

SOME ASPECTS OF THE POLITICAL CAREER OF  
MARCUS LICINIUS CRASSUS, CONSUL 70 AND 55BC

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Some Aspects of the Political Career of Marcus Licinius Crassus

Consul 70 and 55 B.C.

- An Abstract -

Ch. I A discrepancy exists in the ancient sources between the record of Crassus' activities and assessments of his importance. Some possible reasons are considered.

Ch. II Crassus' birth date is placed between late June 115 and very early 114. Absent from Rome between 87 and 82, Crassus entered the senate in about 81. He was praetor in 75 or 74, was prosecuted for incest in 73, and was therefore a privatus when given the command against Spartacus. His political position in the 70s is considered.

Ch. III In 70 Crassus was concerned in the restoration of the tribunicia potestas, as he shows connections with several tribunes of the 70s. His breach with Pompey may concern the actions of the censors of 70. Crassus was interested in the reform of the courts, though probably friendly to Verres.

Ch. IV Crassus may have been hostile to both Lucullus and Pompey in the early 60s. Cn. Piso prosecuted Manilius in 66/5, and was sent to Spain to facilitate a change of prosecutor. Catiline was involved against Manilius.

Ch. V In 65 Crassus aimed to enfranchise the Transpadani in order to increase his power in the comitia. He was also concerned to annexe Egypt. Frustrated by Catulus, he considered an alliance with Pompey, and began to cooperate with Caesar.

Ch. VI Catiline's supposed Pompeian ties are unconvincing. Crassus supported Catiline and Antonius. In 63 Cicero allied himself with the optimates, frustrated Crassus' tribunician programme, and tried to destroy his political credibility by virtually creating the Catilinarian "conspiracy".

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Ch. VII Pompey had hoped to return with his army. He then tried to ally himself with Cato, and dropped several former associates, one of whom, P. Clodius, was helped by Crassus. Crassus joined the optimates to ensure Pompey's frustration. The First Triumvirate ensued.

Ch. VIII In April 59 Pompey and Caesar tried to drop Crassus, who managed, through his association with Clodius, to prevent this. The Vettius affair may have been genuine. The tribunician elections were held in October.

Ch. IX Having failed to crush Pompey through Clodius, Crassus, with Caesar's help, forced him to a crisis from which he himself would emerge the strongest. Provincial commands were decided at Luca; the second consulship was not.

Ch. X Most of the measures passed in 55 were not politically significant. Crassus, more committed to the alliance, now incurred hostility. Though away in 54 he kept in touch, and may have been involved in the electoral scandal of that year.

Ch. XI Crassus' style belied his great ambitions. The nature of his power necessitated an approach different from that of Pompey. His strategy for securing supreme power is considered. The political realignment that followed his death led inevitably to Civil War.

Appendix A Crassus married the widow of a brother who died by 91. Publius, his elder son, married Scipio's daughter probably in 55. Marcus married Caecilia Metella in 70 or 69.

Appendix B Plutarch's figure for Crassus' total wealth is too low. Pompey and Crassus were both very rich. Crassus had interests in the South of Italy, and derived his wealth from Spanish silver mines, housing, and slaves.

Appendix C Cicero's Sixth Stoic Paradox may have existed before all six were published together in 46. Plutarch thought it a speech, and associated it with Crassus' trial for incest in 73.

Some Aspects of the Political Career  
of Marcus Licinius Crassus, Consul 70 and 55 B.C.

Being a thesis presented by D.W.D. Pugh to the  
University of St. Andrews in application for the  
degree of Ph.D.

1981



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9699

I certify that Mr. Pugh has fulfilled the Resolution of Court  
and the Regulations of Senate applicable to this thesis.

12/X/81

Supervisor

Declaration

I hereby declare that the following thesis is based on research carried out by me, that the thesis is my own composition, and that it has not previously been presented for a Higher Degree.

The research was carried out in the University of St. Andrews and elsewhere, after my admission as a research student and Ph.D. candidate with effect from October 1972.

19/9/81

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Preface

When this study was undertaken, Crassus seemed to be suffering from many years of neglect. The principal works that considered his career as a whole were Gelzer's article in RE, perhaps the standard account, and three long, but ultimately unhelpful, articles by Garzetti in Athenaeum. Before them had come Deknatel's obscure De Vita M. Licinii Crassi, and after, an interesting but short article by Cadoux in Greece and Rome, and a rather slim monograph by Adcock. There was certainly room for an investigation into a number of aspects of Crassus' career that had received little, or uncritical, treatment. Since this investigation was begun, however, two full length works have appeared, one by Marshall and another by Ward. Between them these works go far to establish the previously obscured truth that Crassus was a much more formidable and significant figure than has often been supposed. Both acknowledge that he was primarily a politician rather than a financier. On many points of detail, and on several larger matters, the present study disagrees with the conclusions in these recent works. It has not been feasible at all points to include references to them, since much of the research for this study was completed before either appeared. Where possible, however, notice has been taken of views in these works that have seemed to require attention.

The title of the present study, though cumbersome, has been deliberately chosen. This does not profess to be a full biography of Crassus. There is no treatment of any of his military exploits. Nor does it cover, with equal depth of treatment, all phases of Crassus' political career. Although a chronological sequence has largely been followed, and something of a continuous narrative attempted, this is intended rather to connect the more detailed analyses of certain key points.

Three topics hard to reconcile with such a consecutive treatment have been included in appendices.

It has been necessary to relegate references to modern writings, and some discussions, to notes at the end. To avoid inconvenience, however, most references to ancient sources are included in the body of the text, as are page numbers for the lists of sources in Broughton's

Magistrates of the Roman Republic.

Thanks beyond measure are due to Dr. J.S. Richardson without whose patience and long-sustained enthusiastic help this study could never have been concluded.

Chapter I     The Problem

Explaining, to one unversed in the history of the late Republic, who M. Licinius Crassus was, almost always necessitates some such expressions as "the third member of the First Triumvirate, the colleague of Caesar and Pompey". He seems thus to exist only by virtue of this appendant relationship to his better known contemporaries, unless it be that one can jog a somnolent memory by a reference to his proverbial wealth. Even then confusion with his apparent near homonym, Croesus, the King of Lydia, may be responsible for the flicker of recognition. If Crassus' achievements are held up alongside those of his fellow "triumvirs", they hardly shine in comparison. As a soldier he was surpassed by such obviously lesser men as M. Curio, M. Metellus Pius, the two Luculli, even by M. Pupius Piso, twice a triumphator to Crassus' single ovation. Cicero, Hortensius, and Calvus in a descending order of political importance were all esteemed better orators than Crassus. His only unquestioned legislative achievement, the Lex Licinia de Sodaliciis, while useful, hardly qualified its author for immortality. He came from a noble family and reached the censorship. The actions and events of his career make even the prominence generally accorded him by modern scholars hard to understand, and seem quite at odds with some of the estimates of his power and significance offered by ancient sources. Therein indeed lies the problem. In several places Crassus' importance is asserted but this assertion never seems vindicated by the surrounding narrative.

Velleius, writing of the formation of the alliance that came to be known as the first triumvirate, stated Crassus' motive for joining: "ut quem principatum solus adsequi non poterat, auctoritate Pompeii, viribus teneret Caesaris" (2.44.2). Crassus some ten years earlier was, according to Velleius, "mox rei publicae omnium consensu principem" (2.30.4).

These are not descriptions of a mere princeps as the word applied to such principes as Q.Catulus, or to Q.Metellus Pius, but rather of an immoderately ambitious man of immense power. Dio confirms this impression. Assessing the relative strength of the three dynasts in 60, he writes that Pompey was less strong than he would have wished, that Caesar's power was growing, and that Crassus was "ἐν δυνάμει" (37.56.3). Dio too set no bounds to Crassus' ambition, which was to surpass all rivals, "πάντων περιεῖναι" (37.56.4). Caesar was aware that the opposition of either Pompey or Crassus could be disastrous (37.55.1). Plutarch, in his life of Pompey, describes Crassus as "ἀνὴρ τῶν τότε πολυτελευμένων πλουσιώτατος καὶ δεινότατος εἰπέιν καὶ μέγιστος, αὐτὸν τε Πωμαίων ὑπερφρονῶν καὶ τοὺς ἄλλους ἅπαντας" (Pomp.22.1). Plutarch elsewhere writes that Crassus made himself a match for both Pompey and Caesar in power (Comp.Crass.et Nic.2.3). Asconius saw Crassus as "aemulus potentiae Cn. Pompeii" (23,C).

The M.Crassus discernible from his recorded actions in no way matches these estimates. One is forced either to consider the assessments of his power and influence exaggerated, or else to conclude that much of his activity has for some reason dropped out of the records of the period. The first way is unconvincing. If Crassus was merely a fairly influential and moderate senator, one of the principes civitatis,<sup>(1)</sup> why was it essential, as it clearly was, for Pompey, unquestionably the dominant figure of the period, to ally himself with this man, apparently against his personal inclinations, not once but three times? It is precisely this paradox that has helped to perpetuate the myth that Crassus was necessary to the first triumvirate because of his money. It has been clearly shown, if not without exaggeration, that Pompey was at that time certainly no poorer than Crassus.<sup>(2)</sup> There were other factors than wealth to make Crassus indispensable.

The remainder of this study will be devoted to the attempt to piece together the missing elements. Some attention, however, must first be paid to the question of how these elements have come to be missing. Why, if Crassus was prominently involved in events, do the sources omit to mention the fact?

The surviving contemporary sources for the period are few. Far and away the most important is Cicero. There can be little doubt that Cicero heartily detested Crassus: "O hominem nequam" (Att.4.13.2). Despite numerous complimentary references to Crassus in public speeches (e.g. Mur. 10;48;Verr.2.5.5;Cael.9;18;Balb.50), he mocked and vilified him in conversation and correspondence while he lived (Plut.Cic.25.3-26.1; Sall.Cat.48.9;Cic.Att.4.13.2;cf.Fam.5.8) and defamed his memory after Carrhae (Off. 3.73-75;Parad.St.6;Tusc.5.116), most particularly in his posthumously published work generally known as the De Consiliis Suis (Plut.Cr.13.4;Asc.83C) and in the sixth Stoic Paradox. Cicero's political hopes and fears centred for many years on the prepotent figure of Pompey, through whom he hoped to realise his own ambitions, and for whose alliance, it will be argued, he found himself in competition with Crassus. Of Caesar he entertained occasional hopes (Att.2.1.6;3.15.3; 3.18.1;4.19.2), but in Crassus he seems generally to have recognised an implacable foe: "sed Crassum tamen metuo" (Fam.14.2.2;cf.Plut.Cic.30.1; 33.5;Cr.13.5). It will be argued below that Crassus was very active politically in the years 65-63. Cicero seems to have acknowledged this fact in his lost "De Consiliis Suis", but, as will be argued, had his own excellent reasons for distorting the nature of that involvement. When currying favour with Pompey, as for example in his speech De lege Manilio, Cicero had no desire to praise Crassus. It is not surprising therefore that Crassus gets little credit from Cicero for his success in the

Servile war or for his part in the reforms of 70. Even where, in Cicero's correspondence, Crassus is clearly involved, as in many of the reports of dissension among the dynasts in 59, he is rarely named. He is not named as the target of the sixth Stoic Paradox, but there is no doubt that he is meant (see below, Appendix C). That he is Calvus ex Nanneianis (Att.1.16.5) is maintained below, and by many scholars. Arguments from Cicero's silence are untrustworthy.

Of other contemporary sources, only Caesar and Sallust survive. Caesar's commentaries do not concern themselves much with domestic politics until, writing of the very end of the fifties, he seeks to justify his actions in resorting to arms. Crassus was dead before such concern was called for. Sallust's Histories are for the most part lost to us, and in any case seem not to have progressed beyond the early sixties. They were nevertheless a major source for the decade they did cover, and were clearly used by Plutarch in his account of the Servile War and the events of 71/70.<sup>(3)</sup> Sallust's monograph on the Catilinarian conspiracy is rather an essay in style and form of a moralistic reduction of history than a piece of genuine historical research. He accepts without much question the basic Ciceronian account of the affair, his own contribution being largely in the spheres of atmosphere, background, and characterisation. Thus once the towering figure of the monstrous Catiline has left the stage, Sallust sets up a fresh confrontation between the two moral exemplars Caesar and Cato. There is simply no room in this grand but simplified picture for the actual political background.

By far the earliest narrative account that has come down to us is that of Velleius. What we have is a highly compressed survey of the whole of Roman History down to his own times. He intended however subsequently to write a much fuller account of events from the late

Republic onwards (Vell.2.48.5) and presumably had researched this later period more fully. On both his father's and his mother's sides he was descended by two or three generations from praefecti fabrum under Pompey.<sup>(4)</sup> The high estimate he gives of Crassus' importance has already been noted. He shows easy familiarity with Cicero's works, particularly in a rather irrelevant discursion concerning M.Caelius Rufus (Vell.2.68). Otherwise his two chief sources for the period that concerns us are Sallust, already mentioned, and Pollio.

The latter is particularly important in the search for the reasons for the Crassan problem. Pollio chose as his starting point the consulship of Q.Metellus Celer and L.Afranius in 60. This was the year in which the first triumvirate was formed. Pollio professed to see in the alliance of Pompey and Caesar the seeds of their later falling-out and the years of chaos and bloodshed that ensued. Pollio is concerned with the Civil Wars. When war broke out in 49 the protagonists were Pompey and Caesar. They had earlier been allied. The entire preceding decade was therefore considered essentially with regard to the deterioration of that relationship. That there had originally been a third partner could not be allowed to disturb the sweep of the story, still less the possible fact that that third partner was at least originally of greater stature than one of the eventual two. This is not to accuse Pollio of deliberate distortion in the interests of his plan. He knew from first hand experience how the story ended. In the early 50s he was not a participant and will quite naturally have viewed the events of those years with hindsight. Pompey and Caesar were the two great powers in the state in 50; presumably the same obtained in 60 when they joined forces. Pollio's picture may have been a little affected by the obvious inferiority of the third member of the second Triumvirate, M. Lepidus. This may have conditioned him to think of a triple alliance

as two-and-a-bit. He may not have been so far wrong in that view regarding 60, except that Caesar may have seemed then a better candidate for the bit part, a thought inconceivable later.

Pollio's structure and emphasis were highly influential. Not only historians such as Velleius (2.44) and later Florus (2.13.8ff), but also poets such as Horace (Carm.2.1.1ff) and Lucan (Phars.1.84ff) accepted his choice of 60 as the decisive year.<sup>(5)</sup> The two combatants at Pharsalus cast their shadows a long way back, to the inevitable distortion of the historical balance. Pompey's importance was not exaggerated, but his later stance as champion of the senate perhaps diverted attention from the revolutionary nature of his early career. Caesar's importance prior to his consulship was however unquestionably greatly inflated.<sup>(6)</sup> Caesar's gain has probably been Crassus' loss.

Pollio's emphasis on Pompey and Caesar had its effect. So too, Sallust's on Caesar and Cato may have been a precursor of the flurry of biographies that were to pour out in a virtual propaganda war. Cato Uticensis became the saint of those opposed to Caesar or Caesarians. Brutus and Cicero both wrote hagiographical biographies, as did M. Fadius Gallus and Munatius Rufus (Cic.Fam.7.24.2; Plut.Cat.Min.37). Counterblasts, or Anticatos, were delivered by Caesar himself and Hirtius. There is some doubt about the earliest lives of Caesar. Balbus and Oppius are both uncertainly credited with such works.<sup>(7)</sup> It has been argued that as in the case of Cato, there are for Caesar two separate biographical traditions, one friendly, whose heirs are Velleius and Plutarch, and the other culminating in the essentially hostile account of Suetonius.<sup>(8)</sup> However this may be, it is certain that the efforts of the Caesarian and Catonian propagandists ensured that the slightest action of either hero would survive in the historical tradition. Pompey's name

was a less potent rallying cry for the later "republicans", but he had taken precautions that an account of his exploits would be transmitted to posterity. While he did not write it himself, as did Caesar, he carried about with him his tame historian, Theophanes of Mitylene.

His eastern campaigns were also treated by the eminent and influential historian, Posidonius. These accounts, coupled with the fact that Sallust's Histories barely reached into the sixties and Pollio's commenced in 60, may explain at least partly why in Dio, to take one example, the narrative of the foreign wars in the sixties occupies twice the space of that of the contemporaneous domestic affairs. Clearly much of the blame for Crassus' relative eclipse must lie at his own door for failing either to write his own account, as did Caesar and Sulla, or at least to arrange for someone else to do it for him, and finally for dying too soon, so that his earlier career was quite useless for propaganda purposes in the later struggles.

Even when the struggles were over, the late Republic could be a sensitive area for historians. Augustus twitted Livy gently for his Pompeianism (Tac. Ann. 4.34) and permitted him to question whether Caesar's birth was a blessing or a curse (Sen. NQ. 5.18.4). Virgil was mildly critical of Caesar (Aen. 6.834f) but thought highly of Cato (8.670). Caesar the man was somewhat embarrassing to Augustus: Caesar the god, Divus Iulius, was more useful (Hor. Carm. 1.12.47).<sup>(9)</sup> Cicero had to be handled with care. Unlike Cato and Pompey, safely dead earlier, Cicero had been involved with and betrayed by the young Octavian. A separation was needed, as with Caesar, this time between the literary man and the politician.<sup>(10)</sup>

Crassus had died early enough for such a problem to be avoided, but Octavian was confronted a few years after Actium with a potentially

powerful rival in prestige in Crassus' homonymous grandson. He seems to have taken the threat seriously (see below p.225). It is not certain how long the threat, or M.Crassus cos. 30, lasted after the clash in 27, but it may have seemed undesirable that too much emphasis be laid on the importance and deeds of this rival's potent forebear. Such considerations may have affected Livy's account of the period.

Livy's account, later treated as the standard version, survives only in an epitome so thin that it is hard to infer directly much about inclusions and omissions, but the dependence on it of later writers was such that it would seem reasonable to assume that it enshrined and confirmed the unbalanced political analysis and the Crassan discrepancy found subsequently. Despite their personal differences, it seems likely that Livy relied heavily on Pollio for the period in question, taking the formation of the first triumvirate as a crucial moment for the future decades. Significant perhaps of his attitude is the fact that the epitome describes that alliance as a conspiratio (Per.103).

Asconius did not write a consecutive history, but preserves in his commentaries on several of Cicero's speeches a quantity of quite unique and invaluable information. He seems to have had access to excellent sources, including the senatorial acta. It is perhaps not unimportant to note that he wrote a life of Sallust, now lost, and was a friend of Asinius Gallus, Pollio's son (Servius on Ecl.4.11). Asconius is most valuable in the present discussion for his references to Cicero's accusations against Crassus in the De Consiliis Suis and for the statement that Caesar and Crassus were open backers of Catiline and C.Antonius in 64 (83C).

Since the lack of a biographical tradition for Crassus has already been considered and regretted, some attention must be given to the one

biography that does exist, indeed the only one that is known to have existed, Plutarch's.

Consideration of this life, that of a man certainly not best known as a soldier, produces the surprising fact that seventeen years from 71 to 55, a period embracing two consulships, the censorship, the Catilinarian conspiracy, the first triumvirate, surely the most politically active period in his life, are treated in five short chapters out of a total of thirty-three (Cr.12-16). His two campaigns take the lion's share. That against Spartacus, which lasted six months, takes up, with its introductory account of the war, almost the same space as the seventeen years just mentioned. The Parthian campaign alone takes up more than half the whole biography. The account of the Servile war owes much to Sallust as already noted. That of the Parthian war is thought to have been taken from Q.Dellius, whom Plutarch certainly used for Antony's Parthian campaigns (Ant.59). Plutarch was clearly not overwhelmed with information about Crassus. He devotes two chapters to the story of Crassus' Spanish cave, which he found in Fenestella (Cr.4-5). This is no less than is given to the entire decade of the sixties (Cr.12-13).

Plutarch's picture of Crassus, with its conventionally artistic theme of a basically worthy nature warped by the one overriding flaw of avarice, has dominated the subsequent histories until very recently. Even now it is possible for a historian seriously to consider that in 55 the choice of consular province was made difficult for Crassus by his uncertainty as to which would prove more profitable.<sup>(11)</sup> Plutarch's own sources for this picture are not easy to determine. Certainly of great importance to the formation of his overall view is his knowledge of at least some of Cicero's writings and sayings. He refers explicitly to the De Consiliis Suis (Cr.13.3), though he miscalls it a speech

(cf. Asc. 83C). Another "speech" with which he was familiar is the sixth Stoic Paradox, which seems to have coloured his whole impression of Crassus (see below Appendix C). Various jokes at Crassus' expense were probably taken from a collection of such material made by Tiro (Plut. Cic. 25.3-26.1). Plutarch's estimation of Crassus' standing as an orator (Cr. 3.2) probably derives from Cicero's judgement (Brut. 233). Generally speaking it would seem that much of the less favourable matter derives from Cicero, though it is worth noting that he does not repeat Cicero's charges concerning false wills (Off. 3.73;75); it seems that Plutarch did not use that work when composing his life of Crassus.<sup>(12)</sup>

The sources for the more favourable and domestic material are hard to determine. The Licinii Crassi merged after a couple of generations with a branch of the Calpurnii Pisones who survived well into the first century A.D. It is highly likely that some biographical material may have been produced and have survived in accessible form. There will certainly have been tituli imaginis and probably fuller elogia, if not any surviving laudationes such as those delivered by Caesar for his aunt and wife (Suet. Iul. 6). In view of the poverty of Plutarch's material concerning Crassus' political career, some of the smaller details he did manage to accumulate are surprising, unless he was drawing on some collection of such material or memoir of the man rather than of the statesman.<sup>(13)</sup> We have however no knowledge of any earlier biography.

Of the later narrative histories the most important are Appian and Dio. Appian is very thin on the sixties, leaping from a Sallust derived account of the first consulship of Pompey and Crassus to a conventional version of the second Catilinarian conspiracy, and then to the first triumvirate, with virtually no analysis of the progression of these events.

Dio does try harder. He seems to have had access to some good

sources. He claims to have read virtually everything available (53.19.6), and indeed cites Livy (67.12.4), Sallust (40.63.4;43.9.2-3), Q.Dellius (49.39.2), Pollio (57.2.5), Cremutius Cordus (57.24.2,4), and Plutarch (Fr.40.5;Fr.107.1). His treatment of the late republic is marked by a distinct hostility towards Cicero, which has been argued to be derived from Pollio.<sup>(14)</sup> This would need to be other than through Livy who was probably much more favourably inclined towards Cicero. Dio is thought to have relied heavily on an early imperial annalist, possibly Cremutius Cordus.<sup>(15)</sup> Sometimes his analysis of the political scene is excellent; his account of the background to the first triumvirate is easily the best in any ancient source (37.54-8). On the other hand he is hopelessly at sea for 56-5, simply it would seem because he has somehow failed to notice the conference of Luca (39.25.1-27.3;39.33.1-4). In his account of 60 he ascribes great importance to Crassus, and yet fails to name him when referring to the censors of 65 and the dispute over the Transpadani (37.9.3), an affair of potentially greater moment than he realises. As has already been observed, Dio devotes twice as much space to overseas wars in the 60s, including two chapters on Caesar's not very significant tenure of Farther Spain, as he does to home affairs. One reason is presumably the apparent lack of contemporary sources for the 60s, between the end of Sallust's narrative and the beginning of Pollio's. It has in any case been argued that Sallust cannot be considered a contemporary source for the 70s, nor Pollio for at least the early 50s.<sup>(16)</sup> If Cremutius Cordus was indeed used by Dio for his analysis of the situation as far back as 60, an interesting point arises. Dio's and Velleius' accounts are not dissimilar and both agree in attributing great influence and vast ambition to Crassus (Dio 37.56.3-5;Vell.2.30.4;2.44.2). Cordus and Velleius both flourished and wrote in the first part of the

principate of Tiberius. They may have been connected; they may simply have used common sources; but it may be that after Augustus, a change in climate under the more republican Tiberius will have encouraged a more realistic appraisal of the forces at work in the late republic.<sup>(17)</sup>

From this brief glance at some of the ancient sources, it can be seen that Crassus stood little chance of getting a fair or adequate press. Contemporary accounts are lacking, and his absence from the final showdown together with his own disastrous end will have made it almost impossible for subsequent writers to assign him the significance he merited in the scheme of things. It is indeed remarkable that such strong assertions are made of his importance and power, when the writers themselves were not aware of his role in the affairs they narrated. Clearly a very strong tradition of his stature existed, and persisted when the reasons for it had been forgotten. It now remains to examine the history of the period and to attempt to replace the mysterious figure of M. Crassus in its rightful position. The task is not easy now, nor was it for the ancient writers, largely because for the bulk of the most important period of his life he held no office. From 69 to 56, except for a brief censorship which achieved no concrete results and which escaped notice in most narratives, Crassus was a privatus in an age and political system when the spotlight was on the magistrates of the Republic. What must be sought out is the exercise of influence rather than any official acta. The latter are naturally much easier to determine. For the former, speculation is inevitable.

Chapter II    To the First Consulship

The date of birth is generally accepted to have been of great importance to a Roman who wished for a public career, as minimum ages for seeking most offices were laid down by law. Crassus was consul for the first time in 70. No source suggests that he was in any way unqualified for that office, and indeed one, contrasting him with his new ally Pompey, specifically says that he was qualified (App.BC.1.121).

He was presumably elected in the summer of 71. If this was his first and earliest attempt legally possible, then the latest date for his birth would be the early summer of 113. Thus at the time of his professio he would have reached his forty-third year. If 70 was the first possible year then his praetorship must inevitably be dated to 73. It will be argued below that this is highly unlikely as he seems to have been prosecuted for incest with a vestal virgin during 73. There are in addition several other indications that he was not elected consul suo anno. Plutarch writes of a meeting between Crassus, on his way to his province of Syria, and Deiotarus King of Galatia. Crassus was then aged more than sixty: "ἑξήκοντα μὲν ἔτη παραλλήλων" (Plut.Cr.17.3). Crassus had left Rome late in 55 (Cic.Att.4.13.2), and the meeting probably took place around the turn of the year. If Plutarch is taken literally and we take Crassus to be at least sixty-one at the time of the meeting, this would put his birthdate back to the winter of 116/5 at the latest. If Plutarch merely meant that Crassus had passed his sixtieth year, the date could move forward a year to the winter of 115/4. To beg another year from Plutarch and to take him to mean that Crassus had at least entered his sixtieth year would be just possible but unlikely. To go any further would be to deny him any veracity at all.

It can thus be seen that only the very loosest interpretation of Plutarch permits the assumption that Crassus was consul suo anno, while the more natural readings would make him one or two years older.

Cicero writes that Crassus' age when he left Rome in 55 was the same as that of L.Aemilius Paullus when the latter left for the campaign that concluded at Pydna (Cic.Att.4.13.2). Livy makes Paullus more than sixty at Pydna in June 168 (44.41.1) while Plutarch makes him about sixty when elected in 169 (Aem.Paul.10). He left Rome early in 168 presumably aged at least sixty and possibly more.

Further clues may be furnished by Cicero who often describes two men as being contemporaries - aequales. This he does particularly often in the Brutus in which he likes to group orators in this way.<sup>(1)</sup> It is far from clear what degree of precision Cicero may have wished to convey by this term. The date of birth of any man in public life is likely to have been known to his contemporaries, indicating as it did the earliest possible year in which he could stand for any office. There could of course be exceptions to the rules, but these invariably required the official sanction, after Sulla at least, of the senate. In his correspondence Cicero often refers to possible candidates for various offices, and will undoubtedly have known the previous careers of these men and which of them held any office suo anno. He himself was inordinately proud of the fact that his offices were without exception so won and will have been aware of others' failures to match this.

It has been suggested that aequalis means "born in the same year".<sup>(2)</sup> An examination of some of the men so described will afford an opportunity to check the validity of this assertion. Cicero describes both D.Silanus,

consul 62, and Ser.Sulpicius Rufus, a consular candidate for 62, as his own aequales (Cic.Brut.240;156,cf.150). The former is known to have been a candidate for the consulship of 64 (Cic.Att.1.1.2). Rufus' cursus, in which he followed Cicero by one year in every office, suggests that his birthday so fell that he was not qualified until the election for 62. Thus Cicero was born in the first half of 106 to enable him to stand for the consulship in 64. Silanus must similarly have been born not later than the first half of 107. Rufus need have been only a few months younger than Cicero to have had to wait a year for his offices. Thus Cicero and Rufus may well have been born in the same consular year, but Cicero and Silanus were certainly not. Given the certainty of Cicero's own date of birth (Cic.Brut.161;cf.Gell.NA15.28.3) and his tenure of offices suo anno, it becomes clear that aequalis does not mean. It does not mean "born in the same consular year". It does not mean "becoming eligible for office in the same year". Cicero does however attach some technical importance to the term, since he is careful to say that some men can be described as prope aequales, or aequales propemodum. C.Cotta and P.Sulpicius Rufus were prope aequales (De Or 3.31), and were annis decem maiores than Hortensius (Brut.301). Cotta stood for the tribunate in 91 and Rufus was expected to stand in 90 (De Or 1.25). Hortensius was born in the second half of 114.<sup>(3)</sup> Unless Cicero is being vaguer than usual in his use of round numbers, it would seem probable that Cotta was born in the first half of 124 and Rufus in the second half of that year or the first of 123. Had they been born in the same year, however, they would surely have qualified as true aequales, since, as has been shown, the outside limit, whatever it was, was certainly wider than that. P. Rufus

was therefore born in the first half of 123. How is a distinction to be drawn between this pair of prope aequales and the genuine pairings of Cicero with Silanus and with Ser. Rufus, who seem to have similar age differences. One answer might be to define aequales as men born within a year of one another, and so of the same age if only for a short time. Thus a man born, say, on 1 July 1949 would have as aequales all those born between 2 July 1948 and 30 June 1950. Such a definition would seem to explain both Cicero's determined precision in the use of the word and his occasional apparent looseness.

Considering now this definition in its application to Crassus' date of birth, it will be found that Crassus is described as an aequalis of Hortensius (Cic. Brut. 230, 233). Hortensius' date of birth has been fixed to 114 after early June. Among Hortensius' other aequales was P. Lentulus Clodianus, consul 72 (Cic. Brut. 230). If elections were held in July 73, Clodianus must have been born before the middle of July 115. If the attempted definition of aequalitas is to be upheld, his birth must be placed in late June or early July 115, and that of Hortensius anchored firmly in late June or early July 114. Clodianus would thus seem to have been the oldest possible aequalis of Hortensius. Thus the earliest of the possible dates derived from Plutarch's statement is ruled out. Crassus cannot have been born by the winter of 116/5 and still have been an aequalis of Hortensius. To avoid stretching Plutarch too far, and to maintain the comparison with Paullus, it must be concluded that Crassus was born between late June 115 and very early 114. This would permit us to consider him to have become eligible to stand for the consulship in 73 or 72.

Born in 115/4 M. Crassus could possibly have been eligible to hold the quaestorship, under the regulations obtaining before Sulla's legislation, in 88 or 87. If as is likely he first saw military service under his father in Spain in 96, he would have become eligible to stand in 86 or 85, having fulfilled his ten years' stipendium.<sup>(4)</sup> Even if eligible to stand earlier it is highly unlikely that he did so. The quaestorship did not then lead automatically to membership of the senate, and there was therefore little to be gained by holding it at the earliest opportunity. Plutarch writes that when his father and brother were killed, Crassus escaped because he was very young - "αὐτὸς δὲ νέος ὢν παντάπασι" (Plut. Cr. 4.1). This would suggest that he had not yet entered public life.

His subsequent exile is a matter of debate. He emerged from his romantic cave in Spain on hearing of Cinna's death in early 84 (Plut. Cr. 6.1).<sup>(5)</sup> He had been there for some eight months. Plutarch's account seems to suggest that when Crassus did go into hiding he went straight to Spain and to his cave, but his whole narrative is so condensed that this cannot be regarded as certain. From his text one would suppose that Crassus fled soon, though not immediately, after Cinna took power, and yet there might seem to be a gap of two years to fill. On the other hand Plutarch suggests that Marius, who died early in 86, was alive when Crassus reached Spain (Plut. Cr. 4.1; cf. MRR2, 53). It is also worth noting that Cicero specifically writes, referring to the "triennium sine armis", "nam aberant etiam adolescentes M. Crassus et Lentuli duo" (Cic. Brut. 308). This triennium covers the missing two years and makes it plain that Crassus was not present in Rome during that time. Indeed it is highly unlikely that after his father's and brother's

deaths he would have stayed to find out if he was safe, but must at least have taken refuge on estates elsewhere in Italy.<sup>(6)</sup> In any case Plutarch's eight months will not bear any great weight of argument.

There seems therefore no question of his having held office between 87 and 81 when Sullan supporters occupied the magistracies. It is almost certain that Crassus will have entered the senate in 81, probably by Sulla's fiat, though possibly by holding one of the twenty quaestorships now available, as did his aequalis P.Lentulus Sura (Tac. Ann 11.22; cf. MRR 2.76).<sup>(7)</sup> In view of Crassus' outstanding contribution to Sulla's final victory at the Colline Gate (Plut. Cr. 6.6), the former would seem most likely, despite Plutarch's statement that Sulla was so displeased with Crassus for his conduct during the proscriptions that he never again employed him for public affairs (Plut. Cr. 6.7). At most this must mean that Sulla did not use Crassus again for independent military command.<sup>(8)</sup> There is in fact no reason to suppose Crassus' progress through the magistracies need have been retarded.<sup>(9)</sup>

Until his consulship in 70 the several steps in Crassus' cursus honorum are almost equally unattested. It has been suggested that he may have held some office in 76. Plutarch tells how Sicinius, tribune in 76, who attacked all the other magistrates and popular leaders, excepted Crassus from his attacks (Plut. Cr. 7.8). This could indicate merely that Crassus was then prominent rather than that he held office at the time, but a magistracy is a possibility.<sup>(10)</sup> He will not have held the tribunate as it still lay under Sulla's prohibition of further office to its holders. The aedileship is possible, a very suitable office in which a man of wealth could secure great popularity with a view to his later candidacies. It will however be argued that the most commonly accepted date for Crassus' praetorship, 73, is open to doubt and that 74, or even

75, already shown to be legally possible, are more likely. This would make it hard to date an aedileship in 76 because of the need for a biennium between offices.<sup>(11)</sup> It would thus seem unlikely that Crassus can have held any office in 76. He could have been aedile in 77 and therefore praetor in 74, or else praetor in 75, praetor designatus in 76.

It remains therefore to establish the date of Crassus' praetorship. This has been the subject of considerable debate, chiefly because on this question rests that of the nature of his command against Spartacus, and also of the political implications of that command. Before considering the political background, however, it would be well to examine the legal and constitutional factors involved. The excerptor of Livy calls Crassus praetor when he was given the command in 72 (Per.96), but since he also calls him praetor when dealing with the events of 71 (Per.97), it is clear that no precision can be attributed to his use of titles.<sup>(12)</sup> Nevertheless this, combined with Appian's statement that after three years of war there were no candidates for the praetorship until Crassus took that office and marched against Spartacus (BC 1.118), has led some to assume that Crassus was in fact praetor in 72 and propraeor in 71. This could fit with Livy but is not really reconcilable with Appian who clearly states that the war had been going on for three years when this situation arose. It is apparent from Livy that Crassus took command in 72 and finished the war in 71.<sup>(13)</sup> The war lasted six months (App.BC 1.121) and clearly ended in 71 since Crassus proceeded straight from it to seek the consulship of 70 (ibid). He took over the command from the consuls of 72 (Plut.Cr.10.1), and his campaigns straddled a winter (Plut.Cr.10.6). If Crassus was praetor in 72 he must have been elected in 73, hardly the third year of the war, and was clearly not elected for the purpose of conducting the war as that was entrusted to the consuls of 72. This

last fact furnishes the chief argument against Crassus being praetor or even proprætor in 72. When the war began it was the responsibility of a number of the praetors of 73 who, after their several failures, were succeeded in 72 by both the consuls of that year. The war was thus declared consular. After the defeats of the consuls they were in their turn recalled and the command entrusted to Crassus. It is hardly likely that the senate would have reverted to the appointment of a praetor to succeed the consuls. The progression upwards from praetorian to consular is hard to continue, since there would have been strong resistance to the appointment of a dictator, the proper and logical step. Memories of Sulla may have been fresh enough to surround the office with unwelcome associations, while the last appointment of a dictator for purely military purposes had been that of M. Iunius Pera in 216 (MRR 1.248).<sup>(14)</sup> Even in the disturbances of the late 50s such a step, though contemplated, was rejected in favour of other expedients. In this case a special appointment was clearly required.

As has been shown, Appian's account is very muddled and apparently unhelpful. He may have been misled by the ambiguity in Greek of the word "στρατηγος", referring as it does to a command in general and also to the specific office of praetor. This confusion, perhaps originating in a Greek translation of Sallust, who seems to be a major source for the Servile War,<sup>(15)</sup> has led him to his chronologically impossible account. His frequently manifested inability to distinguish between election to an office and assumption of it may have helped (cf. BC 1.32). He was aware that Crassus did at some stage hold the praetorship (BC 1.121), and that this was a necessary requirement, laid down in Sulla's legislation, for a consular candidate (ibid; cf. 1.100). The biennium is not mentioned in the context of this law in either passage, and it would be unwise to

assume that "κατὰ τὸν νόμον Σύλλα" refers to more than the mere fact that Crassus had held the praetorship at some time. Nevertheless "ἑστρατηγηκώς" used of Crassus in his petitio does indicate by its tense that the praetorship had been held before 71. It has already been argued that 72 is unlikely, and this unlikelihood is increased by the fact that no mention of any irregularity in Crassus' position is ever made. Crassus is contrasted with Pompey by Appian with a "ὁ μὲν... ὁ δέ" construction. Pompey's position was notoriously irregular; Crassus', if praetor in 72, less so but unlikely in the circumstances of their alliance to escape notice.

The most popular date among modern scholars for this elusive office seems to be 73, the chief reason being that this would be the latest date consistent with a legal petitio in 71.<sup>(16)</sup> Some with a horror of the idea of an extraordinary command conferred upon a privatus would wish to suggest that Crassus' command was a regular prorogation, albeit proconsular, of his praetorian imperium of 73.<sup>(17)</sup> This is most unlikely. If Crassus' imperium was prorogued at the end of 73, what was its sphere of competence? There is nothing to suggest that Crassus was already involved in the war before his assumption of full command, and much to the contrary can be inferred from the total silence on this matter. It is inconceivable that he could have had his imperium prorogued and then been left for several months without a provincia in which to exercise it (Cf. Cic. Prov. Cons. 36).<sup>(18)</sup> If it is accepted that Crassus was given his command as a privatus, there remains no reason at all to date his praetorship to 73, as his status as praetorius would be the same whether he was praetor in 73, 74 or 75.

There are two independent reasons for doubting 73. The first is simply that of age. While it was quite understandable and even common

for a noble not to attain the consulship suo anno, it would require a very good explanation to show why Crassus, even in the 70s very much a political force to be reckoned with (Plut.Cr. 7.8;10.1;Pomp. 21.3-22.1), should have failed to secure one of the eight praetorships available in his own year. This, as has been shown, was probably 75 or 74. Those who argue that Crassus' career was delayed use the 73 dating of his praetorship as their chief evidence. Since however there is no reason for this date other than this presupposition of delay, the argument is clearly circular and invalid.<sup>(19)</sup>

The second reason for doubting 73 relates to Crassus' involvement in the Vestal trials, which took place almost certainly in 73 as Cicero refers to 63 as "annus decimus post virginum absolutionem" (Cic.Cat.3.9). The only vestal trials known to have taken place during this period are those involving Crassus and Catiline, accused of incest with the Vestals Licinia and Fabia respectively. The political implications of these trials will be considered below (p.23-28), but two questions are relevant to the present discussion. Some have denied that Crassus was actually prosecuted, yet Plutarch writes that Crassus "αἰτίαν ἔσχε" (Cr.1.2 cf. Inim.Util.6), gives a list of accusations denied when Crassus was "ἔφαρνος" (Comp.Nic. et Cr.1.2), and concludes "τὴν αἰτίαν ἀπολυσάμενος ὑπὸ τῶν δικαστῶν ἀφέιθη" (Cr. 1.2). Plutarch clearly believed that Crassus had actually been put on trial. He mentions the name of Licinia's prosecutor perhaps because he did not know that of Crassus' accuser. That the Vestals and their supposed lovers were prosecuted separately may be shown by the parallel case of Catiline who was accused by P.Clodius (Plut.Cat.19.3;Asc.91C) and acquitted with the help of Q.Catulus (Orosius,6.3.1). M.Pupius Piso defended more than one vestal at this time, Fabia and Licinia presumably among them (Cic.Brut.236).

From the evidence concerning Catiline's case it is clear that he was tried, and it would seem that while in each case one prosecutor may possibly have assailed both man and woman, their trials may have been separate and different defenders involved. It is almost certain that, in view of the immunity from prosecution enjoyed by at least the higher magistrates, Crassus could not have been prosecuted during his praetorship, nor for that matter while designatus save on a charge of ambitus.<sup>(20)</sup> It appears nevertheless that Crassus was prosecuted and that the year was 73. The conclusion must be that it is highly unlikely that he was praetor in 73. Again 75 or 74 remain, the former perhaps indicated by the Sicinius incident. If 74 was the year, it is clear from the Vestal prosecution that Crassus' imperium was not prorogued into 73 and thence into 72. It is therefore certain that his status in 72 was that of a privatus cum imperio. This imperium was probably proconsular (Eutropius 6.7.2). Had it not been, the status of the war would have been downgraded, an impossible step in view of its seriousness.

It is worth considering the possibility that Appian's account of elections with no willing candidates may have a foundation in something more solid than his muddled imagination. It has been concluded that Crassus is likely to have held the praetorship in 75 or 74. Were the former date correct he would have been eligible to stand in 73 for the consulship of 72. If he did so stand, he was of course defeated by Gellius and Clodianus. Despite the paucity of information about many parts of Crassus' career, it seems unlikely that such a defeat would have passed unnoticed. Plutarch could have missed it, but would not Cicero, who clearly hated Crassus, have found occasion to hint at it, if only in the Sixth Stoic Paradox which is devoted to Crassus (cf. Appendix C)? If Crassus was eligible in 73 it is much more likely that he failed to stand.

A reason is not hard to find. The prosecution for incest may have been designed expressly to prevent his candidacy. Catiline was similarly unable to stand in 65 because of his trial for extortion, although he had wished to stand in 66,<sup>(21)</sup> and Ap. Claudius instigated the prosecution of M.Scaurus in 54 to help the candidacy of his brother C.Claudius (Cic.Scaur.31-7). If this was a similar instance, some things may become clearer about the political alignments of the period. The fact that M.Piso defended in more than one of the vestal cases heard in 73 could suggest that the prosecutions may all have come from the same political quarter, rather than that they were quite unconnected or else the one a retaliation for the other. Those involved in the two cases must be considered, as must the general structure of the political scene in the 70s. Catiline and Fabia were assisted in various ways by Q.Catulus, M.Cato, and M.Piso, and opposed by P.Clodius (Orosius 6.3.1; Plut.Cat.19.3; Cic.Brut. 236). Crassus and Licinia were attacked by one Plotius, or Plautius, and again helped by M.Piso (Plut.Cr.1.2; Cic.Brut. 236). If we take the prosecutions to be connected with the consular elections an interesting pattern may emerge, since both the successful candidates in 73 showed in their consulship and consistently thereafter a marked partiality for Pompey.<sup>(22)</sup> Although some enmities inferred for the 70s cannot be shown to have existed before Pompey's usurpation of Lucullus' command, Q.Catulus for one can be seen to have opposed Pompey at least since 79. In that year Pompey, supporting M.Lepidus' consular candidacy, was clearly opposed to Catulus (Plut.Pomp.15; Sulla 34). After the crushing of Lepidus' revolt, Catulus ordered Pompey to disband his forces, which Pompey declined to do as he hoped to have his imperium continued by being sent to Spain (Plut.Pomp.17.3). In the 60s Catulus led the opposition to both of Pompey's commands. P.Clodius seems, until Pompey abandoned

him over the Bona Dea scandal in 61, to have been a keen Pompeian. The Metellan brothers, Q.Celer and Q.Nepos, brothers-in-law to Pompey and clearly within his orbit, were cousins to the Claudii and indeed Celer was married to one of P.Clodius' sisters. That Clodius was also brother-in-law to L.Lucullus need not conflict with this view, as it seems likely that relations between Lucullus and Pompey may well have been far closer in the seventies than is commonly supposed. Lucullus worked hard to help Pompey and Metellus Pius secure the money and reinforcements they required (Plut.Luc.5.2-3). His motive in so acting was questioned in the light of his later relations with Pompey, but the fact remains. At some time in the late seventies he must have given his consent to the marriage between his ward Fausta Sulla and C. Memmius, a man from a family close both to Pompey and to C.Curio.<sup>(23)</sup> Curio was another supporter of the Lex Manilia (Cic.Leg.Man.68). In the mid 60s C.Memmius showed himself very hostile to the Luculli (Plut.Luc.37.1-2; Cat.29.3-4). Q.Metellus Pius too was no friend of Pompey by 65 when he testified against Pompey's former quaestor C.Cornelius (Asc.60C). Cicero's defence of Cornelius was accounted an action favourable to Pompey (Q.Cic.Comm.Pet.51; cf. Asc.61C; Quint.Inst.Or.4.3.13; 9.2.55), and it is likely that Pius testified against him out of enmity for Pompey. Earlier however their relations seem to have been good. Pius was pleased to ask for Pompey's help in 82 (Plut.Pomp.8), and seems to have needed reinforcing in 77 (cf. MRR2.83,86). He certainly treated Pompey with friendliness and respect (Plut.Pomp.18), cooperating with him to much more than a minimal degree (MRR2promag.76-71BC). Pompey's letter to the senate seems to have made its requests on behalf of both commanders (Sall.Hist.2.98M). The bill carried by the Pompeian consuls of 72 seems to have given Pius the same rights as Pompey to confer the citizenship (Cic.Balb.19,32-3,50; Arch26).

Pius was content to let Pompey deal with the final stages of the war, and indeed disbanded his army on crossing the Alps, showing no fear of Pompey's undisbanded army. Their triumphs were celebrated without any recorded rivalry, or ill feeling (MRR2.117,123,124). There is therefore some reason to suppose that, in the 70s at least, Pompey may have been associated with the Claudii Pulchri, the Luculli, and at least three Metelli, Pius, Celer and Nepos. The break-up of this possible grouping may not have come until Pompey usurped Lucullus' command, at least partly through the agency of P.Clodius, thereby alienating the Luculli and Pius who were closely related to one another through the formers' mother, sister to Numidicus.

In addition to the vestal trials, several prosecutions in the 70s may throw some light on the pattern of politics. It has been observed that Q.Catulus had little love for Pompey. A number of cases seem to show attacks by men with Pompeian connections on men possibly associated with Catulus. Two Dolabellae, both Cn., were prosecuted in the 70s. In one case the prosecutor was G.Caesar, and the defence was conducted by Q.Hortensius, Catulus' brother-in-law and close associate, and C.Cotta (Asc.26C;Suet.Iul.4;Plut.Caes.4;Cic.Brut.317;Ps.Asc.194St.). In the other M.Scaurus prosecuted, and Hortensius again defended (Asc.26,74C;Cic.Verr.1.97;Ps.Asc.194St.). Both prosecutors show strong connections with Pompey. Scaurus had briefly been Pompey's brother-in-law, later served under him in the East, and in 54 looked to him to help his consular candidacy.<sup>(24)</sup> Caesar certainly supported publicly almost every motion in Pompey's favour that came up in the 60s from the laws conferring his great commands to the bills honouring him in 63 and 62. The Lex Plotia de Reditu Lepidanorum which he supported (Suet.Iul.5) also fits this pattern.<sup>(25)</sup> It is not surprising therefore to find Scaurus and

Caesar both opposing in the courts men supported by Hortensius. Two other cases help to confirm this picture. Caesar also prosecuted C. Antonius, brother of M. Creticus (Asc. 82C; Plut. Ant. 1). M. Lucullus the presiding magistrate showed Caesar great favour during the trial (Asc. 84, 88C; Plut. Caes. 4). In 70 the censors, who were the Pompeian consuls of 72 Gellius and Clodianus, expelled C. Antonius from the senate while paying compliments to Caesar (Asc. 84C). M. Antonius Creticus was married to the daughter of L. Caesar, consul 90 (Plut. Ant. 2.19; Cic. Cat. 4.13), in his turn half-brother of Catulus' father (Cic. Dom. 114). The second case concerned one A. Varro, prosecuted by Ap. Claudius, and defended by Hortensius his cousin. Varro was helped by the presiding praetor, P. Lentulus Sura (Ps. Asc. 193, 218St; Schol. Gron. 349St.). Sura himself later married Julia, Creticus' widow, thereby becoming Catulus' adfinis (Plut. Ant. 2). In all these cases some of the same factors may be discerned. The prosecutors all show links with Pompey or are helped by friends of his. The defendants themselves or those that help them show links with Catulus or Hortensius or both. If the Vestal trials are compared with these others it will be seen that Catiline's indictment certainly seems to fit. He was attacked by P. Clodius and helped by Q. Catulus and M. Cato.<sup>(26)</sup> Crassus' case may or may not fit this pattern. The identity of Licinia's prosecutor, Plotius, is uncertain. Two men of that name served under Pompey in the 60s: A. Plotius a legate in 67 (MRR2. 149), and P. Plautius Hypsaeus, a quaestor and proquaestor (MRR2. 153). There is also the Plautius, tribune probably in 70, who carried the Lex Plotia de Reditu Lepidanorum mentioned above, and possibly also a law providing land for Pompey's troops (MRR2. 128, 130n4; cf. note 24 above). Identification of this tribune with the legate of 67 seems likely.<sup>(27)</sup> This composite individual is perhaps the most probable choice for the

Vestal prosecutor, since he seems to have been active closest to the time and also would seem to conform to the observed pattern.<sup>(28)</sup> Only M. Piso might seem oddly placed in these cases. A legate of Pompey in the 60s, close enough to be the latter's choice for the consulship of 61, he nevertheless followed an independent line, failing to follow Pompey's lead in trying to sacrifice P. Clodius (Cic. Att. 1.14.6), and singling out for the distinction of speaking first in the senate his kinsman C. Piso, consul 67, a bitter enemy of Pompey (Cic. Att. 1.13.2). Thus while in general remaining loyal to Pompey, at no time did he let himself be deterred from his own friendships. It should perhaps be observed that defence is not as strong an indication of friendship as prosecution is of enmity. Incest was a very grave charge involving notably gruesome death-penalties. Embarrassment and the foiling of Crassus' candidacy may have been the object of the prosecution, rather than his death.

Catiline's prosecution has a less obvious point. It may have been hoped that some of Catiline's notoriety, and perhaps even genuine guilt, might seem to attach itself to Crassus by association. All elements of the two prosecutions seem to coincide with the conclusion that they were initiated from the same general direction of Pompey and his friends. That the targets were also connected is less certain. It will be argued later that Crassus and Catiline were indeed associated in 64, but that that association came about only when it became clear that Catulus and his friends were not prepared to support Catiline for the consulship. Throughout the 70s there does seem to have been a degree of sniping between the opposed factions of Catulus and of Pompey, though the latter may not so early have been considered its leader.<sup>(29)</sup> As has been seen, numerous prosecutions fit this pattern. It would be a mistake however to impose a spurious duality upon the politics of this period. In the time of

Ti. Gracchus' tribunate, the clear opposition between the faction of Aemilianus and that of Ap. Pulcher and Gracchus did not polarise all political groupings, but indeed left room for Q. Metellus Macedonicus to lead a faction equally hostile to both.<sup>(30)</sup> Just so in the 70s attacks from Pompey's quarter on friends of Catulus and on Crassus by no means necessarily compel the conclusion that Crassus was one of those friends. What the attack may have done was to suggest to Crassus that for the final and greatest step, that to the consulship, the support of one or other of the powerful groups would be necessary.

As is well known and accepted, in 71 Crassus formed an alliance with Pompey to seek the consulship together. In 73 if eligible he seems to have been thwarted by Pompeians. What of 72? He was certainly eligible. It is inconceivable that he can have stood and failed. A defeated consular candidate would hardly be chosen to supplant the existing consuls. It is here that Appian's assistance can perhaps be invoked. If it is accepted that Appian may have been misled both by the linguistic confusion already mentioned and by his own imperfect understanding of the constitutional implications of his account, a reconstruction of the events he is trying to relate may become possible.

In 72 both consuls were occupied in the field against Spartacus with conspicuous lack of success, and the elections may well therefore have been delayed. Numerous praetors had failed the previous year, and now the consuls. There may have been a marked and widespread reluctance to stand for the consulship, an office that would almost certainly involve fighting Spartacus and the consequent danger and disgrace of being beaten by him. Among the possible candidates were P. Lentulus Sura, Cn. Aufidius Orestes and M. Crassus. There may have been others, but some may have been deterred by the prospect of fighting Spartacus, while others,

notably Pompey's friends, may have shared somewhat in the loss of prestige not only of the consuls but also of C. Cassius Longinus, proconsul of Cisalpine Gaul, also defeated by the slaves, and perhaps yet another friend of Pompey. He was hostile to Verres in 70 (Cic. Verr. 2.3.97), and supported the Lex Manilia in 66 (Cic. Leg. Man. 68). Neither Sura nor Orestes had a record of military ability, nor did they show any interest in acquiring one later. Sura was a victim of the censors of 70 who were the displaced Pompeian consuls of 72 (Plut. Cic. 17.1; cf. Dio 36.31.4). Their action could be explained if Sura had helped to deprive them of their commands. Sura's connections are, like most at this date, hard to establish. As has been seen, after the death of M. Antonius Creticus in 71 or 72, Sura married his widow Julia, thereby becoming an adfinis of Catulus. In his praetorship he had helped A. Varro, Hortensius' cousin. His later association with Catiline might well fit with a similar position at this time on the fringes of Catulus' faction. Of Orestes little is known. He was born an Aurelius Orestes (Cic. Dom. 35), and may well have been the father, or at least some relation, of Catiline's wife Aurelia Orestilla (Sall. Cat. 15.2; cf. 35.3, 6; App. BC 2.2). If the former, the attack by Clodius on Catiline may have been aimed at the latter's father-in-law. Orestes was praetor in 77 and may well have been intending to stand for the consulship in 73.

It is possible therefore that Appian is conveying in muddled form an account of a state of affairs in which no one was willing to stand for the consulship, and by implication for the command, until Crassus took the command without the consulship. In other words he may have made a bargain with two non-Pompeian and possibly Catulan candidates whereby he withdrew his own candidacy and undertook to help them to consulships that would be unembarrassed by military responsibility, in return for their

support in gaining him the command immediately. This arrangement may have been generally welcomed by a majority of those without strong factional ties, as it permitted the clearly ineffective consuls to be replaced without undue delay. While however this may in fact have been in the national interest, it is unlikely to have been proposed, let alone accepted, save at the prompting of political rivalry and ambition. It is significant that idle in Rome at the time of Crassus' appointment may well have been P.Servilius Vatia Isauricus and C.Curio, both triumphators, but both possibly friends of Pompey. Both spoke in favour of his Mithridatic command (Cic.Leg.Man.68).

