Marins and the Tribunate

How dost thou wear and weary out thy days,
Restless Ambition, never at an end!

Samuel Daniel (1562–1619)

Introduction

Because of an understandable lack of material, the ancient sources have little to say about Marius' public career before his appointment as senior legate to Q. Caecilius Metellus Numidicus, just before the beginning of Numidicus' campaign against Jugurtha. Cicero (Leg. 3.38–39) mentions a tribuniciain law and the spectacular double repulsa for the aedileship (Planc. 51); 1 Sallust (lug. 63.4: 'Deinde ab eo magistratu [trib. mil.] alium post alium sibi peperit semperque in

potestatibus eo modo agitabat, ut ampliore quam gerebat dignus haberetur’) seems to suggest a long string of lesser magistracies, but specifies only the military tribunate; Valerius Maximus (6.19.4) lists junior offices in a rather dubious and probably unhistorical context; Velleius (2.11.1) and Diodorus (34–35.38.1) merely comment on an equestrian background. Only Plutarch devotes a relatively detailed account to Marius’ year as tribune of the plebs, a public office which was increasingly employed by republican politicians throughout the second century for cultivating popularity among the electorate. Plutarch probably obtained his information from the histories of Fenestella and Livy, for it is not likely to have featured to any extent in the memoirs published by various politicians who were active in this period. In comparison to other writers and to his own coverage of Marius’ other pre-consular offices, Plutarch devotes a disproportionate amount of space to Marius’ tribunate. The intention seems to have been to illustrate two apparently contrasting episodes in which, as we shall see, Marius was the protagonist (Plut. Mar. 4.2–4).

The year of 119 has a fascinating mixture of events which prove that political activities at Rome were once again brisk and evidently fully recovered from the nearly disastrous civil commotion of 121. Marius’ tribunate has already been discussed above, but some points are worth reiterating since they tie in well with this examination of Marius’ link with tribunes of the plebs and their various aims and methods. Marius’ law narrowing the voting pontes was passed, but only after the threatened imprisonment of the consuls L. Aurelius Cotta and L. Caecilius Metellus Deltamicus, a procedure which had not been attempted since the 130s.² A charge of repetundae or maiestas was brought by the young L. Licinius Crassus (cos. 95) against C. Papirius Carbo (cos. 120), which resulted in this consular’s condemnation and suicide (Cic. Brut. 106).³ Q. Mucius Scaevola (cos. 117) was also accused of extortion on his return from his praeproetorian command in Asia, but was acquitted (Cic. Brut. 102).⁴ A proposal to increase or decrease the extent or price of the cheap corn quota, which was available to all Roman citizens, was defeated in a legislative comitia after Marius had spoken against the measure. On the face of it, it looks as though the anti-Gracchan sentiment of the previous year had spent its energy, and that the normal cut and thrust of republican politics had reasserted itself.

² The consuls of 138, P. Cornelius Scipio Nasica and D. Junius Brutus Callaicus, were forcibly detained by the tribunes for insisting that the levy for the war in Spain be continued in the face of widespread opposition, MRR 1.483. It is interesting to note that Plutarch claims that the tribunician college was united behind Marius, Mar. 4.3. It may be that the issue at hand was tackled in concert, with Marius as the chosen mouthpiece. Against the combined pressure of all ten tribunes the resistance of the consuls was short-lived and probably cosmetic.

³ MRR 1.526 and n. 2; Gruen, RPCC 108–109; Sumner, Orators 96.

Badian has described Marius’ voting bill as a radical measure, although it is difficult to see how he arrives at this conclusion; it certainly does not emerge from a reading of the ancient evidence. The width of the voting pontes was adjusted to prevent voter intimidation and, as the reverse type of the denarius of P. Licinius Nerva shows, the custodes now had to stand below the pons. Verbal abuse of voters was still feasible but physical harassment had been curtailed. The law was obviously intended for all forms of comitia, not primarily elections as Gruen maintains. Marius’ later fame, due partly to his relationship with Caesar, and his legendary place among exponents of ‘popular’ politics has transformed this law from minor league legislation into the realms of grand strategy, and an assault on the powers of the senate. Of course, Plutarch by himself, or through his use of prejudiced source material, is to blame for this disinformation because he appears to place Marius’ bill in the same category as the lex Gabinia, the lex Cassia tabellaria and the lex Papiria, though quite patently none of these innovatory measures undermined the fundamental structures of the res publica. Plutarch implies that Marius sought to strengthen the power of the populus at the expense of a wealthy minority, hence the accolade to the effect that he did not fear senior politicians nor did he have respect for their auctoritas (Mar. 4.3). However, as Pelling has shown, we should be aware of the fact that Plutarch is always keen to portray republican politics in terms of constant clashes between the senate and the people. Plutarch’s representation may not be completely tendentious, but it is definitely very misleading. Moreover, Marius was probably not overly concerned about the consequences of a law which made such a small alteration to the already existing voting arrange-
ment. And the law itself may not even have been aimed exclusively at decision-making of any kind, but was instead a ploy to maintain a high public profile with a view to other electoral successes in the future.\footnote{11}

Later in the year Marius successfully contested the motion of, presumably, a fellow tribune which would have affected the distribution of free or cheap corn to the citizen body.\footnote{12} Although the corn-dole had already emerged as a feature of tribunician activity, it was not yet the common and highly contentious issue it was later to become.\footnote{13} It is therefore a sad loss indeed that Plutarch should have chosen not to enlighten his evidence more fully about this affair. The identity of the other tribune in particular would have been of great interest.\footnote{14} It may at least be inferred from his account that Marius contested a more generous distribution of corn than was already in force under the terms of the \textit{lex Sempronia frumentaria}.\footnote{15} Yet the law of C. Gracchus had already signified a profound change from the operation of free-market forces, and heralded the beginning of strict official intervention by regulating the retail price of corn.\footnote{16} It seems hardly possible that a more generous and costly form of state-subsidized distributions would have gone uncontested given the mood of the senate following the suppression of the Gracchan \textit{sedition} less than two years previously. The defeat of a radical bill would certainly have increased Marius' standing with his fellow senators.

\footnote{11} It is by no means improbable that the tribunes drew lots to decide which of their number was to present this bill. The risk of failure was negligible, but the prestige associated with its success would have been useful to the politician chosen as the spokesman.

\footnote{12} I see no conflict here with my suggestion of united tribunician action regarding the voting \textit{pontes}. Such unity need only have been temporary, especially if the corn-dole measure dates to late in the same year.

\footnote{13} The earliest \textit{lex frumentaria} was that of C. Gracchus, which remained law until replaced by the more stringent \textit{lex Octavia} between 99 and 92. H. B. Mattingly, 'Saturninus' Corn Bill and the Circumstances of his Fall', CR 19 (1969) 268; Sumner, \textit{Orators} 115; Rickman, \textit{Corn Supply} 165.

\footnote{14} For this measure see Rickman, \textit{Corn Supply} 166–173. In 58 P. Clodius passed a law allowing free distribution of corn to all citizens resident in the city.

\footnote{15} Such a proposal would have well suited the career of P. Decius Subulo, whose unsuccessful prosecution of L. Opimius (cos. 121), MRR 1.523–524, marked him as a politician who felt that he might benefit from a display of pro-Gracchan sympathies. Subulo's tribunate is securely dated to 120, however, and he may well have been a friend and ally of Marius at this stage, Badian, 1956: 94. In the same year the tribune L. Calpurnius Bestia (cos. 111), another newcomer to politics, secured the recall to Rome of P. Popillius Laenas (cos. 132) who had been exiled under another law of Gracchus, Plut. C. Gracch. 4.2, a further indication of the backlash which followed the upheaval of the previous year. Note also Wiseman, \textit{New Men} 5, on the proximity of the \textit{lex Maria} to the acquittal of Opimius. Marius' law could have been intended to facilitate the conviction of prominent politicians who might otherwise be tempted to bribe both the \textit{custodes} and the voters.

\footnote{16} Each citizen was entitled to a certain amount of corn at a fixed price of six and one third \textit{asses per modius}. Although the number of \textit{modii} is not attested for the 120s, Rickman, \textit{Corn Supply} 159, this was stipulated at five for each man who qualified under the terms of the \textit{lex Terentia Cassia} in 73, Mattingly, CR 19 (1969) 268 n. 4; Rickman, \textit{Corn Supply} 168. Since the price in 73 was the same as fifty years before, the amount of corn was also no doubt unchanged.
However, Plutarch’s evidence could be interpreted in exactly the opposite way, for it is not unimaginable that Marius came to the defence of existing legislation against a measure designed to reduce the cost of treasury-funded handouts of corn. Such a move is surely not impossible to contemplate, for it would not have been out of place in the weeks or months that followed the attacks on opponents of Gracchus such as Opimius and former allies such as Carbo. An ambitious tribune may have been seduced by the prospect of instant fame concomitant with the repeal of this major piece of Gracchan legislation, though such a bill would also have encountered strong opposition and not stood much chance of becoming law. Plutarch may have misread his evidence for the affair over the corn law, especially since Marius, an equally ambitious and aspiring politician, would have recognized the popularity to be gained from linking his name with the Gracchi. While this course may have endeared him to the urban populace, it would have endangered future prospects of higher office. Marius’ failure to secure the aedileship might just suggest that he had antagonized the more influential members of the community whose support was crucial in all elections. His double repulsa in 117 could be related to his espousal of Gracchan policies in 119, even if this had been a marriage of convenience and of transitory duration. Moreover, Cicero’s failure to note Marius’ action against a proposed corn law as an exemplum of responsible leadership therefore possibly indicates that Marius defended the recent Gracchan law late in the year as a way of further establishing his credentials for independent action. Any assessment of Marius’ tribuniciam activities is clearly not the open-and-shut case it has appeared to be.

The evidence for Marius’ political stance in 119 from Plutarch’s account

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17 For the operation of the law see Rickman, *Corn Supply* 158–161, who describes the law as ‘epoch-making’ and that the ‘monthly provision of corn’ avoided a seasonal fluctuation in prices.
18 Cicero frequently employs Marius as an exemplum in his works, Carney, *WS* 73 (1960) 83–122. Opposition to a proposal such as the one outlined by Plutarch could have been used when attacking the measures of other irresponsible tribunes such as the agrarian bill of P. Servilius Rullus in 63. The failure to exploit Marius’ action in 119 is puzzling, and implies that it had either been forgotten or had, indeed, been a justification of the Gracchan law which Cicero chose to ignore.
19 Gruen, *RPCC* 119, sees Marius’ opposition to the corn law as an indication of his connection with the equites who stood to lose by a more generous dole system. It hardly needs to be restated that Marius did not possess a monopoly of ties with the equestrian order. Furthermore, this or any other piece of legislation about a corn-dole did not grossly undercut the profits of the corn dealers who were still able to make large profits on the open market. Rickman, *Corn Supply* 160, suggests that the negotiatores could keep their prices high even when the state sold at a much reduced price because the subsidized corn did not fulfil the entire nutritional requirements of any one family unit, which still needed to buy in the market-place. A more generous handout would probably have affected the pockets of the equites only marginally, but a stricter interpretation of the law would certainly have been financially advantageous to these businessmen.
depends largely on the meaning he wished to convey from his use of τὸ σομφέρον (Mar. 4.4). This is rendered as ‘common good’ in English editions of the biography of Marius, though ‘expediency’ is perhaps a more rigorous translation.

When a bill concerned with corn distribution to the citizens was presented, he opposed the measure in such a vigorous fashion that he ensured its failure, and established for himself an equal respect of both (sections of the community) as favouring neither against expediency.

Marius contested the proposed corn law against ‘expediency’, and so won the applause of both sections of society. It may be presumed that the wealthier elements in society in particular would have been appeased if he fought against an extension of the corn-dole, having first won acclaim from the populace for his voting law. And this is the general opinion about his actions in this year.

However, if it was expedient to support this measure why did he oppose it? Assuming that the proposal was for an extension of the corn-dole, it was to his advantage to oppose it, which would have pleased Rome’s equites and would merely have cost him the admiration of the urban crowd, whose influence in elections was anyhow less important. But, as I have suggested above, his voting law cannot be regarded as especially radical, and cannot have won him much of a reputation among common folk as a demagogue. Thus there seems to have been little support from that quarter to lose. It was therefore expedient to contest a measure designed to make the corn-dole more generous, but he would have disadvantaged himself by fighting a proposal limiting the corn-dole, which is surely what he did late in 119. By this action he would truly have shown himself to be beyond the clutches of an established senatorial family such as the Caecilii Metelli, with whom he had recently parted company. Had Marius courted Gracchan methods, even briefly in 119, his failure to win either of the aedileships in 117 may have been the readily explicable sequel.20

Carney and Gruen have argued that Marius’ exploits in 119 need not be construed as lacking in consistency,21 and within the framework of

20 The corn-dole was evidently not regarded with the same hostility as the lex agraria of Ti. Gracchus since it survived unaltered for another twenty years at least. Furthermore, support for this law may not have been brought odium upon Marius for its repeal would undoubtedly have led to a resurgence of civil unrest. Support for the lex Sempronia frumentaria might actually have been perceived in all quarters as upholding peaceful conditions in the res publica. Cf. F. B. Marsh, ‘In Defense of the Corn-Dole’, CQ 22 (1926-1927) 24-25: ‘... the corn-dole was a bribe to the populace ... If the proletariat could not be eliminated, it could, at least, be rendered comparatively harmless ...

21 Carney, Marius 20; Gruen, RPCC 119 n. 71.
republican politics championing one motion and attacking another would not have caused anxiety about his political skills. In Marius’ case, however, consistency seems to be the record of his tribunate, by first promoting greater efficiency in the voting process, and then by lending his support to an existing popular law. Like others before and after him, nonetheless, he learned that, as Cicero was later to argue (Off. 3.2–3), ‘the good man might pursue the right (‘honestum’) and the expedient (‘utile’) indifferently because, in the end, they were the same’.22 It was unwise not to follow the route of expediency since it might adversely affect future chances of election to more senior public offices.23 Cicero, whose career was characterized by great shifts in political attitudes and policy, was, in terms of the rate that he acquired magistracies, a far greater success story. As Balsdon says, Cicero found it no great hardship to tailor his coat to suit the prevailing political mood, but Marius also learned well from the mistakes he committed early in his career. From the time he gained the praetorship, he was not to set a foot wrong until he reached advanced old age.

