Nam Quid Ultra?
Sallustian Language and Arguments in the Speech of Lepidus (*Hist.* 1.55)

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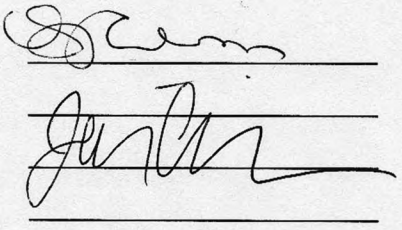

Sallust's final work, the unfinished *Historiae*, begins with the consulship of M. Aemilius Lepidus and Q. Lutatius Catulus in 78 B.C., and was intended to cover the period up to the Catilinarian conspiracy and perhaps beyond.[1] Not only was the *Historiae* cut short by Sallust's death in 35/34 B.C., it has been transmitted only in fragments, approximately 500 brief quotations preserved by grammarians, along with four speeches and two letters that survived in a separate manuscript together with the speeches from the earlier monographs. Due to the fragmentary nature of the text, it is difficult to reconstruct the overall narrative. Certain fragments, however, in particular the large sections from the prologue and the speeches, allow us to gain a certain insight into the historian's final project. Furthermore, Sallust's two earlier monographs, the *Bellum Catilinae* and *Bellum Iugurthinum*, survive in their entirety and provide a stylistic and philosophical background for the fragments of the *Historiae*. This is particularly useful for an analysis of the speeches from the *Historiae*. By identifying the consistent traits and employment of rhetorical forms in the numerous historical recreations of speeches in the Sallustian corpus, and then applying them to speeches in the *Historiae*, it is possible to elucidate the potential function and intent of those speeches in the overall narrative.

In his philosophical introductions to the monographs, Sallust establishes a pessimistic view of Roman history by focusing on the steady decline of Roman morals since the final victory over Carthage in 146 B.C. With the sudden influx of

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[1] The existing fragments do not go beyond 67 B.C. R. Syme, *Sallust* (Berkeley, 1964) 191-2 states that the narrative may have extended as far as 51 B.C. For arguments for other end dates cf. W. Schur, *Sallust als Historiker* (1934) 222; K. Bauhofer, *Die Komposition der Historien Sallusts* (Diss. München, 1935) 109ff; L.O. Sangiacomo, *Sallustio* (1954) 219.

power and wealth, and the loss of their great rival in the Mediterranean, the Roman nobility strayed from their earlier virtue, which had been prompted by *metus hostilis* and gained through contests in war, and instead became consumed by avarice and internal conflict.[2] The first part of the prologue to the *Historiae* departs slightly from this philosophical rumination on the condition of Roman morality, instead focusing on establishing the work's credentials as an annalistic history.[3] The rest of the prologue however, a brief run-through of the years preceding the start of the *Historiae,* returns to the corrosion of Roman morals and the increasing frequency of internecine struggles.[4]

This encapsulation of the preceding years is a fitting introduction to a narrative that is bracketed on one end by the rebellions of Lepidus and Sertorius, and on the other end by the events leading to the civil war between Caesar and Pompey. Furthermore, the period between these conflicts could be seen as the fruition of Sallust's earlier pessimistic statements; namely the continual struggle for power among the nobles, in particular between the senate, Pompey, Crassus, and later Caesar, as well as the constant strife between the nobles and the people. In fact, Sallust's overall tone in what remains of the *Historiae* is even more darkly negative than in the two monographs. This tone is not surprising when the date of authorship and Sallust's own political position are taken into consideration. Writing during the second triumvirate, after the assassination of his political patron Caesar and the last

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[2] *BC*. 10-13. Cf. D.C. Earl, *The Political Thought of Sallust* (Cambridge, 1961) 13-17.
[3] *H*. 1.1, C.S. Kraus & A.J. Woodman, *Latin Historians* (Oxford, 1997) 31.
[4] *H*. 1.11, 12, 16.

gasps of the Republic, the historian may have seen the previous fifty years as an inexorable slide down to the present situation.

Sallust's opinion of the years following the abdication of Sulla is made clear in the prologue of the *Bellum Catilinae* and in an historical aside from the same work; the reign of Sulla and its aftermath was the catalyst for the corruption of Catiline, and likewise for the entire Republic.[5] Whereas the *Bellum Catilinae* and *Bellum Iugurthinum* describe the symptoms and consequences of the moral degeneration and political infighting, the *Historiae* narrate the period and events that initially shaped Sallust's interpretation of Roman history. Written at the end of his career, the *Historiae* represents the underlying theory of Sallust's historiographical approach.

Following the precedent of Thucydides, Sallust employed speeches not only as breaks in the narrative, but also as important indicators of both the speaker's character and the current political/social situation.[6] In the monographs, Sallust's recreated speeches work closely with the narrative, and the language of the speakers is not an accurate historical recreation, but rather an adaptation of Sallust's own language to the characteristics of the speaker and the scenario.[7] It is safe to assume that the speeches were employed in a similar fashion in the *Historiae*. Furthermore, the assumption can be made that Sallust's intended audience, those who would read the *Historiae*, were familiar with the historian's earlier work. The purpose of this thesis is to analyze the first of the speeches in the *Historiae*, that of the consul

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[5] *BC.* 11, 37-39 (spec. 38).
[6] P. McGushin, *Sallust, The Histories* (Oxford, 1992) 14; Kraus & Woodman (1997) 36-37.
[7] Cf. D.S. Levene, "Sallust's "Catiline" and Cato the Censor", *CQ* 50 (2000) 170-191; A. Ring, *Style in Sallustian speeches: on the composition of the speeches of Caesar and Cato (Cat.51-2)*, MA thesis (University of Virginia, 2004).

Lepidus to the Roman people in 78 B.C., paying attention to Sallust's employment of the arguments and language established in his earlier monographs, its relevance to the reading audience, and its potential applications to our understanding of the *Historiae*.

The narrative proper of the *Historiae* begins with the oration of the consul Lepidus. Büchner describes the speech as a "programmatische Rede" that sets the stage for the themes that Sallust intends to develop in his narrative.[8] But first, just as Sallust must have done, it is necessary to set the historical context for this speech. The preceding decade had been filled with turmoil. First, the Italian peninsula was embroiled in the Social War between the Romans and their Italian allies from 91 to 88. This costly conflict, from which the Republic barely escaped, was followed by two civil wars, one between Sulla and Marius in 87, and a second between Sulla and the supporters of Marius in 82. Sulla, leading a veteran army hardened by 5 years of campaigning in Asia Minor and supported by several influential nobles, including a young and ambitious Pompey, crushed the Marians at the battle of the Colline gate and entered Rome as a dictator. Bloody proscriptions followed, nearly all of Sulla's enemies were eliminated, and their progeny was barred from ever holding political office. In addition to the proscriptions, Sulla decided to reorganize the Roman constitution. In this regard, Sulla's goal appears to have been to consolidate power in the Senate. He increased the size of the senate to 500 or 600 members, recruiting many from the equestrian class, and in turn removed power from the lower magistracies. The most notable of these lower magistracies was the tribunate of the plebs, which from the time of the Gracchi a half-century earlier had been a platform

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[8] K. Büchner, *Sallust* (Heidelberg, 1960) 208.

for opponents of the senate. After two years as dictator, Sulla voluntarily resigned sometime in 81, and although elected consul by the people for the following year retired to his country villa in Campania, where he died sometime in 78.[9]

The first consular election after Sulla's departure from Rome was an interesting affair. Q. Lutatius Catulus, a staunch supporter of Sulla, and M. Aemilius Lepidus, a somewhat less consistent ally, were chosen as the consuls. Catulus' election was not a surprise. Lepidus' on the other hand was perhaps unexpected. Plutarch's version of the election, accepted by many modern historians, holds that Pompey aided Lepidus, against the clear opposition of Sulla.[10] This, in conjunction with the strong anti-Sullan rhetoric of Lepidus' speech in the *Historiae* (made several months after the election), has led to the assumption that Lepidus was elected on an anti-Sullan platform.[11] Although he would certainly present himself as a strong opponent to the dictator and his reforms by the end of his consulship, it is difficult to believe that Lepidus could have been elected in the face of opposition from Sulla.[12] Certainly, Lepidus' actions and political alliances during the previous decades lend some credence to the picture of him as an anti-Sullan candidate. Lepidus had been a supporter of Marius, aiding the consul against the out-of-control tribune Saturninus in 100 despite a marriage alliance to the latter (presumably made when Marius still

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[9] H.H Scullard, *From the Gracchi to Nero, A History of Rome from 133 BC to AD 68* (London, 1956) 78-84; E.S. Gruen, *The Last Generation of the Roman Republic*, (Berkeley, 1974) 6-12; A. Keaveney, *Sulla*, (London, 1982) 164-7.
[10] Plutarch, *Sulla* 34; *Pompey* 15.
[11] Scullard (1956) 85.
[12] Syme (1964) 185: "It staggers belief that any candidate could stand and succeed in 79 against the will of Sulla. No longer dictator, it is true. But, so long as he lived, the prestige of victory abode with him, the terror of his name, and the power of the veterans in their garrison-colonies."

supported the tribune).[13] Furthermore, Lepidus' eldest son had been adopted by L. Cornelius Scipio Asiaticus, who as consul in 83 opposed Sulla, was on the staff of Pompeius Strabo (a rival of Sulla) in the early 80's, and co-operated with Cinna during Sulla's campaign against Mithridates in the east.[14] Upon Sulla's return, however, Lepidus apparently switched allegiance at ease, serving as praetor in Sicily in 80 and profiting from the proscriptions. This is not the background of a firebrand revolutionary, but rather of a self-interested and opportunistic politician looking out for his own well-being.