At all events Crassus obtained the command, and Sura and Orestes the consulship. The order of these events is uncertain. At some point Clodianus proposed unsuccessfully to collect sums of money remitted by Sulla from the purchase of the property of the proscribed (Sall.Hist.4.1M). This could of course involve a great many people. Very few leading men survived the civil war as anything but Sullani, however they started it, and Sulla seems to have been keen to bind the doubtful to his new status quo by involving them in the sale of this property (Plut.Cr.2.4). Nevertheless proposals such as that of Clodianus were often intended ad hominem. So in different ways Caesar and Clodius later acted, the one with his convictions of some Sullan murderers in 64 but not others, the other in his move against Cicero in 58. Crassus was notorious for having bought up a prodigious amount of proscribed property, and indeed for never refusing to do so (Plut.Cr.2.4). At what point in the year Clodianus made his attempt is not clear, but it could be an understandable attempt at revenge for his humiliation at Crassus' hands. (31)

If this reconstruction holds together, a hazy picture emerges of

Crassus playing very much his own hand, opposed at this point to Pompey and his friends, cooperating at times with possible associates of Catulus. It would be dangerous to suppose him close to Catulus however, for there is some reason to believe him involved from an early date with the agitation for the restoration of the tribunicia potestas, and perhaps for the reform of the law courts. Neither cause was dear to Catulus' heart, nor, despite Sallust speaking with hindsight for Macer (Hist.3.48.23M), of any interest to Pompey until they became electorally useful.

In the 70s there was a succession of tribunes agitating on one or both of these issues. In 76 Sicinius, in 75 Opimius, in 74 Quinctius, in 73 Macer, and in 71 Palicanus were prominent. Sicinius is the subject of an anecdote in Plutarch already mentioned. When Sicinius, who was attacking all the magistrates and leading men, was asked why he refrained from attacking Crassus, he answered that Crassus had hay on his horns. Plutarch explains that this meant that Crassus was dangerous (Plut.Cr.7.8). This answer of course proves nothing, least of all that this was the true reason. All that is worthy of note is that contemporaries thought Sicinius' omission itself worthy of note.<sup>(32)</sup> L.Quinctius served under Crassus as a legate in command of the cavalry (Front.Str.2.5.23). Macer was tried and condemned in 66. Crassus helped him and was clearly, then at least, his principal patron (Plut.Cic.9.1-2). Palicanus was a Picene, almost certainly a client of Pompey, and may reflect the latter's late adherence to the cause (Sall.Hist.4.43M).<sup>(33)</sup>

The evidence is of course entirely that of association, but it is nonetheless interesting to note that Crassus had close ties with two of the tribunes, while his name was linked with that of a third. Not

much can be built on so shaky a foundation, but it is reasonable to conjecture that Crassus may have maintained at least a lively interest in the work of the tribunes, and was far from being as opposed to them as, for example, Catulus, the Luculli, or Curio (MRR2.92-3,101; Sall.Hist.3.48.9-11M;cf.Asc.78,79,60C).

In taking on the command against Spartacus, Crassus took a considerable gamble. He postponed, perhaps for the second time, his consular candidacy. Perhaps he would not have won, but had he been defeated by Spartacus, his chances would have been further reduced. On the other hand, victory over Spartacus made him much surer of the consulship, and of a deal of prestige to go with it.

He defeated Spartacus and advanced towards Rome to seek the consulship and the ovation he had earned. Pompey, after mopping up some servile fugitives on his way back from Spain, approached the city with similar aims.

Chapter III    Consul I 70 B.C.

Plutarch states that Crassus and Pompey in their first consulship disagreed on almost every measure and rendered their consulship barren politically, with no achievement other than Crassus' great sacrifice and feast in honour of Heracles (Cr.12.2; cf. Suet.Iul.19.2).<sup>(1)</sup> Plutarch here makes no mention of the genuine legislative achievements of that year which included the restoration of the full tribunicia potestas, the revival of the censorship, the reform of the law courts by the Lex Aurelia, the Lex Plotia de Reditu Lepidanorum, and probably the Lex Plotia Agraria.

Crassus' part in or attitude towards these measures must be considered. In his life of Pompey, Plutarch attributes all the credit for the legislation concerning the tribunate to Pompey, and goes on to say that the law court reform was enacted under his auspices (Pomp.22.3). It is clear however from Cicero, quoted by Asconius, that both consuls were directly concerned with the former piece of legislation: "qui restituerunt eam potestatem" (Asc.76C). Pompey's was clearly the name more readily associated with the measure, presumably because of his well publicised appearance at Palicanus' contio when consul designate (Cic.Verr.1.45; Ps.Asc.220St; Sall.Hist.4.45M). That even Cicero elsewhere attributes the restoration to Pompey alone (Leg.3.22) shows no more than Cicero's well established and chronic desire to analyse, criticise, and if possible justify every move in that politician's devious career. Crassus he simply detested: "O hominem nequam" (Cic.Att.4.13.2).<sup>(2)</sup>

Pompey's certain adherence to the cause of the tribunicia potestas can be dated no earlier than Palicanus' contio. That Sallust seems to attribute to Macer a claim of Pompey's support in 73 cannot be considered

conclusive evidence either that Macer did so claim, or that if he did he was speaking with knowledge of Pompey's position or with his authority. He may have hoped for Pompey's support at a time when Pompey had given little thought to the matter. Indeed Sallust's words seem to confirm this view (Hist.3.48.23M). It has been argued above on the other hand that there is a surprising continuity of connections of one sort or another between Crassus and the several agitating tribunes of the 70s. At Macer's trial in 66, while Crassus was his staunch supporter, Cicero, in 66 showing clear Pompeian sympathies, was far from friendly (Cic.Att.1.4.2; Val.Max.9.12.7; Plut.Cic.9.1-2). Crassus' connections with Sicinius and Quinctius have been discussed. Sicinius disappears after his tribunate, but L.Quinctius went on to a praetorship in 68 in which he cooperated with Gabinius over the measure to deprive Lucullus of Pontus and Bithynia (Plut.Luc.33.5; Sall.Hist.4.71M). In view of his clash with Lucullus during his tribunate in 74, his conduct in 68 need not reflect any friendship or alliance with Pompey (Cic.Clu.110-12; Sall.Hist.3.48.11M; Plut.Luc.5.4; Ps.Asc.189St.). Similarly it would be illegitimate to infer from Quinctius' post under Crassus in 71, that the latter was necessarily hostile to Lucullus in 68 or friendly to Pompey.

Crassus is never given sole credit for the restoration of the tribunes' powers as is Pompey (Cic.Leg.3.22; Vell.Pat.2.30.4; Plut.Pomp.22.3), but is coupled with his colleague with no indication that he need have been more than indifferent to the matter (Asc.76C; Schol.Gron.340 S; Ps.Asc.189 St; Sall.Cat.38.1). Cicero to be sure is quoted by Asconius as saying that Crassus, as one of the restorers of the tribunes' powers would naturally wish to help Cornelius, a former tribune, at whose trial he was then in 65 a juror (Asc.76C). Cicero may here be being more than a little disingenuous. Nevertheless the references to both consuls

would make it fairly certain that both were officially concerned and that the measure was enacted by a Lex Pompeia-Licinia, rather than by a Lex Pompeia simply carried in the consulship of Pompey and Crassus. Had the latter been the case, it would seem probable that Crassus would not have received even those mentions he did. Pompey undoubtedly possessed a remarkable ability to gather all credit, deserved or otherwise, from any matter with which he was even remotely concerned. The suppression of Lepidus, the conclusion of the Sertorian war, the Servile war, and the conquest of Mithridates are all examples of this (Cf. Plut. Pomp. 31.7). This would seem true also in domestic matters; he attracted a great part of the praise and blame for Caesar's legislation in 59 (Cic. Att. 2.14.1; 2.16.2; 2.19.3 etc.).

The question of the reform of the law courts is also hard to resolve. Plutarch implies that Pompey permitted this reform but did not concern himself with it in the same way that he had with the tribunicia potestas.<sup>(3)</sup> He had however referred to it in his speech as consul designate at Palicanus' contio (Cic. Verr. 1.45; App. BC 1.121; Sall. Hist. 4.46M). It is worth noting that only one source associates Palicanus with the issue of the courts and even that source is unsure whether Quinctius might not be the man involved with them (Schol. Gron. 328-9 St.). Of all the agitating tribunes of the 70s it was certainly Quinctius who had shown greatest concern with judicial corruption (MRR 2.103).

Consideration must be given to the likely political associations of L. Cotta, praetor in 70, the actual legislator, and to the men and the motives involved in the trial of Verres, before any reconstruction can be made of the circumstances surrounding the reform. Further analysis of the political scene will also help.

The three Cotta brothers all achieved prominence in the 70s with two

successive consulships and a praetorship. The eldest, C.Cotta consul 75, had, with the cooperation of the tribune Opimius, been responsible for the repeal of Sulla's law limiting the further careers of holders of the tribunate (MRR2.96,97). In a famous phrase Sallust described him as "ex factione media consul" (Hist.3.48.8M). This has been subjected to two chief varieties of interpretation: (i) "from the centre party", that is to say a moderate, neither optimate nor popular; (ii) "from the heart of the faction", meaning the Sullan oligarchy. The latter would seem rather the happier linguistically, but rather presupposes, as does the former, a division between the Sullan establishment or optimates and the populares, democrats, reformers or what you will.<sup>(4)</sup> This ignores the fact, revealed by numerous politically motivated prosecutions during the 70s and by the intrigues for the various desirable military commands, that what Sulla had sought with some success to restore was the old political in-fighting, with its swirling and changing patterns of personal and family alliances and alignments, that can be discerned before the dissensions of the 80s.<sup>(5)</sup> That two men were both found on Sulla's side by the end of the 80s means nothing. Survival demanded it. Pompey, Catulus, M.Lepidus, Metellus Pius, the Luculli, Crassus, Cicero, Catiline show few signs of pulling together in one "Sullan" party after Sulla's death yet all had ended on his side.<sup>(6)</sup> Thus it may be that by factio Sallust here refers to a particular grouping within the "Sullan oligarchy", presumably one of which Macer, or at any rate Sallust, disapproved. The word is used in something like this sense in "Cethegi factione in senatu" (Ps.Asc.259 St.). Not dissimilarly Cicero used the word boni not just to mean those holding sound conservative views but rather as a name for a particular grouping, centring first on Catulus and then increasingly on M.Cato. It could well be in fact that the two groups, Sallust's factio,

almost always a pejorative term, and Cicero's boni, not unsurprisingly the reverse, are to some extent coincident. It has already been suggested that in the 70s two large groupings of individuals may be discerned, one gathered around Catulus and his brother-in-law Hortensius, the other composed of friends and connections of the rising star of Pompey.

C. Cotta helped to defend Cn. Dolabella, consul 81, at his trial in the 70s prosecuted by Caesar. Hortensius also spoke for the defence (Asc. 26C; Suet. Iul. 4; Plut. Caes. 4; Cic. Brut. 317; Ps. Asc. 194 St.). C. Cotta is also on record as having supported the praetorian candidacy of Q. Metellus, later Creticus (Sall. Hist. 2.23.26, 45, 48-50M). M. Cotta supported the pirate command of M. Antonius (Ps. Asc. 259 St; Vell. Pat. 2.31; App. Sic. 6), but opposed the aspirations of L. Lucullus for the command against Mithridates which he sought himself (Plut. Luc. 6). Cooperation with Hortensius and M. Antonius and opposition to L. Lucullus would seem to confirm the impression that the Cottae may have been well established at the heart of the Catulan factio. As has already been observed, too rigid a duality must not be attributed to the politics of this period. Pompey clearly aimed to be a power in the state. Catulus and his friends were opposed to him, and some of these friends were attacked as a result. Others may have been disinclined to follow the rising star and may or may not have formed temporary groupings with the Catulans to frustrate particular Pompeian moves. If a third loose grouping is considered, friendly at times towards the factio and often hostile towards the "Pompeians", the picture may become clearer. This group may have consisted of connections of Catulus who were less opposed to the ideas of the agitating tribunes than Catulus himself. Thus C. Cotta lifted the ban on tribunician careers with the support of Opimius. In the following year however, Opimius was attacked by Hortensius, Catulus and C. Curio

with the help of the praetor C. Verres (Cic. Verr. 2.1.155-7; cf. Schol. Gron. 341 St). Nevertheless the Cottae show political associations with Hortensius, and with Verres' kinsman and protector Q. Metellus Creticus. It would seem that disagreement on the subject of the tribunate was not of sufficient importance to affect general political alignments.<sup>(7)</sup>

It has been shown that Crassus was probably opposed by Pompeians in the 70s. His prosecution for incest seems likely to have come from that quarter, and it is likely that the consuls of 72 were no friends of his. Catiline, also attacked in 73, was defended by Catulus with the help of M. Cato. Other than the similarity of the prosecutions and the common factor of M. Piso for the defence, there is little else to show that Crassus was directly linked with Catulus. On the other hand Crassus like the Cottae may well have been sympathetic to the causes urged by the tribunes during the 70s.

Another possible connection is that Dio seems to imply that the censors of 64 were opposed by certain tribunes on the same matter that had caused their predecessors in 65 to fall out (Dio 37.9.4). The censors of 65 were Crassus and Catulus; the subject of disagreement was, according to Dio, the question of the enfranchisement of the Transpadani; L. Cotta was one of their successors. It is possible that Dio merely means that these censors too achieved nothing because they too resigned, but "δὲ τούτῳ" does seem rather more specific. The tribunes vetoed even the Lectio senatus, fearing their own expulsion. It may be that they feared this as retribution for their opposition to the extension of the franchise taken up again by the new censors. Dio goes on to record the banishment of non-citizens by the Lex Papia, thus concluding what he may have intended as one section on one subject, that of the franchise

(Dio 37.9.3-5). The tribune Papius could well be one of the tribunes who forced the censors to resign. It would seem likely therefore that L.Cotta as censor may have sought to carry on Crassus' policy and this, together with the legislation of C.Cotta in 75, of L.Cotta in 74, and C.Cotta's support for Q.Creticus, who was soon to marry his daughter to one of Crassus' sons, makes it more than likely that the family, though in many ways part of the factio of Catulus, may have been politically sympathetic towards Crassus.<sup>(8)</sup>

Other men with Catulan links may have associated with Crassus in the 70s. He was certainly involved later with Catiline and C.Antonius, possibly with P.Sura too, and their connection may well have started much earlier. He may have gathered about him a group of the rather less conservative members of Catulus' circle, agreeing with Catulus and the more rigid of his friends on personalities, but rather less on policies.

If this analysis of the political situation is pursued, a tentative account of the events of 71 and 70 becomes possible. Crassus, associated with the Catulan circle, was opposed by the Pompeian consuls of 72, and indeed may, as argued above, have been a rival for the consulship of that year. His connections, and perhaps a specific bargain, enabled him to secure the command against Spartacus at the expense of those same consuls. He had however shown already an interest in the causes of the tribunate and of the law courts, and may thereby have made himself seem a relatively unsafe man for the consulship in the eyes of Catulus and others. Pompey, triumphantly returned from Spain, was a formidable opponent. Crassus therefore approached Pompey and proposed an alliance (Plut.Cr.12.1; Pomp.22.1-2). Pompey would swing his considerable voting power in support of Crassus and would espouse the popularis causes favoured by Crassus. Both men's popular support would thereby be increased

removing any element of doubt about their election. Crassus would wield his considerable influence in the senate to effect a dispensation for Pompey from the requirements of the Lex annalis (cf. Plut. Pomp. 22.3). He himself certainly required no such dispensation, nor was there for either man any difficulty about standing in absentia as has sometimes been thought. Election in absentia was indeed forbidden (Plut. Mar. 12), but since the comitia centuriata met outside the pomerium, Pompey and Crassus were able to attend the elections while awaiting respectively a triumph and an ovation. Professio in absentia however was in these circumstances inevitable, but this does not seem to have been made illegal until some time between 63, when Rullus proposed his land bill, and 60, when Caesar was foiled of his triumph by such a prohibition.<sup>(9)</sup>

Another concession on Crassus' part may well have been an agreement to resurrect the censorship and to help the consuls of 72 to repair their affronted dignity. Consuls were certainly able to exercise some discretion in the question of whether or not to hold censorial elections (cf. Cic. Att. 4.2.6).<sup>(10)</sup>

They were elected and perhaps came near to quarrelling while still designate. The matter for dispute may have been Pompey's claim to a share, perhaps even a major share, of the credit from the Servile War (App. BC. 1.121; cf. Plut. Pomp. 21.2; Cr. 11.7-8; Cic. Leg. Man. 30). On entering office however, the consuls may have effected a formal reconciliation, and then together sponsored the bill to restore the full tribunicia potestas. Thereafter all seems to have soured. The censors were elected with or without Crassus' help. They proceeded to expel from the senate several men connected with the Junian quaestio, a move most acceptable presumably to L. Quinctius and perhaps also to Crassus. They also however expelled P. Sura (Plut. Cic. 17.1; Dio 36.31.4), C. Antonius

(Asc.84C), M.Valerius Messalla Niger (Val.Max.2.9.9), and Q.Curius (Sall.Cat.17.3;App.BC2.3). Antonius and Sura have already been discussed. Messalla Niger was probably a close connection of Hortensius (Plut.Sull. 35.4;Val.Max.5.9.2).<sup>(11)</sup> In view of this it is interesting to find him serving as an agrarian commissioner under the Lex Iulia of 59 (MRR2.192), thereby displaying some political flexibility. Sura, Antonius, and Curius were all involved with Catiline in 64/3. It is impossible to tell whether they were so involved then simply because they had been expelled, or whether they may not have been expelled because they were associates of Crassus in 70. In the latter case the censorial power would have been used against political enemies who happened to be vulnerable because disreputable, a procedure hallowed by usage. The revival of the censorship seems in itself to have been a popular policy. Cicero claimed that the need for judicial reform led to agitation for the restoration of the tribunician power and to a desire for the reinstatement of the censorship (Div.Caec.8). This could explain in a general way a number of the expulsions. Sura had featured in more than one judicial scandal (Cic.Att.1.16.9;Plut.Cic.17.2-3;cf.MRR2.102). C.Antonius had escaped condemnation but the case was given by the censors as one reason for his expulsion (Asc.84C;Q.Cic.Comm.Pet.8).

The fact that Crassus may have favoured the reform of the courts and have been glad to see several Junian jurors assailed does not mean that he need have been in any way hostile to Sura or Antonius. Caesar as iudex quaestionis in 64 sought to bring to book certain Sullan malefactors, but was not pleased when Catiline was brought before him (MRR2.162; cf. below, p79&n5). There may indeed have been a similar irony intended by the censors in applying to friends of Crassus the vigorous justice he had demanded for others.<sup>(12)</sup> It would seem that these censors at last gave

full effect to the enfranchisement of the Italians, probably deliberately obstructed since the 80s. The voting population was vastly increased (MRR2.127cf.54), and it may well be that the urgency with which ambitus legislation was brought forward during the next decade could reflect a political scene in which old-fashioned personal clientelae were submerged by the new voters and bribery was seen as the only alternative.<sup>(13)</sup> The debt of gratitude owed to the censors, and to Pompey, who probably managed as usual to secure much of the credit, must have augmented greatly the latter's strength in the assemblies. Whether Crassus shared in this must remain uncertain.

The suggestion of dissension between the consuls over the exercise of the censorship by Pompey's friends is of course not supported by direct evidence, but does fit well with accounts of a souring of relations and with the apparent delay in implementing the jury reform, which was not effected before September (Cic.Verr.2.7.177). Pompey may have withdrawn his backing, although he probably did not move into direct opposition.

Cicero associates the issue of the courts very closely with the verdict of the Verres case, implying that, should Verres be acquitted, the demand for drastic changes would be irresistible. It has been suggested that a change to entirely equestrian juries was indeed sought, and that those who desired this hoped therefore for Verres' acquittal.<sup>(14)</sup> This desire is attributed to Pompey in the face of a considerable body of opinion supporting the belief that Pompey was prominent in instigating the prosecution.<sup>(15)</sup> Verres was certainly supported by Pompey's enemies. In 72 Gellius and Clodianus had tried to help Sthenius, Pompey's client, against Verres (Cic.Verr.2.2.95). So too did Palicanus in 71 (Verr.2.2.95-100;cf.Ps.Asc.250 St.)<sup>(16)</sup> Many other Sicilians had sought help from Pompey against Verres (Verr.2.3.45,204). Believing however

that Pompey sought Verres' acquittal and a drastic change in the juries, the alternative theory holds that the conviction was wanted by a group of "moderates" who hoped for the compromise that was in fact enacted. This group is thought to have included Glabrio, the presiding magistrate, the Marcelli, who testified against Verres, and L.Cotta, with Crassus as the leader.<sup>(17)</sup> This argument places too much reliance on Cicero's suggestion, not devoid of irony, that it is those who wanted wholly equestrian courts that sought Verres' acquittal. No doubt an acquittal could have furnished further ammunition for the extremists, but it is simplistic to argue that such considerations affected all or even many of the participants in the affair. The question of jury reform may have hung over the court as Cicero claims, and may have caused some jurors to concentrate rather harder.

In the event they did not have to decide, as Verres anticipated the verdict. The compromise measure was enacted. How far this was influenced by the result of the trial is impossible to tell, but Cicero would be unlikely to play down the connection when he came to prepare his speeches for publication.

In the face of such a wide divergence of opinions it is worthwhile to isolate the generally accepted points. Verres was supported by Hortensius (Verr.1.33-4), by Metellus Creticus his brother-in-law (Verr.1.18-19,23,26,29); by Creticus' two brothers (Verr.1.21,23,26-31; Ps.Asc.212-5), and by P.Scipio Nasica (Verr.2.4.79). Cicero prosecuted and was received sympathetically by M'.Acilius Glabrio the praetor in charge of the case (Verr.1.4,29,41,51-2). M.Lucullus seems to have been hostile to Verres (Verr.2.2.23-4). The attitude of C.Curio seems ambiguous. The account of his congratulations offered to Verres after the success of Hortensius in securing the consulship for 69 is open to more than one interpretation (Verr.1.18-21). He could have been sincere

in wishing Verres well. He could have intended heavy irony. The fact that he blatantly failed to congratulate Hortensius himself might suggest the latter. The often quoted assertion that the Metelli backed Verres is not as a general statement supported by the evidence. Creticus and his two brothers, sons of Caprarius, did. Verres was an adfinis. P.Scipio, grandson of Caprarius' sister, did also. No evidence shows that Q.Metellus Pius, whose auctoritas was second to none, involved himself in any way. His adoption of P.Scipio was testamentary and did not come until 63. Celer and Nepos and their cousins the Claudii are also conspicuously absent from the ranks of Verres' defenders. If Pompey was interested in Verres' conviction, it is highly likely that this branch of the Metelli should at this date have followed the lead of their adfinis. They were very much in his orbit until his divorce of Mucia and his "betrayal" of P.Clodius in 62/1. It was argued above that Pompey's relations with Pius were good in the 70s. Some, however, use the supposed homogeneity of the family to show that these relations must have deteriorated at least by the time of the trial.<sup>(18)</sup> It is much more likely that the various branches went their own ways, that Creticus, his brothers, and Scipio backed Verres, while Pius may have been unsympathetic, only breaking with Pompey after the replacement of Lucullus. As was noted, M.Lucullus was hostile to Verres, but both he and Pius showed their perhaps new-found antipathy towards Pompey by testifying against Cornelius in 65 (Asc.60C).

Pompey's involvement would seem likely. Crassus' position is still harder to guess. He may well have been in favour of reforming the juries, but it would be dangerous to argue that his supposed involvement with the equestrian order would predispose him towards the more radical of the possible changes. That involvement is more often cited than

established, whereas his influence in the senate would seem a more solid asset. These factors and his possible connections with Cotta make it likely that he was pleased with the final, more moderate, outcome.

Such a position was by no means incompatible with genuine support for Verres rather than the devious motivation sometimes suggested. Matters of principle rarely stood in the way of necessitudo. Conduct such as Cato's in 63 when he supported the prosecution of Murena on a matter of rigid principle, ignoring factional advantage, was unusual. At some time in the following years, Crassus forged ties with both Creticus and Scipio, his sons marrying their daughters. The marriage or betrothal of the younger M. Crassus to Creticus' daughter may well have taken place about this time, in 70 or 69. That of P. Crassus to Cornelia must be dated rather later, probably to 59 or 55 (see below, Appendix A), but one earlier mention of Scipio shows a link with Crassus. He was one of the men who accompanied Crassus when in 63 he brought letters to Cicero containing warnings (Plut. Cic. 15.1-2). Thus it may be that the marriage alliance confirmed an existing association of long standing.

It would seem therefore probable that Crassus had close ties with some of the men who supported Verres. It has also been shown that he may have had cause to resent the actions of the censors in 70. In both matters he may have been at odds with Pompey. The latter's attitude to the question of jury reform may have been the more extreme, despite Cicero's protests of his moderation (Verr. 1.44).<sup>(19)</sup>

Whether or not Pompey and Crassus were successfully persuaded at the close of their consulship to a public reconciliation is open to question, but there is no likelihood of anything of the kind being either sincere or lasting. Gellius and Clodianus may well have made that certain.

Chapter IV      The Early 60s

A secure chronology for the political shifts in the three or four years after the first consulship of Crassus and Pompey is not easy to establish. Pompey's involvement in the Verres case is uncertain as is whether his enmity with Metellus Creticus predated their clash in 67 (MRR2.145). Nor is it clear at what point, between their triumphs in 71 and Metellus Pius' testimony against Cornelius in 65, Pius became estranged from Pompey. It would seem likely that in the latter case the major cause was L.Lucullus' supplanting by Pompey. Ostensibly this did not happen until 66 with the passing of the Lex Manilia, but it has been suggested that Pompey was at work much earlier, preparing the ground for his eventual appointment.<sup>(1)</sup> The sequence of events must be considered.

In 70 and 69 Lucullus was riding high on a tide of success. It seems likely that the commissioners sent to organise Pontus as a province were elected at this time. A commission that included L.Murena and M.Lucullus would seem exceptionally favourable to Lucullus. This would be so whichever Murena is meant, the father or the son (MRR2.129; cf.131n.6).<sup>(1a)</sup> 70 would seem the most appropriate year for their election, after the complete occupation of Pontus, and before the invasion of Armenia the following year. It has already been argued that no convincing evidence can be put forward for predating the hostility of Pompey and Lucullus to the 70s. The possibility that these commissioners may have been elected during Pompey's consulship may strengthen that argument.

It would seem to be in 69 that the decision was made to assign the province of Asia to a praetor of that year P.Dolabella (MRR2.133,139; cf.142n.9). L.Quinctius launched an attack on Lucullus in which he referred to the battle of Tigranocerta as recent and implied that Lucullus still commanded in Asia (Plut.Luc.33.5). Quinctius' praetorship is

clearly to be dated in 68. Belief that he was praetor in 67 seems to derive from the mistaken view that Lucullus was stripped of all his provinces at once by a Lex Gabinia.<sup>(2)</sup> It is clear however that Asia was assigned elsewhere in 69 (Dio 36.2.2). Cilicia was given to Marcius Rex early enough in 68 for troops preparing to serve under him to be encountered by C. Caesar as he returned from Spain (Suet. Jul. 8). This must have been before the winter set in as Caesar was back in Rome early in 67 when he supported Gabinius' pirate law (Plut. Pomp. 25.3). Bithynia and Pontus were assigned to M. Acilius Glabrio by an earlier law of Gabinius presumably in December 68 (Sall. Hist. 5.13M). In order that Quinctius could as praetor have been instrumental in the passage of this measure and also have been speaking publicly before Dolabella took over in Asia his praetorship must be dated in 68. He spoke probably as praetor designate in 69, and supported Gabinius during the three weeks they were in office together at the end of 68.

The reallocation of Asia, the first step in the piecemeal dismantling of Lucullus' great command, has been assumed along with the later moves to be at least in part the result of the demagogic attacks inspired by the publicani who were enraged by Lucullus' reforms in that province.<sup>(3)</sup> The reforms are probably to be dated to the winter of 71/70 (MRR2.123). The news of them will have reached Rome in 70, and yet as was argued above Lucullus' stock seems to have been very high in Rome in 70 and 69. Any resentment felt by the publicani was slow to manifest itself, as the first sign of a demagogue comes at the end of 69 in the person of L. Quinctius. The reforms themselves seem to have been left untouched (Plut. Luc. 20.4; Cic. Acad. 2.3). Plutarch says that the demagogues achieved their aim, presumably revenge rather than redress, eventually, "οὐτοὶ μὲν οὖν ἐξείργασαντο χρόνω" (Luc. 24.4). It would seem unlikely

therefore that the transfer of Asia was in any way connected with their activities, but on the contrary it may have signalled a compliment to Lucullus just as had the despatch of the Pontic commissioners.<sup>(4)</sup> The return of Asia to a praetorian proconsul implied that Lucullus had succeeded in bringing peace and order to that province. It was no longer necessary for Asia to remain part of his military command. This view would seem confirmed by the fact that Asia was not subsequently included in the commands of either Glabrio or Pompey.

It is possible to view the transfer of Cilicia by the senate to Q. Marcius Rex in 68 in the same light. News of the mutiny of Lucullus' troops cannot have reached Rome until late in the year, as the mutiny itself did not begin until after the autumn equinox (Plut. Luc. 32.1). Since therefore all reports were of success, Armenia invaded and Parthia soon to follow, it may have seemed desirable for reasons other than hostility to appoint another man to Cilicia. It is worth considering the fact that Cilicia as a province had two quite different physical and military aspects, one as a block of land to the south of Pontus and Armenia, but the other as a pirate infested coast. Q. Metellus Creticus had been assigned Crete and Achaëa so that he might combat the pirates. It may have been felt that with Lucullus away on his Armenian and Parthian campaigns, the second aspect of Cilicia's military significance required the full attention of a senior man. On the other hand, it had been the intention from the start that the Mithridatic command should be split between two men. So Lucullus was originally associated in his command with M. Cotta. The latter had been assigned Bithynia and Lucullus Cilicia, but Cotta's lack of success led Lucullus to take over virtually all the land operations (MRR 2.101; cf. 118). Cotta returned to Rome in 70, and it could be that Rex's appointment was viewed in this

light as a restoration of the divided command. It is possible that Cilicia was designated a consular province for 68 before the elections of 69 in the manner laid down by the Lex Sempronia. This would not of course preclude the possibility of rivalry nor of hostility in some quarters towards Lucullus. Rex refused to cooperate with him, and gave a post to P.Clodius who had fled from Lucullus after fomenting mutiny among his troops (Dio 36.15.1;36.17.2-3).

The only step in the dispersal of Lucullus' command that can be attributed directly to demagogic activity is the third, and ostensibly the last. The Lex Manilia of 66 did not in theory affect Lucullus at all since he had lost all his provinces already. In December 68, A.Gabinus entered office as tribune and immediately proposed that Lucullus' remaining provinces be transferred to Glabrio and that the Valerian Legions be discharged (Cic.Leg.Man.26;Sall.Hist.5.13M)<sup>(5)</sup> The passage of this measure owed much to the advocacy already mentioned of L.Quinctius in his last month as praetor (Sall.Hist.4.71M;Plut.Luc.33.4-5).

Consideration must be given to the men involved in these moves. It was suggested above that little of hostile significance can be attached to the removal from Lucullus' command of Asia, which almost certainly was entrusted to P.Dolabella. Cilicia was transferred to Q.Rex consul of 68, presumably by the senate. If, as is possible, the senate had in 69 merely declared Cilicia a consular province for 68, Rex might, if the lot had been used and had proved unfavourable, have obtained the command only on the death early in office of his colleague, L.Metellus (Dio 36.4.1). The latter's brother, Creticus, had already been charged with the conduct of part of the war against piracy. It could have been intended that L.Metellus should complement him in Cilicia. It would be interesting to know more of the suffect consul Vatia, who died before entering

office (*ibid*). If as seems likely he was a Servilius, he may have been a brother of P. Vatia Isauricus, consul 79, who had triumphed from Cilicia in 74 (MRR2.105). This raises the possibility that Vatia could have been elected with the Cilician vacancy in mind. Perhaps P. Isauricus was to have served on his staff as Africanus had on that of his brother Lucius Scipio in 190. Apart from Isauricus' military and local experience, it is worth noting an old feud with the Luculli (Plut. Luc.1.1; Cic. Acad. Pr.2.1; Prov. Cons.22) which may have induced him to support the Lex Manilia in 66 (Cic. Leg. Man.68).<sup>(6)</sup> On the other hand, he had after initial hostility shown himself friendly to Pompey much earlier, at the time of the latter's first triumph (Front. Strat.4.5.1; Plut. Pomp.14.5).

It is possible therefore that Rex only secured the post as a third choice. At all events, as has been stated, he refused to cooperate with Lucullus. The two men were married to two of the three Claudian sisters (Plut. Cic.29.4; Dio 36.17.2; 36.15.1; 17.2; Sall. Hist.5.14). After P. Clodius' treachery Lucullus divorced his wife, then marrying a half-sister of M. Cato (Plut. Luc.38.1; Cat.24.3; 54.1). Rex on the contrary gave Clodius a place on his staff. That he did not, on his death in 61, in fact leave Clodius anything in his will is perhaps less significant than that Clodius had to the end expected something (Cic. Att.1.16.10).<sup>(7)</sup> Rex achieved little in his time in Cilicia but clearly took himself and his activities sufficiently seriously to demand a triumph (MRR2.154). Any association with Pompey is hard to establish, save that his marriage with Clodia Tertia may have brought him into the orbit of her brothers the Claudii, and her cousins Celer and Nepos, all close to Pompey. It was suggested above that this grouping may have included the Luculli and even Metellus Pius, and that, if this was so, Clodius' actions may have been decisive in effecting a split. The motives for his behaviour are

harder to establish. He may simply have taken a dislike to Lucullus. He may have hoped to benefit Rex, or he may have been working all along in the interests of the ultimate beneficiary, Pompey. At approximately the time that Clodius was tampering with the loyalty of the Valerian Legions, Gabinius in Rome was proposing their discharge. This coincidence suggests a possibility of collusion. Gabinius may have known what was planned by Clodius. Gabinius was a friend of Pompey, "εἰς τῶν Πομπηίου συνήθων" (Plut. Pomp.25.1), and married to one, Lollia, probably a relation if not a sister of M. Palicanus the Pompeian tribune of 71 whose consular candidacy Gabinius supported in 67 (Suet. Iul.50; Val. Max.3.8.3). This and Gabinius' pirate law raises the suspicion that he may have had Pompey's interests in mind when he assigned Lucullus' remaining provinces to Glabrio.<sup>(8)</sup> If this was the case, however, it is not clear why Gabinius should not have proposed Pompey immediately for the Mithridatic command. An answer could lie in the fact that the war had from the start been assigned to consuls in office, Lucullus and Cotta, and then Rex. There was no precedent for entrusting it to a privatus, save perhaps the unfortunate one of Marius in 88 (MRR2.42). The pirate command was slightly different, being by its nature extraordinary and also less prestigious.<sup>(9)</sup> The considerable opposition encountered by Gabinius in passing the pirate law, under which no one had to give place to Pompey, would have been still greater if the issue had been one of exchanging Lucullus for Pompey in an extraordinary fashion. As it was, Glabrio, a figure arousing much less hostility, replaced Lucullus, while Pompey strengthened his case by his success against the pirates, and then hoped perhaps to provoke rather less animosity by taking over from Glabrio. Such may have been the intention, but Lucullus himself seems to have had little doubt as to the identity of his true supplanter

(Dio 36.46; Plut. Pomp. 31; Luc. 36.1, 3-4). Relations between the two men were permanently embittered thereafter.

Glabrio seems to have been content with his role in this. He showed little interest in his command; nor is there any record of his resenting his recall or seeking, as did Rex, the consolation of a triumph. He too declined to cooperate with Lucullus (Dio 36.17.1) and indeed encouraged Lucullus' troops to disobey him (App. Mith. 90). There is some evidence for supposing him friendly to Pompey. He may have been connected with Pompey, Celer and Nepos, through his mother Mucia.<sup>(10)</sup> His conduct of the Verres case was markedly sympathetic towards the prosecution (Cic. Verr. 1.4, 29, 41, 51-2; 2.130; 2.5.76, 163). That Gabinius, Pompey's friend, was responsible for his command indicates at least that he was not an enemy of Pompey as was his colleague C. Piso. Although forced by Sulla to divorce his pregnant wife, Aemilia, Sulla's step-daughter, so that she could marry Pompey, it is possible that he may not have blamed Pompey for this or for her almost immediate death (Plut. Pomp. 9.2; Sull. 33.3). Her brother M. Scaurus stayed close to Pompey, serving under him in the East.<sup>(11)</sup>

It is not easy to establish the political stances of all the proposers and opponents of these new military dispositions. As has already been observed, the first name to be associated with the agitation to recall Lucullus is that of L. Quinctius, tribune in 74, a legate under Crassus in the Servile War, and now praetor in 68. No great weight can be placed on his association with Crassus, as he had ample reason for seeking revenge on Lucullus for thwarting him during his tribunate (Cic. Clu. 110-2; Sall. Hist. 3.48.11.M; Plut. Luc. 5.4; Ps. Asc. 189 St.). On the other hand, Crassus could himself have been annoyed by Lucullus' treatment of Quinctius, and indeed by M. Lucullus' hostility towards Verres.

Gabinus' pirate law was initially opposed by three other tribunes, L.Trebellius, P.Servilius Globulus and L.Roscius Otho, the last named suggesting that two men rather than one should be entrusted with the command (MRR2.145). Little is known of any of these save that Otho was also the author of the famous, or notorious, law to reserve the fourteen rows in the theatre for the equites (MRR2.145). The hand of Crassus has inevitably been detected in this, since on the strength of his recorded involvement in 60 with the Asian publicani, he has been labelled the perennial champion of the equestrian order. Pursuing this idea it is even suggested that Roscius intended that the second commander should be Crassus.<sup>(12)</sup> The only faint indication of a possible connection with Crassus is the presence on his staff in the East of two brothers Roscius (Plut.Cr.31.2).

It is certainly not necessary to assume that Crassus was behind the opposition to the Lex Gabinia. There were plenty of other powerful figures who were not backward in proclaiming their detestation of the proposal. Among others, C.Piso, the consul and an inveterate enemy of Pompey, Q.Catulus and Hortensius fought vigorously but in vain (Cic.Leg.Man.52; Dio 36.24.3;36.31-37; Plut.Pomp.25.4;27.1). Crassus' attitude is nowhere recorded. That he could have been less than friendly towards Lucullus need not mean that he favoured Pompey. Indeed if as is likely Pompey and Lucullus were originally allied, Crassus could have been keen to see Lucullus recalled from the start. It has been suggested that Cilicia may originally have been intended for L.Metellus, brother of Crassus' new adfinis Creticus. It is possible that neither Quinctius, nor Crassus if he was involved, realised that Glabrio's command was intended to benefit Pompey. They may have been blinded by their wish to damage Lucullus. When Pompey turned on Lucullus, it may have come as a

surprise to enemies and friends alike.<sup>(13)</sup>

Crassus' attitude towards Pompey at this time can perhaps best be examined with relation to the tribunes and trials of C.Cornelius and C.Manilius. Cornelius, a colleague of Gabinius, concerned himself more with reforming legislation, proposing measures: to check loans to foreign states; to end senatorial discretion on exemptions from the laws, passing this right to the people; to compel praetors to adhere to their own edicta perpetua; and greatly to increase the penalties for electoral bribery (MRR2.144). He was wholly successful only with the praetors' edicts, but managed to carry a compromise measure whereby a quorum of two hundred senators were required before the senate could grant an exemption. None of these measures was necessarily aimed to benefit Pompey directly, though Pompey may have remembered difficulties in obtaining the exemption that permitted him to stand for the consulship in 71. It was argued above that gaining this may at the time have been the chief attraction of an alliance with Crassus. The attempt to tighten up the ambitus legislation may have been connected with the enrolment of large numbers of new voters by the censors of 70. Pompey's enemies may have felt it necessary to resort to an unprecedented extent of bribery to counteract what must have seemed initially a great and unfair advantage for Pompey. C.Piso certainly seems to have paid a great deal to secure his consulship. It may have been a pleasing irony to force him to propose a law against the practice (Dio 36.38.3-4; cf. Sall. Hist. 4.81M). That Cornelius was closely associated with Pompey is indicated by his having served as Pompey's quaestor (Asc. 57, 61C), probably in Spain. Cicero's defence of Cornelius in 65 was accounted an act favourable to Pompey (Q. Cic. Comm. Pet. 5, 51; cf. 14-5; Asc. 61C). That those testifying against Cornelius included such enemies of Pompey as Catulus, Hortensius and

M. Lucullus adds weight to the view that Cornelius was prosecuted as much for being an associate of Pompey as for anything he had done as tribune.<sup>(14)</sup> Cornelius seems to have been working in cooperation with Gabinius since the latter carried a law forbidding loans to foreign envoys in Rome presumably after Cornelius' original measure had failed (Cic. Att. 5.21.12; 6.1.5, 2.7).<sup>(15)</sup> Pompey was no mean general, but it would appear that his greatest talent, which led to his success in the military sphere was as an administrator. Cornelius' programme was popular, popularis, and also conducive to more efficient government. It may also have contained political factors now virtually undetectable.

Dio reports that Manilius tried to credit Crassus with the authorship of his own bill to distribute the freedmen throughout the tribes but was disbelieved (Dio 36.42.4). He tried to do this, when, despite the successful passage of the bill, it became apparent that it was unpopular - in the English sense. Some have taken Dio to be right in saying that only after this did Manilius turn to Pompey in the hope of enjoying the same good fortune as Gabinius. This is however unlikely for three reasons. The first is that Manilius had in fact taken up the cause at the request of Cornelius (Asc. 64C). The second depends on the probable identification of C. Manilius with one Manilius Crispus, attacked by Cn. Piso with loud threats and denunciations of Pompey (Val. Max. 6.2.4). This incident however it will be argued may belong after the passage of the Lex Manilia conferring Pompey's Mithridatic command. Some hold that it must be earlier. If so it shows Manilius Pompeian before Dio's point of conversion (see below p 61-3). Thirdly, the good fortune referred to is presumably Gabinius' legateship with Pompey. This however was almost certainly under the Manilian law, since Cicero states specifically in his speech concerning that law that Gabinius was debarred from such an

appointment under his own law, despite Pompey's wish to have him  
(Cic. Leg. Man. 57-8).<sup>(16)</sup>

It has been suggested that Crassus was responsible for the disturbances at Manilius' first trial in 65, and that he was keen to help Cornelius when his prosecution, abandoned in 66, was renewed in 65.<sup>(17)</sup> It is suggested that Crassus, by thus supporting Pompeians, hoped that he would gain in popularity at Pompey's expense. The evidence is unconvincing.

Crassus' support for Cornelius is inferred from his involvement in the trial as a juror. Cicero, referring to the restoration of the full powers of the tribunate, observed that of the two authors of that measure, both of whom would, ipso facto, wish to help Cornelius precisely because he was a tribune, one, Pompey, was away, while the other, Crassus, was present doing what he could for Cornelius as a juror. It is hard to resist the conclusion that Cicero is here not only disingenuous in his marvellously flawed reasoning, but in fact wholly tongue-in-cheek. He said: "Aiunt vestros animos propter illius tr. pl. temeritatem posse adduci ut omnino a nomine illius potestatis abalienentur; qui restituerunt eam potestatem, alterum nihil unum posse contra multos, alterum longe abesse." Asconius commented: "Manifestum puto vobis M. Crassum et Cn. Pompeium significari, e quibus Crassus iudex tum sedebat in Cornelium, Pompeius in Asia ...." (Asc. 76C). Cicero may have been jibing at the supposed inconsistency of Crassus' action in 70 with his present opposition to Cornelius in 65.

The argument concerning Manilius is more complicated and relates to one aspect of the so-called "First Catilinarian Conspiracy". When, after Cicero's strange prevarication in the matter in December 66 (Dio 36.44.1; Plut. Cic. 9.4),<sup>(18)</sup> the prosecution of Manilius was resumed in

65, the court was broken up by violence (Asc.60,66C).. Cicero refers to certain "magni homines" who encouraged Manilius to foment this disruption, and Asconius guesses that Cn.Piso and Catiline are meant. It has been objected that this description is unlikely to have been used of such men, particularly the very junior Cn.Piso, then quaestor.<sup>(19)</sup>

By the end of 66, his year as praetor, Cicero was already thinking seriously of his consular candidacy, and seems to have decided that to succeed he would need more help than the absent Pompey could, or perhaps would, afford. To this end he began to look around for ways of securing support from certain powerful nobles who were hostile to Pompey. It may well be that he considered defending and then standing with Catiline (Cic.Att.1.2.1) because he thought that Catiline would have the support of Catulus and his friends. This desire to ingratiate himself with these "optimates" may well have made him reluctant to help Manilius. When forced to commit himself, he did, since he could not afford to seem to the voting masses to have ceased to support Pompey.<sup>(20)</sup> He abandoned the case as soon as he could. Cornelius, though equally associated with Pompey, seems to have been altogether a more respectable figure. In 66 at his original trial he had been supported by both the consuls of that year (Asc.60C). Support for him would be less dangerous for Cicero's hopes of wooing new backers. It is worth noting that after the first disruption in 65, L.Domitius Ahenobarbus, an hereditary foe of Pompey and the man in whom Cicero reposed his greatest hopes for the consulship (Cic.Att.1.14), gathered a band to meet violence with violence and to ensure that the trial's resumption would be undisturbed (Schol.Bob.119 St.). The consuls were charged by the senate to see to the protection of the trial (Asc.60C). Catiline is said to have been concerned with either violent behaviour or plans for such on 29 December 66 (Cic.Cat.1.15) and on 5 February 65 (Sall.Cat.18.6-8). It is suggested that both of

these are connected with Manilius' trials, in the first case the abortive Ciceronian hearing and its sequel in a contio, and in the second the disrupted resumption in 65.<sup>(21)</sup> It has been questioned however on what side either Piso or Catiline would have been demonstrating if they were indeed doing so.<sup>(22)</sup>

Catiline's political ties at this date are the subject of some debate. A case has been advanced for the view that Catiline was an associate of Pompey and that it was as such that he originally stood for the consulship. The arguments are essentially five: (i) Catiline is almost certainly to be identified with the L.Sergius who was a member of Cn.Pompeius Strabo's consilium at Asculum during the Social War (ILS.8888).<sup>(23)</sup> (ii) Catiline's first wife was a Gratidia. This would probably make him an adfinis of Cicero, in his early career at least, firmly Pompeian. The remaining three arguments all concern Catiline's prosecution in 65 de repetundis. (iii) Cicero considered defending Catiline and working with him for the consulship of 63 (Cic.Att.1.2.1). (iv) P. Clodius the prosecutor, an associate of Pompey, was later accused of collusion (Cic.Har.Resp.42,45; In Pis.23; Asc.9C; cf. Cic.Att.1.2.1). (v) Catiline was defended by the consul, L.Torquatus (Asc.66,92C), whose wife came from Picenum (Cic.Sull.25), a region where Pompey had great influence, and who had served as a Pompeian legate in 67.<sup>(24)</sup> These arguments must be considered: (i) The first point, that of Catiline's service under Strabo need not be denied, but of itself it means little dating back as it does some quarter of a century. Since then Catiline had been prosecuted for incest by Clodius in 73, on that occasion certainly in earnest, and was then defended by Q.Catulus. Support came too from M.Cato who threatened Clodius with prosecution (Orosius 6.3.1; Plut.Cat.19.3). Later too Catiline appealed to Catulus (Sall.Cat.34.3-35.6).

(ii) Any connection established with Cicero by Catiline's marriage to Gratidia must have been somewhat weakened by his slaughter of her brother M. Marius Gratidianus (MRR2.72). This act reinforces the view of Catiline's friendship with Catulus, as Gratidianus had been responsible for Catulus' father's death (Schol. Bern. on Lucan 2.173, p.62U).

(iii) As has already been argued, Cicero's contemplated defence and alliance with Catiline are best seen in the context of Cicero's moves towards the Catulan optimates. He was helped in his canvass by L. Domitius Ahenobarbus (Cic. Att. 1.1.3) and C. Piso (Att. 1.1.2), both enemies of Pompey and associates of Catulus and Hortensius. (iv) There is little reason to credit Cicero's charge that Clodius' prosecution was collusive. The contemporary reference to the case in a letter to Atticus may only show that Clodius was overconfident of the strength of his case and felt no need to quibble about the jury: "Iudices habemus, quos volumus, summa accusatoris voluntate" (Att. 1.2.1)<sup>(25)</sup> Cicero himself thought the evidence overwhelming (Att. 1.1.1). The taunt of "praevaricator Catilinae" was flung much later, after the feud between the two men had started, and after Clodius had in fact been prominent in the ranks of Cicero's unofficial consular bodyguard (Plut. Cic. 29.1; cf. Asc. 50C). There seems no suggestion that Clodius' prosecution of Catiline in 73 was other than genuine. In the light of Cicero's later assertions of Catiline's notoriety, collusion might seem the only explanation for his acquittal in 65. The support of the consul Torquatus and probably that of Catulus may in fact have proved quite enough, with or without the help of some of Catiline's African spoils (Cic. Sull. 81; cf. Cael. 14; Asc. 85-7C).

(v) L. Torquatus who defended Catiline in 65 had indeed been a Pompeian legate in 67, but his case would seem unusual as he was apparently at the same time a praetorian proconsul in Asia. His legateship may therefore

have been a convenient legal arrangement to ensure efficient cooperation with Pompey, rather than, as in other cases, a clear piece of patronage. It is suggested that he may have served as legate before taking over his province, but the sole evidence for both posts rests on the double title given him in an inscription from Miletus: "πρεσβευτῆς καὶ ἀνθύπατος" (26) which shows that he held both at the same time. In any case, from the time he left Rome he must have possessed proconsular imperium. Despite his wife's Picene origin, Torquatus was closely associated during his consulship with Hortensius (Cic.Sull.12). There is little evidence for his political allegiance, and his defence of Catiline cannot be used to establish the latter's.<sup>(27)</sup> In addition to the counter-arguments marshalled above it should perhaps be noted that in 66 Catiline's petitio was refused by the consul, L.Volcacius Tullus (Asc.89C), who during that year appeared in support of the Pompeian Cornelius at his first trial (Asc.60C).<sup>(28)</sup> In 64 Catiline was again prosecuted, this time de sicariis by L.Lucceius, a man generally thought to be a friend of Pompey.<sup>(29)</sup>

Catiline's association, in this matter of Manilius' trial, with Cn.Piso is of itself enough to cast doubt upon any analysis which would see him exerting himself on Manilius' behalf. Piso is well attested as a virulent hater of Pompey (Sall.Cat.19.1-5; Asc.92C).<sup>(30)</sup> It is highly likely that the passage in Valerius Maximus already once mentioned refers to him (Val.Max.6.2.4). In this, a certain Cn.Piso prosecuted one Manilius Crispus who was backed by Pompey. Piso hurled abuse and insults at Pompey, and when the latter asked why he did not prosecute him, Piso retorted by asking that Pompey should first guarantee that he would not start a civil war. An attempt has been made to date this incident to 60,<sup>(31)</sup> in which case it would be necessary to assume that Piso's son was the prosecutor, as Piso was killed in Spain in 65 or 64 (MRR2.159,163),

and another Manilius the defendant as the former tribune was condemned in 65 (Asc.60C) and there is no record of any return to public life. The younger Piso, consul 23, was almost certainly too young in 60. Another attempt to distinguish this incident recorded by Valerius Maximus from the trials of Manilius in 66 and 65 has been to put it in 69 or 68. The reasons given are that, from the passage of the Lex Gabinia onwards, quite early in 67, Pompey was both immune from prosecution and also actually absent from Rome, and so cannot have then been so threatened. It is also argued that Asconius would not have thought Piso likely to be behind the disruption of the trial if he was or had been the prosecutor, and that in any case the name of the prosecutor is known, one Cn.Minucius (Schol.Bob.119 St.).<sup>(32)</sup>

It nevertheless remains highly probable that Valerius Maximus has transmitted a somewhat garbled account of the events of 66-5. No other Pompeian Manilius is known, and this Manilius is quite unknown before his tribunate. The fact that Piso's attack was on Pompey through Manilius suggests that it must follow Manilius' law giving Pompey his Eastern command. Valerius does not in fact say that Piso prosecuted Pompey or ever intended to do so. He does say that he prosecuted Manilius. Pompey's part in the reported dialogue could have been played by any of the tribunes who questioned Cicero's behaviour in the matter (Dio 36.44.2).

A possible reconstruction of events might run as follows: Piso prosecuted Manilius before Cicero in December 66, perhaps managing while doing so to give such offence to Cicero that the latter was more than happy later to blacken his reputation posthumously. In 65 he resumed the prosecution, Cicero defending, but Manilius' supporters managed to break up the court. At this stage it may be that those who wished to see Manilius convicted decided that a change of prosecutor was needed, and

Minucius, perhaps less volatile, was asked to take over the case. This could provide an explanation for the conflicting evidence over the charge involved. Cicero's court in 66 was de repetundis (MRR2.152), but Minucius is said to have prosecuted Manilius de maiestate (Schol.Bob.119 St.). It may be that a new prosecutor could not simply take over another's case. He had to institute fresh proceedings, the earlier case being dropped. In these circumstances a fresh charge may have seemed desirable. This could explain how Cicero was able to drop out of the affair without breaking his publicly given word. He had agreed to defend Manilius on the charge of extortion. That was as far as his promise went.<sup>(33)</sup> Piso was perhaps compensated for his disappointment by an extraordinary command in Spain.

Crassus' role in all this is not clear. His only apparent connection is revealed by the Sallustian ablative absolute, "Crasso adnitente" (Sall.Cat.19.1-2), with reference to the senate's decision to send Piso to Spain. This move has often been regarded as part of Crassus' supposedly perennial quest for a military base to provide insurance against Pompey's eventual return, for a "point d'appui",<sup>(34)</sup> but may originally have been a piece of simple horse-trading between two different factions both hostile to Pompey. If Piso was close to Crassus, the latter may have been keen to teach Manilius a lesson for taking his name in vain in the matter of the freedmen's votes. Crassus did not take kindly to being dragged into the limelight at times not of his own choosing. Tarquinius found that in 63 (Sall.Cat.48.3-9). Crassus may nevertheless have been glad to let others finish off Manilius, especially now that his ally had gained a desirable command in Spain. Piso had not expected the post (Suet.Iul.9).<sup>(35)</sup>

That others were involved can be inferred from L.Domitius' part in

providing force hostile to Manilius. An hereditary enemy of Pompey, and closely connected with Cato, Catulus, and Hortensius,<sup>(36)</sup> Domitius' is certainly the quarter from which the assault on Manilius might be most readily expected, and his is the side on which Catiline should most probably be sought in 65. Cicero's thoughts of defending Catiline were conveyed to Atticus very shortly after he had told him that Domitius was his chief hope in his consular petition (Cic.Att.1.1.3-4;1.2.1).

Domitius' involvement against Manilius, which came after the disrupted resumption in early 65 at which Cicero probably spoke,<sup>(37)</sup> must have been quite decisive in inducing Cicero to withdraw from the defence. He had declined to appear in a much less important matter for fear of offending Domitius (Cic.Att.1.1.3-4).

The matter is confused, and while such a reconstruction is indeed hypothetical, it has the merit of fitting all the evidence into a known framework without creating new incidents and fresh characters. It has one Manilius and one Piso, acting in what would seem a plausible manner, and eschews over-ingenious double and triple bluffs.<sup>(38)</sup>

Chapter V      Censor 65

The disturbances surrounding the prosecution of Manilius may provide the basis for at least some of the stories later built up into the myth of the "First Catilinarian Conspiracy". Other elements concern the displaced consuls designate for 65, P.Autronius Paetus and P.Sulla, and various activities of Crassus and C.Caesar in 65.

