of my *dignitas* in view of my circumstances.

We see the same mental framework as before. Catiline blamed his lack of political success on “false rumors.” Given that Catiline took special pains to correct whispers about alleged profligacy with money, these must include the rumors of intemperance reflected in Cicero's speeches. Catiline, like Cicero, believed that perceived personal restraint mattered; he simply denied that he lacked it. Also remarkable is the direct link that Catiline drew between his support of the commons and the fact that “unworthy” men ran the Senate.¹⁶⁵ Part of this link was a failure of restraint: Catiline believed that humble men like Cicero should defer to him, not vice-versa, and that the Senate should have agreed. His disdain for the senators may also have had an element of *intemperantia*. Sallust also described a message from C. Manlius, one of Catiline's co-conspirators, that complained of the *saevitia faeneratorum atque praetoris* (“the savagery of the moneylenders and the praetor”) and the *superbia magistratuum*

¹⁶⁵ Cicero reported in his speech *pro Murena* 51 that Catiline had stated in the Senate in the summer of 63 that the state had two bodies, one weak with a weak head, the other strong with no head, but with himself ready to play that role. If an accurate report, it would further suggest that Catiline drew his *existimatio* from his supporters and from the People, not the Senate, which he regarded as frail.

(“arrogance of the magistrates”).¹⁶⁶ Catiline’s logic therefore tracked the Gracchi brothers’ turn to the People for a source of *existimatio* in the face of a haughty and greedy nobility, and is further evidence of a deference system and *temperantia* in turmoil.¹⁶⁷

Most interesting is the letter’s relationship to shame. Cicero had averred that Catiline lacked *pudor*, and in as many words. Catiline here retorted with reasons why he should not have to feel ashamed at his course of action: his course was “honorable,” in preservation of his *dignitas*. Pause for a critical observation. Catiline was able to untether his personal sense of *dignitas* from the many senators’ assertion that he should feel *pudor*. Cicero had tried to argue that such a thing should not have even been possible: how could a man claim any *dignitas*, or feel anything but shame, if *all* of the best men so patently hated him? But Catiline could in fact do so, first because he could imagine gaining *existimatio* enough from his supporters, at least some of whom were in fact nobles,¹⁶⁸ and particularly also from a turn to the “unfortunate” commons; second, because he believed that he had built up a famous store of self-control, which he felt others had failed to appreciate fully; and third, because he

¹⁶⁶ Sall. *B.C.* 33.1. McGushin (1984) 48 considered Manlius “as being initially independent of Catiline” but “inspired by the same basic motives.” Ramsey (2007) 153 believes that Sallust’s version of the message does not “purport to be a faithful copy of the original,” but was similar to something that would have been said. According to Sallust, the response of the recipient, the general Q. Mucius, was to suggest that the conspirators and their army make their complaints as suppliants to the Senate, which would be merciful. Sall. *B.C.* 34.1. On the fickle and corrupt praetors, see Lintott (1977).

¹⁶⁷ Cicero in his speech *pro Murena* 50 referred to a current rumor that Catiline had said in a private speech that “no trustworthy defender of the downtrodden could be found who was not poor himself,” and that “broken and poor men should not trust the well off and fortunate” (*miserorum fidelem defensorem negasset inveniri posse nisi eum qui ipse miser esset, integrorum et fortunatorum promissis saucios et miseros credere non oportere*). It is plausible that Catiline did say something along these lines, but with the positive spin that only men who were not luxurious could be trusted to do what was right.

¹⁶⁸ Certainly among these were the current praetors C. Cornelius Lentulus Sura and C. Cornelius Cethegus, who were eventually found out; Price (1998) 113 counts eleven senatorial supporters. The loyalty that some had to Catiline is illustrated by the flowers left at his grave upon the conviction in 59 B.C of Cicero’s colleague C. Antonius Hybrida. Cic. *pro Flacc.* 95. Support from Caesar and Crassus, although even more clandestine, was also rumored. Cf. Ascon. 83C (= Lewis (1993) 166).

could also imagine that the senators as a group were unworthy judges of his merit, as evidenced by their support of undeserving men, their foolish belief in false rumors, and (perhaps) their own greed and arrogance.

These mental leaps would have been all but impossible before the disturbances of the previous seventy (or even the last twenty-five) years—the result of developments that began with the Gracchi and had coursed through Marius.¹⁶⁹ And even if someone could have made the leaps before, only after the disturbances could he have considered doing anything much about it.¹⁷⁰ But through the now-tortuous logic and language of restraint Catiline, like Sulla (whom Catiline had served during the proscriptions),¹⁷¹ could justify an armed attack on Rome. This paradox is also reflected in the fact that Sallust used the word *hostis* with equal facility to describe the established government from Catiline's point of view, and Catiline from the established government's point of view.¹⁷²

In sum, both Cicero and Catiline believed that arrogant and luxurious men should be opposed vigorously as injurious to a properly operating Republic. Catiline did not quibble with Cicero's invocation of this belief, but disputed only whether it was himself, or Cicero and the senators, who best fit that description.¹⁷³ The disruptive uncertainty of the previous

¹⁶⁹ Apt here is Batstone's (1988) 29 observation on the *synkrisis* of the paired speeches of Cato and Caesar near the end of Sallust's *Bellum Catilinum*: "Qualities became separate that should not be separated . . . What is *dignitas* and the value of being considered *clarus* or *magnus*? What adds to *dignitas*? Who are the *miseri* and the *mali*? And what has happened to a society that cannot negotiate an answer those questions?"

¹⁷⁰ Consider here Gruen's (1968) 423-31 observations on the legitimate grievances of many persons in Rome and Italy, upon whom Catiline might rely for aid.

¹⁷¹ Keaveney (2005) 129 and n.13; see Syme (1964) 124 and Wilkins (1994) 83, and references for Sallust's belief that Sulla's excesses inspired Catiline.

¹⁷² Wilkins (1994) 21 noticed that Sallust used the word nine times from Catiline's point of view, eleven times from the government's point of view.

¹⁷³ Batstone (2010) 228 somewhat captures this point by calling Catiline a "complex figure" full of "cognitive dissonance" who represents a "complex interaction of Roman virtues and vices" in a society where it is impossible to define virtue and vice absolutely; to the same effect Wilkins (1994) *passim*. It was, however, not just the man, but the belief system to

decades about *temperantia* allowed each to believe he was in the right. The two also differed in their perception of what constituted proper shame and deference. Cicero clung to the hope that, with proper exhortation, the restraint values once again would be acknowledged by all and all men's behavior would be once again directed *consensu omnium*.¹⁷⁴ But here that hope had failed where only force had succeeded. Catiline's conspiracy instead revealed certain men's ability to separate their own *existimatio* from the opinion of the collective Senate by combining appeal to the People, an assemblage of personally loyal supporters, and a belief that a substantial portion of the Senate was luxurious, foolish, arrogant, and unworthy of respect. Such men were immune to the most potent forces that the aristocratic group had traditionally used to tie itself and its members together. Worse, that Catiline (and his supporters) could justify arson and murder as "honorable," even in the face of the assembled Senate, illustrates that *pudor* was a concept without universally acknowledged or automatic application, and without any obvious binding power across the aristocracy as a whole. That the disagreement ended in executions and the slaughter of Catiline and his supporters on the battlefield, however, shows how much belief in deference and self-control still mattered.

Crassus, Cato, Caesar, and Consensus

which he subscribed that had become complex and dissonant. Batstone's unnecessary conclusion that Sallust's Catiline was a literary creation—plainly untrue, as seen by Catiline's own words—would, even if true, only shift this observation onto Sallust, who also sensed the cognitive dissonance in the system of restraint. Konstan (1993) 27 is also useful: "Cicero could not guarantee the moral superiority of his cause . . . by pointing at an absolute and unambiguous pattern of values. This is in the nature of a crisis of legitimacy, where appropriation of the symbols of authority is the work of the discourse itself."

¹⁷⁴ Cicero's naïveté was later exemplified by his hopes to "heal" the Republic by teaching young men like Clodius proper restrained manners through publicly shaming him with witty insults. Cic. *ad Att.* 1.18.2 (= *spe . . . sanandae*). He failed to appreciate the danger of putting his hopes in these measures.

Thus far, we have seen two underpinnings of deference—mutuality and shame—failing to function properly, and *temperantia* (once again) scrambled into uselessness. Three further factors now need illustration as we approach the creation of the “three-headed monster.” First, the activities of M. Licinius Crassus, who seemed to care little or nothing for the shame that men like Cicero might impose, but was ready to try new methods to win influence in politics. Second, the belief of M. Porcius Cato that the only way to fix the ailing Republic was to apply traditional restraint values as severely as possible. We have encountered the larvae of these two attitudes before, the former in the factious tribunes of the last decades and in Catiline, the latter in men such as P. Rutilius Rufus or Q. Lutatius Catulus in the two previous generations. Consensus between these utterly incompatible views was impossible. The third and last factor we have previewed in Saturninus and Marius: Caesar, a man who knew how suit restraint to his advantage.

First Crassus, perhaps the most enigmatic of the men who played a role in the Republic’s demise. Plutarch struggled to grasp the motives of his famously wealthy biographical subject. Crassus’ boyhood house and table, Plutarch insisted, were humble, and for this reason Crassus’ early life was σώφρων καὶ μέτριος—“temperate and moderate.” But then, according to Plutarch, a sole vice—φιλοπλουτία, “avarice”—submerged his merits.¹⁷⁵ Little of the rest of Plutarch’s *Life* diverges from this simple thesis, one of Plutarch’s lazier efforts.

But Crassus’ famed love of money was not simply a native failure of self-control. Rather, it was a calculated result of the conflict between Marius and Sulla. Marius murdered Crassus’ father and brother, and the young future *dives* was forced to flee to

¹⁷⁵ Plut. *Crass.* 1.1, 2.1.

Spain.¹⁷⁶ There he hid in a cave in fear for his life, and accordingly attached himself as soon as possible to Sulla on the latter's return. He achieved little more safety. He found among his fellow *Sullani* a life-long rival in Pompey, whose "greatness" Crassus felt came at his own expense and which Crassus derided.¹⁷⁷ Sulla also sent Crassus to raise troops on the peninsula, and Crassus asked for an escort as he marched near enemy territory. Sulla's darkly pragmatic reply surely sank into the young man's memory: "I give you as a guard your father, brother, friends, and family, illegally and unjustly put to death, whose murderers I am pursuing."¹⁷⁸

These events probably turned Crassus to think coldly of survival. It is all but certain that Marius and Cinna confiscated or otherwise destroyed Crassus' family fortune: the deaths of his father and brother left Crassus, we are told, with a "mere" 300 talents.¹⁷⁹ Through his relationship with Sulla, however, Crassus obtained a scandalous amount of wealth, first through acquisition of the property of the proscribed, then allegedly through other questionable acts, such as seducing wealthy women, even (as was alleged) Vestals,¹⁸⁰ propositioning for cut-rate sale prices property owners whose buildings were on fire, and getting himself suspiciously named heir to wealthy strangers.¹⁸¹ There is no hint, however,

¹⁷⁶ Plut. *Crass.* 4.3-6.1 = Cornell *et al.* (2013) II 951-53 (Fenestella). Plutarch puts the length of his stay at eight months, although Marshall (1976) 12 suggests that Crassus' flight from Rome in total lasted some three years.

¹⁷⁷ Plut. *Crass.* 7.1. Marshall's (1976) attempts to argue that Pompey and Crassus' enmity was mere propaganda invented to "drive a wedge" between the two is too far-fetched to be believed. The ancient sources, including Cicero, who even Marshall (39) admits had little reason to lie, are universally agreed that the two disliked and distrusted each other, and it is hard to see how the lie would work: would two friends actually come to believe that they were in fact enemies?

¹⁷⁸ Plut. *Crass.* 6.3: Δίδωμί σοι φύλακας τὸν πατέρα, τὸν ἀδελφόν, τοὺς φίλους, τοὺς συγγενεῖς, ὧν παρανόμως καὶ ἀδίκως ἀναιρεθέντων ἐγὼ μετέρχομαι τοὺς φονεῖς.

¹⁷⁹ Plut. *Crass.* 2.3. Still a large sum, but nothing like what he would later gain. Ward (1977) 71.

¹⁸⁰ Plut. *Crass.* 1.2; *Comp. Nic. and Crass.* 1.2.

¹⁸¹ Plut. *Crass.* 2.3-4; Cic. *de Off.* 3.75, Val. Max. 9.4.1.

that Crassus felt any shame about the sources of his money, even though some contemporaries thought he ought to: Cicero sniffed that Crassus would dance in the Forum if it would get him named in a will.¹⁸² And even if such rumors of shameless greed were false, there is no indication that Crassus felt the need to dispel them.¹⁸³

Now, what to use the money for? Not for Crassus a splendid private house or table.¹⁸⁴ Crassus derided those, like Lucullus, who built great mansions and idled around fishponds between banquets.¹⁸⁵ Instead, he spent his time personally training and organizing his slaves, no doubt to retain their loyalty, and possibly to rent them as skilled labor to gain further profit.¹⁸⁶ In this connection Plutarch also related Crassus' famous sayings that no man was wealthy unless he could support a private army from his own means, and that "war has no fixed rations"—one could never be sure how much a war would cost.¹⁸⁷ Much money would be needful if it came to it.¹⁸⁸ Plutarch thought this belief gauche, and preferred

¹⁸² Cic. *de Off.* 3.75. To Cicero, dancing in the Forum would be so shameful and repugnant that it would be permissible only in the fantastical scenario where it might save one's country, *de Off.* 3.93. Cf. *in Pis.* 22; Corbeill (1996) 135-139.

¹⁸³ The closest example we have that Crassus felt shame is that Crassus accused Cicero of wrongfully connecting him to Catiline, which Crassus called a *contumelia*. Sall. *B.C.* 48.9.

¹⁸⁴ A fact that confused Plutarch, *Crass.* 2.5, who noted Crassus' single home, a contrast to the many villas of the rich of the time. Velleius Paterculus 2.46.2 noted Crassus' moderation in most things: *vir cetera sanctissimus immunisque voluptatibus, neque in pecunia neque in gloria concupiscenda aut modum norat aut capiebat terminum* ("A man in all other matters most upright and immune from pleasures, but as to money and lust for glory he neither knew moderation nor grasped any limit"); cf. Ward (1977) 291; Woodman (1983) 72.

¹⁸⁵ Plut. *Crass.* 2.5; Plut. *Luc.* 38.4. These reports are somewhat in tension with Plut. *Cat. Min.* 19.5, in which Cato accused a young man with some disdain of "building a house" (οικοδομοῦντος) like Crassus, which implies something luxurious—although with Cato that might mean anything.

¹⁸⁶ Plut. *Crass.* 2.5; Ward (1977) 73.

¹⁸⁷ Plut. *Crass.* 2.7 (ὁ γὰρ πόλεμος οὐ τεταγμένα σιτεῖται); Cic. *de Off.* 1.25; *Parad. Stoic.* 6.45; Dio 40.27.3; cf. Ward (1977) 69. I disagree with Dyck (1996) 119 that Crassus was merely complaining about the difficulties of public recruitment relative to the ease of private recruitment; Cicero explicitly connected the phrase to a desire to be *in re publica princeps*.

¹⁸⁸ Cf. Gruen (1974) 67.

the hardy advice of Marius that one's meager farm should be sufficient for one's essentials.¹⁸⁹ Plutarch missed the point: Crassus' decisions make sense in light of Sulla's march, which had undermined mutual deference, and in light of Crassus' rivalry with Pompey. Crassus undoubtedly worried that he might lose his competition with Pompey, and that Pompey might someday post his own set of proscription lists, on which the name of Crassus would not likely be low. From Sulla, however, Crassus had obtained the clear-eyed lesson that force was useful for defense. Shame was evidently farther down on his catalog of concerns.

Also useful would be the support of many friends. Thus we discover that, while Crassus did not usually spend money on extravagant games or public largesse,¹⁹⁰ he would often hold intimate dinners with "leaders of the commons and popular men," and would greet commoners in the street by name.¹⁹¹ Another of Crassus' pastimes was handing out interest-free loans.¹⁹² The recipients' allegiance was the expected return on investment. This is also why Crassus, we are told, was willing to take any court case of whatever importance, even without hope for any financial return, and for men whom Cicero, Pompey, and Caesar had rejected as clients.¹⁹³ Another even less savory pursuit was helping men grease their juries.¹⁹⁴ His bribery—in cash and in assignations with pretty young men and women—of the jury that acquitted Clodius in the Bona Dea affair, for example, was both notorious and scandalous.¹⁹⁵ We have no inkling that Crassus cared, even if Cicero (and presumably others) found his behavior appalling. Crassus also (unusually) cultivated the support of the so-called *pedarii*, the low-ranking senators who expressed their opinions only with their feet

¹⁸⁹ Plut. *Crass.* 2.7.

¹⁹⁰ The sole exception to prove the rule being prodigious feasts at his ovation for the defeat of Spartacus in 70, Plut. *Crass.* 12.1.

¹⁹¹ Plut. *Crass.* 3.1: δημοτική καὶ λαώδης.

¹⁹² Plut. *Crass.* 3.1; cf. Cic. *de Off.* 1.109; Sall. *B.C.* 48.6; cf. Gruen (1974) 72.

¹⁹³ Plut. *Crass.* 3.2, 7.8; cf.; Cic. *ad Att.* 1.17.9-10; Vell. Pat. 2.30.6.

¹⁹⁴ Cic. *ad Att.* 1.16.5; Plut. *Crass.* 7.6.

¹⁹⁵ Cic. *ad Att.* 1.16.5.

while lining up to vote or by gathering around a man they supported.¹⁹⁶ No doubt he hoped to place the younger generation under his wing as they matured into decision-makers, and to have them flock around him when he spoke.¹⁹⁷ His plans further required that he be beholden to no one; thus Plutarch depicts him as resisting favors from Pompey that might place him into Pompey's debt.¹⁹⁸ Finally, he also warmed to the tax-collectors, both for political support and for the remuneration that they might bring.

In fine, Crassus represented one possible reaction to the disturbances of the previous decades: to embrace and enhance a new social reality that rivaled the framework of restraint that used to gain men respect, power, and safety. This new reality advised that a man should do whatever was necessary to gain as many supporters and as much wealth as possible.¹⁹⁹ Restraint might be useful, but was optional. The end of Crassus' legendary riches was to obtain some measure of protection and support in the dangerous game waged by his peers. He had seen the heads of restrained and dignified men roll; his new course was safer. His generosity with money and advocacy, Plutarch reported, in fact did make him friends to such a degree that, without having held any brilliant military command, he became as powerful as Pompey, and managed to be elected praetor and consul without apparently having achieved any of the lower offices.²⁰⁰ Of course, this means that many others—their names lost to us through time and through the hostility of Cicero and other sources—held Crassus' opinion as well and would gladly become his friends, or at least developed leery respect for him. An

¹⁹⁶ Goldsworthy (2006) 135, without fully recognizing the import of the gesture of gathering.

¹⁹⁷ Gruen (1974) 72.

¹⁹⁸ Plut. *Crass.* 12.1.

¹⁹⁹ Thus Sall. *B.C.* 48.4: *patrocinio malorum* ("patronage of the evil"); Cic. *de Off.* 1.109: *itemque alii, qui quidvis perpetiantur, cuius deserviant, dum, quod velint, consequantur, ut Sullam et M. Crassum videbamus* ("There are others who do whatever is necessary, will pander to anyone, as long as they get what they want; we have seen this in Sulla and M. Crassus").

²⁰⁰ Plut. *Crass.* 7.2-3; cf. Pliny *N.H.* 33.134; Cic. *de Off.* 1.25; Ward (1977) 82; Gruen (1974) 67 and references.

otherwise militant tribune commented that he left Crassus alone like an ox known to gore.²⁰¹

The new reality had adherents. Most important, the new reality meant that Crassus did not scruple to enter into private arrangements advantageous for himself, even if some of his more self-righteous peers might find them monstrous.

In contrast stood a second possible reaction to the disturbances, that of M. Porcius Cato the Younger, great-grandson of the famous Censor. Cato's relationship to restraint came in two general flavors. First, *temperantia* was to be exercised as strictly as possible; the unbending stare of the wax mask of his abstemious great-grandfather evidently channeled deeply into his mind.²⁰² By the time he was in his early twenties on campaign against Spartacus his hatred of luxurious living and lust had already gained him repute among his fellows.²⁰³ He refused even to look at the nude female mimes in coarse theatrical productions.²⁰⁴ He was legendarily honest with money. As quaestor in 65 B.C., Cato performed his duties with immaculate efficiency, putting his colleagues—engaged in speculation and fraud—to shame.²⁰⁵ In 58 B.C., the ever-troublesome Clodius contrived to remove Cato from Rome by sending him to Cyprus to relieve the island (and its riches) from the control of Ptolemy of Egypt.²⁰⁶ Cato returned with a colossal treasure taken from the king, but did not pocket a drachma.²⁰⁷ He instead sailed up the Tiber—in his insistence on

²⁰¹ Plut. *Crass.* 7.9. Gruen (1974) 67 observes the tribune's "volatile" nature. Ward (1977) 78 perceives a pun between the hay (*faenum*) tied to a dangerous ox's horns and a moneylender (*faenerator*); the point of the pun being that many people were afraid to attack their creditor.

²⁰² Cf. Cic. *pro Mur.* 66; Dio 37.22.1.