Adapting to differing circumstances would have illustrated a certain amount of acumen. Wirszubski, in his study of dignitas, was able to show that while a divergence existed between what he termed ‘political prestige’ on a philosophical and on a practical political level, as far as Cicero was concerned dignity had little to do with the modern concept of ‘integrity of character or devotion to duty’.24 A politician’s fame was assessed in terms of the honours he gathered, whether in the city or from military campaigns, and the contribution he made to the gloria of Rome. If he was sometimes unscrupulous, this does not seem to have been a source of much concern to contemporaries because the final result was considered to be of greater

23 Both Q. Caecilius Metellus Macedonicus (cos. 143) and the younger Cato learned the hard way. Macedonicus suffered two humiliating repulsae in consular elections on account of his severitas, which had made him unpopular, Liv. Oxy. Per. 52; Val. Max. 7.5.4; Vir. Ill. 61.1; Broughton, Candidates 8–9; Evans, Acta Classica 34 (1991) 117. Cato’s rigid outlook cost him dear in the elections for 51, Plut. Cato Min. 49–50; Dio, 40.58; MRR 2.240–241; Broughton, Candidates 15; Evans, Acta Classica 34 (1991) 123; R. Syme, ‘A Roman Post-Mortem: An Inquest on the Fall of the Roman Republic’, in Essays on Roman Culture: The Todd Memorial Lectures, ed. A. J. Dunston, Toronto & Sarasota 1976, 146: ‘Cato in his own life-time incurred blame for that inflexible spirit (or noble obstinacy) which denied all compromise ...’. That Cato achieved such renown shows how unusual a phenomenon he was in republican political life. Marius’ consistency did not last long beyond his tribunate.
24 Ch. Wirszubski, ‘Cicero Cum Dignitate Otium: A Reconsideration’, JRS 44 (1954) 12; Syme, RR 320–321. Cicero admitted that he and others were forced to adapt to changes in the political environment whether they liked these or not, Fam. 1.8.3–4, 1.9.21, 7.33.2; Att. 2.1.8, 2.16.4, 4.6.1. In an obviously ironic remark to M. Juventius Laterensis, Plute. 91, Cicero shows how complete independence of action was largely unattainable in republican politics: ‘Nam quod te esse in re publica liberum es gloriatus, id ego et fatoer et laeot et tibi etiam in hoc gratulor ...’.
significance. Marius certainly proposed a voting law, the significance of which, however, has been over-emphasized. He either fought against or supported the principle of the corn-dole, yet both acts would have won him a prominent place in the minds of the electorate. More importantly, Plutarch gave his Marius a sufficiently deep and devious intellect, which could be developed later (Mar. 29.4, 30.2, 31.3), and which was an absolute necessity for success in the convoluted politics of the day. The value of the information from Plutarch is really double-edged. The voting law was historical, but the account concerning a *lex frumentaria* is of a different calibre entirely. The possible presence of *topoi* in the account of this tribunate points to creative material inserted to serve the author’s portrayal of his subject. As historical evidence it deserves to be treated cautiously, since more than one permutation may be advanced for its meaning. Furthermore, when cognizance is taken of the range of his tribunician activities, which were neither wholly radical nor conservative, and of perceptions hitherto too reliant on Plutarchian and Sallustian *topoi*, Marius merges rather more gracefully into the oligarchic system in which he operated. His early career deviated little from what was currently fashionable, while his political ambitions were motivated, like those of his fellows, by a desire for personal honours attained through the possession of political offices.

**From Memmius to the Piracy Law**

Tribunician activity would appear to have been virtually moribund in the years between 118 and 111; and Sex. Peducaeus in 113 is the sole attested tribune. Yet *L. Licinius Crassus* agitated for the foundation of the colony at Narbo during this decade. Several politicians who were to become prominent members of the senate issued denarii as moneymakers, including Q. Caecilius Metellus Nepos (cos. 98) in 117 or 116, Cn. Domitius Ahenobarbus (cos. 96) in about 116 and Ap. Claudius Pulcher (cos. 79) in 112 or 111. The notorious trial of the three Vestal Virgins took place in 113, and must surely have been one of the highlights of domestic politics in that year. It is arguably futile to theorize about the possible identity of politicians who may have served as tribunes at this time but, in terms of the most advantageous time for holding a tribunate, it is likely that individuals such as Q./L.? Hortensius (cos. des. 108), L. Cassius Longinus (cos. 107) and C.

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25 MRR 1.536.
28 MRR 1.537; E. S. Gruen, 'M. Antonius and the Trial of the Vestal Virgins', RhM 111 (1968) 59-63.
Atilius Serranus (cos. 106) were all active in this capacity. Sp. Thorius, possibly tribune a year or two before 111, must have caused a storm of controversy with his law which terminated the work of the Gracchan land commission (App. BC. 1.27). Nothing is known about Thorius’ career either before or after his tribunate, but reference to him by Cicero (Brut. 106) suggests that his birth belongs to the 150s or early 140s, and that he was a contemporary of a politician who was to make quite a name for himself in 111. It is surely apparent that tribunes were active at this time but their measures or proposals have failed to survive in any of the sources.

The actions of tribunes are spotlighted again in the person of C. Memmius who clearly caused a furore by insisting that Jugurtha be brought to Rome to answer allegations of receiving bribes from senior members of the senate (lug. 27.1, 29.1–5, 32.1). The king of Numidia was given a guarantee of immunity from prosecution and escorted to Italy by the praetor L. Cassius Longinus, but was ultimately not obliged to disclose his senatorial contacts since another of the tribunes, C. Baebius (Tamphilus), interposed his veto in the public proceedings (lug. 34.1–2). Memmius might have followed the precedent set by Ti. Gracchus in demanding, from the concilium plebis, that Baebius be deprived of his office, but he speedily drew back from this hazardous move and thereby avoided a grave constitutional crisis. It may be assumed that Baebius was merely one of a number of tribunes who could be called upon to intervene on behalf of Jugurtha and his associates, which made a protracted effort by Memmius a rather fruitless exercise. The extent of the malpractice and senatorial involvement was never revealed. Memmius—whose description by Sallust (lug. 27.2) as ‘vir acer et infestus potentiae nobilitatis’, a characterization which has since been challenged—has

29 MRR 1.541 and n. 3, dated to 111; cf. 3.205, with the date uncertain; Gruen, RPCC 100–102; R. Develin, ‘The Lex Agraria of 111 B.C. and Procedure in Legislative Assemblies’, Antichthon 12 (1978) 45–46.
30 Sumner, Orators 91, cautions against too precise a dating for Thorius since Cicero, in the Brutus, is rarely chronologically exact. However, his inclusion alongside C. Memmius (trib. 111) does indicate that Cicero thought of them as of roughly the same age. The moneyer, L. Thorius Balbus, dated by Crawford, RRC 1.323, no. 316, to 105, was surely a close relative.
31 Probably a Baebius Tamphilus, brother of the tribune of 103, MRR 3.33, and related to the moneyer of 137, Crawford, RRC 1.268, no. 236. Cf. Paul, Commentary 105, who considers Baebius too common a name to speculate about his identity. However, for the few senatorial Baebii, mostly Tamphili, in the republic see MRR 2.537.
32 Paul, Commentary 102, suggests that Memmius’ intention was to air the dirty linen of the senate in public without forcing the issue of Jugurtha’s testimony and, if so, a costly imposition on the public purse. Memmius achieved his prominence without having to progress further, as Paul also argues, Commentary 103, when he refers to the tribune’s ‘concern for the senatus auctoritas’ (lug. 31.25).
33 Gruen, RPCC 140–141; Paul, Commentary 88.
no known connection with Marius and, indeed, as a candidate for the consulship in 100 was conspicuous as an opponent of Saturninus and Glauceia, who probably connived at his murder. Nonetheless, it can hardly be coincidental that Sallust chose to describe Marius as ‘infestus nobilitati’ (lug. 84.1) after his triumphant election as consul for 107. Sallust was not severely limited in his choice of adjectives for politicians at odds with senior senatorial figures, and he surely intended Marius’ political activities to be linked, in tenor at least, with those of the audacious tribune of 111.

Curiously enough, if Plutarch (Apothegm. Scip. Min. 17) and Frontinus (Strat. 4.1.1) are to be believed, Memmius had also served in the Numantine expedition under Scipio Aemilianus. He would therefore have been more or less the same age as Marius. Holding a tribunate in one’s mid­forties was not that unusual, and campaigning for the consulship towards the age of fifty-five not without precedent. Sallust’s portrayal of Memmius as a forceful and eloquent politician (lug. 30.4: ‘Romae Memmi facundia clara pollensque fuit’) initially seems to weigh against a man of more mature years. However, Plutarch’s account of Marius’ tribunate, held in his late thirties, also stresses the physical and vocal powers of his subject, which illustrates that youth alone was not regarded as a prerequisite for vigour and an impressive performance in contiones. When compared with that of his peers, Memmius’ career was not greatly retarded, and a military tribunate in 134 followed by a tribunate twenty years later is not sufficient reason for assuming that the officer at Numantia and the tribune of 111 should have separate identities. A public humiliation in Spain might well have made him refrain from a public career until middle age brought respectability, but may also have given him cause for his celebrated hatred of certain members of the senate. Memmius is not a major figure in the Bellum Iugurthinum, and features not at all in Plutarch’s Life, but he is accorded the

34 Badian, 1957: 332-333; FC 207 n. 3; Gruen, RPCC 182-183.
35 Cf. Sumner, Orators 85, who argues that this Memmius cannot have been the tribune 111 because he would have pursued an ‘odd career’, and that his known offices fit uncomfortably with the chronology of Cicero’s Brutus. His career would not, however, have been much odder than Marius. For the affair that earned Memmius the censure of his commanding officer see Astin, Scipio Aemilianus 261.
36 Wiseman, New Men 166, and Appendix 1 for the ages of tribunes. Examples of consuls in their fifties or even sixties are common enough: P. Rutilius Rufus (pr. 118. cos. 105), L. Gellius Poplicola (pr. 94, cos. 72), Ser. Sulpicius Rufus (pr. 65, cos. 51); M. Pupius Piso Frugi (pr. 72, cos. 61); A. Gabinius (cos. 58); Develin, Patterns 101.
37 Sumner, Orators 85-86; MRR 3.141. Had Memmius been born ca. 155, his career: trib. Ill, pr. 104 (?), cos. cand. 100, would have been delayed only slightly longer than that of P. Rutilius Rufus (cos. 105) and probably C. Flavius Fimbria (cos. 104) and other political newcomers in this period.
38 The affair which culminated in his murder is noticeably absent in the Marius, R. J. Evans, ‘Quis Erat Nunnius?’, AHB 2 (1988) 45.
second longest oration of a Roman in Sallust’s work (lug. 31.1–29). Moreover, he evidently achieved a certain notoriety of his own since his anti-senatorial harangues were well remembered (Cic. Brut. 136: ‘Tum etiam C. L. Memmii fuerunt oratores mediocres, accusatores acres atque acerbi; itaque in iudicium capitis multos vocaverunt, pro reis non saepe dixerunt ...’; cf. de Orat. 2.283). Although it is true that his political career was not especially distinguished, his actions as a tribune were surely thought to have been closely related to the political activities of Marius. And Memmius was undoubtedly made by Sallust to appear to be the precursor of his more illustrious contemporary.

During the following year, Sallust states that the tribunes P. Lucullus and L. Annius caused a further storm of controversy by their disruption of the elections (lug. 37.1).

As Paul has observed, the sense of this passage is problematic for a number of reasons. Neither Lucullus nor Annius seems to figure other than in this episode, which may indicate that their attempt to win a second term as tribunes offended public opinion to such an extent that they ruined their chances of ever winning further official positions. Paul, however, has discounted the obvious reading of the text ‘their term of office’ on the basis that, had they been popular, they would have encountered no difficulty in being re-elected. The tribunician intrigue looks as though it was closely connected

39 The lengthiest speech in the monograph is, naturally, the post-election oration of Marius (lug. 85.1–50), with the address of Adherbal (lug. 14.1–15) only a little in excess of that of Memmius. Sulla and Bocchus are both granted brief speeches (102.5–11, 110.1–8) as is Micipsa (10.1–8), while the letters of Scipio Aemilianus to Micipsa and Adherbal to the senate are deemed worthy of quotation (9.2, 24.2–10). Jugurtha and Metellus Numidicus have only their famous or infamous sayings (35.10, 64.4). Memmius’ attack on the senate was evidently meant to hold a special place in the narrative.

40 H. Malcovati (ed.), Oratorum Romanorum Fragmenta Liberae Rei Publicae, Turin 19672, 214–217; Badian, Studies 245. Memmius’ younger brother, mon. 110–108, Crawford, RRC 1.315, no. 304, Sumner, Orators 86, was probably the politician caught by the Varian quaestio in 90, MRR 3.141–142. See also Appendix 2 for a stemma of the Memmii.

41 Lucullus may have been a brother of the praetor of 104, MRR 1.559 and n. 2. It is just possible though unlikely that the ‘P’ in the MSS is an error for ‘L’ and that this Lucullus is the praetor himself. A tribunate five or six years before a praetorship would suit L. Lucullus’ career very well. Annius may be related to the C. Annius (8) in the consilium of the SC de agrro Pergameno, see Appendix 2, or to one of several Annii in the senate during this period.

with the proconsulship of Sp. Postumius Albinus (cos. 110) in Africa. He was evidently keen to have this command prorogued (Sall. Iug. 39.2–5), and midway through the year must have realized that he would be recalled to the city to conduct the elections (Sall. Iug. 37.3). He may well have instigated a move to hinder the announcement of the provincial commands for the forthcoming year, which would in turn have blocked the election process, either until he was in Rome to exert pressure on senators for a prorogation, or until he had won a victory which would have made this continuation a certainty. However, his plans and the designs of the tribunes were thwarted even before his brother’s dismal performance in battle against Jugurtha, for the theatre of war was awarded to Q. Caecilius Metellus. Sallust’s use of the phrase ‘continuare magistratum’ (Iug. 37.2) should still be allowed its natural meaning. Paul’s thesis could still stand, for the tribunes in trying to extend their own tenure of office furthered the aims of the consul as well.