Lepidus' term as consul, however, was certainly not in line with Sulla's policies, and would eventually lead to an armed insurrection against the Senate. As we will see when we come to the speech proper, Sallust at times presents Lepidus as an anti-Sullan *popularis* leader exhorting the masses to overthrow the repressive regime, while at other times he has the consul use arguments more appropriate to his position.[15] In fact, although parts of the speech are incendiary, Lepidus' actual

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[13] Cic. *Pro Rab. perd.* 21; L. Hayne, "M. Lepidus (COS. 78): a Re-appraisal", *Historia* 21 (1972) 662.
[14] Hayne (1972) 662.
[15] McGushin (1992), 114. Here and in the rest of his commentary McGushin uses the term "tone" to distinguish between sections in which Lepidus portrays himself as a Consul looking out for the interests of the people and the ones in which he uses language more appropriate to that of a tribune railing against the corruption of the nobles and arousing the anger of the people. This is an ambiguous application of an exact term. The overall tone of Lepidus' speech is a relatively consistent harangue against Sulla and the Sullani. Sallust, however, does employ language similar to a wide variety of other figures from the historian's corpus. Thus at times Lepidus' speech bears similarities to Cato's speech in the *Bellum Catilinae*, and at other times is more akin to the demagogic speeches of the tribunes Memmius (*Bellum Iugurthinum*) and Macer (*Historiae)*. As we will see, this combination is a result of the circumstances; Lepidus is the consul, and must strenuously present himself as such to the people, but he is also advocating the overthrow of a corrupt nobility, an argument typically employed by a tribune.

reforms as consul are more moderate than these words would indicate. Two of his reforms, the recall of those who survived the proscriptions and a corn law passed without resistance, and two more, the return of land confiscated for Sulla's veterans and the reinstitution of the tribunate, were both passed in subsequent years.[16] Lepidus' speech in the *Historiae,* however, contains only nebulous references to this program; Sallust is more concerned with using the consul's words to highlight the problems facing the Republic and foreshadow not only Lepidus' revolt but also the more successful resistance of Sertorius.[17] Thus the speech of Lepidus should not be interpreted as documentary history, but rather as an artistic recreation designed to verbalize the larger themes of the work.[18] This should not be shocking; Sallust often sacrifices accurate chronology for artistic and thematic purposes. As mentioned above, the speech performs a programmatic function, setting the table for the internal conflicts that are the theme of the *Historiae*.[19]

Ullmann's technical analysis of the speeches found in Sallust, Livy, and Tacitus is a necessary starting point. Ullmann organizes the speech of Lepidus into four major sections bracketed by a short introduction and conclusion. Each of these sections is labeled with a Latin rubric intended to define the type of argument employed by the speaker. As Luce points out in his discussion of Ullmann's

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[16] Hayne (1972) 664-665; Gruen (1974) 13.
[17] Syme (1964) 185-6.
[18] Syme (1964) 186.
[19] The focus on Lepidus at the beginning of the book also provides a suitable contrast with Sertorius, the more successful and positively portrayed revolutionary introduced at the end of the first book.

technique, these rubrics are often either inaccurate or misapplied.[20] Typically, the Latin rubrics assigned by Ullmann should actually appear as part of the argument. Thus, an argument by *necessarium* would include some variation of *necessitas*, explicitly stating that is necessary for the audience to do something. This is not the case in Ullmann's breakdown of Lepidus' speech, and in fact there is a notable absence of the terms used by Ullmann to identify the sections of the speech. Although his terminology is inaccurate in this case, Ullmann's more in-depth analysis of the sections of the speech is still useful. In fact, it seems that the inconsistency in Ullmann's choice of rubrics might have arisen from rigidity in the application of those terms and not complete inaccuracy. Thus as we will see later, although the second section of Lepidus' speech does not include the exact word *necessitas*, the consul is clearly making the argument that the people *must* take some action. In the case of this speech, the benefit of Ullmann's analysis is not found in his rubrics, but rather his overall discussion of the interaction between the different sections and Lepidus'/Sallust's construction of the argument. With this distinction between rigid terminology and the general descriptive qualities of Ullmann's rubrics in mind, I will use his discussion (with some modifications) as the structural framework for this thesis.

Before engaging in the main section of his speech, Lepidus begins by praising the audience, the Roman people, for their *clementia* and *probitas*, and expresses his fear for them in regard to the tyranny of Sulla. After this *laudatio* Lepidus proceeds with the first of his four arguments (§§2-6), which Ullmann identifies by the term

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[20] T.J. Luce, "Structure in Livy's Speeches" in W. Schuller ed., *Livius: Aspekte seines Werkes* (1993) 71-87.

tutum. The distinction here appears to be forced. As we will see, the *laudatio* introduces Lepidus' fear for the safety of the people, the reasons for which (Sulla's excessive tyranny) are then fully described in §§2-6. Thus, §§1-6 can be discussed as a whole section. Ullmann designates the second section (§§7-15) as an argument by *necessarium*. Luce points out that a *necessarium* argument, which states that although the audience might think they have a choice they in fact only have one option, "was the most extreme weapon in the rhetorical arsenal, for it claimed that meaningful deliberation about choices was not possible."[21] Although he does not use the exact word *necessitas*, Lepidus uses a *necessarium* argument as a powerful exhortation, arguing that the people have no choice but to rebel against the Sullan dictatorship.

This section is then followed by a return to the themes of the first section (§§16-19). Ullmann designates this section with *civile*, meaning that this is what a citizen ought to do in the current situation. Sulla and his cronies have thuggishly seized power, and it is the people's duty as Roman citizens to resist that type of brutal dominion. The most striking part of this section is Lepidus' defense of his own actions, namely his participation and profit in the proscriptions ordered by Sulla. Oddly, Lepidus attempts to argue that although he was forced to follow Sulla's orders for the sake of his own safety (connecting his predicament with the people's situation outlined in §1), he is now acting correctly by restoring the confiscated property to its rightful owners.

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[21] Luce (1993) 73.

The fourth section (§§20-24), which in many ways mirrors the second section, uses the argument of *facile*, that it will be easy for the people to achieve the goal of ending Sulla's tyranny. This is clearly a difficult argument to make, it is certainly not easy for the people to overthrow a solidly entrenched leadership and a direct statement to such an effect would be outlandish. Instead, the argument is expressed elliptically by undercutting the foundations of Sulla's power, and implying that even the army will side with people The speech then concludes with a recapitulation of the argument (§§25-27), and reaches its climax with a strident exhortation urging the people to seize back their liberty.[22]

§§1-6: *The laudatio* and first section

In the first section of his speech Lepidus attempts to convince his audience that they are in grave danger. The dictator Sulla and his followers in the government are trying to plunder the Republic and its people of both their possessions and their liberty. Lepidus is concerned that the Roman people, while demonstrating their renowned *clementia et probitas*, will either allow Sulla to gain too much control over them, or, if they do defend themselves, they will be too cautious and not completely achieve their freedom. In fact, Lepidus argues, the people are actually placing themselves in a precarious position by relying on these qualities, and in turn Sulla's

[22] R. Ullmann, *La technique des discours dans Salluste, Tite-Live et Tacite* (Oslo, 1927) 41-42.

nature makes it inevitable that he will take advantage of the people's clemency and uprightness.

Sulla is presented as singularly cruel, the most monstrous tyrant that has ever ruled Rome, and his minions are no better. Lepidus then begins to hint at the solution by means of historical *exempla*, the defense of Roman liberty against the foreign invaders Pyrrhus, Hannibal, Philip, and Antiochus. These *exempla* foreshadow the focus of the next section and the conclusion of Lepidus' speech, which urges the people to rise up and reclaim their freedom. The rest of the opening section, however, returns to the invective against Sulla. This invective, however harsh, is more than a lambasting of Lepidus' personal enemies. Instead, the consul, treading a fine line between demagogic leader and paternal consul, is attempting to fashion an argument that advocates the removal of Sulla and his minions but does not call for the overthrow of the state or the senatorial class.

This is a difficult path. On one hand, Lepidus must use the language of popular leaders, which from the perspective of the Sallustian corpus means such anti-senatorial figures as Catiline in the *Bellum Catilinae*, the tribune Memmius in the *Bellum Iugurthinum*, and the tribune Macer later in the *Historiae*. As we will see, elements of these speeches are evident here. Lepidus, however, is not a desperate Catiline leading a band of misanthropes or a *tribunus plebis* elected as an advocate for the people, but instead a consul from a noble family who, despite Sallust's decision to portray him as a revolutionary from the start, received strong support in the senate until he actually marched on Rome over a year after this speech was given. This shift in character is evident in the speech, and it is important to remember that this was in

fact a failed argument; the people did not rise up against Sulla. The key to this speech, however, is not its effectiveness in the actual context, but its function as a programmatic speech for the entire history. To begin with the speech of a consul attempting to convince the people to rise up against a dictator and his lackeys (who just happen to include Lepidus' co-consul Catulus) is a pessimistic maneuver.

This focus on Sulla immediately reveals a potential chronological problem in the speech. The exact dates of and nature of Sulla's retirement from political life are unclear. The dictator voluntarily resigned his position sometime in 81, and although elected consul by the people for the following year retired to his country villa in Campania, where he died sometime in 78. Sulla, however, is presented as being very much in power, a tyrant ruling with an iron fist. Syme argues that Sallust is being wildly anachronistic. According to his argument, Sallust uses the speech of Lepidus to introduce the action of the narrative after a long introduction and announce his denunciation of Sulla. The speech, however, cannot be actual history, as it would be impossible for such violent invective to exist while Sulla was still in absolute control in Rome.[23]

Keaveney, on the other hand, argues that Sallust's recreation could be a reasonable historic representation of Lepidus' speech. According to his argument, Sulla's retirement from public affairs was anything but an actual retirement. Instead, Sulla only gradually removed himself from a position of overt power, ceding control of most responsibilities to his loyal lieutenants, the Sullani (the same men attacked in the opening section of Lepidus' speech: Q. Lutatius Catulus, D. Junius Brutus, and

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[23] Syme (1964) 181, 185-6.

Mam. Aemilius Lepidus). The former dictator, however, was never truly absent from the political affairs of Rome. The best example of this is his personal intercession in the consular elections for 78, in which he returned to Rome in order to campaign on behalf of his friends Catulus and Mam. Lepidus.[24] Although Sulla was not always in Rome, he was still an active and forceful player in the political system. This system, however, after several years of dictatorship, had theoretically reverted back to its normal course (hence the election of consuls), and thus Lepidus' speech could be both accurate in its presentation of Sulla as still in power and delivered in such a manner with a reasonable expectation of safety.[25]

It is impossible to definitively establish the exact nature of Sulla's role in the government after his "retirement" in 81. On one hand, we know he did divest himself of the dictatorship, served only as consul in 80, and held no official positions in 79 or 78. On the other hand, anecdotal evidence implies that he still played an active, although unofficial, part in the government. Furthermore, as Syme states about Sulla, "no longer dictator, it is true. But, so long as he lived, the prestige of victory abode with him, the terror of his name, and the power of the veterans in their garrison-colonies".[26] Sulla, either literally as an active player in the government or figuratively as the architect and figurehead of the dominant forces in that government, must be the focus of any speech that is intended to be in opposition to the current regime. Syme's and Keaveney's analysis of Sulla's role in the government and speech are not mutually exclusive. Lepidus, who is attempting to convince the people

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[24] Plut. *Sulla* 34.7-9.
[25] Keaveney (1982) 168-74.
[26] Syme (1964) 185.

to rise up against the power of Sulla and the Sullani, must direct his attack against the perceived leader of that "tyranny". This is both effective and necessary. As we will see, Lepidus' most powerful argument is the specter of Sulla's tyranny and the reaction that tyranny necessitates from the people. The anachronism is not in the virulence of Lepidus' attack or the presentation of Sulla as still in power, but rather in the placement of such a reactionary speech at the advent of Lepidus' consulship instead of at its climax.

Lepidus begins his oration to the Roman populace by defining the major focal points of his speech and their relationship:

> *Clementia et probitas vostra, Quirites, quibus per ceteras gentis maxumi et clari estis, plurumum timoris mihi faciunt advorsum tyrannidem L. Sullae, ne quae ipsi nefanda aestumatis, ea parum credundo de aliis circumveniamini...*
>
> Your mercy and your honesty, fellow citizens, which make you supreme and renowned throughout all nations, cause me the greatest apprehension in the face of the tyranny of Lucius Sulla. On the one hand, I fear that you may be trapped through not believing others capable of acts that you yourselves regard as abominable...(§1)[27]

The first focal point of the speech is the audience, the Roman people, praised for two positive qualities that have made them famous and great throughout the world. These two qualities, however, are a source of fear for Lepidus. Next, the third focal point of the speech, the power of Sulla and his followers, is introduced as *tyrannidem L. Sullae*. This emphatic initial characterization immediately contrasts the target of

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[27] For Latin citations I have used the OCT of Sallust, L.D. Reynolds, *C. Sallusti Crispi Catilina, Iugurtha, Historiarum Fragmenta Selecta*, (Oxford, 1991). For translations I have used, with slight modifications, the translation of J.C. Rolfe, (Cambridge, 1921).