²⁰³ Plut. *Cat. Min.* 8.1, 9.2.

²⁰⁴ Val. Max. 2.10.8.

²⁰⁵ Plut. *Cat. Min.* 16-17. Fantham (2003) 102-03 groundlessly questions Cato's sterling reputation with money.

²⁰⁶ Plut. *Cat. Min.* 34.2. Vell. Pat. 2.38.6 describes Cato's commission as a senatorial decree; Plutarch suggests that the People voted the commission. At any rate some portion of the Senate approved, Woodman (1983) 69 and references.

²⁰⁷ Cato faced more than monetary temptation, according to Val. Max. 4.3.2: unde cum pecuniae deportandae ministerium sustineret, tam aversum animum ob omni venere quam a

pecuniary propriety even bypassing a welcoming committee of senators on the riverbank—and placed seven thousand talents of silver directly into the treasury.²⁰⁸ The unfortunate damage in a fire on the journey home of his record book upset him, not at the loss of proof of his own uprightness (which was unnecessary), but at the loss of an example to others.²⁰⁹ In later years Cato's reputation for *temperantia* was such that electoral opponents even put money into escrow with him so that anyone whom Cato personally found guilty of chicanery would see his stake divvied up among his competitors. Cicero commented that through this act Cato by himself did more to combat bribery than all the laws and the juries.²¹⁰ As Sallust later wrote encomiastically:

Catoni studium modestiae, decoris, sed maxume severitatis erat. Non divitiis cum divite neque factio cum factioso, sed cum strenuo virtute, cum modesto pudore, cum innocente abstinencia certabat; esse quam videri bonus malebat; ita quo minus petebat gloriam, eo magis illum sequebatur.

Cato pursued *modestia* and propriety, but most of all strict austerity. He competed neither with the rich in wealth nor with the partisan in partisanship, but instead with the vigorous in manly virtue, with the *modestus* in *pudor*, with the blameless in *abstinencia*. He preferred to be, rather than to seem, a good man, and the less he sought glory, all the more did it pursue him.²¹¹

lucro habuit, in maxima utriusque intemperantiae materia versatus: nam et regiae divitiae potestate ipsius continebantur et fertilissimae deliciarum tot Graeciae <et Asiae> urbes necessaria totius navigationis deverticula erant ("When he took up the mission of bringing money back [from Cyprus], he kept his mind adverse from all sexual temptation and from luxury, even though he was surrounded by the greatest material for intemperance: for he had the king's riches in his control, and the cities of Greece <and Asia>, full of indulgences, were necessary ports of call for his voyage.") = Cornell *et al.* (2013) II 741 (Munatius Rufus).

²⁰⁸ Plut. *Cat. Min.* 38-39; Flor. 44.1-5; Vell. Pat. 2.45.4-5; Dio 39.22.4; Woodman (1983) 70.

²⁰⁹ Plut. *Cat. Min.* 38.3.

²¹⁰ Cic. *ad Att.* 4.15.7-8: plus unus Cato potuerit quam <omnes leges> omnesque iudices; *ad Q.F.* 2.16.4. Cf. Plut. *Cat. Min.* 44.5-7.

²¹¹ Sall. B.C. 54.5-6. Cf. Lucan 2.382-383, who described Cato's decision *patriaeque inpendere vitam/Nec sibi sed toti genitum se credere mundo* ("to give his life for his country/and to believe he was born not for himself but for the whole world"). Lucan then immediately cited, as proof of this thesis, Cato's resistance to gluttony, finery, comfort, lust, and pleasure.

Dio agreed: “No one in those days except Cato took part in public affairs purely, without personal greed.”²¹²

Second, Cato’s practice of deference and *moderatio*, ironically, was also inflexible, and for the most part took only one shape: a scorching animosity towards men whom he judged had climbed too high above their peers. Cicero reported that Cato “hates only people whose *dignitas* cannot (or can but slightly) grow larger.”²¹³ The instances when Cato might break even his own scrupulousness showed where his heart was: he might deign to ignore bribery, for example, but only for the greater goal of seeing a powerful man cut down a size.²¹⁴ Both inveterate personality and some early experiences with arbitrary rule factored into Cato’s mien. At fourteen, Cato watched the decapitated victims of Sulla’s proscriptions carried past groaning bystanders. Cato asked his tutor why no one killed Sulla. “Because, my boy,” the tutor replied, “men fear him more than they hate him.” “Then,” retorted Cato, “why not give me a sword so I can kill him and set my country free from slavery?”²¹⁵ The tutor, disturbed by the earnest rage on Cato’s face, became frightened that Cato would take some rash action unless watched closely.²¹⁶

These were not untraditional beliefs; regicide had a fine Roman pedigree. But Cato’s severity on the subject bordered on the obsessive. He resisted elevating anyone beyond what he thought proper—a very low line. Thus not only Pompey and Caesar found triumphs and honors blocked, but even an aging ex-consular Cicero who asked for a

²¹² Dio 37.57.3: καθαρῶς μὲν γὰρ καὶ ἄνευ τινὸς ἰδίας πλεονεξίας οὐδεὶς τῶν τότε τὰ κοινὰ πλὴν τοῦ Κάτωνος ἔπραττεν.

²¹³ Cic. *ad Att.* 7.3.5: . . . Cato declaravit iis se solis . . . invidere quibus nihil aut non multum ad dignitatem posset accedere. Cf. Dio 37.22.2: πᾶν μὲν τὸ ὑπὲρ τοὺς ἄλλους πεφυκὸς ὑποψία δυναστείας ἐμίσει (“He hated anyone who grew above his peers”).

²¹⁴ Suet. *Div. Iul.* 19; Canfora (2007) 28.

²¹⁵ Plut. *Cat. Min.* 3.3: “Φοβοῦνται γὰρ αὐτόν, ὃ παῖ, μᾶλλον, ἢ μισοῦσι,” “Τί οὖν,” εἶπεν, “οὐκ ἐμοὶ ξίφος ἔδωκας, ἵνα αὐτὸν ἀνελὼν ἀπήλλαξα δουλείας τὴν πατρίδα;”

²¹⁶ Plut. *Cat. Min.* 3.4; Val. Max. 3.1.2b.

harmless triumph himself.²¹⁷ Cato applied the rules to Cato, too. In 56 B.C., for example, after his remarkable feats in Cyprus, the Senate discussed giving him an extraordinary appointment as praetor, granting him a triumph and the right to a purple-bordered toga at games, and bestowing on him the right to name after himself the slaves he brought home.²¹⁸ Cato himself vigorously inveighed against these measures as intolerable innovations; an example, said Valerius Maximus, of “the greatest moderation.”²¹⁹

Cato not only felt that he needed to live up to his standards, he demanded (and harshly) that others should too. He once attacked with frustration a foppish young senator’s hypocritical homily on temperance with the outburst “Won’t you shut up? You get wealthy like Crassus, you live like Lucullus, but you talk like Cato.”²²⁰ Sallust had him complain in his speech on the Catilinarian conspirators that he had “repeatedly” (*saepenumero*) castigated his fellow senators for their *luxuria* and *avaritia*.²²¹ In a speech in defense of the consul-elect L. Murena, whom Cato accused of electoral bribery in 63 B.C., Cicero gently mocked the exacting tenets of Cato’s famed mode of life.²²² Cato was no doubt a brave, temperate, and just man, jibed Cicero, but misguided if so inflexible.²²³ Better philosophers, no less *moderati homines et temperati*, said Cicero, knew that *omnis virtutes mediocritate quadam esse moderatas*—“all virtues are tempered by some moderation.”²²⁴ If only, Cicero joked, Cato would follow the

²¹⁷ Plut. *Cat. Min.* 30, 31.2-3; *Pomp.* 44; Dio 37.21.4; 22.3-4; 54.1-2; Cic. *ad Fam.* 15.4, 15.5; *ad Att.* 7.2.7; Flor. 2.13.9; App. *B.C.* 2.8.

²¹⁸ Plut. *Cat. Min.* 39.3.

²¹⁹ Dio 39.23.1; Val. Max. 4.1.14 (*summae moderationis . . . ne quid in persona sua novaretur*); Plut. *Cat. Min.* 39.3.

²²⁰ Plut. *Luc.* 40.3: “Οὐ παύσῃ,” ἔφη, “σὺ πλουτῶν μὲν ὡς Κράσσοις, ζῶν δ’ ὡς Λούκουλλον, λέγων δὲ ὡς Κάτων;”

²²¹ Sall. *B.C.* 52.7. This seems to have been a retrojection of a later statement: Cato was then probably too junior to have addressed the Senate very often, although certainly he later delivered many speeches on these topics.

²²² On Cato’s Stoic beliefs and their relation to *moderatio*, see Militeri Della Morte (1980).

²²³ Cic. *pro Mur.* 31.64: *nec fortior nec temperantior nec iustior.*

²²⁴ Cic. *pro Mur.* 29.

example of his great-grandfather's *comitas* and *facilitas*—his “courtesy” and “easy-goingness”—he would be happily improved.²²⁵ Cato only smiled and replied, “what a witty consul we have,” and continued being Cato.²²⁶ And Cato's own words in a letter to Cicero show his rigid views, counseling a course of “severity and scrupulousness” (*severitatem diligentiamque*).²²⁷

Of course, such awesome conduct made him stand out from his peers. Cicero thought it *mirabile* that Rome had produced even one Cato.²²⁸ But that was the problem: Cato's profound restraint left him, not with firm support, but often profoundly alone. When Cato chanced once to meet Pompey in Asia, Pompey stood up to greet him as though a superior.²²⁹ But as Plutarch perceptively noted, this was for show: Pompey had no real love of Cato, and appeared to admire him only for the sake of self-interest.²³⁰ That was because, as Plutarch wrote, while men esteemed Cato, his “reputation was greater than his power,” and few actually followed him, preferring Pompey, Caesar, and Crassus.²³¹ That simple sentence demonstrates the degeneration of the restraint patterns: influence no longer automatically followed displays of self-control. The contrast with Crassus in particular is stark. Cato evidently hoped that his spectacular and traditional parsimony would win him adherents and offices. Crassus, who thought and acted quite differently, actually managed it. Cato seems to have frustratedly noticed that his efforts were not working as well as he

²²⁵ Cic. *pro Mur.* 66. A companion of Cato once similarly quipped that a little time spent in luxurious Asia might make him more agreeable and tamer. Plut. *Cat. Min.* 14.4.

²²⁶ Plut. *Cat. Min.* 21.5.

²²⁷ Cic. *ad Fam.* 15.6.3.

²²⁸ Cic. *ad Fam.* 15.6.1. Tatum (2008) 127 is unnecessarily confused why Cato wielded so much influence despite his moralism; what influence he wielded was *because* of his moralism.

²²⁹ Plut. *Cat. Min.* 14.2.

²³⁰ Plut. *Cat. Min.* 14.2.

²³¹ Plut. *Crass.* 7.7: Κάτωνος γὰρ ἡ δόξα μείζων ἦν τῆς δυνάμεως.

wished: Sallust had him say that the Senate “put little weight” in his warnings about growing greed,²³² and captured Cato’s consternation with a plaintive cry:

iam pridem equidem nos vera vocabula rerum amisimus. Quia bona aliena largiri liberalitas, malarum rerum audacia fortitudo vocatur, eo res publica in extremo sita est.

Indeed, for quite some time now we have lost the true vocabulary for things. “Wasting” other people’s money is called “liberality”; “audacity” in wrongdoing is called “fortitude”—for this reason the Republic is *in extremis*.²³³

But Cato’s only solution to this problem was to try ever harder to force everyone into his single-minded re-creation of a system that was no longer a living tradition.²³⁴ Cicero bluntly concluded that Cato “speaks in the Senate as though he were in Plato’s Republic and not in Romulus’ sewer.”²³⁵

Cato’s dogmatism ultimately intersected with events to bring about the very monarchical power that he despised. We had left Pompey in the late 60s B.C. trying to show traditional restraint, yet flailing in his efforts to obtain the mutual regard that once would have resulted—the end product of the developments that Sulla had wrought and that Catiline had lately exacerbated. Cato’s scrupulous brand of *moderatio*, also a result the Sullan crisis, had played a key role in subverting his plans. Meanwhile, as seen, the disruptions of the last decades had left Crassus without terribly much care for traditional restraint values.

Just then, in the first few months of 60 B.C., and as Pompey stewed, it particularly did not

²³² Sall. *B.C.* 52.9: parvi pendebatis.

²³³ Sall. *B.C.* 52.11. Ramsey (2007) 208 detects Sallust modeling Thucydides in this sentence, although Syme (1964) 255 more precisely wrote that the “behaviour of language draws [Sallust’s] interest, provoked or sharpened by his study of Thucydides.” At all events, the similarity between Sallust and Thucydides should not detract from the observation’s applicability to the Roman situation.

²³⁴ As Meier (1995) 199 astutely noticed, Cato’s plan boiled down to the theory that “If there was no alternative to the old *res publica*, an attempt must be made to restore it to its previous efficacy.”

²³⁵ Cic. *ad Att.* 2.1.8: dicit enim tamquam in Platonis πολιτεία, non tamquam in Romuli faece . . .

suit Crassus to care. Crassus meant to help the tax-collectors rescind a foolishly over-bid contract with the censors.²³⁶ Nowhere in the ancient sources is his reasoning spelled out, but we can infer that support of the *publicani* would work to his financial and thus political advantage. Cato strongly opposed what Cicero called the “shameless” proposition; thus Cato’s steely enforcement of *temperantia* had now set him against Crassus, too.²³⁷

In these months arrived Caesar, lately pro-praetor in Spain, who sought permission to stand for the consulship of 59 B.C. *in absentia* so that he might not have to enter the city and forgo a triumph.²³⁸ Appian tells us that he argued that others had received such dispensations, and that Caesar gathered a group of friends for the task, who, he hoped, would have some influence.²³⁹ These failing, and with Cato in filibustering opposition, Caesar ceded to the Senate and stood for the consulship. At some point he approached Pompey and Crassus with the suggestion that the three combine their strength against such men as Cato, Cicero, and Catulus.²⁴⁰

²³⁶ Cic. *ad Att.* 1.17.9-10.

²³⁷ Cic. *ad Att.* 1.18.6-7, 2.1.8: Quid impudentius publicanis renuntiantibus (“What can be more shameful than the *publicani* repudiating their contract?”). Cicero also supported the tax farmers through gritted teeth, in hopes of *concordia* between the senatorial and equestrian orders.

²³⁸ App. *B.C.* 2.8.

²³⁹ App. *B.C.* 2.8.

²⁴⁰ Plut. *Crass.* 14.2. The ancients were split on whether the coalition preceded or followed Caesar’s election. As Marshall (1976) 102 noted, Livy, Appian, Plutarch and Dio placed the formation of the agreement before the election, Velleius Paterculus, Suetonius, and Florus after. That the agreement was secret explains the confusion, but the fact that Pompey and Crassus supported Caesar’s candidacy shows that Livy *et al.* are more probably correct, Marshall (101) and references, although *contra* are Ward (1977) 215; Millar (1998) 124. Gelzer (1968) 68-69 believed that Crassus followed Pompey into the deal; Goldsworthy (2006) 165-66 is agnostic on whether the deal was finalized before or after the elections, but it would be reasonable to suspect that even if the deal came after the elections, Caesar would have opened negotiations before then. Most ancient sources credit Caesar for reconciling Pompey and Crassus, although Dio 36.54.3, 37.56.2 imagined Pompey and Crassus reconciling first. I follow the majority of the evidence, but the point matters little for my argument.

Obtaining the consulship was Caesar's immediate goal in reconciling Crassus and Pompey. Cicero was at first considered for the group, but he rejected the triad's overtures because he was afraid to lose the *famam laudesque bonorum* ("fame and praises of good men"), evidently in the belief that true *existimatio* was to be had elsewhere.²⁴¹ The fractured restraint patterns of the previous decades, however, made Pompey and Crassus—the former then despairing in the face of Cato's intense attacks of ever gaining the just rewards of the deference pattern, the latter simply uncaring—receptive to the idea. There could be no real compromise between their points of view and that of Cicero, much less that of Cato. At best, like Cicero and Catiline, the sides could share a loose veneer of common words and symbols without real common force, meaning, or *vera vocabula*. And by that point, Caesar may have reached the cynical conclusion that he would later voice as dictator: that the Republic was "a nothing, a name only without body or form," the loose language and symbols of which could be used to gain the thing most needful to him.²⁴²

The Senate was ignorant of the agreement as the elections approached, but many members were highly suspicious of Caesar, as shown by the Senate's decision to designate as the next consuls' province the "woods and tracks of Italy" to keep a real province out of Caesar's hands after his term in office. That fact requires explanation.²⁴³ Hindsight

²⁴¹ Cic. *ad Att.* 2.3.4; cf. Gelzer (1968) 88.

²⁴² Suet. *Div. Iul.* 77: nihil esse rem publicam, appellationem modo sine corpore ac specie = Cornell *et al.* (2013) II 731 (I. Ampius Balbus). It is impossible to know for certain whether Caesar believed that restraint was a complete sham meant to gain power, or to what degree he believed in any of it, and I make no attempt to prove it one way or another. The best we can say is that he acted very much like he genuinely believed in the restraint values when it best suited his purposes. The human mind is exquisitely adept at holding fervent beliefs that conveniently support what it wants.

²⁴³ Fantham's (2003) 101 and Goldsworthy's (2006) 161 explanation is that Caesar was the target of personal grudges, particularly of Cato on account of Caesar's affair with Cato's half-sister Servilia. There is much to this, but a personal grudge does not explain why *most* of the Senate clearly distrusted him so badly. I cannot follow Billows' (2009) 79, 109, 183, 188 answer that Caesar was distrusted because he was the "recognized leader" of a

knowledge of Caesar's later importance should not obscure his status in 60 B.C. Caesar's resume to that point had been praiseworthy, but hardly extraordinary like Pompey's.²⁴⁴ He was of good family, had gained all the requisite offices without great difficulty, was *pontifex maximus* (a great honor), had shown outstanding bravery on campaign in Asia, and had recently won notable victories in Spain. On the face of it, Caesar should have been unobjectionable. But he was, because he had repeatedly exhibited an attitude attributed to him by a prominent biographer: "Perhaps the rules that bound others did not apply to him."²⁴⁵

Marius' nephew by marriage, Caesar at eighteen years old, and apparently for little more reason than stubbornness, defied Sulla's order that Caesar divorce his wife, Cinna's daughter.²⁴⁶ Sulla ordered his arrest, which Caesar escaped only through a daring flight in disguise by night and through the careful intercession of some relatives and friends.²⁴⁷ He was nevertheless stripped of his priesthood, his wife's dowry, and his family estates, with the

Cinnan/Marian *popularis* "movement that sought to bring about major changes to the traditional governing system." Evidence of such a well-defined "movement" is lacking, to say the least. Cf. Goldsworthy (2006) 260; Stevenson (2015) 52-61, who note that there is little evidence that Caesar was a revolutionary from his youth on up. Stevenson (2015) 53 is much closer when he sees that "Caesar's personality, methods, and success" were what upset his enemies. Caesar's proven willingness to sympathize with popular laws in the Gracchan mien, however, should not be overlooked as a cause of suspicion, as I note. I do not subscribe to the theory of Rhodes (1978) and Shotter (2005) 66 that the "woods and tracks" were a mere placeholder in case troubles arose in Gaul; if there was real worry about Gaul (but none about Caesar), the assignment could have been made, and there is little evidence of other "placeholder" provinces as insulting as this ever having been assigned.

²⁴⁴ A point noted repeatedly: Gelzer (1968) 69; Khan (1986) 187; Seager (2002) 172; Goldsworthy (2006) 106, 108, 149-51; Billows (2009) 79; Stevenson (2015) 52.

²⁴⁵ Goldsworthy (2006) 60; cf. Gelzer (1968) 331 ("unfettered by traditional concepts"), although I dispute that Caesar really believed that he was acting completely non-traditionally or as an "outsider," *pave* Meier (1995), esp. 358. As we will see, Caesar hewed a fully traditional and restrained line—at least when it suited his purposes.

²⁴⁶ Goldsworthy (2006) 58 and references.

²⁴⁷ Vell. Pat. 2.41.2; Plut. *Caes.* 1.3; Suet. *Div. Iul.* 1.2-3.

foreboding remark from Sulla that in the upstart Caesar lay “many Mariuses.”²⁴⁸ Caesar, like Crassus, thus directly experienced how slim a reed Sulla’s “moderation” could be, and how much reliance on the restraint of others could cost. In this the two differed from Pompey, the member of the triad who seemed to trust the most sincerely in the power of the traditional restraint patterns—but the only one of the three who had never been on the wrong side of a manhunt.

Caesar then obtained some renown through exercises in provocative novelty and participation in *popularis* politics.²⁴⁹ He gave his aunt Julia (wife of Marius) a funeral oration in which he re-introduced images of Marius into Rome (and, according to Suetonius, praised Julia’s relation to the ancient kings).²⁵⁰ In response, Q. Lutatius Catulus flipped the toggle-switch: “No longer, Caesar, are you undermining the Republic; you’re besieging it!”²⁵¹ Caesar also gave a eulogy for his young wife, a wholly uncustomary practice.²⁵² He supported various “popular” positions, especially in restoring the tribunate’s powers.²⁵³ Indeed, Caesar exhibited a life-long attachment to the People,²⁵⁴ which suggests that he, like Gaius Gracchus, viewed restraint as a means to court the favor of the crowd more than that of the Senate—and also that he had learned Saturninus’ insight that the crowd might be as influenced by the appearance of restraint as by its internalized exercise. He was certainly willing to probe restraint’s limits. On the first day of his praetorship in 62 B.C., for example,

²⁴⁸ Vell. Pat. 2.41.2; Plut. *Caes.* 1.3; Suet. *Div. Iul.* 1.2-3: nam Caesari multos Marios inesse.