It is quite plain that Marius has no obvious connection with the machinations of Sp. Postumius Albinus and his friends but it is interesting that Sallust should chose to bridge the ambitions of these two politicians by means of tribunician manoeuvres. In 110 the elections were delayed by ‘seditio tribunicia’ (Iug. 37.1), and two years later anonymous ‘seditiosi magistratus’ (Iug. 73.5), almost certainly tribunes of the plebs, prepared

43 He was better placed to return to Rome than his colleague M. Minucius Rufus, who had been despatched as governor to Macedonia where he stayed until 107 or early 106, MRR 1.543, 552, and from where he returned to celebrate a triumph for victories over various Thracian tribes including the Scordisci, MRR 1.554, Pais, Fasti 213–214; Inscr. Ital. 13.1.84.
44 Paul, Commentary 111.
45 Albinus left his army encamped before departing from Africa, Iug. 36.4. There is no mention of winter quarters though the consul presumably left for Rome towards the end of the campaigning season. The elections were evidently held during the autumn months, and indicate that the tribunes’ filibustering must have delayed the process by up to three months, if not longer in Paul’s opinion, Commentary 111. The expedition against Jugurtha by A. Albinus occurred in January, Iug. 37.3, with the curious information that the new consuls had yet to take up office, which is surely inaccurate since the consular year began on the 1st, and the elections had taken place some time before. It looks as though Albinus, knowing that his brother had been superseded took matters in his own hands, and considering his defeat, was lucky not to be charged with maiestas since his position, in the absence of the new commander, was quite unofficial. Sp. Albinus, with his year as consul expired, hurried back to Africa to await the arrival of Metellus, Iug 39.5, 44.1. Metellus clearly took a more leisurely view of the situation and cannot have reached Africa before the onset of spring. There may, however, be some confusion in the text at this point. Note also the suggestion that the consul urged his brother to take action, Paul, Commentary, 111; C. Sallustii Crispi De Bello Jugurthino Liber, explained by R. Jacobs, with emendations by H. Wirtz, A. Kurfess, Berlin 1922; cf. Wiedemann, 1993: 54, who believes that the brothers fell out over the affair. Koestermann, Jugurtha 265; Paul, Commentary 188, for magistratus as a term used to describe tribunes of the plebs. Although magistratus originally referred to an official elected by the whole populus, W. Kunkel, An Introduction to Roman Legal and Constitutional History, trans. J. M. Kelly, Oxford 1973, 14-19; E. Meyer, Römischer Staat und Staatsgedanke, Zurich and
the way for Marius' successful candidacy for the consulship. The prominent place accorded to tribunes by Sallust in the internal affairs of the res publica shows how significant a role they played when acting on behalf of more senior senatorial colleagues.\textsuperscript{47} Moreover, his proximity to the actual events and his first-hand knowledge of Roman politics must make his evidence dependable. After all, he knew well enough the sort of antics of which the tribunes were quite capable. And Plutarch, who attributes far greater self-reliance to his subject, also follows Sallust in claiming that tribuniciam support was a vital component in Marius' success in 108 (\textit{Mar. 8.5}). Nevertheless, a cautionary note may also be sounded. Sallust is supposed to have displayed an antipathy towards the tribunes and he may therefore have produced a distorted picture.\textsuperscript{48} What becomes apparent is that Sallust thought that Marius, like Memmius, was consumed with an intense anger against senior members of the senate and, like Sp. Albinus, sought honours by employing the tribunes to further his ambitions.\textsuperscript{49}

C. Mamilius Limetanus, tribune in 109, was responsible for the establishment of an extraordinary \textit{quaestio}, the like of which had never been seen at Rome.\textsuperscript{50} Its importance, like the \textit{plebiscitum} which transferred Metellus Numidicus' provincial command to Marius in late 108 or early 107, remains undervalued though the \textit{quaestio Mamiliana} made the members of the senate extremely vulnerable to popular will (Sall. \textit{lug.} 40.5). The introduction of a democratizing element into public life might well have transformed the entire system of government. Had this court become a permanent feature of political life, like the \textit{dikasteria} in fifth-century Athens, it would have caused

\textsuperscript{47} Syme, \textit{Sallust} 171, 175, who notes that tribunes were most often the 'agents of powerful groups or interests in the background'. Such an occasion was surely the episode in which Lucullus and Annius participated in 110.

\textsuperscript{48} R. Seager, '\textit{Populares} in Livy and the Livian Tradition', \textit{CQ} 71 (1977) 377 and n. 1; Paul, \textit{Commentary} 109, who suggest that this is indicative of Sallust' real opinion of tribunes and their political activities.

\textsuperscript{49} Since Plutarch refrains from mentioning Memmius or other tribunes in this stage in Marius' career, his account is less complicated and the role of these junior politicians less easily divulged.

\textsuperscript{50} Its immediate forerunners were the \textit{quaestio} conducted by the consuls in 138, \textit{MRR} 1.483, and, more particularly, the tribunal presided over by the consuls of 132, P. Popillius Laenas and P. Rupilius, \textit{MRR} 1.498, which sought out supporters of Ti. Gracchus, though it evidently did not sit in judgement over political allies from the senate or the equestrian order since none are known to have been either examined or condemned. Blossius of Cumae seems to have been the most famous of those hauled before this commission, Plut. \textit{Ti. Gracch.} 20; cf. Cic. \textit{Amic.} 37; Val. Max. 3.7.1, who state that he fled before appearing in this court, Gruen, \textit{RPCC} 61; D. R. Dudley, 'Blossius of Cumae', \textit{JRS} 31 (1941) 97-98. Note also the extraordinary court of inquiry set up to try Aemilia, Licinia and Marcia, the three Vestal Virgins in 113 over which L. Cassius Longinus Ravilla (cos. 127) presided as sole inquisitor, \textit{MRR} 1.537.
Two figures (L. Calpurnius Piso Caesoninus, pr. 90, and Q. Servilius Caepio, pr. 91) are pictured at work, seated on the official bench or *subsellium* of magistrates. The quaestor Urbanus and quaestor Ostiensis were both concerned with Rome's corn supply, and this irregular issue decreed by the senate in ca. 100 (EX S.C.), was intended for the purchase of corn (*AD FRV. EMV.*).

The development of a truly Hellenized democracy or hastened the advent of autocratic rule.\(^{51}\) That the life of this court was so short was partly due to the overspecific terms of its jurisdiction, which were confined, whether intentionally or not, to those who were either suspected of collusion with Jugurtha, or who had received his bribes (Sall. *Iug.* 40.1),\(^{52}\) and partly because Limetanus, proposer of the measure, was surely more interested in a short-term political victory than in substantially altering governmental structures. Indictments before this *quaestio* involved a charge of *maiestas* which for the first time, therefore, became an offence more serious than *repetundae*. The penalty was exile without recourse to an appeal. It was not until the *lex de maiestate* of Saturninus that a permanent treason court was

\(^{51}\) The comparison between Roman and Athenian political and constitutional practices seems well worth making. Millar, 1984: 2; North, *P&P* 126 (1990) 20.

\(^{52}\) Cf. Badian, *FC* 194, who argues that this *quaestio* had 'wide terms of reference': those who had advised Jugurtha to defy senatorial decrees, those who handed back elephants or deserters or who had made pacts of peace or war with the king. L. Bestia and Sp. Albinus were clearly the intended victims. One may only speculate about the number of elephant dealers in Africa who might have been arraigned before this court! It cannot have affected many others. Cf. Paul, *Commentary* 121, who argues that junior officers and businessmen were accused. This seems highly unlikely.
founded, but the precedent created by events in 109 probably made this occurrence almost inevitable. It was soon obvious that the difficulty of closely defining a charge of *maiestas* coupled with the severe punishment, which permanently removed opponents who succumbed to prosecution, made this court an attractive addition to political life. Furthermore, special *quaestiones* could evidently also fulfil a valuable role in securing political advantages and, when this was fully recognized, tribunician laws setting up others could be expected to recur.

The confines of Limetanus' proposal become abundantly clear from the relatively few politicians who are known, from Cicero (*Brut.* 128), to have fallen foul of this court. L. Opimius (cos. 121), C. Porcius Cato (cos. 114), L. Calpurnius Bestia (cos. 111), Sp. Postumius Albinus (cos. 110) and C. Sulpicius Galba almost certainly represent the total number of senators who were exiled after being convicted by juries composed of *equites* (*Cic.* *Brut.* 128; *de Orat.* 1.225; *Leg.* 3.20). Although the election of three *quaesitores* (Sall. *lug.* 40.4) suggests the introduction of a witch-hunt, it is perhaps fanciful to believe that Jugurtha was ever in the position, or had the resources, to corrupt so large a section of the political and business communities. A spate of convictions ought surely to have found its way into the literary material and, since this impression does not emerge, it is likely that Sallust has greatly embellished the details of this episode.

Sallust (*lug.* 40.4) states that M. Aemilius Scaurus (cos. 115) was elected as one of the presidents of this court, and that he secured this position in the uncertain and tense situation caused by the promulgation of this law (*lug.* 40.2). As the *princeps senatus*, Scaurus would have been a natural choice for *quaesitor*, but it is quite possible that Sallust was in fact mistaken in his belief, and should have named instead the *praetorius* M. Aurelius.

53 The increasing number of temporary commissions set up to try politicians accused of politically motivated crimes made a permanent and properly regulated treason court — *quaestio perpetua* — an absolute necessity by the close of the century.
54 The Mamilian court was evidently the example for the Varian *quaestio*, *MRR* 2.26-27, which also tried cases of alleged *maiestas*. Gruen, *RPCC* 216, suggests that L. Marcius Philippus (cos. 91) and Q. Servilius Caepio (pr. 91) masterminded this law which was simply presented by the tribune Q. Varius Hybrida. See also below.
55 Cf. Paul, *Commentary* 117, who concludes that these five senators were 'only the most important', yet also states that Sallust, *lug.* 40.1, exaggerated the magnitude of the commission's task by obscuring the details. No other senior politician is known to have been even accused before this *quaestio*.
56 It obviously did not warrant inclusion in the epitome of Livy's history. Cicero refers to the trial of Bestia, *de Orat.* 2.283; *Brut.* 128, the conviction of Opimius, *Sest.* 140; *Planc.* 70, and to the defence speech of C. Galba, *Brut.* 127, and while his comments on the *quaestio* are always hostile and loaded — 'invidiosa lege ... Gracchani iudices ... invidia ... oppressus est ... idignissime concidit' — he does not dwell on the proceedings. Sallust plainly exaggerated the extent of the commission's work, *lug.* 40.5.
57 *MRR* 1.547; Gruen, *RPCC* 148-149.
Scaurus, who became consul *suffectus* later in this year.\textsuperscript{58} Furthermore, M. Aemilius Scaurus became censor during the course of the same year, and it is unlikely that he could have held both this office and that of president of a current tribunal. His success in these elections suggests that he was not, in any case, suspected of complicity with Jugurtha — contrary to Sallust’s evidence — and, moreover, came to the defence of Bestia in his trial (Cic. *de Orat.* 2.283).\textsuperscript{59} The censorship was the final goal for most *consulares* and with a *lustrum* due in 109, Scaurus, consul six years before, would have begun his canvass well before the passage of the *lex Mamilia*. Had his guilt been widely recognized, the voters would have taken great delight in delivering a *repulsa* before he had been served with a charge of collusion with Jugurtha. Since he seems to have been quite untouched by the whole affair, his reputation in Rome was probably much better than Sallust is at pains to portray.

Sallust threw away the chance of discussing the real and vital place held by the *quaestio Mamiliana* in republican history, by including instead his excursion about the origin and growth of civil strife at Rome (*Cic.* *Leg.* 3.36; *MRR* 1.552). He failed to see that the measure of Limetanus grew out of the failure of Memmius’ attack on the senate in 111. Indeed, Limetanus may well have been urged to present this bill by Memmius himself, who was later to be prominent as a prosecutor against Bestia, a case in which he was successful.\textsuperscript{60} Once again, it is possible to discern politicians behind the scenes as the prime movers of what was undoubtedly a radical departure in the political life of the city.\textsuperscript{61} However, like that of the tribunes of the previous year, Limetanus’ popularity must have been short-lived and transient for he is not attested afterwards.\textsuperscript{62}

\textsuperscript{58} Paul, *Commentary* 120–121. Sallust had an *idée fixe* about Aemilius Scaurus, whom he initially represents as corrupt and disreputable, *Cic.* 15.4, 29.2–4, 30.2, 32.1, weakly explaining away his appointment. The two other *quaesitores*, both presumably ex-praetors, are not mentioned by name. Cf. Koestermann, *Jugurtha* 165, who accepts Sallust’s identification.

\textsuperscript{59} Cf. Paul, *Commentary* 120–121, who argues, less plausibly, that Scaurus sought the censorship as a way of gaining immunity from prosecution, of which he was threatened, and cites Ascon. 19C for the way in which this politician had previously won a magistracy to avoid a court hearing.\textsuperscript{60} ORF\textsuperscript{2} 216–217; Paul, *Commentary* 120.

\textsuperscript{60} *ORF*\textsuperscript{2} 216–217; Paul, *Commentary* 120.

\textsuperscript{61} The *lex Coelia* of 107, *MRR* 1.551, which instituted the ballot for treason trials, may be seen as an attempt at formalising these extraordinary *quaestiones*. In a charged atmosphere *iudices* might be tempted to acquit in the knowledge that they were safeguarded by the anonymity of a ballot. Nevertheless, this innovation did not save the legate C. Popilius Laenas, a son of the cos. 132, who succumbed to an accusation of *maiestas*, *Cic.* *Leg.* 3.36; *MRR* 1.552, and whose ruin was undoubtedly the primary objective of the law.

\textsuperscript{62} For his possible origins see E. Badian, ‘Notes on Roman Senators of the Republic’, *Historia* 12 (1963) 138. Tribunes inimical to Sp. Albinus had also prevented him from levying troops in the aftermath of his brother’s defeat, Sall. *Cic.* 39.4; Koestermann, *Jugurtha* 160; Paul, *Commentary* 115–116. These were either the opponents of Lucullus and Annius in the much divided tribunician college of 110, or the new college of 109 of which Limetanus was a member.
Plutarch (Mar. 8.5) states that Marius was presented to the Roman voters by one of the tribunes at a *contio* during his canvass for the consulship. The identity of this crucial figure is unknown, and it is possible that the writer has confused this scene with another nearly identical one which took place shortly after Marius' victory in the polls. Then the tribune T. Manlius Mancinus, after displaying the new consul to the *populus* in the *concilium plebis* (Sall. *lug.* 73.7), steered through the transfer of the Numidian command to Marius. The consular elections for 107 had possibly also been delayed to allow Marius enough time to campaign effectively after his possibly tardy release by Metellus Numidicus, and Mancinus summoned the people to hear the consul on or soon after the tribunes took office on the tenth of December. Just like Sp. Albinus in 110, Marius had his junior political allies working conscientiously for his election and for his assumption of control of the war against Jugurtha. It is therefore not remarkable to find mention of one A. Manlius, probably Marius' senior legate in Africa, soon afterwards (*lug.* 86.2), a relative of the compliant tribune, probably an elder brother, who was rewarded with an important position for services rendered.\(^63\) The ingenuity of Marius may be detected guiding the tribune Mancinus in the proposal which at once overturned the *lex Sempronia de provincia* and henceforth allowed the people through their representatives the tribunes, to decide the

\(^63\) Like 'Limetanus', the *cognomen* of Mamilius, 'Mancinus' may have been personally attributed to the tribune T. Manlius, and was not a hereditary name held by every member of his family. Thus the denarius issue dated to 109 or 108 with the legend 'T. MANL', Crawford, *RRC* 1.312–313, no. 299, has been identified as the tribune of 107, though there is no reference to his *cognomen*. A. Manlius, *a monetalis* between 118 and 107, Crawford, *RRC* 1.318, no. 309: 'A. MANLI Q.F. SER', *MRR* 3.136; cf. Mattingly, *RAN* 5 (1972) 12: 1982: 40, who dates this moneyer to about 120, could easily be the legate of Marius who, by 107, was surely a *praetorius*. The quaestor A. Manlius who issued aurei portraying Sulla's equestrian statue on the reverse, Crawford, *RRC* 1.397, no. 381, was probably a son of the legate. The family's political affiliations, like that of so many senatorial families, had changed. Note also T. Manlius T.f. Sergia (?), legate in Spain about 42, *MRR* 3.136, a son or grandson of the tribune and, significantly, of the same voting tribe as the moneyer who later served with Marius in Africa. For the voting tribe of the Manlii see Taylor, *VDRR* 229–330. Q. Manlius, tribune in 69, may be another family member, *MRR* 2.132, 3.136.

Q. Manlius

T. Manlius (trib. 107)

A. Manlius Q.f. (leg. 107)

(?)