After the drama of the second "conspiracy" in 63, in which Autronius was caught up, the events of 66/5 achieved fresh ramifications, from which P.Sulla extricated himself with difficulty. It is now generally agreed that no schemes were in fact hatched whereby C.Cotta and Torquatus, the eventual consuls, and/or large sections of the senate, were to be assassinated, and power seized by various combinations of Catiline, Crassus, Sulla, Autronius and Caesar.<sup>(1)</sup> The personalities involved deserve consideration. P.Sulla is generally thought to have been Pompey's brother-in-law, as C.Memmius, tribune in 54, probably son of Pompey's similarly named quaestor and brother-in-law, was Sulla's step-son (Cic.QF.3.3.2).<sup>(2)</sup> It is sometimes objected that P.Sulla's behaviour in 57, when he permitted his house to be used as a base for P.Clodius' activities (Cic.Att.4.3.3), and in 54, when, aided by his step-son, he tried to prosecute Pompey's adherent Gabinius, might seem to make such a relationship unlikely (Cic.QF.3.1.15;3.2.1;3.3.2). In the light of Sulla's other connections, however, a change in his attitude towards Pompey before 57 is quite probable. A third C.Memmius was active at this time. Tribune in 66 he attacked M.Lucullus and opposed L.Lucullus, apparently acting in Pompey's interest (Plut.Luc.37.1-2; Cat.29.3-4; cf. Cic.Att.1.18.3). In 62 he testified on behalf of P.Sulla (Cic.Sull.55). In April 59, at a time when, as will be argued, Pompey and Caesar were at odds with Crassus and were expressing doubts about the validity of P.Clodius'

adoption, Memmius, Metellus Nepos, and the younger Curio were all furious with them (Cic.Att.2.12.2). In his praetorship in 58 he again showed himself hostile to Caesar (Suet.Iul.23;cf.Schol.Bob.130,146 St.). It will be argued that by his divorce of Mucia in 62 and his desertion of Clodius over the Bona Dea affair, Pompey alienated not only Mucia's half-brothers, Celer and Nepos, and their cousins the three Claudii, but also a number of other important men.

C.Curio, consul 76, had been a supporter of Pompey's Eastern command in 66 (Cic.Leg.Man.68). In 61 he was closely involved with Clodius, defending him at his trial. On subsequent appearances in 59 and after both he and his son ranged themselves clearly on Clodius' side in opposition to Pompey. Curio was married to Memmia the sister of C.Memmius, the praetor of 58 (Sisenna frg.44.HRR1.284).

Some pattern can be seen to emerge. P.Sulla was closely associated with Clodius in 57. The Curiones were consistently aligned with P.Clodius and were thereby hostile to Pompey in the 50s. One C.Memmius was connected with the Curiones and at odds with Pompey until after Luca. Another C.Memmius, although Pompey's nephew, was hostile to Gabinius and was joined in this by his step-father P.Sulla. Young Curio, Memmius, Nepos, and P.Clodius are linked in a group by Cicero in 59 (Att.2.12.2). All these men seem to form a closely knit group. All showed hostility to Pompey in the 50s. One of the Memmii, and C.Curio pater were friendly towards him in 66. P.Clodius may have been working in his interests in 68/7 in the East. If to this is added the possibility that P.Sulla may have been his brother-in-law, it would seem not unlikely that P.Sulla may have been a Pompeian candidate for the consulship in 66. His later actions could show him following the lead of his other connections after Pompey's volte-face in 62/1, or else he may after his conviction have been

in any case abandoned by Pompey, and have anticipated his friends in seeking other directions.

Autronius' connections are not possible to discern. Since it is by no means demonstrated that P.Sulla and Autronius were associated in any conspiracy in 66/5, it would seem that only the fact that they were both elected and unseated in the same year led to the conclusion that they were politically associated. It is indeed possible, if unlikely, that they could have been opposed to one another and that one prosecution was initiated in relation for the other. A possible indication of a connection is, however, provided by the Marcelli who not only testified for Sulla when indicted de vi in 62 (Cic.Sull.20), as did many "ornamenta ac lumina rei publicae" (Cic.Sull.5), but also spoke for Autronius their kinsman (Cic.Sull.18-19).<sup>(3)</sup> His involvement with Catiline after his conviction, cannot be taken as evidence for any previous association. He would have looked for help to any who seemed able or willing to proffer it.

Just as Cato and Ser.Sulpicius Rufus tried in 63 to unseat L.Murena, certainly no enemy of their faction, so the ultimately successful candidates of 66 may have had no other reason for attacking Sulla and Autronius than that they wanted the consulships of which they felt they had been unfairly deprived. These men were L.Torquatus and L.Cotta. Both have been discussed, and have been found to show more sympathy for Catulus and his friends than for Pompey. Cotta may have been friendly with Crassus. Little more can be said except that Cicero thought highly of both men and was on excellent terms with them (Cic.Brut.239; Sull.34; Dom.84; Leg.3.45; Phil.2.13). These prosecutions may well have been the first possible occasion on which the new Lex Calpurnia de ambitu could have been invoked. The precedent established may not have been thought

generally welcome, as no other designate magistrates were subsequently condemned. That Sulla and Autronius were furious on this occasion is understandable. There may have been noisy scenes and protests as Cotta and Torquatus took office. Certainly Autronius had tried to disrupt the ambitus proceedings by force (Cic.Sull.15). Whether either man was interested in Manilius' case or in the disturbances that accompanied it must be doubtful. The years 66 and 65 show regular attempts to interfere violently with the activities of the courts. In 66 Cornelius' first indictment was dropped by the prosecutors after threats to their lives (Asc.59-60C). There were noisy demonstrations at Manilius' first appearance in court in December 66, and the first attempt to try him in 65 ended with the court broken up by violence. The tribunes of the two men and of Gabinius had been far from peaceful. It has been suggested that it was the action of a tribune in vetoing a senatorial investigation into this developing nuisance that later enabled Cicero first to hint at undisclosed plots, and then boldly to assert them as facts (Dio 36.44.5).<sup>(4)</sup>

During the consulship of Cotta and Torquatus, censors were elected. As has been observed, consuls seem to have been able to exercise some discretion in the question of whether to hold such elections (Cic.Att.4.2.6), and presumably had some influence over the results. It is not surprising therefore that, with these consuls, Q.Catulus and M.Crassus were elected. It is interesting to note a relative absence of recorded rivalry in the matter of censorial elections, though there are many instances of disagreements between censors in office.<sup>(5)</sup> During this last half century of the Republic we never hear of defeated candidates. It could be argued that in fact such reports are relatively rare in the matter of consular elections, and that it is unsurprising to find no mention with regard to the censorship, which is in any case so poorly

noticed that even the names of successful candidates sometimes pass unrecorded. It remains possible however that in the case of the censorship, which was perhaps hopefully thought uncontroversial and honorific, an unwritten convention may have grown up whereby only two candidates should stand, those two decided by the consensus of the senatorial principes. Thus any unseemly campaigning might be avoided. Whether or not this was in fact so, the censorship seems to have been considered to be a mark of the general respect felt for its holder.<sup>(6)</sup> It has been argued that the censorship, even more than the consulship, tended to be restricted to certain censorial families.<sup>(7)</sup> The family of M.Crassus certainly fitted that requirement, having produced three, and possibly four, censors in little over a century: P.Dives in 210, possibly C.Getha in 108, L.Crassus in 92, and P.Crassus in 89. His colleague Q.Catulus came of a family that produced three consuls in the third century one of whom attained the censorship. The family had then lapsed into obscurity until Catulus' homonymous father restored its dignity, albeit with great difficulty, suffering several defeats before gaining the consulship of 102 with the aid of C.Marius (Cic.Planc.12).

Q.Catulus was a powerful figure in Roman politics, a leader before his death of many of those who resented the growing power and potential dominance of Pompey. In the 70s he had tried to insist that Pompey disband his troops after the defeat of M.Lepidus and M.Brutus, and was presumably opposed to his appointment to Spain (Plut.Pomp.17.1-4). He was prominent in opposing the tribunician agitation of Opimius (Ps.Asc.255 St.) and of Macer (Sall.Hist.3.48.9-11M). In 67 and 66 he took a leading part in opposing the passage of the Leges Gabinia and Manilia conferring on Pompey his extraordinary commands against the pirates and Mithridates (Vell.Pat.2.32.1-2; Cic.Leg.Man.59-61; Dio 36.36a;

Val.Max.8.15.9;Plut.Pomp.25), and testified against Cornelius in 65 (Asc.60,79C;cf.Val.Max.8.5.4). That he was a long standing and open rival of Pompey is further shown by Caesar's proposal as praetor in 62 that Catulus should be relieved of his responsibility for the restoration of the temple of Capitoline Jove, and that this should be transferred to Pompey (Suet.Iul.15).

His likely relations with Crassus must be considered. It has been argued above that Crassus was at the very least sympathetic to the cause of the tribunicia potestas in the 70s, and indeed may have been closely involved with some of the tribunes. On the other hand, Crassus may have had close ties with several of Catulus' circle. That Catiline, a friend of Catulus at least in 73, and Crassus were both attacked in that year by men arguably attached to Pompey could suggest some similarity of outlook, if only that of opposition to Pompey and his friends. It has been further shown that several of those expelled from the senate by the Pompeian censors of 70 show ties with Catulus and his group. C.Antonius Hybrida's brother was married to the daughter of L.Caesar, half-brother of the elder Catulus. P.Sura married her after M.Antonius' death. M.Messalla Niger was half-brother or cousin to Hortensius, Catulus' closest associate. How Crassus was regarded by those nobles hostile to Pompey after his alliance and then break with him in 71/70 is hard to establish. That he will have been distrusted is likely, but it is possible that in the mid 60s, just as in 61/60 in the debates over Pompey's Eastern acta and perhaps the issue of land for his troops, and indeed later in 56, Crassus may have been welcomed by the Catulan optimates as a potent ally against Pompey. It has been suggested that he may have had a hand in the original prosecution of Manilius, and was certainly associated in 65 with Cn.Piso, a declared enemy of Pompey. It

seems likely that the marriage of Crassus' son Marcus to the daughter of Q. Metellus Creticus took place in 70 or 69 (see Appendix A). Creticus was associated with Hortensius in the defence of Verres and indeed owed his provincial command to Hortensius' cooperation (Dio 36.1a). If he was not hostile to Pompey at least since Verres' condemnation, he certainly became a bitter enemy after their clash in Crete (Plut. Pomp. 29.2-5; Dio 36.18.1-19.1). To Catulus and his friends, Pompey was the enemy in the middle 60s, and Crassus, who appeared to share that view, must have seemed an ally worth recruiting even at the price of the censorship. They reckoned, perhaps, without his ambition. Plutarch suggests that the failure of the censors to agree was a matter for surprise (Cr. 13.1).

The sources for Crassus' censorship suggest two points on which the censors disagreed. Unfortunately, each source mentions only one. Plutarch says that Catulus objected to Crassus' aim of making Egypt tributary (Cr. 13.2). Dio says that the censors, whom he does not name, were hopelessly at variance over the question of admitting the Transpadani "ἔς τὴν πολιτείαν" (37.9.3). Both sources say that the censors resigned on account of their disagreement. The Egyptian question is also mentioned by Cicero and Suetonius. Cicero said in 63 when opposing the Rullan land bill that those men who had tried openly two years earlier to get their hands on Egypt, were now trying to do so indirectly through the proposed law (Cic. Leg. Ag. 1.1; 2.41-4). In the fragments of a speech probably delivered in 65 he was opposed to a proposal of Crassus to annexe Egypt on the strength of the supposed will of a former King Ptolemy Alexander (Schol. Bob. Reg. Alex. 91-93 St.)<sup>(8)</sup> Suetonius writes that C. Caesar attempted per partem tribunorum to obtain a commission to annexe Egypt. Although Suetonius confused the issue by bringing in aspects of the later question of the recognition and subsequent expulsion

by his subjects of Ptolemy Auletes, he makes it clear that this attempt of Caesar took place during his aedileship, which is certainly to be placed in 65 (Suet.Iul.11). Caesar is also associated with the Transpadane cause by Suetonius. Returning ante tempus from his quaestorship in Spain, Caesar encouraged the Transpadane Latin colonies who were "de civitate Romana agitantes", but was foiled by the fact that the consuls had troops in the Cisalpinga which they were preparing for Marcius Rex's Cilician command (Suet.Iul.8). Later Caesar is said by Suetonius to have conspired with Cn.Piso that while Piso secured Spain, Caesar would rouse the "Ambrani" and the Transpadane Latins (Suet.Iul.9). A good emendation of "Ambrani" might be Mariani. This coupling with the Transpadani could well parallel Plutarch's assertion that in 64 Etruria and the greater part of Cisalpine Gaul were ready for revolt (Plut.Cic.10.5; cf.14.1-2). Etruria, a stronghold of Sullan settlers, must necessarily have contained many dispossessed Mariani. These latter passages, coupled with Dio, would seem to disprove any suggestion that there cannot have been a Transpadane question at this date.<sup>(9)</sup>

It is generally assumed that, of Dio, Plutarch, and Suetonius, each has hold of part of the truth, and that this truth consists of a compilation of all their stories. It is assumed that Crassus and Caesar were working together in 65 and that together they tried to effect the enfranchisement of the Transpadani and the annexation of Egypt. It is worthy of note that Suetonius connects Caesar with both these matters, and that no other source relates him to either. Crassus on the other hand is connected with the Transpadane question by Dio, and with Egypt by Plutarch and Cicero. It is even stranger to observe that Suetonius links Crassus with Caesar in a version of the "First Catilinarian Conspiracy", but associates Caesar with the Transpadanes and with Piso's Spanish post in

another context and with no mention of Crassus.<sup>(10)</sup>

It would thus seem fairly certain that there was unrest in Transpadane Gaul and that the censors were involved in the matter. Dio's failure to mention the censors' names could make this the more probable, as it rules out the possibility that he derived his account from any possibly hostile and therefore suspect source such as Tanusius Geminus, Curio, Bibulus, or Actorius Naso, all cited by Suetonius for Caesar's involvement (Tul.9).<sup>(11)</sup>

It remains strictly possible that the roles in the dispute generally assigned are wrong. It could have been Catulus who favoured the enfranchisement. This hardly fits with his apparent character and conservative views. He is unlikely to have been more popularis than Crassus, or even than Curio who admitted the justice of the cause but thought it politically inexpedient - "vinat utilitas"

(Cic.Off.3.88). It is true that Cicero later described Crassus as a man who was very sparing with the franchise (Cic.Balb.50); but this could well have been intended half humorously if it was well known that Crassus had tried but failed to bring about a massive extension of the franchise.

Crassus' reasons for favouring the Transpadane cause would seem clear. Cicero wrote in 65, "videtur in suffragiis multum posse Gallia" (Att.1.1.2). This refers to the voting strength, well worth courting, that lay in Gaul, which essentially meant the Cispadana, of which all save probably Ravenna had the citizenship, and one or two fully enfranchised colonies north of the river. The Transpadani were much the more numerous and therefore a potentially powerful force in the comitia.<sup>(12)</sup> It has been suggested that the successful lustrum of 70/69, with its doubling of the registered citizens, had greatly distorted previous voting patterns. Any further increase was viewed by the optimate nobles with great suspicion, with the result that there was not in fact another complete lustrum until 28.<sup>(13)</sup>

Crassus may be seen therefore as making a bold bid to achieve a significant boost in his comitial support, perhaps in an attempt to counteract that of Pompey which had been so enhanced in 70/69. He may too have been trying to acquire favour in a region traditionally connected with Pompey whose father was responsible for the law conferring Latin rights on the majority of the Transpadane communities (Asc.30;Pliny NH. 3.138;Dio 37.9.3). That Pompey did consider himself patron of those communities was implied by Cicero in his disquiet expressed over the action of M.Marcellus in flogging a Transpadane in 51 (Cic.Att.5.2.3;5.11.2).

Another view is that the aim of Crassus and Caesar was to stir up the demand for the citizenship so that the discontent ensuing from its inevitable refusal could be used for an insurrection. It is highly unlikely that any such insurrection was planned, but in any case the accounts of plotting seem to relate to the winter of 66/5. Censors were usually elected in the spring,<sup>(14)</sup> thus making it unlikely that any proposals put forward by Crassus as censor could have had any connection with those planned disturbances. Suetonius is hopelessly vague and makes no attempt to relate his garbled accounts of the various plots either causally or chronologically. All that can be derived from his evidence is the possibility that Caesar may have been involved in some way with Crassus' policies in 65.

How Crassus proposed to go about the matter of the Transpadane enfranchisement is uncertain. It was not possible for a censor to propose a bill on such a matter, but he could have given the weight of his censorial authority in support of a tribunician measure on the subject. Suetonius' mention of a group of tribunes sympathetic to the Egyptian matter could suggest this. On the other hand the suggestion that Crassus simply tried to enrol the Transpadani without any previous legislation is

unlikely. He would have needed some legal pretext or ambiguity to make this possible.<sup>(15)</sup> Similarly Catulus could not have vetoed a tribunician measure, but he could have made known his intention to refuse to put into effect such a bill.

Crassus' interest in Egypt might seem still further removed from the sphere of censorial competence. Plutarch's words here might show how he managed to justify his interest. His policy was "Αἴγυπτον ποιεῖν ὑποτελή Ῥωμαίοις" (Cr.13.2). A parallel might be sought in the action of Ti. Gracchus in 133, both accepting the legacy to the Roman people of the province of Asia and also assigning the responsibility for the collection of taxes there to the publicani. Crassus may have argued that, since by the will of Ptolemy Alexander Egypt was now public land, as such it was the responsibility of the censors to see to its administration.<sup>(16)</sup> He may even have argued that the Asian system of collecting taxes should be extended to Egypt. This is not to suggest that Crassus' interest in Egypt was primarily financial, but rather that this aspect of the matter, the possible locatio of its vectigalia, may have served as a pretext for his involvement.<sup>(17)</sup> Caesar may have supported the proposals, but can hardly have hoped for the commission to effect the annexation. The aedileship was a purely civil office, unlike for example the quaestorship which frequently carried military responsibilities. The censorship too was far removed from the military sphere, being unique among the higher magistracies in lacking imperium. Crassus cannot have planned to go himself. Similarly Gracchus had not gone to Asia, but had nevertheless been able to exercise influence and patronage over that province, and presumably felt that the annexation was a boost to his stature both there and in Rome.

It is suggested that Crassus' interests in both Cisalpine Gaul and

Egypt were in their possible use as military bases against Pompey.<sup>(18)</sup> It is true that Caesar later found the Cisalpine an immensely fertile recruiting ground, but his command there can hardly have been foreseen in 65. Caesar's occupation of Egypt with an army is said to have been intended as a counterweight to Pompey. How this could work is hard to see. Such a force would be hardly likely to march up into Syria and there unprovoked do battle with Pompey's veterans, nor would the thought of a hostile army in Egypt be likely to deter Pompey from returning from the East in Sullan fashion if he so chose.<sup>(19)</sup>

Thanks to Catulus' opposition neither of these affairs produced any result. How long they remained in office before resigning is not easy to establish. One indication may be provided by an anecdote recorded by Plutarch concerning an encounter between M.Cato early in his quaestorship and Catulus who was then censor (Plut.Cat.16.3-6). 64 is the accepted year for Cato's quaestorship (MRR2.165n.5 & Supp.49-50), thus suggesting that Crassus and Catulus were still in office on 5 December 65 when Cato would have taken up his duties. They had probably been elected in the spring of 65 and would have entered office immediately.<sup>(20)</sup> If therefore the censors did not resign until December at the earliest, it would be most surprising that they should have failed to carry out any of their duties, despite both Plutarch's and Dio's assertions to that effect (Plut.Cr.13.1; Dio 37.9.3). That the lustrum was not completed is certain, but that need not mean that nothing was achieved. No lustrum was completed in 61 but the censors had revised the senatorial lists (Dio 37.46.4), and had arranged a contract for the Asian taxes (Cic.Att. . . . 1.17.9). The lectio senatus was generally the first of the censor's duties,<sup>(21)</sup> and might have been accomplished before the disagreements arose on other matters. It is likely that Crassus and Catulus would have been

in general agreement about this, perhaps restoring to the senate some of their friends expelled in 70.

After the resignation of Crassus and Catulus, fresh censors were elected in 64. They too resigned and it has been argued above (pp. 39-40) that their resignation may have been concerned with the same matter of the Transpadane franchise. They were opposed by some tribunes who feared expulsion from the senate. One of these new censors was L. Cotta, whose likely sympathies were also discussed. The other may have been M'. Acilius Glabrio. An anecdote records a certain tribune M. Lucilius, who was censured by a censor named Acilius (Fronto Ad. M. Caes. 5.41-2, 83N). No censor of that name is known. To the suggestion that the consul of 67 could have been censor in 64 the objection is made that there was no lectio senatus in that year (Dio 37.9.4; MRR 2.470), but Dio, the evidence for this, states specifically that the lectio was obstructed because the tribunes feared censure. This coincidence of tribunes threatened with censorial notae makes it highly likely that 64 is the year for Fronto's incident, and therefore that Glabrio was censor then.<sup>(22)</sup> That the censors of 64 were in agreement with one another is perhaps suggested by the fact that it was necessary for the tribunes to oppose them. As was argued above Dio may mean that the issue was, as it had been in 65, that of the Transpadani.

That Crassus succeeded with neither of his major projects during his censorship must have been disappointing, but probably not unexpected. He may have gained credit, even though no votes, amongst the Transpadani. His possible association with Caesar may be a pointer to his future policy.

Chapter VI

Catiline

Crassus' possible association with Caesar in the matters of Egypt and the Transpadane franchise could suggest that it was as a direct consequence of Catulus' opposition to his ideas that Crassus started to think once more in terms of an alliance with Pompey. Caesar showed support for both the Lex Gabinia and the Lex Manilia (Plut.Pomp.25.4; Dio 36.43.2-4). In the 70s his prosecutions of Cn.Dolabella and C.Antonius have been shown to be in all details consistent with a Pompeian stance. In 63 and 62 he was associated with tribunes in measures clearly favourable to Pompey. In 63 T.Labienus, together with T.Ampius Balbus, later a Pompeian consular candidate, was supported by Caesar in carrying a law permitting Pompey to wear triumphal dress at the games (Vell.Pat.2.40.4; Dio 37.21.3-4). He was clearly connected with Caesar in the trial of Rabirius, and in his measure restoring to the people the right to elect the members of the priestly colleges.<sup>(1)</sup> Caesar supported Pompey's brother-in-law, Q.Metellus Nepos, in 62 in his proposal to recall Pompey to take command against Catiline (Suet.Iul.16; Cic.Sest.62; Plut.Cat.26-9). Caesar also attacked C.Piso in 63 (Cic.Flacc.98; Sall.Cat.49.2), and Q.Catulus in 62 (Dio 36.44.1; Suet.Iul.15), both vehement enemies of Pompey. In the latter case he proposed to advantage Pompey directly at the expense of Catulus. He had already clashed with Catulus in 65 (Plut.Caes.6.1-4; Suet.Iul.11). His Pompeian credentials were impressive.<sup>(2)</sup> Nevertheless he seems to be found associating with Crassus in 65, and again in 64, reportedly backing C.Antonius and Catiline for the consulship. Some have seen this as evidence of the insincerity of Caesar's Pompeian professions (Dio 37.22.1,44.3; Plut.Pomp.25.4),<sup>(3)</sup> but it is perhaps more likely that Crassus was moving towards Pompey than that Caesar was deserting him.

The evidence for Crassus' and Caesar's involvement with Catiline in 64 has been questioned. The chief source is Asconius who states that Antonius and Catiline were allied in their candidacy, opposed to Cicero, and supported by Crassus and Caesar (Asc.83C).<sup>(4)</sup> He gives this information twice, the second time saying that he learned this from Cicero's de Consiliis Suis, and giving the further information, clearly from the same source, that Crassus was behind Piso and Catiline in the "first conspiracy" in 65. That Cicero was capable of gross distortion and libel especially in that work cannot be doubted, but it nevertheless remains probable that Crassus and Caesar were open backers of both Catiline and Antonius. Caesar almost certainly favoured Catiline in 64 when the latter was brought before the quaestio de sicariis of which Caesar was iudex in 64 (MRR2.162).<sup>(5)</sup> Antonius when consul showed support for several of the measures put forward at the instigation of Crassus and Caesar (Dio 25.3-4; Plut. Cic. 12.2-5). A certain Q. Mucius Orestinus, tribune in 64, was apparently acting in Catiline's interests when he vetoed a bribery law, thereby provoking an attack from Cicero, the Oratio in Toga Candida (Asc.83,85-6,88C). He may well have been a relation, perhaps a brother, of Catiline's wife Aurelia Orestilla, and thereby connected with Cn. Aufidius Orestes. He is also likely however to be by adoption a member of the Mucii Scaevolae, a family earlier observed to have had many close ties with the Licinii Crassi.<sup>(6)</sup> Antonius' association with Catiline is clearly seen in his support for his candidature in 63 (Cic. Mur. 49; cf. Sall. Cat. 26.1). It has been shown already that attempts to argue that Catiline's political ties, prior to his "conspiracies", were Pompeian are far from convincing.

The "Second Catilinarian Conspiracy", if it existed at all, is now generally agreed to have been formed in 63, in the context of Catiline's

second candidacy and defeat, rather than in 64 as Sallust claims (Sall.Cat.17)<sup>(7)</sup> It is necessary however to consider the context of his first candidacy in 64. Crassus had been thwarted during his censorship, and may already have come to an understanding with Caesar. The second pair of censors, perhaps sympathetic to the Tranpadane cause, had also failed. These were L.Cotta and probably M'.Glabrio. The latter's possible Pompeian sympathies discussed earlier might suggest the first fruits of Crassus' new policy of cooperating with Pompeians shown in his association with Caesar. Cotta's ties have also been discussed. He is unlikely to have been hostile to an alliance of Crassus and Caesar. He was a close kinsman of the latter (Suet.Iul.1.2;74.2;Plut.Caes.9.2) and probably friendly to Crassus. The weakness of the censorship, even acting in combination with tribunes, had been exposed. It must have been apparent that the authority of the consulship was needed, together with a programme more directly suited to the circumstances of Pompey's return, now thought imminent. To this end it would seem likely that Crassus supported Catiline and Antonius in the consular elections and at the same time tried to ensure that there were friendly tribunes elected. Dio implies that at least four tribunes, and indeed perhaps initially the whole college, put forward bills in association with Antonius (Dio 37.25.3-4). Cicero too indicates that all the tribunes were concerned in the preparation of the Rullan land bill (Cic.Leg.Ag.2.11-13). In addition to that measure, Dio includes the proposal of L.Caecilius Rufus to reinstate Autronius and Sulla (MRR2.167-8), and two bills whose sponsors are unknown, one to restore full rights to the sons of those proscribed by Sulla, another to abolish debts. The proposal concerning the sons of the proscribed is confirmed by Cicero (Att.5.1.3).

Of these measures, clearly the most important, even discounting Cicero's deliberate inflation (Leg.ag.1;2;3 passim), was the agrarian bill proposed by P.Servilius Rullus. An attempt has been made to identify him with a Pompeian prefect or legate of 65 mentioned by Plutarch (Pomp.34.5), but this identification is unconvincing.<sup>(8)</sup> He is otherwise unknown. Detailed analysis of the provisions of the bill is unnecessary. Cicero may be exaggerating when he implies that the bill would permit the annexation of Egypt (Leg.ag.2.38;cf.1.1;2.44), but it could be that he is right. This was not necessarily a nefarious plot. Cicero admits that the matter had been proposed quite openly two years earlier. It is clear from the fragments of his speech, de rege Alexandrino, that he had then opposed it. These taken with his assertion that the same men were advocating the present measure, show clearly that Crassus was behind Rullus in 63 (Schol.Bob.91-3 St.;cf.Cic.Leg.ag.1.1;2.44). The crux of the scholarly debate over the bill would seem to be whether it was, as Cicero claimed, aimed against Pompey, or, as its supporters probably claimed, designed at least partly to benefit him. They could point to the fact that Pompey was expressly exempted from the requirement to hand over all gold and silver acquired during his campaigns (Cic.Leg.ag.1.12-13;2.59-60).<sup>(9)</sup>

That the measure was not intended simply to benefit Pompey may be readily granted, but it does appear well suited to satisfying his likely needs. When the "First Triumvirate" was formed in 60, Pompey's immediate requirements were two: land for his veterans and the ratification of his Eastern acta. The proposals of Rullus could have been intended to give the commissioners elected under its terms powers to grant just those wishes. That the commissioners would have land at their disposal is certain, and Cicero inveighs against their power to dispose of great tracts of Asia and to unseat Kings (Leg.ag.1.1-2;2.38-46). Indeed

the scope of the bill does appear to have been vast, and there can be little doubt that its passage would have conferred immense powers on the commissioners. Besides being able to offer Pompey what he wanted, at a price presumably, the bill clearly had the aim of settling many of the urban poor on the land, just as the Gracchan measures had done.<sup>(10)</sup> The actual powers conferred on the commissioners together with the popularity and increase in personal clientelae that could have been theirs might well have changed the face of Roman political life.

Cicero's distortions and rhetoric seem to have succeeded in defeating the bill. L. Caecilius Rufus was induced to threaten it with his veto (Cic. Sull. 65), and Antonius may have been bribed into muting his support for it by the promise of Cicero's province of Macedonia (Plut. Cic. 13.3-4). There is some doubt about the dating of Cicero's agreement with Antonius, but, whenever it was made official, the promise may well have been made early in the year at the time of the Rullan proposals.<sup>(11)</sup>

It was suggested above that Cicero had, towards the end of his praetorship in 66, begun to think seriously of trying for the consulship, but had not felt wholly confident of his chances if he stood simply as a Pompeian candidate. That he had built up the beginnings of a clientela of his own is no doubt true,<sup>(12)</sup> but he must have been aware that to hope for the consulship he needed the support of the long-established and much more powerful clientelae of the great men in the state. Pompey's support may have been uncertain or less than whole-hearted, and Cicero clearly decided to explore the possibility of gaining support from Pompey's optimate opponents. To this end he solicited the assistance of C. Piso and L. Domitius (Cic. Att. 1.1.2-4), and contemplated defending and then standing with Catiline, probably assuming that the latter's Catulan associates would be supporting his canvass. It must have become

apparent however that, though prepared to defend Catiline's caput, these men, perhaps including such as Catulus, Torquatus and Hortensius, were rather less enthusiastic about his consulship. Even if not a known blackguard and revolutionary, Catiline's temperament and unrestrained speech may have caused many to doubt his soundness. It is also possible that he had already begun an association with Crassus, though this is more likely to be a consequence of the withdrawal of optimate support than its occasion.

Cicero's position in 64 is revealingly illustrated by the Commentariolum Petitionis supposedly written by his brother Quintus as a memorandum on electioneering, setting out Cicero's advantages and how to capitalise on them. The authenticity of the work has been questioned, but its avoidance of anachronism in general is remarkably complete, and in one particular, that it does not refer to the "First Catilinarian Conspiracy", so much so as to compel acceptance of its contemporaneity. Any later writer, inevitably relying on Cicero's works published after 64/3 could not have failed to include that myth when enumerating Catiline's crimes (Q.Cic.Comm.Pet.9-12). It is sometimes asserted that the document must be spurious because Cicero cannot possibly have needed such advice from his politically less experienced brother. This argument takes the work's declared intention too much at face value. Whoever wrote it, probably Quintus, possibly Marcus, and almost certainly in 64, the piece seems most likely to have been written as a piece of deliberate propaganda intended for a limited circulation amongst possible optimate backers, the purpose being to ensure that they should not support Catiline and Antonius, and that they should take Cicero's Pompeian utterances with a pinch of salt as being aimed at the gullible mob. The readers would know how responsible, respectful, sound and un-popularis Cicero really

was. (cf. Q. Cic. Comm. Pet. 5, 51, 14-15).<sup>(13)</sup>

Cicero and Antonius were elected and Catiline defeated. It would seem to have been after this repulse that Catiline was prosecuted de sicariis by L. Lucceius Pompey's friend (Asc. 91-2C), almost certainly before Caesar, iudex quaestionis in 64, the year after his aedileship as was common.<sup>(14)</sup> Caesar seems to have connived at Catiline's acquittal. In any case Catiline was still supported, at least in the courts, by influential men including a number of consulars (Cic. Sull. 81), Crassus perhaps among them.

Crassus and his allies tried to go ahead with their legislative programme in 63, but were frustrated at every turn, largely through the efforts of Cicero. Before the elections in 63 two other matters arose, both involving Caesar and Labienus. Q. Metellus Pius, the Pontifex Maximus, died and Caesar was elected in his place (MRR2.171), almost certainly after Labienus had passed a measure restoring to the people the right to elect the members of the priestly colleges (Dio 37.37.1-2)<sup>(cf. 1)</sup>. Dio places this election after the executions which took place in December 63, but this is clearly wrong (cf. Sall. Cat. 49.2), a date early in the year being more probable.<sup>(15)</sup> Caesar's chief competitors for the office were Q. Catulus and P. Vatia (Plut. Caes. 7.1-2). While personal rivalry and ambition could well in such a matter transcend normal factional ties, it is perhaps significant to note that P. Vatia had shown himself a consistent friend of Pompey, supporting his claim to his first triumph (Plut. Pomp. 14.5), and in 66 speaking for the Lex Manilia (Cic. Leg. Man. 68). He may too have sympathised with the prosecution of Verres in 70 (Cic. Verr. 2.1.56; 3.210-11; 4.82). He would probably have been able to claim the support of many of Pompey's adherents in the election. Catulus' position is clear. Looked to as a leader by a considerable faction of interrelated and like minded figures, he was an enemy to

Pompey. Although it has been suggested that Caesar won as a Pompeian candidate, it is unlikely that he can have done more than split the Pompeian vote.<sup>(16)</sup> Servilius was opposed to Pompey by the 50s, but in 63 was probably still friendly. It is likely therefore that Caesar, besides his own popularity, received powerful support for his candidacy from Crassus.

The other issue raised by Caesar and Labienus was the prosecution of the elderly senator C.Rabirius for the murder in 100 of the tribune L.Saturninus. Labienus was the prosecutor (Cic.Rab.18), but the selection by lot of C.Caesar and his kinsman L.Caesar was certainly not a coincidence (Dio 37.26.1-28.4; cf. 37.37.2; Suet. Iul. 12; Quint. Inst. Or. 5.13.20).<sup>(17)</sup> Cicero and Hortensius defended (Cic.Rab.18). The sequence of events and the procedures invoked are not clear, but it seems certain that the trial was in essence an attack on the view that passage of the senatus consultum ultimum suspended the usual legal rights of citizens (Cic.Rab.2; Dio 37.26.1-2).<sup>(18)</sup>

It might be thought, in view of the fact that this decree was passed later in the year, that those involved in the prosecution of Rabirius had cause to know that this was likely, and therefore that they were aware of plans for disturbances of some sort. It is possible on the other hand that Cicero's belief in the authority of the senate was well known, and that he was rightly regarded as likely to invoke the Last Decree if presented with any excuse. They may have feared that their tribunician programme might be confronted with violent opposition and that this would then be used as a pretext for their suppression. It is perhaps not a coincidence that C.Macer, whom Crassus supported in 66 in the face of the hostile presidency of Cicero (Cic. Att. 1.4.2; Val. Max. 9.12.7; Plut. Cic. 9.1-2), had earlier, probably during his tribunate in 73, accused Rabirius of

sacrilege (Cic.Rab.7;cf.Val.Max.9.12.7). This almost certainly also concerned the murder of Saturninus in that the circumstances of the murder involved the violation of a holy place. Macer may have been concerned with the issue of the murder of a sacrosanct tribune, but was probably also unhappy with the doctrine of absolute senatorial authority which could be invoked in any circumstance the senate itself deemed an emergency.

The involvement of L.Caesar, the consul of 64, who was selected along with C.Caesar as a duumvir perduellionis to pass sentence on Rabirius (Dio 37.27.2), may not have been due to his relationship with C.Caesar. He was a cousin of Catulus, his father being half-brother to the elder Catulus (Cic.De Or. 2.12,44;3.9-10;Off.1.133;Dom.114). His father, consul in 90, shared the censorship of 89 with Crassus' father, consul in 97, with whom he seems to have enjoyed a close friendship, and who served under him as legate in 90 (Cic.Font.43;App.BC.1.40). That L.Caesar's sister was married first to M.Antonius Creticus and then to P.Sura might well suggest that he may have used his influence in 64 to help the elections of C.Antonius, Creticus' brother, to the consulship, and of P.Sura to the praetorship (Plut.Ant.2.1;Cic.Cat.4.13). His relationship with C.Caesar was quite distant, both being descended from a praetor of 208. He may well have inherited his father's amicitia with the family of Crassus.<sup>(19)</sup>

Another figure ambiguously connected with this case was the praetor Q.Metellus Celer who brought the proceedings to a sudden end by lowering the red flag on the Janiculum (Dio 37.27.3). Dio implies that he did this to stop the trial because he disapproved of its illegality. It is possible on the other hand that Celer was in collusion with Caesar who may have had no wish to incur odium by going through with the grisly form of execution prescribed. Celer was Pompey's brother-in-law. Caesar

and Labienus were conspicuously promoting measures in Pompey's favour at this time, and Caesar cooperated later in the year and early in 62 with Celer's brother Q.Nepos, who clearly disapproved of Cicero's behaviour and his exercise of the S.C.U., so vehemently indeed that the decree was again invoked; this time against him (MRR2.174). Celer's sympathies are therefore more likely to have been with Caesar and Labienus. It is perhaps worthy of note that, after Celer's intervention, Labienus did not renew the proceedings, which, according to Dio, he was entitled to do (Dio 37.28.4).<sup>(20)</sup>

Caesar concerned himself in this first part of 63 with yet one more matter. He prosecuted C.Piso, consul of 67, de repetundis, accusing him of the unjust execution of a Transpadane Gaul (Cic.Flacc.98;Sall.Cat.49.2). Such a move served several purposes. It reaffirmed Caesar's and perhaps Crassus', identification with the Transpadane cause. It attacked C.Piso, a notorious enemy of Pompey in any case, and perhaps specifically so in this matter, the Transpadani being, as has been shown, of particular concern to Pompey. Lastly, and perhaps most relevantly, it helped to bring to public notice the falsity of Cicero's Pompeian and popularis professions. He was obliged to defend Piso, Pompey's enemy, since Piso had clearly helped him in his consular campaign (Cic.Att.1.1.2).<sup>(21)</sup>

Antonius had proven at best feeble, and possibly treacherous. None of the considerable popularis programme had been realised. The only gain was perhaps the unexpected windfall of Caesar's election as Pontifex Maximus. Pompey's return was delayed but was still imminent, and it was no less desirable to have friends in the consulship for 62, if an accommodation and alliance was to be achieved. It has been suggested that Crassus and Caesar, even though they may have supported Catiline and Antonius in 64, must have withdrawn that support from Catiline

in 63. This argument is essentially one of a priori probability, resting entirely on Cicero's assertions that Catiline's revolutionary and incendiary tendencies had become matters of public knowledge and concern (Cic.Mur.23,26-46,53).<sup>(22)</sup>

It is not easy to see which, if any, of the other candidates, L.Murena, Ser.Sulpicius Rufus and Dec.Silanus, could have suited Crassus' purposes, although a case has been argued for each one of them.<sup>(23)</sup> It is possible that L.Caecilius Rufus' proposal in favour of P.Sulla and P.Autronius was intended to enable one or both of them to stand for the consulship in 63 (cf.Dio 37.25.3), but it is not certain that he was concerned in the matter for any reason other than to help P.Sulla who was his brother-in-law. That he was prepared to veto the Rullan land bill suggests that he was not closely associated with Crassus, although he may have hoped for his help in the matter of Sulla and Autronius, and to that end may have been initially prepared to cooperate over the proposals of the other tribunes.

Ser.Sulpicius Rufus was supported by Cicero and by Cato (Cic.Mur.3-8), and it was probably to help him that Cato threatened to prosecute Catiline at some point before the elections (Cic.Mur.51;cf.Plut.Cic.14.3), possibly on a charge of ambitus though Cicero does not say.<sup>(24)</sup>

Silanus was Cato's brother-in-law, and for that reason Cato did not prosecute him as he did Murena (Plut.Cat.21.2). Attempts to demonstrate Crassan sympathies from his indecision during the debate on 5 December 63 over the fate of the "conspirators" and from Caesar's reputed affaire with his wife are unconvincing. Even Q.Cicero was swayed by Caesar's speech (Suet.Iul.14.2), which indirectly warned of the consequences of precipitate execution of Roman citizens. Fear, not sympathy, caused the wavering in the senate's ranks that day. To argue

that Silanus must have been friendly with Caesar simply because they had been fellow pontiffs for many years is absurd. Such reasoning would prove that Caesar and Q. Catulus loved one another dearly.<sup>(25)</sup>

Murena was closely associated with L. Lucullus under whom he had served (Cic. Mur. 20), and whose veterans, in Rome in 63 for his triumph, supported Murena's candidacy (Cic. Mur. 37-8). Lucullus had, after divorcing Clodia, married Cato's niece Servilia, and Cato helped to remove the obstacles to his triumph (Plut. Cat. 29.3-4). Although Cato, in fulfilment of an earlier pledge, assisted Sulpicius in his prosecution of Murena de ambitu after the elections (Cic. Mur. 3-8; Plut. Cat. 20-1), his relations with both Lucullus and Murena do not seem to have suffered (Plut. Cat. 26.1-31.1). The trial may well have been a charade to demonstrate Cato's unswerving rectitude. Perhaps only Sulpicius took it seriously.

That Catiline continued to enjoy the support of Caesar and Crassus after his defeat in 64 is perhaps shown by Caesar's conduct of his case de sicariis and by Antonius' support for him in 63 (Cic. Mur. 49). It would seem probable however that Catiline was concerned to widen the base of his popular support, and to that end may have begun to associate with Manlius. Contrary to the usual view, that Manlius was Catiline's agent and lieutenant in fomenting sedition among the Sullan veterans and other discontented elements in Etruria, it has recently been suggested, with much cogent reasoning, that Manlius had no prior understanding with Catiline, but rather, as an independent spokesman for these groups, agreed to support Catiline in return for his promise to redress their grievances if elected.<sup>(26)</sup>

This more probable account seems partly preserved by Plutarch (Cic. 14), where it is clear that Manlius was the leader of a group of Sullan veterans

who approached Catiline of their own accord. Catiline no doubt welcomed such an access of support, and may have sought to maximise it. That an armed revolt formed no part of either Manlius' or Catiline's original plans is shown by the long interval between the elections, when Catiline is said to have planned to murder Cicero and the other candidates, presumably as the first stage of a coup d'etat, and Manlius' actual rising in late October. It has been asserted that the elections did not take place until 28 October, actually after Manlius had taken up arms, but it is hard to see any justification for such a view.<sup>(27)</sup> Dio and Plutarch both agree that on the day originally fixed for the elections, Cicero summoned the senate and questioned Catiline about a speech he had made shortly before in a contio (Dio 37.29; Plut. Cic.14; cf. Cic. Mur.50-1). Cicero failed to persuade the senate to take any action and was presumably obliged to hold the elections forthwith, his only protection being an ostentatiously worn breastplate (Dio 37.29.4; Plut. Cic.14.5-6). That no violence was actually perpetrated at the comitia is clear from "nullo tumulto publice concitato" (Cic. Cat.1.11). Cicero claimed that Catiline and Autronius had tried to kill him then and said that he saw Autronius in the campus, but admitted that no one else noticed him (Cic. Sull.51). Certainly nothing dramatic was attempted. Murena and Silanus were peacefully elected.

Catiline had failed twice in the consular elections, and had been taunted and provoked to a degree far beyond the limits even of the admittedly abusive norm for Roman political life. Manlius and other restless elements were now forced to realise that they had little hope of securing a friendly ear in the consulship, and must have begun seriously to contemplate more direct action. That such a course was embarked upon with reluctance is shown by Manlius' letter to Q. Marcius Rex, protesting,

even after he had raised his standard, that all he and his followers sought was justice and the redress of their grievances, and that were this to be promised they would lay down their arms forthwith (Sall.Cat. 33-4). This letter may further demonstrate the unlikelihood of close relations between Catiline and Manlius. The satisfaction of the claims of Manlius' followers would hardly help Catiline in his supposed bid for power. The authenticity of the letter has been doubted, and Sallust suspected of invention.<sup>(28)</sup> This would seem an unlikely direction for Sallustian embroidery, casting doubt as it does on Catiline's villainy and involvement with Manlius. It is more probable that the letter is genuine and that Sallust failed to notice its implications.

Another significant point is that Cicero does not suggest that Catiline and his fellows in Rome made their final plans for murder and arson until their meeting at the house of M.Porcius Laeca on 5 or 6 November (Cic.Cat. 1.8ff; 2.6, 12ff; Sulla 18, 52f.), over a week after Manlius had taken the field on 27 October, a date Cicero insists had been long prearranged (Cic.Cat. 1.7).

That Cicero was aware of Manlius' activities in Etruria seems likely, but it is certain that he had no evidence of any connection between these and Catiline or any others in Rome (Sall.Cat. 29). If he had, he would have produced it. Until it was confirmed that Manlius had taken up arms, Cicero experienced great difficulty in persuading the senate that anything at all untoward was afoot (Dio 37.31.3). That the senate took any action before news of Manlius' rising was due to two events. The first was the arrival at night on 18 October at Cicero's house of Crassus, M.Marcellus and Q.Metellus Scipio bringing anonymous warnings that had been sent to them (Plut.Cic. 15.1-2; Dio 37.31.1).<sup>(29)</sup> Despite Plutarch's implication that these warnings named Catiline as the author of the proposed massacre,

this would seem unlikely. Had they done so, Cicero would have had the evidence he so clearly sought. More probable is that they contained general warnings and advice to avoid the city. From whom these warnings came is uncertain. Catiline was still in Rome and would not have needed to send anonymous letters to Crassus. He could have spoken to him at any time. The same is true of others in the city. It is more likely that Manlius, who by this time had decided to act, wished to warn those leading men in Rome who had supported Catiline's petitio, and who were therefore conceived to be sympathetic to Manlius' cause, that he proposed to march on Rome which would therefore be a place to avoid. Another possibility is that the letters were sent, either intercepted and then delivered, or else simply forged, by Cicero himself. This could have been done in order to have evidence produced from another, perhaps more credible source, or else in the hope of incriminating Crassus, since if Crassus produced the letters he would partake of a degree of guilt by association, and if he did not produce them, they could no doubt have been "discovered" with still more serious consequences.<sup>(30)</sup> This view is given some weight by Plutarch who says that Cicero in his treatise on his consulship said that Crassus came by night with the letter that at last made it clear that some conspiracy existed. Because of this, "διὰ τοῦτο" Crassus always hated Cicero. He cannot have hated him simply for writing of an event which, after the meeting of the senate the following day, must have been common knowledge, but it could be that Crassus knew that Cicero had deliberately placed him on the horns of a dilemma, forcing him to play into Cicero's hands.

Whatever their provenance, the letters seem to have produced the effect that Cicero would have desired, since the senate decreed a tumultus (Dio 37.31.1). When soon after this a letter arrived from Q.Arrius, a

praetorius, with definite information of Manlius' activities and apparent intentions, the S.C.U. was at last voted by the senate (Plut.Cic.15; cf. Dio 37.31.2; Cic.Cat.1.3-4).<sup>(30A)</sup> Arrius was undoubtedly a partisan of Crassus, probably having served under him against Spartacus. In 55 he or his son served in Crassus' Parthian campaign (Catullus 84). Cicero makes their connection clear: "Q. Arrius qui fuit M. Crassi quasi secundarium" (Brut.242-3). Arrius was closely involved in the diplomatic manoeuvres that preceded the formation of the "First Triumvirate" (Cic.Att.1.17.11). That the praetor of 73 who served under the consuls of 72 against Spartacus (MRR2.117) and the praetorius of 63 are the same man is disputed on the ground that the former is said to have died on the way to Sicily to relieve Verres (Schol.Gron.324 St.). Presumably he was due after his praetorship to succeed Verres, and the Scholiast, knowing this and also that Verres was not so succeeded, assumed that he must have died. Since it is known however that he served in the Servile war under the consul Gellius in 72, it would seem likely that this alteration in his propraetorian destination accounts sufficiently for his failure to arrive in Sicily, and that accounts of his death were almost certainly exaggerated. It is highly probable that after the recall of the consuls in 72, Arrius may have continued to serve under Crassus. Their association may well have begun then.<sup>(31)</sup>

The fact that Caesar at some point also gave information to Cicero (Suet.Iul.17.2), and, that both Crassus and Caesar were later denounced by informers (Sall.Cat.48.3-4; Dio 37.41; Suet.Iul.17.1), makes it likely that Arrius too was concerned to take out some insurance against any future attempts to associate Crassus or his friends with the now likely eruption in Etruria. In not wholly dissimilar circumstances, friends of Drusus, the assassinated tribune of 91, were persecuted by their enemies through

the Varian quaestio, on the ground that they had encouraged the allies to revolt. Drusus had sympathised with the allies' cause and had sought to prevent the Social War by satisfying their demands. That was enough.<sup>(32)</sup> Crassus must have known that the fact that he had supported Catiline, who in his turn had championed these potential rebels, could be enough to compromise or even ruin him. At all costs it was essential that the rising be crushed before it assumed serious proportions. To that end Crassus and his "shadow", Arrius, provided between them the date needed to make the senate take the threat seriously and to act upon it.

With the S.C.U. behind him, Cicero could have crushed Manlius' rising before it had started. It is unlikely that Manlius had more than 2000 men at the start, of whom less than half were properly armed (Sall.Cat. 56.1-2; cf. Cic.Cat. 2.5). Swift action using all available troops, including those belonging to generals awaiting triumphs such as Lucullus, Metellus Creticus, and Q. Marcius Rex, would undoubtedly have been successful. It might be objected that these generals and these troops were used. Creticus was sent to guard Apulia and Rex to oppose Manlius at Faesulae in Etruria, while Metellus Celer, who was already levying troops for his province of Cisalpine Gaul (Cic.Cat. 2.5), went to Picenum, and another praetor, Q. Pompeius Rufus, to Capua (Sall.Cat. 30.3). These dispositions were not, however, made until the news that Manlius had taken the field on 27 October reached the senate in a letter from one L. Saenius. While it is just possible that there were indications of unrest in Apulia, Picenum and Capua, it may also be that Cicero wished to magnify the apparent dimensions of the crisis for his own ends. He may indeed have had no wish to catch the lesser fish, Manlius, until he could entice the greater, Catiline, into his net.

That Cicero had no knowledge of a detailed conspiracy in Rome at this

time is shown by his failure in both his speeches against Catiline in early November to name any "conspirators" other than Catiline and Manlius. He claimed to know what had been discussed and decided at the house of Laeca, but does not elaborate (Cic.Cat.1.8ff;2.6,12f). He cannot have feared that to give names would be to warn the conspirators, as he was anyway trying to imply that he knew them. Indeed it was not until the following year, when those named were dead or condemned, that Cicero completed his "account" of that night's decisions (Cic.Sull.18,52f.), and then he simply lifted wholesale an account he had given in December 63 of a set of dispositions supposedly made at quite another meeting by P.Sura (Cic.Cat.4.13).

Cicero asserts again and again that Catiline has tried, either with his own hand or through others, to kill him, but has been foiled by Cicero's foresight. No evidence is ever given. Such assertions cost nothing and perhaps eventually become accepted through repetition (Cic.Cat.1.9,11,15;Sull.18,52;Mur.52).

After the announcement that Manlius had risen, Catiline was indicted de vi by L.Aemilius Paullus, son of M.Lepidus, consul 78 (Sall.Cat.31.4; Dio 37.31.3). It may be that C.Cethegus was also indicted (Schol.Bob.149 St.). This could well have been seen as the start of a witch-hunt of the kind referred to above, associated with the Varian quaestio. Catiline offered to go into voluntary custody in the house of a prominent senator, suggesting M'.Lepidus, consul 66, then Cicero himself, Metellus Celer, and finally M.Metellus (Cic.Cat.1.19).<sup>(33)</sup> This last named agreed. Catiline showed by this offer, particularly by suggesting Cicero, that he was not unaware of what Cicero was trying to do. It was however Catiline whose nerve broke first. At the opening of his first speech against Catiline, instead of "Quo usque tandem abutere, Catilina,

patientia nostra", Cicero should rather have asked how long he himself would be obliged to go on abusing Catiline's patience before he could goad him into rash action upon which Cicero could capitalise. Catiline could deny Cicero's constant assertions, but he could not disprove them. It is likely that he was at Laeca's house on the night in question with several of his friends. What was discussed then is uncertain, but Cicero's careful mixture of fact and fiction must have made all partial denials sound feeble. Catiline's future must have seemed bleak. After two electoral failures, a sustained exercise in character assassination by Cicero, and now the fact that a group of malcontents with whom he had been publicly associated had resorted to armed insurrection, it is unlikely that he could have hoped either for Crassus' support for yet another quest for the consulship, or even for much help from any source in his forthcoming trial de vi. These circumstances would have been difficult for any man to endure, and Catiline, even if not perhaps the villain conventionally depicted, must have been a man of reckless and impetuous energy (Cic. Cael. 12-14; cf. Sall. Cat. 5.6-7; Cic. Cat. 1.13-16). His family was patrician and ancient, but had suffered almost total eclipse since the fourth century. To have been defeated and taunted by a novus homo must have been galling (Sall. Cat. 31.7; 35.3-4).<sup>(34)</sup> His consular campaigns even though supported by Crassus must have exhausted his financial resources.<sup>(35)</sup> His career, his reputation, and his finances in ruins, together with the fear that he might well succumb at last to the forthcoming prosecution after so many escapes, must have combined to convince Catiline that exile or death alone could serve his case. That when he left the city, he may indeed have planned to go into exile is possible. Cicero clearly feared this, but relied on his reading of Catiline's character to reassure himself that Catiline "latrocinantem se

interfici mallet quam exulem vivere" (Cic.Cat.2.16,cf.14). Indeed so unsure was Cicero of Catiline's intended destination that he was only able to have him declared a hostis after it was known that he had in fact joined Manlius (Sall.Cat.36.2).

It may be that Crassus, in giving information about the planned insurrection, had not expected that Catiline would be goaded into total involvement. He may rather have hoped to forestall any such move by ensuring that Manlius' cause be doomed from the start.

There remains to consider the conduct of P.Sura, C.Cethegus and others. A case has been made for the view that Sura was not in fact a close associate of Catiline.<sup>(36)</sup> This is based on two points. The first is the apparent conflict between passages in Cicero's Pro Sulla (Sull.52ff) and his fourth Catilinarian Oration (Cat.4.13). In the former certain dispositions are made: Cornelius is to murder Cicero, Autronius to raise Italy, Cassius to start fires, Cethegus to supervise a general massacre. In the latter, Cassius is again to start fires, and Cethegus is to commit murder, this time of Cicero. Italy is to be laid waste by Catiline. In the first version these arrangements are made at the house of Laeca with Catiline in the chair. In the second Catiline is clearly already with Manlius, while Sura gives these orders. The contradictions demonstrated by this argument are interesting but are not enough to establish the lack of association between Sura and Catiline, as the passage in the Fourth Catilinarian is simply concerned to show that Lentulus was involved in plots of this kind and does not necessarily purport to refer to a particular meeting.

The second point is much stronger, and rests on the oddity of the letter produced as evidence against Sura (Sall.Cat.44;Cic.Cat.3.12).

It began "Quis sim ex eo quem ad te misi cognosces" (scies in Cic.).

The letter was unsigned and yet bore Sura's seal (Cic.Cat.3.10,12).

The only possible significance therefore of the opening words is that the bearer, Volturcius, was to tell Catiline that Sura was the sender, as Catiline would not recognise the seal. They cannot mean that Catiline would know the writer by recognising the messenger as Volturcius was unknown to Catiline.<sup>(37)</sup>

The rest of the letter too has a strange ring to it, and hardly suggests a trusted lieutenant reporting to his commander.

It exhorts Catiline to observe his situation, to remember that he is a man, to consider what the circumstances demand, and to seek help even from the very basest. Such a letter would appear much more suitably sent from a sympathetic acquaintance a month earlier, at the time when Catiline was considering leaving the city.