²⁴⁹ Cf. Raaflaub (2003) 47.

²⁵⁰ Plut. *Caes.* 6.2-5. Gelzer (1968) 32 saw this as “extravagant behaviour.”

²⁵¹ Plut. *Caes.* 6.4: “Οὐκέτι γὰρ ὑπονόμοις,” ἔφη, “Καῖσαρ, ἀλλ’ ἤδη μηχαναῖς αἰρεῖ τὴν πολιτείαν.” It is unclear what Catulus—who was no doubt particularly upset because his father had been a victim of Marius—thought the young Caesar had been doing *before* that merely “undermined” the Republic. Cf. Billows (2009) 85.

²⁵² Suet. *Div. Iul.* 6.1-2; Plut. *Caes.* 5.2. Millar (1986) 5 cites the oration that Q. Lutatius Catulus provided for his mother in 102 (Cic. *de Or.* 2.44) as precedent for Caesar’s speech.

²⁵³ Taylor (1942) 10-17 provides a succinct account of Caesar’s youthful activities.

²⁵⁴ Perhaps best exemplified by his keeping house in the Subura, one of the poorest quarters in Rome, although he was a grand patrician. Suet. *Div. Iul.* 46.

Caesar attempted to deprive Catulus of the honor of having restored the Capitol, which had been damaged by fire in 83 B.C., and to replace Catulus' name on the edifice with Pompey's. Caesar went so far as to force the venerable senator to speak on his own behalf humiliatingly from ground level and not from the platform.²⁵⁵ Caesar dropped the matter when he perceived that numerous senators "gathered hurriedly into groups" to resist this measure.²⁵⁶ Soon after he was suspended from the exercise of public office for persistently supporting a tribune, over his colleagues' veto, who was trying to recall Pompey to restore order after the Catilinarian conspiracy. Caesar was returned to his position, however, and with a vote of public thanks, after he melodramatically dismissed a mob that had gathered and pledged to support him.²⁵⁷

More than a hint of intemperate impropriety and scandal, too, followed him. His adulteries were legendary, and legendarily dangerous. He bedded the wives of numerous senators, including Crassus' wife, Pompey's wife Mucia and Cato's half-sister Servilia, the latter of whom seemed so smitten that she sent him love notes during the debate on the Catilinarian conspirators.²⁵⁸ Cato—a man who prided himself on having resisted sex until his marriage²⁵⁹—saw the note passed and demanded its contents. Caesar handed it over, and when Cato read it he screamed, "you can have it, you drunk!"²⁶⁰ Caesar seemed not at all ashamed to be caught out.²⁶¹

²⁵⁵ Cic. *ad Att.* 2.24.3; Suet. *Div. Iul.* 15; Dio 37.44.1-3. Billows (2009) 99 explains Caesar's insult to Catulus as Caesar's revenge for Catulus' suggestion that Caesar had abetted Catiline, although the truth is hard to discern.

²⁵⁶ Suet. *Div. Iul.* 15: "gathered hurriedly into groups" = *concurrerunt*.

²⁵⁷ Suet. *Div. Iul.* 16.

²⁵⁸ Goldsworthy (2006) 88-89, 155, 165 and references.

²⁵⁹ Plut. *Cat. Min.* 7.1

²⁶⁰ Plut. *Cat. Min.* 24.2: Κράτει, μέθυσε. That Cato should accuse Caesar of drunkenness is a fascinating psychological window on Cato: in the shock of the moment Cato apparently impulsively and self-hatingly accused (the generally teetotalling) Caesar of lack of restraint in

Indeed, shame was never evidently much on his mind. His dress was foppish and flamboyant: long tunics, fringed sleeves, and a loose belt. This sort of attire was believed to reveal a dangerous character: Sulla reportedly warned others to beware “that ill-belted boy.”²⁶² By contrast, Cato went about in simple clothing in unfashionable colors, which shows that he considered Caesar’s type of dress both untraditional and threatening.²⁶³ Caesar’s debts were also outsized—into the thousands of talents, sometimes spent on extravagances like custom villas or giant pearls for his mistresses worth tens of thousands of gold pieces.²⁶⁴ These were the source of much disapprobation, and also fear: only through some monumental action could Caesar ever hope to pay them off.²⁶⁵

He was also painfully and publicly ambitious and impatient.²⁶⁶ We are told that in 67 B.C. at the age of thirty-three he chanced upon a statue of Alexander the Great and erupted into tears; while the Macedonian had conquered half the known world at that age, Caesar had as yet achieved nothing but a miserable quaestorship in Spain.²⁶⁷ On the way back to Rome after his later praetorship in Spain, he passed through a wretched peasant village in the Alps. When his officers smirkingly wondered whether its muddy inhabitants competed for glorious offices and honor, Caesar with all seriousness replied that he would rather be first in

the one area—alcohol—in which Cato himself seems to have lacked it, Plut. *Cat. Min.* 6.2, and for which he was evidently embarrassed.

²⁶¹ Gelzer (1968) 188 notes the “moral taint” that Caesar’s enemies saw in him.

²⁶² Suet. *Div. Iul.* 45.2: male praecinctum puerum. Even if apocryphal, the fact that the anecdote was believed suggests that many felt that Caesar’s dress evidenced bad character. Cf. Khan (1986) 113.

²⁶³ Plut. *Cat. Min.* 7.3-4.

²⁶⁴ Plut. *Caes.* 6.4; 7.2; 11.1; Suet. *Div. Iul.* 45-50.

²⁶⁵ Goldsworthy (2006) 149; Canfora (2007) 26-31; Billows (2009) 63-64. Gelzer (1968) 30 had long ago noted that Caesar’s “contemporaries saw him rather as a man possessed by a wild extravagance, prey to expensive tastes which grossly exceeded his means.”

²⁶⁶ Buszard (2008) 207-11 offers the attractive thesis that Plutarch blamed Caesar’s unrestrained ambition on a defective moral education that would have taught him self-control.

²⁶⁷ Suet. *Div. Iul.* 7.1; Dio 37.52.2; cf. Plut. *Caes.* 11.3, who reports the tears while Caesar read a book on Alexander. Billows (2009) 80 doubts this story, although without explanation.

that village than second in Rome.²⁶⁸ When made, these statements came from a relatively junior magistrate, one among many. Even if they took on greater meaning in hindsight, they must have been noteworthy or even shocking at the time to have been preserved.

All told, by 60 B.C., traditionally minded senators had repeatedly marked Caesar's lusts, vanity, greed, indebtedness, immodesty, populism, insubordination, and aching ambition.²⁶⁹ That explains the senators' extraordinary fear and the extraordinarily paltry post-office province they prepared. They also put up M. Calpurnius Bibulus as candidate for Caesar's colleague, in Appian's telling, to "oppose" him.²⁷⁰ If pure opposition was the goal, it was a strange choice. Caesar and Bibulus had been colleagues twice before, as aediles in 65 B.C. and praetors in 62 B.C.²⁷¹ Caesar had spent their common purse as aediles on games, which he sometimes even had held independently of Bibulus, and for which he had taken full credit. Bibulus could not or did not resist him, and instead only joked that he felt like Pollux, whose name was left off the temple of the Twins in the Forum.²⁷² Perhaps rather than pure "opposition," then, some in the Senate hoped that Caesar would feel some sting of *verecundia* in the face of his former colleague and at last moderate himself to his peers' satisfaction.

²⁶⁸ Plut. *Caes.* 12.3.

²⁶⁹ It is impossible to try to unpick the tangled rumors that Caesar was involved in the "First Catilinarian conspiracy" to determine whether the rumors were current in 60 and to guess what effect the rumors would also have had on the senators' fear, and I make no attempt here to do so. Gelzer (1968) 39; Canfora (2007) 40-51; Billows (2009) 83. But if the rumors were current, they would have been more likely believed because of Caesar's other peccadilloes.

²⁷⁰ App. *B.C.* 2.9: ἐξ ἐναντίωσιν. Cf. Suet. *Div. Iul.* 19: even Cato approved.

²⁷¹ MRR II 159, 173.

²⁷² Suet. *Iul.* 10.1; Dio 37.8.2. Bibulus' attitude towards Caesar during their praetorship is less clear; no conflict is reported. Goldsworthy (2006) 160-61. *Caes. B.C.* 3.16.3 suggests some grudge arising from their time as aediles and as praetors, but by the time of Caesar's report in 49 B.C. any grudge would have been exacerbated by their disastrous consulship.

Signs initially pointed in that direction. Suetonius reported that after Caesar and Bibulus entered office Caesar had his lictors follow, not precede, him in the months when he did not hold the fasces, just as occurred in the most ancient times.²⁷³ We should see this as an act of collegiality and moderation in the visual exercise of power.²⁷⁴ According to Appian, Caesar also gave speeches in the Senate on the topic of *ὁμόνοια*—a word, as we have seen, that in Latin would encompass *concordia* and deference between colleagues—and to the purport that the commonwealth would be damaged if he and Bibulus had disagreements with each other.²⁷⁵ The words took effect: Appian reports that Bibulus believed that Caesar was sincere and so was caught off guard; Caesar shortly after gathered armed men to support a proposed land law meant to aid Pompey’s troops.²⁷⁶ The complacent attitude of Bibulus—who allegedly had been chosen to *resist* Caesar—makes sense only if he held a baseline belief that a colleague would adhere to the restraint ideals, and was so duped when he at first saw his expectation met.

Meanwhile, Dio described the careful and deferential method by which Caesar proposed his new redistributive land law. The lands were to be fairly purchased using the spoils of Pompey’s victories, and Caesar stated that he would not introduce the measure without the approval of the Senate, that the law would appoint twenty land commissioners to “permit many to share the honor” and to avoid the appearance of oligarchy, and that he would except himself from consideration for that post.²⁷⁷ He even called each senator by

²⁷³ Suet. *Jul.* 20.

²⁷⁴ Marshall (1984) 131-32.

²⁷⁵ App. *B.C.* 2.10.

²⁷⁶ App. *B.C.* 2.10.

²⁷⁷ Dio. 38.1.6: τῆς τιμῆς μετασχεῖν.

name to ask for criticisms, and promised to amend or cut any offending clause.²⁷⁸ The familiar *moderatio* pattern: granting others honors and refusing to take more than one's share.

Such studied displays of restraint from a man in power should have garnered praise, if not deference, to Caesar's wishes, as Bibulus indeed (at first) showed. Instead they gained hatred and distrust.²⁷⁹ Dio reported something even worse: the senators "were most of all grieved by the fact that the law was drawn up in such a way that no one could find fault with it, even though it embarrassed them."²⁸⁰ This is remarkable: the *moderatio* script had reached the point of such contortion that overt attempts at inclusion and refusal of self-advancement had become not only not praiseworthy, but so suspicious in some men as to be actively *blameworthy*. The shadow of Tiberius Gracchus was long. The senators refused to support Caesar's requests, and Cato urged that the Senate should refuse the law. Violence then immediately took the place of the tissue-thin force of deference. Caesar attempted to have Cato dragged to prison. The Senate followed Cato.²⁸¹ When Caesar rebuked the aged senator Marcus Petreius for leaving without being dismissed, he replied quite undeferentially, "I'd prefer to be in prison with Cato rather than here with you."²⁸²

Caesar, who "pretended he had suffered injustice" at the Senate's hands,²⁸³ now referred his law to the People. Nevertheless, Dio reports, he still wished to have the support

²⁷⁸ Dio 38.2.2.

²⁷⁹ App. B.C. 2.10; Dio 38.2.3.

²⁸⁰ Dio 38.2.3: καὶ αὐτό γε τοῦτο αὐτοῦς ἐς τὰ μάλιστα ἐλύπει, ὅτι τοιαῦτα συγγεγραφὼς ἦν ὥστε μήτε τινὰ αἰτίαν δύνασθαι λαβεῖν καὶ πάντας σφᾶς βαρύνειν.

²⁸¹ Dio 38.3.2. Compare Plut. *Cat. Min.* 33.1-2; *Caes.* 14.7, which appear to connect this incident with a later attempt to redistribute the prime Campanian land.

²⁸² Dio 38.3.3: ἔφη ὅτι μετὰ Κάτωνος ἐν τῷ οἰκήματι μᾶλλον ἢ μετὰ σοῦ ἐνταῦθα εἶναι βούλομαι. Cf. Val. Max. 2.10.7. Caesar perhaps recognized he had gone a step too far: Plutarch wrote that the senators followed Cato "with downcast looks" (μετὰ κατηφείας), at which Caesar felt "shame and dishonor" (αἰσχύνῃς καὶ ἀδοξίας), and told a friendly tribune to release Cato. *Cat. Min.* 33.2. His shame, if genuine, did not last long.

²⁸³ App. B.C. 2.10: υποκρινάμενος δυσχεραίνειν, ὥς οὐ δίκαια ποιοῦντων.

of “some of the leading men” when he brought his bill to the assembly.²⁸⁴ To this end he courted Bibulus’ imprimatur once more, and asked him publicly whether he disapproved of any provisions in the law.²⁸⁵ When Bibulus lamely replied only that he would brook no “innovations” during his term,²⁸⁶ Caesar turned to the crowd and offered, “you shall have the law only if he wishes it”—a feint, at least, to collegial deference.²⁸⁷ Bibulus furiously shot back that there would be no law even if all the People wished it.

This arrogant rejoinder gave Caesar leave to claim that his colleague lacked all *moderatio* or care for the Senate’s or colleague’s will, and subverted the People’s opinion. He could thus be ignored. Instead, as the crowd gazed, Caesar ostentatiously looked to two other “leading” men: Crassus and Pompey, even though both were private citizens.²⁸⁸ Pompey spoke in favor of the measure to the crowd’s delight, and then Caesar asked him and Crassus if they would assist him and the People in opposing those who would not support the law. Crassus and Pompey responded with further speeches in praise of the bill, and Pompey concluded by saying that he would meet any violence with violence, something “more vulgar” than he had ever said before; his friends had to apologize for it as a momentary lapse.²⁸⁹ Dio added an important facet: Pompey found himself “elated” (ἐπαρθείς) at the honor that *both* the consul and People together at last sought his influence.²⁹⁰ Finally, come as it might, he would receive praise that he felt he was owed.

²⁸⁴ Dio 38.4.2: τῶν πρώτων τινὰς.

²⁸⁵ Dio 38.1.1-2. Cf. Millar (1998) 127 on the “moral pressure” this public questioning imposed.

²⁸⁶ Dio 38.1.3: οὐκ ἂν ἀνάσχοιτο ἐν τῇ ἑαυτοῦ ἀρχῇ νεωτερισθῆναι τι.

²⁸⁷ Dio 38.1.3: εἰπὼν ὅτι ἔξετε τὸν νόμον ἂν οὗτος ἐθελήσῃ.

²⁸⁸ App. *B.C.* 2.10.

²⁸⁹ Plut. *Pomp.* 47.4-5: φορτικώτερον; Dio. 38.5.4. Heitland (1909) III 128-29 commented, “Such an utterance by a private citizen at a public meeting was unprecedented, indeed inexcusable.”

²⁹⁰ Dio 38.5.4. Cf. Plut. *Pomp.* 47.4-5; *Caes.* 14.3.

The Senate assembled at Bibulus' house, and resolved that Bibulus should oppose Caesar outright. It was too late, however, to win back the crowd. The college of tribunes, too, was too fractured to be relied upon in any direction.²⁹¹ Upon Bibulus' entry to the Forum at voting time, further violence erupted. His fasces were broken, attendants beaten, daggers unsheathed. Bibulus bared his neck and dared Caesar's supporters to strike.²⁹² Cato tried to speak in the frenzy, but was carried bodily from the Forum. When he snuck around a back street to regain entry he was carried out again.²⁹³ A member of the crowd dumped a basket of human waste on Bibulus' head from a rooftop.²⁹⁴ The law passed. So too was the contract bid of the *publicani* reduced for Crassus' sake.²⁹⁵ Bibulus remained in his house for the rest of the year declaring religious bans on further assemblies. He went unheeded. Caesar managed affairs by himself for the rest of his term so thoroughly that wags cracked wise about of the consulship of Gaius and Julius Caesar.²⁹⁶ He then achieved a provincial command in Illyricum and Gaul, where he would spend the next ten years.

From the point of view of a Cato or of anyone who abhorred the rule of one man, Caesar and his fellows were immoderate.²⁹⁷ That was, in fact, the precise word that Cicero used as the triad's agreement came in light in the spring of 59 B.C.: *tris homines immoderatos*.²⁹⁸ But that opinion no longer really mattered. Caesar had taken sufficient pains to show

²⁹¹ Cic. *pro Sest.* 113; Millar (1998) 128-29 makes this observation.

²⁹² App. *B.C.* 2.11.

²⁹³ App. *B.C.* 2.11. Plut. *Cat. Min.* 32.2 gives him a more dignified exit: when the rest of the senators fled the violence, he moved at a deliberate walk, turning occasionally to protest.

²⁹⁴ Plut. *Pomp.* 48.1; *Cat. Min.* 32.2. Goldsworthy (2006) 172 suggests that the humiliating but non-fatal attack on Bibulus shows a "well-orchestrated and restrained" use of force by Caesar's supporters.

²⁹⁵ Heitland (1909) III 130 noted that thereby the loyalty of the *equites* turned from Senate to triumvirs. Gelzer (1968) 75 suggested that Caesar also had strong ties to the tax-farmers, which further explains his willingness to help Crassus.

²⁹⁶ App. *B.C.* 2.12; Dio 38.6.7, 38.8.2; Vell. Pat. 2.44.5; Livy *Per.* 103.

²⁹⁷ Cic. *ad Att.* 2.9.2.

²⁹⁸ Cic. *ad Att.* 2.9.2. Cicero also bewailed to Atticus (2.21.1) the "anger" and "*intemperantia*" of those who opposed Cato.

plausibly enough to the crowd—which did matter—that he had been deferential and obsequious to colleague, Senate, and the People alike, even to the point of reviving an arcane custom of self-abasement with his lictors for all to see. *Cato and Bibulus*, he could now claim, were the unreasonable ones, defying openly the wishes of a colleague after exhortation to *ὁμόνοια*, refusing to defer to great men like Crassus and Pompey, rejecting a bill moderately promulgated, and especially, in Bibulus’ case, insulting the very People themselves. This was the logical end result of the Gracchan turn to the People for one’s *existimatio*.²⁹⁹ Caesar’s invocation of the plastic rules of deference now gave him justification to defer to no one. Pompey too could claim all was now set right; he was at last receiving the praise and influence denied him, despite the painstaking *moderatio* patterns he hitherto had displayed. The nobles who continued to resist him now were on their heels. Crassus need do nothing but wait for advantage to come his way, caring nothing otherwise for the opinions of many of his peers.³⁰⁰

The private agreement between the three men was thus made possible as much by fractured patterns of restraint as it was created to meet specific political goals. The “dynasts” and their opponents all pointed to shared concepts and shared language, but there was no binding agreement whatsoever in their practice. An aristocratic system once bounded and defined by agreement over certain values had, through decades of upheaval, seen those values bent and redefined past any useful consensus. The values could now be manipulated by a tiny minority to gain personal power and advantage, rather than serving as

²⁹⁹ Akar (2013) 328 argues that Caesar employed “une nouvelle conception de la concorde”: one that operated directly between consul and People without any intermediaries. It is incorrect that the idea was entirely new, although it had never been arrayed so powerfully.

³⁰⁰ Velleius Paterculus 2.44.2 commented: Crassus, ut quem principatum solus adsequi non poterat, auctoritate Pompei, viribus teneret Caesaris (“Crassus, because he could not gain first position in the state by himself, sought it through the authority of Pompey and the power of Caesar”); cf. Marshall (1976) 104.

a means to prevent exactly that outcome. As Millar observed, almost everything that occurred in the year 59 B.C. happened “not only against the will of the leading senators . . . but also via constitutional procedures that effectively brushed the Senate aside.”³⁰¹ But this was possible only because the displays of restraint by the “triumvirs” lent them enough legitimacy to operate, especially with the People, while in no way actually preventing them from doing as they wished. Meanwhile, the Senate, which should have been the recognized arbiter of restraint, was rendered impotent by unilateral claims that it was unrestrained, haughty, and greedy. Violence, predictably following what was by now precedent, ensued as the solution to yet another impasse. The last decade of the Roman Republic had begun.

³⁰¹ Millar (1998) 125.

Chapter Seven: Restraint as Accelerator

Analyses of the final crisis of the Republic in the waning months of 50 into 49 B.C. have taken many forms. Some scholars have explored constitutional and legal niceties (Would Caesar be prosecuted upon his return from Gaul? When did his command in Gaul technically end? Could he stand for the consulship *in absentia* or had the law that allowed him to do so been abrogated?), while others have pursued political or factional queries (Who was an *optimatus*? Was Caesar the leader of a popular movement?).¹ Such antiseptic analyses, however, fall far short of explaining an emotional state that could drive friends and relatives to shove swords into each other's bodies. Law and politics, simply put, might have provided grounds for disagreement, as they always had. But they could have turned into bloodshed only in an adequately fiery emotional environment.