T. Manlius T.f. (leg. 42) A. Manlius Q.f. (leg. 81) Q. Manlius (trib. 69)

For a partial stemma of this family see Mattingly, *RAN* 5 (1972) 13, who notes that the quaestor of 81 and the tribune of 69 were brothers, but also argues that A. Manlius (leg. 107) was probably not a legate of praetorian standing. Yet a moneyership in about 119 could easily point to a date of birth by 150 and a praetorship ca. 110.
allocation of provincial commands should the senate be obdurate in failing
to accommodate popular expectations. Marius benefited greatly from this
bold stroke which, unlike the failed tribuniciam agitation contrived by Sp.
Albinus, obtained him exactly what he desired. That Marius was in fact
instrumental in initiating the transfer may be inferred from his intrigues to
complete a second scheme along the same lines in 88, but then with quite
disastrous consequences.\textsuperscript{64} The \textit{plebiscitum} therefore became a ready tool in
the possession of senators wishing to lead a particular military adventure,
as the \textit{lex Gabinia} and \textit{lex Manilia} in 67 and 66, which conferred enormous
powers on Pompey, were so vividly to illustrate. Through the service of
T. Manlius Mancinus, Marius was the first to make good use of \textit{plebiscita},
which in the sphere of provincial commands forever diminished collective
senatorial management.

The innovation in political strategems,\textsuperscript{65} which are a characteristic fea­
ture of republican political life in the last years of the second century – Mem­
mnius’ summons of a foreign monarch to appear before the people at Rome
in 111, the unspecified but potent methods employed by Lucullus and Ann­
ius to delay elections in 110, the special \textit{quaestio} of Mamilius Limetanus
in 109 – is nowhere more apparent than in the Piracy Law, or law dealing
with the eastern provinces, a copy of which was first discovered at Delphi
and more recently at Cnidos.\textsuperscript{66} The text gives the impression that this is a
further example of a tribuniciam measure which bypassed another of the
traditional political avenues, namely legislation concerned with provincial
affairs. A law addressing a problem such as piracy, which was rampant in
the eastern Mediterranean, and containing directives about provincial bound­
aries, would more usually have been published in the form of a \textit{senatus con­}
tsultum, as indeed was the legislation concerned with the taxation of Perga­
mene land, now believed to be a near contemporary of the so-called \textit{lex de
Piratis}.\textsuperscript{67} The law is commonly thought to have been passed in 101 or 100.
Its authorship is rather more doubtful, but may be ascribed to the alliance
between Saturninus and Glaucia. And if that is so, then Marius must have
been closely involved in its passage.

The use of the \textit{plebiscitum} should come as no surprise if this law

\textsuperscript{64} Omitted from this discussion are the various laws of the tribunes L. Cassius Longinus, Cn.
Domitius Ahenobarbus, L. Marcius Philippus and Clodius, all dated to about 104 since they
to not have a direct bearing on Marius’ career. For detailed examinations see MRR 1.559-560,
and especially Gruen, \textit{TAPA} 95 (1964) 99-110; \textit{RPCC} 163-164. For the tribuniciam measures
of Saturninus in 103, see below.

\textsuperscript{65} See further below.

\textsuperscript{66} M. Hasall, M. H. Crawford, J. M. Reynolds, ‘Rome and the Eastern Provinces at the End
of the Second Century B.C.’, \textit{JRS} 64 (1974) 195-220, for the text of and commentary on the
Cnidos inscription, and a revision of the Delphi copy.

\textsuperscript{67} For the \textit{SC de agro Pergameno} see Appendix 2 with bibliography. Also note Hassall \textit{et alii},
originated in the intrigues of Marius and his political allies. However, since Sumner has argued that the architect of the bill was another politician or group of politicians, the date of its passage through the concilium plebis deserves some attention. The editors of the Cnidos inscription favour a date for the proclamation of the law late in 101 after the elections in which Marius had just secured his sixth consulship. From references contained in the document to the campaigns of T. Didius, governor of Macedonia between 101 and 100, a date of enactment between 101 and 99 may be advanced with confidence. Didius' term as proconsul may date to the year of his praetorship with a fairly normal prorogation into 100. In customary fashion, he would have returned to Rome at the end of the summer months, in his case to campaign for the consulship of 98, following a triumph in elections scheduled for the second half of 99. Sumner finds it significant that Didius is not accorded the title ἀντιστράτηγος or ἀνθύπατος, which suggests to him that this politician's term as provincial governor had already expired; and that he had reached the city before moves were initiated to make the proposal law. Thus the date of the lex de Piratis could be confined to the latter part of 100, before Didius' successor was appointed from the praetorian college of 99, and before the replacement was sent out to Macedonia because that official was obliged: 'to go, as quickly as possible, to the Caeneic Chersonnese which Ti[tics Didius] took by force in his campaign and, the Caeneic Chersonnese being his province, he is to govern this province together with Macedonia ...'.

It seems quite understandable that a region which had recently been conquered should be of prime concern to a new proconsul, who had also to ensure Roman authority anew and, as the editors of the Cnidos inscription propose, incorporate into Macedonia provincia an area which until then had

68 The precise date, the authors, the law's immediate or long-term implications remain the subject of debate since the inscriptions themselves contain many different features and are also fragmentary in several places. Thus G. V. Sumner, 'The 'Piracy Law' from Delphi and the Law of the Cnidos Inscription', GRBS 19 (1978) 211-225, has compared the two texts with a critique of the points fielded by the editors of the Cnidos inscription. He postulates, 224, that the copy from Delphi was set up as much as a generation, or more, after the original at Cnidos. See also J. H. Oliver, 'A Note on the Cnidos Law', ZPE 32 (1978) 279; T.R. Martin & E. Badian, 'Two Notes on the Roman Law from Cnidos', ZPE 35 (1979) 153-167, with discussions relating to textual items on both inscriptions.
70 Didius was almost certainly praetor in 101. His victories over the Scordisci were clearly of recent memory. Sumner, 1978: 215.
71 MRR 1.571 and n. 1, 1.577, 3.81.
72 Pais, Fasti 1.219; MRR 1.571, 2.3 and n. 11.
74 Hassall et alii, 1974: 208.
been a military district. A date in the second half of 100 would appear to be confirmed by the fact that the prospective governor of Asia is also directed to instruct the cities of his province and the rulers of the neighbouring states to obey this law. This new regulation would also seem to indicate that new proconsuls for both Asia and Macedonia were expected to be despatched at the same time. The provincial commands for the new consular year had as usual been decreed before the elections, but the appointees were not named until they had taken up their offices. This fails to fit with the wording of the edition of the text from Cnidos which simply states that ‘The Praetor, [Propraetor or Proconsul to whom] the province of Asia [falls] in the consulship of C. Marius and L. Valerius ...’. A minor emendation to the text such as ‘to whom the province of Asia shall fall’ or even ‘has fallen’ would seem more suitable alongside a directive to a new governor of Macedonia. However, were the stipulations of this law intended to be in place during the consulship of Marius and L. Flaccus, then the bill itself must date to earlier in 100 or 101 while Didius was still in Macedonia, or when he was present again in Rome after a proconsulship of barely twelve months. The dating of this legislation hinges on the governorship of Didius which, in normal circumstances, would have been extended beyond a single term. He is not mentioned by Cicero (Rab. perd. 21) as being among the senators who assisted in the suppression of the seditio of Saturninus and Glaucia at the end of 100. Cicero does not furnish conclusive evidence since he certainly does not specify praetorii in his list of worthies, not even one who was later to be a distinguished double triumphtar, and not even all the consulares, but this might just indicate that Didius was still absent abroad. The presence of M. Antonius who had been praetor in 102 and who was about to become consul in 99 is noted, however, and he had not long returned from Cilicia. Didius was praetor a year after Antonius and his governorship, like the latter’s, was surely also prorogued. This point alone should surely imply that the law was passed in 100, and in the second half of that year, and therefore rather later than the editors of the Cnidos inscription seem to believe.

75 Hassall et alii, 1974: 219; Martin, 1979: 158.
76 Hassall et alii, 1974: 212, also comment, however, on the difficulty of restoring any meaningful sense to this portion of the text, which is fragmentary. Their reconstruction is obviously conjectural.
77 Hassall et alii, 1974: 208; cf. Sumner, 1978: 221, who sees this as a reference to the presiding governor of Asia in 100.
79 The victories of Antonius over the pirates are, rather surprisingly, passed over without comment in this measure. Cilicia is, however, earmarked as a praetorian province as a result of the law. The M. Porcius Cato, praetor in 100, Hassall et alii, 1974: 207, 210, who proposed the legislation is presumably the praetorian mentioned by Gellius, NA. 13.20.12; MRR 3.170.
The law dealing with the settlement of the eastern provinces makes no provision for the commissioning of the usual consilium of ten senatorial legati to supervise the absorption of a newly conquered region into the empire. This has been taken as a further indication that the measure was a plebiscitum which became law without prior consultation in, or approval by, the senate. When the lex de Piratis was assigned to 101, it was immediately assumed to have been another product of the daring political alliance between Marius, Saturninus and Glaucia. A change in the date of the publication of this law to later in 100 does not materially affect that attractive suggestion; and the later date actually makes more sense in terms of the political climate in Rome. Sumner would date the law to after the fall of Saturninus and Glaucia, in December 100 or in early 99, and believes that the tribunes of the new college were responsible for the bill. Since no oath was required of senators to uphold the law, as had been contained in the recent agrarian measure which provided for the exile of Metellus Numidicus, he argues that the proposals about the eastern provinces were 'conservative'. However, following the public humiliation of Metellus Numidicus, it probably became quite unnecessary to insert such clauses into tribunician bills. After all Metellus Numidicus had been the one and only senator unwilling to swear on oath to safeguard Saturninus' lex agraria. Moreover, while there was clearly nothing pointedly radical about the absence of 'senatorial legates', because these would not have been sent out to witness the incorporation of a region into an existing province, it is also worth bearing in mind that not every element of the legislative programme of Saturninus and Glaucia had to contain revolutionary items. The lex de Piratis may have been promulgated by militants, but it could easily have contained sensible measures.

Marius completed his victory over the Cimbri and Teutones in 101 and, with his triumph at Vercellae, removed the threat of an invasion of Italy. He was home again to oversee the elections for 100, leaving ample time in the year to push through a plebiscitum. But who was the tribune to take action in the concilium plebis? Saturninus won a second tribunate for 100, and was probably moneyer in 101. His friend and colleague Glaucia is usually attributed with a tribunate in 101 on the basis of a confused passage in

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80 Hassall et alii, 1974: 219: note, moreover, that the duties of the governors in the eastern Mediterranean are determined by the law and not by the senate, which is seen as another indication of its 'popular' origin.
81 See Hassall et alii, 1974: 218 and n. 28, for earlier ideas on this question.
83 Sumner, 1978: 222.
84 Sumner, 1978: 222-223 and n. 52.
85 MRR 1.570-571.
86 Mattingly, 1982: 45; cf. Crawford, RRC 1.323-324, no. 317, for 104 as the date of Saturninus' moneyership.
Appian (BC. 1.28), but he may well have been tribune in 105 or 104. In this instance, Appian's evidence is not sufficiently trustworthy to dismiss the possibility that Glaucia was already a tribunicius by 101. Thus Marius may not have possessed a close ally in the tribunician college of 101. The plebiscitum concerned with eastern affairs should therefore be redated to the year in which he spent all his time in the city and devoted his indefatigable energy to political matters. Moreover, a law defining new regulations for the governors of Macedonia and Asia, which also established Cilicia as a province, is more credibly placed after the return of Didius and Antonius from their respective provinces. Both proconsuls arrived in Rome in the course of 100. Antonius was late, but was intent on canvassing for the consulships of 99 for which he was eligible, while Didius still had more than enough time for his campaign for the following year. And this is where the law belongs, when all the major political figures involved in eastern affairs were present, when Marius, who may have had his sights on a new command in this area, was also about to effect a settlement of his veterans from the Cimbric War and when Glaucia, well placed in the praetorian college, could have drafted the new law for Saturninus, embarking on his second tribunate, to present in the concilium plebis. That no provincial command was to be conferred on Marius by this law shows that the settlement of the eastern Mediterranean by Didius and Antonius had been thorough enough not to warrant further intervention at the highest levels. What problems remained in this region could be solved by the regular appointees in their various provinces.


88 The editors of the Cnidos inscription seem to discount the possibility of 100 as a date for this law, 1974: 215, n. 16, because the iusiurandum in legem specifically excludes the tribunes. If Glaucia had been a tribune in 101 he would not necessarily have commanded the unanimous support of his colleagues. An unknown and lesser figure would have been in a much more uncertain position. However, Saturninus could almost certainly count on the approval of the entire tribunician college, as Jones, 1960: 38-39, suggests, probably until quite late in 100, after this important bill had been moved. It is, moreover, unlikely that any tribune could have been coaxed into opposing the great Gaius Marius in his sixth consulship. Sumner, GRBS 19 (1978) 223 and n. 55, in arguing for late in 100 or early in 99, stresses that the fellow tribunes would have been excluded from this clause since the ‘colleagues of the proposer of a law could not be bound to observe it’. Cf. Cic. Att. 3.23.4: ‘Atque hoc in illis tribunis pl. non laedebat; lege enim collegi sui non tenebantur.’ Shackleton Bailey, Atticus 2.160, citing Mommsen R53 1.291 n. 3, notes that this is ‘a statement of general application’. When this principle was first enforced is apparently not known, nor whether it would customarily have been added to all laws. Consequently, its significance for dating the Cnidos inscription is questionable.
A Year to Remember

The playful repartee between Saturninus and Marius, which is said by Plutarch (Mar. 14.6-8) to have occurred in a contio at the time of the consular elections for 102, may be anecdotal, but it might also have been rather more than a mere theatrical performance designed to entertain the electorate. It was, after all, a very public affirmation of their new political alliance. This amicitia was to bring them both immense rewards and power over the next three years, a time in which Marius dominated military and domestic affairs, and in which Saturninus, on two occasions, was to be his willing partner in politics. Marius was surely well aware that he had to maintain allies among the tribunes throughout the period of his command against the Cimbri and Teutones and especially in the time immediately after the cessation of hostilities. At that juncture he would be required to provide for the retirement of his veterans, who had evidently been led to expect allotments of land on their demobilization from active service. Plutarch indicates that Saturninus was instrumental in obtaining this fourth consulship for Marius and from this date their names and their interests became linked. There is, however, no need to assume that an alliance formed in 103 was necessarily of a permanent nature lasting down to days or even hours before Saturninus met his violent death. To begin with, outwardly their pact was another manifestation of that normal connection between consuls and tribunes, the former desirous of greater influence, the latter of higher offices. It is doubtful whether a ‘friendship’ as such existed, nor may their relationship be traced back further than the consular elections for 102. After he had achieved his immediate goal, Marius had no specific employment to offer Saturninus, nor had the tribune any need of the consul’s protection.