The suggestion to seek help "etiam ab infimis" would then imply perhaps that Catiline should in fact go to Manlius rather than stay or go into exile. The letter could indeed be even earlier and concern Catiline's second petitio in 63.

After his defeat in 64 Sura could have been urging him to try again and to accept the electoral help of Manlius and his followers. It is only the oral messages supposedly entrusted to Volturcius that suggest that the expression concerning help "etiam ab infimis" really meant "ut servorum praesidio uteretur" (Cic.Cat.3.8).

Sura's surprise when confronted with this letter would be the more easily understood if it had in fact been sent some time before and in a different context. Had it been entrusted to Volturcius the previous day, Sura would have guessed from the presence of Volturcius and of the Allobrogic envoys, and from his own arrest, that it must have been seized. Sura acknowledged the letter to be his (Cic.Cat.3.12), but it is clear from Cicero's silence on the matter that he never confessed to the oral mandata attributed to him.<sup>(38)</sup>

The evidence against the city conspirators was thin. That they had entered into negotiations with the Allobroges was not denied; they acknowledged their letters, but these gave no details of the negotiations (Cic.Cat.3.10). Again these were explained orally, this time by the envoys, to the effect that the Allobroges were to send cavalry into Italy as soon as possible to help Catiline (Cic.Cat.3.9). It is certain that the Allobroges were in collusion with Cicero with regard to their "arrest" (Sall.Cat.41,45; App.BC.2.4; Plut.Cic.18.4). It would not be surprising if Cicero had been able to induce them to say whatever he wished, as indeed may have been the case with Volturcius. It has been suggested that Volturcius, who was granted immunity (Plut.Cic.19.2), may have been Cicero's man from the start.<sup>(39)</sup> The case for the guilt of the conspirators depended therefore on the suspect oral testimony of the Allobroges and Volturcius, all questioned and denied by Sura (Cic.Cat.3.11), a number of letters to the senate and people of the Allobroges, which in themselves seem merely to have been envoys' credentials (Cic.Cat.3.10), and one letter to a declared hostis that may well have been written before that man took the step that resulted in that designation. The negotiations with the Allobroges may or may not have been treasonable, but the evidence as we have it makes Cicero's determination to execute the conspirators as quickly as possible quite understandable.

So far Cicero had succeeded in driving Catiline into outright rebellion, and had incriminated a number of men in the city. If as seems not improbable he had done these things deliberately, the question of his motive must be considered. Crassus' involvement with Catiline and hopes of an alliance with Pompey may provide the key. Between the meeting at which the evidence was produced on 3 December, and the debate of 5 December, an informer, one L.Tarquinius, claimed to have been sent by Crassus to bid

Catiline hurry to Rome to save his friends (Sall. Cat. 48.3-9). He was disbelieved, and on Cicero's motion the information was rejected and the informer imprisoned. Sallust mentions a theory that Autronius was behind the denunciation in the hope that Crassus' influence, once stirred up on his own behalf, might help all those accused, but goes on to say, "Alii Tarquinium a Cicerone immissum aiebant, ne Crassus more suo suscepto malorum patrocinio rem publicam conturbaret. Ipsum Crassum ego postea praedicantem audivi tantam illam contumeliam sibi ab Cicerone impositam." The generally accepted interpretation is that Sallust heard Crassus say that Cicero was responsible for Tarquinus' accusation.<sup>(40)</sup> An unconvincing attempt has been made however to deny that this is Sallust's meaning, suggesting rather that Crassus merely complained that Cicero had at some time accused him of defending bad men.<sup>(41)</sup> Such an interpretation is strained and contrary to the impression gained from Plutarch that from this time onward Crassus nursed an enduring hatred for Cicero (Plut. Cr. 13.3-4). To the objection that Cicero would have had no wish to antagonise so powerful a man as Crassus at such a crucial time, it must be pointed out that Crassus and his ambitions at this time seem to have been precisely the targets at which Cicero was training his fire throughout his consulship.

It is generally agreed that Crassus was preparing for Pompey's return from as early as 66/5. He was not alone in that. Cicero too had given careful thought to the matter and to how best he might profit from the likely political situation. Crassus had tried in 65 to achieve certain aims in cooperation with Catulus and his optimate friends. They did not cooperate. Crassus then considered an independent approach, hoping to build up his political resources to such a level that Pompey would be forced to accept an alliance with him. With Crassus' friends in the

consulship and the Rullan bill made law, Pompey, faced also with inevitable optimate hostility, would have had no alternative. Cicero however had quite another scheme of the future, which depended on frustrating Crassus' plans, and on reducing to nothing his bargaining power and potential value as an ally for Pompey. Instead Cicero would offer the prospect of cooperation with the optimates, with himself as the indispensable link making this possible. Pompey would return to find Crassus disgraced, or at least discredited, and Cicero at the head of a powerful and united senate. Actually to implicate Crassus may have been more than Cicero hoped for, but the attempt was worthwhile and must have raised some suspicions. That such an accusation, even if relatively unfruitful, formed part of Cicero's thinking may be shown by the fact that in his posthumously published expositio, "De Consiliis Suis", Cicero accused both of complicity with Catiline (Plut.Cr.13.3). It may however have been the vociferous rejection of Tarquinius' testimony that led Cicero to eschew the temptation to overreach himself by allowing Caesar to be attacked either in court or by mob violence. Caesar, the Pontifex Maximus, had powerful friends and had doubly insured himself by his public espousal of Pompeian causes and by giving evidence to Cicero (Suet.Iul.17.2). The elder Curio defended him from Cicero's bodyguard, and Cicero declined to permit a lynching (Plut.Caes.8.1-2; cf. App.BC.2.6), nor did Cicero follow the advice of Catulus and C. Piso, both men with cause to hate Caesar, to incriminate him (Sall.Cat.49.1; Plut.Caes.7.2; 8.2-3).

At the time of Tarquinius' accusation, which came between the senatorial meetings on 3 and 5 December, Caesar and Crassus each had one of the conspirators in libera custodia (Sall.Cat.47.3-4). This is unlikely to have been a coincidence. It has been argued that Cicero arranged this in order to discredit them if their charges escaped, and to compromise

them in the eyes of their friends if they did not.<sup>(42)</sup> It is certain that Cicero was anxious to involve them and indeed as many other leading men as possible in the decisions to condemn and execute the conspirators.

Nms. Although Crassus was absent from the senate on the fateful Ides of December (Cic.Att.12.21.2), Cicero stridently asserted that he had already given his support to the proceedings against the conspirators by giving them into custody and by voting for Cicero's supplicatio on 3 December (Cic.Cat.4.10).<sup>(43)</sup> Cicero protests so much that it is clear that he is desperate not to allow Crassus to dissociate himself from the decision. He also tries to emphasise that Caesar's speech by implication accepted the guilt of the conspirators and the propriety of executing them. It is likely that Crassus' and Caesar's custody of Gabinius and Statilius may have suited them as much as Cicero, as it helped to demonstrate their complete lack of involvement with the conspiracy. Crassus will have had little option but to vote as he did on 3 December. Anything else could have been suicidal.

Similar motives may have inspired Crassus' decision to appear with Cicero and Hortensius for the defence of L.Murena at his trial de ambitu at some time between Catiline's departure from the city on the night of 8 November, and the arrest of the conspirators on the night of 2 December (Cic.Mur.10,48). It is quite possible, as has already been suggested, that the prosecution was, on Cato's part at least, less than whole hearted. He had threatened before the elections to prosecute any candidate involved in bribery (Plut.Cat.21.2-3). It may be that his main target was Catiline (Cic.Mur.51), but that Cato felt obliged to carry out his threat in order to demonstrate his opposition to bribery practised by anyone. Cicero makes it clear that Cato was no enemy to Murena (Cic.Mur.56), and Murena clearly showed no ill feelings, as he protected

Cato during the disturbances of the following year (Plut.Cat.26.1-31.1). Crassus must now have realised that a time could be approaching when he might need the help of all the political and personal ties he had built up over the years to keep himself from being caught up in and overwhelmed by the waves set in motion by Catiline and Manlius. That this was the case, and that these resources proved adequate is shown by the reception accorded Tarquinius' testimony in the senate. His defence of Murena may have counted in his favour on that occasion. Crassus was in any case always anxious to maintain good and friendly relations with all parties, and, where this did not conflict with the promotion of his policies, to avoid giving offence. He is never found openly involved in any prosecution, but undertook numerous defences (Plut.Cr.3.2; cf. Cic.Cael.18,23; Balb.17,50; Plut.Cic.9.1-2; Schol.Bob.125 St.).

It would seem therefore that there are a number of indications that the whole Catilinarian affair may not be as straightforward in its essence, though always admitted to be complex in its details, as is often supposed. It has been argued above that 63 saw a struggle for mastery between Cicero and Crassus, and that on this occasion Cicero may well have proved far more guileful, devious, and indeed ruthless than Crassus can possibly have expected. The executions of the Ides of December set the seal of the senate's authority and approval on Cicero's account of events. The state itself was thereafter inextricably bound up in the maintenance of Cicero's official myth.

Chapter VII     The Formation of the Triumvirate

It would seem that by the end of 63 Cicero had cause indeed for satisfaction. He might seem, in his subsequent dealings with Pompey, to have shown some lack of tact in suggesting that the suppression of the Catilinarian Conspiracy was a matter fit to be compared with Pompey's recent military achievements (Cic.Fam.5.7;Schol.Bob.167 St.), but it may be that vanity was not the principal motive for Cicero's tone. He needed to make it quite clear to Pompey that he was the man to deal with. His aspiration to play Laelius to Pompey's Aemilianus is neither humble nor arrogant, but rather constitutes a businesslike offer of a mutually advantageous alliance.

Over the next two years Cicero may have come close to achieving his aim. That he was defeated, and Crassus partly successful, owes much to the conduct of one man, M.Cato. Cato leapt to prominence in 63. After threatening a prosecution of Catiline, he stood for the tribunate with the express aim of frustrating the intentions of Q.Metellus Nepos, Pompey's brother-in-law, newly come from Pompey's side to stand himself for that office (Plut.Cat.20-1). A case has been made for the view that Nepos was sent as Pompey's agent to prepare the way for the understanding Crassus had for some time been proposing.<sup>(1)</sup> Certainly at the time of Nepos' candidacy there would seem to be no reason to suppose that Pompey had any intention of a move towards mending his relations with the "optimates". Cato's candidacy shows that, and indeed Nepos' activities in his brief exercise of his tribunate may have done much to harden optimate prejudice against Pompey. He attacked Cicero's treatment of the "Catilinarians" and vetoed his final oration on laying down office. He then brought in bills to recall Pompey to take up the command against Catiline, and to permit him to stand for the consulship in absentia (MRR2.174). Only one

source mentions this latter proposal, but it may well be true (Schol. Bob. 134 St.)<sup>(2)</sup> That these measures indicate any hostility towards Catiline may be doubted in the light of Nepos' attitude towards Cicero, and of the fact that he was supported by Caesar, praetor in 62, and by L. Calpurnius Bestia, a tribunician colleague (MRR2.173, 174), both men with strong sympathy for Catiline. Caesar's involvement has been discussed. While he may have been the more determined to ingratiate himself with Pompey now that his future prospects at Crassus' side were so notably dimmed, his conduct in supporting Nepos was entirely consistent with his actions in 63. He had supported Labienus and T. Ampius Balbus in their bill to honour Pompey, and he had spoken, diplomatically but unmistakably, against the death penalty for Sura and his associates. Bestia was alleged to have been an integral part of the conspiracy (Sall. Cat. 17.3; 43.1; App. BC. 2.3; cf. Cic. ad Brut. 1.17.1), and although this has been doubted, it is likely that his political stance at the time must have made such an allegation credible. He may well be the one tribune left "ad lugendos coniuratos" by the time of P. Sulla's trial (Cic. Sull. 41); Nepos had left Rome by that time. Since Catiline was crushed, very soon after Nepos made his proposals, early in January, and since this had been militarily inevitable for some time, Nepos' measure to entrust the command against him to Pompey could be seen in fact as a device to save him by compelling Antonius and Celer to refrain from action until Pompey returned.

Whether or not this may have been a partial motive, the principal intention behind Nepos' proposals must have been to furnish Pompey with a legitimate excuse for returning to Italy with his army intact, stepping without a break from one command to another. He had done so in 77, when, in the face of orders to disband, he clung to his army until he obtained a command against Sertorius (MRR2.90), and again in 66, when he took up his

command under the Manilian law without laying down that under the Gabinian. Similarly he was disinclined to return as a private citizen, but hoped to repeat his success of 71 by returning to an immediate consulship. It is easy, with the knowledge that Pompey did in fact disband his forces on arrival in Italy, to belittle the fears of his opponents, and indeed to accuse them of short-sightedness in their dealings with him, of pushing him into the arms of Crassus and Caesar when all he desired was general admiration and acceptance by the optimates.<sup>(3)</sup>

That he did not on his return impose a virtually open dominatio may in fact owe much to the intransigence of Cato at this time. By obstructing Nepos' proposals, Cato deprived Pompey of any legal justification for such an assumption of power. He called Pompey's bluff and challenged him either to seize power by open and illegal force, or else to submit to the law and to try to achieve his desires as a privatus. Pompey was shown that he could control neither the senate nor the streets of Rome. In the event Pompey could not bring himself to march in open defiance of legality, but there can be little doubt of the probable outcome had Nepos' measures become law.<sup>(4)</sup>

That Pompey should return with an army and the prospect of a second consulship is unlikely to have seemed entirely desirable to Crassus. Certainly he was not in evidence in support of Nepos' proposals. Caesar's involvement may or may not indicate a break with Crassus. It is possible that Caesar was anxious to put on record yet again his friendliness towards Pompey, but was nonetheless not sorry to see the measures fail. Even their unsuccessful proposal will have lessened the chances of any accommodation between Pompey and the optimates, a possibility Caesar must have feared, and with good cause. On the other hand Caesar may well have adopted a policy of "sauve qui peut", and have been keen to find some safer

harbour than Crassus' may have seemed just then. That Crassus a year later stood surety for Caesar's debts does not preclude this possibility, as by then Pompey had himself performed an about-face, jettisoning many of his own previous adherents including Caesar and Nepos in his vain quest for an alliance with Cato.

It seems likely that Crassus too made advances towards Pompey. Certainly he seems to have travelled to Asia during 62, as he used a vessel from the command of L. Valerius Flaccus, *propraetor* in Asia that year, for a voyage from Aenus in Thrace to Asia (*Cic. Flacc.* 32). Plutarch also records a journey made by Crassus about this time, which has been generally supposed to refer to the same event (*Plut. Pomp.* 43.1). In Plutarch's account however, Crassus left Rome with his family and money out of fear of Pompey, or at least in order to make it seem that he feared him; no destination is mentioned. It has already been argued that Nepos' activities and proposals must have struck fear into many hearts, and it is not impossible that Crassus may have considered moving some of his assets out of Rome, and indeed may have thought it safer to be away himself until Pompey's own intentions were clearer.<sup>(5)</sup> Plutarch's preferred account, that Crassus hoped by his secret departure to bring others to have doubts about Pompey's likely conduct, fails to ring true. Such a charade would be less likely to damage Pompey's reputation than his own.<sup>(6)</sup>

That Crassus' journey to Asia and his flight from Rome constitute one excursion is not certain. The date of the former can be fixed only to some time in 62 during Flaccus' governorship. Plutarch's account merely indicates that Crassus fled while Pompey was on his way back and before he landed in Italy. Pompey had learned of Mithridates' death during 63. He wintered in Pontus, and, probably in early 62, spent some time on the Aegean coast of Asia (*Plut. Pomp.* 42.4-5). At all events he did not arrive

in Rome before the very end of the year (MRR2.176). It is therefore fairly certain that if Crassus had been keen to avoid Pompey he would not have chosen to go to Asia that year, unless, very late in the year, he somehow kept clear of Pompey's homeward route. He would be much more likely to have headed West to Spain as he had in the 80s, or else to Gaul, then governed by C.Pomptinus his former legate from the Servile War. If on the other hand he wished in fact to meet Pompey and to try to come to an understanding with him, he could have set out at any time after 5 December 63, when he had stayed away from the senate although present at the previous debate. No activity that certainly attests his presence in Rome is recorded for 62, though in May or June he could have been handling in person the negotiations for the sale to Cicero of a house on the Palatine (Cic.Fam.5.6.2; Gell.NA.12.12.2). This could however quite easily have been carried out by an agent or by letter.<sup>(7)</sup> It is likely that Plutarch, or his source, being aware that Crassus was absent from Italy for at least part of 62, and being ignorant of his actual destination, imputed without foundation the motive of real or pretended fear of Pompey.

It has been suggested that Crassus' reason for going to Asia may have been his interest in the farming of that province's taxes by the publicani. With the successful completion of the war, this contract must have become a much more inviting prospect. Therefore, it is argued, Crassus went out on a fact-finding mission.<sup>(8)</sup> New censors were elected in 61 and fresh contracts let out in which Crassus certainly took an interest (Dio 37.46.4; Cic.Att.1.17.9; cf. 1.18.8; 2.1.11). It is nonetheless likely that Crassus may have been combining business with politics, perhaps taking a libera legatio on some flimsy pretext while letting it be known that he was interested in the Asian taxes, but hoping at the same time to meet Pompey and persuade him that Crassus still had much to offer as an ally.<sup>(9)</sup>

While it is uncertain at what point Crassus made his journey, Pompey's reactions to events in Rome would seem quite clear. Frustrated by Cato and suspended from office by the senate, Nepos left Rome about the end of January and went straight to Pompey (Suet.Iul.16; Dio 37.43.3-4). Why he took this virtually unprecedented and indeed illegal step of leaving Rome while still tribune is not explicitly stated. It may be that he hoped to persuade Pompey to return in force and impose his will on a senate that had so threatened the office of tribune. Caesar later used this pretext for his invasion of Italy (Suet.Iul.30; Caes.BC.1.7; App.BC.2.33; Plut.Caes.31.2). Whatever were Nepos' intentions, the effect of his own activities, and presumably of his account of Cato's conduct, was to fix in Pompey's mind a firm conviction that Cato was above all others a man to be taken very seriously. He shaped his own policy accordingly, and resolved if possible to effect an alliance with Cato, whose sheer political effectiveness, displayed on 5 December 63 and then again when opposing Nepos, must have seemed just what Pompey would wish to have on his side. It has been argued above that Pompey's earlier alliance with Crassus in 71 may well have seemed attractive precisely because Crassus was able to get things done in the senate. The events of 63 showed a powerful senate controlling events, and itself first controlled by Cicero, and then increasingly dominated by Cato. If Pompey could not bring himself to seize power by open force, he would certainly need help in order to realise his full political potential in Rome. Such help is what Cicero offered (Cic.Fam.5.7), and probably what Crassus had hoped to be able to offer. He may have gone to Pompey to assure him that, despite appearances to the contrary, an alliance between them would nevertheless be able to achieve all that Pompey could wish.

Crassus however, thoroughly outmanoeuvred by Cicero, must have seemed

a spent force. Cicero had in his turn shown himself remarkably devious in his deft and unobtrusive switch from support of Pompey to the ranks of Pompey's optimate opponents. He was now presenting himself as the essential pivot for a reconciliation between Pompey and those optimates. Crassus was an older man than Pompey, of equal dignity, perhaps even superior in civil terms by virtue of his censorship, and certainly a rival, not the "collegam minorem et sui cultorem" that Pompey wanted (Sall.Hist. 48M; cf. Plut. Comp. Nic. et Cr. 2.3). Cicero was the same age as Pompey, consular, and certainly claiming not incomparable auctoritas. Cato on the other hand was a much younger man, of only tribunician rank, but very well placed by descent and marriage alliances at the heart of the nobility.<sup>(10)</sup> Such a man would surely be flattered by an offer of alliance from the greatest man of the day. Pompey certainly intended that Cato should be overwhelmed by the magnitude of the compliment paid him when Pompey suggested a double marriage tie, whereby he and his son should wed Cato's two nieces (Plut. Cat. 30.2-5; Pomp. 44.2-4).

Before reaching the city, Pompey divorced his wife Mucia (Plut. Pomp. 42.7; Cic. Att. 1.12.3; Dio 37.49.3; cf. Suet. Iul. 50.1). His haste in so doing may have been connected with his learning of her infidelity, but is more likely to be a simple anticipation of Cato's acceptance of his proposals. That Mucia was the half-sister of Metellus Nepos may also be relevant. Pompey may have thought it advisable to demonstrate the sincerity of his offer, not only by making himself eligible for marriage, but also by severing his connection with Nepos, now a bitter enemy of Cato. In the event Pompey was shown to have miscalculated badly on every point. He may not have expected to alienate the Metelli, Nepos and Celer, and many of their associates as completely as he did, nor does the possibility of Cato's refusal seem to have occurred to him.

The first fruit of Pompey's new policy came in a letter to the senate, referred to by Cicero (Fam.5.7). In this he promised peace, "spem oti", and it was in this, or another letter of about the same time, that he asked that the consular elections be held up until his legate, M.Pupius Piso, could return and stand for that office (Dio 37.44.3). Such a request was a considerable step down from Nepos' proposals a few months earlier.<sup>(11)</sup> Such a conciliatory attitude and so modest a request may have been hard to reject, and Piso was elected consul for 61 with M.Valerius Messalla Niger as his colleague (Plut.Pomp.44.1). In another account of this matter Plutarch says that Pompey asked that the elections be held up so that he could campaign in person for Piso, but that Cato ensured the rejection of his request (Plut.Cat.30.2). This request is said to have been made when Pompey arrived in Italy, but he probably arrived in December 62, well after the elections would have taken place (MRR2.176). Plutarch is in any case clearly muddled in this matter, as he telescopes the elections of Piso and Afranius. He describes as a closely related sequence of events Pompey's request concerning Piso's election, Cato's obstruction of this, Pompey's approach to Cato, Cato's refusal, and finally Afranius' election and Cato's disapproval of the bribery involved (Plut.Pomp.44.1-4).<sup>(11A)</sup> There is no mention in this version of Nepos' proposals. It may well be that Cato's opposition to proposals of Pompey has been transferred to the matter of Piso. Since Piso was in fact elected, Plutarch supposed that Cato's opposition must have concerned some related but subsidiary question. He therefore supposes that the request for a stay of the elections was to permit Pompey to be present. Perhaps there is in this a trace of the missing proposal of Nepos to permit Pompey himself to stand in absentia. Pompey's approach to Cato may then have followed the latter's discomfiture of Nepos rather than Pompey's

letter to the senate. Cato may not in fact have raised any objection to Piso's candidacy.

Pompey's letter promised peace and cooperation with the optimate dominated senate. Cicero was delighted at such a prospect. He complained of Pompey's coolness towards him, but may not have been yet aware of Pompey's intention to ignore him and his proffered bridge to the optimates, trying instead to take a straighter route by way of a direct alliance with Cato. Some were nevertheless greatly put out by the tone of Pompey's letter: "Sed hoc scito, tuos veteres hostes, novos amicos, vehementer litteris perculsos atque ex magna spe deturbatos iacere"

(Cic.Fam.5.7.1). The most common view is that these "old foes, new friends" are Crassus and Caesar, the former a "new friend" in the light of his recent proposals of alliance and perhaps a recent meeting with Pompey, and the latter on the strength of his association with Nepos and his proposal to transfer the honour of restoring the temple of Capitoline Jove from Q.Catulus to Pompey (Suet.Iul.15-16; Dio 37.43-4). Their old enmity would be represented, according to Cicero at any rate, by such measures hostile to Pompey as the Rullan land bill.<sup>(12)</sup> A second view is that Cicero is referring to the optimates,<sup>(13)</sup> while a third suggests that he means the disaffected, Sullan veterans and victims, debtors and others who hoped for a new order.<sup>(14)</sup>

Objections can be found to all three suggestions. It could be observed that Caesar had in all his public actions shown himself friendly to Pompey, and that even Crassus is not on record as having taken any openly hostile stance. It should be considered however that it was very much in Cicero's interests to suggest that these men had indeed been enemies to Pompey, and to imply that, under their present show of friendship, they remained so.

The optimates led by Catulus and Cato had certainly shown themselves enemies in the past, and Pompey was now keen to make friends with them. It could be objected however that Cicero would have had no wish to cause Pompey to distrust the optimates, but on the contrary wished to cement their alliance. It is perhaps not immediately clear why either of these two groups should have been downcast by the conciliatory tone of Pompey's letter. Crassus had no wish to see Pompey return with an army, nor had the optimates. On the other hand the prospect of Pompey reaching unaided an accommodation with those currently dominating the senate cannot have been welcome to Crassus, since it was essential that Pompey find himself in an impasse through optimate opposition, and would therefore need Crassus' help. Crassus himself may have reasoned that he too needed Pompey, since without the threat of Pompey's political presence Crassus would have been forced to choose between cooperation with the leaders of the optimates and open opposition to them, the one course promising obscurity, the other, extinction. It would seem unlikely that Catulus or Cato would have been shattered by Pompey's "spem oti". It may be that Pompey's total disappearance from the scene would have pleased them better, but his return in arms, or even, in an aggressive frame of mind, without them, would certainly have suited them far worse. It is moreover far from easy to see what possible motive Cicero could have for suggesting such a reaction on their part.

The third identification has the advantage of using the term "hostes" literally. "Inimici" or "invidi" or some such could be thought better suited to the relationship Cicero would be describing if he meant by it Crassus and Caesar, or the optimates. With "hostes" one contended in battle, as Pompey had done in the 80s and in the 70s against the Mariani and Lepidani. These it is argued made up the bulk of the discontented

elements who hoped that Pompey would return in force to redress all wrongs, and these were essentially the groups who were to be found supporting Catiline. The latter and his army had however been destroyed early in the year (Sall. Cat. 57-61; Dio 37.39), and there is no reason to suppose that at any time they had expected that Pompey would be sympathetic to their cause. That the Rullan bill may have had as one of its aims the fulfilment of Pompey's future need for land with which to reward his veterans, can in no way be taken to demonstrate that its further aim of providing land for other groups has any connection with Pompey. Crassus intended both to increase his own power in absolute terms, partly by an extension of his clientela, and also to be in a position to offer Pompey what he wanted. It is difficult therefore to see how the designation "novos amicos" could apply to these discontented elements, since any signs of favour on Pompey's part must go back to his consulship and to the restoration of the tribunicia potestas and the leges Plotiae, agraria and de reditu Lepidanorum. Neither Pompey nor his adherents had shown any more recent concern for the redress of grievances. That cause had been espoused the previous year by Catiline, Antonius, P. Rullus and several other tribunes acting in concert with them, all probably instigated by Crassus, and with no recorded invocation of Pompey's name. Catiline, Antonius and Crassus can by no means be comprised within the proposed identification of "hostes" with "Mariani" and the like.

It would seem therefore that the most commonly accepted view is correct, and that Cicero was in this passage crowing over the disappointment of Crassus and Caesar, whose overtures to Pompey had apparently been rejected.

Pompey's next step seems to have been the divorce of Mucia already referred to. He needed to be free before making his offer to Cato. He

may also have felt it necessary to repudiate Nepos and his tribunician activities, perhaps even implying that Nepos' proposals were made without his authority or sanction. Nepos' association with Caesar, seen by some as part of a general scheme for an alliance between Crassus and Pompey,<sup>(15)</sup> now had no place in Pompey's plans. If he were to succeed in placating the optimates, those of his supporters who had on his behalf incurred the greatest hostility in that quarter had now to be discarded and even made scapegoats. The blame for any misunderstandings could be put on them, while Pompey could protest his own ignorance and innocence of their actions. Thus it was that Nepos was dropped and with him probably Caesar. Certainly Caesar turned again to Crassus in his financial embarrassment early in 61. It has already been demonstrated that Caesar was bitterly hated by Q.Catulus and C.Piso, nor does the tone of Cato's speech on 5 December 63 reveal any great affection for him (Sall.Cat.52-53.1; Plut.Cic.22; Plut.Caes.8.1; App.BC.2.6).

A further example of this policy may be discerned in the prosecution in 61 of P.Clodius in the scandal of the Bona Dea. L.Lucullus cherished a powerful grudge against Clodius for his part in the mutiny of his troops earlier in the decade, and had divorced his wife, Clodius' sister, as a result. At some time after this he married one of Cato's half-sisters Servilia (Plut.Luc.38.1; Cat.24.3; 54.1), and was closely associated with Cato at this time (Dio 37.50.1; Plut.Pomp.46.3; Luc.42.6; Cat.31.1). Cato was in the van of those urging on the prosecution (Cic.Att.1.13.4), and Lucullus gave damaging testimony concerning Clodius' moral character (Plut.Cic.29.2; Luc.38.1; Cic.Mil.73). Pompey clearly gave no help to Clodius and indeed his few statements on the matter gave approval to the proposals of Clodius' enemies (Cic.Att.1.14.1-2). It may well be that Clodius' activities in the East had been undertaken on Pompey's behalf. Pompey was

certainly the ultimate beneficiary, and may have been held to blame by Lucullus for those activities. It is probably no coincidence that Clodius was a first cousin of Nepos and Celer, both of whom, despite not infrequent disagreements with him, acknowledged the duties implied by that relationship. Celer was moreover married to Clodius' sister. During his consulship in 60, Celer opposed Clodius in his first attempt to transfer to the plebs, but this does not seem to have occasioned a break. Cicero says that Celer had a degree of influence over Clodius, and also shows that Clodius still hoped, albeit in vain, that Celer would provide seats at the games for his clients (Cic.Att.2.14-5). Significant and often overlooked is the fact that Celer had himself originally proposed the measure on Clodius' behalf, if only "dicis causa" (Cic.Att.1.18.5). Nepos too, in his consulship in 57, supported Clodius (Cic.Att.4.3.3-4; Dom.13; Sest.89; Dio 39.74). Abandonment of Clodius would then be quite consistent with Pompey's policy at this time, both for his connection with Nepos and for his feud with Lucullus. Pompey was dropping all undesirable associations.

Pompey's role in the Bona Dea affair will repay closer examination. Under pressure from Clodius, the boni viri in general had been disinclined to push hard in the matter. Cicero himself was softening. Only Cato was insistent (Cic.Att.1.13.3). M.Piso, Pompey's man in the consulship, was doing all he could to help Clodius, although he himself was officially required to propose the bill to set up the special court to hear the case. His colleague M.Messalla Niger was hostile to Clodius (ibid). At the instance of Piso, a tribune, Q.Fufius Calenus, summoned Pompey to a contio, and there asked his opinion of the senatorial proposals concerning the constitution of the court (Cic.Att.1.14.1-2). Pompey replied by endorsing the authority of the senate in all matters. He spoke

"μάλ' ἀριστοκρατικῶς" ; "in true optimate fashion" might be a good rendering.<sup>(16)</sup> That such an answer was unexpected can be seen from the annoyance of Piso who had prompted Calenus to ask the question (Cic.Att.1.14.1,6), and from the fact that Calenus had himself put forward an alternative proposal far more favourable to Clodius (Cic.Att.1.16.2), and exercised his veto against the senatorial measure (Cic.Att.1.14.5). Calenus may well have been a supporter of Pompey, as Cicero describes his unpopularity in 59 in a context clearly labelling him an associate of Pompey and Caesar (Cic.Att.2.18.1), and he showed sympathy in 54 for the Pompeian Gabinius (Dio 46.8.1). It is highly unlikely that Piso and Calenus would have arranged to have Pompey publicly questioned if they had not had good reason to believe that his answer would support their position.

After the contio, Messalla Niger elicited a similar reply from Pompey in the senate (Cic.Att.1.14.3). Niger's position was very different from Piso's. He leaped upon this unexpected support and made Pompey repeat it. Pompey's accession to the ranks of the boni in this matter seems to have strengthened their resolve. In place of a general inclination not to press the matter, a new determination may be discerned. When the senate met to discuss the affair, they were full of zeal and energy, easily dominating the debate, with Cato, Favonius, Lucullus, Hortensius, C.Piso, Niger and Cicero all in evidence (Cic.Att.1.14.5-6). That these are the men with whom Pompey was keen to better his relations is perhaps shown by the order of speaking in the senate decided by the consul, M.Piso. First came his kinsman C.Piso, then Cicero, Catulus and Hortensius (Cic.Att.1.13.2), three of them old enemies of Pompey. Kinship may have dictated the choice of C.Piso, but it would in any case have been consistent with Pompey's new policy to honour such men. It is perhaps

interesting to notice that M.Lollius Palicanus, the Pompeian tribune of 71 whose consular candidacy in 67 had been prevented by C.Piso (Val.Max.3.8.3), made several attacks on L.Afranius in 60 (Cic.Att.1.18.5). Perhaps Palicanus too had been discarded in Pompey's attempts to make new friends.

In the event the boni gave way over the matter of the jury, confident that Clodius' conviction was inescapable (Cic.Att.1.16.2). Clodius was however acquitted. Cicero was certain that massive bribery was responsible, and initiated an interminable scholarly debate by referring to Clodius' saviour as "Calvus ex Nanneianis" (Cic.Att.1.16.5). Much attention has been devoted to the words "ex Nanneianis", but the significance of the expression is so obscure that no explanation serves to identify the individual described. Each theory of his identity stands or falls on quite other grounds, an appropriate account of "ex Nanneianis" being then draped around the chosen figure.<sup>(17)</sup>

The first candidate to consider must be C.Licinius Macer Calvus, the neoteric poet, son of C.Macer, the reforming tribune of 73 who was condemned de repetundis in 66 despite Crassus' help (Plut.Cic.9.1-2); Val.Max.9.12.7). He has the prior claim to consideration because his would at first sight seem to be the name given by Cicero. The text of Cicero's letter however runs thus: "Nosti Calvum illum ex Nanneianis illum, illum laudatorem meum, de cuius oratione erga me honorifica ad te scripseram." It has been shown that Calvus is highly unlikely to have been in any position at this date to make a speech honouring Cicero.<sup>(18)</sup> On the other hand Crassus did make such a speech a few months earlier which Cicero did report at length to Atticus (Att.1.14.3). The fact that Cicero so labours his description, beginning it with "Nosti", and following the supposed name with so much further identifying information, makes it highly likely that "Calvus" is not in fact a name, but is rather to be spelled with a "c" than a "C", and

and to be taken as an epithet. The effect of the passage might then be rendered thus: "You know old 'Baldy'? The 'ex Nanneianis' chap? The one who made that speech in my honour? You remember! The one I wrote to you about? Well ...." Cicero was keen that Atticus should know just whom he meant, but was equally concerned that this should not be too easily obvious to another reader. Indeed without the clue in the earlier letter an identification with Crassus is unlikely to have been made. We do however possess that clue, and to argue that some other "oratio honorifica", mentioned in a lost letter, may be meant is surely perverse. That Calvus was indeed a name borne by one branch of the Gens Licinia may have been part of Cicero's enjoyment of his own wit. It is possible that Crassus, no less than Macer and his son, may have claimed descent from that house, the first of the gens to reach the nobility.<sup>(19)</sup> One attempt to cast doubt on the identification with Crassus has been to argue that the activities attributed by Cicero to the man in question are not such as one would associate with a man of Crassus' dignitas. It should first be observed that Cicero's account is almost certainly exaggerated. Secondly, Cicero, in this same letter, attributes an equal directness in bribery to Pompey and M. Piso the consul (Att.1.16.12-13). Thirdly, Cicero himself shows that the more sordid part of the business was carried out by a slave. It should lastly be noted that Cicero directed a stream of not dissimilar accusations at Crassus in the Sixth Stoic Paradox, including that of helping the guilty to escape justice (Cic.Par.St.46;cf.43). By the standards of Ciceronian invective, the charges in this letter are mild. It is also put forward as an objection that "calvus" was not altogether a term of great delicacy, and so would not have been used by Cicero. That orator was not above obscenity (cf.Cic.Att.2.1.5).<sup>(20)</sup>

The case had considerable repercussions. Pompey had alienated yet

another potentially powerful figure, in pursuit of his goal of rapprochement with the Catonians. When these advances were finally rejected he may have found that he had paid a very high price for nothing. He had made enemies of Nepos and Celer, of the Claudii, and perhaps of many others. Clodius had been supported in his trial and in the senate by C. Curio, consul in 76. Curio had favoured the Lex Manilia in 66 (Cic. Leg. Man. 68), but in 59 he and his son were bitterly hostile to Pompey. It has been suggested that this resulted from outrage at Pompey's involvement with Caesar and his legislation. This is possible, but since Curio had shown himself friendly to Caesar in 63 (Plut. Caes. 8.1-2), it is more likely that the outrage was caused by Pompey's callous betrayal of a common friend. It may well be that also alienated at this time were such as the Memmii and P. Sulla, who are later found opposing Pompey in the 50s and working with Clodius (see above p.65f.).

Crassus can hardly have failed to be pleased with this turn of events. Pompey failed to ally himself with Cato, and in the process weakened his own following. Crassus was not slow to take advantage of the situation. By securing Clodius' acquittal he gained himself a potent ally. It will be argued below that a consistent thread of cooperation can be discerned between Crassus and Clodius throughout the following years. Not all those who were discarded or who defected from Pompey's faction turned to Crassus, though he can be seen to have cooperated with some of them at different times.

Cato's rejection of Pompey's proposals would seem to have preceded the elections in 61, since Plutarch reports Cato as pointing to Pompey's blatant use of bribery in those elections as total vindication and justification of that refusal (Plut. Pomp. 44.2-3; Cat. 30.2-4). It would

appear from Pompey's attitude towards Clodius that at the time of Calenus' contio and Pompey's speech in the senate, some time in early February (Cic.Att.1.14), he had not yet lost all hope that Cato might accept, since he was still eager to placate him, if need be with burnt offerings. The final refusal seems therefore to have come between February and 27 July 61 (Cic.Att.1.16.13).

Pompey succeeded yet again in securing one consulship for a friend, this time L.Afranius. It is interesting to observe that no action seems to have been taken during 61 on the question of land for Pompey's veterans. This may have been because Pompey wished first to celebrate his triumph, perhaps so that the deserts of his men might be more plainly displayed before the people. He triumphed on 28 and 29 September 61 (MRR2.181). M.Piso's attitude may be a relevant factor. It might seem that he had recovered quickly from his displeasure with Pompey over the Bona Dea affair (Cic.Att.1.14.7), since by June he was cooperating with Pompey over the canvass of Afranius (Cic.Att.1.16.12-13). It is perhaps significant, however, that Cicero felt free to attack Piso, and indeed to deprive him of his allotted province: "désponsam homini iam Syriam ademi". (Cic.Att.1.16.8). Although Cicero was close to the boni at this time, he was concerned, if possible, not wholly to alienate Pompey (cf.Cic.Att.1.19.4). Piso may well have felt obliged to support an old comrade-in-arms, and indeed to repay the debt he owed Pompey for his own consulship, but at the same time he may have been disinclined to assist Pompey actively in the promotion of his desires. If this was the case, it was a heavy blow for Pompey, since Piso, though perhaps lazy (Cic.Att.1.14.7), was a man of far more consequence than Afranius. He was born into a distinguished family, had already won a triumph as proconsul in Spain after his praetorship (MRR2.133), and had some reputation as an orator. (21)

Whatever the reasons, the introduction of a land bill was delayed until 60 when L.Flavius brought forward his proposals early in the year with Pompey's open backing (Cic.Att.1.18.6). The senate was hostile, (Cic.Att.1.19.4), and the bill was firmly opposed by Metellus Celer the consul, an enemy of Pompey since the divorce of Mucia (Dio 37.49-50). By June the issue seemed to be dying for lack of interest (Cic.Att.2.1.6). It has been asserted that Crassus took no part in the opposition to Flavius' bill.<sup>(22)</sup> The evidence cited is a passage of Cicero in which, after mentioning the land bill, he writes, "Crassus verbum nullum contra gratia" (Att.1.18.6). This is taken to mean that Crassus remained silent and dared not oppose so popular a measure. There is however no mention here of a desire on Crassus' part to be popularis. "Gratia" could well refer more readily to his wish to retain his influence in the senate, with whom the bill had found no favour. It is clear in any case that Cicero had changed the subject by this point in his letter, since there intervenes a passage, beginning "sed interea", deploring the lack of a true statesman and regretting that "Pompeius togulam illam pictam silentio tuetur suam" (ibid). Pompey was, however, not silent on the subject of Flavius' bill but was its popular "auctor" (Att.1.19.4). After the reference to Crassus, which follows this, Cicero continues by considering Cato's statesmanship. There is no reference to his position on the agrarian bill, but Cicero expresses doubts about his attitude towards the Asian tax contract (Att.1.18.7). It is clear that these comments on Pompey, Crassus and Cato concern Cicero's appraisal of the whole field of public affairs at the time, his search for the "πολιτικός ἀνὴρ". It is certain that these three men were not in agreement on affairs at this time. Crassus' care not to offend is more likely to have led him to oppose the bill, if, as Cicero suggests, "Huic toti rationi agrariae

senatus adversabatur suspicans Pompeio novam quandam potentiam quaeri" (Att.1.19.4). This does not tally with the view that the optimates feared to oppose the bill. Celer certainly opposed it (Dio 37.50), as did Cato and Lucullus (Plut.Luc.42.6). Just before this passage Plutarch says that Lucullus had left the championship of the senate to Crassus and Cato (Luc.42.4). He goes on to say that Lucullus then returned to the fray and worked with Cato against Flavius (Luc.42.6). This, taken with Appian's statement that Crassus was cooperating with Lucullus in opposition to the ratification of Pompey's Eastern acta (BC.2.9), makes it highly likely that Crassus was also opposed to the land bill.<sup>(23)</sup>

The measure was not in fact popular (Cic.Att.1.19.4), and despite the desperate efforts of Flavius, including the imprisonment of Celer, interest in it waned (Cic.Att.1.19.4;2.1.6,8;Dio 37.50). Even Cicero, while not opposing the bill in its entirety, tried to amend it beyond recognition (Cic.Att.1.19.4). Cicero does not actually mention Pompey's veterans as the intended beneficiaries of Flavius' bill, preferring to dwell on the advantages of settling the urban plebs on the land (ibid.), but he describes it as being much the same as a Plotian law. While the date and nature of this latter measure are much debated, a strong case exists for dating it to 70 and attributing it to a Pompeian tribune of that year who was also the author of the Lex Plotia de reditu Lepidanorum (cf.p26n25 above). The Lex Plotia agraria is likely to have been intended to provide land for Pompey's Spanish veterans, in accordance with a senatorial decree on the subject (Dio 38.5.1;cf.Plut.Luc.34.4). The measure seems to have been delayed in some way, but some of the soldiers were settled (Plut.Luc.34.3-4).<sup>(24)</sup> It is in any case clear from Dio that Flavius' bill did concern Pompey's troops, and he further suggests that

the scope of the bill was subsequently widened to include others in order to increase its popularity (Dio 37.50.1).

Still more important for Pompey was the ratification by the senate of his Eastern acta. He had expected that these would be approved as a whole. Any discussion of the separate dispositions would have been felt, and indeed intended, as an insult. These acta were not ratified by the senate, and had to wait until 59 when Caesar had them approved by a single law (MRR2.188). In the van of those obstructing Pompey in the senate were Lucullus, Cato, Celer and Crassus (Dio 37.49.3-50.1; Plut. Pomp. 45.3; Cat. 31.1; App. BC. 2.9; cf. Plut. Luc. 42.4-5). Pompey was now apparently helpless. His overtures to Cato had been rejected, and every move was blocked by his enemies. That the senate was unwilling that he should be included in an embassy to Gaul has been interpreted as yet another slight (Cic. Att. 1.19.3).<sup>(25)</sup>

Nor was Cicero's position happy. His hopes of an alliance between Pompey and a senatorial majority led by himself, with wide support from both people and equites, lay in ruins. From the first, Pompey had tried to ignore Cicero, paying him only what honour was necessary, and concentrating on the nobler optimates. In the senate in February 61 he gave his approval to the senate's conduct as a whole. Cicero tries to maintain that this was considered implicit praise of his consulship. It is clear, however, that explicit praise was wanted. This Pompey withheld, and Crassus in fact supplied. Praise of the senate's conduct in 63 may well have meant praise of Cato's role on 5 December rather than Cicero's (Cic. Att. 1.14.2-4). It is likely too that Pompey had not forgotten Cicero's apparent treachery in joining his enemies to secure the consulship. Cicero had, however, made too great a reputation in 63, albeit short-lived, for Pompey to quarrel openly with him. Cicero was a friend of those whose friendship Pompey was now seeking, and it would not do for Pompey to

upbraid him for that relationship. Pompey made a point of seeming on excellent terms with Cicero, but there was little sincerity in it (Cic. Att. 1.13.4; cf. 1.12.3; 1.16.11). It may be that, after Cato's rejection of his offers, Pompey did at last come to believe that Cicero might be of some use, and began publicly to praise his deeds (Att. 1.19.7). This latter passage contains the core of Cicero's policy at this time: "Cum hoc ego me tanta familiaritate coniunxi, ut uterque nostrum in sua ratione munitior et in re publica firmior hac coniunctione esse possit."

In another letter he justifies his attitude by arguing that it would benefit the state no less than himself if he could separate Pompey from the "improbi cives". He himself will not desert the "boni viri", for he has no choice despite the hostility of some of them (Att. 1.20.2-3). He writes yet again of making an ally of Pompey, not just for his own benefit, but because to make him "melior", that is to say more "bonus" and optimate and less "popularis", would advantage the state. He has hopes too of converting Caesar, of rendering him "melior" (Att. 2.1.6).

Crassus' dealings with Cicero at this time will repay examination. It has been argued above that Cicero at one time hoped to incriminate, or at least embarrass, Crassus in the matter of the "Catilinarian Conspiracy". One certain outcome of that affair was a long held grudge on Crassus' part. It is surprising therefore to find Crassus a few months later involved in negotiations for selling to Cicero a house on the Palatine, and at what seems a bargain price (Cic. Fam. 5.6.2). Cicero paid 3,500,000 sesterces. The following year the consul Messalla Niger paid 13,400,000 sesterces for a house in the same area, and Cicero was jubilant about the difference (Cic. Att. 1.13.6).<sup>(26)</sup> Cicero paid for his house with 2,000,000 sesterces from P. Sulla, a payment for his defence (Gell. NA. 2.12.2), and the balance from C. Antonius (Att. 1.12.1-2, 13.6, 14.7; Fam. 5.5). It may not

be a coincidence that all three men involved with Cicero in these transactions were suspected of complicity with Catiline. Cicero boasted that his testimony was the decisive factor in all the trials and investigations in this matter (Cic. Sull. 21, 48, 83). It has been suggested that Crassus was deliberately aiming to tie Cicero's hands with bonds of financial obligation,<sup>(27)</sup> but it is also possible that Cicero may have been taking advantage of his strong position to make more than political capital. An element of extortion and blackmail may be suspected.

During a senatorial debate on the Bona Dea affair, Crassus, as has been observed, leaped to his feet and proceeded to speak, in remarkably fulsome terms, of the debt he owed to Cicero for saving the state from Catiline. Cicero was understandably not a little surprised and Pompey annoyed, but Cicero, at the time, assumed that Crassus was genuinely keen to be friendly (Att. 1.14.3-4). Later Cicero seems to have realised that Crassus' aim may have been to foster Pompey's mistrust of the orator (Att. 1.19.7; 2.1.6), but such a speech can in any case have done Crassus no harm in his current policy of siding with the optimates against Pompey, while disarming suspicion concerning his own association with Catiline.

One consequence of Crassus' intervention to save Clodius in 61 may have been to lessen his credit with Cato and his allies. Although both Crassus and Cato were involved in blocking the ratification of Pompey's acta, and possibly also in fighting the Flavian bill, they were found clearly opposed to one another on the question of revising the censorial contract for the locatio of the revenues of Asia. The publicani involved were supported in the senate initially by Crassus, and then also by Cicero. Celer, the consul designate, opposed the request, but, after

debates on 1 and 2 December 61, Cicero was confident of success (Att.1.17.9). Cato, however, who had been unable to speak in the earlier meetings, then managed, by skilful filibustering, so to hold up matters that by June 60 the question was still unresolved (Att.1.18.7;2.1.8; cf.Dio 38.7.4). The publicani did not in fact have their way until 59, when Caesar remitted one third of the contracted figure (MRR2.188). It is frequently asserted that Crassus was, throughout his career, the champion of the equestrian order, and of the publicani in particular.<sup>(28)</sup> This is remarkably little attested in the sources save for this one incident. Crassus must inevitably have had frequent dealings with the equites in the course of his many financial transactions, but that is no reason to suppose that he was generally more their patron than any other rich noble. It is possible that he himself may have had no personal financial interest in the matter, but may have been anxious to help his friend, and inherited client, Cn.Plancius, who was spokesman for the publicani concerned in the request to the senate (Cic.Planc.31-5;cf.24). That Caesar did help the publicani in 59 is often seen as Crassus' chief gain from his participation in the "First Triumvirate",<sup>(29)</sup> but it is significant that the sources nowhere connect Crassus with Caesar's action then. Emphasis is placed on the goodwill gained by Caesar from the equestrian order as a whole (Dio 38.7.4;App.BC.2.13), and on Pompey's wish to oblige the publicani (Cic.Att.2.16.2). Crassus' support of the request for a revision of the contract in 61 is certain. Less certain is that it was his frustration on this point that led him to agree to an alliance with Pompey and Caesar.<sup>(30)</sup>

The equites were under attack at this time on another matter. At the urging of Cato, the senate passed a decree authorising a law to remove from equestrian jurors their exemption from prosecution for receiving

bribes (Cic.Att.1.17.8,18.3;2.1.8;cf.Cic.Clu.145-8). Cicero was aware that to alienate that order would remove an essential prop from the senatorial authority he was so anxious to preserve. His beloved "concordia ordinum" (Att.1.17.9;1.18.3) amounted in effect to a voluntary surrender of sovereignty by the people of Rome, among whom the equites wielded great influence, to the senate, dominated since the latter part of 63 by Cicero and his optimate friends. If the equites as a group withdrew their support, the ability of the boni to control events would be greatly diminished. Cicero therefore tried hard to overturn the senate's decision (Att.1.17.8). It is likely that the bill was never carried - "nulla lex perlata" (Att.1.18.3); certainly no such law was in force a few years later (Cic.Rab.Post.16-18). Nevertheless the senate's threat seems to have had the effect Cicero feared (Att.1.17.10;1.18.3;2.1.7-8). Crassus' position on this issue is nowhere stated. When Cicero first mentions the two affairs involving the equites, he describes first the decree concerning their immunity, and then his own role in reprimanding the senate for it. He then proceeds to the Asian tax contract and writes "Ego princeps in adiutoribus atque adeo secundus; nam, ut illi auderent hos postulare, Crassus eos impulit" (Att.1.17.8-9). By bringing in Crassus at this point Cicero would seem to imply that he was not involved in the other matter. Certainty is impossible, but it is not unlikely that Crassus may have been pleased to see the breakdown of Cicero's concordia, and may have encouraged the demand of the publicani in the hope and confident expectation that Cato would oppose it.

Cato's reasons for his conduct are not immediately obvious. It is possible that a genuine concern for principle did in fact inspire him; even Cicero acknowledged that both causes were rotten (Att.1.17.8-9;2.1.8). P.Clodius' acquittal in the Bona Dea trial may have been the immediate

occasion that led Cato to propose his motion on judicial corruption. This does not necessarily imply an attack on Crassus; the issue was an old one.<sup>(31)</sup> Cato may have overestimated the lasting strength of his faction in the senate, and of the senate in the state. During 61 and 60 he carried and obstructed senatorial decrees as he willed, but when in 59 politics were taken out into the wider context of the popular assemblies, he may bitterly have rued the defection of the equites.

At some point in 60 or 59, Crassus, Pompey and Caesar joined together in that alliance called, inaccurately but conveniently, "the First Triumvirate". The date of their agreement, its nature, and its effective duration have all been much discussed. Consideration has been given above to several of the events preceding it, and it is not hard to see the immediate advantages for Pompey of any arrangement that would help him to break out of the impotent frustration of the two years following his return from the East. He wished for certain specific things, including ratification of his acta and land for his veterans, and felt that if he could secure these he might then attain his rightful place of supreme dignity and authority in the state. Crassus' and Caesar's motives, however, will repay some attention.

The consulship alone is unlikely to have been a sufficient or even a necessary inducement for Caesar. Before the elections in 60, Cicero considered him a near certainty (Att.2.1.6), and, despite some doubts that have been raised,<sup>(32)</sup> it would seem unlikely that the man who had defeated Q.Catulus and P.Vatia in 63 for the office of Pontifex Maximus, at a time when he was himself no more than aedilicius, was likely to be in danger of losing to both L.Lucceius and M.Bibulus. Not only Cicero considered Caesar's election probable. The boni seem to have feared it, and, according to Suetonius backed Bibulus with all their resources.

Even then the most they hoped for was to ensure that Caesar was not aided by a compliant colleague (Suet.Iul.19.1). When therefore, under the terms of the lex Sempronia, the consular provinces were determined well before the elections, the boni tried to ensure that Caesar would not receive a province of military significance (Suet.Iul.19.2). Suetonius attributes the inception of the triumvirate to Caesar's resentment of this action. It has been argued that Suetonius' "silvae callesque" may not have been intended as a slight, but may have been a technical device for allotting Italy to both consuls in view of the possible threat in the North from the Helvetian migration.<sup>(33)</sup> It is perhaps more likely that the words have entered the text as a gloss on names for provinces that have dropped out, and these provinces, whatever they were, amounted to no more than the policing of peaceful rural areas. If this was the case, Caesar may well have been motivated at least in part by a desire to secure a province of greater scope, especially since he was forced by the Catonians to forego his triumph (Plut.Caes.13.1-2). The mere attainment of the consulship was in itself a sufficient end for most Roman politicians, who remained content to carry out their duties as servants and chief executive officers of the senate, perhaps securing a relative immortality by sponsoring some law in accordance with a senatorial decree. Caesar's ambitions certainly went beyond this. Already in 63 he had concerned himself with the ambitious agrarian bill of P.Rullus. His willingness to promote not dissimilar measures in 59 cannot be entirely due to his wish to gratify Pompey. His consulship was without question quite exceptional in the quantity of original legislation of various kinds put forward by the consul on his own initiative. Such a role had hitherto been left to tribunes. In 63 and 61 tribunes had, with in each case the feeble support of one consul, proposed land bills. Caesar now intended to use the

consulship itself as the dynamic force for legislation. To do this he needed considerable and varied support. Pompey could provide a great deal of manpower to help dominate the streets and the assemblies. Crassus' widespread influence, particularly in the senate, could not perhaps guarantee the passage of measures through that body, since Cato's obstructionism could be expected to continue, and Bibulus too relied on to make matters difficult, but it could perhaps ensure that no hostile decrees were passed. Crassus could provide at least a senatorial stale-mate. Caesar needed support to enable him to enjoy an active consulship, to be followed by an opportunity to exercise military imperium in an active command for a number of years. It is certain that in the course of 59 Caesar did achieve a position of significant political power far greater than that of most consuls and consulars.

Crassus' prospects of immediate gain are not as clearly discernible. The satisfaction of the demand of the Asian publicani does not compare very favourably with the benefits offered to his two "colleagues". His place on the commission to administer Caesar's agrarian law (Dio 38.1.7) will have given him scope for a valuable exercise of patronage, but this was an honour shared with Pompey, and perhaps with eighteen others, but it may be with only three. Caesar declined to benefit directly from his own law (*ibid.*), but will have gained merely from proposing the measure, as well as by having friends among the commissioners.