Lepidus' invective with his portrayal of the attitude and character of the audience. Finally, Lepidus repeats his fear that the people will become entrapped, and the further apprehension that even if the people do realize the danger, they will not defend themselves in the appropriate manner.

> *...praesertim quom illi spes omnis in scelere atque perfidia sit neque se aliter tutum putet quam si peior atque intestabilior metu vostro fuerit, quo captis libertatis curam miseria eximat – aut, si provideritis, in tutandis periculis magis quam ulciscundo teneamini.*
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> especially since all Sulla's hopes depend upon crime and treachery, and since he thinks that he cannot be safe, unless he has shown himself even worse and more detestable than you fear, so that when you are enslaved to him, you may cease because of your wretchedness to think of freedom. On the other hand, if you are on your guard, I fear that you may be more occupied in avoiding danger than in taking vengeance. (§1)

The *prooemium* of Lepidus' speech displays a mixture of two disparate attitudes. On one hand, as one commentator notes, it has the "tone" of "a patrician consul counseling the people, not that of a demagogue and revolutionary".[28] On the other hand, the subject matter is consistent with two other Sallustian speeches made *ad populum*, that of the tribune Memmius in the *Bellum Iugurthinum* (31.1-29), and that of the tribune Macer later in the *Historiae* (3.38). This seemingly contradictory attitude is indicative of the nature of the speech as a whole; Lepidus is attempting to maintain his position as consul and at the same time incite the populace to rise up against the power of Sulla's establishment. The result of this confluence of circumstances is an oration that combines elements from several different types of speeches: the *cohortatio*, a general's exhortation to the troops before battle, a

[28] McGushin (1992) 114.

tribune's speech to the people attacking the policies of the *optimate* government, and a consul's speech warning the people against an internal or external threat. Despite the presence of these different elements, Lepidus' speech remains consistent in its focus: an attempt to convince the people to side with the consul against the tyrant Sulla and his minions in the government.

Lepidus' opening line teems with catchwords and allusions both from Sallust's own writing and the political rhetoric of republican Rome. In particular, the prominent location of *clementia et probitas*, *tyrannidem*, and later *libertatis*, begins to elucidate Lepidus' method of argumentation and exhortation. The close pairing of *clementia* and *probitas* appears on only one other occasion in Roman literature and speeches of the Republican period, in a letter from Cassius to Cicero.[29] *Probitas*, however, is not an odd choice in light of Sallust's earlier use of the word, particularly in the introductions to his two monographs. There, *probitas* is listed among the *bonae artes* that define virtuous men and their society. In each occurrence, *probitas* is either undermined or set up in opposition to a litany of vices, notably *superbia*, *avaritia*, *libido*, and *crudelitas*.[30] Here, Lepidus echoes the contrast between *probitas*

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[29] *Spero enim homines intellecturos, quanto sit omnibus odio crudelitas, et quanto sit amori probitas et clementia; atque ea, quae maxime mali petant et concupiscant, ad bonos pervenire*. (Cic. *Epist. ad Fam.* 15.19.2). This optimistic statement by Cassius is in direct opposition to both Sallust's own view of Roman morality and Lepidus' presentation of the same concepts later in his speech. Cf. Sallust's description of Sulla's rule in the *Bellum Catilinae*, *sed postquam L. Sulla armis recepta re publica bonis initiis malos eventus habuit*...(*BC* 11.4).

[30] *Namque avaritia fidem probitatem ceterasque artis bonas subvortit; pro his superbiam, crudelitatem, deos neglegere, omnia venalia habere edocuit* (*BC* 10.4). *Sed dux atque imperator vitae mortalium animus est; quim ubi ad gloriam virtutis via grassatur, abunde pollens potensque et clarus est neque fortuna eget, quippe quae probitatem, industriam aliasque artis bonas neque dare neque eripere quoiquam potest* (*BJ* 1.3).

and the *malae artes* established by Sallust in his monologues, and uses that contrast to define Sulla in negative termss. As will be discussed below, the "tyrant" Sulla's most dominant personality traits in this speech are cruelty and arrogance, and he is consistently portrayed as actively attacking the rights and property of the people – he is the physical embodiment of the *malae artes*. The same holds true for his followers, who subvert the ancient rights of the Romans that had been originally achieved through virtue.[31]

Beginning a speech with praise for the audience, *laudatio,* and in particular praise that is connected with the main point of the argument, is a commonplace of Roman rhetoric.[32] *Probitas,* however, is not evident in other speeches to the people or historical recreations of such speeches, or even as a term of praise in the opening of any speech. By itself, the term is most frequently used to praise the virtue of an individual.[33] Although *probitas* does not seem to have been a commonly used term in speeches to the people, its resonance with Sallust's own moral language make it particularly effective in this situation. The actual terms of praise, *clementia et probitas*, are used to establish the basis of Lepidus' argument: that the people have

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At contra quis est omnium, his moribus, quin divitiis et sumptibus, non probitate neque industria cum maioribus suis contendat? (*BJ* 4.7).
The only other uses of *probitas* are found in a description of the *popularis* general Marius, where it is again contrasted with greed and desire, *...ad quem capiundum praeter vetustatem familiae alia omnia abunde erant: industria, probitas, militiae magna scientia, animus belli ingens domi modicus, lubidinis et divitiarum victor, tantummodo gloriae avidus* (*BJ* 63.2), and in the speech of Adherbal to the Senate, where the Numidian suppliant claims *probitas* as a virtue that does not provide safety, *sed quoniam parum tuta per se ipsa probitas...* (*BJ* 14.4).
[31] *...geniti ad ea quae maiores virtute peperere, subvortenda* (*H* 1.55.3). Cf. *subvortit* (*BC* 10.4).
[32] H. Lausberg, *Handbook of Literary Rhetoric* (Leiden, 1998) § 277a.
[33] J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République*, (Paris, 1963) 285-286; cf. Sallust's description of Marius (*BJ* 63.2).

been put in extreme danger by Sulla's abuse of their praiseworthy attributes. Furthermore, Sallust, by employing a term that specifically refers to his own moral vocabulary from the monographs, is using his own language to define the nature of Lepidus' argument for the reading audience.[34]

In the same vein, Lepidus sets up *clementia* alongside *probitas* as a characteristic of the Roman people. This is a potentially loaded term, both in the context of the Sallustian corpus and Roman oratory and historiography in general. In the most basic sense, *clementia* is a positive quality, defined as the kindness or leniency of a superior to an inferior.[35] In the rhetoric of the late republic, *clementia* was most closely associated with Caesar's policy of leniency towards his former adversaries in the civil wars.[36] Lepidus' use of *clementia*, however, is in an entirely different context from a discussion of Caesar's policy.[37] The consul fears that the people will display their renowned clemency to the tyrant, and tries to warn them that their innate positive qualities of *clementia et probitas* will lead, or already have led them, to disaster. The tribune Memmius expresses a parallel sentiment during a speech to the people in the *Bellum Iugurthinum*.

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[34] This tactic is evident in other speeches from Sallust's works. Cf. Sklenár, R., "*La Republique des Signes*: Caesar, Cato, and the Language of Sallustian Morality", *TAPA* 128 (1998): 205-220, for a discussion of such internal references in the speeches of Caesar and Cato in the *Bellum Catilinae*.

[35] "Elle exprime donc le comportement d'un homme de classe supérieure ou pourvu de quelque autorité à l'égard de ceux qui lui sont soumis… par nature, *clementia* s'applique spécialement aux rapports de l'homme de haut rang avec ses amis et clients." Hellegouarc'h (1963) 262-3.

[36] Cf. S. Weinstock, *Divus Julius* (Oxford, 1971) 233-244; R. Syme, *The Roman Revolution* (Oxford, 1938) 259.

[37] In fact, as Syme notes, "Sallust is careful not to use the word 'clementia' in relation to Caesar – or to contemporary politics at all. His sole instance is Lepidus' appeal to the 'clementia' of the Roman people." Syme (1958), 414, n.4.

> *Atque ego, tametsi viro flagitiosissumum existumo impune iniuriam accepisse, tamen vos hominibus sceleratissumis ignoscere, quoniam cives sunt, aequo animo paterer, ni misericordia in perniciem casura esset.*
>
> For my own part, although I consider it most shameful for a true man to suffer wrong without taking vengeance, yet I could willingly allow you to pardon those most criminal of men, since they are your fellow citizens, were it not that mercy would end in destruction. (*BJ* 31.21).

Paul notes that *clementia* and *misericordia* were generally "popular" virtues, exploited by the likes of Caesar.[38] Cato the Younger, however, employs a similar tactic as Memmius and Lepidus in his response to Caesar's proposed clemency towards the Catilinarian conspirators (*BC* 52.11-12; 27). Cato's audience is the senate, and he is certainly not a "popular" leader, but the disastrous result of showing clemency to truly evil and corrupt men is the same. As in the speeches of Cato and Memmius in the monographs, the import of *clementia* here is not its usage in the contemporary parlance of Sallust, but rather in the relationship between those who can potentially demonstrate clemency and the beneficiary of that mercy. Like the Catilinarian conspirators of the *Bellum Catilinae* and the corrupt nobles of Memmius' time, Sulla is far too dangerous to receive the people's mercy.

Lepidus' argument not only aligns Sulla with those nefarious figures from the earlier monographs, but also employs the full implications of the *clementia* to make an even greater indictment of Sulla's actions. *Clementia* appears in one other instance in Sallust's writings, an indirect statement from Memmius to Jugurtha during

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[38] G.M. Paul, *A Historical Commentary on Sallust's Bellum Jugurthinum* (Liverpool, 1984) 102.

the latter's appearance before the senate and the people, *si verum aperiat, in fide et clementia populi Romani magnam spem illi sitam; sin reticeat, non sociis saluti fore, sed se suasque spes corrupturum* (*BJ* 33.4). Here, the *clementia populi Romani* is bestowed upon a specific person, the foreign king Jugurtha. Memmius' statement implies the assumption that evidence of the people's good faith and clemency towards a foreign king is an accepted fact. The *clementia* of the Roman state towards defeated enemies is evident in Cicero's use of the word in the *Verrines*, before its specific association with the political clemency of Caesar, and the general application of its synonyms (*misericordia*, *lenitas*, *mansuetudo*, etc.) in earlier authors.[39] The specific concept of the famous *clementia populi Romani* is further seen in Livy's use of the phrase. Livy mentions the clemency of the Roman people on six occasions.[40] In each of these examples, a foreign leader or people either surrenders to the Romans, or is advised to do so, on account of their renown for mercy. Furthermore, just as Lepidus states, the Roman people are famous among all races for their display of clemency.[41]

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[39] Cic. *Verr*. 5.115. Cf. Weinstock (1971), 233-236

[40] 1. *Maior pars senatus, multis saepe bellis expertam populi Romani clementiam haud diffidentes sibi quoque placabilem fore, legatos ad dedendam Romanis Capuam decreverunt miseruntque.* (Livy, 26.14.2).
2. *...nec enim in causa ipsorum, sed in populi Romani clementia spem salutis positam esse...* (Livy, 36.27.6)
3. *Si male meriti clementiam populi Romani experti essent, bene merendo liberalitatem experirentur.* (Livy, 42.38.4)
4. *Paulo ut se suaque omnia fidem et clementiam populi Romani permitteret tendente.* (Livy, 45.4.7)
5. *Multorum regum populorumque casibus cognita populi Romani clementia non modo spem tibi, sed prope certam fiduciam salutis praebet.* (Livy, 45.8.5)
6. *...nec cuiusquam fortunae invidemus, immo agnoscimus clementiam populi Romani...* (Livy, 45.22.4)

[41] cf. the speech of Perseus in Livy 42.42.9, and Anchises' famous prophecy:

tu regere imperio populos, Romane, memento
(hae tibi erunt artes) pacique imponere morem,

But according to Lepidus, this famous clemency, usually bestowed upon foreign adversaries, will instead be shown to Sulla.