The controversial lex Appuleia de maiestate, promulgated probably in the

89 Entertaining the crowd was evidently second nature to Marius’ new allies. Compare the incident, Vir. Ill. 73.2, in which Saturninus and Glaucia indulged in a knockabout comedy with the destruction of the praetor’s (Glaucia’s) sella as its climax, MRR 1.565 n. 2. Saturninus evidently did not lack a sense of humour, Vir. Ill. 73.68: ‘nisi quiescetis, grandinabit’; I. Linderski, ‘A Witticism of Appuleius Saturninus’, RFIC 111 (1983) 452-459.

90 That any such promise had been made to volunteers serving in the army can only be inferred from later laws concerned with the provision of land. Badian, FC 198-199, notes Marius’ presumed obligations to his veterans. It is a little odd that neither Sallust, Jug 86.2-4, nor Plutarch, Mar. 9.1-2, makes anything of this issue in the levy of 107. It may mean that the question of land for veterans arose later, but probably that the novelty and extent of this lex agraria was far overshadowed by the maiestas law.


92 Some time in October seems the most likely time for the civil unrest which claimed the lives of Saturninus, Glaucia and many of their followers, Badian, 1984: 106; MRR 3.21-22.
early part of 103, may therefore be ascribed to the activities of the tribune and his ally Glaucia alone.\textsuperscript{93} Thereafter, Saturninus aided Marius to an unprecedented third consular iteration in as many years and subsequently introduced an agrarian bill which was passed by the people. Yet what was he to gain from what was usually a passing tie? In time-honoured tradition, a grateful Marius will have promised his support to Saturninus when the tribune sought the more senior magistracies, but he need not have concurred with all aspects of the tribunician legislation of 103. Indeed, at this stage he cannot have expected his new-found ally to campaign for the tribunate in 101. Saturninus had carried out Marius' instructions, but not as a subservient henchman; he had his own career to advance. The task he undertook for the consul was exceptional only in its content; arguably any tribune would have sufficed, especially since this particular young man, although certainly possessed of a physical presence in any assembly, was not an orator of the first rank (Cic. Brut. 224). Marius' links with the laws of Saturninus at this time are consequently rather tenuous, and he can be held ultimately responsible only for a single measure about viri tane allotments, which he was under obligation to see become law.\textsuperscript{94}

The lex agraria itself requires some examination, for it seems to have been so contentious an issue when it was first published that one tribune at least tried to interpose his veto, but was chased from the forum.\textsuperscript{95} The law may be seen as the predictable outcome of Marius' enlistment of capite censi in 107. It must reflect promises he made either purposely or unwittingly to these recruits, when they first joined the campaign against Jugurtha or, more probably, at its close as an enticement to remain under arms. There was, after all, no land resettlement in 105 or 104.\textsuperscript{96} Thus the veterans of the

\textsuperscript{93} For the motive behind these radical measures, which were recognized in antiquity, see MRR 1.560; Badian, FC 199; Gruen, RPC 164; D. F. Epstein, Personal Enmity in Roman Politics 218-43 B.C., London & Sydney 1987, 20. For the date of Saturninus' quaestorship, more likely in 104 than in 105, during which he was relieved of his duties, an insult which made him seek redress for injured dignitas through extreme legislation, MRR 3.20-21.

\textsuperscript{94} The lex agraria is listed first in order of Saturninus' measures in 103, MRR 1.563, though it would be more sensibly dated to the second part of the year when Marius was in the city. The lex de maiestate and a plebiscitum for the exile of Cn. Mallius Maximus (cos. 105) were probably earlier, MRR 1.563 and n. 4. For a lex frumentaria in 103 see MRR 3.21; cf. H. B. Mattingly, 'Saturninus' Corn Bill and the Circumstances of his Fall', CR 19 (1969) 267-270, who argues for 100; A. R. Hands, 'The Date of Saturninus' Corn Bill', CR 22 (1972) 12-13: ... the date ... should be regarded as an open question ...

\textsuperscript{95} The tribune M. Baebius (Tamphilus), Vir. Ill. 73.1; ad Herr. 1.21, 2.17; MRR 1.563 and n. 6, possibly a brother of the tribune of 111, who had used the same tactic, but more successfully, against C. Memmius.

\textsuperscript{96} The idea of a fixed reward for veterans became a political issue only in 103, yet it must have been mooted beforehand. The proposed lex agraria of L. Marcus Philippus may have been connected with this problem, though Cicero, Off. 2.73, fails to signify its date or its contents. Gruen, RPC 163-164, dates the proposal to 104; cf. MRR 1.560, where it is more tentatively dated to the same year. Philippus withdrew his bill. His tribunate belongs to about this date since he won a consulship for 91 after one repulsa, Cic. Mur. 36.
Numidian War who had been levied according to the normal procedure by Albinus, Metellus Numidicus and by Marius himself, were all disbanded on their return to Italy. However, the *proletarii*, already present in the legions, attracted by the prospect of some future gratuity, stayed on to form the core of Marius’ army in the Cimbric War. Their numbers were not substantial, consisting of a minority in the *supplementum* voted to Marius in 107, but the principle of providing land at the state’s expense clearly brought forth strong emotions, and the bill was passed only after some violent scenes in the *comitia*.

Marius does not appear to have called up more *capite censi* in 104, and so the veterans who received a plot of land in 103 were those who had survived the war in Africa, and who had spent a relatively inactive year in Gaul afterwards. It is reasonable to infer that Saturninus’ law comprised an allocation of one hundred *iugera* per recipient, which applied to perhaps between three and four thousand demobilized soldiers, both *proletarii* and *assidui*. These men accompanied Marius back to Rome in time for the elections in 103, where pledges to the effect that the consul intended to see a land law enforced after the poll would doubtless have contributed to his popularity among all sections of the community. This course of events may be postulated with some confidence since the land under discussion was in Africa and not in Italy and, all told, was not on a scale commensurate with the redistribution of wealth and property contained in the *lex agraria* of Ti. Gracchus. Opposition to the bill was partly routine republican practice in which just about any piece of legislation could expect a vigorous examination. But resistance to this particular measure was also born from a realization that, if Roman citizens without land were again to be enlisted in 103, new and more extensive arrangements could be envisaged in the future. Marius may have been resolved to do just this, and made a public announcement (Front. *Strat.* 4.2.2) to encourage fresh recruits to join the army to compensate for the loss of his African veterans. Senatorial opponents would not have been blind to the likely upshot which might and did, in fact, occur after the defeat of the Germanic tribes. Thus Marius created another precedent by his determination to be seen to be fulfilling his debt to his troops. Although the *lex agraria* of 103 hardly warrants the title of radical measure, its passage allowed others to

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97 Rich, 1983: 324, 327, 328 and n. 200, who also notes that the poorer and virtually landless *assidui* might have benefited from such agrarian laws.
98 The settlement at Thuburnica may be the sole foundation arising from this law in 103, *MRR* 3.21; Badian, FC 199-200. Cf. Brunt, *FRR* 278-280, who suggests that Cercina may have been founded in 103, but that other colonial settlements belong to 100 and afterwards. Local epigraphic evidence would seem to confirm the foundation of a colony in Africa at this time, *MRR* 3.21; cf. Brunt, *FRR* 278-280, who considers that these settlers were natives to the African continent who may have been enfranchised by Marius.
follow; and these laws were much more ambitious and far-reaching.  

Rancour and violence are said to have accompanied the long-awaited agrarian measure of 100 (Liv. Per. 69; App. BC. 1.29), a year which, in many respects, was momentous and, with the benefit of hindsight, even critical in the history of the decline of senatorial government. The literary sources for this year appear to provide evidence for the following scenario. A tense political atmosphere at Rome arose because of the influx of thousands of army veterans discharged after the battle of Vercellae (Plut. Mar. 28.5). Besides this obviously destabilizing factor, there were other ominous signs of impending civil strife. One of the consuls had now obtained his current position for five successive years and, if one of the highest magistracies of the res publica was to be the exclusive preserve of a single eminent figure, the whole oligarchic system of government was endangered. Moreover, a politician had been re-elected to the tribunate, probably the first man to win this rather dubious honour since C. Gracchus for 122. An attack on the laws of C. Gracchus in 121 by Minucius Rufus led directly to unrest and fighting in the streets; the legislative programme for 100 promised to be just as contentious and potentially damaging. The events of this year did indeed end in tumult, but it was not so much the contents of the proposals as their possible long-term consequences that, as Badian has succinctly argued, so caused alarm that confrontation ensued between opponents and supporters of the various laws.

In return for his victory in the Cimbric War, of which he must surely have been regarded as the sole author by the electorate, Marius was voted

100 Badian, FC 198–199, who identifies both Marius' dilemma and the significance of the agrarian law of 103.

101 The Livian epitome which covers 100 has Saturninus elected tribune 'per vim', his agrarian law carried 'per vim' and his tribunate conducted 'violerent', while Marius is named as 'seditionis auctor'; all of which probably give a good indication of the character of the original work. For a discussion of his tribunate see A. W. Lintott, Violence in Republican Rome, London 1968, 178–179, 185–186; Badian, 1984: 101–147; A. Keaveney, Rome and the Unification of Italy, London & Sydney 1987, 76–81; Brunt, FRR 131, 278–280.

102 MRR 1.521 and n. 3 for the praenomen either M. or Q. He was either the consul of 110 or the monetalis of about 122, MRR 3.144; Crawford, RRC 1.296, no. 277.

103 MRR 1.575–576, for the measures of Saturninus. A lex frumentaria may also have been a part of this programme, Mattingly, CR 19 (1969) 267–270. Note also the probability that the lex de Piratis belongs to Saturninus' programme. The plebiscitum for the exile of Metellus Numidicus was surely a later issue, and contra Plut. Mar. 28.5; App. BC. 1.28–29, not originally included as part of the planned legislation.

104 Badian, FC 205: 'It is therefore highly probable that it was intended, ..., to settle the veterans of the German war in Gaul (and perhaps in Corsica), and that the colonies in Sicily and Macedonia-Achaea were meant for soldiers who had been victorious in those provinces ... Having created an army closely linked to its commander and depending on him for provision after service, Marius - it might seem - was now attempting to monopolize the powers of patronage thus provided. It is this that gives the legislation of 100 its peculiar significance ... Once we have realized this, we need not wonder at the violence of the oligarchs' opposition.'
to his sixth consulship. He evidently believed that the acquisition of this office was absolutely vital to ensure the land grants for his former troops. However, most of these were on their way home in 100, following Marius' triumph; nevertheless, there will have been some ex-soldiers who remained in the city in eager anticipation of some form of land grant for their recent military service. The point to bear in mind is that the armies of Marius and his colleague Q. Lutatius Catulus had been levied mainly in the traditional manner, and only comparatively few veterans would have possessed no homes to return to in that year.

At the end of the Numidian War the vast majority of those who were in Marius' army went back to their farms. The campaigns leading to Aquae Sextiae and Vercellae were not exceptionally lengthy, and only roughly twelve months longer than Marius' expedition against Jugurtha. No land crisis had occurred in 105, but five years later all eyes were reputedly on the consul and his tribunician ally for a radical agrarian proposal. Yet there had been no profound change in the composition of the army during these years, though Marius may well have recruited capite censi in 103 before his return to Gaul, after he had discharged some of those who had responded to his invitation to serve in 107.

His earnest endeavours to win the consulship for 100 must, in part,
indicate a commitment to those among his men who lacked ownership of land. Furthermore, Marius must also have felt that no other politician could be entrusted with these proposals since there were hidden dividends meant for him alone. He had no close senior political allies through whom he was able to work, and he was himself obliged to shoulder the burden of protecting Saturninus' agrarian measure. Not only was the sixth consulship a timely reward, but it brought with it a task which had to be fulfilled. And if Marius could not rely on a future consul to do his bidding, this casts a rather different perspective on the political situation from the one that is generally acknowledged.\textsuperscript{108} The existence of a strong and devoted following may be doubted because the pattern adopted in 107 and 103, when Marius had recourse to the services of amenable tribunes, was tried again; and Saturninus came forward to do the consul's bidding a second time.\textsuperscript{109}

The tribunician programme for that year, devised in all probability by the expert hand of Glaucia, may not initially have appeared overly ambitious for it consisted of just three bills, two of which were interrelated.\textsuperscript{110} The \textit{lex agraria} was concerned with allocating land, either in Cisalpine Gaul or Transalpina, to demobilized troops, while its sister bill aimed at colonial foundations as far afield as Corsica, Sicily, Greece and Macedonia.\textsuperscript{111} Neither law seems to have survived since each was declared to have been passed \textit{per vim} (Cic. \textit{Balb.} 48; \textit{Leg.} 2.14), and the lands and the resettlement, which is claimed to have been awaited with much eagerness, failed to materialize.

\textsuperscript{108} Cf. Badian, \textit{FC} 200-203; Gruen, \textit{RPCC} 170-171, who both argue that Marius had powerful support from among members of the senate and from among the \textit{equites}. But see Chapter 4 below.

\textsuperscript{109} Saturninus could have been moneyer in 102 immediately after his first tribunate; cf. \textit{RRC} 1.323-324, no. 317. Mattingly, 1982: 11 and 45 has argued for 101, on the assumption that the \textit{Illviri monetales} took office on the fifth of December, the same day as the quaestors, which would exclude 102. Saturninus' decision to seek another term as tribune was probably taken during the year of his moneyership, and only then because Marius thought him the ablest man available to carry through the forthcoming legislation. This is certainly implied, Flor. 2.4.16; Plut. \textit{Mar.} 19.1. It is also possible that he was prompted by the example of Glaucia, whose career remains shrouded in mystery: quaestor before 108 or not at all, tribune (once or possibly twice) in 107, 105 or 104, or in 101, and praetor in 100, \textit{MRR} 1.574, 3.196. If Glaucia was tribune I or II in 101 and sought the praetorship for the next year, Saturninus may well have considered that a second tribunate for himself was an equally attractive proposition. It is usually assumed that Saturninus secured his tribunate by killing one of his competitors, \textit{MRR} 1.571; Badian, \textit{FC} 207 n. 3; Jones, 1960: 38-39; cf. Evans, \textit{AHB} 2 (1988) 42-48, for possible confusion in the literary sources. Glaucia must either have been forty years of age in 100, in his praetorship, or forty-two in order to canvass immediately for the consulship of 99. Saturninus' election to a second and then a third tribunate suggests that he was somewhat younger and possibly qualified for the aedileship only in 98, hence born in 135. In office together they made a formidable pair.

\textsuperscript{110} For the \textit{lex de Piratis} which, I suggest, also belongs to this year, see above.

\textsuperscript{111} \textit{MRR} 1.575 and n. 4. For the parts of Gaul designated for settlement see Badian, \textit{FC} 204-205; Keaveney, \textit{Unification} 77; Brunt, \textit{FRR} 279.
at least on a large scale. The number of disbanded veterans who can have profited from these laws was plainly not that sizeable.

A deceptive picture has arisen, certainly about the *lex agraria*, because of the supposed magnitude of Marius' army reforms. In 100 Rome was not packed with thousands of *capite censi* or very poor *assidui* clamouring for land, because there had never been a massive recruitment from this section of Roman society in either the Jugurthine War or in the campaigns against the Germanic tribes. This legislation may thus be viewed as a farsighted policy in opening up tracts of land for future use by army veterans and therefore an example not only of Marius' honourable intentions towards his former troops, but also of his perception about the forthcoming needs of Roman armies. However, the details of Saturninus' law, which seems eminently sensible, must have gone far beyond the scope of the *lex agraria* of 103 judging from the response of its opponents.