The final crisis of the Republic requires a more visceral explanation, one that probes the combination of emotions—of fear, disdain, mistrust, contempt, and anger—that could generate civil war. Such an explanation must also do better than feint lightly towards an emotive map, such as anodyne observations that Caesar “feared” prosecution or “cared” about his honor.² I instead propose to filter the players' actions through the framework of

¹ E.g., Stockton (1975), Brunt (1988), Morstein-Marx (2009) 135, Billows (2009) 262.

² The thesis of Raaflaub (1974) and Stevenson (2015) 113. Morstein-Marx (2009) 123 rightly criticizes Raaflaub's dichotomy between Caesar's “private” rationale for war (his *dignitas*) and his “public” rationales (attacks on the tribunate, etc.). Morstein-Marx argues instead that Caesar tied his *dignitas* to what he viewed as correctly functioning republican officeholding: he would never get the respect he deserved if his enemies could disrupt norms of officeholding at whim. This argument has much to commend it, but I go farther: I also argue that Raaflaub's dichotomy is false, but because the restraint values that once could regulate both private insult and functioning officeholding were now broken. Stevenson (2015) 121 is also right as far as he goes that the civil war arose from a quarrel over “relative rank.” But Morstein-Marx's and Stevenson's answer that Caesar feared *ignominia* and cared for his *dignitas* still leaves a tremendous question open: men, and even men like Scipio Africanus the Elder and Pompey himself who commanded the respect of loyal soldiers, had feared *ignomina* at the hands of enemies before. Why did *this* incident, *this* fear, turn into civil

restraint values, and to observe how restraint concepts were used to justify the protagonists' actions—but which resulted not in restraint but in stoking sharp emotion. This chapter, therefore, explains how restraint logic and language helped lead Pompey, Caesar, and their followers to each other's throats within months of being allies.

Chief among the restraint elements that guided this transition from friend to foe were accusations of immoderation in a hierarchical system long gone awry, apprehension of a return of Sullan violence—itsself, as we have seen, a product of sapped and controverted restraint values—and mistrust of one's peers arising from perceived moral failures of restraint such as lust for riches or power. Even the perspicacious Cicero, for all his grasp of the situation's nuances, could not avoid the instinct to categorize his opponents through the lens of restraint. And once the issues were cast in terms of restraint, the now-familiar black-and-white toggle-switch of moral degradation convinced men that their opponents' lack of restraint would destroy the Republic, and that the opponents therefore must surrender or die. It was, all said, the pervasive cultural grip of the restraint values that provided the emotional fire that could lead to such horrific violence. It was the values' long-fractured state that prevented them from stopping it.

* * *

1. “Legality” and the “spark” of civil war

Grappling with the final crisis requires understanding briefly two legal issues that bounded the contours of events, while avoiding the false notion that the laws provided sufficient motivation for violence. The first issue is how long Caesar's command in Gaul, his *provincia*, was “legally” supposed to last. This question has exercised scholars continuously since Mommsen, particularly because it seems, at first glance, to explain why

war? The answer lies, at least in part, in the sharp but fractured condition that the restraint values had reached by 49 B.C.

the civil war occurred, and why it occurred when it did.³ On this theory, either Caesar tried to extend his command in Gaul past the “legal” date, or his enemies tried to cut it short; one or both “illegalities” justified civil war. The trouble is that any possible expiration date of Caesar’s *provincia* seems to bear little relationship to the actual outbreak of violence. Caesar’s *provincia* initially ran from 59 B.C. for five years until 1 March 54 B.C., and in 55 was extended for “five years” through the friendly offices of Caesar and Crassus.⁴ Some scholars have believed, rationally enough, that the end date of the command in Gaul was 1 March 49 B.C.⁵ That date, the theory goes, explains everything about why Caesar might invade Italy in January 49 B.C. when, in that month, his enemies stripped him of his “right” to hold his *provincia* for three further months. But Cicero in December 50 B.C. clearly spoke of the command in Gaul as if *already* expired, and Caesar did not include such an obvious justification as the illegality of his removal three months early in his list of reasons for his invasion.⁶ Nor are we much closer to understanding why the civil war happened when it did if the terminal date was March 1, 50 B.C., as others have suggested, calculating “five years” from the moment of extension.⁷ In that case, Caesar’s enemies could easily claim by January 49 B.C. that Caesar was behaving criminally in resisting succession well past the set expiration date—and yet they had taken no real action against him for as much as nine

³ For the basic bibliography see Stockton (1975) 232; Mitchell (1991) 238 n.22; Seager (2002) 190-93; Billows (2009) 190 and references.

⁴ Cic. *Phil.* 2.24; Vell. *Pat.* 2.46; Plut. *Pomp.* 52; *Caes.* 21; App. *B.C.* 2.17.

⁵ Stockton (1975) 234 and references explain this theory.

⁶ Cic. *ad Att.* 7.7.6 (*transierit*); 7.9.4 (*praeteriit tempus*); *Caes. B.C.* 1.9. Cf. Shackleton-Bailey (1965-1967) III 306, 312, although with special pleading that Cicero did not mean what his verb tenses most naturally state. Caesar’s reference in *B.C.* 1.9 to “six” months of stolen command should best be understood as relating to his *ratio absentis*, below.

⁷ Stockton (1975) holds for March 1, 50. There is little to no support for November 13, 50, which seems to have been chosen more for its proximity to the final crisis than a solid grounding in the sources. Compare Stockton (1975) 240-41 with Adcock (1932) 24, 26.

months after.⁸ In short, if we are looking for a “spark” for civil war, no clear answer seems forthcoming solely from an examination of the legal terminus of Caesar’s *provincia*.

The second issue was the so-called Law of the Ten Tribunes, a plebiscite passed in 52 B.C. that gave Caesar the right to canvass for the consulship *in absentia*, and that is often referred to as the *ratio absentis*. Both Pompey and Cicero had supported the *ratio absentis*, although with what true warmth is unknowable.⁹ This law gave Caesar several advantages. First, it helped preserve his chances for a glorious spectacle. In 60 B.C. Caesar had returned from operations in Spain and waited outside the walls of Rome for a triumph, but found it blocked by Cato.¹⁰ The obstruction, as we have seen, endangered Caesar’s candidacy for the consulship of 59 B.C., for which he had to present himself within the city. Then he had elected to pursue the office over the parade. Now the *ratio absentis* would, if nothing else, obviate the need for such a choice upon his return from Gaul.¹¹

Another reason that Caesar might have wanted the *ratio absentis* has been a matter of exceptional controversy among modern scholars, and interlocks with the timing of Caesar’s *provincia* in Gaul. A well-worn explanation for Caesar’s invasion of Italy was his alleged fear that he would be prosecuted once he returned from the province, either for his actions in

⁸ Stockton’s (1975) 244 response to this question seems partially correct: that people were loath to resort quickly to arms after the expiration of the date and the issue became, as Mommsen recognized, more *Machtfrage* than *Rechtsfrage*. What Stockton did not explain, however, was why the issues could not be resolved.

⁹ Cic. *ad Fam.* 6.6.5; *ad Att.* 7.1.4-5; 7.7.6; 8.3.3; *Phil.* 2.24. So did all ten tribunes that year; Vanderbroeck (1987) 49. Cf. Shackleton-Bailey (1977) II 234-235.

¹⁰ Suet. *Div. Iul.* 18; Plut. *Cat. Min.* 31.2-3; Plut. *Caes.* 13.1; Dio 37.54.1; Morstein-Marx (2007) 169.

¹¹ A fact correctly stressed by Morstein-Marx (2007) 169. Tatum (2008) 129 notes that Caesar hoped to triumph while holding the consulship, a “dazzling combination” unequalled since Marius and “past the boundaries” of normal achievement, which helps explain the resistance of Cato, *et al.*

Gaul, or for the violence and irregularities of his consulship in 59 B.C.¹² The *imperium* that he had obtained in 59 B.C. had never lapsed—first as consul, then pro-consul in Gaul for ten years—and he was immune to lawsuits so long as he maintained it. Accordingly, this theory goes, if Caesar should return from Gaul to run for consul, he would lose his *imperium* by crossing the *pomerium* of the city to enter the canvass and thus open himself up to litigation. The *ratio absentis*, however, would let him stay outside the walls with *imperium* but also join in the hustings, and he then could conveniently step from his pro-consulship to his new consulship without a gap during which a prosecutor could commence suit. On these theories, therefore, Caesar’s enemies’ attempted interference with his legal right to stand *in absentia* sufficiently explains Caesar’s motivations for invasion.¹³

The trouble with the *ratio absentis*, however, just as with the question of the terminal date of Caesar’s Gallic *provincia*, is that the precise outlines of the grant are not well known to us, despite the great depth of detail we have from this period. Specifically, scholars have not reached consensus on which election, if any, it was intended that the *ratio absentis* be used. If it was intended that Caesar use it in the summer of 50 B.C. for the consulship of 49, why did Caesar, as we shall see, stay in Gaul through the summer of 50? If it was meant for the summer of 49 B.C. for the consulship of 48, why, as we also shall see, was there such commotion over whether it would be used in 50? And, if interference with the *ratio* was the

¹² The bibliography, pro and contra, on this theory is vast, but rests mainly on a single, admittedly famous but possibly apocryphal line Caesar spoke as he surveyed the dead at Pharsalus: *hoc voluerunt; tantis rebus gestis Gaius Caesar condemnatus essem, nisi ab exercitu auxilium petissem* (“They wanted this; I, Gaius Caesar, would have been condemned despite my many achievements unless I had sought aid from my army.”), Suet. *Div. Iul.* 30.4. On the modern debate compare Stanton (2003) with Morstein-Marx (2007), esp. 162-63, who describes the line as exculpatory but not ultimately explanatory of Caesar’s motives. Cf. Shackelton-Bailey (1977) 431: “[I]ts validity is more than questionable.”

¹³ Thus concludes, e.g., Shotter (2005) 74 and Morstein-Marx (2007), although the latter without recourse to the theory that Caesar feared prosecution, arguing instead that Caesar wanted both consulship and triumph.

proximate cause of violence, why did Caesar, as we further shall see, offer in the waning days of peace to *abandon* it?¹⁴ Even more so, why should the master of Gaul particularly dread prosecution? Given Caesar's overwhelming popularity as a victorious general, not to mention massive wealth and apparent ease with bribery, was it really so great a fear?¹⁵

The fact that we cannot find a clear answer in the best-attested period of Roman history to the question whether Caesar or his enemies acted "legally" or not—or explain exactly why that mattered—suggests that we are looking for *casus belli* that do not exist.¹⁶ Instead, if the terminal date of Caesar's command was not actually set beyond a vague "five years," or was malleable beyond harmonization,¹⁷ or became perhaps a moot point because of eventual tribunician obstructionism,¹⁸ and if the date for the exercise of the *ratio absentis* was equally malleable, then we enter a new field of analysis. The issue is not one of parsing codicils to find the legal transgressor—to the extent that either of the dynasts considered

¹⁴ Caes. *B.C.* 1.9.5; *Cf.* Cic. *ad Fam.* 16.12.3. Morstein-Marx (2007) 177 n.94 explained the fact that Caesar offered to abandon his *ratio*, which undercuts his theory that the *ratio* was the basis for Caesar's invasion, in a wholly unsatisfactory way: "[A]fter the outbreak of fighting Caesar yielded the principle of the *ratio absentis* in the peace proposals of late January; by then it was too late." It was not necessarily "too late" for anything: the offer was made in a peace negotiation that would have ended the fighting and seen both men give up their armies. Morstein-Marx does not examine why the offer was rejected. *Cf.* Shackleton-Bailey (1977) I 146: "There was *some* hope, after all."

¹⁵ *Cf.* Morstein-Marx (2007) 61; Stevenson (2015) 111. Tatum (2008) 133 may of course be right that Cato might prove an extraordinarily vigorous and fearful prosecutor. But what, precisely, Caesar was afraid of, has been the subject of intense debate: compare Stanton (2003) with Morstein-Marx (2007) on whether Caesar truly feared being prosecuted upon his return from Rome. I find Morstein-Marx (177) and Stevenson (2015) 113 more convincing that Caesar did not so much fear prosecution as he feared a loss of *dignitas* and possibly personal security if he did not retain his *ratio absentis* and the right to win his second consulship along with a triumph, particularly because, as Morstein-Marx points out, there is a dearth of references in Caesar's own works to any fear of prosecution.

¹⁶ Gruen (1974) 492-93; Morstein-Marx (2007) 175 n.78.

¹⁷ The conclusion of Cuff (1958) 469-71; *cf.* Stockton (1975) 246: "In a nutshell, for Caesar the *legis dies* was the date to which he claimed he was by implication secured as governor and commander in Gaul by the *lex decem tribunorum* of 52; for his opponents it was the date specified in the *lex Pompeia Licinia* of 55." *Cf.* Crawford (1993) 182 (an "illusion" to suppose we can establish who was "legally in the right"); Seager (2002) 191-92; Tatum (2008) 125.

¹⁸ Morstein-Marx (2007) 170.

themselves bound by law anyway¹⁹—but instead one of examining the social *mores* that the players expected to use to navigate their relationship.²⁰

Both laws were passed when there was as yet no hint of conflict between Caesar and Pompey.²¹ Gentlemen, particularly those with no scruples about making informal arrangements, could be expected to work things out when the time came.²² The efforts of Roman gentlemen to work things out amongst themselves would be steeped in the language and logic of restraint. If those efforts failed, war might come. That way of looking at things *is* supported in the ancient texts, because that is precisely how Caesar and Pompey, as well as our informants Cicero and Caelius, repeatedly interpreted the course of events.

2. Moderation, Deference, and Hierarchy

The first restraint value that shines through the sources is a sense from Pompey and others that Caesar threatened to exceed his proper place, and hence was immoderate and shameless. We begin with the first real whispers of conflict in the spring and early summer of 51 B.C. Caesar had just squelched a major Gallic revolt (which implied that military operations in the province were no longer needed), and the “five-year” prolongation of his command, whenever it was supposed to end, drew closer.²³ His enemies in the Senate began to demand his recall.²⁴ During the early course of events, Pompey kept his own quiet

¹⁹ Stockton (1975) 246: “But of course it is misguided to try to assess over-nicely the relative legality of the actions of either side: the legal tangle was hopeless, legal arguments no more than shots fired in a propaganda battle.” “Propaganda” suggests things not taken seriously; I argue otherwise.

²⁰ Cf. Meier (1995) 197; thus Seager (2002) 195: “The greater the formal uncertainty [as to the termination of Caesar’s command], the greater the scope for Pompeius to exercise his *auctoritas* as arbiter and assert his political domination over both Caesar and the *optimates*—precisely what he wanted.”

²¹ I find Gruen (1974) 455–58 persuasive on this point.

²² Cf. Gruen (1974) 492; Shotter (2005) 75: the arrangement “would require a great store of goodwill.”

²³ Cic. *ad Fam.* 8.4.4.

²⁴ Suet. *Div. Iul.* 28; Cic. *ad Fam.* 8.1.2.

counsel, occasionally pronouncing bromides that discussion about Caesar's *provincia* should not be vetoed, and that everyone should obey the Senate.²⁵

By September 51 B.C., however, Pompey had stated publicly his opinion that Caesar could not both hold his “province with his army” and become consul at the same time.²⁶ This position seems to undermine his former rationale in allowing Caesar to combine the *ratio absentis* with an extended command.²⁷ The reasons for Pompey's changed stance are elusive, but conjecture is possible. In August, Pompey had travelled to Ariminum in the north of Italy to negotiate with Caesar's agents (Caesar being elsewhere).²⁸ The Senate had moved that Pompey go and return as quickly as possible so that debate on the provinces could begin, so Caesar's succession was, and was obviously intended to be, a topic of conversation there.²⁹

What was decided at the meeting? Perhaps Pompey heard—or convinced himself that he heard—that Caesar had no objection to discussion of his succession after March 1, 50 B.C. This date made some practical sense for the dynasts. Gaul was nearly pacified, and Caesar would have no pressing reason to combine further continued command with the *ratio absentis*.³⁰ He instead could canvass for the consulship in person or could use his *ratio absentis* as a patch to cover his run for consul in the summer of 50 B.C. for the year 49 to retain, if perhaps not his entire physical army, at least his ability to triumph.³¹ What more, Pompey

²⁵ Cic. *ad Fam.* 8.4.4.

²⁶ Cic. *ad Fam.* 8.9.5: et provinciam tenere cum exercitu. Note that Pompey subdivided Caesar's holding of a province from the control of his physical army.

²⁷ As noted by Morstein-Marx (2007) 168.

²⁸ Cic. *ad Fam.* 8.4.4; *ad Att.* 5.19.1.

²⁹ Cic. *ad Fam.* 8.4.4.

³⁰ This was the argument of Caesar's enemies; Dio 40.44.1.

³¹ Cf. Seager (2002) 142-43. Morstein-Marx (2007) 169 notes how greatly Caesar wished a triumph, which would be his first.

surely thought, than triumph and consulship could Caesar ask?³² Hence Pompey's statement upon his return that Caesar would not keep both province and army and also run for consul, and Pompey's open support for delay in discussion of the Gallic command until March 1, 50.³³ The Senate soon passed a unanimous resolution to that effect; evidently no tribune friendly to Caesar found it objectionable.³⁴

What of restraint? At the same meeting at which this resolution was passed, Pompey engaged in an important exchange with some of Caesar's enemies. Pompey specified that he could not "without wrongdoing" to Caesar countenance discussion of Caesar's succession before March 1 50, but after that he would have no hesitation.³⁵ So far, the deal. Asked next what would happen if a tribune vetoed discussion at that point, he responded that it made no difference whether Caesar disobeyed the Senate himself or had someone do it for him.³⁶ Another platitude. "But what if," someone asked, "he should want to be consul and also to keep his army?" "Suppose," Pompey coolly responded, "my son should want to take a club to me?"³⁷

That hard line was something new, and the full import of the vibrant imagery and emotional content with which Pompey chose to express his point has not been entirely appreciated. Gruen, in an effort to show Pompey and Caesar still as friends at this stage of events, took the sentence merely as "scoffing" proof of Pompey's belief that his friend

³² Caesar's actual desires may have been stronger: friendly tribunes shortly vetoed three other senatorial resolutions that would have prevented further vetoes, interfered with his discharge of troops, and effectively stripped Caesar of his *provincia* after March 1, 50. Cic. *ad Fam.* 8.8.7-8; Morstein-Marx (2007) 253.

³³ Cic. *ad Fam.* 8.8.5; App. *B.C.* 2.26.

³⁴ Cic. *ad Fam.* 8.8.5; Gruen (1974) 464.

³⁵ Cic. *ad Fam.* 8.8.9: sine iniuria.

³⁶ Cic. *ad Fam.* 8.8.9.

³⁷ Cic. *ad Fam.* 8.8.9: "quid si," inquit alius, "et consul esse et exercitum habere volet?" at ille quam clementer, "quid si filius meus fustem mihi impingere volet?" On "*quam clementer*," which I have not directly translated above, see note 39. Shackleton-Bailey (1977) I 406 must be right that *et consul esse* means "to be named consul," *i.e.*, to run successfully for consul.

Caesar would be unlikely to attempt such a thing.³⁸ But why such a vivid metaphor simply to say, “He’d never do that”? Stockton instead noted that it might mean that if Caesar did attempt such a thing he’d get a merciless “hiding.”³⁹ This idea is better, and Tatum and Seager also observe that the metaphor shows that Pompey felt himself to be the “superior” partner.⁴⁰ This idea makes some sense. Pompey’s position was strong. His own command in Spain—in *absentia* at that—had just been extended in the previous year for another five-year term, he had multiple legions in Italy, and he was the popular overseer of Rome’s grain supply to boot. Caesar’s position was poorer: his command was about to lapse, his soldiers to be discharged, and his enemies prepared to make any coming consulship miserable. The deal at Ariminum also put Caesar under obligation, and for Caesar to demand both continued command and the *ratio absentis* at this juncture or after March 1, 50 would reek of double-dealing and of ingratitude for Pompey’s public efforts to stave off Caesar’s opponents.⁴¹

But these considerations still do not explain the metaphor fully. Restraint does. In the past months Cicero had published his widely read treatise *On the Republic*, in which he wrote that a youth’s attack on a father was evidence of a dissolving society’s “complete loss

³⁸ Gruen (1974) 469; Gelzer (1968) 176; Goldsworthy (2006) 370; Stevenson (2015) 118.

³⁹ Stockton (1975) 237. This seems to me the clearest meaning, as also shown by Caelius’ certainly ironic phrase “*quam clementer*,” which suggested that Pompey would show Caesar no clemency *at all* if he tried such a thing. Cf. Tatum (2008) 134. Shackleton-Bailey (1977) I 406 proposes amending *quam* to *perquam* (“extremely”), which only heightens the irony.

⁴⁰ Corbeill (1994) 184 argues that the point of the metaphor was to show Pompey’s superior “status” and that Caesar’s demands were contrary to “traditional values” and “state values”; cf. Seager (2002) 143; Goldsworthy (2006) 370; Tatum (2006) 206. Cf. Plut. *Pomp.* 57.3-5.