Ancient sources are remarkably clear-sighted in their analysis of Crassus' reasons for joining the alliance. Dio writes that Crassus, considering that he should by virtue of his wealth and family be preeminent, planned to use the friendship of both Caesar and Pompey to advance himself beyond both, but contrived to avoid odium for the less acceptable measures and achieved a nice balance between the senate and the

people (Dio 37.56.4-5). Dio's own attribution of motives is often wild, but in this case he may have been using a good source. His mention of Crassus' family as, by implication, "better" than those of Pompey and Caesar would seem to confirm this. Later events tended to surround Caesar and his family with a glamour and distinction inconceivable to his contemporaries. Though patrician, the Caesares had decayed for generations, only regaining some honour in the 90s. Pompey was noble, but only just. His father, consul in 89, was "hominem dis ac nobilitati perinvisum" (Cic.in Asc.79C). The Crassi were, as has been shown, among the most distinguished plebeian families, producing a succession of consuls, censors, and Pontifices Maximi for generations. Such a nice appreciation of Republican attitudes may indicate a source much closer to the time than Dio himself. When considering Pompey's motives, Dio describes Crassus as "ἐν δυνάμει ὄντα", again perhaps surprisingly aware of the political situation (37.56.3). In 61 and 60, Crassus, a man of considerable power himself, was certainly in the ranks of those then in control of affairs, thereby frustrating Pompey's aims. Velleius too is perceptive: "Crassus, ut quem principatum solus adsequi non poterat, auctoritate Pompei, viribus teneret Caesaris" (2.44.2). Both Velleius and Dio confirm the view of Crassus' strategy suggested above.

The dating of the agreement is uncertain. Some sources would put it before the elections in 60, others after them or even during 59. Dio's account is the fullest, suggesting that Caesar managed to secure the support of both Pompey and Crassus for his election, but that they were not reconciled to each other until after it (37.54.3-58.1), the alliance being kept secret thereafter until the time was ripe (cf.38.4.4-5). Plutarch clearly opts for an open reconciliation and alliance before the elections (Cr.14.1-3;Pomp.47.1-3;Caes.13.1-2;Cat.31.2-5). Appian

relates that Pompey, angered by the delay over the ratification of his acta, made friends with Caesar and supported him for the consulship.

Thereupon Caesar brought Crassus into friendly relations with Pompey.

"ὑφορωμένη δ' αὐτοῦς ἡ βουλή" elected Bibulus (BC.2.9).

Thus Appian clearly puts the inception of the alliance and the senate's suspicions, either of its existence or of its intentions, before the elections. Suetonius' account, already mentioned, places the alliance after Caesar's election, but he associates it with the senatorial disposition of the consular provinces, which he also places after the elections, clearly in ignorance of the requirements of the lex Sempronia. His evidence may therefore be discounted for the purpose of determining the order of events. The allocation of provinces took place before the elections, but an action of Caesar's motivated by it could have come before or after, Suetonius' version is determined by his mistaken dating of the former rather than by any independent reasoning. The Livian epitomator, using the word "conspiratio", suggests an alliance, presumably secret, before the elections (Livy Per.103), while Velleius, in a highly compressed account, puts the formation of the pact into Caesar's consulship (2.44.1).

The only contemporary evidence is provided by Cicero. On 5 December 61 he wrote to Atticus that Luceius had decided to stand for the consulship as there were only two other probable candidates, Caesar and Bibulus. Luceius was undecided with which of these to ally himself. With Caesar he could do so through Arrius, and with Bibulus through C.Piso. Even Cicero acknowledged that such flexibility might seem amusing (Att.1.17.11). Luceius was some years later a particular intimate of Pompey (Cic.Fam.13.41;13.42) (see above p.61 & n.29). Arrius was a close adherent of Crassus (Cic.Brut.242-3), had probably served under him in the

70s, and was to do so again in the 60s (see above p.93 & n.31). Although there is no direct evidence for a connection between Lucceius and Pompey so early, Lucceius' indecision may well mirror Pompey's at this time.<sup>(34)</sup> By the end of 61 he had failed to win over Cato, but had yet to make his main attempt to secure his twin aims of the passage of a land bill and the ratification of his acta. In 60 he tried through Flavius to achieve the former, and in the senate, presumably through Afranius, to secure the latter. In both he was frustrated. At the time of Cicero's letter both these disappointments lay in the future. At the end of 61 Pompey may have been undecided whether to continue to woo the boni, or to look elsewhere for help. During the first part of 60 Crassus joined with Pompey's enemies in delaying the approval of the acta. The offer of an alliance, perhaps reflected by Arrius' involvement, had not been taken up; a further demonstration of the desirability of such an agreement was therefore produced. By June 60 the decision may still not have been made: "Lucceius quid agat, scribam ad te, cum Caesarem videro, qui aderit biduo" (Cic.Att.2.1.9). In the same letter, however, Cicero couples Caesar with Pompey as two men he would like to see "melior", that is, presumably, to align with the "boni" (Att.2.1.6). This may show that Pompey was by this point openly backing Caesar, and that the matter concerning Lucceius may be something other than his actual choice of running-mate, and indeed subsequent to it. In the event Caesar and Lucceius did cooperate in their canvass (Suet.Iul.19.1).

Yet another letter from Cicero to Atticus suggests that by the end of 60 there was no general awareness of any alliance involving Pompey and Crassus. L.Cornelius Balbus had called on Cicero and assured him that Caesar would in all things be guided by Cicero and Pompey, and that Caesar would attempt to bring together Pompey and Crassus (Att.2.3.3). Two

things seem certain from this. The first is that Pompey's association with Caesar was open and acknowledged; the other is that there was no public knowledge of any reconciliation between Crassus and Pompey. It has been suggested that Balbus was perfectly honest when he implied that such a reconciliation lay in the future, and that, had Cicero agreed to join in supporting the land bill Caesar was about to bring forward, he could have had a major place in the alliance, if not indeed that later taken by default by Crassus. Cicero's later declaration that he will not envy Crassus has sometimes been taken to demonstrate precisely this latter possibility (Att.2.4.2). It is unlikely that any mention of an attempt to reconcile Pompey and Crassus would have been made, were it not certain that such an attempt would succeed, or indeed had already succeeded. The context of Balbus' approach was the imminence of Caesar's first agrarian bill. Cicero's support, or, failing that, his silence, would have been useful, and to that end Balbus was sent to Cicero to advise him that he had now lost the long struggle for Pompey's favour to Crassus, and that he would do better to follow Pompey in this than to remain with his optimate friends. It is this defeat, and his refusal to acquiesce in it, that concerned Cicero in 59 when he wrote, "neque mihi umquam veniet in mentem Crasso invidere neque paenitere, quod a me ipse non desciverim" (Att.2.4.2). It has been suggested that Balbus was deliberately concealing the fact of the alliance from Cicero, and indeed that it remained secret until 56.<sup>(35)</sup> It seems much more likely that Balbus was in fact gently breaking the news of it to Cicero. It will be argued below that the triumvirate was certainly no secret in 59.

It would thus seem clear that Dio's account fits exactly the indications from Cicero's letters. Caesar secured support from both Pompey and Crassus for his election, and then, as consul designate,

effected a reconciliation that was kept quiet until it could be revealed with maximum effect during the discussion on the agrarian bill in January 59. It has been objected that Caesar cannot have been supported publicly by both men unless they were already in agreement. This is to ignore the complex nature of Roman political life, whereby it was not uncommon for two men at enmity with one another to be united in support of a candidate or defendant. Pompey recommended M. Piso in 62 both to his friends and to his enemies (Dio 37.44.2). Among the latter will have been C. Piso, consul 67, a bitter foe of Pompey, but a kinsman of M. Piso, and the consular honoured by him with first place in the senate (Cic. Att. 1.13.2). So too Cicero and P. Clodius found themselves supporting the same man in 60 (Cic. Att. 2.1.5), and Cicero and Crassus cooperated in defending Murena and P. Sestius. That Caesar should have received support from both men need not have excited notice in 60. He had excellent Pompeian credentials, but had also been associated for some time with Crassus. Both circumstances would have been public knowledge.

The nature of the agreement is hard to define. It must have comprised more than a shopping list of the measures that each wanted passed. Suetonius interestingly suggests a negative quality in the agreement, a vow to oppose any measure obnoxious to any one of the three (Iul. 19.2). It is unlikely, however, that the "First Triumvirate" had any of the quasi-legal constitution, even privately agreed, that its title implies. Three men were willing to cooperate politically for an unspecified period for mutual benefit and the discomfiture of their common enemies.

Chapter VIII

Caesar's First Consulship

The order and dating of events in '59 have been the subject of considerable debate.<sup>(1)</sup> It is likely that Caesar's first act will have been to bring forward the agrarian bill that Cicero had mentioned in December '60 as being expected in January (Att.2.3.3). An attempt has been made to deny that Caesar can have held the fascēs in January, on the ground that Bibulus was able to postpone the elections from July, which was also an odd month,<sup>(2)</sup> but this has been effectively refuted.<sup>(3)</sup> Apart from the convincing arguments for Caesar's priority, the evidence of Cicero's letter cited above, and the fact that Caesar had the right to establish the order of senatorial speaking, shown by his giving Crassus first place (Suet.Iul.21; Gell.NA.4.10.5), remove any uncertainty from the matter. By the end of April the first agrarian law had been passed, Ptolemy Auletes recognised as King of Egypt, the Asian publicani satisfied, Pompey's acta ratified, P.Clodius adopted into a plebeian family, and probably Caesar given Cisalpine Gaul and Illyricum by the lex Vatinia (Cic.Att.2.16.2; cf. 2.9.1; 2.6.2; 2.7.2-3). All save the lex Vatinia and the curiate law legalising Clodius' adoption must have been passed by the end of March, since Bibulus held the fascēs in April, and there were in any case insufficient comitial days in that month to permit of legislation.<sup>(4)</sup> Caesar presided over the curiate law as Pontifex Maximus. Vatinus, as a tribune, was naturally unaffected by the question of the fascēs.

As must have been expected, there was considerable opposition to the first agrarian bill when Caesar brought it to the senate for approval. It seems likely that the bill was not rejected by the senate, but that its opponents managed to prevent the passage of the decree authorising it.<sup>(5)</sup>

Caesar thereupon took the matter to the people, where, despite a variety of obstructive tactics by Bibulus, Cato, and others, the measure was passed. At the first public contio on the matter, the "triumvirate" was made manifest as Caesar stood with Crassus on one side of him and Pompey on the other, and both gave their full approval to the proposals (Plut.Caes.14; Dio 38.4.4-5.5; App.BC.2.10). Despite Bibulus' continued opposition, helped by three of the tribunes, the bill became law. It is uncertain whether it was at this stage, or later in the context of Caesar's second agrarian measure, the lex Campana, that Bibulus took to his house for the remaining part of the year. Cicero learned for the first time of this latter bill at the end of April (Att.2.16.1). This would suggest that Caesar published it at the beginning of May. By this time the commissioners to administer the first law had been elected (Cic.Att.2.6.2;2.7.3). It is probable therefore that the bills were separated by a period of some three months. The sources however tend not to distinguish between them. Dio does append a mention of the distribution of the ager Campanus to his discussion of the circumstances of the first law (38.7.3). That his account is compressed, and may indeed be corrupt, is further shown by his twice indicating that he has finished with the matter. He describes Bibulus' failure to intervene in the assembly and concludes, "καὶ ὁ μὲν νόμος οὕτως ἐκυρώθη" (38.6.4). He then recounts Bibulus' attempt to persuade the senate to annul the law, his subsequent retirement, and the taking of the oath by the senate to obey the law. He then writes, "ὅ τε οὖν νόμος οὕτως ἐκυρώθη, καὶ προσέτι καὶ ἡ τῶν Καμπανῶν γῆ--- ἐδόθη" (38.7.3). It could be that the mention of Bibulus' withdrawal from the scene properly belongs after the second closing statement. Suetonius too is aware of both laws, and has Bibulus withdraw after the first, but his

account of the legislation is schematic and chronologically unreliable (Suet.Iul.20).<sup>(6)</sup> The confusion created by the failure of several sources to make the necessary distinction can be seen in Plutarch. In one account he puts Pompey's marriage to Julia into the context of the first, and only, law, and, after referring to this union and to the consular elections, relates Bibulus' self-incarceration (Plut.Caes.14). So too, elsewhere, he mentions only one agrarian bill, which had not yet been passed when Pompey married Julia, and Caesar Calpurnia, and Caesar received both Gauls and Illyricum. Meanwhile Bibulus shut himself up for the remaining eight months of the year (Plut.Pomp.48). Such a period would tie in precisely with the Campanian law, which came in May, and was indeed accompanied by the marriage alliance between Caesar and Pompey (Cic.Att.2.17.1). This would seem confirmed by Cicero's attribution to Pompey of a denial of responsibility for what had happened to Bibulus in the Forum when the partial remission of the Asian tax contract was being dealt with (Att.2.16.2).

This passage has sometimes been interpreted to mean, "what would have happened if Bibulus had come down", but this is far-fetched, and fails to explain why Cicero should select just this one occasion, out of many, to discuss what might have happened but did not. The natural inference is that Bibulus did leave his house on that occasion, and so had not by then, probably in March, entered upon his self-imposed seclusion.<sup>(7)</sup> It is likely therefore that incidents connected with one bill may have been transposed in the sources to the other. In the same way, Caesar's attempt to silence Cato by imprisoning him is shifted from the context of the first land bill to other matters (Dio 38.3.1-3; cf. Plut.Cat.33.1-2; Val.Max.2.10.7).

In view of the blocking tactics developed in the senate by Cato and his friends during the previous two years, it is unlikely that Caesar will have

expected to gain senatorial approval for his legislation. It may be, however, that the triumvirate could have mustered sufficient support to win a vote, if one had been taken, since, when resistance ceased from Bibulus and Cato, the senate was willing to give Caesar Transalpine Gaul in addition to the command bestowed under the lex Vatinia. Indeed, after the first agrarian bill was passed, Bibulus could find none in the senate to propose any hostile motion (Suet.Iul.20). Presumably he could not do so himself, as he did not hold the fascēs.<sup>(8)</sup>

As has been shown, Caesar had satisfied the legislative requirements of his colleagues with all possible despatch. That Pompey's acta had been ratified by the end of April has been questioned, but seems established by "qui regna quasi praedia tetrarchis ... dederunt" (Cic.Att.2.9.1), and by "vectigal te nobis in monte Antelibano constituisse, agri Campani abstulisse" (Att.2.16.2). The date of the lex Vatinia, conferring upon Caesar the provinces of Cisalpine Gaul and Illyricum has been much discussed. At the beginning of May Cicero put into Pompey's mouth the words, "Oppressos vos tenebo exercitu Caesaris" (Att.2.16.2). The only reason for doubting the most obvious interpretation of this is the association with the granting of his provinces of his new kinsmen by marriage (Suet.Iul.21-2; cf. Plut.Pomp.48; Caes.14). Suetonius does distinguish between the grant by the people of Cisalpine Gaul and Illyricum, and that by the senate of Transalpine Gaul, but does so after mentioning the marriages. Plutarch fails to make the distinction. There is in fact even in Suetonius' account nothing inconsistent with the view that Piso, at least, was only involved in the second, senatorial, disposition, and it would therefore seem reasonable to assume from Cicero's "exercitu Caesaris" that the lex Vatinia, which did in any case give Caesar three-quarters of his initial army (Dio 38.8.5), had been passed by

the end of April.<sup>(9)</sup>

It has been suggested that the existence of the alliance did not become publicly known before 56, when it was reaffirmed at Luca.<sup>(10)</sup> This would seem refuted by the public support and cooperation given by Pompey and Crassus to Caesar's first land bill, including the presence of both men on the commission (Dio 38.1.7), by Balbus' earlier conversation with Cicero, by Caesar's calling on Crassus first in the senate, and by the existence of a rumour, in April 59, that Pompey and Crassus were to be the next consuls (Cic.Att.2.5.2). Indicative too is Cicero's acknowledgement of Crassus' success and his own failure (Att.2.4.2). Most conclusive is a reference by Cicero to "tres homines immoderatos" with whom all power then lay (Att.2.9.2). That these three men do not include Vatinius, Clodius, Gabinius or Piso is shown by the words that follow, "Proinde isti licet faciant, quos volent, consules, tribunos pl., denique etiam Vatini strumam sacerdotii διαβάτω vestiant" (ibid). Vatinius and the others are clearly recipients of the favours of the three. It is clear that Cicero does refer to Crassus, Pompey, and Caesar.<sup>(11)</sup>

That he always does so when complaining of the state of affairs is less certain. In a series of letters written to Atticus in April, Cicero shows an awareness of some changes and dissensions within the alliance. Early in the month it seems secure, since Cicero is resolved to keep away from politics, devoting himself rather to the muses; he will not envy Crassus his success. He asks Atticus who are likely to be the next consuls (2.4.2-3). In the next letter Cicero returns to the subject of the consuls for 58, and asks how Arrius likes being abandoned by Caesar. He mentions two rumours, one that Pompey and Crassus will stand, the other that Gabinius and Ser.Sulpicius Rufus will be chosen. He himself could be bought by "isti" with the vacant augurate (2.5.2). Later he delights

in a report that P.Clodius is in disagreement with Caesar and Pompey, who had helped his transitio, and who now wish him to go on a legatio to Armenia, rather than on another he preferred (2.7.2). Clodius has been denied a place among the vigintiviri, and "isti" are not yet sure that they want him to become tribune (2.7.3). "Isti" here clearly includes neither Clodius nor Vatinius. The latter is spoken of as a possible candidate for Clodius' preferred legation. Cicero continues, "Una spes est salutis istorum inter ipsos dissensio; cuius ego quaedam initia sensi ex Curione." Arrius is furious about his consulship. One Megabocchus and other young men are "inimicissimi". Atticus has himself hinted that some of the quinque viri themselves are speaking out. If this is so, things are better than Cicero had feared (2.7.4). A few days later he spoke to the younger Curio, who announced, to Cicero's surprise, that he hated those now in power, described by Cicero, quoting Lucilius, as "reges superbos" (2.8.1). In the next letter in the series comes the passage about "tres homines immoderatos", also referred to as "isti" (2.9.2). Earlier in the same letter he discusses Clodius' relations with "his dynastis", and mentions an unlikely possibility that Clodius may quarrel with them (2.9.1). On 19 April he asks, "Negent illi Publium plebeium factum esse?" Pompey himself had taken the auspices (2.12.1). He continues with news from Curio that Clodius has announced his intention of standing for the tribunate as an enemy of Caesar, and rescinding all Caesar's legislation. Caesar is denying that he had proposed Clodius' adoption. Curio, Memmius, and Metellus Nepos were all enraged (2.12.2). Other letters written in the second part of April reflect on Pompey's unpopularity (2.13.2; 2.14.1), and in later letters he discusses Caesar's and Pompey's actions and motives, but there are no similar uses of "isti" or of "dynasti" (cf. 2.15.1; 2.16.1-2; 2.17.1-2). Eventually Cicero

writes, after 25 July, that where before the "dominatio" had been generally popular, and, while unwelcome to the boni, not entirely hateful, it was now universally detested (2.21.1). Pompey was wholly bemused by the decline in his popularity, "O spectaculum uni Crasso iucundum" (2.21.3).

It is possible to discern a pattern in the progressions shown by these letters. That Arrius was a dutiful partisan of Crassus is generally agreed. His part in the negotiations between Caesar and Luccæius in 61/60 could well have involved some agreement that Caesar should in turn help him to the consulship of 58. Clearly by April 59 Caesar had changed his mind. Cicero learned of Pompey's marriage to Julia in early May (2.17.1). Caesar's marriage to Calpurnia, daughter of L.Piso Caesoninus, and his support for his new father-in-law's consular candidacy, took place at much the same time (Suet.Iul.21;cf.Plut.Caes.14.4; Pomp.47.6;Dio 38.9.1). Caesar now called on Pompey to speak first in senatorial debate rather than Crassus (Suet.Iul.21;Gell.NA.4.10.5). On its own such a change would seem quite reasonable, but, taken with other pointers, would seem to reflect a real shift in the balance of the alliance. Not content with withdrawing his support for Arrius, Caesar attacked him through the agency of Vatinius, who ostentatiously dishonoured a public banquet given by Arrius as part of his consular campaign. The occasion of the banquet was a supplicatio voted by the senate to honour the victory in Transalpine Gaul of C.Pomptinus (Cic.Vat.30-2;Schol.Bob.149-50 St.). Pomptinus had served as a legate under Crassus in the Servile War (MRR2.176), and his present association with Arrius would suggest that his allegiance was unchanged. It has been suggested that Vatinius was protesting at the loss of comitial days for his legislation, necessitated by the supplicatio, rather than attacking

Arrius and Pomptinus. The argument runs that if the latter had been the case, Caesar would have opposed the granting of the supplicatio in the first place. He did not do so out of consideration for Crassus, Pomptinus' friend.<sup>(12)</sup> Vatinius' action did not, however, show this consideration. An alternative view is that Caesar was concerned that Pomptinus' success, if acknowledged, would lessen his own case for adding Transalpine Gaul to the command already given by Vatinius.<sup>(13)</sup> It is unlikely that Caesar objected initially to Pomptinus' supplication, just as he originally supported Arrius' candidacy. Clearly something has changed. There is disagreement about the reasons for the addition of Transalpine Gaul. In March 60 the senate had instructed the consuls to draw lots for the two Gallic provinces in view of the disturbances in and beyond the Transalpine province (Cic.Att.1.19.2). Metellus Celer had drawn the Transalpina, but had not gone there by the time of his death. He died some time between taking the oath to obey Caesar's first land law, probably in February, and the middle of April, when his death had occasioned a vacancy in the augurate (Dio 38.7.1-2; Cic.Att.2.5.2; 2.9.2; cf.MRR2.192). In 60 the Pompeian tribune Flavius had threatened to prevent his going out to his province, and it would seem that Celer was in fact quite happy to stay (Dio 37.50.4). Pomptinus had been governing the province since 62, and presumably continued to do so when Celer failed to take up his command. It may be that Pomptinus, who was conspicuously successful in Gaul, had his command prorogued after Flavius did in fact carry out his threat (MRR2.185).<sup>(14)</sup> Celer's presence in the city in early 59 suggests that no curiate law had been passed conferring proconsular imperium upon him. It has been shown above that the lex Vatinia was probably passed before May, and that the sources should therefore be taken to show that it was the addition by the senate of

Transalpine Gaul that was proposed and supported by Pompey and L. Piso in May or after (cf. Cic. Att. 8.3.3). It is generally asserted that it was Celer's death that occasioned the grant of that province. It is more likely that an increasing coolness between Crassus and his colleagues, shown in other matters; may have overcome any scruple Caesar had previously felt about replacing and attacking Crassus' friend. Caesar had already been given the province of Pompey's friend Afranius (MRR2.176). He would not have hesitated to replace Celer, an enemy, but Crassus may have protected Pomptinus' position, until his own relations with Caesar and Pompey reduced his power to influence them.

Cicero had written, "Una spes est salutis istorum inter ipsos dissensio" (Att. 2.7.3), citing Clodius' discontent, Arrius' rage over his disappointed hopes, and the hostility of Megabocchus and his friends (2.7.2-3). This latter figure is likely to be a friend of Crassus' son Publius, and later a legate of Crassus in Parthia (Plut. Cr. 25.3, 14). If to these be added Caesar's closer relations with Pompey, his unprecedented action in changing the senatorial order of speaking, and his dishonouring and supplanting of Pomptinus, the conclusion seems inevitable that Crassus was in real danger of being discarded as of no further use to the alliance. It is possible indeed that the quinquevirs who were "speaking out" may be a reference to open dissension even among the principals of the alliance. It is generally thought that the quinque viri were a judicial subcommittee of the viginti viri elected to administer Caesar's land law (cf. MRR2.192). Both Pompey and Crassus seem to have been elected, and it is highly probable that they would have sat on both boards, the better to control the patronage available. Atticus' hint might then indicate some public clash between Crassus and Pompey.<sup>(15)</sup>

An essential but ambiguous part in the pattern of the political scene,

from the formation of the triumvirate down to its renewal in 56, was played by P. Clodius. He has been variously regarded as a puppet of the triumvirate as a whole, or, else specifically of Caesar or Crassus, or as a major figure in his own right, independent of the triumvirate and largely hostile to it.<sup>(16)</sup> The likely truth lies between these poles. Clodius was certainly no puppet or tool. There is nevertheless good reason to suppose him generally inclined to cooperate with Crassus. It is almost certain that Clodius had been saved in 61 by Crassus' intervention to bribe the jurors in the Bona Dea trial. In early 56 Clodius and his gangs were engaged in demonstrations violently hostile to Pompey, and, apparently, explicitly favourable to Crassus (Cic. QF.2.3.2). Pompey spoke in the senate and privately to Cicero of his belief that Crassus was indeed behind Clodius' actions, and was furnishing him with money (Cic. QF.2.3.3-4). After Luca, Clodius left off his attacks on Pompey (Cic. Har. Resp. 50-2; Dio 39.29.1; Schol. Bob. 170 St; cf. Cic. Mil. 21, 79), and even abated his feud with Cicero. A most revealing incident took place in early 55. Cicero visited Pompey to request his help in a matter concerning his brother Quintus. Pompey advised him to consult Crassus. Cicero did so and was told that if he refrained from interfering in another matter dear to Clodius' heart, Cicero could have what he wanted for Quintus (Cic. QF.2.9.2). That Pompey referred Cicero to Crassus shows that he knew that Crassus wished to make his proposal on behalf of Clodius. Pompey did not feel it his place to make the proposal himself, despite his new-found friendship with Clodius. It would seem clear that this was left to Crassus because matters that concerned Clodius were accepted to be his concern.

The timing of two shifts in policy would seem to reinforce the view that Crassus and Clodius were closely associated. The first was that

abrupt announcement in April 59 that Clodius was to stand as Caesar's enemy and to rescind his legislation (Cic. Att.2.12.2). Caesar and Pompey were denying that they had, only a few weeks before, effected his adoption into a plebeian family (Att.2.12.1-2). As has been seen, this coincided precisely with a number of quite separate indications of a growing rift between Crassus and his colleagues. The second can be seen in Clodius' abandonment of his hostility towards Pompey. In early 56 he was attacking Pompey, but after Luca he stopped. If he had been essentially hostile to the triumvirate all along, regardless of relationships obtaining among its members, as is maintained,<sup>(17)</sup> there would seem to be no reason for its reaffirmation at Luca to change his policy. If on the other hand he was close to one member of that alliance, then the reconciliation of Luca could have induced him too to make his peace.

This is not to argue that every action of Clodius must necessarily reflect Crassus' policies. On the other hand it does seem reasonable to suggest that Crassus did have the power, if he wished, to restrain Clodius. Here for once it may be legitimate to infer the power of Crassus' money. When Pompey made his outburst against Crassus in 56, he made it clear that he saw Crassus as Clodius' paymaster (Cic. QF.2.3.4). Clodius will have needed regular access to large sums of money to maintain his street bands. His family was far from wealthy (Varro RR.3.16.1f.). The fact that someone else had to bribe the Bona Dea jurors in 61 seems to confirm this. The possibility of a threat to his money supply may have served as an adequate bridle. In general it is unlikely that Crassus was able to determine Clodius' movements in a positive way. Clodius' value lay, however, in the fact that his hostility was already aimed in directions convenient for Crassus. He hated Cicero for his damaging testimony at the Bona Dea trial, and he nursed a grudge against Pompey for

his failure to help at that time.

Pompey had been opposed to Clodius' attempted transitio in 60 (Cic.Har.Resp.45), but in 59 Pompey and Caesar were instrumental in effecting his adoption, the one as augur and the other as Pontifex Maximus (Cic.Att.2.12.1-2; Suet.Iul.20.4; cf. Dio 38.12.2). Their immediate reason for helping him in this is explicitly stated to have been annoyance with Cicero for remarks hostile to them, made while defending C. Antonius (Cic.Dom.41; Suet.Iul.20.4).<sup>(18)</sup> This must have taken place before early April (Cic.Att.2.7.2; cf. 2.4.2). The political significance of the case itself may have been slight.<sup>(19)</sup> Pompey had been keen to have Antonius recalled to stand trial in 61 (Cic.Att.1.12.1). Caesar's attitude may be reflected in that of Vatinius who was hostile (Cic.Vat.27-8; Schol. Bob. 149 St.). Antonius had been supported by Crassus in his campaign for the consulship in 64, but came to an understanding with Cicero, whereby, in return for Antonius' complaisance in the matter of Catiline, and perhaps in several other, tribunician, affairs, Cicero arranged that he should have the potentially lucrative province of Macedonia.<sup>(20)</sup> Antonius was in fact the conqueror of Catiline, although he managed to avoid having to lead his forces against his former associate in the final battle. His treachery can hardly have endeared him to Crassus and Caesar, and it would seem likely that the triumvirs were united in their wish to see him condemned. He received little support from any quarter. Cicero defended him, as he was honour-bound to do. Antonius had provided a large part of the money with which Cicero had bought his new house on the Palatine, but even so Cicero was reluctant to honour the bargain (Cic.Att.1.12.1-2; 13.6; 14.7; Fam.5.5). It is most probable that part of their agreement required Cicero to defend Antonius, when, as was always likely, he should be prosecuted. Antonius' cause, however, commended itself neither to the

boni, nor to their opponents (Cic.Att.1.12.1). The prosecution was instituted by M.Caelius Rufus, Q.Fabius Maximus, and one Caninius Gallus (Cic.Cael.74; Vat.28; Val.Max.4.2.6; Quint.Inst.Or.4.2.123-4; 9.3.58; Schol.Bob.94, 149 St.), all with possible associations with the triumvirs.<sup>(21)</sup> Although Cicero claimed that Antonius was being attacked for defeating Catiline (Flacc.5,95), it would seem that he was accused of complicity with him (Dio 38.10.3; cf. Cic.Cael.15,74,78). Antonius seems to have had many enemies and few friends. The occasion would seem important only because the triumvirs were exerting their full influence to have him condemned, and Cicero therefore chose this moment to make a general attack on their activities. Despite his words to Atticus in December 60, Cicero does not in fact seem to have been prominent in opposing the first land bill in January 59 (Cic.Att.2.3.3-4). The reaction was swift, and, perhaps as far as Pompey and Caesar were concerned, hastily conceived. Crassus may have been urging the move for some time, but succeeded in gaining the assent of his partners only when Cicero spoke out. Their intention seems to have been to frighten Cicero, since Clodius' intention to attack him if he could was common knowledge. As tribune he would be strongly placed to do so. The transitio made his tribunate a legal possibility, but was clearly a matter about which there were reservations (Cic.Att.2.7.2). Cicero wrote several times in April that he intended to keep well away from politics (Cic.Att.2.4.2; 2.5.2; 2.6.2), and indeed stayed away from Rome all that month, and at least part of May (Att.2.4-2.17). It would seem that he had taken the hint that his opposition would not be tolerated. Having effected Clodius' adoption, and perhaps thereby its desired effect, it was another matter to prevent Clodius from carrying out his threats.

It is not easy to distinguish cause and effect in the political shifts at this time. It may be that Pompey and Caesar were so emboldened

by the ease with which they had secured what they wanted, that they felt confident of their ability to manage without Crassus. Caesar had contrived to by-pass the senate in which Crassus' strength had seemed to promise advantage. Pompey will have been willing to cooperate with Crassus only if this seemed essential, and now it may not have seemed so. Another, less likely, possibility is that Crassus himself showed at this time an inclination to withdraw from the alliance to some extent. The moves of his partners could then be seen as compensating for this. Pompey and Caesar would have felt it necessary to reaffirm and strengthen their own association. Crassus could have been motivated by a desire to avoid the invidia that had been aroused by the first deeds of the alliance. That he did apparently attract less hostility than the others seems likely, but this may have been rather a question of style than of lack of commitment. Pompey's whole career had been controversial, and had made him the focus for the hatred of a great many important men. In 59 Caesar was the consul seen to be using unconventional, if not illegal, means to pass legislation of which much clearly favoured Pompey. Crassus was a private citizen in 59, simply a princeps civitatis who showed support for Caesar's early measures. He may have been content to avoid the limelight, and to let Pompey take the leading role in their public support of Caesar (Dio 38.4.4-5.6; cf. Plut. Pomp. 47.4; Caes. 14.2-3). His own support was given, but probably in a less provocative manner than Pompey's. Attacks on Crassus were in any case generally considered ill-advised; Sicinius avoided them in 76, and Tarquinius did not benefit from his attempt in 63. It is likely too that Crassus took care to maintain such relations as he could with the boni. Thus he was found cooperating with Bibulus in 56 (Cic. QF. 2.3.3; cf. Fam. 1.1.3).<sup>(22)</sup>

That Crassus was keen to avoid unpopularity, and maintained relations

with opponents of the triumvirate, need not indicate that it was he who initiated the changes that can be detected from April onwards. Caesar's abandonment of Arrius, and his attack, through Vatinius, on Pomptinus, are both better seen as the first strokes of a new policy. The hostility of Megabocchus, and perhaps that of Clodius, Curio, Memmius, and Nepos, were the reaction. It is not clear from Cicero's account whether Clodius announced his opposition to Caesar before or after Caesar and Pompey had tried to deny his adoption (Cic.Att.2.12.2). It is certain, however, that they had already shown their reservations about his hopes for the tribunate. Earlier there had been talk of his being sent on an embassy to Armenia (Att.2.4.2). This was presumably a device to prevent him from standing for the tribunate, and so to protect the now compliant Cicero. An alternative was for Cicero himself to go off on a libera legatio (ibid.). Soon, however, it appeared that Clodius was likely to refuse the embassy (Att.2.7.2). His tribunate was therefore to be held back .... "ad istorum tempora reservatur" (2.7.3). All this of Clodius is tied in with Cicero's hopes of dissension among "isti", with Arrius' and Megabocchus' anger, and with the outspokenness even among the quinquevirs (2.7.3-4).

It would thus seem clear that it was the growing opposition by Pompey and Caesar to the idea of Clodius' tribunate and to that of Arrius' consulship that was the immediate occasion of the split in the triumvirate. As well as confidence in their ability to manage without Crassus, there may have been some apprehension at the prospect of Arrius as consul, with Clodius as tribune, while Pomptinus continued to hold Transalpine Gaul. Crassus could have been very strongly placed in 58. Caesar and Pompey therefore moved to prevent this. Arrius, too close to Crassus, was abandoned by Caesar, and presumably also by Pompey. It must be supposed that, unaided, Crassus lacked the weight in the comitia to secure the

consulship for so relatively undistinguished a candidate. Caesar allied himself to the noble L. Piso Caesoninus, helped him to the consulship, and was helped by him to take over Transalpine Gaul from Pomptinus. Pompey too helped in this (Cic. Att. 8.3.3; Suet. Iul. 22.1).

The sources for the rest of 59 after May are far from clear chronologically. The elections were put off by Bibulus until 18 October (Cic. Att. 2.20.6). The elections presided over by the consul, however, concerned only the magistratus populi. The plebeian aediles and tribunes were created by a tribune. A tribune could obstruct the election of consuls, as C. Cato did in 56 (Cic. Att. 4.15.4; 4.16.5-6; Dio 39.27-31; cf. Att. 4.17.4), but it is not certain whether any agency could delay the elections of tribunes. On this question hangs the dating of the affair known by the name of its principal actor, Vettius. The letter in which Cicero tells of the affair (Att. 2.24) is agreed to have been written shortly after another, which in its turn is agreed to have been written before the tribunician elections (Att. 2.23.3). It has been suggested that since all other dateable tribunician elections were held in July, and since there is no evidence, other than the published order of seven of Cicero's letters (Att. 2.18-24), to suppose them postponed in 59, the Vettius affair must have been enacted in June or early July.<sup>(23)</sup> That no elections are known to have been held except in July has been challenged,<sup>(24)</sup> and the suggested reordering of the letters challenged on internal grounds.<sup>(25)</sup> Most decisive however are indications that the tribunician elections may indeed have been postponed in 59. Writing to his brother at some point between 25 October and 10 December, Cicero told him that there was some hope as the consuls would be friendly in 58, as would some of the praetors and tribunes (QF. 1.2.16). It would seem that he was here giving his brother news of the elections of all these office-holders.

The way in which the praetors and tribunes are joined in this context fits badly with any suggestion that the tribunes had in fact been elected several months before.

In the passage cited above as showing that Att.2.23 and 2.24 precede the tribunician elections, Cicero first writes of Clodius' threats, and then demands that Atticus return at once to help him. He continues, "Permagni nostra interest te, si comitiis non potueris, at declarato illo esse Romae" (Att.2.23.3). That the elections referred to are tribunician is shown by the context. Cicero actually uses the word "comitiis" inaccurately, as the tribunes were elected by the concilium plebis, but this usually took place on the same day as, and just after, the election of the patrician magistrates by the comitia centuriata. This inaccuracy would seem to strengthen the view that, on this occasion too, both sets of elections took place on the same day. In this passage Cicero is concerned that if Atticus cannot reach Rome in time for Clodius' election as tribune, he must at least do so "declarato illo". This has been translated "when he is returned", but this makes Cicero's point virtually meaningless, as the "renuntiatio" by the presiding magistrate, to which this clearly refers (cf. Cic. Mur.1,2), took place on the same day as the election, or on the following day.<sup>(27)</sup> Cicero must mean that Atticus must return, if not before Clodius is elected, then at least while he is still designate, returned but not yet entered into office. That this is the sense of the passage is clearly shown by the preceding letter: "Sed totum est in eo, si ante, quam ille ineat magistratum" (2.22.5). It has been argued that in view of Cicero's frenzied exhortations to Atticus to make haste (2.23.3;24.5), that he should seem to allow Atticus a margin of nearly five months, from mid July to early December, is hard to accept. If the tribunician elections had been put off until October, the

alternatives suggested to Atticus, and a gap of less than two months, are perhaps more credible.<sup>(28)</sup> It is perhaps also significant that in neither of the letters that certainly come after 25 July (2.21 & 22), is there any reference to the fact that Clodius has been elected, or indeed to any of the other tribunes who might counter him. In two letters written almost exactly at the time when the tribunician elections are claimed to have taken place (2.19 & 20) the mentions of Clodius are still of general threats, nor are there any urgent pleas to Atticus to return, as there are in the letters certainly written shortly before the election (2.23.3; 2.24.5), and indeed in the letter written not long before Clodius was due to take office (2.25.2). Cicero was anxious to have Atticus with him to face Clodius when he commenced his tribunate, and, if possible, when he was elected. He evinced no such anxiety in July. It is almost certain that Clodius was not elected in July.<sup>(29)</sup>

The Vettius affair is itself the subject of a considerable controversy. The most commonly held view is that Cicero was correct, when first describing the events to Atticus, in seeing in them a plot by Caesar to incriminate the younger Curio (Att.2.24.2).<sup>(30)</sup> Others, while agreeing that Caesar was behind the affair, believe that its object was to ensure that Pompey kept his distance from the optimates.<sup>(31)</sup> It has also been suggested that Clodius arranged the affair for much the same reason, and specifically to deter Pompey from protecting Cicero.<sup>(32)</sup> Pompey himself has been seen behind Vettius, in an attempt to recoup his own fading popularity, and to cast mud on his most prominent enemies.<sup>(33)</sup>

The ancient sources are themselves divided. Suetonius bluntly states that Caesar bribed Vettius to incriminate some of his opponents (Suet.Iul.20.5). Plutarch writes that Pompey was widely believed to have arranged the affair himself (Plut.Luc.42.7). Appian does not venture an

opinion about the instigator of the plot, but observes that Caesar tried to capitalise on it (App.BC.2.12). Dio alone suggests that the plot may have been a genuine attempt by Cicero and Lucullus to kill Pompey (Dio 38.9.2-4).

Cicero's account of the sequence of Vettius' several revelations is likely to be accurate. After his arrest, Vettius named the younger Curio, L.Aemilius Paullus, Q. Caepio Brutus, and L.Lentulus Niger filius as active participants in the plot to murder Pompey, with Niger's father and Bibulus giving their support and approval (Att.2.24.2). That Vettius' subsequent revelations are likely to have been tampered with by Caesar is generally accepted. Vettius added the names of L.Lucullus, C.Fannius, L.Domitius, C.Piso, M.Iuventius Laterensis, and, without naming him, seems to have indicated Cicero's involvement.

Paullus and Brutus both had cause to hate Pompey. Paullus was the son of M.Lepidus, consul in 78, whom Pompey had first supported, and then helped to crush. Brutus' father had been Lepidus' legate, and had been put to death by Pompey after surrendering on conditions. The elder Niger was a consular candidate in 59, clearly opposed to Gabinius and Piso, the men supported by Pompey and Caesar (Cic.Vat.25). The son unsuccessfully prosecuted Gabinius in 54 (Cic.Att.4.18.1;QF.3.1.15;3.4.1). Curio filius had been an outspoken critic of Caesar and Pompey, certainly since April, Cicero reported his hostility to Caesar and the popularity he derived from this (Att.2.8.1;2.12.2;2.18.1;2.19.3). Curio was a close friend of Clodius, having stood by him in the Bona Dea affair, as had his father (Cic.Att.1.14.5f;1.16.11;Schol.Bob.85 St.). He was closely associated with Clodius in 56 (Cic.QF.2.3.2ff) and indeed married his widow, Fulvia, after his murder (Cic.Phil.2.11). Curio's hostility to Caesar seems to have been manifested just at the time when Caesar and

Pompey were alienating Clodius, which in turn seems to be related to the rift appearing within the triumvirate at this time. In 66 the elder Curio had supported the lex Manilia (Cic.Leg.Man.68), and in 63 he had protected Caesar (Plut.Caes.8.2), but in 59 he made several speeches fiercely hostile to Caesar (Cic.Brut.218f.), and both he and his son were critical of the marriage in May 59 between Pompey and Julia (Suet.Iul.50.1)<sup>(34)</sup>. It may well be that the friendship between Clodius and the Curiones was sufficiently strong to influence the political attitudes of the latter. Cicero associates the stance of young Curio with those of Memmius and of Nepos (Att.2.12.1). It need not be assumed that any of these were necessarily associated with Crassus. They were friends of Clodius, who for his own reasons seems to have been in alliance with Crassus. None of the other names on Vettius' first list shows any detectable ties with Crassus or Clodius. L.Niger, the father or the son, had indeed been subscriber in Clodius' prosecution in 61 (Schol.Bob.89 St;Val.Max.4.2.5). L.Paullus had indicted Catiline de vi in 63 (Sall.Cat.31.4;cf.Schol.Bob.149 St;Cic.Vat.25), and although in 56 he testified against Sestius, he threatened at that time to prosecute Vatinius, who was then giving help to Clodius (Cic.QF.2.4.1), and indeed Paullus had been unfriendly to Clodius in 57 (Cic.Fam.15.13.2). He may have favoured Cicero's recall, and probably appeared against Sestius out of enmity for Pompey (cf.Cic.Vat.25). During his consulship in 50 he favoured Caesar, though this seems to have been a change of stance (Plut.Caes.29.2-3;Pomp.58.1;App.BC.2.26; cf.Cic.Att.6.3.4), and helped Curio whose kinsman he appears to have been (Dio 40.63.5).

That Caesar made use of the affair for his own ends is certain. He was not obliged to produce Vettius in a contio, but chose to do so. It would seem that the first list of names suited him well enough, with the

exception of Brutus. He was content that the Lentuli, Paullus, Curio and Bibulus should be accused. All, except possibly Paullus, were currently opposing him. Paullus may already have begun his feud with Vatinius, unless indeed it was Vatinius' part in the affair that occasioned Paullus' dislike for him. The new names included: C.Fannius, like Niger a subscriber of Clodius' prosecution in 61, and now a hostile tribune (MRR2.189); Lucullus, an old opponent of Pompey, who had continued his opposition into 59 (Suet.Iul.20); L.Domitius, another man with a kinsman, here a brother, killed by Pompey, and currently a candidate for the praetorship of 58 in which he was to attack Caesar's acta (Suet.Iul.23; Nero 2.2; cf. Cic.Sest.113); M.Laterensis, an opponent of the lex Campana, and a friend of Cicero (Att.2.18.2); and C.Piso, Cicero's son-in-law. Some have felt that the whole affair was devised with the intention of creating in Pompey such fear and distrust of Cicero that he would no longer seek to protect him from Clodius.<sup>(35)</sup> This motive has been variously attributed to Caesar and to Clodius. Caesar seems to have been keen to prevent the clash between Cicero and Clodius, but at the same time determined to remove Cicero from the political scene. Once it was clear that Clodius would not accept a legation and would stand for the tribunate, Caesar urged Cicero to seek protection on his staff, or else to go abroad on a libera legatio (Cic.Att.2.18.3). When the matter came to a head, Caesar could not or would not prevent Clodius from acting. That he was concerned to win Cicero's support or his silence is shown by the approach made through Balbus in December 60, and by Caesar's immediate response to Cicero's hostile speech at the trial of Antonius. Cicero would not avail himself of Caesar's offer of refuge, nor could his support be bought by a place on the agrarian commission (Cic.Att.2.19.4). Caesar had good cause to rate Cicero a dangerous enemy after the events of 63 and 62. Cicero's

grand plan for an alliance between Pompey and the boni had lost ground in 59, but was not wholly abandoned. After his recall he had high hopes of resurrecting it. Pompey was clearly not happy with the state of affairs from about the middle of July onwards (Cic.Att.2.21.3;2.22.6;2.23.2), and may have shown signs of wishing to dissociate himself from Caesar's acts and methods which had won him the increased hatred of the boni, while his breach with Crassus exposed him to additional attacks from Clodius, Curio and others. "Taedet ipsum Pompeium vehementerque paenitet" (Cic.Att. 2.22.6). He certainly hinted to Cicero that he would welcome a rapprochement with the boni (Att.2.23.2). Cicero thought this impossible, but Caesar may have been sufficiently alarmed by the prospect, however remote, of Pompey's defection, to be glad of the chance presented to him of ensuring that relations between Pompey, on the one side, and Cicero and the boni, on the other, remained strained and suspicious. This could apply whether Caesar inspired the original disclosures, or only the second instalment. One argument raised against the former possibility is that, if Caesar had been involved from the start, Brutus' name, omitted from the second list, would not have been mentioned at all. It is interesting to note, however, that Cicero states both that Caesar was behind Vettius from the start, and also that Caesar dropped Brutus' name. He suggests that Brutus' mother Servilia, reputedly Caesar's mistress, had intervened. Cicero himself saw no incompatibility between the two views (Att.2.24.2-3). He admits that his suggestion that Caesar had set up the affair is a guess .... "ut perspicimus." Later he attributed the subsequent revelations to Vatinius (Vat.24-6), though it is clear from his earlier account that Caesar was prominent at the contio.

Speaking in 56, Cicero accused Clodius and other enemies of deliberately having caused Pompey to believe that Cicero was a physical

threat to him (Cic.Sest.15,41,67,133;cf.Pis.76ff). Some at least of these references concern the beginning of the following year, but they do indicate that Pompey's abandonment of Cicero may well have been caused in part by the success of such a campaign. The Vettius affair may have been one element in this. Cicero's accusation, taken together with Pompey's quite genuine fear of assassination, makes it less than likely that Pompey himself instigated the affair. In 58 the discovery of a would-be assassin led Pompey to stay within his own house for four months (Cic.Pis.28;Asc.37,46-7C).<sup>(36)</sup> Pompey's decision not to protect Cicero from Clodius seems to have been an abrupt reversal of his previous attitude. Something caused the "subita defectio Pompei".(Cic.QF.1.4.4).<sup>(37)</sup>

It may be therefore that Caesar was prepared at this stage to give a helping hand, perhaps unsolicited, to any circumstances that may have seemed likely to alienate Pompey from Cicero. Both Clodius and Crassus had reasons for desiring this end, and could have suggested to Caesar that they would be in a position to damage his interests when he was in Gaul. Caesar, fearing this, and not wholly trusting Pompey, may have been willing to go along with the scheme.

On the other hand, it is possible that there may have been some truth in Vettius' allegations, an idea that has found little favour with modern scholars. It is, however, far from unlikely that the hostility and resentment towards Pompey felt by his opponents should have found expression in at least talk of tyrannicide (cf.Cic.Att.2.8.1). He held no office, and yet seemed a king. Cicero uses such words as "rex" (Att.2.8.1), "dynastes" (2.9.1), "regnum" (2.13.2), "oppressio" (2.18.2), "ἐντυραννεῖσθαι" (2.14.1), all in private letters rather than conventionally hyperbolic public speeches. He may indeed, as Vettius claimed have spoken of L.Brutus and Ahala. Despite himself, Cicero did

care for Pompey (Att.2.21.3), and had sunk a considerable portion of his political capital into his connection with him (2.21.4). If Cicero then used such words, such men as Paullus and Brutus, one of them at least certainly capable of tyrannicide, may have considered whether the current situation may not have merited such action. At some date close to this, Brutus issued coins with the inscription "libertas", commemorating L.Brutus and Servilius Ahala (MRR2.442). The circumstances of 59 would seem very apt for this. <sup>(3PA)</sup> It would be a remarkable coincidence if Cicero's reputed invocation of their names and Brutus' apparent involvement in the conspiracy were entirely unconnected with the coin issue. Bibulus' hatred of Caesar led him to attack Pompey in scathing edicts (Cic.Att. 2.19.5), and the fact that he had earlier warned Pompey to be on his guard (Att.2.24.2) need not show that he would not have encouraged such a plot. Such warnings are sometimes not far removed from threats. C.Piso, consul 67, had not been friendly to Pompey when he warned him that he might meet with the fate of Romulus (Plut.Pomp.25).

The younger Curio was notoriously intemperate in his outspoken enmity for Pompey, and could have seemed eminently suited to an invitation to join a plot to murder the "tyrant". He may however have recoiled from the prospect of realising his own threats, and have therefore consulted his father, who in turn disclosed the matter to Pompey and the senate. There may have been no more than wild talk, but there may have been a genuine plot. Vettius' apparent muddle over Paullus' movements may reveal a badly devised conspiracy to incriminate the "manus iuventutis", but it could show that Vettius had picked up scraps of intelligence concerning a real plot, but have muddled them in his account either through fear or ignorance. He could have known that Paullus was involved in the plot, and also that at one time it had been planned to strike during

Gabinus' games. Vettius mistakenly put the two together. Paullus could have been in touch with the others by letter, or else might in fact have been recruited only on his return. Cicero seems a little too keen to apply the principle, "falsus in uno, falsus in omnibus." He was himself included in Vettius' second list, and therefore had a strong motive for denying all truth to the allegations. Caesar certainly exercised editorial discretion over Vettius' disclosures before the people, but that does not prove that those disclosures were entirely of Caesar's composition. If there had in fact been a plot, some at least of those named could well have been in it.

Certainty is impossible. There may have been no plot. Caesar may have devised the whole thing. If so, he did it very badly. Pompey seems an unlikely candidate. If Crassus or Clodius, or indeed both, had planned it, it would have to be assumed that they did so with the connivance of Curio, a close friend then and subsequently of Clodius. Vettius would then have to be seen to have acted in ignorance of his own true role in the affair. He was indicted de vi, and then, shortly afterwards, murdered (Cic. Vat. 26; Suet. Iul. 20.5). It is unlikely that either prospect was part of his original expectations. Between the indictment and the murder, however, Cicero wrote that prosecutions of those denounced by Vettius were expected. Clodius is unlikely to have wished to expose Curio to such a danger. The only reconstruction of events that might permit the conclusion that Clodius was behind the affair is that Vettius acted on his own initiative in trying to bring Curio into a plot in which he himself was a very minor and ill-informed conspirator. Caesar then used the circumstances for his own ends. It may well be that something violent was planned, but that, after Vettius' death, there was a general willingness to ignore it. There could have been uncomfortable

memories and doubts about what had or had not happened in 63.

If the identity and motives of those responsible for the Vettius affair must remain mysterious, the sequence of events that followed seems rather clearer. The most striking change would seem to be in Pompey's attitude towards Cicero. Before the affair he had been assuring Cicero that he would restrain Clodius (Cic.Att.2.19.4;2.20.2;2.21.6;2.22.2;2.24.5). Although the latest assurance is reported in the letter that describes the Vettius affair it may well have preceded it. The letter was clearly written almost immediately after the contio, as no mention is made of Vettius' murder in prison very soon after, perhaps the same night (App.BC.2.12;Suet.Iul.20.5;Dio 38.9.4;cf.Cic.Att.2.24.4;Vat.26). Pompey's assurances may then have come some time before both the affair and the writing of the letter, and Cicero might not have realised that Pompey's attitude had been influenced by the affair.

At the elections L.Niger was unsuccessful, while L.Piso and Gabinius secured the consulship. It is not certain whether or not Arrius did in the event stand, nor is there any evidence to suggest that Piso and Gabinius had at any time looked like losing.<sup>(38)</sup> Cicero, earlier in the year, seems to imply that whoever the triumvirs choose will win ...."Proinde isti licet faciant, quos volent, consules...."

(Att.2.9.2;cf.2.5.2;2.7.3). After the elections, an attempt was made to prosecute Gabinius de ambitu. The would-be prosecutor was C.Porcius Cato. The praetor in charge of the court managed to avoid Cato, with the result that he was unable formally to initiate the action.<sup>(38A)</sup> At a later contio Cato denounced Pompey, calling him a dictator, but was driven from the rostra (Cic.QF.1.2.15). During his tribunate in 56, Cato allied himself with Clodius, helping his election as aedile (Cic.Fam.1.4.1;cf.QF.2.1.2), and working to ensure Milo's trial (QF.2.3.4). He opposed the Egyptian

pretensions of Pompey, and also proposed to abrogate Spinther's command (Dio 39.15; Cic. QF.2.3.1). After Luca he helped to delay the elections in the interests of Pompey and Crassus (Dio 39.27.3; Att.4.15.4; 4.16.5-6; Livy Per.105). His position would thus seem inconsistent with that of a Pompeian or an optimate, but seems to coincide very neatly with that of a friend of Clodius or supporter of Crassus, very likely both. Pompey clearly thought so (Cic. QF.2.3.1-4).

The Vettius affair shortly before the elections, and Cato's attempt to prosecute Gabinius after them, together with Clodius' success in securing the tribunate, may have led to a reconciliation between Crassus and his two somewhat errant partners. It has already been suggested that Caesar may have been less than confident of Pompey's reliability, and also apprehensive of what Clodius might do with regard to his command and his legislation. Caesar may therefore have been more easily convinced than Pompey that good relations with Crassus and Clodius were desirable. Vettius and C. Cato may have helped to bring Pompey round to this view. At the end of the year, Clodius acted towards Bibulus as Nepos had towards Cicero in 63, forbidding him to make the usual speech on laying down office (Dio 38.12.3). He also helped Vatinius to escape prosecution (Cic. Vat.33). When he moved against Cicero, he encountered no opposition from Pompey or Caesar, or from either of the consuls. Cicero certainly claimed that the consuls' attitudes were the result of outright bribery by Clodius, in the shape of his legislation giving them desirable provinces, but it is more likely that they would not in any case have opposed Clodius on their own accounts. Soon after their election, Cicero had been confident of their friendliness (QF.1.2.16), but, as has been seen, at some point between the elections and the end of the year, attitudes changed considerably. Gabinius consistently mirrored Pompey's

policy. When Clodius broke with Pompey, the latter began to work for Cicero's return, as did Gabinius who thereafter opposed Clodius (Cic.Dom.60). Piso, who seems to have had little love for Pompey in any case,<sup>(39)</sup> encouraged Clodius (Cic.Dom.60,66-7), as later did Caesar's man, Vatinius (Cic.Sest.133;Vat.40).

It would thus seem that the consuls of 58 to some extent represented the views of Pompey and Caesar respectively. Despite prevarication, both dynasts clearly assented to Cicero's exile. Cicero himself analysed the reasons for his downfall thus: "subita defectio Pompei, alienatio consulum, etiam praetorum, timor publicanorum, arma" (QF.1.4.4). He gave first place to Pompey's defection. That Pompey and Gabinius changed their attitude later shows that they had earlier acquiesced in the exile (Cic.Att.3.8.3;Sest.67;Pis.27-8;Dio 38.30.2-3;cf.App.BC.2.16). Caesar too would do nothing to help (Cic.Red.in.Sen.32). Later sources confirm the attitudes of Pompey and Caesar. Pompey deliberately avoided meeting Cicero, while Caesar prevaricated and did nothing (Dio 38.17.1-3; Plut.Cic.30-1;cf.Dio 38.15). The consuls' attitudes too are shown (Dio 38.16.5-6;Plut.Cic.31;Pomp.49.2). That when Pompey changed his mind, and was keen that Cicero should be recalled, he felt it necessary to obtain Caesar's consent, shows that the exile had, in the first place, been a policy agreed upon by both men (Cic.Att.3.18.1).