Thus Appian (BC. 1.29-30) states that the land law was passed, but only after Marius' veterans had been summoned from their fields to overcome the opposition of the urban population who believed that the bill favoured the *socii*. These ex-soldiers cannot have been especially interested in the law *per se* since they already had their farms, and surely did not desire land outside Italy. Appian's account also suggests that there were no *proletarii*, or very few, in the city awaiting allocation of land, nor is it realistic to assume that the allies actually thought land abroad a better deal than that which they already farmed at home. As it stands, his description of the events is little less than absurd. If so few men were either concerned about this law, or stood to gain from its contents, its purpose must evidently have been imagined by opponents to be decidedly more sinister than simply a regulation enabling land to be set aside for retired ex-legionaries. A reading of the text would have revealed an oath compelling all members of the senate to swear to uphold the *lex Appuleia agraria* within five days of its promulgation (Liv. *Per.* 69; Plut. *Mar.* 29.1; App. *BC.* 1.29), though even such a stipulation was not entirely novel since it had featured in Saturninus' *maiestas*

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112 Both Badian, *FC* 205 n. 1, and Brunt, *FRR* 279, note colonies which may have been founded after 100.

113 Lintott, *Violence* 178-179, sees the conflict as a 'schism between citizens and allies, but also between the city-dwellers and the country-dwellers', since the former were concerned more about the corn-dole than about land grants. Note also Mattingly, *CR* 19 (1969) 267-270, who argues that Q. Servilius Caepio, quaestor in 100, organized disturbances which were aimed at preventing the passage of a *lex frumentaria*; cf. *MRR* 3.21; Badian, 1957: 319 and n. 9, who date this disruptive action to 103.

114 Appian, *BC.* 1.29, mentions land redistribution in Gaul, but is more concerned about the senatorial oath and the exile of Metellus Numidicus. He merely states that the *dēmos* was not pleased that the Italians were to have a greater share; cf. Brunt, *FRR* 131.

115 Badian, *FC* 207.
However, if a directive forcing the whole senate to publicly acknowledge the inviolability of a law was to become a regular feature of tribuniciian bills, this not only constituted a direct attack on the integrity of the ordo senatorius, which evidently could not be trusted to maintain legislation, but could also be construed as a method by which the powers of the state’s governing body might be greatly and permanently diminished. Saturninus and Glaucia, and perhaps by then a wavering Marius, were intent on altering the basic structure of the republican system by shifting the intricate balance between the senate and populus in favour of the latter. The senate was to be subordinated to the will of the people, an action which in the past would have resulted in charges of regnum or maiestas, but which was to be neatly avoided through the adroit use of the senatorial oath. Hence a conspiracy to unseat the prerogatives of the senate was disguised within a fairly unremarkable law about land distribution.

A second disquieting feature was to be found in Saturninus’ lex de coloniis deducendis in which Marius was to be personally responsible for extending the franchise to a number of founder members of each new settlement. Cicero (Balb. 48) suggests that the grant of full Roman citizenship was to be restricted to just three residents of the new colonies, though this seems hardly sufficient to explain the resultant ugly scenes accompanying the public debate about the law. But if, as Brunt argues, Marius was really empowered to create three hundred new citizens in each of the colonies established by the bill, this much greater number would have provoked a huge outcry, not simply because of the numbers involved, for these new citizens were to be domiciled far from Rome, but because a single politician had been chosen to exercise the privilege. As Badian says, it is not astonishing that this law was also greeted with intensely bitter confrontation. Moreover, for how long would Marius have retained this power of granting citizenship? He was no longer a young man, and at his death or removal from an effective

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116 As noted on the Lex Latina of the Tabula Bantina, S. Riccobono et alii (ed.), Fontes Iuris Romani AnteJustiniani, Florence 1941-1943, 1 no. 6, p. 84; Hassall et alii, 1974: 215-216; Sumner 1978: 222.

117 Note the anecdote related by Plutarch, Mar. 30.2, in which Marius, feigning an attack of diarrhoea, scuttled about his house intriguing concurrently with senior senators and Saturninus. The tale possibly contains a memory of his changing attitude towards the tribune. Plutarch, Mar. 30.1, also intimates that, once Metellus Numidicus was exiled, Marius knew that further support for his allies would damage his own future standing; cf. Badian, FC 208-210.

118 Brunt, FRR 111, who also notes, 279, that Eporedia, Vell. 1.15.5, and a colony on Corsica, Pliny, NH. 3.80; Sen. Cons. ad Helv. 7.9, are recorded as settlements possibly after the quashing of Saturninus’ laws.

119 Badian, 1984: 114: ’... Saturninus and Glaucia had shown that they were not content with having served as his [Marius'] tools: they were now using him as a tool ... The prospect of Glaucia as consul, with ... Saturninus and Equitius as tribunes, was totally unacceptable to Marius. Such a team would control the res publica.’
political role these powers could easily be reclaimed by the immensely popular Saturninus and Glaucia. These two politicians were within an ace of attaining supreme rule in Rome, with or without Marius’ complicity.

Pronounced changes to the political foundations of the Republic might have become a reality had the coalition between Marius, Saturninus and Glaucia not begun to crumble away. It must have dawned on the oldest member of this forerunner of the ‘first triumvirate’ that he was meant to be the unsuspecting dupe of one the cleverest tricks ever sprung on a republic­an politician. The traditional connection between a senior public figure and a tribune was becoming detrimental to his reputation, and more to the advantage of the younger politicians involved, who had their sights on a far richer treasure: unbounded control of public affairs. Furthermore, since Marius’ long hold on the consulship was coming to an end – there is no suggestion that he contemplated standing for this magistracy in 100 – he would have become an expendable element in a confederacy in which the powers of the other two would continue to grow. Badian has argued persuasively that Marius was not altogether the unwitting stooge who was manipulated by more ruthless men, though it is possible that, at some stage, he was not fully apprised of the true range of the envisaged laws. But Marius was not to be outwitted for any length of time by other politicians, and by the middle of 100, he was trying to extricate himself from this cabal, which he had first willingly inaugurated, but whose long-term aims would have crippled him politically. He had won a pre-eminent place among the senatorial hierarchy by virtue of his military achievements, and had gained extensive influence through the lex Appuleia agraria and the colonial law, but he was now prepared to sacrifice these gains if his erstwhile allies refused to alter their more radical tack. A rupture became unavoidable when Saturninus followed C. Gracchus’ example by announcing his intention to seek a third term as tribune, and when Glaucia began to canvass illegally for the consulship, their new direction became universally apparent. And so great was their popularity that there was no doubt that they would have succeeded, as Cicero (Brut. 224) shows:

Is ex summis et fortunae et vitae sordibus in praetura consul factus esset, si rationem eius haberi licere iudicatum esset; nam et plebem tenebat et equestrem ordinem beneficio legis devinxerat.

Glaucia rose from the most sordid depths of fortune and life, and would have been elected consul during his praetorship if his candidacy had been judged legal; for he had united and held together the ordinary citizens and the equestrian order as a result of the benefits of his law.

Although neither agrarian nor colonial measures favoured the citizen body in a concrete fashion, the diminution of senatorial power, exemplified by

120 Badian, FC 208-210; Passerini, Studi 152-153.
the expulsion of Metellus Numidicus earlier in the year, and the privilege granted to Marius with regard to the extension of *civitas optimo iure*, must be held to have been acceptable to the *populus*, the non-politicized rich and poor alike. Whereas the attack on the senate by C. Memmius, the *quaestio* of C. Mamilius Limetanus and the *plebiscitum* of T. Manlius Mancinus had limited objectives, even if they caused startling precedents, the strategy of Saturninus and Glaucia stood for nothing less than a radicalization of political life and the absolute curtailment of senatorial authority. An analogy between the proposals of 100 and the reforms of Ephialtes and Pericles in 461, which diminished the influence of the Athenian Areopagus, is certainly not invalid. The Roman people would obviously have allowed these changes to happen had Saturninus and Glaucia reached and entered into their respective offices. That this failed to occur was due to traditional *mores* which were still sufficiently potent to neutralize their ambitions, to the opposition of Marius who was still held in great respect, whose desertion of the alliance served to divide the forces of change and, finally, to a wholly novel and drastic use of the *senatus consultum ultimum*.

Cicero (*Har. resp.* 51), with a possible allusion to Glaucia’s disqualification as a consular candidate (’Utrum tandem C. Marius splendidior, cum eum C. Glaucia laudabat, an cum eundem iratus postea vituperabat?’), may indicate that Marius presided over these troubled elections. Elsewhere (*Brut.* 224) he states that the candidacy was disallowed, presumably since Glaucia contravened the law by campaigning for one magistracy while still in possession of another. The praetor could possibly have circumvented the requirement by arguing that he possessed the minimum age for the consulsiphip, and could probably have secured the votes had the presiding magistrate been in collusion. Cicero’s evidence might be taken to suggest that Marius picked this moment to break free from these politicians by upholding the customary practices for holding office. Nonetheless, according to Appian (*BC.* 1.32), Glaucia ignored the consul’s ruling, and continued to canvass right down to the actual polling day. Since his chances of success depended on coming second in the vote to M. Antonius, the acknowledged favourite in these elections who looked set to win outright, Glaucia had to remove all other serious candidates (*Liv. Per.* 69). This explains why the murder of C. Memmius, the one other candidate who could upset Glaucia’s plans, was a premeditated act (*App. BC.* 1.32), which had to be carried through in order to provide Saturninus, who was already tribune-elect for 99, with a suitably supportive consul (*Flor.* 2.4.4).
The chronology of the events as they are related in the literary evidence remains uncertain, but the consular elections were probably postponed as the result of the confusion caused by Memmius’ death (Flor. 2.4.4; App. BC. 1.32). Badian illustrates that this delay would have played right into the hands of Saturninus who wanted to make use of a plebiscitum to enforce official recognition of Glaucia’s candidacy. However, the senate’s response to the prospect of the concilium plebis being used to obtain a magistracy for a politician who had been disqualified by the presiding officer – a scheme which would have ended the traditional method of voting – was to instruct the consuls to restore order at any cost by proclaiming the senatus consultum ultimum. Thus for the first time in the Republic’s history emergency powers were conferred upon the consuls to act in any way they thought fit to end unrest stirred up by public officials and some of the senate’s own magistrates. These were deemed to have raised a rebellion against the res publica and could, therefore, be treated as hostes. Marius and his consular colleague Valerius Flaccus, with the active assistance of many prominent senators (Cic. Rab. perd. 21), blockaded Saturninus and his adherents on the Capitoline, where they had taken refuge. After the water-supply was interrupted, they surrendered and were murdered without trial, either in the senate house (Flor. 2.4.6; App. BC. 1.32) or in the forum (Plut. Mar. 30.3). The senate had sanctioned the use of extreme force and legalized the murder of four elected officials to prevent an erosion of its power and, thereby, created an example as innovatory as the use of plebiscita or the recruitment of capite censi into the army. By resorting to the open use of strong-arm tactics the hold of the ruling oligarchy was, however, weakened immeasurably (App. BC. 1.33).

125 For an analysis of the sources and the existence of a dual tradition about the elections and the murder of Memmius see Badian, 1984: 114-115.
126 Badian, 1984: 117.
127 In 133 the actions of P. Cornelius Scipio Nasica (cos. 138) had been condoned by the consuls who had, however, refused to participate in the riot which culminated in the death of Ti. Gracchus. The senatus consultum ultimum, passed in 121, had been directed against C. Gracchus and M. Fulvius Flaccus (cos. 125), both of whom were privati by that stage. On this question see Badian, 1984: 118.
128 In Saturninus’ camp, besides the praetor Glaucia, was the quaestor C. Saufeius and the tribune-elect L. Equitius, Cic. Rab. perd. 20; Liv. Per. 69; Val. Max. 3.2.18, 9.7.1; Plut. Mar. 30.4; Flor. 2.2.6; App. BC. 1.32; Dio, 37.26. Other privati who were supporters included Q. Labienus, Cn. Cornelius Dolabella and L. Giganius, Oros. 5.17.9-10. They were all killed.
129 On the date of Saturninus’ death see most recently, Badian, 1984: 101-147, and especially 102-103, with references to earlier discussions. For the suggestion, based on App. BC. 1.33, that Equitius was not murdered until the first day of his tribunate, hence some time later than the other conspirators, see J. L. Beness & T. W. Hillard, ‘The Death of Lucius Equitius on 10 December 100 B.C.’, CQ 38 (1988) 269-272. However, Appian’s misapprehension concerning the date that tribunes took office means that Equitius is most likely to have perished alongside his fellows soon after the consular elections were halted.
Appian contends (BC. 1.32) that Saturninus and Glaucia, up to the last moment, counted on Marius to save them after they were placed in custody, but that the consul never had any intention of rescuing his former allies. Plutarch (Mar. 30.4) puts a more sympathetic complexion on the tale, and stresses Marius' honourable intentions which were, however, to no avail.

After that Marius did everything in his power to help these men, but when they came down into the forum they were killed, and because of this episode he was cursed simultaneously by leading figures and the ordinary citizens, and when elections for the censors occurred, he did not seek this office as was expected, but allowed other and lesser men to be elected in the belief that he would fail.

From Patriarch to Otium Sine Dignitate

The bloody conclusion to the sedition of Saturninus and Glaucia is said to have left Marius loathed and despised, with his reputation in tatters (Plut. Mar. 30.4). He is seldom mentioned in the subsequent decade and his place in politics was therefore long thought to have been forfeited to other politicians. Metellus Numidicus was recalled from his exile in Rhodes during the course of 98 when Marius, perhaps in inadvertent emulation of his former commander's precipitate departure from Africa in 107 (Sall. lug. 86.5), refused to remain in the city to witness this old opponent welcomed with enthusiasm by the same crowd which, not long before, had assented to the plebiscitum which had driven him abroad (Liv. Per. 69; Plut. Mar. 31.1; App. BC. 1.33). Metellus Numidicus did not, however, re-enter political life (Cic. Cluent. 95; Dom. 87; Red. Quir. 6) and, though he probably lived on until the end of the 90s, he is not attested as a force in the senate again. Marius' absence from Italy was brief; the ostensible reason for his sojourn abroad was a vow he had made to the Magna Mater that he would sacrifice at the cult temple at Pessinus in Galatia (Plut. Mar. 31.1). Once fulfilled, there was nothing to detain him in Asia, although Plutarch (Mar. 31.2–3) relates a meeting in Cappadocia with Mithridates, king of Pontus. At that encounter, which later achieved some notoriety, Marius is said to have incited the monarch to wage war on Rome in the hope of gaining a new military command. This anecdote may be nothing more than a malicious rumour discovered by the biographer in one of his sources, such as the memoirs of Rutilius Rufus or Sulla.
Once he was again resident in Rome Marius found, naturally enough, that his outright dominance, which he had laboured so long and hard to attain, had quickly been eclipsed by others. Nevertheless, it is unnecessary to believe Plutarch's claim that Marius was so out of favour and held in such contempt that he was avoided by his peers and neglected even by his former clients (Mar. 32.1). The 90s are no longer thought of as a decade devoid of domestic political events, a hypothesis which took shape because the literary sources are preoccupied with the reasons for the outbreak of the Social War and much less interested in internal affairs. Political life in these years was, in truth, as vibrant as it had been between 121 and 100, with weighty problems and far-reaching issues debated publicly. Marius remained a force to be reckoned with, but now as a, if not the, senior member of the senate, he ventured only occasionally into the political limelight. The six-times consul did not live in retired seclusion brought on by any disfavor he had suffered as a consequence of the happenings in 100; instead his new role as an elder statesman precluded a more active participation in public life.