⁴¹ Cael. *ad Fam.* 8.8.9. Shackleton-Bailey (1977) I 407 argued that the Caelius’ use of *negotium* in this letter meant that Caesar and Pompey had some “quarrel,” although Gruen (1974) 469 n.70 and Stockton (1975) 238 and references suggest that word means “dealings” in this context. My argument is unaffected: Pompey worried about his partner’s potential lack of restraint.

of *pudor*” and immoral “*licentia*” before its collapse.⁴² Pompey may have been reproducing Cicero’s metaphor from the popular tract consciously, or at least was tapping into the same emotional well that Cicero recently had shared with his readers, particularly because many already saw Caesar as wholly personally unrestrained. The arresting metaphor was thus one of an immodest, licentious, shameless, and revolting act on the part of an inferior against a superior, which threatened the very Republic, for which condign punishment would follow.

The “son with a club” image illustrates how steeped in restraint values were the personal relations, even on matters of high politics, between the two men in Rome who mattered most. The metaphor suggests the political limits of Pompey’s tolerance for the ambitions of his mercurial partner, using the graphic image of an unrestrained child.⁴³ It shows not merely what Pompey thought, but how he felt about it. Restraint logic and language shaped emotions, which shaped policy. On the strength of such a vision of the relations between himself and Caesar Pompey could, with equanimity and confidence, stake out publicly in the Senate in the fall of 51 B.C. his position that Caesar would not exercise both legal rights at the same time. Pompey’s position would now have to stick. The image was also shocking, and gave the political questions under debate real emotional immediacy. The audience would have gripped the metaphor immediately, as would Caesar’s friends, who no doubt reported to him Pompey’s words. We too must keep the immoderate and unrestrained “boy with a club” metaphor in mind; it would return in other forms as the final crisis drew on.

⁴² Cic. *de Rep.* 1.43.67-1.44.68. “Complete loss of *pudor*” = *absit omnis pudor*. Caelius reported the treatise’s popularity in May of 51, *ad Fam.* 8.1.4.

⁴³ I do not agree with Seager’s (2002) 143 argument that the metaphor showed that the two were still as close as father and son. That suggestion would too much have reminded the audience that Pompey had recently been Caesar’s son-in-law. Even if Pompey was referring to their familial connection, the inversion of their relationship in the metaphor would not have been friendly.

3. Moderation, Deference, and Violence

The interchange with Pompey illustrates a second way in which the restraint values provided the sort of emotional supercharge that could turn legal and political disputes into civil war. As noted, in Cicero's *Republic* the youth's attack on a father was evidence not only of *licentia* and loss of *pudor*, it also portended the kind of societal breakdown that would end in revolution, and ultimately in tyranny.⁴⁴ Pompey's questioner had focused, not on Caesar's *provincia*, but on his troops, and Pompey's response also seemed to focus not as much on the possibility that Caesar might keep both the *ratio absentis* and his governorship and province, but rather that he would keep his *army*. The violence inherent in the metaphor reveals apprehension of physical attack from legions outside Rome; a sinister hint that a shameless Caesar might attempt to be the next Sulla. Of course, by shaping the metaphor as he did, Pompey hoped to assure his listeners that revolt by a smaller and weaker Caesar would be futile.⁴⁵ M. Caelius Rufus duly reported to Cicero, then governor in Asia Minor, that Pompey's speech had raised "public confidence."⁴⁶ Nevertheless, Pompey had now mingled imagery of immorality and shamelessness with the threat of tyranny and applied it to his co-dynast; we must assume with Caelius that this sort of talk made a marked impression on a nervous audience already suspicious of Caesar.

Caesar, of course, did nothing like what Pompey assumed he would: "cede," as Cicero put it, to the Senate's wishes.⁴⁷ Part of the reason must have been Caesar's new-

⁴⁴ As Cicero explained, *de Rep.* 1.43.67-1.44.68.

⁴⁵ Cf. Plut. *Pomp.* 57.3-5.

⁴⁶ Cic. *ad Fam.* 8.8.9 (maxime confidentiam attulerunt hominibus).

⁴⁷ Cicero wrote Atticus in December 51: *quibus* [*sc.* "the resolutions"] *si ille cedit, salvi sumus* ("If he cedes to the resolutions, we are safe"). Cic. *ad Att.* 5.20.8. Cicero evidently was confident that the settlement would be made in March 50. Cic. *ad Att.* 6.1.24.

found support in the tribune Curio.⁴⁸ Curio has been flatly blamed for kindling the civil war.⁴⁹ To the extent that this is true, he brought it closer by cracking at Pompey using deference and moderation as mallets. On March 1 50 B.C., Caesar's enemy M. Claudius Marcellus attempted to raise the issue of Caesar's succession. Curio responded with a tactic that he would repeat at least twice more that year: to propose that both Pompey and Caesar together lay down their commands.⁵⁰ One prominent biographer of Pompey has noticed that the devastating effect of this proposal was to turn Caesar into the "voice of moderation" at one stroke.⁵¹ This first iteration of Curio's demand merely took Pompey aback, as though surprised that Curio would interfere; Pompey was then unaware that Curio was working at Caesar's behest.⁵² He responded with an awkward new position that Caesar leave his province and army by the Ides of November, 50 B.C., possibly in the hopes that the delay was all some mistake.⁵³

⁴⁸ Thus Gruen (1974) 471-73; Stockton (1975) 258; Seager (2002) 144 and n.80. I do not dwell on the accusations in Appian *B.C.* 2.26, Dio 40.60.3-4, Suet. *Div. Iul.* 29, and Val. Max. 9.1.6 that Caesar bought off Curio. What matters is that Caesar obtained Curio's support.

⁴⁹ The thesis of Gruen (1974), supported by Seager (2002) 144-45.

⁵⁰ Liv. *Per.* 109; Vell. Pat. 2.48.2; App. *B.C.* 2.27-28. Caes. (Hirt.) *B.G.* 8.52 wrote that Curio "often" (*saepe*) repeated this offer. Later sources, particularly Plutarch and Dio, telescoped the offers together, which renders their timing unclear, but I identify three sequential occasions when Curio made the offer, using the helpful re-constructions of Gelzer (1968) 179, Meier (1995) 338, Seager (2002) 144, and Goldsworthy (2006) 366 to sort the chronology. All four scholars are in accord with the timing of this first offer, although Tatum (2008) 137 would put this first offer in February 50, and Canfora (2007) 354 anywhere between February and April. Caesar at any event used all the refusals as propaganda that Pompey ruled by *dominatio atque arma*—"tyranny and arms," *B.G.* 8.52.

⁵¹ Seager (2002) 144.

⁵² Cic. *ad Fam.* 8.11.3. Meier (1995) 339 and Seager (2002) 144-145 note Pompey's surprise. Curio's new association with Caesar would not be discovered until April or May of 50. Cic. *ad Fam.* 8.11.2; 2.13.3.

⁵³ Cf. Gruen (1974) 480, who argues plausibly that Pompey supposed the extra seven months to be sufficient for Caesar's remaining arrangements in Gaul; *contra*, e.g., are Bloch and Carcopino (1935) 848 and Shotter (2005) 76 on grounds that the compromise was a trick to leave a gap time between Caesar's *rationes* for prosecution—assuming of course, that a set gap would exist.

By April of 50, however, it was becoming clear that Caesar would not return from Gaul to run that summer.⁵⁴ Why is a great and insoluble mystery, but it frayed Pompey's patience.⁵⁵ In April, Caelius reported to Cicero that Pompey "does not want and plainly fears" that Caesar would seek to become consul and also keep his "province and his army."⁵⁶ Caesar was becoming the boy with a club. Friends and relatives of Pompey passed anti-Caesarian senatorial resolutions while the great man did nothing to stop them.⁵⁷ Pompey also purportedly resisted Curio's efforts to prepare land for Caesar's returning veterans.⁵⁸ This resistance apparently made Caesar only more stubborn; Caelius feared that Caesar would now stay in Gaul "as long as he pleased."⁵⁹ By early June Pompey had fallen ill, perhaps out of anxiety at the thought that some senators were becoming prepared to accept Caesar back to stand for office both with legions and province in hand.⁶⁰ Caelius relayed this news to Cicero with a crude joke that hinted at proscriptions: "rich old men" like Cicero could worry about how everything would fall out.⁶¹

Over the summer Pompey's contempt for Caesar's ingratitude and presumption mingled further with the specter of marches on Rome and renewed massacres, as Curio's mallet struck again. In July or August, Curio, channeling Caesar, again proposed that both

⁵⁴ Cic. *ad Fam.* 8.11.3.

⁵⁵ Various theories why Caesar did not leave are adduced in Gruen (1974) 477; Morstein-Marx (2007) 173-74. None can be verified, but most possibly Caesar felt that his arrangements in Gaul were not yet secure. Cf. Millar (1998) 190-92.

⁵⁶ Cic. *ad Fam.* 8.11.3. Shackleton-Bailey (1977) I 419 dates the letter to mid-April.

⁵⁷ A point emphasized by Stockton (1975) 254.

⁵⁸ Cic. *ad Fam.* 8.10.4.

⁵⁹ Cic. *ad Fam.* 8.11.3: *quoad volet manebit*.

⁶⁰ Cic. *ad Fam.* 8.13.2; *ad. Att.* 6.3.4; Plut. *Pomp.* 57.1. Shackleton-Bailey (1977) I 425 dates the illness.

⁶¹ Cic. *ad Fam.* 8.13.2: *quidnam rei publicae futurum sit . . . vos senes divites videritis*. It was not as though Caelius had no role to play: he was the current curule aedile.

Caesar and Pompey discharge their armies.⁶² This time, however, no compromise was forthcoming, and the reasons why are instructive. Pompey at first gamely agreed to the arrangement in a letter to the Senate that—like his “refusals” to take on extraordinary commands so many years before—was calculated to restore himself to his rightful position as the restrained and trustworthy leader. He said that before the time of his own commands’ expiration he would willingly give up the army, province, and honors that he had unwillingly assumed for the sake of the Republic after his last consulship, and return them to those who wished them back.⁶³ The tenor of his words is by now familiar, echoing the positions that Pompey had taken in the run-ups to his commands against the pirates and in Asia—others are worthy, they should receive honors, I will stand aside—and closely matched another saying of Pompey: that he had achieved every office sooner than expected, and had laid every office down sooner than expected.⁶⁴ Pompey’s response to Caesar’s offer, that is, was to behave like a *moderatus*. He would regain the restrained moral high ground.

Curio, however, took advantage of a now seemingly infinitely elastic rhetoric of restraint, and claimed that the attempt was pure façade: Pompey’s promise was not good enough, and Pompey would in fact wait for Caesar to disband his legions and then would treacherously hold onto his own troops in a bid for sole power.⁶⁵ Curio’s and Caesar’s wedge was perfectly calculated. If Pompey refused the offer, it would redound to Caesar’s

⁶² Cic. *ad Fam.* 8.14.2; cf. Mitchell (1991) 243; Seager (2002) 146; Goldsworthy (2006) 368. Gruen (1974) 486 n.124 does not fully grasp the cultural resonance of Pompey’s response. Shackleton-Bailey (1977) I 431 notes correctly that this was not Curio’s first attempt at this offer.

⁶³ App. *B.C.* 2.28: ἃ δὲ ἄκων ἔφη λαβεῖν, ἔκων ἀποθήσομαι τοῖς ἀπολαβεῖν θέλουσιν, οὐκ ἀναμένων τοὺς χρόνους τοὺς ὀρισμένους.’

⁶⁴ Plut. *Mor.* 204C 14: ὡς πᾶσαν ἀρχὴν καὶ ἔλαβε θάττον ἢ προσεδόκησε, καὶ καταθοῖτο θάττον ἢ προσεδοκήθη; cf. Luc. 9.196: quaeque dari voluit, voluit sibi posse negari (“whatever [Pompey] wanted given him, he also wanted to be able to refuse”).

⁶⁵ App. *B.C.* 2.28. The slant with which Appian reports that Pompey’s responses were calculated lies suggests that his sources for these points were pro-Caesarian.

advantage among senators who might support the more moderate man.⁶⁶ A refusal would also upset the People, who were at that time reportedly already annoyed with Pompey for cutting into lavish electoral gifts to them with his attempts to weed out bribery.⁶⁷ But if Pompey took a sterling traditional line, Curio could swivel to the next best option: to dismiss Pompey's moderation (in combination with unpopularity among the plebs resulting from his recent efforts in imposing *temperantia*) with insinuations that Pompey was, in fact, himself aiming for tyranny and violence.

Pompey, Appian reports, was livid at Curio's (and Caesar's) maddening damned-if-you-do, damned-if-you-don't tactic, which made his mawkish public display of self-restraint—Pompey's *forte* for years—pointless, if not dangerous.⁶⁸ Curio's accusations of subterfuge must have been especially galling because Pompey had only recently been sole consul, entrusted with the position, as Appian put it, because of his renowned βίον ἐγκρατῆ καὶ σώφρονα (“self-controlled and temperate life”)—even Cato had approved!—and he had still refused to become sole dictator or monarch.⁶⁹ What more could he possibly do to prove his good faith? Not even Pompey's enemies in the 60s had been so bald in attacking Pompey's greatest claim to *dignitas*: that despite his exceptional deeds, he remained deferential to Senate and peer. But here was Caesar, manipulating Pompey's restraint to make a fool of him.⁷⁰ Worse, in the 60s Pompey's opponents had been orators armed only with words. Now his opponent was his erstwhile collaborator, a suspiciously unrestrained man, and a dangerous general who commanded both friendly tribune and loyal legions.

⁶⁶ Cf. Gelzer (1968) 185; Seager (2002) 144.

⁶⁷ App. B.C. 2.27.

⁶⁸ App. B.C. 2.29. Gelzer (1968) 78 noted “the masterly way in which [Caesar] put his opponents morally in the wrong.”

⁶⁹ App. B.C. 2.20, 2.23.

⁷⁰ By this point in the summer, as Cicero makes clear, everyone knew that Curio was working for Caesar. Cic. *ad Fam.* 2.13.3.

Caesar's lack of respect for Pompey's moderation was thus particularly alarming. These emotions help explain why compromise collapsed, and why Pompey now openly predicted war, overconfidently boasting when Italy rejoiced at his recovery that all he would have to do if Caesar caused trouble would be to stamp his foot on the ground and soldiers would rise up from the earth.⁷¹

After this incident, Pompey would not again countenance conciliation on anything but the most personally advantageous terms—a fact that has not been sufficiently noticed in modern scholarship.⁷² It can be fully explained only by taking into account Pompey's fear and fury at seeing his studied moderation mocked—a thing far worse than having his agreement with Caesar merely breached, as the first mallet blow had merely done. It was at this point that Pompey decided to recall from Caesar for service in a possible Parthian war two legions that he had “lent” to Caesar for operations in Gaul—but which Pompey now kept in Italy.⁷³ Caesar noticed the change in attitude. By September, as Caelius could inform Cicero, Pompey and Caesar had hit the crux of contention: Pompey had determined not to permit Caesar to become consul unless Caesar handed over his army and his provinces, and

⁷¹ App. *B.C.* 2.37; Plut. *Pomp.* 57.5; *Caes.* 33.4; Seager (2002) 146.

⁷² Among those who do not notice are Bloch and Carcopino (1935) 848-49; Rawson (1975) 185; Gruen (1974) 486 n.28; Gelzer (1968) 186; Khan (1986) 305; Meier (1995) 340; Seager (2002) 144-45; Parenti (2003) 124-25; Shotter (2005) 76; Goldsworthy (2006) 368; Freeman (2008) 238; Billows (2009) 187; and Stevenson (2015) 119. Seager (144), however, correctly sees that Curio's attempt to make Caesar appear the moderate compromiser “perhaps did more than any other factor to bring about the confrontation between Pompeius and Caesar that led eventually to war.” Seager is also right that Curio's move amounted to “contumacy” on Caesar's part, but does not recognize how his tactics upset Pompey's decades-long mission to play the traditional *moderatus*, and why precisely this reaction endangered compromise.

⁷³ I follow Appian *B.C.* 2.29 here in placing this incident directly after Pompey's illness and letter to the Senate; cf. *Caes.* (Hirt.) *B.G.* 8.54.3, who placed it after one of Curio's many offers. Plutarch (*Caes.* 29.3; *Pomp.* 56.3) confirms that the incident came sometime around Pompey's illness; cf. Dio 40.65.2-4. Cf. Rawson (1975) 185; Shackleton-Bailey (1977) I 460; Khan (1986) 305. Meier (1995) 339 would put the incident in April, although the ancient sources are not in support.

Caesar was convinced that he could not be “safe” if he left his army, which he would surrender only if Pompey in fact also disbanded his own legions.⁷⁴ A contest of “moderation” had so far restrained neither man, but had only stoked flames.

4. License, Tyranny, and Trust

Cicero, our most accessible source, now explicitly bound all of the emotional strings that had so far energized the political debate together with intemperance and greed. Worry about war obsessed Cicero as the summer of 50 B.C. turned to fall. “I believe I see so great a struggle . . . as great as has ever been,” he confided to Atticus in October.⁷⁵ “I surely feel this: the situation is extremely dangerous,” he again wrote in early December.⁷⁶ The reason for this danger, as Cicero explained to Atticus, lay in personal failures of restraint. Caesar he called *audacissimus*—the very word that he had once used to portray the frenzied Catiline.⁷⁷ Cicero would later also call Caesar a man of *temeritas*, who “overthrew all laws divine and human.”⁷⁸ So too was Caesar personally greedy: Cicero repeatedly assumed both before and after Caesar’s invasion that a substantial motivation for his threats on Rome was ordinary spoil. “He covets everyone’s all,” he wrote. “What can you not fear from a man who thinks that the homes and temples of Rome aren’t *patria* but plunder?”⁷⁹ “Nothing could be more contrary to moral duty” than such theft.⁸⁰ (Caesar, incidentally, would later counter such

⁷⁴ Cic. *ad Fam.* 8.14.2: Caesari autem persuasum est se saluum esse non posse si ab exercitu non recesserit (“Caesar is persuaded that he cannot be safe if he leaves his army”).

⁷⁵ Cic. *ad Att.* 7.1.2: videre enim mihi videor tantam dimicationem . . . sed tantam quanta numquam fuit.

⁷⁶ Cic. *ad Att.* 7.3.5: sic enim sentio, maximo in periculo rem esse.

⁷⁷ Cic. *in Cat.* 2.13. See again Wirszubski (1961) on *audacia*.

⁷⁸ Cic. *de Off.* 1.26: omnia iura divina et humana pervertit.

⁷⁹ Cic. *ad Att.* 7.13.1. Cf. *ad Att.* 7.7.7, 7.13.1 (omnia omnium concupivit . . . quid est quod ab eo non metuas illa tecta et templa non patriam sed praedam putet), 7.18.2, 8.3.4, 9.13.4, 10.8.2; *ad Fam.* 16.12.1; Sall. *B.C.* 38.3-4.

⁸⁰ Cic. *de Off.* 1.43: nihil magis officio possit esse contrarium; cf. Catul. 29, decrying the *impudicus* Caesar’s *sinistra liberalitas*.

accusations with explicit claims of personal continence when handling public funds.)⁸¹

Pompey apparently agreed with Cicero's assessment, reportedly often saying that Caesar could not afford to satisfy the promises that he had made to the People.⁸²

Cicero also believed that allied with Caesar was a morally perverse following similar to Catiline's, including the condemned and all those stigmatized with a censorial *nota* (and "all those who *deserve* one or the other, too").⁸³ Such men should have been red with shame, but to Cicero they were not.⁸⁴ In August a large number of some such men had indeed been tarred with expulsion from the Senate by the ill-timed and hypocritical overenthusiasm of one of the current censors, Appius Claudius Pulcher, himself a noted *bon vivant*.⁸⁵ Appius' steely but two-faced application of vintage restraint values at just this moment was creating, not a purified senatorial class, but a cadre of disaffected noblemen susceptible to Caesarian overtures.⁸⁶ Caesar paid their shame no mind, took them in, and rewarded them

⁸¹ Caes. *B.C.* 1.32: Sestertium LX quod advexerat Domitius atque in publico deposuerat . . . reddit ne continentior in vita hominum quam in pecunia fuisse videatur ("[Caesar] returned sixty million sesterces that Domitius had placed in the public treasury . . . so that he would not seem more continent in money than in men's lives").

⁸² Suet. *Div. Iul.* 30.2; cf. Canfora (2007) 137, who suggests that the remark came as civil war approached.

⁸³ Cic. *ad Att.* 7.3.5: omnis damnatos, omnis ignominia adfectos, omnis damnatione ignominiaque dignos.

⁸⁴ Cf. Cic. *de Rep.* 4.6.6: censoris iudicium nihil fere damnato nisi ruborem offert ("the censorial judgment offers no punishment beyond a blush").

⁸⁵ Cic. *ad Fam.* 8.14.4.