It has been argued above that Crassus is likely to have been, from the start, eager that Cicero should be dealt with. Attempts have been made to deny this.<sup>(40)</sup> The later sources have no doubts about the matter. Dio and Plutarch both state that Crassus favoured Cicero's exile, although both are well aware that P.Crassus, his elder son, was friendly to Cicero (Dio 38.17.3;Plut.Cic.30.1;33.5;cf.Cr.13.5). Cicero himself was aware of Crassus' importance in the matter. Discussing the possibility of his

recall, he wrote to his wife in October 58, "Id erit firmum, si Pompei voluntas erit; sed tamen Crassum metuo" (Fam.14.2.2). He later denied that Clodius had been truthful in claiming Crassus' support for his exile (Sest.39-41), but, since in the same passage he is concerned to claim that Pompey had spoken out in his defence, this denial does not carry any great weight. As has been seen, Pompey, despite his soft words, was clearly willing that Clodius should have his way.

A crucial passage comes in a letter to Atticus: "Puto Pompeium Crasso urgente, si tu aderis, qui per βοῶντιν ex ipso intellegere possis, qua fide ab illis agatur, nos aut sine molestia aut certe sine errore futuros" (Att.2.22.5). It is clear that all is not well with the text at "Pompeium Crasso urgente". Two possible restorations have been put forward. One suggests that some words such as "vacillare, sed" may have dropped out after "urgente". The other would emend the text to read, "Pompeio eum et Crasso".<sup>(41)</sup> The first would make the passage mean, "I think that, at Crassus' instance, Pompey is wavering, but if you were here and could learn from Clodius, through his sister, how far those men are to be trusted, then I should either escape harm, or else at least know where I stand." In the previous letter Cicero had expressed doubts about trusting Pompey's professions (2.21.6). Earlier in the letter presently considered he qualifies an account of an interview between Pompey and Clodius with the consideration that he only has Pompey's word for what was said. He is clearly not prepared to place complete faith in the account (2.22.2). He is keen for Atticus to come home, as Atticus can check Pompey's account from the other side, through his friendship with Clodius' sister. The men whose good faith he misdoubts may be Pompey and his friend Varro. The latter is mentioned a few lines earlier as a possible but uncertain helper (2.22.4), and had been coupled with Pompey in

this same context in the previous letter (2.21.6;cf.2.25.1).

The second emendation would require a further change, in that "urgente" would have to become "urgentibus". The passage might then be rendered, "I think that, with Pompey and Crassus working on Clodius, if you came and found out from Clodia how far we can trust them, I should...." Such a reading seems to ignore the central point of the passage, which is Cicero's need to know whether he can trust Pompey. If he had known that both Pompey and Crassus were indeed working to restrain Clodius, Cicero would not have written so uncertainly of the future. He wants to know how far he can trust "them", who in this reading must be Pompey and Crassus, and yet he states that they are working for him, not that they say they are, nor that he thinks they are. They are restraining Clodius, and therefore he thinks what he thinks. Such a reading may be thought "palaeographically more reasonable", but it does not make sense, irrespective of any preconceived ideas concerning Crassus' likely stance.

One other passage might seem to suggest friendly relations between Crassus and Cicero. In June 58 Cicero wrote from exile to his brother, advising him, if in trouble, to seek help from Crassus and M.Calidius (QF.1.3.7). Various suggestions have been made as to the identity of the Crassus meant. M.Crassus' son Publius, P.Crassus Dives, an unknown Crassus, or else M.Crassus himself have all been considered.<sup>(42)</sup> P.Crassus M.f. was away from Rome at the time, serving with Caesar in Gaul (Caes.BG.1.52.7). An unknown is highly unlikely to have been mentioned with no other identification. P.Dives, however, seems highly probable, since he was associated with M.Calidius the following year, when they were colleagues in the praetorship, both working for Cicero's restoration (Cic.Red.in.Sen.23). In June 58 they were presumably candidates for the praetorship, their friendliness towards Cicero known to his brother.

Cicero did distinguish Dives from M. Crassus when necessary (cf. Att. 2.24.4),<sup>(43)</sup> but here it may not have been necessary, the context and the association with Calpidius being sufficient. It is noteworthy that in the same letter Cicero accuses Q. Arrius, Crassus' friend, of treachery (QF. 1.3.8).

It therefore seems that all the evidence points to Crassus' hostility towards Cicero, nor in the light of their earlier differences and rivalry does such a conclusion seem in any way surprising.

It has been argued in this chapter that relations between Crassus and his two associates deteriorated sharply in April 59, after their early cooperation and success in passing the bulk of Caesar's controversial legislation. Pompey and Caesar grew closer from April onwards to the exclusion of Crassus and his friends. Crassus counterattacked, largely through Clodius and his friends, until by the end of the year, perhaps partly as a result of the Vettius affair, some improvement in their relations is apparent. This improvement was not to last, but when the next strain was placed on the alliance, it may well have been Pompey who found himself one against two. The events of 59 seem to have caused Caesar to revise his estimation of Crassus' power, and to resolve to keep on good terms with him.

Chapter IX

To Luca

Having weathered a stormy patch in his relations with his associates during much of 59, Crassus began 58 with bright prospects. Clodius was in office as tribune, Pompey and Caesar had agreed to the exile of Cicero, a man potentially helpful to Pompey and dangerous to Crassus, and, perhaps most important of all, Caesar seems to have been persuaded that Crassus' power was far from negligible. When, after Cicero had fled, Caesar left for his province, he was accompanied by Crassus' son, Publius. Whatever the latter's official position (MRR2.199,204;cf. Appendix A), Caesar gave him considerable responsibility, including a virtually separate command with large forces (Caes.BG.1.52.7;2.34;3.7-9;cf. Dio 39.31.2). Caesar's father-in-law, L.Piso, continued to cooperate with Clodius even after Clodius and Pompey quarrelled (Cic.Dom.66-7). Vatinius too, when he returned from Gaul, repaid Clodius for his help in protecting him in 58 (Cic.Vat.33), by witnessing against Milo and Sestius (Cic.Vat.1,40-1; Sest.135;Schol.Bob.125,139,151-2 St). One of Clodius' brothers, probably Caius, served on Caesar's staff in 58 (Cic.Sest.41).

As well as his action against Cicero, Clodius secured the removal too of M.Cato. Too influential to be attacked, Cato was honoured with a commission to annexe Cyprus and restore exiles in Byzantium (MRR2.198). He was absent for some two years, and therefore unable to offer his familiar brand of obstruction to Clodius' subsequent legislation. Clodius' move was a clever one. Cato was no friend of his, as he had shown in 73, when he threatened Clodius with a counter-prosecution for his attack on Catiline, and in 61, when he was resolute in demanding Clodius' prosecution over the Bona Dea affair. By his authorship of the law conferring Cato's command, Clodius ensured that Cato was bound to uphold the validity of Clodius' own tribunate (MRR2.211). In the same way, by

his laws concerning the provinces for the consuls of 58, he made himself safe from any attack from them on the legality of his actions. Gabinius opposed him but does not seem to have dared to question the validity of his office (Dio 38.30.2-3; Cic. Pis. 27-8).

These dispositions effected, Clodius seems to have engineered a clash with Pompey. The ground he chose was Pompey's dominance in Eastern affairs. In 59 Caesar had carried a law ratifying Pompey's Eastern acta en bloc. Clodius interfered with his arrangements by bringing in a law to give Brogitarus of Galatia the title of King and control of Pessinus (MRR2.196), at the expense of Deiotarus whom Pompey had recognised. Cato's despatch to Cyprus may also have been designed to upset Pompey's influence in the Eastern Mediterranean. The immediate occasion for their breach, however, was Clodius' action in engineering the escape from Pompey's custody of the son of Tigranes of Armenia. Pompey had been holding the son as a hostage for the father's continued loyalty to him (Dio 38.30.1-2; Asc. 37,47C). That Clodius had his own family traditions and ambitions with regard to the East seems clear,<sup>(1)</sup> but that does not mean that such interests alone dictated his hostility towards Pompey. The readiness with which he turned on Pompey and Gabinius, when they complained about the release of Tigranes, would seem to indicate that he was more than willing for a confrontation.<sup>(2)</sup>

Pompey's immediate response was to start working for Cicero's recall (Cic. Att. 3.8.3; Sest. 67-8; Dio 38.30.2-3). It has been suggested that Clodius in retaliation began threatening Caesar's legislation,<sup>(3)</sup> but this seems unlikely. Examination of the evidence (Cic. Dom. 40; Har. Resp. 48-9) shows that what Clodius was probably doing was insisting that objections to the legality of his adoption applied in equal measure to all the leges Iuliae. His enemies argued that Bibulus had been watching the

heavens when the relevant curiate law was passed. Clodius therefore drew from Bibulus a statement to the effect that he had indeed been doing so constantly throughout the year. Cicero, in the later passage, describes the matter simply as an attack on the Julian laws, and suggests that Clodius had actually failed to notice that he was undermining his own tribunate by his arguments (Har.Resp.48). It is clear from Cicero's earlier account, however, that Clodius was more than aware of the implications of Bibulus' statement. Indeed his brother Appius deliberately elicited from Bibulus a subsequent opinion that Clodius' tribunate was invalid, as he had been adopted contra auspicia (Dom.40). Clodius had earlier passed a law modifying the leges Aelia et Fufia, which governed the uses of obnuntiatio and of the collegial veto (MRR2.196). Clodius was by no means as wild and inconsistent as is sometimes asserted. He was generally opposed to the abuse of obnuntiatio, and was here simply concerned to point out that to attack him on these grounds was to attack Caesar too. Cicero blusteringly tried to deny the connection, and indeed later to obscure the issue, but the move to invalidate Clodius' tribunate failed. Those laws of his that were subsequently reversed were rescinded individually (Dio 38,13.2;40.57.1-3;Asc.8C;Schol.Bob.132 St.)<sup>(4)</sup> There would therefore seem to be little reason to credit Cicero's claim that Clodius in 58 had attacked Caesar's legislation.<sup>(5)</sup>

From his breach with Pompey over the Tigranes affair until they were reconciled after Luca, Clodius showed himself unremittingly hostile to Pompey and to Pompey's friends. At no time, with the possible exceptions of the trials of Sestius and of Caelius, which will be discussed below, does he seem to have acted against the interests of Crassus, or indeed of Caesar. He was helped by L.Piso and Vatinius, and invoked Crassus' name against Pompey. It must be considered how far his actions will have

suiting Crassus' own policy. It has been argued above that, when it suited him, Crassus was able to induce Clodius to make his peace with Pompey. It would seem reasonable to assume, therefore, that Crassus did not try to restrain him earlier. It is indeed possible that he may have encouraged Clodius, in an attempt to achieve Pompey's total ruin. It could be argued that the events of 59 had in fact left Pompey weaker than before. That he had been unable earlier to provide land for his veterans had been damaging to his prestige, but the hostility aroused by the manner of that eventual provision may, in the long run, have been more serious. His Eastern acta had been ratified, but were now being questioned and his authority assailed. Caesar, the agent he had used to achieve these ends, seemed perhaps rather less subservient than Pompey was accustomed to expect. Afranius, and even M. Pison, despite a possible brief embarrassment over the Bona Dea affair, had been firmly his men. After an attempt to break with Crassus, Pompey had been persuaded, perhaps partly by Caesar, that such a move was dangerous, and that Clodius must be allowed to have his way with Cicero. More unpopular than ever with the boni, who blamed him for all of Caesar's acts, Pompey was now attacked by Clodius, and reduced to total impotence for the rest of the year. He became eager to secure Cicero's recall, both for the symbolic value of such a move as a blow to Clodius, and also perhaps because Cicero may have represented what he felt to be his only hope at this point, some kind of reconciliation with the boni.

This latter consideration is likely to have been a strong inducement for Crassus to try to keep Cicero away. Whether he ever expected to be able indefinitely to prevent Cicero's return must be uncertain. Cicero's absence and Clodius' ascendancy must together have promised as good a chance to crush Pompey completely as he was likely to find. With Pompey

eclipsed, Cato out of the way, and Caesar friendly but occupied in Gaul, Crassus alone would remain, unquestionably the strongest political figure in Rome.

The bulk of Clodius' legislation seems aimed at securing his own power base. He sought popular support by distributing free grain, and organised it by restoring the collegia. He provided against obstruction by his modification of the leges Aelia et Fufia. His limitation of a censor's powers to distribute notae may have had the same motive. He disarmed, at least for a while, any possible opposition from the consuls, Piso and Gabinius, by laws giving them provinces. He got rid of both Cato and Cicero (MRR2.196). Nothing in this programme is likely to have been displeasing to Crassus, nor as has been shown, does he seem to have needed to worry that Clodius, having achieved power, might turn on him.

Clodius and Crassus miscalculated if they did hope to crush Pompey. He seems to have been caught unprepared by Clodius' volte face, unable to meet the challenge, and driven to seek ignominious refuge in his own house (Cic.Pis.28;Asc.46-7C). The optimates were delighted by Clodius' assault on Pompey (Cic.Har.Resp.50), and seem to have cooperated with Clodius (Cic.QF.2.2.2-3;cf.Fam.1.9.10). It may be at this time that approaches were made to Caesar by the optimates, offering to have all the legislation of 59 resubmitted to the comitia, this time with due observance of the niceties of the laws (Cic.Prov.Cons.46). This could seem to constitute an invitation formally to abandon his alliance with Pompey, and to be received into the optimate fold. It was not accepted. Caesar was careful not to make any move himself that could be construed as hostile to Pompey. L.Piso and Vatinius may have sided with Clodius against Pompey at various times, but Caesar maintained correct relations with his son-in-law. Thus Pompey continued to honour the alliance by

consulting Caesar on the subject of Cicero's recall (Cic.Att.3.18.1). It would be interesting to know whether Crassus was also consulted. It is possible. Cicero was particularly concerned to know what was Pompey's attitude in the matter. In September 58 Cicero was delighted with the news that, if Caesar agreed, Pompey would take up the case (Att.3.18.1). Some two months later, Atticus had written to him analysing the various political factors involved, "de Crasso, de Pompeio, de ceteris" (Att.3.23.5). Crassus may have tried to delay matters, but nevertheless have accepted that Cicero's return was inevitable. He greeted Cicero when he reached Rome (Plut.Cic.33.5), and indeed later agreed to defend Sestius, who had been prominent in procuring the recall (Schol.Bob.125 St.). He had no wish for an open breach with Pompey, but was scrupulous in fulfilling his duties as an ally. Even Metellus Nepos, Clodius' kinsman and at this time regular supporter in other matters (Cic.Att.4.3.3; Dio 49.7.4-8.1), eventually cooperated in promoting Cicero's return (Cic.Att.3.22.2; 3.23.1; 3.24.2; Red.in Sen.25; cf. Att.3.12.1).

Pompey engaged force to counter that of Clodius. T. Annius Milo and P. Sestius, tribunes in 57, gathered their own street gangs, but, despite the support of six other tribunes, were prevented for some time from securing Cicero's recall by Clodius, who, although no longer tribune, still had his own popular following and the aid of the remaining two tribunes (MRR2.201-2). Eventually, however, on 4 August 57, the bill recalling Cicero was passed, and he returned to Rome a month later (Cic.Dom.90; Att.4.1.4-5). This, and the fact that Cicero at once successfully proposed in the senate that Pompey should be invested with special imperium to supervise the city's grain supply (Cic.Att.4.1.6), have been taken to show that Pompey had at last succeeded in overcoming optimistic suspicions. This may not be the case. A bill to put into effect Cicero's proposal

was presented the next day by the consuls, P.Lentulus Spinther and Metellus Nepos (Att.4.1.7). At the same time, a tribune, C.Messius, proposed a measure, similar in application, but vastly greater in the power to be conferred. Messius' bill included control over all the state's finances, an army, a fleet, and maius imperium throughout the empire (ibid.). It could be that Messius was deliberately making his proposals unreasonable, with the intention that the more modest consular proposal would be gratefully accepted as the lesser evil. On the other hand, it is not impossible that Pompey did hope that, in his rediscovered auctoritas, he might indeed secure the vast power offered by Messius. Cicero clearly suspected Pompey's true wishes, but he did not wish to compromise himself too far with the optimates by supporting Messius, since he was still awaiting the judgement of the pontifices about his house, of which the site had been consecrated as a temple, in his absence, by Clodius (ibid.). Cicero had felt free to make his original proposal, and indeed claimed that all the consulars were willing to grant Pompey anything at all (ibid.). In the same passage, however, he records the fury of the consulars at Messius' proposals. Clearly their willingness was not infinite.

In view of the hostility shown towards Pompey by the boni, earlier in 58, and later in 56, when, for example, Sex.Cloelius is said to have been acquitted by the senatorial votes out of enmity for Pompey (Cic.QF.2.4.6), their apparent friendliness in this matter of the corn command might seem surprising. It could be that Clodius had gone too far in the violence of his opposition to Pompey and to Cicero's recall, and that the boni were prepared to recall Cicero, and to honour Pompey, in order to impose a curb on Clodius. Another factor may have been the matter of Ptolemy Auletes, who arrived in Rome in the summer of 57, having been driven from Egypt by his subjects. There ensued a lengthy debate whether

he should be restored, and, if so, how and by whom. At first it was agreed that he should be restored by the governor of Cilicia, the province assigned to Spinther for 56 (Dio 39.12.1-3; Cic. Fam. 1.1.3). Auletes had been recognised as King in 59, in return for a considerable sum of money promised to Caesar and Pompey (Dio 39.12.1; Suet. Iul. 54.2), which had not been paid in full by 57.<sup>(6)</sup> Besides this financial motive, Pompey was unwilling that anyone else should have the opportunity to gain influence in the East. Since Spinther was a friend and adherent of his (Cic. Att. 2.22.2), Pompey did not canvass openly for the post, but arranged for others to make proposals on his behalf. Three tribunes worked to that end in 56, L. Caninius Gallus, A. Plautius, and P. Rutilius Lupus (MRR. 2.209). It is specifically stated in one source that Spinther cooperated in proposing Pompey's grain commission, in order to remove Pompey from the running for Auletes' restoration (Plut. Pomp. 49.5). Messius' proposal could then be seen as an attempt to win back the initiative over Egypt for Pompey.<sup>(7)</sup> Egypt was a vital supplier of grain to the Roman market, and, with an army and maius imperium, Pompey could have had the physical capability and the legal right to supplant Spinther, without the need for any further legislation. By ensuring that his corn commission was essentially unmilitary, Pompey's opponents made such a step much more difficult. By giving him the commission at all, they were able to argue that Pompey was occupied, and surely too busy to be burdened with any further responsibility. From his arrival, Ptolemy, who stayed in Pompey's house, had made plain his preference for Pompey as the man to restore him (Dio 39.14.3; 16.2; cf. QF. 2.2.3). Pompey's aspirations being thus plain, the corn commission may have been a deliberate concession of the lesser evil, to prevent the greater.

The struggle for the Egyptian mission continued into 56, as did the

contention between Clodius and Pompey. In 57, no longer immune from prosecution, Clodius was twice indicted by Milo. In the first instance he was protected by the consul Nepos, his cousin, by his brother Appius, then praetor, and by one of the two tribunes who supported him in that year (Cic.Sest.89). It was Milo's failure in this that led him to resort to the use of armed bands (Cic.Red.in Sen.19), which helped to effect Cicero's recall. He then renewed the prosecution. Clodius was seeking the aedileship for 56, which would confer fresh immunity. Milo blocked the elections with the backing of the consul designate, Cn.Lentulus Marcellinus. Nepos, Appius Claudius, and Hortensius all in various ways helped Clodius to secure election unprosecuted (Cic.Att. 4.3.3-5), which he did early in 56 (Dio 39.18.1).

Crassus may have been disappointed by Clodius' relative failure in 57 to subdue Pompey. By the end of that year, however, Pompey had been, to some extent, contained. Cicero had returned, and Pompey had gained a prestigious command. The command could, however, have been more dangerous, and Cicero was behaving cautiously as he awaited the various verdicts concerning his house. This could be the reason that Cicero proposed a supplicatio of unprecedented length for Caesar's successes in Gaul (Cic.Prov.Cons.26; cf. Caes.BG.2.35.4; Dio 39.5.1; Plut.Caes.21.1). Caesar as Pontifex Maximus, though absent, may have been able to retain considerable influence in the deliberations of the pontifices. It is perhaps also significant that Crassus was almost certainly a pontiff.<sup>(8)</sup>

It is possible however that Caesar's supplicatio was intended as a subtle first move in Pompey's assault on Caesar's position. A supplicatio could be seen as implying the successful conclusion of a campaign.<sup>(9)</sup> Caesar's command in Transalpine Gaul had been conferred by the senate, and had no fixed term, unlike his five year tenure of the Cisalpinga under the

lex Vatinia. What the senate had given, it could also take away (cf. Cic. Fam. 1.7.10).<sup>(10)</sup> L. Domitius Ahenobarbus was to stand for the consulship in 56, with the express intention of succeeding Caesar in Gallia Comata (Suet. Iul. 24.1; cf. Nero 2). Cicero could have been preparing the way for such a step. In December 57 two new tribunes attacked Caesar. P. Rutilius Lupus suggested that the lex Campana be reconsidered (Cic. QF. 2.1.1), and L. Antistius tried to have Caesar recalled to stand trial for the irregularities of his consulship (Suet. Iul. 23). This latter move is usually attributed to an otherwise unknown tribune of 58. A convincing case has been put forward for identifying Suetonius' man with a known tribune of 56, Antistius Vetus, who supported the movement to have Clodius' trial held before he could secure the aedileship (Cic. QF. 2.1.3).<sup>(11)</sup> Lupus subsequently supported Pompey's Egyptian pretensions (Cic. Fam. 1.1.3; 1.2.2).<sup>(12)</sup> Antistius' allegiance is less certain, but it is possible that he was connected with Pompey through the latter's first wife, Antistia (Plut. Pomp. 4.1-5.1). Neither attempt proved fruitful at the time. Lupus' motion was received with suspicion by the senate, who wished to know where Pompey stood in the matter (Cic. QF. 2.1.1). An attack on Caesar could only succeed if Pompey helped. Antistius too failed, since the other tribunes confirmed Caesar's immunity while "rei publicae causa absens". In both cases Pompey may have been gauging the likely reception such proposals would meet if firmly advanced. That Pompey was indeed behind the assault on Caesar can be seen from his attitude towards Cicero after the latter had raised the issue of the Campanian Land on 5 April 56. At the time Cicero expected Pompey to approve (Fam. 1.9.9), and two days later Pompey behaved towards Cicero with great friendliness (QF. 2.5.3-4). Only after the meeting at Luca was Cicero compelled by Pompey to desist.

Earlier in the year, during the trial of P. Sestius, Cicero delivered

a ringing denunciation of Caesar's man P.Vatinius, who had acted with Clodius at the trial of Milo, and was now again testifying against Sestius. Despite Cicero's unconvincing protestations, it is clear that his attack on Vatinius reflected, and was intended to reflect, on Caesar's consulship. Cicero himself makes this clear (Fam.1.9.7). The published version of the speech may have softened the direct references to Caesar, but, even as it stands, the implied criticism must have been obvious (cf.Cic.Vat.5,13-18,22,24).<sup>(13)</sup>

There are, therefore, strong indications that Pompey was at least willing to see Caesar attacked, and indeed that he encouraged some of the attackers. Dio asserts that Pompey was encouraging the movement to recall Caesar (39.25.2-3). Dio's usually reliable account of events is here regarded with suspicion, as he seems ignorant of a number of vital events at this time. He asserts that Pompey and Crassus were in collusion against Caesar, and that they sought the consulship in 56 in order to subdue him (Dio 39.25-7). It would seem that Dio was aware of one half of the situation. He knew that Pompey was attacking Caesar's position. He knew that Pompey and Crassus did stand together for the consulship. He seems ignorant, however, of the outspoken hostility between Pompey and Crassus that emerged in February 56, and of the conference of Luca. Because of this, he overlooks the significance of the fact, known to him, that P.Crassus brought troops from Gaul to help in the election of his father and of Pompey (39.31.2). This could not have been done without Caesar's express sanction. Dio's evidence is therefore to be treated with caution. He is unlikely, however, to have constructed his whole account from nothing, and can therefore probably be taken to confirm Pompey's hostility, at least for a while, towards Caesar.

Doubts have been expressed on the subject of Pompey's involvement with

the move to reexamine Caesar's lex Campana. On the one hand, it has been objected that, as Pompey's own veterans were the principal beneficiaries of the law, any move to interfere with it must be seen as a move against Pompey's interests. On the other hand, sometimes associated with the previous point, and sometimes not, doubt is expressed about the truth of Cicero's claim to have been as deeply involved in the matter as he later maintained to Spinther (Fam.1.9.8).<sup>(14)</sup>

It is highly likely that Pompey's men had all been settled by 56. After the Civil War there was still land available for Caesar's troops. In 51 Pompey renewed the agitation about the law with the express purpose of depriving Caesar of the means to reward his troops (Cic.Fam.8.10.4).<sup>(15)</sup> If Pompey did not feel his own men or his own dignity involved when he attacked the law in 51, it seems reasonable to suppose that he would have felt free to attack it in 56. As has been seen, Lupus, who first raised the matter in 57, proposed very soon after that Pompey should restore Auletes (Cic.Fam.1.1.3;1.2.2). A month before Cicero, in his turn, proposed that a debate be held on the Campanian land, he had, at the trial of Sestius, both glorified Pompey's name and attacked Caesar's consulship (Cic.Sest.67,69,74,109,129;cf.Vat.passim). In the same senatorial meeting that Cicero booked 15 May for the Campanian debate, the senate showed that the move was not hostile to Pompey by voting him a large sum of money (Cic.QF.2.5.1). It has already been noted that Cicero did not expect Pompey to object to his proposal (Fam.1.9.9;cf.QF.2.5.3-4), and, in the event, a word from Pompey sufficed to stop him (Fam.1.9.10;cf.QF.2.6.2). Caesar, on the other hand, was angry (Fam.1.9.9).

The view that Cicero lied in the account he gave later to P.Spinther (Fam.1.9.7-9) is based largely on his silence in his letters written at the time to his brother (QF.2.5.1;2.6.2), and on the fact that the meeting

at which the debate was to take place had, as its first business, another matter, that of a supplicatio for Gabinius (QF.2.6.1). This second point is no problem. It depends simply on an invalid inference from Cicero's proposal to discuss the matter at a frequens senatus, that his proposal included the calling of that meeting. An acceptable interpretation of his words would run, "at the (i.e. already arranged) full meeting", rather than, "at a (i.e. now proposed) full meeting". The first point, that of Cicero's silence to his brother, becomes less impressive when it is realised that a letter is certainly missing between QF.2.4 and 2.5, in which Cicero could have described his intentions more fully,<sup>(16)</sup> and that Cicero not only does, in his letter referring to the events of the Ides of May, say that he has been embarrassed by his involvement in the issue of the Campanian land, "in hac causa mihi aqua haeret", but also that in saying even this he has been unwise, "Sed plura quam constitueram; coram enim" (QF.2.8.2). That Cicero was involved in activities, which, after Luca, proved embarrassing for him, is clearly shown by his having to provide a written recantation to serve as a personal guarantee (Att.4.5.1). It has also been suggested that Cicero may have been less than candid in these letters, as Quintus had been obliged to give some kind of pledge for his brother's conduct.<sup>(17)</sup> Since, however, the pledge seems to have been given to Pompey, and Pompey was clearly encouraging Cicero in his course of action, it would seem unlikely that this would have been a motive to keep quiet. A final and decisive argument against the view that Cicero lied to Spinther is that he could not have hoped to get away with so specific a falsehood. He refers three times to "mea sententia" (Fam.1.9.8). This was a technical term indicating that he proposed the motion (cf. Att.4.1.6). Spinther would undoubtedly have received copies of the acta diurna, which gave details of senatorial meetings, and included the

names of those who proposed motions (cf. Att.6.2.6; Suet. Iul.20.1).

It may thus be seen that in March and April, Cicero was engaged in attacks on Caesar, that Pompey seems to have encouraged them, and may too have been behind Lupus' and Antistius' earlier attacks.

After 57, in which Clodius was to some extent on the defensive, resisting attempts to prosecute him, and trying to prevent both Cicero's return and Pompey's corn commission (Cic. Att.4.1.6), Clodius resumed the attack in 56. He instigated prosecutions of Milo and Sestius, who had both helped Cicero and Pompey in 57, and with the help of the tribune, G. Cato, sought to prevent Pompey from obtaining the commission to restore Auletes. Crassus involved himself in all these matters, but his position seems to have been deliberately ambiguous.

Cato produced a verse from the Sibylline books that forbade the restoration of Auletes with an army (Dio 39.15.1-3; Cic. Fam.1.1.3; 1.4.2; 1.7.4). The senate voted to accept the prohibition, which seemed likely to ensure that Pompey would not gain command of an army, even if he managed to obtain the commission (Cic. QF.2.2.3). Pompey believed that Cato was prompted by Crassus (QF.2.3.4), and Cato's conduct generally, from his hostility to Pompey in late 59 to his part in delaying the elections in 56 in the interests of Pompey and Crassus, has already been argued to be most consistent with that of a friend of Crassus. Crassus proposed that three men be chosen from those currently holding imperium (Fam.1.1.3), thus excluding himself, but not Pompey. He seems however to have put up little fight for his proposal, and withdrew it in favour of a motion by Bibulus that three men should indeed be chosen, but from those not holding imperium (Fam.1.2.1-3; 1.4.1-2; QF.2.2.3).<sup>(18)</sup> Crassus' proposal would seem to have been nicely judged. It enabled him to claim to have tried to act in Pompey's favour, but even if it had won acceptance,

such a commission, without an army, and with two equal colleagues, cannot have been what Pompey wanted. Cato later brought in a bill formally to deprive Spinther of the task, and indeed to recall him from his province (QF.2.3.1). That this was not designed to help Pompey is clear from Cato's hostility towards him. It is more likely that Cato aimed to ensure that the Sibylline oracle was obeyed. It could also be significant that Spinther had been the chief agent of Cicero's return. Milo and Sestius, who had provided the force to make this possible, were now being prosecuted at Clodius' instance. Cato, who was working closely with Clodius, may well have intended to punish Spinther for his part in the matter.

Crassus was present at both the trial of Milo and that of Sestius. His role at the former is unclear. Cicero writes, "Is aderat tum Miloni animo non amico" (QF.2.3.2). The translation of this sentence depends on how it is to be punctuated. If a comma is placed before "Miloni", the meaning would be that Crassus was then present, but was hostile. If the comma is placed after, this would suggest that Crassus was officially speaking for Milo, but in fact wished him ill.<sup>(19)</sup> The latter reading has found more favour, and does seem more natural Latin; to end a clause thus with "tum" does not feel very Ciceronian. Either would suit the situation admirably, since it was while this trial was being conducted that Clodius attacked Pompey, and urged that Crassus be sent to Egypt (QF.2.3.2). Pompey then declared that Crassus was conspiring against him (QF.2.3.3-4). That, despite this, Crassus may have been ostensibly supporting Milo is suggested by the fact that his support is attested a little later for Sestius (Schol.Bob.125 St;cf.Cic.Sest.48). Just as Crassus' motion concerning the restoration of Auletes was ostentatiously not exclusive of Pompey, so too he fulfilled the letter of his alliance with Pompey by

speaking for Sestius, and probably for Milo. When the time came for a reconciliation, Crassus could show that he himself had behaved entirely correctly. He could not be expected to take responsibility for the actions of Clodius or Cato. If, as seems likely, the cases of Milo and Sestius were in many respects similar (cf. Cic. Vat. 41), there is good reason to suppose that Crassus' presence among Sestius' defenders may have been quite as insincere as his earlier appearance for Milo. Crassus also spoke for M. Caelius Rufus (Cic. Cael. 18, 23). Despite assertions to the contrary, however,<sup>(20)</sup> this case cannot be seen in the same light as those of Milo and Sestius. Caelius, although here attacked by Clodiani, had himself earlier prosecuted L. Calpurnius Bestia (Cael. 76), yet another of those who had been involved in violence on Cicero's behalf in 57 (QF. 2.3.6). Caelius had ties with Crassus (Cael. 9), and, although the Claudii, whose hostility towards him may stem from his broken-off affair with Clodia, used the occasion to attack Pompey, there are many factors in the case which prevent it from fitting the pattern of other contemporary prosecutions.<sup>(21)</sup>

It must again be considered how far these attacks on Pompey and his followers will have suited Crassus, and also what connection can be found between these and Pompey's attacks on Caesar. It has been suggested above that Pompey's corn commission may not in fact represent an outright triumph for him. The rejection of Messius' bill, and the blocking of Pompey's aspirations to restore Auletes, may have caused him considerable frustration. Any attempt he may have made to improve his relations with the optimates would seem to have been anticipated by Crassus. Crassus cooperated with Bibulus over his Egyptian motion, and Pompey believed that Crassus and the optimates were joined in support for C. Cato and Clodius (Cic. QF. 2.3.4). Certainly both Hortensius (Att. 4.3.3) and M. Cato, newly

returned from Cyprus (MRR2.211), defended Clodius against attacks from Pompey's quarter. Pompey's unpopularity in the senate can be seen in the verdict at the trial of Clodius' adherent, Sex.Cloelius. He was acquitted on the strength of the senatorial votes, hostility towards Pompey being cited as the reason (Cic.QF.2.4.6).<sup>(22)</sup> Pompey had, therefore, little room for manoeuvre. Although he could not win acceptance from the boni, he could join them in attacking Caesar. He had tried to assail Clodius, and had failed. Crassus himself was probably far too well defended for any direct attack to succeed, but Caesar was perhaps the weakest link in those defences. That Caesar seems to have moved closer to Crassus since 59 may be shown by the presence of his staff of P.Crassus and C.Claudius, by the help given to Clodius in 58 by L.Piso, and in 56 by Vatinius. Caesar was vulnerable to attacks both on his legislation and also on his command. Crassus could not afford to let Caesar fall. He was a valuable ally against Pompey, and while he commanded in Gaul, his army was a useful threat.

It is unlikely that Pompey was himself keen to see Caesar's downfall, but he needed to provoke a reaction, and to show that he was strong enough to do damage. Crassus may have hoped at least after it became apparent that Pompey could not be crushed, that Pompey would approach him with suggestions for a revival of their alliance. Such was not, and never had been, Pompey's style, but, by the desperation of his move against Caesar, he showed a state of mind that would be receptive to any such suggestions. It was essential to Pompey's self-image that he be able to convince himself that he was in command of the situation. Others could approach him with invitations. It would have been too dangerous to call Pompey's bluff. His vanity might have caused him to go on. Crassus never minded being the first to make an approach. He had perhaps more confidence in his own and

his family's dignity, and did not need to insist on it. He had approached Pompey in 71, had taken the lead in their public reconciliation in 70, and had probably proposed an alliance in 62. He now hurried to Ravenna to see Caesar, and the two men then invited Pompey to join them at Luca (Cic.Fam.1.9.9;cf.Plut.Cr.14.5;Pomp.51.3;Caes.21.3;Suet.Iul.24; App.BC.2.17).<sup>(23)</sup>

Caesar's was the weakest position. Without Crassus' help he would almost certainly fall to a combined attack by Pompey and the optimates. His legislation reversed and his command diminished, he would undoubtedly succumb to prosecution. He needed security in Gaul and his laws left unmolested. To be sure of these he would give his support to any demands by his allies. Pompey had met obstruction and abuse at almost every turn for two years. He sought relief from that. Crassus wanted more. Just as he had received least in 59, now he asked for most.

Precisely what was decided at Luca is not clear. The ultimate consequences of the conference included the second consulship of Crassus and Pompey, their provincial commands, and the extension by a law, rather than a senatus consultum, of Caesar's command in the Gauls. It has been asserted that none of this was decided at Luca, but only the abandonment of Cicero's attack on the lex Campana and the blocking of any move to replace Caesar. Certainly these two matters must have been decided. They were urgent, and were speedily implemented. Cicero was silenced over the lex Campana (Cic.Fam.1.9.9-10), and then employed to help defeat the proposal to declare Gaul consular for 55 (Cic.Prov.Cons.passim). Another immediate consequence was probably Clodius' reconciliation with Pompey (Cic.Har.Resp.51-2;cf.Dio 39.29.1-3).

That a second joint consulship for Crassus and Pompey was agreed upon at Luca is a more hotly disputed point, despite the explicit statements of

Appian, Suetonius, and Plutarch (loc.cit.). The reason for this doubt is that Pompey and Crassus seem not to have made their "professio" by the appointed day, but to have decided to stand only belatedly. Dio writes that when they began to canvass, "ἔξω τῶν χρόνων τῶν ἐν τοῖς νόμοις διεληγμένων" the consuls, particularly Marcellinus, made it plain that they would not permit it (39.27.3). This must mean that they had failed to enter their names in time, and that Marcellinus exercised his prerogative and declined to reopen the lists, just as Volcacius had done in 66 with Catiline (Asc.89C; Sall.Cat.18). They therefore had C.Cato and others put off the elections until they might be held at the beginning of 55 by an interrex, who would of necessity open fresh lists.

The meeting at Luca took place around the middle of April. The elections would normally have been held in July. If the candidacy of Crassus and Pompey had been decided upon at Luca, there was certainly plenty of time for them to enter their names legitimately. Why did they not do so? Dio, whose account does not include any mention of Luca, says that they had been supporting other candidates (39.27.2). This is possible, and would be consistent with other evidence. Cicero writes, later in the year, that L.Domitius Ahenobarbus is being deprived of his consulship, destined from his birth, by the same people who had caused Cicero's exile, presumably the triumvirs. He goes on to say that Domitius has no competitors, or at any rate only one (Att.4.8a.2). This could tie in with Plutarch's statement that most of the other candidates withdrew when Crassus and Pompey decided to stand (Cr.15.4). Cicero seems to suggest that Domitius' deprivation was unexpected, but the unexpected factor could be the tactic of delaying the elections for the whole of the remaining part of the year.<sup>(24)</sup>

It could be that the triumvirs' plans at Luca included the provincial dispositions later effected, but not the consulship. It is perhaps worthy of note that none of Pompey's previous commands, of which six may be counted including the corn commission, had come to him out of a regular magistracy. He had of course only held the consulship, after which he did not take a province. The same was true of Crassus, whose imperium against Spartacus was invested in him as a privatus. In view of the hostility aroused by the idea of their second consulship, even perhaps among their own allies, as the queue of praetorians lengthened, it would seem unlikely that it formed part of their original plans (Livy.Per.105; Plut.Cr.15.4; Dio 39.28.1-31.1). Plutarch's account of their prevarication when questioned by Marcellinus about their intentions contains no indication of whether this took place at a time when they could legally have given in their names (Plut.Cr.15.2-3; Pomp.51.4-5), but Dio associates the questioning with the senatorial reaction to C. Cato's repeated obstruction of the elections (Dio 39.30.1-2). This would seem to confirm the impression that, until shortly before the elections were originally due, Pompey and Crassus had no intention of standing. The reason for Cato's obstruction may only later have become apparent to their enemies. It may be that they had come to realise that no candidate they could put up stood any chance against Ahenobarbus. Who these candidates may have been is uncertain. The following year Pompey was hoping to secure the consulship of 54 for T. Ampius Balbus (Schol. Bob. 156 St; cf. Cic. Planc.25), who was certainly eligible a year earlier (MRR2.188, 197). Q. Arrius may still have been considered, or L. Lucceius, C. Pomptinus, or Cn. Tremellius Scrofa, Crassus' quaestor in 71 and probably praetor by 58 (MRR2.195). The possibilities are numerous, but it is unlikely that any candidate could have been found strong enough to beat Ahenobarbus. It

has been suggested that it was this fear of Ahenobarbus' strength that led Pompey and Crassus to have the elections delayed so that they might be free of the influence of a hostile president in Marcellinus, and so that Caesar's troops could be brought to help. It is, however, more likely that they decided too late that they wished to stand, and so were obliged to resort to the tactic of delay in order that they might legally stand at all.

It is thus possible that the plan at Luca was to have supporters of the triumvirate elected to the consulship, and by their aid to obtain the agreed provinces. It is sometimes argued that the precise details of these provincial dispositions cannot have been finalised at Luca, or indeed for some time after. Cicero writes, on 27 April 55, of Pompey, who is "sibi displicens ut loquebatur...Syriam spernens, Hispaniam iactans, hic quoque ut loquebatur" (Att.4.9.1). The inference sometimes drawn is that the question of the provinces was still undecided. It is suggested that "iactans" either be translated as "boasting", or else emended to "laetans". Since this would not fit a picture of Pompey "sibi displicens", it is then argued that, at the time of the letter, Pompey was due to get Syria and Crassus Spain, and that Pompey wanted to change. It is hard to see however what Crassus could want with Spain. It was an unlikely place from which to establish a military reputation and a power base. It had not been a consular province since the Sertorian War, and indeed Cn.Piso a quaestor had been sent to govern Nearer Spain in 65.<sup>(25)</sup> Crassus' invasion of Parthia shows that he wanted an active command. Pompey was content to govern Spain in absentia through legates. His army in Spain was there to provide a degree of security to balance the forces of Caesar and Crassus. He had no interest in using it to achieve further glory. It is much more likely that Pompey was, in his conversation with Cicero,

simply grumbling in his usual fashion about the responsibilities the state insisted on heaping onto his unwilling shoulders. Perhaps out of force of habit he was grumbling on Crassus' account too.

Each of the members of the triumvirate has been credited with having emerged from Luca with the lion's share of the spoils.<sup>(26)</sup> As ever the question is bedevilled with hindsight. Crassus' failure and death are treated as though they were known to be probable in 56, and his command accordingly treated as a potentially fatal sop thrown to the least significant one of the three, a bauble to keep the old man quiet. Crassus was much more formidable than that. Despite the fact that he had not commanded an army for many years, his military reputation will have stood probably higher than Caesar's had when he left for Gaul in 58. His success in the East must have seemed likely. Crassus returning, backed by a powerful and successful army, would have been doubly formidable. Without it he had more than held his own in Rome. In agreeing to Crassus' command, Pompey must have been sacrificing at least some of his own influence with his Eastern clients.<sup>(27)</sup>

In view of the fact that Caesar had shown himself before Luca more friendly to Crassus than to Pompey, the latter's command in Spain can be seen as only a partial balance to the power of his colleagues. Later Caesar's army of Gaul proved able to take on both Pompey's Spanish legions and the army he gathered in the East. After Luca Pompey was certainly weaker militarily than a possible combination of Caesar and a returning Crassus. He was left alone in Rome, but it would seem, paradoxically, that in the past his influence there had always been stronger when he was away. He had nevertheless a measure of security. Caesar was free to continue unimpeded in Gaul. When civil war broke out his strength was greatly underestimated, and the efficiency of the fighting machine he had

forged in Gaul, unappreciated. In 56, with only two seasons' campaigning behind him, this must have been still more the case, despite the spectacular successes of those years.

That Pompey may have been uneasy at the concessions he had made, can perhaps be seen in Gabinius' restoration of Auletes in 55 (Cic.Att.4.10.1; Dio 39.56.3-58.3). It is possible that Pompey encouraged Gabinius to take this action, in order to forestall any attempt on Crassus' part to gain influence in that corner of the Mediterranean.<sup>(28)</sup> Crassus was angry and attacked Gabinius (Cic.Fam.1.9.20), but was probably persuaded by Pompey that Parthia still remained, a much more worthwhile target for his military operations. Crassus therefore left off his attacks on Gabinius, and indeed abused Cicero who had also denounced Gabinius (Cic.Fam.1.9.20; Dio 39.60.1). Nevertheless ill feeling persisted, and Gabinius proved uncooperative in giving up his province to Crassus' legate. Although it is sometimes asserted that an interest in the Syrian publicani, ill used by Gabinius (Cic.Prov.Cons.9-17), may have been a factor in Crassus' quarrel with him, Egypt seems a much more likely cause. Crassus had shown a consistent interest in Egypt, in 65 when censor, in 63 through Rullus, and possibly in 56 when Clodius had noisily suggested Crassus as the man to restore Auletes (Cic.QF.2.3.2). It is indeed possible that Crassus' original reason for choosing Syria was to enable him to deal at last with Egypt. One source actually includes Egypt in his command (Plut.Cat.43.1; cf.Dio 39.33.2; App.BC.2.18). Pompey's and Crassus' meeting in 55 to discuss the affairs of the publicani (Cic.Att.4.11.1) need not have been of peculiar concern to Crassus. As has been shown, the supposed link between Crassus and the publicani depends entirely on his support for those farming the Asian taxes in 61.<sup>(29)</sup>

It would seem, therefore, that Crassus may well have deliberately

engineered the crisis in the triumvirate that led to Luca, by leaving Pompey no alternative but to attack Caesar. Crassus certainly came out of the conference potentially much stronger than before.

Chapter X

After Luca

In view of the transitory nature of their several previous reconciliations, it is perhaps surprising to find that Pompey and Crassus seem genuinely to have cooperated throughout their second consulship (cf. Cic. Att. 4.11.1). Even Crassus' quarrel with Gabinius (Cic. Fam. 1.9.20) does not seem to have disturbed his good relations with Pompey, and though it led to a violent clash with Cicero, Pompey smoothed over this too. Just before Crassus left for Parthia, late in 55, he was a guest in Cicero's house. He left "paene a meis laribus" (ibid; cf. Plut. Cic. 25.4). Cicero's private feelings were, however, unchanged .... "O hominem nequam" (Att. 4.13.2).

Once they had entered office, Pompey and Crassus contrived to secure, with some difficulty, the elections of their own adherents to the other magistracies (MRR 2.214; Dio 39.32.2-3).<sup>(1)</sup> A quantity of legislation was enacted during the year, little of it with any obvious political motivation. Pompey carried a law ensuring that all jurors had a high census rating, and Crassus the lex Licinia de sodaliciis, which concerned itself with electoral corruption (MRR 2.214-5). There has been a deal of debate concerning Crassus' motives for the special feature of this law, which provided that jurors judging offences under it were selected from only five tribes, chosen by the prosecutor, while the defendant could challenge one of these but no individual jurors (Cic. Fam. 8.2.1; Schol. Bob. 152, 160 St.). It has been argued that Crassus' purpose was to render judicial bribery easier, as only five tribes would have to be bribed.<sup>(2)</sup> This is to confuse the bribery in elections, which was the offence with which the law was concerned, with the bribery in the trials resulting from the elections. If an election were limited to five tribes, bribery in that election would indeed be easier, but one did not bribe whole tribes before a trial.

The law was simply designed to achieve a more impersonal and random selection of juries.<sup>(3)</sup>

Crassus and Pompey also proposed a sumptuary law but were persuaded to drop it by Hortensius (Dio 39.37.2-4). There is no reason to suppose that this, any more than their other measures, was designed with a view to securing any political advantage.<sup>(4)</sup>

A tribune, C. Trebonius, was charged with the responsibility for effecting the provincial dispositions, which, it has been argued above, were probably agreed at Luca (MRR2.217). He did not, however, carry out the agreed policy of extending Caesar's command in Gaul and confirming his tenure of the Transalpina by a law. This was done by Pompey and Crassus themselves in a lex Pompeia-Licinia (Dio 39.33; Caes. BG. 8.53). Various explanations have been advanced for the separation of Caesar's command from those of the consuls,<sup>(5)</sup> but it is most likely that Pompey and Crassus wished publicly to put their full authority behind Caesar's command. They could not, however, confer commands on themselves, and so this had to be left to a tribune.

Opposition to the triumvirate in 55 was vigorous but ultimately ineffectual. Domitius stood against them with Cato's support (Plut. Cr. 15.2-5; Cat. 41.2-5; Pomp. 52.1-2; App. BC. 2.17), and Cato himself stood for the praetorship (Plut. Cat. 42.3), but both were unsuccessful. The tribunes had presumably been elected in 56, when affairs were far less completely within the control of the triumvirs, and they included two opponents, P. Aquillius Gallus and C. Ateius Capito, who both opposed the passage of the lex Trebonia.

It would seem that Crassus, having secured at Luca the potential for acquiring the position he had long been seeking, may at last have encountered some of the odium he had before been so careful to avoid. In

59 Pompey and Caesar had been the targets for the attacks of the boni. In 55 Crassus seems to have borne the brunt of the struggle. This may show that there was a general recognition that he was in fact now the strongest member of the alliance. He certainly showed a more wholehearted commitment than in 59, even exchanging blows with an opponent in the forum (Plut.Comp.Cr.et Nic.2.2), and threatening violence to the two hostile tribunes, who tried to interfere with the arrangements for his Eastern command (Dio 39.39.2-5). He nevertheless continued to cultivate his other political connections. It was probably in 55 that his elder son, Publius, married the daughter of Metellus Scipio, who was almost certainly one of the successful triumviral candidates for the praetorship of this year (MRR2.215; see Appendix A). Publius Crassus is likely to have been elected to the augurate in this year, replacing L.Lucullus who died about the end of 57. Such elections usually came just after the regular consular comitia. There had not been any in 56, and so the elections early in 55 at which his father was elected consul and at which he himself was certainly present (Dio 39.31.2), probably saw P.Crassus' election as augur.<sup>(6)</sup>

The hostility of two of the tribunes has been mentioned. It is hard to gauge the degree of general unpopularity incurred by Crassus in connection with the levy of his troops and with his departure for the East. The later sources have been shown to be not a little suspect in their account of the circumstances surrounding Crassus' last day in Rome.<sup>(7)</sup> It is certain that Ateius did try to stop Crassus leaving by announcing bad omens (Cic.Div.1.29-30). That he cursed him, or tried to arrest him is rather less certain. Cicero mentions that Crassus' departure was not especially dignified, but certainly gives no indication that anything untoward had happened (Cic.Att.4.13.2). Indeed he would not have boasted

that Crassus had left "paene a meis laribus", if the departure had been associated with any disgrace (Fam.1.9.20). That Pompey did accompany Crassus to the city gates is likely, but is more likely to be a gesture of courtesy and friendship, than a revelation of Crassus' weakness and unpopularity. As often happens, hindsight makes it impossible for some writers to avoid bringing in the colouration of the outcome of an event when describing its beginning. Thucydides avoided this when he described the departure of the Athenian fleet to Syracuse. Lesser writers could not.

The triumvirs must, at least after Luca, have taken thought to the preservation of their influence after 55. Cicero wrote in 56 that Pompey was suspected of having long lists of future consuls (Att.4.8a.2). Pompey seems to have supported T.Ampius Balbus for the consulship of 54 (Cic.Planc.25; Schol.Bob.156 St.), but Ahenobarbus and Ap.Claudius were elected. One at least of these men must have been unwelcome to the triumvirs. There is no reason to suppose that they had changed their minds about the undesirability of Ahenobarbus' consulship, but, as was observed above, it would seem that in 56 they had realised that he could only be stopped by their "first team". They must have been resigned to the prospect of his success in 55. Ap.Claudius' position is different. He seems to have been actually present at Luca (Cic.QF.2.4.6; cf.2.15a.3), and it has been asserted that he was a triumviral candidate in 55, and that he cooperated with the coalition during his consulship.<sup>(8)</sup> One piece of evidence cited for this view is the marriage alliance, whereby Appius' daughter married Pompey's son, which some would place in 54.<sup>(9)</sup> Dio describes Appius in that year as "προσηκων" to Pompey (39.60.3), but Cicero makes no reference to the alliance until 51 (Fam.3.7.5). Early in 54 he was on sufficiently friendly terms with Caesar and Pompey to arrange

a post on Caesar's staff for the Pompeian C. Messius (Cic. Att. 4.15.9; cf. QF. 2.15a.3), and in February he helped Gabinius to avoid censure by filling up the comitial days, while Domitius was hostile (Cic. QF. 2.13.2). Later in the year, however, he organised the prosecution of M. Scaurus, then Pompey's consular candidate (Cic. Scaur. 31-6; Att. 4.15.7; Asc. 19, 28C), and then turned and attacked Gabinius (QF. 3.2.3; Dio 39.60.3).

These two instances of a change of attitude would seem to concern the consular elections for 53, which will be discussed below. More puzzling is the account, in his letter to Crassus, of Cicero's defence of Crassus against the attack of the consuls and many consulars (Cic. Fam. 5.8.1). The date of this letter is uncertain, though it is generally assumed to have come early in 54. The only clue seems to be the implication that both of Crassus' sons were at that time in Rome (Fam. 5.8.2,4). Publius joined his father in Syria in the winter of 54/3 with a body of Gallic cavalry (Plut. Cr. 17.4,6). Marcus served under Caesar in Gaul in 54 as quaestor (Caes. BG. 5.24.3; 46.1; 47.1). These considerations make it likely that the letter was written well before the summer of 54, since the early months of that year would best suit the movements of the young Crassi.<sup>(10)</sup> On the other hand such a date does not seem to fit with the indications that Appius started the year friendly to the triumvirate, but changed his attitude later. It would be surprising if, before breaking with Pompey, Appius should have attacked Crassus, the triumvir with whom he may well have had the better relations. It is interesting to note that, as censor in 50, Appius gave a nota to C. Ateius Capito for falsifying omens in his attack on Crassus in 55 (Cic. Div. 1.29). It has been suggested that Appius did this because Ateius' curses were thought to have produced the national disaster of Carrhae, rather than out of any feeling for Crassus. It has been pointed out above, however, that Cicero's account refers

merely to Ateius' pronouncement of dirae, and says that Appius censured him for their falsity. Ateius, therefore, was not held responsible for the disaster in 53, but rather punished for having been a nuisance to Crassus in 55.

In the famous letter to Spinther, Cicero mentions his good relations with Caesar and with Appius in such a way as to imply that there was a close connection between the two friendships.... "me cum Caesare et cum Appio esse in gratia" (Fam.1.9.4). Later in the letter, after an apology for his eulogy of Vatinius, Cicero tries to explain why he has defended Crassus in the senate (Fam.1.9.20). There is a definite impression that, in all these apologies, there is the common theme of subservience to the post Luca coalition. Appius is part of this pattern, and there is no suggestion of any break between him and Crassus, or between Crassus and his partners. A further indication of good relations between Crassus and Appius may be the latter's support of Pomptinus, still awaiting his triumph and opposed by the Catonians (Cic.Att.4.18.4; QF.3.4.6; cf. Dio 39.65; Cic.Pis.58).

It would therefore seem surprising, in the face of all these indications to the contrary, to find Appius apparently engaged in an attack on Crassus, early in 54, and in association with his colleague. It is possible that the text of Cicero's letter referring to the attack is not above suspicion. Appius is not named, and his involvement is indicated by the use of the plural "consulibus" in the phrase "Nam et cum consulibus et cum multis consularibus". "Consulibus" could have been corrupted from "consule" by the parallel with "consularibus". On the other hand Appius was notorious for his pride, his Appietas, and may have taken offence, perhaps temporary, at Crassus' attitude towards the King of Commagene

(QF 2.11.2). The Claudii had a considerable interest in the East, as P.Clodius had shown in 58.<sup>(10A)</sup> It is possible, but unlikely, for the reasons given above, that Appius was already considering an alliance with Pompey.