The energetic opposition of L. Marcius Philippus (cos. 91) ensured that the tribunician proposals of M. Livius Drusus failed to become law (Liv. Per. 131)

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131 Sulla, a politician with ties to Marius from the previous decade, failed to be elected praetor in 99, Plut. Mar. 31.1, which may have been due to a decline in Marius' popularity and not, as Plutarch says, simply because the candidate had refused to canvass for the aedileship. In the next year, and probably while Marius was absent from the city, Sulla headed the poll for the praetoriarium college. For the possible date of Sulla's praetorship see MRR 2.14-15 under 93, MRR 3.73-74; Badian, Studies 157–178; Keaveney, Sulla 35–36; P. F. Cagniart, 'L. Cornelius Sulla in the Nineties: A Reassessment', Latomus 50 (1991) 186, 192; cf. G. V. Sumner, 'Sulla’s Career in the Nineties', Athenaeum 56 (1978) 395–396, who considers that he may have won an aedileship for 97, following his unhappy showing in the poll of the previous year. See further below, Chapter 4.

132 Last, CAH 9.173.

133 For discussions of Italian grievances and the incidents which made war certain see, for example, Badian, FC 211–219; 'Roman Politics and the Italians (133–91 B.C.)', D. Arch. 4-5 (1970–1971) 373-409; Keaveney, Unification 76–98; Brunt, FRR 93–143.


135 One such occasion was as defence witness in the trial for repetundae of M'. Aquillius (cos. 101), which came to court after Marius had returned from the east, probably during the censorship of M. Antonius in 97, who acted as defence counsel, Cic. Verr. 5.3; de Orat. 2.194: 'censorius'; Badian, 1957: 330–331; FC 212, n. 5; Gruen, 1966: 38–39. Note also below, Chapter 4.

136 Marius did not campaign for the censorship in the 90s, perhaps in order not to test public opinion. He was, however, elected to the augural college in his absence, Cic. ad Brut. 1.5.3; MRR 1.559, a singular achievement, which has been seen as a pact among senators, allowing Marius to save face, Badian, 1957: 333; FC 210 n. 1; cf. Gruen, RPCC 192 n. 18. The censors elected in 97 were L. Valerius Flaccus (cos. 100) and M. Antonius (cos. 99), who have been identified as friends of Marius, Badian, 1957: 333; FC 212; 1984: 141–145. This might indicate a resurgence in Marius’ influence at Rome, but see also below, Chapter 4.
70–71; Flor. 2.5.8; App. BC. 1.35–37), since these were held to be an infringement of the terms of the lex Caecilia Didia, which forbade laws per saturam (Cic. Dom. 53). There is no hint in the ancient literature that Marius was in any way involved in the stormy sessions which punctuated 91 though, amongst others, Badian has sought to identify him as an implacable foe of Drusus’ measures. However, through the marriage of his son to Licinia (Cic. Att. 12.49.2, 14.8.1; Phil. 1.5), Marius had forged the closest of connections with L. Licinius Crassus (cos. 95), who was Drusus’ most able and forceful spokesman in the senate. His tacit approval of thorough reforms to the composition of the juries and of a grant of full citizenship rights to the socii is therefore not at all unlikely. Moreover, in assuming powerful support for the opponents to this tribunician programme, Badian and others simply leave too few prominent senators behind a politician who, according to Cicero, was extremely influential in his own right (Mil. 16: ‘Domiuae nobilissimus vir, senatus propugnator atque illis quidem temporibus paene patronus). Drusus can hardly have been considered almost a patron of the senate with the few supporters left to him in many modern accounts.

Marius’ stance in the trial de repetundis of P. Rutilius Rufus (cos. 105), with its outrageous denouement (Liv. Per 70), is not mentioned, and this has evidently been the cause of considerable puzzlement. Rutilius Rufus, who was convicted and who chose to go into exile (Liv. Per. 70), was also

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137 For recent discussions of Drusus’ career prior to his tribunate see MRR 3.126; Sumner, Orators 110–111; Marshall, 1987: 317–324.
138 MRR 2.4.
140 Münzer, RAA, 279–280; E. Badian, ‘Q. Mucius Scaevola and the Province of Asia’, Athenaeum 34 (1956) 112 and n. 3–4; 1957: 329; Shackleton Bailey, Atticus 5.339, 6.219. On the date of the marriage of the younger Marius to Licinia see also below, Chapter 4.
141 Cf. Badian, FC 215, who sees the laws of Drusus as a ‘counter-stroke’ against Marius and his allies, and argues, 1957: 328–329, that Crassus was not a close supporter of Drusus; and, 343, that Marius joined with other politicians, such as Q. Servilius Caepio, in opposing the measures. Alas, in the absence of evidence, all supposition.
142 Badian, 1957: 328–343; FC 215–220; Gabba, Republican Rome 70–74, 131–134, reiterating Badian’s view and in the process producing a very scanty list of backers for Drusus, most of whom were junior figures; Keaveney, Unification 80; cf. Brunt, FRR, who recognizes the lack of evidence for Marius’ supposed Italian sympathies; but argues, after Plut. Mar. 33.2–3, that in the Social War, he was less vigorous against the socii than some of his fellow commanders. Not also Marius’ grant of citizenship to specific socii, Brunt, FRR 131, and his defence of T. Matrinus, who had probably acquired the ius optimo iure as a result of the law of 100, Badian, FC 213. Saturninus’ colonial bill was also meant to underscore the grant of citizenship made by Marius to a cohort of cavalry from Camerinum, Badian, FC 206 and n. 3.
143 The trial may be dated to between 94 and 92. Badian, 1957: 325, for 92; FC 215, for 93 or 92; Gruen, RPCC 205, for 92; R. Kallet-Marx, ‘The Trial of Rutilius Rufus’, Phoenix 44 (1990) 122–139, for 94.
closely related to Drusus (Val. Max. 8.13.3; Pliny, NH. 7.158). Ancient writers believed that the tribune responded to this victimization of an uncle by marriage in a court established under the *lex Servilia Glaucia*, by bringing forward his controversial legislation, designed to increase senatorial authority and prestige (Cic. Mil. 16; de Orat. 1.24–25; Liv. Per. 70). It seems improbable that Marius would have risen to the defence of a law, the author of which he himself had ordered to be killed without trial. What possible motive could Marius have had for opposing the measures of Drusus? He was not so aligned with the *equites* that he stood to lose anything by the changes which, on reflection, seem a reasonable compromise between senatorially dominated juries on the one hand, and purely equestrian juries on the other. No ancient source points to his involvement, but his family connections from the 90’s, and his experience of the turmoil in 100, for which he was partially to blame, more than likely made him steer well clear of actively participating on either side in this latest political crisis.

It is nevertheless remarkable that Marius’ position in the years between 95 and 91 should be so obscure. Cicero who knew him in the 90s (*ad Quir. 20*) must have known exactly where he stood on the question of the charge against Rutilius Rufus, and also on the measures proposed by Drusus. He is so completely silent that one is tempted to imagine concealment, since Marius was such a senior political figure that he ought to have had views on these affairs. The answer may be more mundane: he may not have been interested. The malice which seems to emanate from the memoirs of Rutilius Rufus, which have infiltrated the narrative of Plutarch’s *Life*, is assumed to have originated in the trial of the author, but the hostility may be overstated, and could well belong to a much earlier episode in their lives. Indeed, Plutarch speaks about a ‘private quarrel’, not the public falling-out as would no doubt have taken place in open court. His evidence should not be dismissed out of hand. Marius’ family tie with Licinius Crassus also makes opposition to Drusus look less plausible. It might be comforting to see Marius, thwarted by the senatorial establishment in achieving his aspirations in 100, now spending his spare moments wreaking vengeance. However, what Marius did in that memorable year he did of his own volition.

144 Miunzer, RAA 282.
145 Val. Max. 9.5.2, alone claims *dolor* as the cause for Drusus’ actions. However, he could be correct. For his lack of partizanship see T. F. Carney, ‘The Picture of Marius in Valerius Maximus’, *RHM* 105 (1962) 289.
He stood to win no greater place in the res publica in the 90s by playing the role of an ageing and injured demagogue. It is rather more befitting to visualize him as a patriarchal figure in this period who did not stoop to the intrigue of those he now considered lesser and inferior figures in the senate.

It is only at the beginning of the Social War, after several inconspicuous years, that Marius makes a reappearance (Plut. Mar. 31.4–32.4). In 90 he is listed, by Appian (BC. 1.40), among the senior legati in the consilium of P. Rutilius Lupus (cos. 90). Following the death of the consul in battle, he was appointed to joint command of the army with the praetor Q. Servilius Caepio (Liv. Per. 73; App. BC. 1.43–44) who was also killed soon afterwards. Marius was thus kept busy away from Rome during the turbulence caused by the quaestio, created in 90 by the tribune Q. Varius Hybrida (Val. Max. 3.7.8, 8.6.4; App. BC. 1.37), which tried alleged cases of maiestas committed by the political supporters of Drusus who, it was claimed, had encouraged the Italian allies to rebel. By the time Marius returned to the city in 89 after he had either relinquished his command because of ill health (Plut. Mar. 33.3), or had been relieved of his duties for failing to score anything notable against the Marsi (Liv. Per. 74), the Varian law had been used against its author who had been exiled or executed (Cic. Nat. deor. 3.81); and its activities were suspended. Marius' various military assignments in the Social War down to this year make it very doubtful whether he had much to do with the lex de maiestate of Varius. Nonetheless, the new treason court was obviously modelled in part on the Mamilian commission of 109, which had produced an impressive list of convictions, and which had directly paved the way for Marius' successful onslaught on the consulship in 108. Moreover, since the lex Varia evidently replaced and enlarged upon the maiestas legislation of Saturninus (Cic. Brut. 304; Ascon. 79C), we may be sure that the author or authors of the new measure had taken particular cognizance of the previous law, a law which, if not exactly framed by Marius, had been introduced by a politician who was later to be his close ally.

147 With Marius were Cn. Pompeius Strabo (cos. 89), Q. Servilius Caepio (pr. 91), C. Perpenna and a M. or M'. Valerius Messalla. Marius was related to the consul who requested his presence among his staff, Oros. 5.18.11; Dio, 29.98.2; Badian, 1957: 337 and n. 160; Carney, Marius 52. The relationship with Rutilius was, however, somewhat remote, Carney, Marius stemma facing 76. For the identity of Messalla see MRR 3.213; Syme, 'Potitus Valerius Messalla', in Roman Papers 1.265–266.

148 For the Varian commission, the trials and the excesses of this tribunal, see E. S. Gruen, 'The Lex Varia', JRS 55 (1965) 59–73; RPCC 215–220; E. Badian, 'Quaestiones Variae', Historia 18 (1969) 447–491. For Varius' ability as an orator, Cic. Brut. 305. For the veracity of the details concerning the downfall of Varius, Badian, 1969: 461–465. The victims of this quaestio, C. Aurelius Cotta, L. Memmius, the younger brother of the consular candidate of 100, and L. Calpurnius Bestia, son of the consul of 111, were comparative small fry. No senior personage was condemned, Gruen, 1965: 64–67; RPCC 216–219.

149 E. S. Gruen, 'The Lex Varia', JRS 55 (1965) 59–60: 'no further trials under the lex Appuleia are recorded after 90'.
The use of the *plebiscitum* was also to recur once more in Marius' political career, early in 88, the year of the tribunate of P. Sulpicius. Marius had failed to cover himself in glory in the Social War, but his participation at a senior level had in all likelihood rekindled his ambitions for further military laurels (Flor. 2.8.6; Plut. Sull. 7.1). When the province of Asia was invaded by Mithridates late in 89 or early in 88 the opportunity arose for a major new provincial command, which was comparable to that against the Cimbri and Teutones. Sulla, who had recently been elected consul for 88, was designated by the senate as the general of an army for the campaign against the king of Pontus. And he was well prepared for a speedy departure with forces in readiness, then engaged in besieging Nola (App. BC. 1.50), which had served under him for two years in the war against the *socii*. These significant facts do not appear to have deterred the restless Marius, who evidently cast around for a sympathetic tribune to pass a plebiscite in the *concilium plebis* granting him the command initially awarded to the consul (Liv. Per. 77). This proposal, so similar in content to the one passed twenty years previously, which had overthrown the senatorial prerogative, exercised through the *lex Sempronia de provinciis*, of assigning proconsulships, must have been Marius' brainchild and not that of P. Sulpicius, the tribune with whom he had formed an alliance (Plut. Mar. 35.1). This move might have been unsuccessful, or so Plutarch intimates (Mar. 34.1), had it not been appended to Sulpicius' other motions, which were concerned with the pressing issue of the incorporation of new citizens in the current voting tribes. Sulpicius intended to see his tribunician bill made law at any price, even if its contents were equally controversial. The passage of this motion would have ensured that Sulla lost control of his army, regardless of the fact that the distinctions Marius had won in Numidia and Gaul had faded somewhat in the memory of the voting public. He had not acquitted himself particularly well in the recent warfare and was by then nearly seventy years old, an unrivalled age at which to be entrusted with a great command overseas.

At this stage in Roman history, the conferment of a military campaign

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150 Although most ancient and modern commentators simply use the word ‘law’ for the proposal transferring Sulla’s command of the Mithridatic War to Marius, Liv. Per. 77; Flor. 2.9.6; App. BC. 1.56, I have no hesitation in describing this measure as another manifestation of the *plebiscitum*. For this action see MRR 2.41; Carney, Marius 54; Keaveney, Sulla 61-62; ‘What Happened in 88?’, Eirene 20 (1983) 60-62.

151 Badian, FC 230; Keaveney, Sulla 58.

152 For Sulla's command see MRR 2.40; Keaveney, Sulla 57-59, 78-109.

153 Marius and Sulpicius had, however, been acquainted since the 90s, Cic. de Orat. 1.66; Gruen, RPCC 225.

154 The people were divided in their preferences between Marius and Sulla, Plut. Mar. 34.1, but the best citizens were ‘filled with pity at his [Marius’] greed and ambition’, Mar. 34.4.

155 For the law regarding the new *cives* see MRR 2.41; Badian, FC 232-233; Carney, Marius 54, n. 248; Taylor, VDRR 102-103; Gruen, RPCC 225-226; Keaveney, Sulla 57-58.
on a \textit{privatus}, moreover, had no parallel. It is said that Scipio Aemilianus was keen to obtain the command of the war against Aristonicus in 131, but a motion granting this to him attracted the support of just two of the voting tribes (Cic. \textit{Phil.} 11.18).\textsuperscript{156} A \textit{plebiscitum} allowing Marius to take charge of an army in 88 went far beyond the motion of T. Manlius Mancinus whereby Metellus Numidicus' position had been usurped in 107.\textsuperscript{157} Yet this decisive action attracted the interest of not a single ancient writer.