⁸⁶ Suet. *Div. Iul.* 27.2; Dio 40.63.3-4. Heitland (1909) III 264 and Gruen (1974) 484 long ago noticed that the recently stigmatized moved towards Caesar. Vanderbroeck (1987) 38 sees that "most high-ranking *nobiles* were on Pompey's side. The majority of the nobles lower rank and the young were with Caesar. In both parties, however, there were considerable numbers of all categories." Cf. Goldsworthy (2006) 192 and 361, who observed the vacuum in clientage that Crassus' death had left and that Caesar helped fill. This observation helps explain whence Caesar could gain a sense of *existimatio*. Vanderbroeck also observes (46-48) that Caesar's followers had a greater "group loyalty" than did Pompey's, in part because the nobility would never again trust anyone who showed *popularis* sympathies, and the outcasts looked to each other for support.

handsomely.⁸⁷ Such men, Cicero sneered, had gained luxurious gardens and estates from the association.⁸⁸ Also with Caesar were the “youth,” whom Cicero elsewhere described in a similar list of Caesar’s supporters as “morally depraved,”⁸⁹ along with the “degenerate urban *plebs*” and profligate debtors.⁹⁰ After Caesar’s invasion Cicero would confidently tell Atticus to expect the worst from them:

Don’t think for a moment that the insanities of these men will be either tolerable or all of the same type. For it can’t escape you that once the laws and courts and the Senate are laid low, that no amount of public or private wealth will be able to satisfy the lusts, recklessness, extravagant luxuries, and neediness of such exceedingly needy men?⁹¹

We must remember that Cicero was not on the rostra here. These were not exercises in propaganda or persuasion. He was speaking to his closest friend; these are his own thoughts. To Cicero, Caesar threatened danger because he and his followers were morally bankrupt and unrestrained. Their character would lead to war and slaughter.⁹² We can believe that Cicero was not the only senator who apprehensively shared that opinion—whether objectively true or not.

Cicero plumbed even lower depths of moral pessimism with his friend when he considered Pompey and Caesar together. “Two men,” Cicero wrote Atticus, “now fight for

⁸⁷ Suet. *Div. Iul.* 27.2. As Caesar later told Cicero: “si sibi consiliis nostris uti non liceret, usum quorum posset ad omniaque esse descensurum (‘If he [Caesar] cannot avail himself of my [Cicero’s] help, he [Caesar] would take advice from whomever he could and consider nothing beneath him”), *ad Att.* 9.18.3.

⁸⁸ Cic. *ad Att.* 7.7.6.

⁸⁹ Cic. *ad Att.* 7.7.6: *perdita iuventus*.

⁹⁰ Cic. *ad Att.* 7.3.5: *perditam plebem*. Cf. Suet. *Div. Iul.* 27. Cicero would repeat the charge that Caesar’s followers were poverty-stricken desperadoes several times, e.g., *ad Att.* 7.13.1, 8.11.4, 9.1.3, 9.7.5, 9.19.1.

⁹¹ Cic. *ad Att.* 9.7.5: *noli enim putare tolerabilis horum insanias nec unius modi fore. etsi quid te horum fugit, legibus, iudiciis, senatu sublato libidines, audacias, sumptus, egestates tot egentissimorum hominum nec privatas posse res nec rem publicam sustinere?*

⁹² Caesar, of course, later touted his clemency in refusing to follow Sulla’s path. Cic. *ad Att.* 9.7C.1.

their own power, at the community's peril."⁹³ This pithy sentence carries more in its orbit than first appears. In an earlier part of the same letter, Cicero had referred to the (now largely lost) sixth book of his *Republic*.⁹⁴ He evidently had the treatise on his mind as he wrote his letter, and we can use that work to help illustrate what he was trying to convey. His sentence to Atticus bears a strong resemblance to descriptions in the *Republic* of an ideal statesman. In Book Five, Cicero (through the voice of the younger Scipio) had declared that the primary duty of the statesman was to provide a "happy life for the citizens, firm in wealth, resources, and riches, ample in glory, virtue, and moral goodness."⁹⁵ In Book One, Cicero had written that an ideal statesman who rules others "is a slave himself to no lust . . . nor does he impose any laws on the populace that he does not obey himself, but instead puts his own life out as an example to his fellow citizens."⁹⁶ The same thought had appeared in Book Two: the ideal statesman "urges others to imitate him, so that he might supply himself as a sort of mirror for his fellow citizens by the splendor of his soul and life."⁹⁷ Cicero later summed up to Atticus: "I was right when I said in that book of mine [a lost portion of the *Republic*] that nothing is good which is not morally correct, and nothing bad except what is morally incorrect, and that certainly they [Caesar and Pompey] are both as miserable as possible, because they have always put the safety and dignity of their country behind their

⁹³ Cic. *ad Att.* 7.3.4: de sua potentia dimicant homines hoc tempore periculo civitatis.

⁹⁴ Cic. *ad Att.* 7.3.2; Shackleton-Bailey (1965-1967) III 290. Book Six is unfortunately now too badly fragmented for us to understand the reference's context fully.

⁹⁵ Cic. *de Rep.* 5.6.8: huic moderatori rei publicae beata civium vita proposita est, ut opibus firma, copiis locuples, gloria ampla, virtute honesta sit.

⁹⁶ Cic. *de Rep.* 1.34.52: is, qui imperat aliis, servit ipse nulli cupiditati . . . nec leges imponit populo, quibus ipse non pareat, sed suam viam ut legem praefert suis civibus.

⁹⁷ Cic. *de Rep.* 2.42.69: ad imitationem sui vocet alios, ut sese splendore animi et vitae suae sicut speculum praebeat civibus.

own power and private benefit.”⁹⁸ Nor did they feel the shame that Cicero had praised in

Book Five:

The best citizens are not deterred [from disgraceful behavior] by fear of a punishment that has been sanctioned by laws as much as by the sense of shame (*verecundia*), which nature gave to man as a kind of fear of not unjust censure. The leader of a Republic, therefore, has grown this sense of shame using public opinion, and has perfected it through both established customs and training, so that shame (*pudor*) no less than fear keeps the citizen from doing wrong.⁹⁹

These quotations, of course, represent precisely the restraint ideals, applied to a model statesman who is himself perfectly self-restrained and sacrifices himself for the health and safety of the state. By contrast, as Cicero carefully explained, a tyrant thinks only of himself, his wealth, his lusts, and his power.¹⁰⁰

In his pithy sentence to Atticus, therefore, Cicero was suggesting that by fighting for their own personal power at the expense of the community, the two men were lustful, were anti-statesmen, and were flirting with tyranny. To be sure, to Cicero Caesar was the worse offender of the two; we have seen Cicero’s charges of licentiousness against him and his followers.¹⁰¹ If Caesar continued on his chosen course, he would become a tyrant, who, as a wholly unrestrained individual, might revive proscriptions, something that Cicero, Caelius, and (evidently) others explicitly feared by the fall and winter of 50. Naturally, the specter of a tyrant also dramatically heated the emotional atmosphere, and toggle-switch thinking

⁹⁸ Cic. *ad Att.* 10.4.4: recte in illis libris diximus nihil esse bonum nisi quod honestum, nihil malum nisi quod turpe sit, certe uterque istorum est miserrimus, quorum utrique semper patriae salus et dignitas posterior sua dominatione et domesticis commodis fuit.

⁹⁹ Cic. *de Rep.* 5.6: nec vero [optimi] tam metu poenaeque terrentur, quae est constituta legibus, quam verecundia, quam natura homini dedit quasi quendam vituperationis non iniustae timorem. hanc ille rector rerum publicarum auxit opinionibus perfecitque institutis et disciplinis, ut pudor civis non minus a delictis arceret quam metus. Cf. Corbeill (2002b) 197.

¹⁰⁰ Cic. *de Rep.* 2.41.68.

¹⁰¹ After Caesar’s invasion, Cicero would disgustingly accuse Pompey of being no better than Caesar: uterque regnare vult (“Both want to rule”), Cic. *ad Att.* 8.11.2; 7.8.5, although Cicero did still find Pompey more palatable: Cic. *ad Att.* 10.7.1: *modestior rex*.

portended even more ill for a peaceful settlement. A man who toyed with tyranny, as evidenced by displays of personal lust and lack of self-control, could not be trusted to keep faith in any manner, in any matter. As Cicero had also written in his *Republic*, “a more foul or filthy creature and more hateful to gods or men than a tyrant cannot even be imagined. For although he takes human shape, he outstrips the most monstrous brutes in his manners of life. For how could anyone rightly be called a ‘man’ who desires no community of justice, no common bond of humanity, with his fellow citizens, or even with the entire human race?”¹⁰² This was dark and dangerous pessimism indeed.

Unfortunately, Cicero did not have a monopoly on this sort of thinking. In his efforts to justify why he had invaded Italy, Caesar would later describe his opponents in uncannily parallel terms. For Cicero’s band of desperate insolvents, Caesar substituted the consul L. Cornelius Lentulus Crus, whom Caesar accused of acting against him “on account of the magnitude of his debts,” as well as with the hope of future provincial command with concomitant massive bribes from kings.¹⁰³ Caesar charged Lentulus even with bragging that he would become the next Sulla.¹⁰⁴ Caesar matched Cicero’s charges of an anti-statesman’s arrogance and selfishness with Cato, who, he claimed, opposed Caesar out of “long-standing enmity” and because he was a sore loser in his recent failed reach for a consulship. Equally guilty was Q. Caecilius Metellus Pius Scipio, Pompey’s new father-in-law, who also hoped for provinces and armies, and who displayed excessive “self-regard and ostentation” to

¹⁰² Cic. *de Rep.* 2.27.48: tyrannus, quo neque taetrius neque foedius nec dis hominibusque invisius animal ullum cogitari potest; qui quamquam figura est hominis, morum tamen inmanitate vastissimas vincit beluas. quis enim hunc hominem rite dixerit, qui sibi cum suis civibus, qui denique cum omni hominum genere nullam iuris communionem, nullam humanitatis societatem velit? Cf. *de Off.* 1.65.

¹⁰³ Caes. *B.C.* 1.4.2: Lentulus aeris alieni magnitudine et spe exercitus ac provinciarum et regum appellandorum largitionibus movetur. Cicero supports this portrait of Lentulus, whom he described as hankering after luxury estates: *ad Att.* 1.6.4-5. Plutarch *Caes.* 17.1 noted Caesar’s own sharing of spoils with his troops to avoid charges of personal luxury.

¹⁰⁴ Caes. *B.C.* 1.4.2.

impress the powerful.¹⁰⁵ Similarly, if Cicero called Caesar's followers the "depraved" youth and city rabble, Caesar countered that his enemies were an "oligarchic faction" (*factio paucorum*),¹⁰⁶ who suffered from "too much stubbornness and arrogance" (*nimia pertinacia atque arrogantia*).¹⁰⁷ And, as though mirroring Cicero's claim that Caesar was *audacissimus* and aiming at sole rule, Caesar wrote that Pompey "wished no man to share equal dignity" (*neminem dignitate secum exaequari volebat*) and was prepared to fight to increase his own *potentiam dominatumque*, "power and domination."¹⁰⁸ It was evidently not enough for Caesar to claim that his opponents legally were in the wrong, or even that they had formed a powerful clique. They needed to be unrestrained, lustful, and tyrannical too. Caesar, playing within the same emotional framework as Cicero had used, wanted his readers to believe that Pompey and his adherents were just as morally reprobate, and thus just as untrustworthy, as Cicero believed Caesar and his followers were. They, not Caesar, were the beast-men.

Thus the sides' positions by the late fall and early winter of 50 B.C. We see in the sources fear, suspicion, and mistrust cranking upwards like a ratchet—able to increase, but not decrease. The currency, the medium, of this emotional ratcheting were the values of restraint, thrown as accusations at the other side, which figuratively dehumanized them and made compromise with and cession to them perilous. The reason that these emotions could grow so hot is that the values were held so dear by many men on each side, as both Caesar's propaganda and Cicero's unguarded private screeds attest. But, once again, that both sides

¹⁰⁵ Caes. *B.C.* 1.4.3: Catonem veteres inimicitiae Caesaris incitant et dolor repulsae . . . Scipionem eadem spes provinciae atque exercituum impellit, quos se pro necessitudine partituro cum Pompeio arbitratur, simul iudiciorum metus [adulatio] atque ostentatio sui et potentium, qui in re publica iudiciisque tum plurimum pollebant.

¹⁰⁶ Caes. *B.C.* 1.22.6. This phrase apparently became a slogan: Augustus repeated it in his *Res Gestae*, 1.5.

¹⁰⁷ Caes. *B.C.* 1.8.5.

¹⁰⁸ Caes. *B.C.* 1.4.4-5.

claimed the restraint values for themselves shows how tenuous was the restraints' power was to persuade objectively. They were an accelerator of conflict, not a solution to it.

5. Shame, *Concordia*, and the Rubicon

This hot emotion explains one of the bitterest paradoxes of the dying weeks of the Republic. Repeatedly, both before and after Caesar's invasion, seemingly acceptable compromises were offered, yet none accepted.¹⁰⁹ In early December, Curio, acting at Caesar's direction, once again dangled the possibility of settlement.¹¹⁰ He first suggested in the Senate once more that either of the two men put down his arms, or, alternatively, that neither do so, as a counter-balance. The consul Marcellus responded in the house by calling Caesar a "robber."¹¹¹ A bare majority of the Senate then agreed with Marcellus' counter-proposal that Caesar be deprived of command, but held that Pompey be permitted to retain his.¹¹² Appian explained that the Senate believed that Pompey was a better republican, and hated Caesar for the way he had treated it as consul.¹¹³ But Curio quickly salvaged Caesar's position by repeating the same proposal as before: that both men be disarmed. Now the vast majority—370 to 22—approved.¹¹⁴ So too, we are told, did the People approve, spontaneously expressing their desire that both men cede by praising Curio and showering him with flowers.¹¹⁵

¹⁰⁹ Cf. Lobur (2008) 38: "Ironically, at the end of the Republic, there was a great deal of consensus, and a desire on the part of great men to represent it."

¹¹⁰ App. *B.C.* 2.30; Plut. *Pomp.* 58.3-5; Plut. *Caes.* 30.1-2; cf. Cic. *ad Att.* 7.6.2.

¹¹¹ Plut. *Pomp.* 58.4, *Caes.* 30.3: ληστήν.

¹¹² Appian *B.C.* 2.30 reports the resolutions as coming from Marcellus, although Plut. *Pomp.* 58.3-5 assigns the measures to Curio. Seager (2002) 147 n.101 prefers Appian, and I follow here.

¹¹³ App. *B.C.* 2.29.

¹¹⁴ App. *B.C.* 2.30; Plut. *Pomp.* 58.5.

¹¹⁵ Plut. *Pomp.* 48.6; Millar (1998) 193. This gesture more than any shows, *contra* Billows, that Caesar was *not* leading some popular "reform movement" supported by the urban poor.

The effort was wasted. Marcellus' colleague Appius Claudius dismissed the house with the sneer "you may win, but you can have Caesar as master."¹¹⁶ Even a well-regarded attempt at peaceful compromise was by now seen as capitulation to a greedy thief on the verge of dictatorship. In this decisive moment, the passionate fears of a few—clearly kindled by visions of Caesar's personal greed, immoderation, and coming tyranny that had grown in intensity in the preceding months—could not be swayed even by the overwhelming opinion of their many peers and of the People themselves. Marcellus and Claudius, along with the consul-designate Lentulus, instead approached Pompey and authorized him to use force to save the state.¹¹⁷ Pompey accepted.¹¹⁸ Lines grew firmer still.

Cicero swore in early December that he would "urge *concordia*," but the emotional stakes were fast growing beyond his control.¹¹⁹ On December 10, a day after Cicero wrote his pithy sentence to Atticus about the peril to the community, he met with Pompey, who spoke only of war: there was "no hope of concord," *nihil ad spem concordiae*.¹²⁰ Pompey by now had decided definitively which side of the toggle-switch Caesar was on. Cicero's only hope was that Caesar would not be "mad" enough to throw away a peaceful chance at a second consulship. If he did, Cicero wrote, "I fear much that I don't dare write down."¹²¹ By December 18, however, Cicero openly dreaded proscriptions upon receipt of the news that Caesar indeed was demanding that he keep both army and his right to stand for the consulship.¹²²

¹¹⁶ App. B.C. 2.33: νικᾶτε δεσπότην ἔχειν Καίσαρα.

¹¹⁷ App. B.C. 2.32.

¹¹⁸ Heitland (1909) III 268 n.4 notes that the act was unprecedented.

¹¹⁹ Cic. *ad Att.* 7.3.5: ad concordiam hortabor.

¹²⁰ Cic. *ad Att.* 7.4.1

¹²¹ Cic. *ad Att.* 7.4.3: multa timeo quae non audeo scribere.

¹²² Cic. *ad Att.* 7.6.2; 7.7.6-7.

Restraint values and violence now fused in fierce passion. Cicero's word for Caesar's demand was *impudens*.¹²³ Pompey's word was *impudentissimus*.¹²⁴ For what, raged Cicero on December 27 in a mock address to Caesar, could be "more shameless" (*impudentius*)?

You have held your province for ten years, given you not by the Senate but by force and through the workings of a faction. You extended the time not by law, but through your own lusts (but grant there was a law). Your succession is to be decided, but you block it and say, "you know my right." You know our rights, too. Would you hold your army longer than the People ordered, and against the Senate's wishes? "You must fight unless you cede," you say. And so we will, in good hope (as Pompey says), either of victory or of death as free men.¹²⁵

A more pitiable portrait of a broken restraint system could hardly be painted. Caesar cedes to no one: not Senate, not peers, not People. He gains what he wishes only through force of arms or sham legislation. The legality (or not) of his actions is irrelevant. His "lusts" drive him. He demands deference from others, and if it is not given, he will fight them. His solitary will overrides that of a group of fellow senators. Cicero, to be sure, did not create this image from air: Caesar, as the orator noted, was fond of quoting publicly a line from Euripides: "If right must be violated, let it be for the sake of rule; in all else, take care for piety."¹²⁶ Similarly, according to Appian, when Caesar heard of plans to strip him of his right to keep his army, he tapped on his sword hilt with the words "this will give it to me."¹²⁷

¹²³ Cic. *ad Att.* 7.6.2. And Cicero used the *impudens* twice more to describe Caesar's demands: *ad Att.* 7.17.2; *ad Fam.* 16.11.2.

¹²⁴ Cic. *ad Att.* 7.9.3.

¹²⁵ Cic. *ad Att.* 7.9.4: tenuisti provinciam per annos decem non tibi a senatu sed a te ipso per vim et per factionem datos; praeteriit tempus non legis sed libidinis tuae, fac tamen legis; ut succedatur decernitur; impedis et ais 'habe meam rationem.' habe tu nostram. exercitum tu habeas diutius quam populus iussit, invito senatu? 'depugnes oportet, nisi concedis.' cum bona quidem spe, ut aid idem, vel vincendi vel in libertati moriendi.

¹²⁶ Cic. *de Off.* 3.82: Nam si violandum est ius, regnandi gratia violandum est; aliis rebus pietatem colas, translating *Phoen.* 545-25: εἴπερ γὰρ ἀδικεῖν χρή, τυραννίδος πέρι κάλλιστον ἀδικεῖν, τὰλλα δ' εὖσεβεῖν χρεών. Cf. Beneker (2011) 77-78.

¹²⁷ App. *B.C.* 2.25: ἥδε μοι δώσει. The statement may have become proverbial; cf. Plut. *Pomp.* 58.2, who puts it in the mouth of one of Caesar's soldiers.

It was this combination of attitudes, Cicero and Pompey agreed, that constituted the “most shameless” behavior possible. The boy with the club metaphor returns again, and the image by now applied both to Caesar and his followers. Pompey bristled at what he regarded as an impertinent speech that Marc Antony made on December 21 attacking Pompey’s whole career. “How will Caesar himself act if he gets control of the Republic,” Pompey asked Cicero, “if this feckless, destitute quaestor of his dares to speak this way?”¹²⁸ That sentence encapsulates the extent to which Pompey had by now mixed accusations of lack of moderation and personal fear with refusal to trust Caesar to any degree. Cicero was even blunter in mixing lust and violence: unless the *boni* won the coming struggle, “Caesar will be no more merciful than Cinna was in slaughtering the leading men, nor more moderate (*moderation*) than Sulla in stealing money from the rich.”¹²⁹ Perceived shamelessness, lack of deference, lust, and immoderation wrapped together in Caesar and his followers, and led Cicero and Pompey to believe even more keenly that tyranny was imminent.¹³⁰

Caesar, of course, did not actually feel any shame. Nor, to his mind, need he. As seen, Caesar also painted his enemies as lustful, intemperate, greedy, spiteful, and tyrannical. His description of them mirrored the fulminations of Catiline a decade and a half earlier about his perceived unworthy judges. Caesar’s opponents’ opinion that he should be

¹²⁸ Cic. *ad Att.* 7.8.5: quid censes . . . facturum esse ipsum, si in possessionem rei publicae venerit, cum haec quaestor eius infirmus et inops audeat dicere? The reference to “destitute” was probably to Antony’s debts. Goldsworthy (2006) 373 recognizes Antony’s reputation as a man of “enormous enthusiasm and almost no self-restraint.” Cicero *ad Att.* 9.10.5 would later surmise from the fact that Antony had his mistress carried on a litter that proscriptions were coming; an astounding connection of violence to lack of sexual restraint.

¹²⁹ Cic. *ad Att.* 7.7.7: nec in caede principium clementiorem hunc fore quam Cinna fuerit nec moderatiorem quam Sulla in pecuniis locupletum.