The implications of this are made abundantly clear as Lepidus, pulling no punches, begins his attack on the Sullan regime by designating it as a *tyrannis*. This designation is used again at the beginning of the second section (§7), and once more in the last section (*tyrannum* - §22). *Tyrannis* and its counterpart *tyrannus* appear only one other time in the extant works of Sallust.[42] This is a striking piece of invective and particularly appropriate to Lepidus' overall portrayal of Sulla and the political and social situation in Rome. Besides its simple use as pure invective, the charge of tyranny has a wealth of implications, ranging from the specific types of cruelty and savagery associated with the term to the inherent foreignness of the word when compared to the more common use of *rex* to define a Roman despot. This is a calculated move by Lepidus (for the actual audience) and Sallust (for the reading audience), and fits in neatly with Sallust's previous descriptions of Sulla in the monographs and Lepidus' own program against that regime.

Accusations of tyranny and tyrannical behavior were common tropes in the political invective of the late republic. Cicero in particular uses the term on a variety of occasions to describe the actions and character of, among others, Verres, Catiline,

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parcere subiectis et debellare superbos.
(*Aen.* 6.851-53).

[42] Shortly after the speech of Lepidus in the *Historiae*, one of his opponents rails against the consul, *tyrannumque et Cinnam maxima voce appellans* (*H* 1.64). McGushin (1992) 128.

Clodius, and Antony.[43] There are several key elements of the use of tyranny as a piece of invective that apply to Lepidus' speech. The first and most obvious is the correlation between tyranny and kingship, an even more common trope in political and historical discourse. The desire to become a king over the Roman people, to wield sole power achieved through illegal and usually forceful means, is anathema to the moral foundations of the Republic. It is easy to interpret a tyrant as simply the Greek equivalent of a *rex*.[44] There are, however, several other dimensions to tyranny as a term of invective.

The author of the *Rhetorica ad Herennium* recommends tyranny as a stock form of invective designed to rouse the audience.[45] The key elements of this attack are cruelty, foulness, desire for war, and the sacrilegious aspect of the tyrant's crimes. Cicero's use of tyranny as a type of invective follows this pattern.[46] Lepidus establishes these same elements in his characterization of Sulla. The "tyrant's" actions are described as *nefanda* (§1), he is *non tot exercituum clade neque consulum et aliorum principum...satiatus*, and his character is *crudelior* (§5). Dunkle notes that this terminology is consistent with Sallust's language in his philosophical and

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[43] Cf. Hellegouarc'h (1963) 561-2 for a list of examples. Also, J.R. Dunkle, "The Greek Tyrant and Roman Political Invective of the Late Republic", *TAPA* 98 (1967), 151-171.

[44] Dunkle (1967) 152. Cf. Cic. *Pro Sulla* 21-26, where C. MacDonald in the Loeb edition consistently translates *regnum* as "tyranny". Although "tyranny" is appropriate in modern diction, it overshadows the distinction between a *tyrannus* and a *rex* in political and historical invective.

[45] *Septimus locus est quo ostendimus taetrum facinus, crudele, nefarium, tyrannicum esse; quod genus iniuria mulierum, aut earum rerum aliquid quarum rerum causa bella suscipiuntur et cum hostibus de vita dimicatur.* (*Rhet. ad Her.* 2.49) Cf. Cic. *De Inv.* 1.102.

[46] The Verrine orations are a particularly good case study; Cicero accuses Verres of tyrannical behavior fifteen times. On nearly all these occasions, Verres' tyranny is evident in his cruelty, lust, blasphemy, and desire for power. Dunkle (1967) 160-2.

historical introduction, and in particular his description of Sulla's rise to power and rule in the *Bellum Catilinae* (*BC* 11).[47] Here, the general decline of Roman morals is prompted by avarice, arrogance, cruelty, and neglect of the gods (*BC* 10.4). Furthermore, Sulla is the embodiment of this decline, a dictator whose rule initiated a period defined by tyrannical vices (*BC* 11). Despite these similarities in language and theme, this task is left for a more appropriate venue, a speech laden with invective.

So why does Sallust choose this particular piece of invective as the keystone for Lepidus' attack on Sulla? The historian has already made the negative and tyrannical qualities of Sulla clear in the monographs, but stopped short of specifically labeling it with either *tyrannus* or *tyrannidis*. In fact, although the references to Sulla in the *Bellum Catilinae* and the formal portrait in the *Bellum Iugurthinum* are certainly harsh, the full condemnation of the dictator is left for the *Historiae*.[48] Sallust, by adding these terms to Lepidus' already virulent invective, allows the consul to exceed the historian's earlier criticism. Furthermore, the label effectively encapsulates Lepidus' overall portrayal of the situation. Sulla has crossed all boundaries of human decency; he has even exceeded the intensively negative picture that was painted in the earlier narratives.

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[47] J.R. Dunkle, "The Rhetorical Tyrant in Roman Historiography: Sallust, Livy, and Tacitus", *CW* 65 (1971) 12-20.

[48] In his commentary Paul (1984) goes so far as to state that the brief portrait of Sulla in the *Bellum Iugurthinum* (*BJ* 95.1-4) is actually favorable. Although certain stock elements, such as Sulla's Greek education, can be interpreted as positive statements, they are intended not to praise Sulla but instead to contrast him with the portrayal of Marius as unlearned. Sallust's concluding statement to the portrait, *nam postea quae fecerit, incertum habeo pudeat an pigeat magis disserere* (*BJ* 95.4), effectively negates the positive statements and is consistent with the historian's earlier condemnation in the *Bellum Catilinae*.

The excess of cruelty, lust, and arrogance that goes along with tyranny is further reflected in the rest of Lepidus' initial invective. By definition, the tyrant at the same time wields the power of a king yet does not have control over his own passions.[49] This lack of control leads to an excess of cruelty and unparalleled crimes. Consequently, the structure of the opening section is based around a successively more depraved list of Sulla's crimes. First, Lepidus describes Sulla as *peior atque intestabilior metu vostro* (§1); the tyrant has exceeded even the people's fearful expectation. Then, Lepidus attacks Sulla with the epithet *scaevos iste Romulus* (§5); not only is Sulla like Romulus in his desire to control and restructure the republic, but he is a more perverse incarnation of that Roman king. Next, Sulla, by punishing the heirs of the proscribed, has inflicted a punishment hitherto unheard of (§6). Finally, Lepidus brings the section back full circle with a superlative, *pravissumeque per sceleris immanitatem adhuc tutus fuit, dum vos metu gravioris serviti a repetunda libertate terremini* (§6). This is clearly strong language, excessive and novel even in comparison to other examples of strong invective in Sallust's writing.[50] Lepidus'

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[49] cf. Seneca's distinction between a *rex* and *tyrannus*: *Ep.* 114.24 and *De clementia* 1.11.4-12.4.

[50] One indication of this is the infrequency of some of the terms of invective employed here. Sallust does not use *immanitas* elsewhere, although the adjective *immanis* does appear three times (*H* 2.44, 5.2; *BJ* 31.12). Due to their fragmentary nature it is difficult to ascertain the usage of the adjective in the sections from the *Historiae*, but the passage from Memmius' speech in the *Bellum Iugurthinum* is a similarly hyperbolic piece of invective against senators charged with corruption and arrogance. The term does appear twenty times in Cicero's speeches, four times apiece describing the actions of Verres (*Verr.* 3.64, 5.123, 5.145, 5.153) and Antony (*Phil.* 5.37, 11.1, 12.26, 13.2). Close parallels to *sceleris immanitatem* are found in the Catilinarian speeches, *tanti facinoris immanitas* (*Cat.* 1.14) and *tanti sceleris immanitate* (*Cat.* 4.11). As discussed above, all three men are attacked with charges of tyranny and tyrannical vices. *Intestabilior* appears only one other time, as a particulary harsh parenthetical statement concerning the disgraced garrison

invective, although it reaches an almost implausible level of hyperbole (and factual inconsistency from the perspective of the reading audience), is nevertheless consistent with any invective directed against a tyrannical figure. Furthermore, this invective is the basis for Lepidus' contention that Sulla has so abused his position of power that it is necessary for the people, led by their consul, to rise up against the tyrant.

Sulla is not the only target of Lepidus' invective; the consul also attacks the Sullani, nobles that had served with the dictator on his various campaigns in the East and subsequently received wealth and offices after the dictator's seizure of power. The first of these Sullani attacked are also the most powerful; Lepidus' consular colleague Q. Lutatius Catulus and the two consuls elect for the following year, D. Junius Brutus and Mam. Aemilius Lepidus Livianus.

> *Satellites quidem eius, homines maxumi nominis, optumis maiorum exemplis, nequeo satis mirari, qui dominationis in vos servitium suom mercedem dant et utrumque per iniuriam malunt quam optumo iure liberi agere: praeclara Brutorum atque Aemiliorum et Lutatiorum proles, geniti ad ea quae maiores virtute perpere subvortenda!*
>
> As to his satellites, I cannot sufficiently wonder that men bearing great names, made great by the deeds of distinguished ancestors, are willing to purchase dominion over you with their own slavery, and prefer these two things joined with injustice to living as free men in accordance with the best law. Glorious scions of the Bruti, Aemilii, and Lutatii, born to overthrow what their ancestors won by their prowess! (§§2-3)

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commander Turpilius: *nisi, quia illi in tanto malo turpis vita integra fama potior fuit, improbus intestabilisque videtur* (*BJ* 67.3). *Scaevos* is also not used either by Sallust or Cicero, although Servius records the variant *saevos* (Servius *Ecl* 3.13) – regardless, the novelty of the entire phrase is evident.