It is no exaggeration to state that the events of 88 and the roles played by the protagonists, as they are related, are riddled with confusion. The sources are mostly concerned with Sulpicius' law about the integration of new citizens into the existing tribes, and with the outburst of unrest and its descent into a full-scale civil war. That so major a contributory factor as the Sulpician plebiscite should have been overlooked is almost beyond belief. And although the hypothesis is not regarded with favour, it is certainly not improbable that Marius should have considered campaigning for the consulship in 88 when news of Mithridates' incursion was first reported at Rome.\textsuperscript{158} After his election as consul VII, through use of a \textit{plebiscitum}, he would have obtained charge of this campaign and supplanted a proconsul, who would have been bound to yield to the will of the \textit{populus}, just as Metellus Numidicus had done in 107. This scenario is conceivable, for Marius had not previously sunk to complete illegality, or any actions which would have caused needless bloodshed, before his suppression of Saturninus and Glauce; and certainly not to the extent of causing the first-ever march on the city by a Roman army. Marius might well have tried to emulate C. Iulius Caesar Strabo (aed. 90) who had endeavoured, probably in the previous year, to campaign for the consulship though he had still to hold a praetorship (Cic. \textit{Brut.} 226; \textit{Har. resp.} 43; Ascon. 25C; Quintil. 6.3.75).\textsuperscript{159} Marius, however, had far greater \textit{auctoritas} and political muscle at his disposal with

\textsuperscript{156} The command was eventually assigned to the consul Crassus Mucianus, MRR 1.500; Astin, \textit{Scipio Aemilianus} 234 and n. 1; Gruen, \textit{RPCC} 65-66. It is perhaps also worth mentioning the overt hostility to the powers accumulated by Scipio Africanus and his brother in the 190s. Then, however, opponents in the senate had been able to prevent an erosion of their powers by eliminating the Scipiones from political life, R. J. Evans, 'The Structure and Source of Livy, 38.449-39.44.9', \textit{Klio} 75 (1993) 182-183.

\textsuperscript{157} Pompey was the first \textit{privatus} to obtain a major proconsular command; in his case in Spain, MRR 3.162-165. As a private citizen in 67 he was the beneficiary of Gabinius' \textit{plebiscitum} granting him almost unlimited \textit{imperium} to combat piracy, MRR 2.144-145, 3.98. The plebiscite of Manilius followed in 66. But Marius had again shown how a command like this might be obtained.

\textsuperscript{158} Diod. 37.2.12; Flor. 2.9.6: 'Initium et causa belli inexplibilis honorum Marii fames'; Oros. 5.19.3. This information must surely have been extracted from Livy's account. On this issue, which has definite attractions, see A. W. Lintott, 'The Tribunate of P. Sulpicius Rufus', \textit{CQ} 21 (1971) 449-453.

\textsuperscript{159} Badian, \textit{FC} 230-231; 1969: 482; T. J. Luce, 'Marius and the Mithridatic Command', \textit{Historia} 19 (1970) 190-191; Sumner, \textit{Orators} 105-106. For more recent and conflicting opinions
which to fight for the right to stand as a candidate. Furthermore, while his own career had been exceptional, it is perhaps unlikely that he would have countenanced the idea of a command being entrusted to a private citizen. So by openly siding with Sulpicius over the distribution of new citizens into the thirty-five tribes he would have gained a powerful voice in the concilium plebis (Plut. Mar. 35.1–2), not only for a seventh consulship, but also for the concomitant proconsulship overseas.

Marius’ latest tribunician ally P. Sulpicius had originally been a close friend of Drusus and a vital member of his circle in the 90s (Cic. de Orat. 3.11; Brut. 203). There is also said to have been a particular affection between Sulpicius and Q. Pompeius Rufus (Cic. Amic. 2), who was the consular colleague of Sulla, Cicero, who had been acquainted with Sulpicius, plainly thought very highly of his talents, and numbered him among the best orators of the day (Brut. 183), but later writers, such as Appian (BC. 1.56) and especially Plutarch (Mar. 35.1–2; Sull. 8.1), clearly under the influence of the memoirs of Sulla, considered this politician a thorough villain who was completely unscrupulous and utterly calculating.

The rioting in the forum which led to the death of a son of the consul Pompeius Rufus (Liv. Per. 77; Plut. Mar. 35.2–4; Sull. 8.3–4; App. BC. 1.56), regarding Strabo’s attempted candidacy in 89 or 88, more likely the former, see Lintott, 1971: 446–449; T. N. Mitchell, ‘The Volte-Face of P. Sulpicius Rufus in 88 B.C.’, CP 70 (1975) 197–204; B. R. Katz, ‘Caesar Strabo’s Struggle for the Consulship – And More’, RhM 120 (1977) 45–61, A. Keaveney, ‘Sulla, Sulpicius and Caesar Strabo’, Latomus 38 (1979) 451–460. 160 Badian, DuJ 152, recognizes Marius’ continued popularity with the electorate, but ignores the likelihood of a consular campaign in that year. Keaveney, 1979: 453, notes that the fragment of Diodorus cited in support of Marius’ candidacy for a seventh consulship in 88 is really an epitome by Photius, hence late and inaccurate. This is not necessarily a sound argument, since the same information is to be obtained from Orosius, and may also be inferred from Florus. Iterated consulships were evidently becoming a prize worth seeking. B. R. Katz, ‘The Siege of Rome in 87 B.C.’, CP 71 (1976) 329–330, suggests that Pompeius Strabo (cos. 89) had ambitions for an iteration. Once again, Marius’ example was surely the driving force behind politicians’ desires to gain a second, or even an early, consulship.


161 Cf. Carney, WS 73 (1960) 109, who believes that Cicero’s assessment of Sulpicius’ abilities to have been rather less positive.
coupled with the tribune’s absolute determination to pass his measures by smashing senatorial authority and his dishonourable conduct towards former amici (Cic. de Orat. 3.11) were, in the unanimous opinion of those writing at some distance from the events of 88, all major elements conducive to Rome’s first civil war. The more sympathetic view of Sulpicius’ skills and the less meaningful role played by Marius in this affair were presumably discarded as false by those who may have taken the trouble to consult Cicero’s opera as a source for their own works.

When the consuls refused to have anything to do with Sulpicius’ bills, which also comprised a recall of all exiles (Liv. Per. 77), and tried to avert their passage by the declaration of a holiday, the tribune led armed supporters against them in the forum (Plut. Mar. 35.2; Sull. 8.3). The ensuing brawl shattered his association with his previous backers. The initiation of Marius’ alliance with Sulpicius should, therefore, be dated precisely to the delay imposed on the proceedings by Sulla and Pompeius Rufus. Although they had known each other beforehand, the political intimacy between Marius and Sulpicius arose from the latter’s frustration with the consuls and the former’s search for a compliant tribune. It is interesting that Plutarch (Mar. 35.1) should actually compare Sulpicius with Saturninus, as if Marius had sought out a man who most closely resembled his former ally. Marius may even have urged Sulpicius to imitate the tactics of Saturninus, and the subsequent violence in the contio addressed by the consuls was probably planned by the two partners of this newly cemented friendship. Sulla escaped from the attack to the house of Marius, which was near to the forum (Plut. Mar. 32.1), where an agreement was reached whereby the citizenship bill was to have a free and unhampered run while the consul was to be left to go to his army and prepare his expedition to the east (Plut. Mar. 35.2-4; Sull. 8.4; App. BC. 1.56).

Marius’ advice to Sulpicius had, as ever, been sound for, with official opposition removed, the tribune quickly had his measures passed by the people. However, at this point these allies also included the order immediately making Marius the new commander of a campaign against Mithridates (Flor. 2.9.6; Plut. Mar. 35.4; Sull. 8.4; App. BC. 1.56). Why had Marius

163 C. Chapman, ‘Cicero and P. Sulpicius Rufus (TR. PL. 88 B.C.)’, Acta Classica 22 (1979) 61-72, notes the hostile portrayal in the sources, but also argues that the tribune was equally badly treated by his friends in high office, and that Cicero glossed over Sulpicius’ actions in 88 in order to divert attention from Marius’ more invidious role.

164 Gruen, 1965: 71–73 discusses the possible identity of the exiles; Badian, 1969: 487–490, examines the possibility of a general amnesty, which would certainly have been in keeping with a post-war situation; Lintott, 1971: 453; Keaveney, 1979: 455–458; 1983: 55.

165 For Sulpicius’ use of force and his employment of a bodyguard of 600 equites whom he called his ‘anti-senate’ see Gruen, RPCC 225–226; Keaveney, Sulla 59–62; 1983: 54–58.

166 Keaveney, 1983: 58–59. The proposal granting Marius the Mithridatic command was greeted with incredulity, Plut. Mar. 34.1; Sull. 8.1. Marius may have been more an object of scorn
evidently dropped his intentions of canvassing for a consulship, and had instead been persuaded into taking a much more radical course? With the fruits of his labour in sight, and perhaps in recognition of advancing years, Marius’ political ingenuity seems to have deserted him. The passage of laws per vim ought to have reminded Marius of the hazards of employing brute force, as exemplified by Saturninus’ uprising in 100. But so great was his confidence in the efficacy of the tribunician law that he sent his legate M. Gratidius to Campania to effect the change in the command of Sulla’s army. Rashness rather than naivety made him blind to the sort of reception that this envoy would receive from veterans loyally attached to a long-serving general.167 Gratidius was killed at the instigation of Sulla who, realizing that he had been deceived, refused to relinquish his post (Plut. Mar. 35.4; Sull. 9.1; App. BC. 1.57).

The sequel to the measures of Sulpicius, which occurred because both he and Marius entirely miscalculated Sulla’s response to a law passed without senatorial approval, need not be examined here in detail. The epitomator of Livy’s history put it laconically when he wrote (Per. 77; cf. Plut. Mar. 35.5; Sull. 9.3–10.1; App. BC. 1.57):

L. Sylla consul cum exercitu in urbe venit et adversus factionem Sulpicii et Marii in ipsa urbe pugnavit, eamque expulit.

The consul L. Sulla entered the city with his army, fought against the supporters of Sulpicius and Marius in the city itself and expelled them.

Marius and his son together with Sulpicius and about ten of their staunchest followers were declared hostes (Plut. Mar. 35.5; Sull 10.1; App. BC. 1.60) but, with the exception of the tribune who was apprehended and murdered, they all escaped into exile.168 A radical legislative proposal had brought about a military riposte which ended in the occupation of the city by armed forces, a phenomenon not hitherto witnessed. Furthermore, the ambitions which had been unleashed by irresponsible law-making and armed reactions to such measures were to guarantee the total erosion of senatorial control,169 and were also to usher in a lengthy period of instability which was to be fully restored to a universal peace only by the principate of Augustus.
Conclusion

Marius finally attained his seventh consulship after his own military seizure of Rome later in 87. Within a fortnight of entering his consulship he was dead (Plut. Mar. 46.5), by which time, as Badian has noted, he was 'an object of general detestation'. That he should die so hated by contemporaries is really rather unremarkable, because to his unrealistic, even senile, dreams of further triumphs may be laid the prime cause for the disastrous civil war of 87. It was this conflict more than any other episode in his thirty-five years' political career which destroyed the credibility of senatorial government. The perpetuum mobile which was the republican political system, in its constant state of evolution, moved year by year ever closer to autocracy. In this continuous surge forward, the res publica may fairly be said to have been propelled by the events of 88 and 87 even more quickly towards rule by one man. In these events the elderly Marius was a pivotal figure and, for a part of the time, the single controlling influence. The actions of Sulpicius and to a lesser extent of Sulla were engineered by Marius since they were intended to be the pawns in his manipulations. Marius' bold strategy miscarried because he failed to judge Sulla's reaction to the transference of the Mithridatic command. Sulla was equally determined to retain what, in his opinion, had been legally awarded to him.

There can be no doubt that Sulla was the injured party in these machinations, but it is probably incorrect to ascribe personal animosities as the overriding, even the subsidiary, motive in an affair which was originally concerned with the possession of a military command. What was of importance to Marius was that he needed to have a ready army, and that force was situated outside Nola. It was unfortunate that Sulla just happened to be the current commander who in the circumstances could, like any other man, be sacrificed to the greater appetite of Marius' ambition. It was plainly expected that Sulpicius' bill and the sanctity of the law, even if much abused, would be obeyed without question. However, Sulla's unforeseen rejection of the 'popular' will, which he must surely have believed to have been of equivocal legality, was made from a position of great strength since he had the means and the opportunity to impose his resolve on the situation. Marius' flight and exile left him embittered against certain politicians with whom he had formerly been on good terms, but who had now, naturally enough, stood by the consul and thus thwarted his desires. Once he regained supreme power in Rome his vengeance was more probably calculated than driven by insanity. The murder in 87 of politicians opposed to Marius created one last precedent in a long sequence, and it was to be copied with

170 Badian, DUII 153; cf. Mommsen, RG 2.314.
171 On the deaths of senior political figures in 87, and who was most likely responsible, see below, Chapter 4.
a similar brutality by Sulla, whose revenge was not much delayed, and also in a far more cold-blooded, but businesslike, fashion by the three generals who in late 43 were to emerge as the joint heirs of Caesar.

The period in which Marius pursued his career witnessed an amazing series of tribunician laws, which altered the appearance of the Roman republic forever. Marius and the tribunes of this time are not inextricably bound together, but it is a quirk of history that Marius either gained some material advantage from a substantial number of the laws they promulgated, or caused some precedent to be established through the passage of specific measures which he may have supported. By endeavouring to connect him with as many radical proposals as possible in these years, the methodical approach of modern scholarship has caused Marius to be set artificially apart from his fellow senators and almost beyond the realms of Roman oligarchic politics. Before 88, however, his aspirations were not so very dissimilar to those of his peers in the senate; he did not have a greater purpose in mind when he chose to enter political life in 120. The purpose of this discussion has therefore been aimed at placing Marius in his proper context.

Marius was an exceptionally successful general, but he was first and foremost a gifted politician with an admirable appreciation of public affairs. From the time of his election as consul to his very last years he maintained a thorough grasp of the complexities of political life. Consequently his ambitions suffered few reversals. The ancient sources unfortunately do not tell the whole story and therefore may beguile us with their silence. Marius' activities in conjunction with tribunes such as T. Manlius Mancinus, L. Appuleius Saturninus and P. Sulpicius, his links with radical thinkers such as C. Servilius Glaucia and, indeed, his own acts as a tribune of the plebs all show that he used the existing political system as any artful republican politician should have done. In doing so, however, he achieved far more than his contemporaries. Marius stood alone only in 88, but before that tempestuous year his aspirations did not detract from his loyalty to the res publica. Finally, his unquenchable ambitio overcame an unusually astute sense of judgement; the result, the beginning of the Roman revolution.172

172 Badian, DUJ 152.