¹³⁰ Morstein-Marx (2009) 133 calls the “fundamental rationale” for the civil war on Pompey’s side his desire to prevent Caesar from becoming consul again, even at the cost of depriving the People of their free choice. Such an extreme view—not even held by many senators, *ad Att.* 7.6.2—could arise only from extreme fear, which the imagery of the tyrant helped stoke.

ashamed might therefore be ignored—particularly if he commanded the support of the army, or of the People. He surely knew he already had the former; gaining the latter was Curio’s task, particularly through ostentatious (if perhaps insincere) appeals to classical *moderatio* in offers that all should lay down extraordinary commands. So too need not Caesar feel the sting of his enemies’ poor *existimatio* of him if he also commanded the respect of some number of *nobiles*, which he evidently did, thanks in part to Claudius the censor’s recent feats of stringency. Those followers themselves would have little reason to respect or bargain with those who had so insulted them.¹³¹ And, by this point, Caesar must have felt that his life might actually be at stake at the hands of his oppressors; even Cicero later admitted that the threat of proscriptions from the Butcher Boy had existed for some time.¹³²

Caesar accordingly wrote a letter to the Senate that was read out on January 1, 49 B.C.¹³³ After reciting calmly all his achievements, he again proposed that both he and Pompey lay down their commands—but if Pompey would not lay down his, Caesar would quickly come to avenge himself.¹³⁴ According to Caesar, Lentulus declared in response to these “most mild demands” that if the senators sought Caesar’s favor he “would take his own counsel and not submit to the Senate’s authority”—*se sibi consilium capturum neque senatus auctoritati obtemperaturum*.¹³⁵ Caesar thus emphasized Lentulus’ contempt for peer and group of peers and lack of *temperantia*. The vote on Caesar’s proposal, Dio reports, was not taken individually senator by senator, “lest through some sense of fear or shame each might vote

¹³¹ Cf. Vanderbroeck (1987) 52 and n.87.

¹³² Cic. *ad Att.* 9.10.6, suggesting that Pompey had been thinking of proscriptions for two years, although with what accuracy Cicero reported is hard to say.

¹³³ Suet. *Div. Iul.* 29.2; App. *B.C.* 2.32; Dio 61.1.2-3. Suetonius insinuates that Caesar’s letter was a stall for time while he gathered his legions to fight. Indeed, Caesar had by this point clearly recalled legions from Gaul for support, although later falsely claiming that he recalled them only after war began: Canfora (2007) 133; Tatum (2008) 139.

¹³⁴ App. *B.C.* 32.

¹³⁵ Caes. *B.C.* 1.1, 1.5.5: *lenissimis postulatis*.

contrary to his own judgment,” but rather by separating yea and nay votes into groups on opposite sides of the room.¹³⁶ That is, Lentulus arranged the voting so that the time-honored force of group peer pressure would shame opponents. By now, given the recent votes on Caesar’s and Pompey’s commands, he could be confident in the outcome, but he perhaps wanted to clip any loose ends. Caesar, naturally, later characterized the maneuver as coercion and compulsion¹³⁷—that is, that proper patterns of deference had been overborne by a tiny faction—but at all events Lentulus’ stratagem worked: the Senate now voted that if Caesar did not give up his army by a fixed date, he would be a public enemy.¹³⁸ Caesar was stripped of his *ratio absentis*, and his successor named.

Cicero, now staring at open war, attempted *concordia* once more, proposing that Caesar dismiss his armies and leave Gaul, but retain two legions and await his second consulship.¹³⁹ Caesar’s agents even lowered the stakes to one legion.¹⁴⁰ Pompey at first appeared amenable (although in Plutarch’s telling he stood firm), but Lentulus and Scipio continued to oppose, insulting Antony and Caesar’s friends in the Senate, while Cato

¹³⁶ Dio 61.2.1: μή καὶ δι’ αἰδῶ ἢ καὶ φόβον τινὰ παρὰ τὰ δοκοῦντά σφισιν ἀποφῆνται.

¹³⁷ Caes. B.C. 1.2.3: compulsi invitati et coacti; cf. Gelzer (1968) 171; Morstein-Marx (2009) 139.

¹³⁸ Caes. B.C. 1.2.6; Suet. *Div. Iul.* 30.1; Plut. *Caes.* 30.2. Seager (2002) 151 writes that the votes were meant to put “pressure on [Caesar] and bring him to his senses.”

¹³⁹ App. B.C. 2.32; Vell. Pat. 2.49.3-4; Plut. *Pomp.* 59.3; Woodman (1983) 85-86. Even as Caesar invaded Italy, Cicero convinced himself that he might be able to reconcile the two by lecturing them about *concordia*. To this end, he asked Atticus to help him locate a book by the philosopher Demetrius of Magnesia περὶ Ὁμονοίας: “On *Concordia*.” Cic. *ad Att.* 8.11.1-2; 8.12.16. Cicero shared the use of this word with T. Ampius Balbus, one of Caesar’s partisans, who wrote to Cicero in the hope that the orator could lend his influence *perfidia hominum distractos rursus in pristinam concordiam reducas*: (“To reconcile them, who have been driven apart by men’s lies, to their former *concordia*”), *ad Att.* 8.15a.1-2. By March, however, military affairs were too far gone and Cicero abandoned the idea, *ad Att.* 9.9.2. He also lost all hope that Caesar might change his ways: qui hic potest se gerere non perdit? <vetat> vita, mores, ante facta, ratio suscepti negoti, socii, vires bonorum aut etiam constantia. (“How can he not act immorally? His life, habits, previous deeds, way he went about things, friends, and the power and constancy of the good men all prevent it”), *ad Att.* 9.3.2.

¹⁴⁰ App. B.C. 2.32; Plut. *Pomp.* 59.3-4; *Caes.* 31.1.

denounced Pompey for even considering compromise.¹⁴¹ That pressure ended any wavering on Pompey's end.

On January 7 the Senate issued a *senatus consultum ultimum*.¹⁴² Caesar was now a *hostis*. Antony and other friendly tribunes attempted a veto, and were ignored. They fled to Caesar disguised as slaves, complaining of their mistreatment. When he received word of the tribunes' handling, he crossed the Rubicon river and marched into Italy at the head of armed troops.¹⁴³ The news caused panic in Rome. Cicero reacted with a screed: "He says he's doing it all for his *dignitas*—but where is *dignitas* without moral good?"¹⁴⁴ The word that Cicero used for "moral good," *honestas*, he elsewhere identified with *pudor*, *verecundia*, *modestia*, *temperantia*, and care for how one spoke and acted in front of others.¹⁴⁵

¹⁴¹ Plut. *Pomp.* 59.4, *Caes.* 31.1. App. *B.C.* 2.32 compresses this event. Seager (2002) 149 denies that Pompey considered compromise, although the testimony of Appian is hard to explain otherwise. Goldsworthy (2006) 376 notes the confusion about Pompey's response. Meier (1995) 345 suggests that Pompey wavered because civil war was now looming and "Caesar may have promised to collaborate with him in the future and even to show consideration when in office."

¹⁴² *Caes. B.C.* 1.5.3-4.

¹⁴³ App. *B.C.* 2.33. Bicknell & Nielsen (1998) 144 elegantly prove that by the time the tribunes met Caesar he had already crossed the Rubicon; a fast courier must have anticipated them, and Caesar and Asinius Pollio later elided the timing; *contra* is Frank (1907), who believed that the tribunes met Caesar before he crossed the Rubicon, blaming Antony for amending Caesar's commentary to suggest otherwise. The truth is not terribly important for my purposes: in both instances Caesar invaded with lightning speed, suggesting that true, restrained compromise was not actually in the offing.

¹⁴⁴ Cic. *ad Att.* 7.11.1: atque haec ait omnia facere se dignitatis causa. ubi est autem dignitas nisi ubi honestas? Morstein-Marx (2009) 128-129 comments that Cicero's cry "is too often cited as a self-evidently valid critique when it is in fact nothing more than a truism with which Caesar would have been the first to agree." He is right that Caesar would have been the first to agree; he is quite wrong to dismiss Cicero's pained response as a mere "truism." The proper functioning of the "truism" had long made the Republic function. Cf. Beneker (2011) 78-84.

¹⁴⁵ Cic. *de Fin.* 4.7.18: quodque hoc solum animal natum est pudoris ac verecundiae particeps . . . animadvertensque in omnibus rebus quas ageret aut diceret ut ne quid ab eo fieret nisi honeste ac decore, his initiis et ut ante dixi seminibus a natura datis, temperantia, modestia, iustitia et omnis honestas perfecte absoluta est ("Man is the only animal who partakes in *pudor* and *verecundia* . . . and takes care for what he does or says so that he might do nothing unless rightly (*honeste*) and decorously, and, with these beginnings (and as I said before) seeds,

As Caesar approached, he and Pompey exchanged one final gambit for peace, wrapped—one last time—in the language and imagery of personal self-restraint. This effort, like its predecessors, collapsed. Pompey sent a message to Caesar that Caesar should not take the actions of Pompey as insult (*contumelia*), but instead should imitate Pompey's belief that the Republic's advantage was more important than private connections.¹⁴⁶ Cicero could not have said it better. Pompey also warned Caesar that, “for the sake of his standing he should not allow his interests and anger to forsake the Republic, nor to be in such a rage as to harm the Republic in an attempt to harm his enemies.”¹⁴⁷ Caesar responded in kind: his *dignitas* was worth more to him than life, yet despite being deprived of his *imperium* and *ratio absentis*, the gifts of the People, he would with equanimity (*aequo animo*) put away his rights, and was “prepared to abase himself and suffer all things for the good of the Republic.”¹⁴⁸ Caesar accordingly proposed, once again, that both men dismiss their armies, that Pompey would go to Spain, that he would permit succession in Gaul, that all levies be dismissed, that he give up his right to the *ratio absentis*, and that the men should meet to negotiate further.¹⁴⁹

To the very end, Pompey had cast the solution to the greatest political crisis the Republic had ever faced as an appeal to Caesar's *personal* self-control: that he should temper

given by nature, *temperantia*, *modestia*, justice, and all moral good (*honestas*) are brought to full perfection”).

¹⁴⁶ Caes. B.C. 1.8.3: ne ea quae rei publicae causa egerit in suam contumeliam vertat; semper se rei publicae commoda privatis necessitudinibus habuisse potiora. Cf. Dio 61.5.2-4; Brunt (1988) 43.

¹⁴⁷ Caes. B.C. 1.8.3: Caesarem quoque pro sua dignitate debere et studium et iracundiam suam rei publicae dimittere neque adeo graviter irasci inimicis <ut> cum illis nocere se speret rei publicae noceat.

¹⁴⁸ Caes. B.C. 1.9.5: sed tamen ad omnia se descendere paratum atque omnia pati rei publicae causa.

¹⁴⁹ Caes. B.C. 1.9.5; Cf. Cic. *ad Fam.* 16.12.3; Morstein-Marx (2007) 167. Cicero, but not Caesar, reports that Caesar would allow for a successor and would stand for the consulship in person, although Caesar did state that he would turn the affair over to the free (*libera*) voting of the People. Seager (2002) 155 considers this a serious offer for peace, although Caesar must have known that dropping the levies at this point would be impossible for Pompey. See note 151 below.

himself and his anger, just like Cicero's ideal statesman, for the good of the state. Caesar replied in the same vein: he affirmed that his emotions were indeed under control, and he then offered modestly and moderately to cede, laying aside his claimed just rights, and asking that Pompey do the same. Caesar, too, knew how to invoke the *moderatus* pattern, and indeed would later stress his *patientia* in making this offer, contrasting the *acerbitas*, *crudelitas*, and *insolentia* of his enemies in refusing it and attacking the tribunes.¹⁵⁰ His maneuver nearly worked. Cicero recorded that all of Caesar's terms were acceptable—on the sole condition that Caesar withdraw his forces out of Italy and that a meeting of the Senate be called.¹⁵¹

This final sticking point, so seemingly reasonable, proved insurmountable.

According to Caesar, Pompey and the consuls countered, ordering Caesar to return to Gaul and dismiss his army, while Pompey would go to Spain—but would keep his army and continue to raise levies.¹⁵² Further, no meeting was scheduled; Pompey reminded the Senate that to send emissaries to Caesar implied fear and increased respect for Caesar's authority.¹⁵³

The reasons for Pompey's reply are not far to seek. We have already reviewed Pompey's justifications for not permitting his "inferior" partner to dictate terms to him. And Pompey

¹⁵⁰ App. B.C. 1.33.5-6.

¹⁵¹ Cic. *ad Fam.* 16.12.3; cf. *ad Att.* 7.15.2; 7.17.2. Cicero expected that Caesar would accept these terms unless he were *amentissimus* ("completely out of his mind"), evidently not taking into account, as Caesar surely did, that for Caesar to give up his advantage and withdraw his troops unilaterally now, in the face of a scattered enemy, when most of his legions were still arriving from Gaul, and without proof that his enemy had stood down, would be military (and personal) suicide. Cf. Frank (1907) 224; Heitland (1909) 270; Shackleton-Bailey (1965-1967) IV 312; Bicknell & Nielsen (1998) 140, 143, 156; Seager (2002) 156; Rondholz (2009) 436. To be fair, Cicero might have at least suspected that Caesar's plan was not entirely pacific: Cicero wrote that one would have expected Caesar to be quieter while the peace messages were being exchanged, but said that reports instead indicated that Caesar's operations were very active in these days, *ad Att.* 7.17.2.

¹⁵² Caes. B.C. 1.10.1. Plutarch *Pomp.* 60.5; *Caes.* 33.4 and App. B.C. 2.36 here add that at the meeting of the Senate to discuss Caesar's advance, Pompey was urged to stamp his foot so that soldiers would spring from the ground as he had promised. Plutarch called the insult "ill-timed," (ἀκαίριον), but stated that Pompey (at least publicly) bore it πρῶως (mildly). We should not doubt, however, that the jibe rankled and stiffened his resolve to fight.

¹⁵³ Caes. B.C. 1.32.8.

was indeed correct about the emissaries: within the ancient deference scheme, Romans had always sent dignified delegations to influence men of recognized authority, which Pompey could not now admit of Caesar, already a *hostis*.¹⁵⁴ Meanwhile, Caesar's attempts to play the *moderatus* amidst the clanging of arms, like Sulla had, rang hollow to many in the Senate.

Cicero called the terms *non honestae*, the same word as before, suggesting not mere unfairness but immorality.¹⁵⁵ Caesar, in response, called Pompey's terms "unjust," and complained that Pompey should not keep raising armies while refusing to keep faith or even to come treat with him in person.¹⁵⁶

At the end, neither man would cede to his partner, erstwhile friend, and only real peer, let alone to the clear will of overwhelming majority of the Senate and even of the *Populus Romanus*. Lack of trust, and fear of violence, all based on perceived lack of restraint, made cession impossible.¹⁵⁷ Each man instead accused the other and his followers of being wholly personally unrestrained, personally in love with riches and power, and therefore personally and utterly untrustworthy. No deference could follow.

This was true even as both men tried to use a deference script to navigate their relationship, touting in their offers of settlement their own *temperantia*, *concordia*, and

¹⁵⁴ Caesar *B.C.* 1.32.9 believed that Pompey's refusal was the mark of a "weak and infirm spirit" (*tenuis atque infirmi haec animi videri*), whereas he, Caesar, did not mind sending emissaries as a mark of "justice and equity," in which he "worked to be sure that no one would surpass him" (*studuerit sic iustitia et aequitate velle superare*); once again Caesar was posing as the *moderatus*.

¹⁵⁵ Cic. *ad Fam.* 16.12.4.

¹⁵⁶ Caes. *B.C.* 1.11.1: *iniqua*.

¹⁵⁷ Goldsworthy (2006) 379 rightly recognizes that the war could not have happened without the "bitter, almost obsessive hatred felt towards Caesar by men like Cato, Domitius Ahenobarbus and the others," although without a full explanation why they hated him so. Similarly Raaflaub (2003) 46: "Obviously, neither the political disasters of 59 nor the civil war would have come about if Caesar had done what any Roman senator was expected to do and normally did when he met determined resistance on the part of the Senate's leadership—that is, to give in and accept failure," although his explanation why ("hatred, fear, and factional politics" and a dispute over the meaning of *libertas*) does not nearly paint the whole picture.

moderation.¹⁵⁸ But at the moment of crisis, restraint logic was an accelerator, but not a brake.¹⁵⁹ The poet Lucan later exquisitely summed up the motivations of the pair: “Caesar could no longer bear a superior, nor Pompey an equal.”¹⁶⁰ In such a contest, traditional Roman restraint values had prevented neither man from doing anything that he wished to do in his quest for *dignitas*, *gloria*, and *honores*. The version of restraint that each chose to tout supported his own position, but after the last eighty years of contortion, no restraint pattern operated clearly enough to render either man ashamed, and no peer or group of peers existed with the definitive moral standing to render either man *victus consensu omnium*. Instead, the shattered restraint values had created only deep mistrust and justification for attack. Violence took their place. Caesar refused Pompey’s counter-offer, and pressed southward. Two decades of nearly continuous civil war followed. On the other side lay monarchy.

¹⁵⁸ Caes. *B.C.* 1.9.4: quonam haec omnia nisi ad suam perniciem pertinere (“What were all [of Pompey’s actions] directed to if not [Caesar’s] harm?”).

¹⁵⁹ Cf. Meier (1995) 350: “attempts to restore order and lawful procedures actually generated a stronger impulse to dissolution than adherence to humdrum routine.”

¹⁶⁰ Luc. 1.125-126. Cf. Vell. Pat. 2.29.2; Suet. *Div. Iul.* 29; Dio 41.54.1 Flor. 2.13.14: nec ille ferebat parem, nec hic superiorem; Lintott (1971b) 494, who pieces the origin of his epigram together from Caesar’s own words through Velleius Paternulus and Seneca. Dio 61.6.1 suggested that Pompey also feared that the People might fall on Caesar’s side.

Epilogue

In the weeks before his death in A.D. 14, the Emperor Augustus deposited with the Vestals a document that he wished engraved into bronze and displayed at his tomb.¹ It was a catalog of achievements, his *Res Gestae*, written by a man who had by any measure finally won the Roman aristocratic competition. He recorded his accomplishments in painstaking detail: three times censor, thirteen consulships, thirty-seven years with tribunician power, three triumphs, two ovations, fifty-five thanksgivings ordered by the Senate lasting a total of 890 days, 600 ships captured in battle, *pontifex maximus*, augur, member of the Board of Fifteen for performing sacrifices, Fetial priest, Arval brother, *princeps senatus* for forty years.² Expanded borders were described, conquered kings documented, embassies from distant lands itemized.³

But among the entries that showed his stature, popularity, and prowess, we also find these claims:

Although the Senate decreed me additional triumphs, I refrained from all of them.⁴

When the consulship too was conferred upon me at that time for a year and in perpetuity, I did not accept it.⁵

Although the Senate and People were in consensus that I should be appointed on my own as guardian of laws and customs with supreme power, I accepted no magistracy conferred upon me that contravened ancestral

¹ RG 35.2; Suet. *Aug.* 90-92, 101; Scheid (2007) vii, xxvi-xxviii; Cooley (2009) 42-43.

² RG 1.1-14.

³ RG 1.26-31.

⁴ Cooley (2009) 61 (= RG 4.1): [decernente pl]uris triumphos mihi sena[t]u, qu[ib]us omnibus su]persedi. I follow Cooley's translations, with some modifications. Cooley (123) notes that only Camillus, Corvinus, and Caesar as dictators had celebrated more than three triumphs; Augustus no doubt was attempting to avoid association with the dictatorship.

⁵ Cooley (2009) 62 (= RG 5.3): consul[at]um quoqu[e] tum annum e[t] perpetuum mihi] dela[tum non recepi]. This refusal, despite popular pressure on several occasions, suggests that the audience for this gesture was (what remained of) the senatorial aristocracy. Cf. Brunt and Moore (1967) 45. Suetonius *Div. Aug.* 37 reported that he tried also to get two colleagues while consul, but was denied.

custom. The things that the Senate wanted to be accomplished by me at that time, I executed by virtue of my tribunician power, for which power I myself, of my own accord, five times demanded and received a colleague from the Senate.⁶

By means of new laws brought in under my sponsorship I revived many exemplary ancestral practices that were by then dying out in our generation, and I myself handed down to later generations exemplary practices for them to imitate.⁷

I rejected the idea that I should become *pontifex maximus* as a replacement for my colleague during his lifetime, even though the People were offering me this priesthood.⁸

I restored the Capitoline temple and the theater of Pompey, incurring great expense for both buildings, without inscribing my name anywhere on them.⁹

In my sixth and seventh consulships, after I had extinguished the flame of the civil wars, although I had by universal consensus power over all affairs, I

⁶ Cooley (2009) 64-65 (= RG 6.1-2): [. . . senatu populo]u[e Romano consentientibus] ut cu[rator legum et morum summa potestate solus crearer, nullum magistratum contra morum maiorum delatum recepi. quae tum per me geri senatu v[o]luit, per trib[un]ici[am] p[ro]testam perfici, cuius potes[tatis] conlegam et [ips]e ultro [quiquiens a sena]tu [de]proposci et accepi; τῆς [τε συνκλήτου καὶ τοῦ δήμου τοῦ Ῥωμαίων ὁμολογ]ούντων, ἵνα ἐπιμελητῆς τῶν τε νόμων καὶ τῶν τρόπων ἐπὶ τῇ μεγίστῃ ἐξ]ουσίᾳ μόνος χειροτονηθῶ {ι}, ἀρχὴν οὐδεμ[ίαν] πα[ρὰ τὰ πά]τρ[ια] ἐ[θ]ῆ διδομένην ἀνεδε[ξάμην. ἃ δὲ τότε δι' ἐμοῦ ἡ σύνκλητος οἰκονομεῖσθαι ἐβούλετο, τῆς δημαρχικῆς ἐξο[υ]σίας ὧν ἐτέλε[σα. κ]αὶ ταύτης αὐτῆς τῆς ἀρχῆς συνάροντα [αὐτ]ὸς ἀπὸ τῆς συνκλήτου π[εν]τάκις αἰτήσας [ἔλ]αβον. Note carefully: Augustus did not reject the *task*, which he completed through tribunician legislation, but rather the appearance of lack of collegiality and an office “qui lui aurait donné un pouvoir quasi monarchique.” Scheid (2007) 36; cf. Cooley (2009) 131; Brunt and Moore (1967) 46-47. Cooley (132-33) reproduces a *denarius* showing Augustus and Agrippa as tribunician colleagues.