The placement of *satellites* in primary position immediately undermines the *auctoritas* and *dignitas* that would usually go along with the office of consul. In Roman rhetoric, the term *satellites* was used to designate the minions of a king, or especially of a tyrant.[51] Cicero uses the term to describe the followers of Catiline, Clodius, Rullus, and Antony, the same men whom he charges with tyrannical behavior.[52] This clearly does not reflect well on either the Sullani or their leader. On one hand, being labeled as mere *satellites* completely negates any personal authority or respect these men might have had. On the other hand, having a retinue defined by such a term reinforces Sulla's status as a tyrannical leader. This implication is also evident in Sallust's use of the term elsewhere in the *Historiae*. In the speech of Philippus, the leader of the aristocracy, later in the *Historiae*, the adversary of Lepidus describes the followers of his opponent as the *satellites* of a list of revolutionary figures of recent years, all of whom were at one time or another charged with tyrannical excess in their striving for political power.[53]

Lepidus' sneering introduction of the Sullani is ironically contrasted with the rest of his description, *homines maxumi nominis optimis maiorum exemplis*. This hyperbolic description of the standing and lineage of the Sullani highlights the depth to which they have sunk. In fact, their position as the lackeys of a despot is a

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[51] Hellegouarc'h (1963) 90.

[52] Cic. *Cat*. 1.7; *Mil*. 86, 90; *Phil*. 2.12; *Agr*. 2.32.

[53] *Hi tumultum ex tumultu, bellum ex bello serunt, Saturnini olim, post Sulpicii, dein Mari Damasippique, nunc Lepidi satellites.* (*H*. 1.77.7). The only occurrence of the word in the Sallustian corpus outside of these two speeches highlights the negative and subservient implications of the term. When asked by the Numidian Gauda for a bodyguard of Roman knights, the consul Metellus refuses on the grounds that it would be an insult for them to serve as attendants to a Numidian; *...quod contumeliosum in eos foret, si equites Romani satellites Numidae traderentur.* (*BJ*) 65.2.

complete inversion of both their current political position and the long-standing nobility of their families. Furthermore, Lepidus presents this inversion as a conscious choice on the part of the Sullani. Sarcastically voicing his surprise (*nequeo satis mirari)*, Lepidus asserts that they have sold themselves into servitude in exchange for control over the people, and prefer this injustice to a life led as free men in adherence to *optimo iure*. Lepidus then caps the invective with another ironic statement concerning the lineage of the Sullani, *praeclara Brutorum atque Aemiliorum et Lutatiorum proles*, and the assertion that they were born to overthrow what their ancestors had accomplished through virtue.[54]

This attack on the Sullani is similar to Sallust's own accusations against the corrupt nobility in the prologue to the *Bellum Catilinae* (*BC* 12). There, Sallust tells his audience to compare the houses of the elite to the shrines and homes erected by their ancestors (*nostri maiores, religiosissumi mortales*). These shrines were adorned with piety, and their homes with the glory honestly won from their enemies. In contrast, the current group of nobles have done the opposite, and believe that the only way to rule is through injustice: *at hi contra, ignavissumi homines, per summum scelus omnia ea sociis adimere quae fortissumi viri victores reliquerant, proinde quasi iniuriam facere, id demum esset imperio uti*. Although Lepidus' statement is slightly more elliptical than Sallust's direct condemnation, the effect is the same; the actions of Lepidus' targets are directly contrasted with their ancestors' correct method

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[54] Cf. E. Skard, *Ennius und Sallustius* (Oslo, 1933) 49. "Sallust hat Hist. 1.55.3 die Worte *praeclara...Lutatiorum proles*; dieselbe alliterierende Verbindung begegnet Verg. Aen XII.347 *proles bello praeclara Dolonis*; die Alliteration is an sich ein Zeugnis für das Alter der Verbindung. Die Sallust-Stelle is ironisch gefärbt; wenn die Worte auf ein altes Dichterwort Bezug nehmen, wird selbstverständlich die Ironie wesentlich verschärft."

of governing and accumulating power – that is to live under the correct rule of law and achieve virtue by their own prowess.[55]

Lepidus' ironic reference to the ancestors of Sulla's minions fits neatly with the next stage of his argument. Earlier, Lepidus lamented the two scenarios he foresaw for the people; that they will either lose their desire for freedom due to their miserable situation, or they will pay more attention to their own safety rather than avenging the wrongs done to them (§1). Now, he uses four historical *exempla* to highlight the correct course of action for any citizen threatened with the loss of his liberty, *nam quid a Pyrrho, Hannibale Philippoque et Antiocho defensum est aliud quam libertas et suae quoique sedes, neu quoi nisi legibus pareremus?* (§4).[56] This is a clever transition; the ancestors that were just used to point out the faults of the current government are now used as virtuous *exempla*.[57] This serves as both a further diminution of the Sullani and a connection to the invective directed against Sulla in the second half of the section. Faced with the threat of an external enemy, the ancient Romans defended their liberty, their personal property, and their right to obey nothing

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[55] The function of *virtus* in Sallust's morality has been discussed above. The slogan *ius* functions in a similar manner in the historian's morality. Like *virtus*, *ius* is a characteristic of the Roman state before its descent into the present corruption (*BC* 9.1). McGushin (1992) 114, referring to Cato's speech (*BC* 52.21), observes that "the health of the Roman constitution depends on adherence to the rule of law". This, and the function of *liberi/libertas* in Lepidus' speech, will be discussed below.

[56] The four foreign generals here led armies against Rome in the Pyrrhic war (280-275 B.C.), the Second Punic War (218-201 B.C.), the Macedonian War (197 B.C.), and the Syrian War (190 B.C.). Notably absent in this list is Rome's latest foreign enemy, Mithradates, who had recently been defeated by Sulla.

[57] The use of historical *exempla* in speeches and historical recreations of speeches is well documented in ancient and modern sources. Cf. *Rhet. Her.* 4.62, Cic. *Inv.* 1.49, Quint. 3.8.66-77; 5.11.1-2. Luce (1993) 82-83; A.W. Robinson, *Cicero's use of People as Exempla in his Speeches*, dissertation (Indiana University, 1986); J.D. Chaplin, *Livy's Exemplary History* (Oxford, 2000).

except the laws. These four *exempla*, in conjunction with the invective against Sulla and his followers, describe the present situation and the appropriate reaction to the threat.

Lepidus makes the connection between the foreign generals and Sulla blatantly clear in the next sentence: *Quae cuncta scaevos iste Romulus quasi ab externis rapta tenet*...(§5). Sulla, who as we have already seen is consistently portrayed by Lepidus as a tyrant who has moved far beyond the bounds of accepted behavior, is plundering the people as if they were *hostes*, an action that aligns him with the foreign generals.[58] Cicero uses some of the same *exempla* in a similar fashion in his invective against Verres, accusing the governor of stripping Sicily as if he were a foreign invader. This behavior is then contrasted by Cicero with the behavior of Lucius Scipio, who defeated Antiochus, and Flaminius, who was victorious over Philip: these victories, even though over a foreign people, did not descend into plunder and rapine.[59] Just as Cicero did with Verres, Lepdius' portrayal of Sulla as a tyrant is bolstered by a direct contrast with exemplary Roman generals. Furthermore, Sulla's behavior is the opposite of the *clementia* and *probitas* of the people. The *exempla*, placed in the middle of the opening section, delimit the hyperbolic invective and reinforce the praise of the people with which he opened the speech. In fact, the entire thrust of Lepidus' invective is clearly focused on a specific subset of the nobility; those who have chosen to follow Sulla. Although he uses the terminology that is consistent with Sallust's own opinions in his prologues and the

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[58] McGushin (1992) 116. This argument is repeated three more times in the speech at §7, §17, and §18.
[59] Cic. *Verr*. 2.1.54-55. Robinson (1986) 29-30.

arguments of the demagogic tribunes Memmius and Macer, it is severely limited in scope and far from a broad-based attack on the entire nobility.[60]

Lepidus concludes the first section by recapitulating the two points from his opening statement, *pravissimeque per sceleris immanitatem adhuc tutus fuit, dum vos metu gravioris serviti a repetunda libertate terremini* (§6). Sulla maintains his personal safety through the enormity of his crimes, and the people are so terrified of the potential repercussions that they refuse to fight for their freedom. Lepidus uses *libertas* as a slogan throughout the speech, representing it as the motivation and goal of the proposed rebellion.[61] Although translating *libertas* as freedom is certainly correct, it does not directly correlate to the modern definition of personal liberty. In fact, the definition of *libertas* in Republican rhetoric is more narrowly defined. Wirszubski sums up this difference, "...*libertas* at Rome, and with regard to Romans, is not an innate faculty or right of man, but the sum of civic rights granted by the laws of Rome..."[62] Lepidus emphasizes this definition by stressing the connection between *libertas* and Roman law in his speech.[63] Furthermore, Sulla has usurped the most important of these civic rights, the ability to elect officials.[64] Lepidus in turn presents himself as the contrast, a duly elected consul who is the legitimate representative of the people. Thus in the first section of the speech Lepidus sets himself up in

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[60] McGushin (1992) 115.
[61] *Libertas* is used as a slogan in §1, §4, §6, §9, §26, and §27.
[62] Ch. Wirszubski, *Libertas as a Political Idea at Rome During the late Republic and Early Principate* (Cambridge, 1950) 7.
[63] *...optimo iure liberi agere...*(§2), *...neu cui nisi legibus pareremus...*(§4).
[64] "*Libertas* is not so much the right to act on one's own initiative as the freedom to choose an "auctor" whose "auctoritas" is freely accepted... The real question was, not whether few only should govern, but who should be those few." Wirszubski (1950) 35-36.

opposition to the Sullan government, using the *libertas populi Romani* as the focal point around which the people will be urged to rally. This is not presented as a completely radical program, but rather as the natural reaction of a concerned consul against the unprecedented and tyrannical behavior of a dictator. The whole thrust of the speech is intended to undermine the power of the Sullani, reinforce the moral and legal position of Lepidus, and place the decision in the hands of the people, who have the choice of either succumbing to their fear of Sulla and accepting servitude, or of standing up for their rights and regaining their *libertas*.

§§7-15

In the second section of the speech, Lepidus uses the points established in the first section as fodder for his exhortation of the people to action. The consul constructs his exhortation in the form of a *necessarium* argument, presenting the call for rebellion as the only possible option for the Roman people. This is accomplished by a continual repetition of Sulla's untenable behavior as dictator, focusing on the accumulation of political and military power in the hands of one man, and a series of sarcastic statements and rhetorical questions designed to prod the audience towards Lepidus' viewpoint. As in the first part of the speech, this section is a combination of two different tones, that of the paternal consul and the *popularis* demagogue. The function of the section as an exhortation adds another aspect to the *popularis* tone. The language of motivation is consistent with both Memmius' diatribe in the *Bellum Iugurthinum*, and more importantly with Catiline's first exhortation to his co-

conspirators in the *Bellum Catilinae*. Once again, Lepidus is balancing the language necessary to inspire the people to action with his own position as consul.