The prosecution of Scaurus is usually accepted as being a move on Appius' part to further the consular aspirations of his brother Caius, since there could not be two patrician consuls (Cic.Scaur.31-7; Schol.Amb. 275 St.). By the time the trial came off Caius' candidacy had apparently been dropped (Cic.Scaur.35), but the prosecution went ahead, presumably now in the interests of Appius' new coitio with his colleague and the two plebeian candidates. Inevitably such a prosecution involved a clash with Pompey, who, to start with at least, was backing the candidacy of Scaurus, his adfinis and former quaestor. The list of those who spoke for Scaurus is long and distinguished, and defies all attempts to include this case with those that manifest a confrontation between the triumvirs and their enemies, or to detect in it dissension within the triumvirate.<sup>(11)</sup> Among those ranged on Scaurus' side were Pompey, Cicero, C.Cato, P.Clodius, L.Piso, representing among them all three triumvirs. Also speaking for him were Hortensius and L.Philippus from among their enemies. There were many others of great distinction, including the interesting figure of C.Memmius, son of the consular candidate and of his recently divorced wife Fausta, Scaurus' half-sister (Asc.28C). This accords with the support, attested by Cicero, of Caesar and Pompey for Scaurus and Memmius. If, by the time of the trial, the compact had been made between Memmius, Calvinus, and the consuls, it would be hard to see why Memmius' son should be defending his father's rival against an attack instigated by his father's ally. Although Cicero learned of the pact by late July (Cic.Att.4.15.7), it was not officially revealed until later. It may be

that in the interval Memmius was obliged to be seen to conform to his earlier association with his adfinis, Scaurus. From the mention of P.Triarius as a possibility for a subsequent prosecution of Scaurus, after the revelation of the pact and its ensuing break-up (Cic.Att. 4.17.5), it can be seen that opposition to Scaurus was not confined to those who wished to further the interests of Memmius and Calvinus. Triarius was a close associate of Cato, and unremittingly hostile to Scaurus (Asc.19-20,28-29C).

Of the other candidates in 54, M.Messalla Rufus needs least attention. A nephew of Hortensius (Val.Max.5.9.2;Cic.QF.3.9.3), his consulship was an unwelcome prospect for Pompey in 55, and was no more attractive in 54 (Cic.Att.4.9.1;4.15.7).<sup>(12)</sup> That Cicero needed to reassure Caesar about Messalla when his consulship seemed inevitable (QF.3.3.2;3.8.3) suggests that Caesar shared Pompey's doubts. C.Memmius, like Scaurus, looked to Pompey for support (Cic.Att.4.16.6). This might seem a reversion to an old loyalty. Memmius is thought to have supported Pompey in the 60s, the evidence cited being his attacks on the Luculli (Plut.Cat.29.2-4;Luc.37.1-2; Cic.Att.1.18.3). Memmius' cousin was a close friend of Pompey, and married his sister. Memmius himself however was clearly hostile to Pompey and Caesar in 58, as was Pompey's nephew, tribune in 54, who showed himself hostile to Gabinius. It has been argued above that ties between the Memmii and the Curiones, and between the latter and the Claudii Pulchri, may well have been of great importance in determining political attitudes throughout the years considered in this study (see pp.65-6). The pattern shown by their attitudes has been seen as best explained by the association of P.Clodius with Crassus. It is possible therefore that C.Memmius, the consular candidate, may also have come back to his original friendship with Pompey after the conference of

Luca. Calvinus' position is the most ambiguous. As tribune in 59 he had helped Bibulus in his sky-watching (MRR2.189), but it is not clear at what point he had helped the opposition to Caesar's legislation, and whether this was at the time of Caesar's first land bill, which Crassus supported, or possibly later, at the time of the lex Campana, when Crassus was at odds with his colleagues. It has been suggested that in his praetorship in 56 Calvinus was a "firm conservative",<sup>(13)</sup> but the evidence cited all refers to his tribunate in 59, and there is in fact no indication of his views at that time. It would seem certain that he was not in 54 supported by Pompey, at least initially, since Pompey was clearly backing both Memmius (Cic.Att.4.16.6) and Scaurus (Att.4.15.7). Cicero carefully distinguishes between Memmius' support, and that of Calvinus, who "valeat amicis" (Att.4.16.6). Caesar certainly supported Memmius (ibid; cf. Suet.Jul.73). His attitude to Scaurus is unattested.

Equally unknown, but highly relevant, is the attitude of Crassus to the election. It is often supposed, albeit tacitly, that Crassus, who left Rome in November 55, and met with disaster and death in June 53, was, to all intents and purposes, dead from the moment he left. To those alive in Rome in 54 Crassus must still have been a figure of great political significance. He did not begin his serious invasion of Parthia until 53. In 54 he could have kept in touch with events in Rome. Pompey in the 60s had, through supporters in office and other agents, maintained to a remarkable degree his influence on the political scene. Indeed Pompey himself must have been constantly aware of the possibility of Crassus' triumphant return, and of the close relations between Crassus and Caesar. It was therefore in his interests to see that the alliance held and that his allies were not offended.

Just as Pompey had, while in the East, taken a close interest in the

elections, so Crassus will have been concerned in 54. One cause of the earlier friction in 59 had been the throwing over of Arrius, Crassus' man, in favour of L.Piso and Gabinius, men close to Caesar and Pompey respectively. In 54 Pompey supported Scaurus and Memmius, the former certainly his own man, the latter not obviously so, but, as has been seen, possibly closer to Crassus. At all events Caesar too supported him.

The infamous pact was made between the consuls, on the one hand, and Memmius and Calvinus, on the other. The first mention is a cautious and undetailed reference by Cicero, writing about 27 July 54. It is interesting to observe that despite the fact that news of the agreement had leaked out, it seems to have been still in force. Cicero writes that Messalla "languet" because of the "coitio consulum" and because of Pompey. Before this he writes, "Memmium Caesaris omnes opes confirmant. Cum eo Domitium consules iunxerunt, qua pactione, epistulae committere non audeo. Pompeius fremit, queritur, Scauro studet, sed utrum fronte an mente, dubitatur" (Att.4.15.7). The natural inference is that Pompey is angry because of the pact, has turned against Memmius, and at least appears to be backing Scaurus. Caesar's support for Memmius is confirmed but it is not clear whether Caesar has any knowledge of the pact.

Pompey's anger and abandonment of Memmius become less certain when it is seen that two months later Memmius read out the text of the pact to the senate "auctore Pompeio" (Att.4.17.2). If Pompey was estranged from Memmius, how could he persuade him to make his revelation? If he was close to him, why should he do so? The revelation seems to have delivered a death blow to Memmius' chances but not to those of Calvinus. If Pompey is to be supposed in earnest about his support for Scaurus, the creation of the pact must have been against his interests, unless he always meant that it should be revealed to the discredit of the

signatories. Ahenobarbus and Memmius were the casualties, but it is not certain that they were the expected casualties. No conclusions can be definitely asserted. Ahenobarbus was a serious enemy of the triumvirate, particularly in view of his hereditary feud with Pompey. As Cato's close ally and brother-in-law, he can have had little love for any of the triumvirs, and yet he joined in this pact. His motive seems to have been his desire for a province. When, proposing to stand for the consulship of 55, he announced his intention of replacing Caesar in Gaul, he did so not only out of hostility towards Caesar, but also in furtherance of his own ambitions.<sup>(14)</sup> Most candidates sought the consulship, less for the power it brought, than for the dignity of having held it, and for the provincial command which might follow it and which usually brought great profit both financially and in terms of influence. It may be that the triumvirs, after failing to prevent Ahenobarbus' election at the second attempt, could have contrived to prevent his going to a province, or at least to one he wanted, perhaps Macedonia. Something of the sort seems to be the case with Appius, to whom Cilicia had been allotted, but who had failed to secure the appropriate ornatio and curiate law. Spinther was proconsul in Cilicia in 54, and it may well be his friends that were blocking Appius (Cic.QF.3.2.3;Fam.1.9.25;Att.4.18.4). It has been shown that it is of Ahenobarbus that Cicero wrote to Spinther as "ille perennis inimicus amicorum suorum" (Fam.1.9.2), who had turned on Spinther all his malice, and was now, by the disclosure of his deeds, bereft of all reputation and independence. The treachery referred to is presumably Ahenobarbus' support, promised in the pact, for Appius' attempts to secure the province and replace Spinther.<sup>(15)</sup>

Appius had already joined the pact and attacked Scaurus, but when he attacked Gabinius all were surprised by what amounted to an attack on

Pompey himself (Cic.QF.3.2.3). It is possible that he was angry at Scaurus' acquittal, but it is more likely that Pompey's responsibility for the publication of the pact was the principal spur for his hostility.

Ahenobarbus' and Appius' desire to secure their provinces may provide a partial explanation for their participation in the agreement, but there are other, more specifically political, explanations that must be considered. It has been suggested that Pompey engineered the whole thing with a view to discrediting his enemy, Ahenobarbus, and so disturbing affairs that there would be a demand for a dictatorship.<sup>(16)</sup> Other than the actual outcome over a year later, when there was still an electoral impasse, and when, moreover, news of Crassus' death must have had an effect, there is little evidence for this view. One small hint may be contained in Cicero's cryptic allusion to a friendship between Ahenobarbus and Lucilius Hirrus (Att.4.16.5). Hirrus was Pompey's cousin, and a staunch enough supporter for the notion of independent action on his part to be incredible (QF.3.8.4). Pompey's involvement in Memmius' disclosure does not, however, prove that he knew or approved of the pact at its inception. His displeasure, referred to by Cicero in his first mention of the affair, could have been occasioned either by the existence of the pact or by its becoming public knowledge, but the former seems more likely.

That the ultimate outcome of Memmius' disclosure was not predictable is shown by the fact that Memmius made it, and that, even after making it, he continued to hope, vainly, for Caesar's support and for the consulship (Cic.QF.3.2.3;cf.3.8.3). Caesar was in fact angry at the "enuntiatio", and Memmius had lost all chance (Att.4.17.3). Memmius then proposed to prosecute Calvinus (Att.4.17.5;QF.3.2.3), who seems to have lost no favour through the disclosures (Att.4.17.3). It has been suggested that it was

in fact C. Memmius, the tribune of 54, who was to prosecute Calvinus. Cicero is however generally careful to make it clear to which man he is referring. The context of Att.4.17.5 makes an unannounced shift to the tribune very difficult to accept. In QF.2.3.2 it is inconceivable that two Memmii are meant.... "a Memmio Domitius, a Q. Acutio... Memmius (postulati sunt)". It is perhaps significant that Calvinus later voted openly for Gabinius' acquittal (QF.3.4.1). Pompey had quite abandoned Scaurus by November 54 (QF.3.8.3), and it seems that Pompey may well have come to some agreement with Calvinus.

The inception of the agreement between the consuls and the two plebeian candidates is still obscure, but various clues may permit a tentative conclusion. It has been seen that Memmius' candidacy may have been acceptable to all three triumvirs. Caesar and Pompey backed him, and there are reasons for supposing him at least as close to Crassus. Scaurus, on the other hand, may have been less welcome to Crassus and Caesar. He may perhaps be considered Pompeian rather than triumviral. Appius launched an attack on him, initially in the interests of his brother Caius, and when Caius' candidacy was no longer possible, Appius may have looked elsewhere. Calvinus seems to have been a man with powerful connections, but not perhaps closely involved with the boni. Cicero contrasts Calvinus, who was strong in friends, with Messalla and his known strength, presumably that of Hortensius, his uncle, and the Catonians (Att.4.16.6). Appius will have had close ties with Memmius, for reasons already given, and also because the younger Curio, who was Memmius' nephew, was currently serving under C. Claudius in Asia (MRR2.224). Memmius himself had been a colleague of Ahenobarbus in his praetorship in 58, and had been associated with him in attacks on Caesar (MRR2.194). With the added lure of a province, it should not have been hard to

persuade Ahenobarbus to support his former ally. Calvinus too may have been acceptable to Ahenobarbus after his anti-Caesarian tribunate. Both Memmius and Calvinus may have shown their hostility to Caesar because of his then over-close association with Pompey. Once Caesar reestablished closer ties with Crassus, this may have ceased. Ahenobarbus too may, at this date, have still considered Pompey the principal enemy. Seen thus, it is possible that the affair was from the start designed to stop Scaurus, not just for the sake of C.Claudius, but because of Scaurus' attachment to Pompey. Failing C.Claudius, the flexible Calvinus would do.

The affair became known. Pompey was angry and reiterated his support for Scaurus. When Scaurus' hopes looked faint, Pompey put pressure on Memmius to read out the text of the compact. This may have been a fairly desperate attempt to shipwreck Calvinus, and, incidentally, the trouble-making consuls. Pompey may have thought that Memmius would recover some credit, or at least may have told Memmius so. When the results of the revelations were clear, Memmius was nowhere, and Calvinus and Messalla seemed all but home, since Scaurus' prosecution, even though he was acquitted, did sufficiently delay his canvass to give the others a start. Pompey, never one to harbour loyalty to any man whose usefulness seemed over, dropped Scaurus, and wooed Calvinus, who could accept his offers without betraying his earlier supporters. He could be friendly to Pompey, but not perhaps as dependent as Scaurus would have been.

It has here been suggested that the chief mover in the formation of the compact was Appius. It must remain uncertain whether he was working entirely for himself, or else perhaps partly as an ally furthering the interests of Crassus. P.Clodius actually spoke for Scaurus, but this need not betoken a breach between the brothers. Since Scaurus' hopes

could be effectively sabotaged without his actual condemnation and loss of caput, the prosecution does not seem to have been conducted with the heavyweight resources possible. Indeed P.Clodius' presence for the defence may have been designed to show that no risk to Scaurus was intended. He was simply not to have the consulship. Links with Crassus other than with the Claudii, and through them perhaps with Memmius, are not easy to discern. If Crassus was indirectly involved, he would seem to have been concerned that Pompey should not have in the consulship a man too closely tied to him. After Luca there is no evidence of any hostility between Pompey and Crassus, but Crassus may have been keen to preserve the status quo established then, and which inclined, as has been argued, rather in his own favour.

Caesar's attitude is shown only by his anger with Memmius and withdrawal of support from him, but it is interesting to observe that in 48 Calvinus was prominent on Caesar's side against Pompey (MRR2.277). It is possible therefore that Caesar, who had shown himself before Luca rather closer to Crassus than Pompey, and who certainly supported Memmius, but probably not Scaurus, may well also have been concerned with the pact. His relations with Appius seem to have been good.

The elections were held up for the remainder of 54 by the tribune Q.Mucius Scaevola (Cic.Att.4.17.4; QF.3.3.2). He went on to serve in the following year with Ap.Claudius in Cilicia. This might suggest that the delay was contrived to serve Appius' interests. It may have had some connection with his desire to make sure of going to his province. Scaevola could have held up the elections until Appius should obtain his ornatio and curiate law. A stalemate ensued. Appius received neither, and no elections were held. They were held up for at least half of the following year too. One possible reason is that Pompey may have hoped

for a dictatorship (Cic.QF.3.8.4;3.9.3;Att.4.19.1). This was resisted by the boni. At last, after a long interregnum, in the summer of 53, Messalla and Calvinus were elected. What broke the deadlock is unclear as Cicero's letters do not cover this period. The date of the elections is not certain. Dio puts them in July 53, and suggests that Pompey refused the dictatorship and took steps to have the elections held (40.45.1-46.1). Appian, however, implies that they were held in August or September and that Pompey was responsible for the delay (BC.2.19). It is surprising to find no mention in the sources of the arrival in Rome of the news of the disaster at Carrhae, but it is not impossible that it was in fact this that put an end to the petty political manoeuvrings. It was no moment for the state to be without consuls. Although nothing came of them, there were for several years fears of a Parthian invasion. There is in fact one indication that the elections did follow the arrival of the news from the East, and this is Cicero's election to the augurate in succession to P.Crassus. Such elections usually followed directly upon the consular comitia (Cic.Fam.15.4.13;6.6.7;cf.Att.10.8a.1;Plut.Cic.36.1). He was elected before the younger Curio returned from Asia (Cic.Phil.2.4) and before M.Antonius left for Gaul (Fam.8.3.1;2.15.1). Antonius did not leave until after Milo's trial in April 52 (Asc.41C), which would permit Cicero to have been elected in early 52 when Pompey became consul. Curio's date of return is unclear but was probably late in 53 or early 52. The general opinion is that Cicero was elected in 53.<sup>(17)</sup> If this was so, it would confirm that the comitia followed the news of P.Crassus' death. To fit in with Dio's date, the news would need to have travelled fast as Crassus died on 9 June (Ovid Fasti 6.465). Even Appian's more elastic indication would make the elections come hard on the heels of the news. It may well have been the shock of the news

that permitted the elections to take place. The favourites were elected. It may have been only after this that the political implications of Crassus' death were fully realised. With his removal from the scene the factional balances were disturbed, both within the triumvirate, and between it and its opponents, as many men must have had to consider fresh political ties. It could be for example that both Ap.Claudius and Q.Metellus Scipio now gravitated towards Pompey, and formed marriage alliances with him, precisely because Crassus with whom both had been associated was now dead. The break-up and dispersal of Crassus' faction may well be the cause of the imbalance that ultimately led Pompey to challenge Caesar. He had gained most from the auction of the political effects of his late partner.<sup>(18)</sup> The boni too, now that Crassus was no longer there as a possible if questionable ally against his triumviral colleagues were forced sooner or later to choose between Pompey and Caesar. Crassus' death caused many ripples.

Chapter XI      Some Conclusions

As was observed at the beginning of this study, there is a marked discrepancy in the ancient sources between various statements and assessments of Crassus' power and significance on the one hand, and on the other his apparent lack of involvement in and influence upon much of the recorded history of his time. In view of such statements as those of Velleius, Dio, and Plutarch, cited in Chapter I, his powers of invisibility are remarkable. Between his first consulship and his censorship he drops from the record almost completely. From 69 to 67 he is not mentioned at all. In 66 he is mentioned in passing as the man whom Manilius vainly claimed was behind his measure on the freedmen, as a supporter of C. Macer at his trial, and at the end of the year is said by Suetonius to have been involved in some kind of plotting that came to nothing. These were, however, the years of Pompey's accession to almost unprecedented powers, and of great political upheavals associated with his rise. It is inconceivable that a man, "mox rei publicae omnium consensu principem" (Vell.2.30.4), a man described by Cicero as "praepotens" (Fin.2.57), whose ambition was "in re publica princeps ... esse" (Off.1.25), should have taken no part in the events of these years. Again, from his appearance in support of Caesar's first land bill in 59 until his consular candidacy after Luca, his recorded public actions are very few: nothing in 58; in 57 he welcomed Cicero back to Rome; in early 56 he proposed a motion concerning the restoration of Auletes which was quickly dropped in favour of another, and he is briefly mentioned as speaking for Sestius, Caelius, and possibly Milo. Apart from these, all that can be found is that Clodius' gangs chanted his name, and that Pompey accused him of conspiring against him. These last two items show clearly that Crassus must have been doing far more than is on record.

In the opening discussion various reasons for the discrepancy were put forward. The subsequent chapters have consisted of an attempt to flesh out the dismembered skeleton that is all that tradition has given us to create a picture of Crassus. The existing accounts have been examined at a number of points along Crassus' life, and the case for his involvement in various affairs and issues considered. No gleaming new theory has been constructed, to be imposed upon the picture of the late republic, but an adjustment of the focus has been attempted, and to tidy up a number of incoherences and inconsistencies. In some cases the results have been negative, and Crassus' involvement not proven.

A brief summary of the major areas subjected to examination may be appropriate:

1. An attempt has been made to put Crassus' assumption of the command against Spartacus into the political context of the seventies. Earlier considerations of the matter have tended to concentrate exclusively on the legal and constitutional issues.
2. The same has been attempted with the quarrel in 70 between Crassus and Pompey. This is customarily attributed to mutual dislike.
3. Crassus' involvement in the various stages of the dismantling of Lucullus' Mithridatic command has been examined and found not-proven.
4. The disturbances at the trials of Manilius and the violent plans attributed to Cn. Piso have been considered, and associated with Crassus' part in the so called "First Catilinarian Conspiracy".
5. Crassus' activities as censor have been shown to have constituted a serious attempt to acquire great personal influence.
6. Evidence of Crassus' association with Rullus and Antonius led to the conclusion that another very serious bid for power was contemplated in 63, and that Rullus' bill was much more than an agrarian measure.

7. Consideration of the "Second Catilinarian Conspiracy" produced the conclusion that Cicero was involved in an attempt to enhance his own power, particularly at Crassus' expense, and to that end deliberately goaded Catiline into desperate measures, hoping in this way and also by manufacturing evidence to compromise Crassus and his friends.

8. Crassus' activities from 65 to 60 have been considered and have been found wholly consistent with a long-term aim of a mutually advantageous alliance with Pompey.

9. An attempt has been made to bring some sense into the muddled accounts of Caesar's first consulship by considering the shifting relationships between the triumvirs.

10. The same has been done for 58-56. Much detailed work has previously been done on these years, but few accounts deal convincingly with the motives behind the sequence of events. A tentative analysis has been constructed.

Such have been the areas upon which greatest attention has been concentrated. If only some of the conclusions reached are accepted, enough will remain to guarantee Crassus a far more active political career and far greater personal ambitions than are to be found in the ancient narratives.

Leaving aside the strong statements concerning his ambitions already cited, consideration of the dimensions of the few events and plans with which his name is linked shows Crassus to have had vastly greater personal ambitions than the great majority of his contemporaries.

The restoration of the tribunicia potestas was, if not revolutionary, at least a step of considerable constitutional importance and of great significance for the following years. The attempt to enfranchise the

Transpadani cannot be compared with the enfranchisement of the Italians after the Social War. Then the allies had fought long and bitterly and the citizenship was granted only reluctantly by the senate and people of Rome, for whom the consuls and tribunes whose names were given to the laws were merely the executives (MRR2.25,32,34). Crassus seems to have tried almost single-handed to confer this favour on the bulk of the population of a whole province. By this one move he could have increased his own power beyond recognition. He seems to have been playing an equally bold game in foreign affairs with his Egyptian policy. In the audacity of these attempts his policy is not unlike that of Ti. Gracchus and his allies in 133.<sup>(1)</sup> The parallel also springs to mind when the apparent scope of the Rullan land bill is considered. It may be that, while Cicero did distort the intentions and likely applications of the bill, he may not have greatly exaggerated the magnitude and far-reaching nature of the power that was sought. Crassus' differences with his triumviral colleagues in 59 were certainly not occasioned by any reservations about the measures carried or methods used by Caesar. His second consulship was an honour with few precedents, the only examples in living memory being the consulships of Marius during the German troubles and then those in the 80s of Marius, Sulla, Cinna and Carbo. Q. Metellus Pius did not seek a second consulship, nor did Q. Catulus. It was not the step of a quiet conservative,<sup>(2)</sup> nor was his desire for a great military command, fifteen years after his consulship, in any way orthodox. The conventions permitted ambition and even intrigue in order to secure a worthwhile consular province, but the nature of the constitution made it clear that, after consulship and province, a consular was expected to submit gracefully to his future as an elder statesman, a princeps civitatis. For Crassus the consulship was only the beginning of a struggle to be much more than that.

Much of this study, and the conclusions concerning Crassus' political strategy, rest on the estimate formed of the scope of his ambitions. There would seem to have been a distinct discrepancy between Crassus' political aims and his style. The latter was not far removed from the well established norms of political behaviour, clientelae, amicitiae, necessitudines, and in his case minimal inimicitiae whenever possible. It is the conclusion of this study, however, that his ambitions may well have been far larger and that he aimed for some form of supreme power. That the idea of monarchy would have been within his conceptual armoury seems likely. Pompey, throughout his career, was feared and suspected of seeking such a position. Caesar's imposition of autocracy was resented by many but did not come as a surprise. After his death the Republic stood little chance. After the Civil Wars of the 80s, the Republican constitution had resumed. No would-be successors of Sulla sprang up, perhaps because all the leading men in the state had grown up before that bloody decade. The epigoni of Caesar were all brought up in the aftermath of Sulla, Cinna, and Marius, and many of them may well have regarded military dictatorship with a lack of horror, inconceivable to an earlier generation. Pompey, Crassus, and Caesar were all young men in the 80s and may well have been among the first to develop this new political philosophy. Crassus, the oldest of the three, and born into a family much more part of the old establishment, may have found it hardest to abandon original preconceptions of the rules of the game, and been less clear in his conception of what he wanted than the others, but he will have learned quickly from Pompey's example. He may not have formulated his thought so, but it would seem that he would have been glad to exchange "M.Crassus, triumvir", for "M.Crassus, princeps".

It has sometimes been objected to studies of Crassus' career that too much emphasis is laid on his rivalry with Pompey,<sup>(3)</sup> but even were there no statements in the sources attesting this rivalry, it would be necessary to infer it from Crassus' own manifest ambitions. Pompey was, in the generation after Sulla, quite simply the most important fact of political life, and awareness of this must inevitably have affected attitudes on almost all public matters.<sup>(4)</sup> His career had been so extraordinary, and his ambition so undisguised, that every politician must have considered where he stood with regard to Pompey. The faction of Catulus and others seems to have had, as its principal policy, a resolve to resist Pompey's increasing dominance. This may indeed have been essentially its nature, a group united by this resolve. Others of the nobility saw advantage to be gained by association with the rising star. Initially they helped him and encouraged his extraordinary commands against Lepidus and Sertorius. Later they accepted patronage at his hands. It was impossible to be indifferent to Pompey. Any other man who himself sought, as Crassus seems to have done, to achieve the highest place in the state, was obliged to consider Pompey at all times. He was the single most powerful figure in Rome, but the united power of those who opposed him was also great. If Crassus had stayed with the optimates all his life and opposed Pompey, he would never have achieved the preeminence he sought, but would have been submerged, one among many. On the other hand, as this study has shown, Pompey's way with his own adherents could be ruthless, and he was reluctant to accept associations on equal terms. Crassus moved in a political environment that contained two strong forces, Pompey and his enemies. To get too close to either, save on his own terms, could have risked absorption of his own political identity.

One reason for this may have lain in the nature of Crassus' own strength. Pompey could have maintained a reserve of strength even if opposed by the entire nobility and the senate, since the foundations of his power lay outside these, and in the votes and manpower of Italy, particularly of Picenum.<sup>(5)</sup> Crassus' power however lay precisely in his ability to pull strings in the senate and to cooperate at different times with a number of different groups of nobles. If Crassus wholly alienated too many powerful elements in the senate, he would be nothing. It would seem that he was quite conscious of his own strengths and weaknesses. In 71 he was able to offer Pompey his considerable influence in the senate, in return for Pompey's voting strength (cf. *Plut. Pomp.* 22.3; *Zonar.* 10.2). He was keen to overcome this limitation of his power, however, as is to be seen in his interest in the Transpadane Franchise, and in Rullus' land bill, both measures that could help him make up his deficit in popular support. It may also be significant that he seems to have been prepared to put at risk his carefully acquired and widespread senatorial connections only when, after Luca, he felt that at last he had some other base to stand on.

Crassus' influence in the senate is generally acknowledged,<sup>(6)</sup> but its composition is a matter of some doubt. It has been asserted that Crassus deliberately eschewed alliances with the nobility, preferring to concentrate on the lower ranks and less well born in the senate.<sup>(7)</sup> The reason for such a view is that no list of nobles who served under Crassus or who enjoyed his patronage in elections can be compiled, as it can for Pompey. Pompey's staffs for his two great commands in the 60s included two censorial consulars, Gellius and Clodianus, and a glittering array of noble future consuls, Celer, Nepos, Torquatus, Marcellinus, Pupius Piso, in addition to such men as Faustus Sulla, Scaurus, and Plautius Hypsaeus of noble stock who failed to reach the consulship. Crassus' following

in his Eastern campaign included no consulars or future consuls. Only three men of noble family seem to have been with him, his quaestor C. Cassius Longinus, a probable Marcius Censorinus, and his own son. In the Servile War there was an obscure Mummius. The argument is however not very convincing, since it might induce one to draw the same conclusion about the policy of L. Lucullus or Metellus Pius. In Lucullus' first three years in the East, the only noble found with him is Appius Claudius his brother-in-law. L. Murena later achieved the consulship. Pius was in Spain for nine years, and yet there is no record of a single noble on his staff. Indeed in Caesar's first three years in Gaul only Ser. Sulpicius Galba and P. Crassus were noble.<sup>(8)</sup> All that can be inferred from Pompey's remarkable array of noble names is that Pompey's was an exceptional case, while Crassus' seems quite normal. There is no record of Crassus backing distinguished nobles for the consulship, but it is not clear that Pompey derived much benefit from his noble legates when they reached high office. Celer, Nepos, and Marcellinus were all hostile; Torquatus' legateship may have been only a legal device connected with his governorship of Asia; only M. Piso remains. It would seem that the only consuls Pompey could rely on were the relatively undistinguished men such as Afranius and Gabinius whom he managed to push into the consulship.<sup>(9)</sup> There are no consuls undoubtedly Crassan, with the treacherous exception of C. Antonius, and only two certain Crassans defeated at the polls, Catiline and Arrius. One conclusion could be that Crassus was not interested in the consulship and did not try to push or buy his adherents into it. Another is that in all these matters it is a mistake to assume that the pattern set by Pompey was one that others even tried to follow. His faction was his own and he seems to have treated it as such. There are few relationships in which Pompey was concerned that would be fairly

termed alliances. He seems to have brought with him from Picenum an arrogant and autocratic manner. The only relationship that interested him was that of patron and client, and if he could treat men from noble families like clients, so much the better. That his father, the founder of his own nobility, had been hated by the older established nobles (Asc.79C), could partly explain this.

Such was clearly not Crassus' attitude. No noble could be a client. Nobles cooperated with one another for various reasons and for various lengths of time. They might owe one another favours, or they might share a common objective, or a common enemy. It is suggested that because Q.Metellus Creticus and Q.Metellus Scipio, Crassus' adfines, cannot be seen to have behaved like clients towards him, he was not politically associated with them. Creticus' election to the consulship in 70 when Crassus was consul, and Scipio's to the praetorship in 55 when Crassus was again consul, are unlikely to be coincidences (cf.Appendix A). That examples of their cooperation with Crassus are not in evidence, other than that Scipio accompanied Crassus when delivering his letters in 63, means little, as records of Crassus' activities are in any case so scanty. Crassus wielded great influence in the senate, as was shown when Tarquinius denounced him. It is highly likely that such men as Creticus and Scipio supported him on many occasions. He will have been a friend rather than a leader. Other nobles with whom he may possibly have cooperated include P.Sura, L.Cotta, L.Caesar, Cn.Aufidius Orestes, P.Clodius, Ap.Claudius, C.Curio, C.Caesar, C.Memmius, Cn.Calvinus, M.Marcellus, and even L.Lucullus and M.Bibulus.

Certainly he had many followers from undistinguished families, but, except for Q.Arrius, he does not seem to have tried to push these into the consulship. Pompey was not loved by the nobility for procuring Afranius'

consulship. Crassus' humbler followers are as hard to identify positively as his noble friends, perhaps because they were not encouraged to devote themselves to measures ostentatiously in his interests. Pompey's tribunes for example are easy to identify, chiefly because they were openly his men. Even where Crassus' hand can be detected behind a tribune, it is almost certain that that tribune was not trumpeting Crassus' name to the heavens. It has already been suggested that Crassus may have been involved with Sicinius, Quinctius, and Macer in the 70s. Tribunes may have been used as Suetonius suggests in the Egyptian question in 65, and perhaps also in the attempted enfranchisement of the Transpadanes. A possible connection exists with L.Roscius Otho. His legate of 71, Q.Marcus Rufus, may have held a tribunate in 68. P.Servilius Rullus was almost certainly Crassus' man, but Crassus' name was not mentioned. In the fifties Clodius himself, and the tribunes who helped him, may all have received discreet support from Crassus. It would seem surprising if, after being at least partially responsible for the restoration of the full powers of the tribunate, Crassus had not subsequently availed himself of its help.

It has therefore been shown that because Crassus was not as blatant in his use of political influence as Pompey frequently was, it must not be assumed that he did not use it and use it very effectively. Until the lex Trebonia Crassus was never the obvious beneficiary of the measures put forward by himself or his friends. He did not thrive, as Pompey did, on confrontation. Again this difference of style may reflect the difference in the nature of their various political relationships. Crassus' connections with his noble friends may not have been as rigid as Pompey's with his, but they may have lasted better where Pompey's tended to snap. He could not dictate his friends' behaviour, but could presumably rely on

a great deal of varied support for much of the time. Pompey may have controlled a block of his own followers in the senate, but this seems in fact only to have served to unite the remaining majority against him (cf. Cic. Att. 1.19.4).

It would seem that Crassus was tireless in his efforts to widen his circle of influence. Many men owed him money (Plut. Cr. 3.1; cf. Sall. Cat. 48.5), and many too were indebted to him for other forms of help. He was an assiduous pleader in the courts, no case being too much trouble or beneath him (cf. Plut. Cr. 3.2; 7.4; Comp. Cr. et Nic. 1.2; Cic. Brut. 233; Parad. St. 46). His presence is attested for only a few cases, Macer, Murena, Milo, Sestius, Caelius, and Balbus, but there will have been many more. His help for Clodius in 61 may not have been an isolated instance. It is interesting to note that there is no record of his appearance as a prosecutor, or even as a hostile witness.... "Crassus verbum nullum contra gratiam" (Cic. Att. 1.18.6).

The nature and sources of Crassus' power have been considered. He had of necessity to walk very carefully, eschewing Pompey's attitude that all who were not for him were against him. His political and financial assets made him very powerful, but they were not ideally suited to the realisation of his ambitions. He was obliged to pursue what might be seen as a post-Sullan goal of personal dominatio with weapons of pre-Sullan vintage. Sulla had shown that to control the government in Rome was not enough, and that armed support was also needed. Nevertheless, as has been seen, even without an army, or even notably great strength in the comitia, Crassus was able to rival Pompey.

It has been suggested that Crassus' solution to the post-Sullan dilemma was to try to have important commands held for him by lesser men,

while he remained in his senatorial power-base. This connects with the theory, already discussed, and discounted, of Crassus' search during the 60s for points d'appui against Pompey. To secure a prestigious post for a friend built up credit with that friend and impressed others, but it is hard to see what Piso could have done from Spain or Caesar from Egypt to help Crassus. Caesar's Gallic command owed more to Pompey than to Crassus, unless Caesar and Crassus were being almost unbelievably devious in 59. Pomptinus in Gaul seems to be almost the only example of a former Crassan associate holding a strategically vital command, though Cilicia may have been intended for L. Metellus in 68, an adfinis; hardly enough to support the theory. Crassus' failure to take a province after his first consulship proves nothing, as Pompey did the same. All the apparently interesting provinces were at the time occupied by Lucullus, who will have then seemed well entrenched.

Crassus simply did not try to compete with Pompey on Pompey's own ground. He could have lost the power he had achieved. Lacking Pompey's assets, Crassus tried to profit from Pompey's possession of them.

If Pompey had not existed, Crassus could never have risen as high as he did. He needed Pompey, sometimes as an ally to help him achieve specific ends, and sometimes as a decoy to attract the hostility of the optimates. Without Pompey, Crassus himself would have been speedily crushed by the more conservative nobles. Crassus hoped to play on their obsessive fear of Pompey, so that he himself might remain relatively untouched by their opposition. As time went on however, he found in 65 for example, that

his own schemes were being blocked by the optimates, and he hoped to be able to use Pompey's strength to overcome these obstacles. These hopes were dashed in 63 by Cicero, who had formed the only slightly less ambitious plan of uniting Pompey with the optimates, with himself as the catalyst. Crassus in his turn managed, by virtue of his closer ties with many of the nobility, to frustrate Cicero's plans. After Pompey returned from the East, Crassus faced a very delicate task. He had to demonstrate to Pompey that he stood no chance of an alliance with the optimates, and that he could achieve nothing in opposition to them without Crassus' aid. Crassus' own power had proved ultimately inadequate to enable him to expand his field of influence. He needed Pompey's help to permit him to move beyond the senate house. He could only get that help by using the strength he had in the senate to frustrate Pompey who was weak there. Pompey would then be forced to seek an alliance. To have destroyed Pompey at any time in the 60s would therefore have been disastrous for Crassus. The coveted alliance fell into his lap but proved less helpful than he had hoped. Pompey must have been well aware of Crassus' ambition to use and then supplant him, and attempted to avoid the implications of the alliance as soon as he had gained his own immediate ends. Once the deadlock was broken, he concentrated on trying to detach Caesar from Crassus, and leaving Crassus helpless. Crassus contrived to win back Caesar, and also to induce Pompey to agree to the exile of Cicero. Crassus now encouraged Clodius to make an all out attack on Pompey, but failed to bring him low. That such an attempt was made could suggest that Crassus now considered that Caesar was strong enough to take Pompey's place as a supplier of force and votes, but was at the same time more vulnerable and likely to serve Crassus' own ends. Although Pompey proved too strong to be crushed completely, he was forced to agree to a renewal of the

alliance on terms distinctly favourable to Crassus. Crassus now took up a major overseas command for the first time. He seems to have given up his old quest for an extended popular base for his power, in favour of military glory, and presumably the loyal support, on his return, of a successful army. It is possible that he felt that time was running out for his dreams of supremacy. He was about sixty, and indeed looked older (Plut.Cr.17.3). His career had been outstandingly successful. He had managed to equal, though not to surpass, the greatest man of the day, against whom all who aspired to preeminence had to measure themselves (cf.Plut.Comp.Cr.et Nic.2.3).

His disappearance from the political scene left a yawning void. Where before there had always been a potential coalition of Crassus and the boni, that had on several occasions shown itself strong enough to check Pompey, this balance was now severely upset. A number of powerful men had before been happy generally to align themselves with Crassus. They may not have found Cato's political company congenial, and at the same time been reluctant to form part of Pompey's following. Both Metellus Scipio and Ap.Claudius seem to fit this pattern. Scipio was an enemy of M.Cato, but had on the other hand certainly been close to a number of Pompey's opponents. In 70 he sided with Creticus and Hortensius in support of Verres. When Pius died in 63, he adopted Scipio in his will. In that same year Scipio was associated with Crassus, and later married his daughter to Crassus' son. The Claudii too were, after 61, essentially unfriendly to both Pompey and Cato, and P.Clodius certainly cooperated with Crassus. After the death of Crassus and his son Publius, Pompey married the latter's widow, daughter of Scipio (Plut.Pomp.55.1). The date of the marriage alliance between Appius and Pompey is uncertain. Dio implies that it already existed in 54 (39.60.4), but Cicero makes no

mention of the relationship before 51 (Fam.3.7.5). It would certainly fit the likely circumstances if both Appius and Scipio felt it necessary to form new ties with one of the surviving major powers in the state. As the republic drew to its close the gravitational attraction of the great dynasts became so strong that they proved eventually irresistible. Catulus and Cato after him had provided the possibility of a loose association for those who resented the power of Pompey and were not strong enough to stand alone. Cato's own ambitions seem to have been limited by a notion of what he felt was right (cf. Dio 40.58). Crassus too had provided a relatively comfortable political fold, in which it was possible still to feel independent. When Crassus was gone, Cato's faction ultimately proved too weak to stand alone and was forced to choose between Pompey and Caesar. In the disturbances that followed Clodius' murder, the boni had to turn to Pompey to restore order. They themselves had no authority. Cato and Bibulus were responsible for Pompey's sole consulship (Asc.35f.C). One reason for this may well be that few of Crassus' former associates moved into the Catonian camp. The majority seem to have gravitated either to Caesar or to Pompey. Pompey's acquisition of Appius and Scipio has been noted. The anti Caesarian stance of L. Metellus, tribune in 49, may also be significant. He was probably a nephew of Creticus, Crassus' adfinis. On the other hand, M. Crassus, the younger son of the triumvir, stayed with Caesar in Gaul and sided with him in the Civil War, probably taking with him a deal of inherited support in the lower ranks of the senate. The friends and allies of P. Clodius did not all follow Appius into Pompey's camp. C. Curius, no friend to Appius,<sup>(10)</sup> joined Caesar and led many of his own friends to do the same, M. Caelius Rufus and the Antonii among them. Q. Fufius Calenus, an ally of Clodius in 61, was with Caesar in 49. It has been suggested that L. Caesar may have been in

fact originally close to Crassus, and have come to cooperate with Caesar because of this, rather than because they were distantly related. Calvinus too may have been a friend of Crassus who later sided with Caesar, as did P.Sulla, Pompey's brother-in-law. Caesar deliberately set out to renew Crassus' policy of encouraging those in trouble to look to him for help, and indeed it may have been Crassus' death that led him to engage in a vast programme to help build up his own support in all areas (Suet.Iul.26.2-28.1). Even the ranks of the boni were split. Hortensius' son joined Caesar.

It may thus be that Crassus' death and the dispersal of his faction created a considerable reshaping of the political scene. Before his death there were essentially four major powers in the state, those of each of the triumvirs, of whom Caesar was probably in political terms the weakest, and that of the boni led by Cato. After Crassus' death both Pompey and Caesar increased considerably their strength, and the Catonians went into a decline. It is often asserted that the oligarchy won over Pompey. It would be fairer to say that many of them were at last forced to acknowledge him as master, something Crassus had, for his own reasons, helped to prevent for a long time. Slogans may have been used concerning liberty and the republic, but the only question at issue was the name, and perhaps style, of the future ruler.<sup>(11)</sup> To assert that civil war followed because of Crassus' death might seem unreasonable, but that it was fought when it was, and by the two sides that fought it, must be seen to be direct consequences of Crassus' death. Had he still been in the East, the political situation could never have developed as it did. What would have ensued upon his successful return is impossible to say, but it would seem unlikely that he could have continued to coexist peacefully with Pompey. If Pompey felt unable to accept Caesar as an equal in dignity, how much less tolerable would he have found Crassus?

It is interesting to observe, as something of an epilogue to Crassus' career, the events of the year 27BC. M.Crassus, grandson of the triumvir, had been consul in 30, and then governed Macedonia with conspicuous military success for two years (Dio 51.23.2ff), returning to claim both a triumph and the spolia opima, the latter a matter of almost unprecedented glory and honour. The prospect of military honour going to others did not at this time usually worry Octavian. Several triumphs are attested for the years after Actium.<sup>(12)</sup> Nevertheless Crassus' claims clearly worried Octavian considerably. He contrived by a quibble, or even by forgery, to deny the spolia opima. He deprived Crassus of the title of imperator and added it to his own total (Dio 51.25.2), despite the fact that others of similar rank had been allowed the honour. Lastly he delayed Crassus' triumph until July 27BC. Meanwhile Octavian undertook a revision of his own constitutional standing, taking the title "Augustus" and other powers to mark himself off more distinctly from possible rivals (cf. Dio 53.11.5; 53.17.1). He produced what was in effect a new constitution in January 27. Crassus' triumph was held back until some time had elapsed after this. Why Octavian should have been galvanised into such a drastic reaction is unclear, but it is highly likely that the triumvir's grandson was heir to more than a name, and had inherited enough influence to make him feared, even by Caesar Augustus.<sup>(13)</sup>

Appendix A

Marriage and Children

Plutarch states that when one of Crassus' brothers died, he promptly married the widow. She was the mother of his children (Plut.Cr.1.1), and it would seem from Suetonius that her name was Tertulla (Suet.Iul.50). No gentilicium is given, and although it has been asserted that she came from the municipal aristocracy, there is no evidence to support this view.<sup>(1)</sup> Even Tertulla, simply a diminutive of Tertia, is only given by Suetonius in a list of possible mistresses of Caesar. That he found her name thus in whatever source he used could suggest either that to the source her family was so well known that she required no further identification, or else so obscure that it did not matter.<sup>(2)</sup> Cicero mentions, but does not name her, in his letter to Crassus, calling her "praestantissima omnium feminarum" (Fam.5.8.2). That he does not, in the course of his effusive flattery, describe her as noble could suggest that she was not. Certainty is impossible.

It has sometimes been assumed that she was originally married to that brother of Crassus who died with his father in 87,<sup>(3)</sup> but it will be seen from the probable birth dates of Crassus' sons that this is unlikely, and that Tertulla's first husband died earlier than 87. Plutarch certainly seems to imply that in 87 Crassus had only one brother (Cr.4.1). Cicero may have been unsure on this point. He asked Atticus whether P.Crassus, the son of Venuleia, died before his father or after (12.24.2). It has been suggested that Cicero was concerned here to find cases of paternal bereavement that he could use as parallels in his Consolatio on the death of Tullia. If so, it is argued, P.Crassus cannot be the son who died with his father, as the father would hardly have had time to grieve. If however P.Crassus was the son who died earlier, then, as will be seen, he must have been the first husband of Tertulla. Cicero certainly knew the

ages of Crassus' sons, and will therefore have been aware that the eldest was born before 87. He would not have needed to ask the question. It is possible that Cicero was concerned to use the deaths of P. Crassus and his father as an example of a father who did not in fact have to grieve. The exact details of their deaths are not clear in the sources. Cicero himself says twice that the father died by his own hand (Sest.48; De Or. 3.10). Livy confirms this and adds that the son was killed first, by Fimbria's cavalry (Per.80). Later sources who mention both deaths include Florus and Augustine who simply say that they were killed before one another's eyes (Florus,2.9.14; Aug.C.D.3.27). Appian however does say that the father first killed his son, but was himself killed by their pursuers (BC.1.72). Livy's account is probably correct. Cicero however may have been asking Atticus to confirm the precise order of events. There may already have been conflicting accounts.

It has often been asserted that of Crassus' two sons, Marcus was the elder.<sup>(4)</sup> He was quaestor in 54 (Caes.BG.5.24; MRR2.223). Publius has been thought to have been quaestor in 55.<sup>(5)</sup> This would in any case cause one to doubt their relative ages. The only reason for thinking Marcus the elder is that he bore his father's praenomen. There are, however, other cases of such an apparent discrepancy. M.Cotta M.f., consul in 74, was clearly younger than his brother C.Cotta, consul in 75, and Ap.Claudius Ap.f., consul in 79 was younger than C.Claudius, consul in 92. It is assumed that in such cases an earlier child has died between the births of the apparently wrongly named pair.

If Crassus had married Tertulla in 87, it would seem unlikely that three sons could have been born by 85, the latest date consistent with Marcus' quaestorship in 54. Publius certainly cannot have been born after 85, as at least from then until late 82, his father was away, in

hiding or fighting for Sulla. Publius served under Caesar in Gaul from 58 to 56, in 57 in command of considerable forces. A birthdate in 81 or later would make him far too young for such responsibilities. If however it is assumed that Crassus could have married Tertulla well before 87, Publius could have been born early enough for his quaestorship to precede his post on Caesar's staff, as it must have done if Dio is right in calling him a legate in 57 (39.31.2). It has been argued that he cannot have been a legate, as he was not quaestor until 55.<sup>(6)</sup> It might be better to argue that his quaestorship must be earlier, as he was legate. Caesar does not give him any title. In 58 Crassus was "adulescens, qui equitatus praerant" in the battle against Ariovistus (BG.1.53), while in 57 he commanded a legion in independent action (BG.2.34). In 56 Caesar entrusted him with a considerable force and a commission to subdue the bulk of one of Gaul's three parts, Aquitania (BG.3.20-7; Dio 39.46). It is clear that he was a trusted and senior commander, and must have been of senatorial rank to have held such a command. He was therefore quaestor by 58, just possibly in 58 itself, and therefore born by 89. He would thus seem to be the elder brother by anything up to four years. That interval would allow for the death of his own elder brother, Marcus, after which the next born son received that name. With Publius born by 89, and the first Marcus therefore by 90, it would seem probable that Tertulla's bereavement and second marriage took place in or before 91/90. The triumvir will have been twenty-four or five by that time, a perfectly possible age.<sup>(7)</sup>

In view of these conclusions, it would perhaps appear surprising to find that the younger son, Marcus, seems to have married much earlier than his brother. Publius' wife, Cornelia, was the daughter of Q. Metellus Scipio (Plut. Pomp. 55.1-2; 74.3). Scipio's career is unlikely

to have been delayed, and his consulship in 52 suggests a birthdate not long before 95. His daughter was probably born after 75. A reasonable date for the marriage might well be 55, the year of Crassus' second consulship, and probably that of Scipio's praetorship. P. Crassus wintered in Gaul in 57/6. The winter of 58/7 remains possible, as does a date before 58. Crassus had certainly been associated with Scipio as early as 63 (Plut. Cic. 15).

Marcus married the daughter of Q. Metellus Creticus (CIL. 6. 1274/ILS. 881). Both Creticus and Scipio were involved in helping Verres in 70, the year of Crassus' first consulship. In that year Creticus stood successfully for the consulship, a circumstance that might suggest it as a suitable year for the marriage. In much this way Caesar married Calpurnia in 59, when he was consul, and her father L. Piso a consular candidate (Plut. Caes. 14.5). So too Pompey himself married Scipio's daughter at the same time as he elevated him to the consulship in 52 (Plut. Pomp. 55). If, however, Marcus was quaestor in 54 suo anno, he would have been only fifteen in 70, rather too young to marry, though a betrothal is possible. It has therefore been suggested that the marriage alliance took place later, perhaps near the time of Creticus' long delayed triumph, which Crassus may have helped him at last to celebrate in May 62 (MRR 2. 176).<sup>(8)</sup> Crassus would then be seen at work strengthening his ties with the nobility after the damage done to his reputation in 63. This date, however, seems less likely when consideration is given to the probable birthdates of the son of this marriage and of his son. The triumvir's grandson was consul in 30. It has been suggested that since Augustus had not by that date fixed the minimum age at thirty-three, the consul of 30 may have been younger.<sup>(9)</sup> In fixing that minimum, Augustus was, however, lowering not raising it, in an attempt to reduce the importance of the office. Although there were

exemptions, there seems no reason to doubt that the legal minimum in 30 was still forty-three. Furthermore, while under-aged consuls were not unknown, it would seem unlikely that an excessively young man would have been entrusted with an important military command such as that of M. Crassus in Macedonia. He is thought to have governed Crete and Cyrene at some time between 37 and 35 (MRR2.397), and to have served under Sex. Pompeius before 39 (Vell.2.77.3; App. BC.5.72; Dio 48.36.4). These considerations would make it likely that he had reached at least the quaestorship by about 37, and this in its turn would make it hard to place his birth much later than 67. His own son, consul in 14, was probably born by 47, if Augustus' rule, then in force, was applied. In view of these considerations, it must be concluded that the marriage of the triumvir's son, Marcus, cannot be placed much later than 67, and probably came earlier. Creticus was absent from Rome from 68 to about 65. The only obstacle to a dating in 70 or 69 is the presumption that Marcus was quaestor suo anno in 54 and so born in 85. Since it has been demonstrated that Publius was probably born by 89, there is ample time for Marcus to have been born in 88 or 87. This would incidentally increase the probability that Crassus was in fact away from Rome from 87 onwards, as one of the arguments for his leaving only in 85 is the supposed birth of his son, or even sons, between those dates. 70 or 69 therefore seems finally the most probable date.

That the elder son seems to have married so much earlier than the younger need not cause doubt or concern. It is only by the chance of a discovered inscription that we are aware of Marcus' marriage at all. Indeed Publius' marriage is referred to by the sources only because his widow married Pompey. It is highly likely that Publius was married before his union with Cornelia, and that his first marriage ended in death

or divorce. It is possible that an inscription found in the sepulchre of the Crassi may commemorate a daughter of such a marriage:

"Licina P.f. Galli (uxor)" (CIL.6.21308).

Appendix B

Wealth and Areas of Influence

Crassus was proverbial for his riches. Pliny called him "Quiritium post Sullam divitissimus", and cited a figure of 200,000,000 sesterces for Crassus' possessions "in agris" (NH.33.134). This would seem to mean that this was the estimated value of his holdings in land. Another figure is given by Plutarch, who says that Crassus inherited 300 talents, but that, on the eve of his departure for Parthia, found that he was worth 7,100 talents.<sup>(1)</sup> These figures are approximately 7,200,000 HS and 170,400,000 HS. That his inherited fortune was not vast is shown by the probability that the minimum census requirement for a senator seems to have been 1,000,000 HS in the late Republic,<sup>(2)</sup> and by some of the sums paid for houses at this time. P.Clodius spent 14,800,000 HS (Pliny, NH.36.103), and M.Messalla Niger, 13,400,000 HS (Cic.Att.1.13.6).<sup>(3)</sup> A generation earlier, P.Crassus' propinquus, L.Crassus had a house that cost 6,000,000 HS, almost as much as P.Crassus' entire fortune (Pliny, NH.17.2.3; Val.Max.9.1.4). Despite the great increase shown by Plutarch's two figures, however, it is highly probable that at least his second is far too low. It is appreciably lower than Pliny's figure, which does not even purport to relate to more than one part of Crassus' total wealth. According to Plutarch, Crassus owned countless silver mines, the greater part of the housing in Rome, and, surpassing all his other possessions, great numbers of valuable slaves (Cr.2.5).

An interesting indication of the dimensions of Crassus' fortune may be found in his often quoted assertion that no man might consider himself rich unless he could support some body of soldiers from his income. This force is described variously, as one legion (Pliny, NH.33.134), an army (Plut.Cr.2.7), an army (Cic.Off.1.25), and an army of six legions (Cic.Parad.St.45). It has been asserted that the most precise and accurate

version is Pliny's, but this is clearly not so. Cicero had actually heard Crassus' boast, and clearly relates it to an army considerably larger than Pliny's one legion.<sup>(4)</sup> It might be worthwhile considering if Crassus could have fulfilled his boast. It has been estimated that a legionary received then about 480 HS a year, and that a legion therefore cost about 3,000,000 HS a year.<sup>(5)</sup> Allowing for additional expenses such as food and equipment this is not incompatible with the 24,000,000 sesterces a year received by Pompey to support six legions in Spain (Plut.Caes.28.5; Pomp.55.7). This would bring the annual cost of a legion to 4,000,000 HS. If the largest army quoted is considered, it will be seen that an income of at least 24,000,000 HS would be needed to support six legions. The capital needed to produce such an income is not easy to assess. One estimate, based on the likely return from investments in land, suggests that each legion would need property worth 70,000,000 sesterces.<sup>(6)</sup> On the other hand, other kinds of investment brought in much greater profits. At 10%, less than the legal maximum interest, a legion would need capital of 40,000,000 HS. Six legions would therefore need property worth somewhere between 420,000,000 HS and 240,000,000 HS. The lower figure is appreciably greater than Plutarch's statement of Crassus' total wealth. Even Pliny's figure would suggest that Crassus' assets "in agris" must indeed have been greatly supplemented in other ways.

The reference by Cicero to six legions is not clear. He says that Crassus has been heard to assert that no one is rich unless he can support an army on his income (Parad.St.45). Cicero goes on to say that it therefore follows that Crassus will never be rich until his income is great enough to support six legions with all their auxiliaries and cavalry. Therefore, he concludes, Crassus admits that he is not rich as he falls

short of his own aspirations. Six legions was in no way a standard army; a consular command was traditionally two legions. It is unlikely that Cicero can be making any reference to the troops Crassus commanded in Parthia. The Paradox, even though perhaps written after Carrhae, has a dramatic date clearly at some point when Crassus was in Rome, as it purports to address him (See Appendix C). It has been suggested that the reference may be to Crassus' command against Spartacus, when he took over the armies of the defeated consuls and added to them six new legions (App.BC.1.118). In 72 the state's finances must have been sorely depleted, with wars being waged in Spain, Macedonia, and Asia, and with the reduction of revenue particularly from Asia. In such a situation Crassus could have offered to recruit and pay for the legions himself, with a view to later repayment.<sup>(?)</sup> Cicero's argument could seem to imply that Crassus had not been able to perform this feat. On the other hand his point might be that Crassus, who was wont to make such a boast, had not, when the opportunity offered itself, tried to prove his point. At any rate the fact that such a feat was spoken of does show that, even in 72, Crassus' fortune had grown vastly since he received his inheritance. Such growth does not tend to stop, but rather accelerates, making Plutarch's figure for Crassus' total assets in 55 dwindle into meaningless insignificance. It is possible that this figure may represent something else, such as the sum Crassus reckoned he could at that moment realise in immediate cash. He could indeed have already done something of the kind to provide a "float" for his forthcoming campaigns.