⁷ Cooley (2009) 66 (= RG 8.5): legibus novi[s] m[e] auctore la[tis] m[ulta] e[x]empla maiorum exolescentia iam ex nostro [saecul]o red[uxi] et ipse[] multarum rer[um] exe[m]pla imitanda po[teris] tradidi]. Cf. Ovid Met. 15.833: legesque feret iustissimus auctor/exemploque suo mores reget (“and that most just author will carry laws and will rule *mores* by his own example”).

⁸ Cooley (2009) 68 (= RG 10.2): [. . . pontif]ex maximus ne fierem in vivi [c]onle[gae mei] locum, [populo id sac]rdotium deferente mihi Cooley (149) observes that the Greek versions of the RG do not translate *conlegae*, possibly to avoid confusing Greek speakers who did not realize that the *pontifex maximus* was considered a colleague of his fellow priests.

⁹ Cooley (2009) 80 (= RG 20.1): Capitolium et Pompeium theatrum utrumque opus impensa grandi refeci sine ulle inscriptione nominis mei. The Capitoline theater bore the name of Q. Lutatius Catulus. Cic. *Verr.* 4.69; Dio 55.1.1. Brunt and Moore (1967) 61 write that Augustus did not remove Pompey’s name because Pompey “in the eyes of some had stood for the Republic, as Augustus pretended to do.”

transferred the Republic from my own control to the will of the Senate and the Roman People.¹⁰

After that time I excelled everyone in influence, but I did not have a degree more power than the others whom I too had as magisterial colleagues.¹¹

So too did Augustus record the near-incredible sums of money and spoils that he had shared with the People, the soldiers, and the city.¹² These details of his restraint and temperance flowed from his first and primary achievement: “At the age of nineteen, I gathered an army

¹⁰ Cooley (2009) 98 (= RG 34.1): In consulatu sexto et septimo [28-27 B.C.] postqua[m] b[el]l[ia] civil[ia] exstinxeram, per consensum universorum [po]tens re[ru]m om[ni]um, rem publicam ex mea potestate in senat[us populi]que R[om]ani [a]rbitrium transtuli. I follow Scheid (2007) 86; Cooley (257) and Adcock (1951) 131 for the translation, who recognized that the *consensus universorum* refers to the consensus that had given Augustus power over the Republic, rather than to a consensus that permitted him to win the civil wars. Cf. Lobur (2008) 15. Adcock, who found himself unnecessarily confused by the fact that Augustus had a colleague in Agrippa in these years, missed the point when fastidiously attempting to descry the precise and formal legal apparatus (*potestas*), “constitutional forms,” and transfer procedures to which Augustus here referred. Instead, “the general wish of the whole body politic” that Adcock cites were sufficient because Augustus’ point was proving that he respected the principles of deference. Cooley (258-260) is more correct that “it is misleading to search for an explanation of Augustus’ powers” in this section “in constitutional terms” and instead sees Augustus’ actions—returning the fasces to a colleague, passing a new *lex annalis*, restoring elections, the “settlement” of 27 B.C., “distancing himself from triumviral activities”—as “symbols of constitutional normality” for which he could claim universal consensus and support. Cf. Brunt and Moore (1967) 76 (“universal consent . . . may not be far from the truth.”).

¹¹ Cooley (2009) 98 (= RG 34.3): post id tem[pus] auctoritate [omnibus praestiti, potest]atis au[tem] n[on] ihilo ampliu[s] habu[i] quam cet[er]i, qui m[i]hi quoque in ma[gis]tra[tu] conlegae f[uerunt]. I reproduce Woodman (2013) 155 for the translation; Cooley has it “After this time I excelled all in influence, but I possessed no more power than the others who were colleagues with me in each magistracy.” Cf. Adcock (1952) 10; Rowe (2013) 10; Scheid (2007) 91. The crux is whether to read *quodque* or *quodque*. Adcock (1952); Brunt and Moore (1967) 78; Cooley (2009) 272; Woodman (2013), and references. Woodman’s translation of *quodque* is preferable not only for its better Latinity but because it emphasizes the principles of collegiality and equality among peers, as opposed to (rather redundantly) observing merely that Augustus later held a series of consulships. In either event, Augustus stressed the collegial principle despite the evident fact that he was first man in the state. Cf. Cooley (2009) 272; Rowe (2013) 15. Rowe (2013) 10-12 is also correct that the import of this passage is not the formal nature *vel non* of Augustus’ *auctoritas*, but rather Augustus’ emphasis on the fact that he made himself formally equal to colleagues, which he particularly displayed by publicly alternating the fasces with Agrippa.

¹² RG 5.2; 15-22; Appendix 1-3.

at my private initiative and at my private expense, and by which I restored the liberty of the Republic, which was oppressed by a faction.”¹³

Read as a whole, the *Res Gestae* show that it was not through military achievement alone—unofficially, as a *privatus*, at that¹⁴—that Augustus asserted that he had restored liberty to the Republic. Rather, he wanted to show that he had re-created the social and moral principles that once ruled it. The “essence of Augustus’ restoration of the Republic,” as one scholar has put it, was a “summons to the old spirit and values of the *res publica* that made it a commonwealth.”¹⁵ The values, of course, were those of restraint. These detailed etchings were meant to be an indelible review of Augustus’ legacy, and they show a man who wished to be remembered as great in war and among the nations, and yet simultaneously a self-conscious spectacle and teacher of temperance, *concordia*, collegiality, moderation, and deference—of *mores*, of the “ways,” the “customs,” that once made the Republic operate.

The target audience was the aristocracy.¹⁶ Augustus repeatedly touted his collegiality—especially striking given his unassailable position as *princeps*. Also evident is his

¹³ Cooley (2009) 58 (= RG 1.1): annos undeviginti natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam dominatione factionis oppressam in libertatem vindicavi. Hodgson (2014) 254-55 and references collect the lengthy bibliography on this short passage, which Hodgson correctly argues was influenced by late republican idioms shared by Cicero, Caesar, and others. Cf. Cooley (2009) 108-110 for the political malleability of the phrase in *libertatem vindicavi*.

¹⁴ Hodgson (2014) 266-6 illustrates Augustus’ uncomfortable position as a *privatus* who took military command and committed atrocities himself, and argues convincingly that *Res Gestae* 1.1 was meant to “provide a semblance of legitimacy for the illegalities that marked his early career.” The same, of course, is true for the remainder of the *Res Gestae*. Cf. Ramage (1987) 19-20; Lobur (2008) 5.

¹⁵ Galinsky (1996) 64; cf. Dio 53.10.4; Lobur (2008) 4. Levick (2010) 230-231 notices, but does not fully grasp the implications of, the fact that Augustus was trying to show some “moderation” and “restraint” in the RG.

¹⁶ As proven cogently by Yavetz (1984) 8-13. I agree with Yavetz’s further conclusion (19-20) that Augustus particularly hoped his message and *exempla* would instruct aristocratic youth. Cooley (2009) 39-41 correctly notes Augustus’ desire to appear traditional in his dealings with the Senate and the People and an example of good values to the youth, but misses the import of restraint in the document.

interest in gaining the consensus of the People and Senate,¹⁷ to which he showed particular deference by restoring power to their *arbitrium*, their “will,” and not keeping it for himself alone.¹⁸ He recorded that he did not press his rights to the full in ways that might upset the achievements or offices of a peer.¹⁹ He advertised extraordinary acts of liberality and generosity, expenditures that “only make sense if understood against the . . . backdrop of *concordia*” and a “Roman state ruined by avarice.”²⁰ His reference to his correction of morals and his examples for posterity point to his many attacks on profligacy and the many sumptuary measures he had passed,²¹ including strict legislation in matters sexual that drove his own dissipated daughter into exile.²² For such legislation he had received praise: Horace had lauded Augustus’ new age, ruled by *fides*, *pax*, *bonos*, *pudor*, and *virtus*.²³

It might be tempting to dismiss these inscriptions as transparent propaganda. Of course, the Republic was not “restored” in any real sense, and Syme, for example,

¹⁷ Lobur (2008) studies Augustus’ use of *consensus* and *concordia*; his conclusion (208) that these values, “notions present early in the republican period[,] formed the core of a system of values that anchored the transition from Republic to empire” could as easily apply to Augustus’ use of *moderatio*, *temperantia*, *pudor*, and deference.

¹⁸ Galinsky (2011) 130 has observed that *arbitrium* was “not part of the standard constitutional and political vocabulary, and Augustus therefore chose it to help express his balancing act.” The reference to balance seems right, although Velleius Paterculus (2.31.4; 2.33.4; 2.40.4), at least, could use the phrase *suo arbitrio* to express a sole man’s arrogant use of power, which may have been Velleius’ conscious contrast to Augustus’ claims.

¹⁹ Cf. Lobur (2008) 31: “by acting moderately and for the public good, he set himself apart from self-promoting competitors This moderation, too, was the essence of the *exemplum*.” Lobur has it half right: Augustus engaged in unprecedented self-promotion—the essence of aristocratic competition—and even in the *Res Gestae* itself; what “set himself apart” was that he stressed the collegiality, deference, and moderation that had not attended prior men’s efforts in self-promotion.

²⁰ Lobur (2008) 209.

²¹ Dio 54.16.1; Suet. *Aug.* 34.1; Gell. *N.A.* 2.24.14-15.

²² Suet. *Aug.* 40, 65; Dio 55.10.14-16. On Augustus’ sexual legislation see Brunt and Moore (1967) 46-47; Frank (1975); Raditsa (1980); Galinsky (1996) 128-140; Levick (2010) 151 notes that the inclusion of sexual legislation was a “claim that he and [the Senate] shared common values.” Raditsa (305) in particular notes how “[s]evere and apparently traditional penalties might help give the appearance of earnestness to a restoration which otherwise might occasion only inveterate cynicism.”

²³ Hor. *Carm. Saec.* 57-58.

accordingly called Augustus' moral laws "perverse anachronisms," writing that "the whole conception of the Roman past upon which [Augustus] sought to erect the moral and spiritual basis of the New State was in a large measure imaginary or spurious, the creation conscious or unconscious of patriotic historians or publicists who adapted to Roman language Greek theories about primitive virtue and about the social degeneration that comes from wealth and empire."²⁴

Augustus and his audience, however, evidently did not believe that—a tremendous waste of time otherwise, all that carving and legislating.²⁵ Syme's myopic view is quite wrong. Rather, Augustus, who had access to far more information about the previous century than we will ever have, knew these values, and implied through his measures that he perceived very real illnesses that had ruined the Republic.²⁶ His diagnosis was not a lack of proper legal structures or institutions. Augustus put no effort in the *Res Gestae* into explicating an improved legal or political system.²⁷ Rather, he focused on the fact that traditional restraint values had been weakened, and that, in consequence, the state had been seized by a "faction."²⁸ He then cut his remedies into bronze: collegiality, deference, temperance, moderation, and care for the opinion of the Senate, People, and peers. The great paradox, of course, was that these foundational republican self-restraint concepts were

²⁴ Syme (1939) 453.

²⁵ Meyer's observation is more apt: "Es ist sehr billig hier von Heuchlei zu reden, aber auch sehr unhistorisch." Quoted by Yavetz (1984) 23.

²⁶ Hence the metaphor applied by Suetonius *Aug.* 42.1: *salubris princeps*; cf. Yavetz (1984) 13.

²⁷ Galinsky (1996) 11-12.

²⁸ Cf. Lobur (2008) 30 (the "sickness of state . . . had been the breakdown of [a] sense of limits" that Augustus now claimed to rectify); Bringmann (2007) 314: "The remedy deployed by Augustus, the restoration of religion and reforming legislation to restore the old morality, derived just like the diagnosis of the illness from which Rome was suffering, on which this remedy was based, from the political thought and practice of the Republic." Hodgson (2014) 268 also observes that "*Factio* carries connotations of the illegitimate exploitation of wealth in furtherance of personal power; *dominatio* straightforwardly indicates the tyranny of an elite." By defeating these machinations, Augustus would also act on behalf of temperance and moderation.

now pressed into the service of legitimizing monarchy.²⁹ We must ask how the Romans arrived at that point.

Metaphors can obscure. When we speak of a “breakdown” of the Roman Republic, the word is a mental shortcut.³⁰ What we really mean to say is that between approximately the years 134 B.C. and 49 B.C some thing or things changed in the ways that aristocratic Roman men dealt with each other. We can observe the grim results of those changes easily enough. At one point violence among them was unthinkable; later, it was not. In the beginning, political murder was non-existent or vanishingly rare; by the end, countless thousands of Romans—friends and even kin—killed each other in fields and in cities. But the horror of that progression requires more examination and explanation than a metaphor can give it.

The argument of this study has been that one thread that consistently ran through that progression was a set of changes to the meaning, application of, and adherence to values of restraint that once controlled the republican aristocratic competition. This study has followed the thread of the restraint values through that progression’s antecedents and its course, step by step. We observed how at one point in time restraint values had power to direct men’s actions, and were universally expected to do so. Men who refused to be curbed were shunned and shamed and punished; men who displayed restraint were praised and received honors. The inherent tensions between a will to personal advancement and the

²⁹ Cf. Lobur (2008) 208-09 and 8: “The principate destroyed the truly republican system by monopolizing the capacity to mobilize and obtain the *consensus universorum* so dearly sought by competing republican elites.”

³⁰ If we are to use a metaphor, perhaps the closest is Eder’s: “From without this constitution appeared to be a set of institutions, that is, the Senate, the popular assemblies and the magistracies, the competencies of which seemed to be well defined and exactly balanced in order to guarantee its smooth running. But this institutional ‘hardware’ could only work reliably if it was provided with an appropriate ‘software,’ namely, the social conventions drawn from and based on a consensus concerning the principles of politics.” Eder (1996) 446-47. But even these generalizations fall short.

consensus of the community were—in actual, historical fact—smoothed and eased through general agreement among the senatorial class that an aristocrat should comport himself in the competition in a restrained, deferent, self-controlled, and collegial manner, the outlines of which manner were generally understood and agreed upon.

Of course, since the day the monarchy ended men had always quarreled, many had cheated, and many had battled against the consensus of their peers. Yet the quality and quantity of disagreement and fighting changed radically during the course of the last hundred years of the Republic. It was some time around the final third of the second century B.C. that the general agreement began to loosen. The touch point, as I have argued, was the tribunate of Tiberius Gracchus: precisely what many ancient historians diagnosed as the start of the troubles.³¹ The ancients described that tribunate as a wedge, a split between those who seemed to support the People and those who did not, between what were eventually called *optimates* and the *populares*. The split has sent modern historians afield searching for the economic, class, and social causes of conflict. But the words *optimates* and *populares* map more naturally onto two visions of self-restraint that cracked the aristocratic consensus apart. The one vision started to take very seriously the perfectly traditional republican idea that the People were the highest power in the state, and that one should seek one's *dignitas* and *existimatio* from them either alone, or at least above all others.³² By adding appeals to the

³¹ Clark (2007) 131.

³² This idea maps with Meier's (1995) 40-42 observation that *popularis* is to be equated with a *method* of politics—*populariter agere*—and not a set party platform. Cf. Bonnefond-Coudry (1989) 757, discussing Sallust's *Cat.* 38.1 opaque use of the words: "Le débat semble bien se placer sur le terrain des institutions, mais Salluste, qui ne voit dans ces mots [*optimates*, *populares*] d'ordre que prétexte masquant des ambitions individuelles, et renvoie ainsi les deux camps dos à dos, ne prend pas la peine de les expliciter." Bonnefond-Coudry (765, 774, 790-91) thus notes that *populares* seemed not to question the fundamental functions of the Senate as the center of the Republic so much as they wished to correct its abuses through the assembly. Cf. Stevenson (2015) 53, who correctly sees that, to the extent that Caesar can

venerable language of *temperantia*, this vision argued that those who sought to diminish the power of the People were greedy *superbi* who, in consequence, need not be heeded or deferred to. The second vision held that the “popular” men were becoming impervious to social pressures of restraint such as deference and *pudor* that otherwise might control them: once unrestrained and seemingly unrestrainable, they appeared to some a lethal danger to a Republic that required restraint in its members to function. Those who held that vision thus raced to the panicked conclusion that their antagonists were *reges* in the making and mortal enemies.

Note carefully: I have not attempted to revive any weatherbeaten theory that after the fall of Carthage some general moral malaise settled on Rome as, perhaps, eastern luxuries enervated Roman manhood. Nor have I rested my argument on the idea that any particular individual or group of individuals was, in fact, objectively unrestrained.³³ Instead, the evidence shows less a clear dichotomy of restrained and unrestrained persons—the former looking on aghast as the latter destroyed the Republic—than a muddle of arguments to capture the high ground of the values, combined with a surfeit of emotion, as all concerned rooted themselves in the traditional belief that self-restraint was the foundational determinant of proper aristocratic behavior. Opponents on all sides of every major debate claimed themselves as restrained, evidently convinced that a potential audience still cared—even as the potential audience was divided.

be seen as a *popularis*, he also carefully cultivated aristocratic connections, which shows that lines between *optimates* and *populares* were, at best, blurred.

³³ Although, of course, it is hard not to think so of a Saturninus or a Clodius. One cannot come to spit, literally, on senators, as Clodius’ gang did (Cic. *ad Q.F.* 2.3.2), and claim restraint in any real sense of the word. Nevertheless, we have a slanted point of view in the survivals of Cicero and Sallust of a pure dichotomy of good men versus evil, one that has skewed previous “moral” explanations of the fall.

Such debates, however, were in and of themselves fatally dangerous for a system whose operation depended on general agreement on standards of behavior. Slippage in consensus was itself a catalyst for further slippage. As we have seen, in one year a senator might be expelled from the house for owning a nice apartment, ten years later a tribune, with the support of many, raised controversy over relaxing sumptuary laws, ten years later a censor wept over a pet eel. A Rutilius or Cato might weep—but who could judge him definitively right or wrong but the very assembly of peers that included those who did not agree with him? And worse, what if some members of the aristocracy no longer seemed to care what the aristocratic group said, or if there were other paths to advancement? Once agreement and mutuality were fragmented, there was no certain way to control a man who felt he was in the right and who did not want to be restrained. He would not certainly respond to peers or groups of peers, or to group shame. Instead he might declare his opponents shameless, and thus ignore them. And once a man who could not be shamed could both decide himself to be in the right and could put some force at his back, there was no certain way to pressure him peacefully.

The cataclysm of the Sullan and Marian slaughters was a product of such slippage, and then did crushing, terminal damage to the restraint system. It is possible, of course, that after the Sullan and Marian proscriptions the following generation of young aristocrats could have forsworn violence forever and promised loyalty, consensus, and deference to one another in a return to the pre-Gracchan era. Human beings, sadly, do not operate that way. The restraint values had been exposed as a reed-thin barricade against violence, and all attempts to display them, particularly by powerful men, became afterwards fraught with confusion, suspicion, and fear more than with the praise and admiration that once made restraint function optimally. Pompey's example suffices: his studied shows of moderation

did not garner praise, but instead inspired terror that his “moderation” masked a plan for tyranny.

Such fear further cracked consensus: Crassus abandoned the former methods of gaining support, including by forsaking traditional restraint when it did not aid him, and turned to new, individualistic methods of gaining aid among a generation also unnerved by Sulla. Cato saw salvation only in fanatic devotion to the traditional restraints, which caused more dissent than harmony. Cicero believed truly, if less fanatically, in traditional restraint, but found himself constantly disappointed in his vision of how things ought to work—and became ever more paranoid as a result. Caesar was the end result of the broken state of the restraint values: able to use them as a tool for advancement and a weapon against enemies, but exercising no restraint himself but in words when it mattered most. With an army at his back, no shame could constrain him when he felt that his *dignitas* was endangered by a Senate, in his view, controlled by greedy and evil men unworthy of his deference.

The thread that we have followed, of course, has often intertwined with larger social, cultural, and economic trends, and has also often collided with pure historical accidents and idiosyncratic personalities. The forces that induce human action, after all, strike from multiple angles. I have noted many intersections of the thread with such trends, accidents, and personalities—although to do justice to every intersection, let alone to the dozens (if not hundreds) of episodes of restraint recorded in the ancient sources that I have had to pass over for the sake of space, would take many detailed studies. I would encourage such further research on such intersections and episodes in the same vein that this study has taken.

Still, the focus of this work on the relationship of individual members of the Roman aristocracy to personal self-restraint has had a purpose. “Institutions,” “systems,” and the

like take their form, ultimately, from the human beings who create and sustain them, from human beings who believe certain things and are susceptible to certain beliefs, and who act accordingly. The course of the thread that we have followed has shown that we cannot completely understand the Republic's structure and disassembly, and cannot fully explain the historical causation that charted the Republic's itinerary, without understanding the proper place of "morals"—of belief in personal self-restraint—in the Romans' story. If this study of Roman restraint has improved our understanding of the Roman Republic's shape and path, I am satisfied.

* * *

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