Lepidus begins the exhortation with a direct call to action,

> *Agundum atque obviam eundum est, Quirites, ne spolia vostra penes illos sint, non prolatandum neque votis paranda auxilia; nisi forte speratis taedium iam aut pudorem tyrannidis Sullae esse et eum per scelus occupata periculosius dimissurum.*
>
> You must rouse yourselves, fellow citizens, and resist the tyrant, in order that he may not possess your spoils. You must not delay or look for help from prayers to the gods; unless perchance you hope that Sulla is now weary or ashamed of his tyranny and that what he has criminally seized he will with still greater peril resign. (§7)

The passive periphrastic construction states that action is a necessity, and is balanced by another periphrastic clause that states that inaction is not a viable option.[65] These two constructions bracket a reminder of the reason for this action, the fact that Sulla has treated the people like *hostes* and that their possessions are at risk. A sarcastically absurd statement, which repeats the invective of the first section, further emphasizes the necessity of the situation; the alternative is to hope for a miraculous reversal on the part of Sulla. In fact, Lepidus' earlier statements have already directly contradicted the possibility of this happening (§6); it is simply against the tyrannical nature of Sulla to do anything except sink deeper into turpitude.

If there was any doubt regarding this, Lepidus immediately dismisses it in his next statement, *at ille eo processit ut nihil gloriosum nisi tutum et omnia retinendae*

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[65] Cf. *BC* 52.29, where Cato states that prayers and entreaties to the gods will not prove suitable against Catiline.

dominationis honesta aestumet (§8). Once again, Lepidus returns to one of the major themes of the opening statement, that Sulla believes his own safety lies in exploiting the people by any means available (§1, §6). As in the earlier invective against Sulla, Lepidus assigns to the dictator behavior that is the inverse of accepted Roman practice. First, it is difficult to reconcile *gloriosum* with *tutum*. Lepidus' primary use of these terms is to remind the audience of his earlier points. It is odd, however, that Sulla should attain or maintain his *gloria* through safety, which as Lepidus asserted earlier is the result of the people's inactivity under the oppression of tyranny. In fact, the pursuit of *gloria* is most commonly associated with action, and often accomplishments in war.[66] Similarly, Catiline holds out *gloria* to his followers as one of the rewards of attempting the *pericula* of the conspiracy (*BC* 20.14), and while exhorting his troops before their final battle associates *gloria* with *pericula* again (*BC* 58.2). More striking is the assertion that Sulla believes that any means of maintaining his *dominatio* are honorable. Earlier, Lepidus used *dominatio* to refer to the Sullani's control over the populace. The term is in fact analogous to tyranny, and is often presented as a force blocking the enjoyment of *libertas*.[67] This usage is evident in the speech of Memmius when the tribune states that the corrupt nobility's desire for tyranny trumps the people's desire for liberty, and again when he contrasts the present oppression with ancient freedoms.[68] On the other side, *honesta* are paired with *virtus*

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[66] Hellegouarc'h (1963) 372-74. Cf. Sallust's use of the word in reference to himself, where he states that glory will more likely attend the *auctor rerum* than the historian (*BC* 3.2).

[67] Hellegouarc'h (1963) 562.

[68] *Quodsi tam vos libertatis curam haberetis quam illi ad dominationem adcensi sunt...*(*BJ* 31.16).

alongside the other ancient virtues of Roman morality espoused in the monographs.[69] There is clearly no honorable way to go about maintaining any form of *dominatio*, especially over the Roman people.

Lepidus then proceeds to illustrate the consequences of Sulla's actions,

> *Itaque illa quies et otium cum libertate, quae multi probi potius quam laborem cum honoribus capessebant, nulla sunt: hac tempestate serviundum aut imperitandum, habendus metus est aut faciendus, Quirites.*
>
> Hence that state of repose and tranquility combined with freedom, which many good men prized more highly than honors attended with toil, is a thing of the past; in these times one must either be a slave or master, one must feel fear, citizens, or inspire it. (§9-10)

The consul asserts that the people and the state can no longer live in peace and tranquility, and instead must be either master or slave. To an audience familiar with Ciceronian rhetoric, as Sallust's readers certainly were, the phrase *otium cum libertate* would have been a clear reference to Cicero's political slogan *cum dignitate otium*.[70] In the context of Cicero's rhetoric the phrase is used to represent the goal of the optimate government.[71] *Otium*, when used to describe the state of affairs in Rome, generally refers to internal tranquility (whereas *pax* is used to denote the lack of conflict with external enemies), and *dignitas* was identified with political prestige and influence. For Cicero, the term had the added identification of representing the

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Nisi forte nondum etiam vos dominationis eorum satietas tenet et illa quam haec tempora magis placent... (*BJ* 31.20).

[69] *BJ* 3.1, 8.1. Cf. Hellegouarc'h (1963) 463.

[70] Cic. *Sest* 96, 98, 100

[71] Cf. Ch. Wirszubski, "Cicero's *Cum Dignitate Otium*: a Reconsideration", *JRS* 44 (1954) 1-13.

stability of his political order.[72] In fact, Cicero in the *Pro Sestio* lists several optimate politicians who have managed to guide their careers according to this ideal.[73] Prominent among this group is Lutatius Catulus, Lepidus' colleague and a target of his invective in the first section of the speech. Sallust has reversed this optimate ideal by placing it in the mouth of a speaker represented as a *popularis* leader.[74] Furthermore, the thrust of Lepidus' argument here is that this way of life is currently untenable. It is not, however, a direct refutation of the Ciceronian ideal, and in fact Lepidus categorizes it not as a negative ideal but as something that good men used to engage in. Instead of directly condemning this optimate ideal, Lepidus presents a situation in which supposedly optimate leaders such as Catulus have made that ideal an impossible position.[75] With the absence of this ideal, Lepidus asserts that the only options are the two extremes: servitude or command, fear or inflicting fear.[76]

Lepidus further emphasizes this all-or-none situation with two rhetorical questions, *Nam quid ultra? Quaeve humana superant aut divina impolluta sunt?* (§11). Here, Lepidus continues to fit his invective against Sulla into the *necessarium*

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[72] Wirszubski (1954) 4-5, McGushin (1992) 117.
[73] Cic. *Sest* 100-2.
[74] Sallust has done this before. Cf. the echo of Cicero's *Catil.* 1 in the speech of Catiline (*BC* 20. 9).
[75] Here, it is important to recognize that Sallust has Lepidus (it is important to remember that Lepidus is historically speaking decades before Cicero, and that this is a "pre-echo" of the Ciceronian phrase) substitute Cicero's *dignitate* with *libertate*, which subtly shifts the slogan from the optimate position to the side of the *popularis*. In fact, in his analysis of the Ciceronian phrase Remy notes that *libertas* was the *popularis* equivalent of *dignitas*. E. Remy, '*Dignitas cum Otio*', *Musée Belge* 32 (1928) 125. A possible alternative is that Lepidus, in a manner consistent with the hyperbolic tenor of the entire speech, is employing both connotations of the phrase in a blanket lament for the removal of all aspects of political and personal liberty.
[76] Memmius uses this same stark contrast in his attempt to rally the populace against the corrupt nobility: ...*cum intellegetis aut serviundum esse aut per manus libertatem retinendam* (*BJ* 31.22).

argument by emphasizing the absolute extremity of Sulla's behavior and the subsequent necessity of one particular type of action in response. If it was not already abundantly clear, Lepidus drops all pretext of alternative solutions with the simple statement *nam quid ultra?* This in turn is bolstered by an elliptical reminder of the nature of Sulla's atrocities, which have gone so far as to eliminate all traces of human things and defile all things divine, stock attributes of the excessive tyrant. McGushin interprets *nam quid ultra* as "for what else is left to us", stating that this rhetorical question is designed to highlight the power gap between the oligarchy and the populace.[77] This is the thrust of the rest of the second section. *Nam quid ultra*, however, situated in the middle of the section, is meant to emphasize the larger choice facing the populace, which is necessitated by Sulla's actions and motivated by the dire situation currently facing the state. This rhetorical question is answered towards the end of the section with another question, *estne viris relicui aliud quam solvere iniuriam aut mori per virtutem?* (§15). The answer is clear, there is nothing left but to attempt to break the cycle of injustice or die trying.

In order to elucidate the extreme situation and justify his use of a *necessarium* argument Lepidus returns to the paternal and concerned tone of the opening lines, *populus Romanus, paulo ante gentium moderator, exutus imperio gloria iure, agitandi inops despectusque, ne servilia quidem alimenta relicua habet* (§11). As in §6, Lepidus appeals to the national pride of the audience. Furthermore, this appeal is not class specific, but rather applies to every stratum of society.[78] The loss of command, glory, and justice refers to the sharp curtailment of political opportunity in

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[77] McGushin (1992) 117.
[78] E. Pasoli, *Le historiae e le opere minori di Sallustio* (Bologna, 1974) 54.

the Sullan constitution, which along with the massive proscriptions severely debased the power of the nobility.[79] *Inops agitandi* functions in a similar fashion, referring to the restriction of the powers of the *tribunus plebis*, in particular their ability to enact legislation.[80] Finally, Lepidus brings up the concern of the lowest members of society, the grain dole, which had been abolished by Sulla in 81, and was now not worthy of even a slave – a further unsubtle reminder of the price of allowing Sulla to continue. Not only does Lepidus attempt to apply the issue to the entire Roman populace, he even brings up the situation of the Latins and the Italian allies who had been granted citizenship a decade earlier by the *Lex Iulia*, but had still not received this honor (§12).[81]

The appearance of the question of Latin and Italian citizenship might seem out of place at first glance; why would the Roman people be overly concerned with this affront to their neighbors while they themselves were in such a pitiable position? The key is Lepidus' presentation of the original grant of citizenship and the method and reason for Sulla's decision to withhold it:

> *Sociorum et Latii magna vis civitate pro multis et egregiis factis a vobis data per unum prohibentur et plebis innoxiae patrias sedes occupavere pauci satellites mercedem scelerum.*
>
> A great part of our allies and of the people of Latium to whom you gave citizenship in return for many distinguished services are robbed of it by one man, while a few of his minions, as a recompense for their crimes,

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[79] McGushin (1992) 118.
[80] McGushin (1992) 118.
[81] Although Lepidus does not state it overtly in this speech, and it is unclear whether or not Sallust ever directly addressed it in the *Historiae*, these issues, as well as the problem of resettling Sulla's veterans that is mentioned below, were the focus of Lepidus' legislation during his consulship.

> have seized the ancestral homes of the guiltless commons. (§12)[82]

The *Lex Iulia*, which granted citizenship to the Latin and Italian communities who fought on the side of the Romans during the Social War, is presented as a grant from the people. Although the law was in fact passed by the consul L. Julius Caesar in 90, Lepidus' assertion is consistent with his emphasis on the usurpation of civic rights by Sulla. The *Lex Iulia* was a law passed in due accordance with the Roman constitution, and its abrogation by one man is a direct negation of the *libertas Populi Romani*. This violation is reinforced by the structure of the sentence, with *a vobis data* directly contrasted by *per unum*, and again in §13 by a long list of civic rights, culminating in control over life and death, which are now the sole possession of Sulla.

This is not pure invective as in the first section, but rather Lepidus' attempt to demonstrate the necessity for action. As in the first section, Lepidus addresses the role of the Sullani in between his attacks on Sulla. The consul, using similar language to that in patriotic invective of §§2-4, states that a few of Sulla's minions have received the ancestral homes of the people as a reward for their crimes.[83] Here, Lepidus employs a standard trope in attacks against a government accused of corruption and oligarchy, one that is also seen in the speeches of Catiline and Memmius; namely, that the power that should be wielded by all members of the government is instead illegitimately focused in the hands of a few, designated by the

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[82] The communities that did not receive citizenship and lost territory in the redistribution of land to Sulla's veterans were in Campania, Latium, and notably Etruria, the eventual locus of Lepidus' revolution and still an area of discontent in the *Bellum Catilinae* (*BC* 28.4).

[83] Lepidus is referring to the redistribution of land to accommodate Sulla's veterans upon their return from the East.

phrase *pauci potentes*.[84] There is, however, a subtle shift in vocabulary. Instead of the standard *pauci potentes*, Lepidus retains the demeaning negative he assigned to the Sullani in §2, *pauci satellites*. This phrase further delimits the target of Lepidus' invective. He is not sending a broadside against the entire nobility as do Catiline and Memmius, but rather specifically targeting the few individuals who are complicit along with Sulla.

Lepidus concludes his condemnation of Sulla's accumulation of power with a stark visual reminder of the dictator's violent and tyrannical rule, *simul humanas hostias vidistis et sepulcra infecta sanguine civili* (§14). This image is parallel to the second half of the rhetorical question that began the denunciation of the Sullan regime in the second section, *quaeve humana superant aut divina impolluta sunt* (§11), and again focuses the audience on the proscriptions, and the tyrannical nature of the excessive and blasphemous bloodletting.[85] Following this, Lepidus echoes the first rhetorical question of §11, *nam quid ultra?* with a more specific rhetorical question, *estne viris reliqui aliud quam solvere iniuriam aut mori per virtutem?* (§15). This closes a chiastic formula for the center of the second section; two rhetorical questions that directly state the *necessarium* argument bracket two images of the proscriptions, which in turn bracket the censure of Sulla's possession of power:

A. *Nam quid ultra?*

B. ***Quaeve humana superant aut divina impolluta sunt? Populus Romanus, paulo ante gentium moderator, exutus imperio gloria, iure, agitandi inops despectusque, ne servilia quidem alimenta relicua habet.***

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[84] *BC* 20.7, 58.12; *BJ* 31.9, 20. Cf. also Sallust's own words *BC* 39.1; *BJ* 3.4; *H* 1.12.

[85] This description of the proscriptions is similar to Plutarch's account (*Sull.* 31-2), and consistent with Sallust's own narrative in the *Historiae* (*H.* 1.44, 47). Cf. McGushin (1992) 105-107; B. Maurenbrecher, *C. Sallusti Crispi Historiarum Reliquiae* (Leipzig, 1891-3) 17-18.

C. *Sociorum et Lati magna vis civitate pro multis et egregiis factis a vobis data per unum prohibentur, et plebis innoxiae patrias sedes occupavere pauci satellites mercedem scelerum.*

B. ***Leges iudicia aerarium*** provinclae ***reges penes unum, denique necis civium et vitae licentia: simul humanas hostias vidistis et sepulcra infecta sanguine civili.***

A. *Estne viris relicui aliud quam solvere iniuriam aut mori per virtutem?*

Finally, Lepidus concludes the section with an statement mirroring that of §7, *quoniam quidem unum omnibus finem natura vel ferro saeptis statuit, neque quisquam extremam necessitatem nihil ausus nisi muliebri ingenio expectat* (§15). The end piece of this formula is a striking step in Lepidus' argument and the first indication that his exhortation is intended to rouse the people to armed rebellion, albeit only by the veiled reference *ferro saeptis*. In fact, the language and tone of this exhortation is similar to both Catiline's first speech to his conspirators and Manlius' letter to Marcius Rex in the *Bellum Catiline*, which were both made when armed conflict was a foregone conclusion.[86] Furthermore, as in the first call to action in §7, there is an echo of Cato's *suppliciis muliebribus* in *muliebri ingenio*.[87] The intent is clear: Lepidus is doing everything in his power to convince the audience that action is the only possible recourse in the face of Sulla's tyranny. This argument is the most powerful and clearest expression of Lepidus' desire until the concluding line of the speech.

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[86] *BC* 20.9, 13; 33. Specifically, Catiline's rhetorical question *nonne emori per virtutem praestat quam vitam miseram atque inhonestam, ubi alienae superbiae ludibrio fueris, per dedecus amittere* (*BC* 20.9). McGushin (1992) 120 notes that the "tone" here is more consistent with the letter of Manlius, who represents himself as being pushed towards rebellion because of his desire for liberty. Ullmann (1927) 25 identifies this part of Catiline's speech as a *necessarium*.

[87] *BC* 52.29; Ullmann (1927) 31 also identifies this section of Cato's speech as *necessarium*.

At this point, the audience might very well be asking itself *nam quid ultra?* Halfway through his speech Lepidus has fully developed the basis for this argument. In the first section, he has presented himself as a concerned consul looking out for the best interests of the people in the midst of a dire predicament. This predicament has resulted from the actions of a tyrannical dictator, and the people, because of their positive qualities, are vulnerable to the unprecedented viciousness of their oppressor. For the reading audience, Lepidus' argument is bolstered by language that is consistent with Sallust's own opinion of both virtue and tyranny in his prologues and narratives. Furthermore, although the overall tone is that of patrician consul, it is impossible for Lepidus to avoid the rhetoric typical of *popularis* figures like Catiline and Memmius; there is no other way to rally the people against a corrupt and oppressive regime. The consul then uses this situation to present an exhortation couched in the terms of a *necessarium* argument. The people, having just recently witnessed the atrocities of the proscriptions, have abundant evidence of the consequences of inaction. It should be clear that they are in fact being treated as *hostes*, and that Sulla has accumulated all the powers of the state into his own person while he is despoiling them of their rights and property. The choice is clear – that there is in fact no choice but to take action and attempt to avenge the wrong done to them. Lepidus, however, has not completed his argument; there is still more fodder for his invective and even more examples to spur the populace into action.

§§16-19, §§20-24, and Lepidus' Conclusion

In his analysis of the structure of Lepidus' speech Ullmann observes that the third section (§§16-19) corresponds in meaning and tone with the first section, and the fourth (§§20-24) section does likewise with the second.[88] In the third section, which Ullmann labels as *civile*, Lepidus responds to the accusation that he is in fact acting in his own self-interests as a revolutionary. The consul answers this by repeating arguments similar to the first section and turning the accusation back against the dictator by maintaining that it is his civic duty to protect the people. In a similar manner, Lepidus uses the fourth section, which Ullmann somewhat oddly designates as *facile*, to elliptically demonstrate the potential for the people to obtain a positive result from undertaking the action encouraged in the second section. Finally, Lepidus concludes with an enumeration of his major points and one last rousing exhortation urging the people to follow their consul and regain their liberty. These sections, however, are far from complete recapitulations of the first half of the speech. Although the vocabulary and sentiments are similar, Lepidus adds a few more key arguments, which are especially important to identify when reading the speech as a programmatic statement for the rest of the *Historiae*.

The third section begins with Lepidus' response to the accusation that he is in fact acting seditiously by trying to rouse the people against Sulla, *verum ego seditiosus, uti Sulla ait, qui praemia turbarum queror, et bellum cupiens, qui iura pacis repeto* (§16). Lepidus, who is perhaps here anachronistically referring forwards to the accusations leveled against him in the speech of Philipus later in the *Historiae* (*H* 1.77), is faced with the same attack he directed against Sulla in the first section:

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[88] Ullmann (1927) 41-42.

that he is desirous of war and wants it for his own personal gain. Lepidus turns this accusation around by repeating the attacks against the dictator established in the first section: Sulla is so focused on his own position that he cannot think himself safe unless his minions benefit from the proscriptions and he himself plunders the property of the citizens as if they were conquered foreigners.[89] Lepidus must also address a more serious accusation, that he too profited from the proscriptions. Again, Lepidus attempts to turn this back on the dictator, arguing that the true crime is that Sulla forced him into this behavior, and that he plans on returning the property he has received (§18).[90] The issue is not so much the efficacy or method of Lepidus' argument, but the fact that he feels a need to make it at all. If Lepidus' speech is in part a programmatic statement, it cannot bode well for the position of the people, or in fact for the entire *popularis* sentiment, in the narrative of the *Historiae* that the representative of a *popularis* movement is legitimately forced to justify his contradictory behavior to the people.

Lepidus closes this section by introducing a new component of his argument, a hope that the future will see no further civil war:

> *Satis illa fuerint quae rabie contracta toleravimus, manus conserentis inter se Romanos exercitus et arma ab externis in nosmet vorsa. Scelerum et contumeliarum*

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[89] *Scilicet quia non aliter salvi satisque tuti in imperio eritis, nisi Vettius Picens et scriba Cornelius aliena bene parata prodegerint, nisi approbaritis omnes proscriptionem innoxiorum ob divitias, cruciatus virorum illustrium, vastam urbem fuga caedibus, bona civium miserorum quasi Cimbricam praedam venum aut dono datam* (§17).

[90] Lepidus' response is convoluted, and rife with textual problems. Syme (1964) 186 dismisses the argument as a flimsy attempt to justify his behavior and establish a *popularis* program. McGushin (1992) 120-1, on the other hand, believes that Lepidus is expressing "genuine distaste for the type of action which the regime forced on otherwise upright citizens."

> *omnium finis sit; quorum adeo Sullam non paenitet ut et facta in gloria numeret et, si liceat, avidius fecerit.*
>
> Let it be enough to have endured what our frenzy has brought about – Roman armies pitted against each other, our arms turned away from the enemy and against ourselves. Let there be an end to crimes and all outrages; of which, however, Sulla is so far from repenting that he counts them among his titles to glory, and, if he were allowed, would more eagerly do them again. (§19)

This might be a reasonable statement from the viewpoint of the fictional audience, but the reading audience is well aware that the end result of his program is a pitched battle outside the gates of Rome. In fact, Lepidus shies away from overtly stating this aspect of his plan, only alluding to the potential necessity of his advised actions leading to armed conflict (§1, §15). More disturbing is the underlying implication of Lepidus' statement. He has already established that a *scelerum et contumeliarum omnium finis* can only be achieved through action, specifically the people either ending the injustice or dying virtuously in the process (§15). Despite the lack of specificity, it is difficult to read this as anything less than an understanding that some violence must occur in order to accomplish a return to liberty. Nevertheless, Lepidus places this call for an end to Sulla's crimes and outrages after his statement that there be no further civil war. Although on the surface these hopes do not conflict, the observant audience must realize that Lepidus' argument is internally flawed; just as action is the only possible option for the populace, that action can be nothing but some sort of armed response.[91]

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[91] cf. §15

The fourth and final section (§§20-24) of the *tractatio* of Lepidus' speech returns to the sentiments expressed in the exhortation of the second section, specifically the call for daring on the part of the people (§15). Here, Lepidus asserts that as long as the people dare to unite under one leader they will be successful against Sulla, who has been rendered ineffectual by his corruption.[92] As in §1 and §15, Lepidus chides the people for their hesitation, saying that it is both the cause of their own predicament and the greatest source of Sulla's power.[93] Furthermore, just as he has done in every section, Lepidus attacks Sulla through his minions, here described as *satellites commaculatos*.[94] Here, however, Lepidus departs from this familiar argument and adds a hitherto unmentioned component, the Roman army:

> *Nam praeter satellites conmaculatos quis eadem volt aut quis non omnia mutata praeter victoriam? Scilicet milites, quorum sanguine Tarrulae Scirtoque, pessumis servorum, divitiae partae sunt*?

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[92] *Neque iam quid existumetis de illo, sed quantum audeatis vereor, ne alius alium principem expectantes ante capiamini, non opibus eius, quae futiles et corruptae sunt, sed vestra socordia, qua raptum ire licet et quam audeas, tam videri felicem.* (§20).

[93] Again, this section is similar to the *necessarium* section of Cato's speech in the *Bellum Catilinae* (*BC* 52.28).

[94] §21 The progression of Lepidus' invective against the various *satellites* follows a steady downward spiral. The *satellites* in the first section are all consulars, scions of great families and the highest ranking officials in the Sullan regime. In the second section they remain unnamed, but the *satellites* in the third section Vettius Picens and the scribe Cornelius (§17) are of distinctly lower social status. Pasoli (1974) 59 notes that that the order of *scriba Cornelius* adds a demeaning tone to the title. Finally, the last *satellites* encountered are Tarrula and Scirtus, described in the lowest terms as *pessimis servorum* (§21), and Fufidius, who is designated as a *ancilla turpis, bonorum omnium dehonestamentum* (§22), perhaps the most vicious piece of invective in the entire speech. The invective against Sulla, although extremely strong from the onset, remains steady throughout the speech; his followers do not fare so well, which is a further diminution of the tyrant's power base. In fact, part of Lepidus' final argument is that Sulla is vulnerable because all he has as a bulwark against the people are these vile *satellites* (§21).

> For with the exception of his crime-stained minions, who is on his side or who does not desire a complete change, retaining only the victory? Think you it is the soldier, at the price of whose blood riches are won for vile slaves such as Tarula and Scirtus? (§21)
>
> *Itaque maxumam mihi fiduciam parit victor exercitus, quoi per tot volnera et labores nihil praeter tyrannum quaesitum est. Nisi forte tribuniciam potestatem evorsum profecti sunt, per arma conditam a maioribus suis, utique iura et iudicia sibimet extorquerent: egregia scilicet mercede, quom relegati in paludes et silvas contumeliam atque invidiam suam, praemia penes paucos intellegerent.*
>
> Thus I rest my greatest confidence in the victorious army, which has gained nothing by so many wounds and hardships save a tyrant. Unless haply they took the field to overthrow the power of the tribunes, which their forefathers had established, and to rob themselves with their own hands of their rights and jurisdiction; richly rewarded, no doubt, when, banished to swamps and woods they find that insult and hatred are their portion, that a handful of men gain the prizes! (§§22-23)

Lepidus slyly incorporates the army into his speech by putting forth absurd statements introduced by *scilicet* and *nisi forte*.[95] On the surface, this is just part of his *facile* argument; even the soldiers can't be expected to support the tyrant, and the potential for their support lends credibility to Lepidus' claims that the people can overthrow Sulla and regain their rights. Lepidus' introduction of the military is couched in the same terms used to describe the predicament facing the people. They have been abused by Sulla, and instead of being justly rewarded for their services are instead despised, settled in swamps, and have seen their rewards transferred into the hands of a few men. Furthermore, just as in Lepidus' earlier praise of earlier Romans' defense

[95] As in §§7, 17, 21, 23, and 24. McGushin (1992) 123-4.

of liberty (§§3-4), the soldiers' forefathers honorably fought to achieve the liberty that should be enjoyed today, symbolized by the office of tribune. It is difficult to tell how accurate Lepidus' presentation of the soldiers' situation is, and in fact Sallust's own mention of the rewards given to Sulla's soldiers seems to temper the portrayal.[96] Nevertheless, by using the same terminology and arguments as he applied to the people earlier, Lepidus implicitly places the soldiers in a position where they too have a choice between servitude and fighting for freedom. Thus, if the same argument applies to the soldiers as well as the populace, it is possible to interpret this section as a subtle recruitment of the veterans.

The last sentence of the section (§24) reiterates many of the points already made, and provides a bridge to the final enumeration of the argument. This is introduced by another rhetorical question, *quare igitur tanto agmine atque animis incedit?* Quickly answered by the consul, *quia secundae res mire sunt vitiis obtentui*, and then just as quickly refuted, *quibus labefactis quam formidatus est, tam contemnetur*. This is an encapsulation of a large part of Lepidus' argument. Sulla's successes provide a cover for and protection for his crimes (§1, 6, and 8), but the entire purpose of the consul's speech has been to reveal these underlying crimes, expose Sulla for the tyrant he is, and thus enable the people to take action. Again, Lepidus demonstrates the duplicity of Sulla' show of confidence with another sarcastically absurd statement, *nisi forte specie concordiae et pacis, quae sceleri et parricidio suo nomina indidit*. *Concordiae et pacis*, like *otium cum libertate* earlier (§9), is a play on the *optimate* slogan *pax et concordia*, used to symbolize harmony at

[96] *BC* 28.4, 37.6, although it is interesting to note that Sulla's veterans appear more than ready to join Catiline's revolt.

home and abroad.[97] Here, Lepidus is not employing a slogan for his own cause, but rather accusing Sulla of misappropriating the slogan in order to cover up his crimes. The exact meaning of this misappropriation is made clear in the conclusion to the main body of the speech as Lepidus continues to hammer home Sulla's blatant misrepresentation of his actions and the true nature of his tyranny, *neque aliter rem publicam et belli finem ait, nisi maneat expulsa agris plebes, praeda civilis acerbissuma, ius iudiciumque omnium rerum penes se quod populi Romani fuit.* This reiterates the list of civic rights usurped by Sulla in §12 and combines it with the theme of the plundering of the citizenry in §5, 7, 17, and 18. This is a tidy summation of Lepidus' argument, and leads the audience into one final exhortation to action.

As has been his style throughout, Lepidus begins his conclusion by presenting the audience with an unreasonable option,

> *quae si vobis pax et conposita intelleguntur, maxuma turbamenta rei publicae atque exitia probate, adnuite legibus impositis, accipite otium cum servitio, et tradite exemplum posteris ad rem publicam suimet sanguinis mercede cicumveniundam!*
>
> If this seems to you to be peace and order, show your approval of the utter demoralization and overthrow of the republic, bow to the laws that have been imposed on you, accept a peace combined with servitude and teach future generations how to ruin their country at the price of their own blood. (§25)

Here, he plays again on the slogan *pax et concordia* with *pax et composita*, reinforcing his accusation that Sulla has misappropriated the phrase, as well as reworking the catchphrase *otium cum libertate* into *otium cum servitio*, a complete

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[97] Wirszubski (1954) 5; Hellegouarc'h (1963) 557; McGushin (1992) 124-5.

expression of the people's position and the consequence of inaction. There is further reworking of the earlier themes. Lepidus' fear that the people will be entrapped by Sulla (§1) is combined with his use of historical *exemplum* (§4) to create the absurd potentiality of the current generation handing down a warped *exempla* to their descendants. This is in fact a strongly programmatic statement and an ominous foreshadowing of the decisions that will face Roman citizens throughout the narrative of the *Historiae*. Although many of Sulla's reforms, the *leges impositae*, will gradually be repealed over the next decade, the majority of citizens will, with the notable exception of Sertorius, accept the continuation of dominance by the Sullani until the upheaval of the Catilinarian conspiracy and the events leading up to civil wars of the 40's. Lepidus, however, finishes his speech with a more noble sentiment. First, he presents himself as a man who, although he has reached the pinnacle of his career and satisfied the demands of his lineage, is willing to sacrifice his calm servitude for a dangerous freedom (§25). Finally, Lepidus concludes with a formulaic prayer and one final exhortation, *quae si probatis, adeste, Quirites, et bene iuvantibus divis M. Aemilium consulem ducem et auctorem sequimini ad recipiundam libertatem!* Unfortunately, the people do not heed the advice of their consul.

Conclusion

Lepidus' speech is remarkably self-consistent in its portrayal of the situation. Although the invective is at times hyperbolic, particularly in the initial categorization of Sulla as a tyrant and some of the later attacks on the *satellites*, Lepidus often manages to retain the overall tenor of a consul, a concerned patrician looking out for

the best interests of the people. Nevertheless, the consul does blur the line between reform and revolution, and the reading audience's knowledge of the eventual attempt at insurrection inevitably shades opinion in that direction. Concerns, however, should be raised by some of Lepidus' personal interjections in the speech. At §18 the consul feels a need to justify his participation in the proscriptions, and although his argument is probably as convincing as possible considering the situation, it still falls under the unsatisfying rubric of "I was just following orders". This is compounded by his statement in §26 that although he is satisfied with his election to the consulship, he will nevertheless undertake great dangers for the cause of the people. This seems like a sudden change of heart for someone who up to this point has been a career politician, choosing sides depending on personal profit and safety. The answer lies in Sallust's decision to sacrifice chronology for the sake of artistry. Lepidus could not possibly have made such a speech at the advent of his consulship, with Sulla still alive and his minions in power. What could he hope to accomplish by suddenly coming out as a vehement *popularis* advocating extreme measures? In fact, Lepidus' real revolution would not occur for another year, and would be fomented with the aid of discontented Etrurians and not the Roman people. Furthermore, it was a miserable failure, and although some of Lepidus' reforms were accomplished, he is known more for his ignominious defeat and death in Sardinia.

Sallust, however, makes better use of the ill-fated revolutionary. Lepidus' speech is a continuation of the historical model established in the monographs and the introduction to the *Historiae*, and serves to present this model in a particularly effective fashion. Using vocabulary and concepts that are consistent with both

Sallust's own writing and the rhetoric of republican Rome, Lepidus is able to enunciate a specific set of circumstances from a unique perspective. Consider the situation presented by Sallust: a consul, the scion of an impeccable lineage, presents a revolutionary *popularis* argument at the advent of the era that would see the greatest upheaval in the history of the republic. In this program, Lepidus attempts to portray to his audience a situation that is the complete inverse of what the republic should be. The government, led by Sulla and his select band of cronies, is treating the people like foreign enemies, plundering them for personal gain and with complete disregard for liberty. The people must then, by necessity, live up to the example of their ancestors and overthrow the government. Lepidus, however, is himself an unexpected presenter of such a *popularis* sentiment. The problems that he establishes - the subjugation of the people, the abrogation of the constitution by power hungry people, corruption in all levels of society, and the constant striving for individual success at the expense of the common good - are the themes that will dominate the narrative of the *Historiae*. In addition, Lepidus himself serves a programmatic function. He foreshadows the long succession of politicians who will deftly manipulate both *popularis* and conservative rhetoric to serve their needs. Lepidus' actual revolt was based on conflict with his consular colleague and the desire to maintain the power he had already achieved. This is not lost on either Sallust or his audience, and although the speech is both powerful and effective in portraying the situation, it is impossible to escape the fact that it, and the program he advocates, is both a fiction and a failure.

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