As has been observed, Pliny states that Crassus was the richest Roman "post Sullam", presumably meaning in the generation after Sulla, and then goes on to say that Claudius' freedmen were richer (NH.33.134). This claim has been doubted, and some have suggested that Pompey, after his Eastern

campaigns, was as rich. It has even been asserted that Pompey could have bought out Crassus without noticing.<sup>(8)</sup> Indications of Pompey's wealth are ambiguous. In 44 the senate voted to return his fortune to his son Sextus (Cic.Phil.13.10-12; App.BC.3.4; Dio 45.10.6). Appian gives a figure of 200,000,000 HS. Cicero says 700,000,000 HS, but this figure is thought to have been corrupted, from one corresponding to Appian's, by Cicero's frequent assertions elsewhere in these speeches that Antony has embezzled a sum of 700,000,000 HS. This larger figure may refer to the total reparations offered to Pompeians (cf. Cic.Phil.1.17;2.93). In 39 Sextus was only offered 70,000,000 HS (Dio 43.36.5). It would seem however that the offer in 44 was 200,000,000 HS, but this may represent what the remains of Pompey's estate were worth in 44, rather than an attempt to match his fortune in, say, 50.

Another attempt, not to put a figure on Pompey's whole fortune, but merely to indicate its vast dimensions, has been to consider just one financial transaction in which he was engaged. He was supposed to receive 9,600,000 HS a year in interest from Ariobarzanes of Cappadocia (Att.6.1.3). What interest rate obtained is not clear, but the capital involved must have been considerable. 12% was the legal maximum, and if that was the rate here, the capital debt would be 80,000,000 HS. This certainly shows that Pompey's investments were made on a vast scale.<sup>(9)</sup> Since it has been shown that Crassus' fortune almost certainly came to something considerably in excess of 200,000,000 HS, it becomes absurd to speak of either man buying out the other without noticing it. They were both fabulously rich.

It would seem from the very scanty data that Crassus' money was invested rather differently. About his lands we know little, though it is possible to speculate that he may have had holdings in the South of Italy, especially in Lucania. His father held command there in the Social War,

fighting with little success against Lamponius (App.BC.1.41), who at one point suggested settling the matter by single combat (Diodorus 37.23). This could suggest that P.Crassus was sent to Lucania because he had influence in the region, just as Cn.Pompeius Strabo operated in his own region of Picenum, and that this led to Lamponius' proposal to resolve the affair on a personal basis. P.Crassus enfranchised one, Heracliensis Alexas (Cic.Balb.50), probably in connection with his operations in Lucania at this time.<sup>(10)</sup> This impression might seem a little strengthened by the fact that Crassus took many of his soldiers for his Eastern campaigns from Lucania (Pliny NH.2.147). Connections with the South of Italy and local knowledge could have helped Crassus secure his command against Spartacus, since almost all his fighting took place there.

No other area in Italy can be connected with Crassus, even so tenuously as this. Horace writes of Marsian and Apulian prisoners in Parthia after Carrhae (Odes 3.5.9). Crassus had earlier been sent by Sulla to raise troops amongst the Marsi (Plut.Cr.6.2). Sulla's refusal of a living escort, and his reference to Crassus' father, brother and kin (Plut.Cr.6.3), may be, as is usually assumed, an attempt to shame and inspire Crassus. On the other hand, Sulla could have been suggesting the slogan and arguments Crassus should use. If the family was well known and liked in the area, reference to the wrongs done them could have proved a rallying call against the Cinnani. In the course of Sulla's conquest of Italy, Crassus seems to have operated with Pompey, mainly in the North, in Umbria and Picenum (App.BC.1.90; Plut.Cr.6.5), but there is nothing to indicate that he had any prior connections with those regions. Although he is said to have embezzled the spoils of Tuder, in Umbria (Plut.Cr.6.5), the only place where he is reported to have acquired property is again in the South, in Bruttium (Plut.Cr.6.7). It can be seen, however, that there

is little evidence for the location of Crassus' Italian estates and influence, except for the possibility that he had connections with the extreme South, particularly Lucania.<sup>(11)</sup>

Of provinces where Crassus may have had interests, Spain must be considered first. Until his father exercised proconsular imperium in Further Spain, the family's only connection with the province would seem to be the refusal of Crassus' great-grandfather to take up his command there in 176 (Livy 41.15.9-10; 42.32.1-3). His father, consul in 97, governed the province for some four years, at the end of which he celebrated a triumph de Lusitaneis (MRR2.15). During that time, he must have established a considerable personal following, since his son, who served with him, was later able to raise a private force to oppose the Cinna authorities (Plut.Cr.6.1). The location of his hiding place, before he emerged on the news of Cinna's death, is unknown, but is likely to have been in the more Romanised part of the country. The only place mentioned in connection with M. Crassus' Spanish campaign in the 80s is Malaca, which he is said to have denied sacking (Plut.Cr.6.1). These two considerations make it likely that P. Crassus may have acquired influence over a greater part of Spain than his actual province. During his command, Nearer Spain was governed by T. Didius, consul in 98. The two men celebrated their triumphs within two days of one another in 93 (MRR2.15), which could suggest that their campaigns were considered essentially one war, and that a good deal of cooperation may have taken place. Similarly it would seem that in the 70s Metellus Pius governed Further Spain, and Pompey, when he arrived, Nearer Spain, but they certainly did not restrict their activities to their own provinces. M. Crassus showed an interest in Spain later when he was involved in the move to send Cn. Piso to Nearer Spain (Sall.Cat.19.1).<sup>(12)</sup>

Consideration of Spain leads one to think of the countless silver mines Crassus is said to have owned (Plut.Cr.2.6). Spain was famous for its metals, and in particular for its silver. A much disputed passage of Strabo tells of P.Crassus who sailed to the Cassiterides, ten islands productive of lead and tin, reached from the port of the Artabri across a greater width of sea than that separating Britain from Gaul, and that he sent back a report to the senate which included details of mining methods and instructions concerning the journey (3.5.11). Some have tried to identify this P.Crassus with the triumvir's son who served under Caesar in Gaul, but there is no mention by Caesar of such an exploit, and he was generous in his praise of his legate. Strabo's man seems to have reported to Rome; Caesar's legate would have reported to Caesar. In any case, Strabo specifically says that the journey was made from North-West Spain. It is interesting to note that Poseidonius, who travelled in Spain early in the first century BC, is reported by Strabo to have described the country of the Artabri as productive of silver (Strabo 3.2.9).

It would seem therefore that Crassus' father operated in North-West Spain and took an interest in the mining of metals, and that that area was stated by a contemporary to be rich in silver. There may well be some connection between these facts and Plutarch's statement that Crassus owned "παμπόλλα ἀργυρεία" (Cr.2.6). It seems likely that the mines in Macedonia, the other great source of silver, were largely exhausted well before this time.<sup>(13)</sup> On the other hand the mines at New Carthage were still flourishing. In Polybius' time they had yielded 100,000 HS a day for the state (34.9), but by Strabo's time of writing they were no longer state owned but were in private hands (3.2.10). The gold mines alone still belonged to the state. It has been suggested that Sulla may have sold the silver mines off to Crassus.<sup>(14)</sup> One hitherto

overlooked, and anyway tenuous, link with Crassus may be seen in an inscription on a lead ingot, found near the mines, which reads, "M. P. ROSCIUS. M.F. MAIC." (CIL.2.3439), and is thought to date from the first half of the first century BC. This shows the involvement in the mining of two brothers named Roscius. Two brothers of that name served under Crassus in Parthia, and were employed by him as envoys to Surenas (Plut.Cr.31.2). Perhaps they had earlier helped to manage the New Carthage mines for him.

Crassus' other principal sources of income included housing and slaves. Plutarch's well known story of how Crassus bought up property that was on fire or near the scene of a fire does not in fact say that he had a private fire brigade, as is sometimes supposed, but rather that he had a force of over five hundred skilled architects and builders, whom he used to rebuild the burnt down property (Plut.Cr.2.4). No doubt in some cases they would be able to use their skills to prevent the spread of the fire, by demolishing buildings in its path. It has been suggested that a ban on the destruction and rebuilding of dilapidated property, unless bought in that poor condition, may have made it difficult to find sites for development, and that this may have necessitated Crassus' practice.<sup>(15)</sup> Crassus was a great builder and repairer, but is said to have built only one house for himself, and to have stated that those who were fond of building needed no other enemies than themselves (Plut.Cr.2.5).<sup>(16)</sup> Clearly he meant by this building for show and personal use rather than for profit. He was certainly a prolific builder (cf. Plut.Cat.19.8). It is interesting to observe the lack of evidence for Crassus' possession of any country villas, particularly in the Bay of Naples where so many other and poorer Romans of his day took their leisure.<sup>(17)</sup> Cicero owned seven villas in addition to his town house (Cic.Phil.2.40).

Plutarch claims that Crassus came to own the greater part of Rome (Cr.2.4). In other words he did not buy or build in order to sell, but presumably in order to rent out his property. The income from this cannot be known but must have been vast. Sulla, in his youth a poor man for a noble, had paid 3,000 HS a year for his apartment, while a freedman on the floor above paid 2,000 HS (Plut. Sulla 1.2). Later M.Caelius Rufus paid his friend Clodius 10,000 HS for his apartment on the Palatine (Cic.Cael.17). At the lower end of the scale, it has been estimated that in the first century BC an unskilled labourer could not have afforded more than 360 HS.<sup>(18)</sup> In view of the vast increase in the urban population during the second and first centuries BC, any landlord controlling most, or even a great part, of the city's housing accommodation would have received an immense income, probably far outweighing that from his agricultural land.

Both Crassus' mining activities and his building will have been to some extent connected with what Plutarch describes as the most valuable of all his assets, his slaves (Cr.2.5). Plutarch in fact only refers here to his skilled slaves, distinguishing them from the labourers on his estates, which he implies were slave-worked, and also from the slaves in the mines. Polybius is quoted by Strabo to the effect that the New Carthage mines were worked by 40,000 miners (Strabo 3.2.10). Crassus owned highly trained readers, secretaries, silver-smiths, table servants and stewards. He himself supervised their training (Plut.Cr.2.6). Whether this was done for his own benefit, or rather as a commercial exercise, producing highly trained slaves for the market, is unclear. Perhaps both motives were involved.

Crassus is reported away from Italy only once between the Civil Wars of the 80s and his Parthian venture, and that is when he sailed from Aenus

in Thrace to Asia in 62 (Cic.Flacc.32). It has been thought likely that this journey was concerned with his hopes of establishing an understanding with Pompey, but it has also been suggested that he may have gone on a fact-finding mission in connection with the Asian tax contract that was likely to be up for auction the following year (Dio 37.46.4; Cic.Att.1.17.9; 18.8; 2.1.11).<sup>(20)</sup> This may indeed have been the ostensible reason for his journey. That this was Crassus' only venture outside Italy is unlikely. He probably took a personal interest in his Spanish concerns, and other overseas investments.

Other, less reputable, sources of income are mentioned by Cicero in the Stoic Paradoxes (See below, Appendix C). Crassus is accused of robbing the treasury, defrauding socii (either allies of the state or business partners could be meant), lying in wait for friends' wills, or even slipping in forged ones, taking money for helping clients in court, bleeding the provinces dry through his freedmen, evicting his neighbours by force, land grabbings, and general corruption, selling his influence in the senate and elsewhere. The foundation of his fortune is said by both Cicero (Parad.St.45) and Plutarch (Cr.2.3) to have been the Sullan proscriptions, in which he bought up all the confiscated property he could, and is said to have added at least one name to the list himself. The accusation of forged wills occurs twice in the Paradox, and again once in the De Officiis (3.73,75), where Crassus does not actually forge them, but does not object to being a beneficiary of the forgeries of others.

Income from housing rents, agricultural land, mining, and the sale of slaves, would thus seem to represent the bulk of Crassus' wealth, though he will no doubt have had numerous other interests and investments, particularly in public contracts of various sorts. In these latter he would, as a senator, have had to act through agents. Even the most

general guess at the total wealth represented is impossible, but it has been shown that no hasty assumptions should be made on the basis of one figure in Plutarch, and that Crassus may well have been indeed "Quiritium post Sullam divitissimus".

Appendix C

Cicero's "In Crassum"

Reference has been made, on more than one occasion in this study, to Cicero's sixth Stoic Paradox, which seems to consist of an attack on Crassus, just as the second and fourth clearly concern P.Clodius. Crassus is not named, but it is clear from Cicero's reference to the famous boast, that no man is rich unless he can pay for an army (Parad.St.45), that Crassus is meant, Cicero himself attributes this boast to Crassus elsewhere (Off.1.25).

The paradoxes are preceded by a dedicatory preface in which Cicero explains to M.Brutus that the work was undertaken for his own amusement, "ludens" (Parad.St.3), as an experiment in which he will try to deal in rhetorical fashion with subjects that might be considered more suitable for philosophical treatment, which usually implied the dialogue form he employed for his other philosophical works. Although Cicero does not mention it, he owes much of this idea to the Cynic diatribe, which was itself a fusion of the philosophical dialogue and the rhetorical monologue. It was in outward form a rhetorical monologue, but was philosophical in content, and preserved traces of the dialogue in an imaginary interlocutor and his supposed objections.<sup>(1)</sup>

Cicero's Paradoxes have this form, and appear to be speeches, in some cases speeches attacking an individual, whose reactions and objections are apparently noted. This resemblance to speeches, and the attacks in the second and fourth paradoxes on Clodius, and in the sixth on Crassus, have led some scholars to assume that they were written when their targets were alive. Others think that these targets, and probably Hortensius and Lucullus in the fifth, were simply chosen as exemplars of the false beliefs attacked.

One writer who may have thought the paradoxes actual speeches is Plutarch. He quotes the boast mentioned above (Plut.Cr.2.7), and while it is possible that he could have found this elsewhere, in Cicero's de Officiis, in Pliny, or some other unknown source, there are several reasons to suppose that he was familiar with the Paradox. He describes an exchange between Crassus and Cicero, in which Crassus expressed his approval of the Stoic doctrine that the good man is always rich. Cicero suggested that perhaps he was thinking of the doctrine that all things belong to the wise (Plut.Cic.25.4). Such an exchange not only summarises the whole of the apparent debate in the Paradox, but contains two Stoic doctrines that combined make up the title of the Paradox "ὅτι μόνος ὁ σοφὸς πλούσιος". This passage from Plutarch's biography of Cicero is only one of a series of quips and exchanges that he attributes to Cicero, and it could be that all of them came from Tiro's collection of such material.<sup>(2)</sup>

A third passage, however, does clearly suggest that Plutarch had either read the Paradox, or had had it "digested" for him by a helper, and had assumed it to be a speech.

In his Comparison of Crassus and Nicias, Plutarch refers to certain practices that Crassus denied when on trial. These include: (i) taking bribes for his support in the senate; (ii) wronging the allies; (iii) Circumventing weak women with flattery; (iv) aiding base men to cloak their iniquities (Comp.Cr.et Nic.1.2). Of these, (i), (ii) and (iv) are among the charges in the Paradox (43,46). It is interesting to note that "socios" in the Paradox is rendered, perhaps wrongly, "συμμάχους" in Plutarch; Cicero may have been referring rather to business partners. The absence of the third charge from the Paradox, and its presence in Plutarch, are easily explained, as the only trial of Crassus of which Plutarch shows any knowledge is his indictment for incest in 73. He says

that Crassus had been trying to induce the Vestal Licinia to sell him a villa at a low price, and that he had been hovering about her and paying court to her for this reason. It is clear therefore that for Plutarch the chief accusation in Crassus' trial was this charge of flattering weak women. It would seem that when Plutarch came across the Paradox, which bears a close resemblance to a criminal accusation, he assumed it to be precisely that. He knew of only one occasion on which Crassus had to answer charges of any kind, and therefore inferred that this must have been the occasion on which the speech was delivered. Such reasoning and its probable causes may throw some light on Plutarch's knowledge of Latin, and his methods of working.

How wrong Plutarch was is not certain. The date of the composition of the preface to the Paradoxes is easily established: the Spring of 46, between the publication of the Brutus and the arrival in Rome of the news of Cato's death, and at a time when the nights were growing shorter. It does not, however, follow that the six pieces themselves were all composed then. Cicero may have had at least some of them by him, and have decided to work them into a publishable whole. Plutarch's assumptions could have been partly justified by the prior existence of the sixth Paradox as a polemic against Crassus. It may even have survived separately as such. Some of the more personal sections of the second, fourth, and sixth Paradoxes are surprisingly irrelevant if composed in their existing context in 46. It is not impossible that Cicero made use of older material, published or unpublished, and merely increased the abstract and philosophical elements to serve his later purpose.

It is interesting to note that Plutarch mistook another work by Cicero for a speech. He says that Cicero "ἐν τῷ λόγῳ" openly accused Crassus and Caesar of being involved in the Catilinarian Conspiracy.

This speech he says was not published until after both were dead (Plut.Cr.13.3). This would seem to be a reference to Cicero's posthumous expositio, de consiliis suis, which was certainly not a speech (cf.Asc.83C).

The Paradox as we have it does not contain any specific details that would permit the establishment of a dramatic date. As it stands, even without the philosophic form possibly added in 46, it could not have been delivered at Crassus' trial, as that took place in 73, and his use of the six legions mentioned was not until late 72. It would be intriguing to speculate on the possibility, however, that this too was an addition, and that Plutarch could have been right. Cicero as prosecutor of Crassus in 73 would indeed be an interesting notion, but, alas, unlikely.

Abbreviations

- See also Bibliography for details.

AJAH	American Journal of Ancient History
AJP	American Journal of Philology
A & N	Aufstieg und Niedergang
Ath	Athenaeum
CAH	Cambridge Ancient History
CJ	Classical Journal
C & M	Classica et Mediaevalia
CP	Classical Philology
CQ	Classical Quarterly
CSCA	California Studies in Classical Antiquity
D.-G.	W. Drumann, Geschichte Roms. 2nd ed. P. Groebe
ESAR	T. Frank, Economic Survey of Ancient Rome
FC	E. Badian, Foreign Clientelae
FP	M. Hölzl, Fasti Praetorii
FTP	C. Niccolini, I Fasti dei Tribuni della Plebe
G & R	Greece and Rome
Hist	Historia
HR	Th. Mommsen, History of Rome
JP	Journal of Philology
JRS	Journal of Roman Studies
LGRR	E.S. Gruen, Last Generation of the Roman Republic
MRR	T.R.S. Broughton, Magistrates of the Roman Republic
Num. Chron.	Numismatic Chronicle
ORF	H. Malcovati, Oratorum Romanorum Fragmenta
PCA	Proceeding of the Classical Association

PP	La Parola del Passato
PPAC	L.R. Taylor, Party Politics in the Age of Caesar
RA	F. Münzer, Römische Adelsparteien und Adelsfamilien
RE	Real-Encyclopaedie der Classischen Altertumswissenschaft
RF	Th. Mommsen, Römische Forschungen
Rh. Mus.	Rheinisches Museum für Philologie
RPA	Chr. Meier, Res Publica Amissa
RPCC	E.S. Gruen, Roman Politics and the Criminal Courts
RPL	A.H.J. Greenidge, Roman Public Life
RR	W.E. Heitland, The Roman Republic
RR	T.R. Holmes, The Roman Republic
RR	R. Syme, The Roman Revolution
St R	Th. Mommsen, Römisches Staatsrecht
TAPA	Transactions and Proceedings of the American Philological Association



Notes to pages 1 - 11

Ch. I

1. Cf. Syme, Sallust 19; JRS 1944, 96-7; Adcock, Crassus 13.
2. Badian, Roman Imperialism 82; Cadoux, G & R 1956, 161, is rather more moderate.
3. H. Peter, Die Quellen Plutarchs in den Biographien Romer 61-5, 108; B.Maurenbrecher, C.Sallusti Crispi Historiarum Reliquiae I, 27-31, 48; G. Rathke, De Romanis Bellis Servilibus 49-62.
4. Sumner, HSCP 1970, 282-3.
5. So Strasburger, Caesars Eintritt in die Geschichte 29; cf. E.Meyer, Caesars Monarchie 3rd ed. 614f.
6. An excellent, though occasionally excessively zealous, exercise in demythologising is in Strasburger, Caesars Eintritt 77-125.
7. So Peter, Historicorum Romanorum Reliquiae 2.LXI-IV & 46-8; contra: Strasburger, Caesars Eintritt 30ff.
8. So Strasburger, Caesars Eintritt 72ff. L.R.Taylor, CP 1941, 413-4, considers this oversimplified, especially Strasburger's claim that De Viris Illustribus can be placed with Suetonius as making up the hostile tradition. Suetonius used many sources.
9. On official attitudes under Augustus towards the chief actors of the late Republic see Syme, RR 53-5 and 317-21.
10. Besides his own writings, Cicero was the subject of at least two biographies after his death, one by Tiro, the other by Cornelius Nepos. The latter also added to the numerous biographies of Cato.
11. See the strange reasoning of C.E.Stevens, Latomus 1953, 14-21, who argues that Crassus planned to conquer Britain from Spain in order to get his hands on British gold.
12. Although the quotation concerning the maintenance of an army is found in the De Officiis (1.25), it is repeated in the Stoic Paradoxes in almost identical words (Parad.St.6.45).
13. As already noted, a fairly lengthy anecdote is taken from Fenestella. He was regarded as a special authority for the Ciceronian period and is cited as such by Asconius. He wrote a history down to about 57 B.C., and probably also antiquities after the manner of Varro. It is not certain whether the anecdotes attributed to him were taken from his history or from other writings. If the former it must have been a strange work.
14. So Gabba, RSI 1957, 317ff.
15. So Miller, Cassius Dio 84-5; cf. Strasburger, Caesars Eintritt 27. It is not certain however that Cordus' work went back far enough. He dealt with the civil wars and praised Brutus and Cassius.

Notes to pages 11 - 20

Ch. I

16. So Strasburger concerning Sallust: Caesars Eintritt 24f. Pollio is first noted as a participant in public affairs in 49 (MRR 2.266).
17. Although it is often asserted that Cordus was prosecuted for his praise of Brutus and Cassius, it seems far more likely that a more serious offence was involved. cf. R.S.Rogers, TAPA 1965, 351-9.

Ch. II

1. Cf. G.V. Sumner, Orators in Cicero's Brutus, 3-10, 151-60; A.E.Douglas, AJP 1966, 376-95.
2. A.E.Douglas, AJP 1966, 295.
3. Sumner, Orators in Brutus, 122-3. The present argument owes much to that work, though Sumner is not responsible for the conclusions here drawn about the possible significance of aequalitas.
4. Cf. Mommsen, StR I 3rd ed. 506-7.
5. For Cinna's death see App.BC 1.78.
6. It has been suggested that Q.Catulus who had also lost a father remained quietly in Rome during the dominatio Cinnae, neither hiding nor joining Sulla in the East: Badian, JRS 1962, 52-3. It has been shown however that Catulus was almost certainly to be found in the East at this time: B.L.Twyman, A & N, 1.1, 836 n.106 on an inscription published by B.D.Merrit in Hesp 1954, 254-5. Badian, op.cit. 54, admits that Crassus was away from Rome. It has been doubted by Garzetti, Ath 1941.14; Ward, Crassus 54-7.
7. In favour of direct promotion by Sulla: Hill, PCA, 1931, 64; CQ 1932, 170-7. Cf. Gabba, Ath 1956, 124. In favour of a quaestorship: Deknatel, Vita 10; Gelzer, RE 13.1, 302.
8. T.A.Dorey believes that the pro Roscio Amerino was aimed indirectly at Crassus: Ciceroniana 2, 1960, 147-8 contra: W.V.Harris, Rome In Etruria and Umbria, 274 n.2.
9. Contra: Ward, Crassus 67-8; Garzetti, Ath 1941, 17.
10. First suggested by T.J.Cadoux, G & R 1956, 154 n.5, who favoured an aedileship.
11. Certain for curule aedile: Mommsen StR I 3rd ed. 528. Probable for plebeian aedile. Mommsen StR I 3rd ed. 532-3.
12. There are indeed several examples of this. The closest in date and nature to this case is perhaps that of M.Antonius Creticus, praetor 74, whose imperium against the pirates was almost certainly proconsular: MRR 2.101, 108; cf. Livy Per. 96, 97.
13. Appian's three years require that the war should have broken out in 74. The indications in all other sources are that it did not do so until 73. Appian knew that Crassus defeated Spartacus in 71 and probably assumed that he commenced his command then.
14. Cf. Mommsen, StR II 3rd ed. 169.

Notes to pages 20 - 25

Ch. II

15. For Plutarch's debt to Sallust see: H.Peter, Die Quellen Plutarchs in den Biographien Römer, 61-5, 108; B.Maurenbrecher, C.Sallusti Crispi Historiarum Reliquiae I, 27-31, 48; G.Rathke, De Romanis Bellis Servilibus, 49-62.
16. So Broughton, MRR 2.110,121; Ward, Crassus 82, 85 n.7, advancing no reasons for preferring 73 to 74; cf. Shatzman, Ath 1968, 349; Badian, Ath 1970, 6-7; Marshall, Ath 1973, 109-21 adds nothing.
17. So by implication Broughton, MRR 2.121, since he does not suggest that Crassus was privatus before assuming the command.
18. Cf. Balsdon, JRS 1939, 61.
19. E.g. Ward, Crassus 67-8, 82 and n.84, 85-6 n.7.
20. Mommsen, StR I 3rd ed. 705f.; cf. A.H.J.Greenidge, RPL 181.
21. Hardy, The Catilinarian Conspiracy 22-3.
22. They sponsored a measure to give Pompey the right to confer the citizenship (Cic.Balb.19,32-3). They showed themselves hostile to C.Verres (Cic.Verr.2.2.94-8). They both served as Pompeian legates under the lex Gabinia (MRR2.148). Clodianus was one of the four consulars who supported the lex Manilia (Cic.Leg.Man.68). Cf. Syme, RR 44,66; Badian, FC 280-1; Gruen, Hist 1969, 85. Gellius had changed his mind by the 50s, but so had many of Pompey's adherents (Plut.Cic.26.3;Cic.QF 2.1.1).
23. Cf. Wiseman, CQ 1967, 164-7.
24. Cf. C.Henderson,Jnr. CJ 1957/8, 195ff.
25. Cf. MRR 2.128, 130 n.4. This bill was clearly concerned with clearing up the debris of the civil wars of the 70s, and may well be part of Pompey's new-found attitude of clemency (cf.Plut.Pomp. 20.4). This impression is strengthened by the likelihood that this same man proposed an agrarian measure to help settle Pompey's Spanish troops. Almost all known Plotii or Plautii show Pompeian connections. Cf. p.27, and n.27 below.
26. For Catiline's connections with Catulus see Münzer, RE 13.2083, -- 2087.
27. The A.Plautius who was a Pompeian tribune in 56 and then praetor in 51 is usually identified with the legate of 67. It is objected that a second tribunate is unlikely: Ward, Crassus 75 n.61. The man's career seems in any case to have progressed slowly. In 67 he was at least quaestorius. In 56 Pompey urgently needed friendly tribunes and to that end may have helped to resurrect Plotius' cursus; cf. R.E.Smith, CQ 1957, 85 n.67.

Notes to pages 26 - 39

Ch. II

28. One other Plotius should be noted for completeness: C. Plotius, legate, perhaps under L. Valerius Flaccus, in Asia (MRR2.177).
29. For a development of the idea of a Claudio-Metellan faction including such men as Pompey, the Luculli, the Claudii, Pius, Celer, and Nepos, see: B.L. Twyman, A & N 1.1, 816-874, esp. 853-62; cf. Gruen, AJP 1971, 1-16.
30. Cf. Astin, Aemilianus 93-4; Earl, Ti. Gracchus 69-78, 96.
31. Contra: Z. Rubinsohn, Hist 1970, 624-7, who believes that the consuls were in no way disgraced and must have connived at their replacement; cf. Marshall, Ath 1973, 115-21.
32. Ward, Crassus 78, suggests that Plutarch here missed a word play on faenum-hay, and faenerator-money-lender, and that Sicinius may have been financially indebted to Crassus.
33. Cf. Badian, Hist 1963, 137-8; Wiseman, New Men in the Roman Senate 237-8.

Ch. III

1. B. Rawson shows that this acknowledged achievement is likely to have been arranged in direct competition with Pompey's triumph: Antichthon 1970, 30-37; contra: Badian, Roman Imperialism 81, who would place Crassus' celebration in 55.
2. W.C. McDermott, CP 1977, 49-52, argues that the law bore Pompey's name alone. Cf. Ward, Latomus 1970, 66; Crassus 41.
3. Cf. M. Gelzer, Pompeius 168 ff and n.70.
4. The second interpretation of the linguistic point is rightly taken by M.I. Henderson, JRS 1952, 115, and R. Seager, JRS 1972, 53-8. Mommsen, HR 4, 86, clearly favours the first approach.
5. Cf. Badian, FC 249-51; Gruen, RPCC 254, 277-8; LGRR 6-46.
6. Cf. Ward, Crassus 8-45. The kind of reasoning here attacked permeates throughout Ward's otherwise admirable book. Service under Sulla or a conservative attitude are for him enough to consider any man a card-carrying optimate.
7. Contra: R. Seager, Hommages Renard, 2.680-6, who believes that the Cottae suffered for their espousal of popular causes.

Notes to pages 40 - 46

Ch. III

8. Cf. L.R.Taylor, PPAC 103-6, 218 n.24, in an otherwise eccentric account of the Verres case.
9. This conclusion is convincingly argued by J.Linderski, Mélanges Michalowski, 523-6.
10. Rubinsohn, Hist 1970, 624-7, and Marshall, Ath 1973, 115-21, argue that the censorship for Gellius and Clodianus was part of a bargain struck with Crassus in 72, whereby they acquiesced in his taking the command. Crassus can however hardly have been in a position to promise such a thing in 72.
11. The exact relationship is uncertain. Valeria, Sulla's last wife, was daughter of a Messalla and Hortensius' "ἀδελφή" (Plut.Sulla 35.4). It has been suggested that Plutarch is wrong here because Val.Max.5.9.2 makes Messalla Rufus, cos. 53, Hortensius' nephew. The matter is discussed by B.L.Twyman, A & N I.834 and n.80. Gruen, LGRR 335 n.116, states that Niger was Valeria's brother and therefore presumably half-brother or cousin to Hortensius. He also states that Rufus was Hortensius' nephew, p.268. While the precise relationship between the two Messallae is uncertain, it is likely to be sufficiently close for both Plutarch and Valerius Maximus to be right. Cf. Broughton MRR Supp. 65-6; Münzer, Gent.Val. 52, nos.55-7 and n.3.
12. On this censorship see: Willems, Le Sénat I.417-20; Suohlahti, The Roman Censors 457-64.
13. Wiseman, JRS 1969, 59-75.
14. L.R.Taylor, PPAC 101-10; cf. Gruen, AJP 1971, 10.
15. E.g. Badian, FC 282ff; Ward, Crassus 42-5.
16. Contra: Gruen, AJP 1971, 10-12.
17. L.R.Taylor, PPAC 103-6; cf. Holmes, RR I, 165 who also sees Crassus behind the compromise. Ward, Crassus 107-8, on the other hand believes that Pompey was for moderate reform and Crassus for the extreme measure.
18. Gruen, conversely, uses this supposed homogeneity to try to demonstrate that Pompey was not involved in the Verres case: AJP 1971, 12: "Pompeius Magnus had no quarrel with the Metellan clan."
19. Garzetti, Ath 1942, 17-19; L.R. Taylor, PPAC 219, n.44, seems to have reached the right probable conclusion, but by a most devious route. Contra: Ward, Crassus 107-8, who is influenced by notions of Crassus' equestrian constituency.

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Ch. IV

1. Cf. Holmes, RR I.166.
- 1a. See Broughton's discussion in MRR 2.131 n.6. He implies that the consuls of 70 would be less likely to favour Lucullus than their successors. This is of course to prejudge the present issue. Cf. Gelzer, RE 13.1, 395; contra: B.L.Twyman, A & N 1.1.868-9.
2. Niccolini, FTP 254.
3. E.g. Mommsen, HR 4.64, 95.
4. Cf. P.A.Brunt, 2nd Int. Conf. Econ. Hist. 1.149.
5. The Valerian Legions had been enrolled for the Mithridatic campaigns of L.Valerius Flaccus, consul of 86, whom they murdered. They then followed C.Flavius Fimbria until they went over to Sulla, thereafter continuing to serve in Asia until Lucullus took them over. They were prominent in the mutiny against him, complaining that they should be discharged. In fact when Pompey took over the command, despite the discharge granted by the Lex Gabinia, they re-enlisted (MRR 2.53; Dio 36.14-16).
6. Cf. Münzer, RE 2A.2, 1815.43-53.
7. Cf. W.C.McDermott, Phoenix 1970, 39-47.
8. Cf. Holmes, RR I.166. Badian, Philologus 1959, 94ff., suggests that Gabinius was an old friend of Catiline, and that both had extensive Pompeian backgrounds.
9. Cf. MRR 2.101, 108 n.2 for the precedent of M.Antonius' imperium infinitum in 74. He was then a praetor.
10. She was the daughter of Q.Scaevola, the Augur, consul 117: Münzer, RE 16.1.448-9. Pompey's wife, Mucia, was daughter of the consul of 95, P.Scaevola: D.-G. 4.560-1.
11. Cf. L.Hayne, CP 1974, 280-2. Gruen, LGRR 131, astonishingly thinks that Glabrio's wife Aemilia was a sister of Pompey's wife, despite Plutarch's specific evidence that they were the same (Sull. 33.3). Klebs, RE 1.1.257.28-30, suggests that Glabrio may be the Acilius who had L.Lucullus' curule chair smashed (Dio 36.41.2), but Hölzl's emendment to Lucceius is clearly preferable: FP 29. This would be the consular candidate for 59, certainly later a friend of Pompey.
12. Deknatel, Vita 24; cf. L.R.Taylor PPAC 121, 218 n.24, 222 n.10; Gruen, IGRR 187, suggests a connection with the Roscii who accompanied Crassus to Parthia. On these brothers see above: Appendix B p. 239.

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Ch. IV

13. Gelzer, RE 13.1, 308, believes that Crassus did not involve himself in the debate on the Lex Gabinia. Garzetti, Ath 1942, 23, argues that he must have opposed it. So too does Ward, Crassus 112-4.
14. On Cornelius' tribunate, especially the chronological considerations, see M.Griffin, JRS 1973, 196-203. On other aspects, cf. also R.Seager, Hommages Renard, 2, 680-6.
15. It has been suggested that this was rather a consular law of 58: Mommsen, R.Strafrecht, 885; Niccolini, FTP 258. 67 seems a better context for the law. Cornelius may have passed it on to Gabinius, as he did the measure concerning the freedmen to Manilius (Asc.64C); cf. MRR 2.145.
16. Ward, Crassus 137 n.32, takes Manilius' claim of Crassus' involvement as actual evidence that Pompey was behind the measure. sic!
17. Ward, TAPA 1970, 545-56. W.McDonald, CQ 1929, 199, goes further and argues that Cornelius was in his tribunate acting for Crassus.
18. Cf. E.J.Phillips, Latomus 1970, 595-8.
19. Gruen, CP 1969, 20-34; contra: Phillips, Rh. Mus. 1973, 353-7.
20. Cf. Q.Cic.Comm.Pet. 51 for insistence on the appearance of being Pompeian and popularis. The implication of this passage is surely that the reality is very different. Cf. J.S.Richardson, Hist 1971 436-42, and above p.76-7.
21. Phillips, Latomus 1970, 595-8; Ward, Crassus: 141.
22. Gruen, CP 1969, 20-34.
23. Cf. Cichorius, Römische Studien 172-3.
24. These arguments are advanced by Stockton, Cicero 77-8. He attempts to show that Catiline, Clodius, Torquatus and Cicero may have formed, at least in 65, a Pompeian "cell"; cf. Seager, Hist 1964, 344-5.
25. Gruen, Ath 1971, 59-62.
26. MRR 2.151 n.16; Syme, Sallust 149, 151 n.16.
27. His consulship was gained at the expense of P.Sulla, Pompey's brother-in-law. His lifelong friendship with Atticus might indicate a lack of fervent support for Pompey (Nep.Att.1.4). Atticus needed constant reassurance of Cicero's motives in his dealings with Pompey (Cic.Att.1.17.10; 1.18; 1.19.7; 1.20.2; 2.1.6; etc.).
28. Cf. Sumner, JRS 1964, 42; contra: Seager, Hommages Renard 2.685.

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29. Contra: McDermott, Hermes 1969, 233, who, observing that there were two men of this name, argues that Catiline's prosecutor cannot be Pompey's friend. This opinion is however based on the supposed a priori improbability in such a situation. Indeed his whole argument about the two men stems from this belief.
30. Cf. Gruen, CSCA 1968, 160-1.
31. Münzer, RE 14.1.1134, 1140, s.v. Manilius 10, 23.
32. Gruen, CSCA 1968, 160-1.
33. Cf. Ciaceri, Cicerone I.153-6.
34. Cf. Hardy, Cat. Consp. 15, 18, 21, 35; Some Problems 95; Holmes, RR 1.227, 234, 242; Scullard, Gracchi to Nero, 109-10; M.Cary, CAH 9.478-9.
35. Balsdon, JRS 1962, 134f., has shown that the command, while extraordinary, was not unusually so.
36. Cato was his brother-in-law, Catulus probably his cousin. Catulus' mother was a Domitia: Gelzer, RE 12.2073; Badian, JRS 1962, 53. Münzer, RA 346, is confused by the two marriages of Catulus' father, to a Domitia and then to Servilia; cf. B.L.Twyman, A & N 1.1.857.
37. A fragment of a speech Pro Manilio exists: Nonius, 235M.
38. Such as, and especially, Ward, Crassus 136-41 and TAPA 1970, 545-56.

Ch. V

1. H.Frisch, C & M 1948, 10ff., argues that the whole affair is fictitious; P.A.Brunt, CR 1957, 193-5, shows that the myth had not developed far by 64; cf. R.Seager, Hist 1964, 338-47; Gruen, CP 1969.20-24; and Syme, Sallust 88ff., all analyse the growth of the myth. For the now heterodox view that there was such a conspiracy see Stevens, Latomus 1963, 397-435; Hardy, Cat. Consp. 12-20; Garzetti, Ath 1942, 30.
2. Cf. Wiseman, CQ 1967, 167; Syme, Sallust 102 n.88.
3. Syme guesses that Autronius may have been an adherent of Crassus: Sallust 103 n.2.
4. Ward, Crassus 145.

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Ch. V

5. The classic example is that of Ti. Claudius Nero and M. Livius Salinator in 204. Suohlahti, The Roman Censors 558, 573-7, shows that there would seem to have been little competition for the censorship in its earlier days, but that between the second Punic War and about 130 a strong competitive element can be seen as in 185 (MRR 1.374). After 130, he argues, there is again little sign of such striving.
6. Cf. Greenidge, RPL 217; Suohlahti, The Roman Censors 80-6.
7. Suohlahti, op.cit., passim.
8. Gelzer, Cicero 66 n.63; cf. Mommsen, HR 4.156 n.1.
9. Cf. Hardy, Some Problems 54-67.
10. Brunt, CR 1957, 195, has shown that there is no reason to accept the often stated view that Asconius (92C) mentions either Caesar or Crassus in connection with Piso.
11. The primary sources among these would seem to be Curio and Bibulus. Suetonius cites the former's Orations and the latter's edicts. In both cases these will date from 59 and the succeeding years when copious propaganda hostile to Caesar and to Pompey flowed from these sources (cf. Cic.Att. 2.19.5; 2.20.6; 2.21.3-4; Brut. 210-220; Suet.Iul. 49). It is not certain that either man implicated Crassus in the supposed plotting of 66/5. This may have been derived by Tanusius Geminus from Cicero's de consiliis suis.
12. On the status of the two parts of Cisalpine Gaul see Hardy, Some Problems 44-54.
13. Wiseman, JRS 1969, 59-75.
14. Mommsen, StR II 3rd ed. 352.
15. Contra: Mommsen, HR 4.149.
16. Cf. Greenidge, RPL 229-32.
17. When Egypt was finally taken over after Actium, the "taxes" were mostly in the form of grain, collected locally by the Egyptians: Frank, ESAR 2.490. Egypt was then however not fully incorporated into the regular provincial framework of the empire, but rather kept by Augustus as a private domain. Therefore what was in fact done over thirty years later need not be what Crassus was proposing in 65.
18. Cf. Chapter IV n.34 above.

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Ch. V

19. This notion of commands to "balance" those of Pompey has been supposed to be the reason for the senate's creation in the 70s of the great commands of L.Lucullus and M.Antonius. They are said to have been designed as insurance for the "Sullan" party against Pompey in Spain: Badian, FC 280-1. It has been shown however that Lucullus and Antonius probably belonged to groups with little love for one another, and that Pompey and Lucullus may well have been on good terms. Perhaps it is Antonius' command that should be seen as a counterweight to Lucullus'.
20. Mommsen, St R 2, 3rd ed. 352; cf. Greenidge, RPL 188.
21. Greenidge, RPL 220.
22. Cf. Suohlahti, The Roman Censors 648-9, 472-5.

Ch. VI

1. L.R.Taylor, CP 1942, 21ff., has shown that this did not directly affect Caesar's election as Pontifex Maximus, since the people had never lost that right. Dio however makes it plain that Caesar was involved in Labienus' proposal, and that the proposal preceded and was connected with Caesar's election. Presumably the intention was to gain popularity and support for Caesar's election by giving him an opportunity to show himself popularis in priestly matters; cf. Gelzer, Caesar, trans. Needham, 46. For Labienus' relations with Pompey and Caesar, see Syme, JRS 1938, 113-25.
2. L.R.Taylor, TAPA 1942, 1-24; Gruen, LGRR 80-1, Caesar also supported the lex Plotia de reditu Lepidanorum in 70, a measure probably inspired by Pompey, but that support could be argued to have been due to his brother-in-law, L.Cinna, who was one of those enabled to return (Suet.Iul.5; Gell.N.A.13.3.5; Dio 44.47.4). Cf. Chapter II n.25 above.
3. Cf. Hardy, Cat.Consp. 5, 108; Gelzer, Caesar 33-4.
4. Ward, Hist 1972, 250, argues that Asconius was right. Contra: P.A.Brunt CR 1957, 195; Marshall, Latomus 1974.804-9.
5. That Caesar was iudex rather than a private prosecutor has been doubted: Strasburger, Caesars Eintritt 117-9; Gruen, LGRR 76-7 n.124. The chief reason for doubt is that Schol.Gron.293 St. says that Caesar "multos accusavit et damnavit Sullanos", which is held to contradict Suetonius' assertion that Caesar was iudex (Iul.11). Suetonius himself however speaks of Caesar almost as though he had been prosecutor and clearly sees no contradiction in this. Dio simply says that Caesar was largely instrumental in bringing about

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the convictions (37.10.1-2). It would seem most likely therefore that Caesar was iudex, but that in that office he was notably partial perhaps even arranging for prosecutions to be brought to his court. In the case of Rabirius the following year a rather similar arrangement can be seen. The prosecutor was Labienus, but Caesar contrived that he and his kinsman, L. Caesar, should be the judges. Gelzer, Caesar 42 accepts Suetonius' account; as does Hardy, Cat. Consp. 32.

6. Cf. Munzer, RE 16.423-4, s.v. Mucius, 12. No other Mucii seem known in public life under the Republic. It is just possible that Cicero may in fact refer to Crassus' involvement with Catiline in a passage of the In Toga Candida: "Hunc vos scitote Licinium gladiatorem iam immisisse capillum Catilinae† iudic. qua Q. ve Curium hominem quaestorium" (Asc.93C). That the "Licinius gladiator" had helped Catiline in his trial in 65 seems clear. It is possible that Cicero is referring to Crassus, the epithet "gladiator" being an allusion to Crassus' Servile command, while Licinius is of course Crassus' own gentilicium. In much the same way Cicero referred to Pompey as "Sampsiceramus" or "Arabarches" or "Hierosolymarius" (Att.2.14.1;2.17.3;2.9.1), all deriving from associations with Pompey's Eastern campaigns.
7. Hardy, Cat. Consp. 25-6, 31-2; John, JCP Supp. 8, 1876, 763-777.
8. Sumner, TAPA 1966, 580. Munzer, RE 2A.2.1761. Servilius:5, thinks that this man must be either the Servilius Caepio mentioned by Florus as serving Pompey in 67 (1.4.10), or else the young P. Isauricus, pr. 54, son of P. Vatia who had supported the Lex Manilia in 66. Caepio is probably Cato's half-brother who died in 67 (Plut. Cat. 11.1-3;15.4). Sumner thinks young Isauricus would have been too young in 65 for such a post, but Ward, Crassus 155, shows that he could easily, and with good precedents, have been praefectus classis in 65.
9. Afzelli, C&M 3rd ed. 1940.224-6, argues strongly for the view that the bill was hostile in intent towards Pompey; contra: Sumner, TAPA 1966, 578-82, who argues that Caesar was promoting the bill in Pompey's favour. Hardy, JF 1912/3, 228-60 and Cat. Consp. 34-6, though more judicious in expression, generally accepts Cicero's points; E.T. Sage, CJ 1920/21, 230-6, has Caesar behind the bill in order to discredit Cicero's popularis pretensions. Cf. also Cary, CAH 9. 485-6; Ward, Crassus 157-61.
10. So, with a different political interpretation, Gruen, IGRR 389-96.
11. Holmes, RR I.457-8. Allen, TAPA 1952, 233-41, puts the exchange of provinces in late 64, and Cicero's relinquishment of Gaul in June 63. Hardy, Cat. Consp. 47, argues from Antonius' support of Catiline in 63 that the agreement was not made until after the elections in that year.

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12. Gruen, LGRR 138-40.
13. J.S.Richardson, Hist 1971, 436-42. Cf. M.I.Henderson, JRS 1950, 8-21; Nisbet, JRS 1961, 84-97; Balsdon, CQ 1963, 242-50. For a summary of the controversy see E.Deniaux, A & N 1.3.248-56.
14. For Caesar's position, cf. n.5 above. W.C.McDermott, Hermes 1969, 233-46, argues that, of the two men named L.Lucceius, this man was not Pompey's intimate. Briefly but effectively refuted by Gruen, LGRR 141 n.88.
15. Hardy, Cat.Consp. 38, but he associates Labienus' bill directly with Caesar's election; cf. n.1 above.
16. Gruen, LGRR 80-1, argues for Caesar as a Pompeian candidate, but ignores Vatia's involvement; contra: Ward, Crassus 169-70.
17. Contra: Hardy, Some Problems 112-3.
18. Cf. Gruen, LGRR 279 n.69; W.B.Tyrrell, Latomus 1973, 288-92.
19. Cf. Münzer, RE 10.1, 892, Iulius:143. Taylor, PPAC 224, suggests that he was C.Caesar's man.
20. Cf. Syme, Sallust 98-9; JRS 1938, 118; Cary, CAH 9.490; M.Grant, Julius Caesar 52; contra: Ward, Crassus 166.
21. Cf. Ward, Crassus 164; contra: Stockton, Cicero 108, who argues that Cicero's involvement with Pompey's enemies would not have affected his standing with Pompey and his friends.
22. So: Cary, CAH 9.491; Syme, Sallust 70 n.46; Pareti, La Congiura di Catilina 55. Contra: Mommsen, HR 4.170-1; Holmes, RR I.256; Gelzer, Caesar 47; Garzetti, Ath 1942, 34-5; Hardy, Cat.Consp. 37; Ward, Crassus 172, all accept that the support continued at least to the elections of 63.
23. For Murena: Pareti, La Congiura 63; for Sulpicius: Syme, Sallust 70 n.46; for Silanus: Ward, Crassus 171-2.
24. Shackleton Bailey, Phoenix 1970, 164.
25. Ward, Crassus 141-2.
26. R.Seager, Hist 1973, 240-8. Some similar doubts about Manlius' position are expressed by K.H.Waters, Hist 1970, 195ff., esp. 201. For the conventional view, following Cicero, of Manlius as "audaciae satellitem atque administrum tuae" (Cat.1.7), see Hardy, Cat.Consp. 51-2, 54; Gruen, LGRR 423-5; Mommsen, HR 4.162.

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27. Mommsen, HR 4.162-3; contra: Hardy, Cat.Consp. 43-5; John, JCP Supp. 8, 1876, 762. Mommsen may have been led to his opinion precisely because the gap between elections in July and the rising in late October was so long as to strain the credibility of the rest of his account.
28. Hardy, Cat.Consp. 64. Contra: Seager, Hist 1973, 240-1.
29. It is clear from Plutarch (Cic. 13.3-4) that he derived this information from Cicero's treatise on his consulship. The date is that computed by Hardy, Cat.Consp. 55-7. John, Philologus 1888, 650-65, and Holmes, RR I.259-60, believe that the tumultus was decreed on 21 October and the S.C.U. on 22 October. The date of the S.C.U. depends on that of the delivery of Cicero's First Catilinarian, since Asconius declares that the latter was delivered on the eighteenth day after the S.C.U. (Asc.6C). The speech followed the meeting at Laeca's house, which was certainly on 6 November (Cic.Sull. 52), but whether it came the next day or the next but one is a matter of debate. Hardy believes the former, the 6th; John and Holmes opt for the 7th. Hardy also uses the reference in Cic.Cat. 1.4 to a period of twenty days to date the decree of the tumultus.
30. Cf. Waters, Hist 1970.209ff., suggesting that Cicero was manufacturing a crisis to give him an opportunity to discredit Crassus. Others believe that Crassus intended to make capital out of the conspiracy by first encouraging it, then unmasking it, and finally obtaining the command to crush it as he had Spartacus. He would thus have an army in Italy, just as he had in 71, with which he could face the returning Pompey: Salmon, AJP 1935, 310-5; Deknatel, Vita 35-7. Ward, Crassus 183, follows these and suggests that Crassus himself either solicited or forged the letters that he produced. Gelzer, RE 13.1, 313, and Garzetti, Ath 1942, 37-40, think that Crassus was not really involved in the conspiracy but hoped to be able to take advantage of any uprising.
- 30A. The separation of the tumultus and the S.C.U. shows both that the senate was not wholly convinced by the letters, and perhaps also that the prosecution of Rabirius had indeed produced some doubts about the use of the ultimate decree without compelling justification.
31. For the singularity of Q.Arrius see: Syme, CP 1955, 133; Wiseman, New Men 214; Marshall and Baker, Hist 1975, 220-31. For his duality: Klebs, RE 2.1.1252-4, Arrius: 7 & 8; MRR 2.109, 161; Douglas, Brutus 179.
32. Cf. Gruen, RPCC 216-20 and Hist 1966, 40ff. See also Cicero's account in De Or 3.1-11.
33. The MSS. are divided on the name of the man who accepted Catiline. Three MSS. have "M.Metellum", the rest "M.Marcellum". Quintilian (Inst.Or. 9.2.45) quotes this passage, with "M.Metellum". He does so because of the irony of the epithet "optimum virum". If

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"M.Marcellum" were correct, there would seem to be a contradiction with a mention of M.Marcellus a few lines lower, where he is genuinely complimented with the epithet "fortissimo viro" (1.21). Indeed the corruption could stem from this mention. The epithets are verbally similar and occur within a few lines of one another. That Metellus is the correct name is shown by Dio, who says that, when indicted for violence after the passage of the S.C.U., Catiline, after a refusal by Cicero, took up his residence at the house of Metellus the praetor (Dio 37.31.3-32.2). Despite his confusion of Metelli, the praetor being Celer who had already refused, this passage does suggest that some M.Metellus is to be sought. Perhaps he is to be identified with the M.Metellus who gave games in 60 (Cic.Att.2.1.1), perhaps a kinsman of Creticus. His brother, M.Metellus, praetor 69, would be a tempting identification, but his failure to reappear after 69 for his due consulship might suggest that he had died.. Cf. Munzer, RE 3.1.206, Caecilius:78 & 79.

34. Cf. Syme, Sallust 71-2.
35. Cf. Caesar's arrangement with L.Lucceius over the financing of their joint campaign in 60 (Suet.Jul.19), despite Crassus' almost certain support. Crassus had helped Caesar with his creditors in 61 (Plut.Caes.11.1), but Caesar clearly still needed Lucceius' help.
36. R. Seager, Hist 1973, 241-2.
37. Cf. Hardy, Cat.Consp. 79.
38. Seager, Hist 1973, 245; cf. Hardy, CatConsp. 99.
39. Syme, Sallust 82. Ward, Crassus 184, suggests that as Volturcius was known to Pomptinus, one of the praetors sent to arrest the Allobroges, and Pomptinus was a former legate of Crassus, the latter was involved in planning the trap (Cic.Cat.3.5,14;Flacc.102;Prov.Cons.32;Sall.Cat.45). If there is anything in these connections, it is more likely that Cicero chose Pomptinus for the same reasons that he later gave two of the conspirators into the custody of Crassus and Caesar. See above p.101-2.
40. Holmes, RR I.473; Syme, Sallust 103-4, n.3; Stockton, Cicero 132. Garzetti, Ath 1942, 38-9, believes that Crassus was probably right in blaming Cicero.
41. Ward, Crassus 179-80.
42. Mommsen, HR4.171; contra: Ward, Crassus 189.
43. That Crassus is here meant is almost certain in view of Crassus' absence from the list in Att. 12.21.2. Cf. Garzetti, Ath 1942,39.

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Ch. VII

1. Hardy, Cat.Consp. 107; Salmon, AJP 1935, 316; Adcock, Crassus 41-2.
2. Cf. Gelzer, Caesar 56; Chr.Meier, Ath 1962, 103-25.
3. Cf. Holmes, RR I.290-1; Scullard, Gracchi to Nero 116.
4. Cf. Mommsen, HR4.178-81.
5. Garzetti, Ath 1944, 1; cf. Holmes, RR I.467; Ed.Meyer, Caesars Monarchie 38; Salmon, AJP 1935, 316.
6. Contra: Gelzer, RE 13.1, 313; Gruen, LGRR 84.
7. Garzetti, Ath 1974, 2, believes that Crassus stayed away from Rome until Pompey had disbanded his army.
8. E.Ciaceri, Cicerone 2, 18-9.
9. Ward, Crassus 195; cf. Parrish, Phoenix 1973, 357-80; Adcock, Crassus 41.
10. Münzer, RA 342-7.
11. Pompey's letter was probably written not long after Nepos reached him, in the spring of 62. Cf. L.A.Constans, Cic.Corr. I.109, who dates Cicero's letter to May, and Shackleton Bailey, Cic.Fam. I.279, who dates Cicero's letter in May and the arrival of Pompey's to late March.
- 11A. Plutarch does give a clearer account elsewhere (Cat.30.1-3).
12. Thus inter alios: Ward, Crassus 199-201; Hardy, Cat.Consp. 110; Holmes, RR 1.288; Gelzer, Cicero 108 n.47.
13. Taylor, TAPA 1942, 19.
14. Gruen, Phoenix 1970, 237-43; cf. T.N.Mitchell, Hist 1975, 618-22.
15. Hardy, Cat.Consp. 107-9; Salmon, AJP 1935, 316.
16. To say, as does Ward, Crassus 206, that Pompey avoided a specific stand, felt kindly towards Clodius, and did not wish to alienate him, clearly misses the points both of the question and of the answer.
17. A derivation from the name "Nannius" and a connection with Crassus' activities during the Sullan proscriptions is seen by: Deknatel, Vita 50-1; Tyrrell and Purser, Corr.Cic. 1.212-3; Garzetti, Ath 1944, 3 n.4; Shackleton Bailey, Cic.Att. 1.316-7; Stockton, Cicero 160 n.36; Ward, Crassus 227-30; Gelzer, Caesar 60. T.Frank, AJP 1919, 396-8, and R.Y.Hathorn, CJ 1954, 33-4, provide different explanations of how the phrase refers to the

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Ch. VII

Novi Poetae of whom Calvus was one. Wiseman, CQ 1968, 229, similarly chooses Calvus but explains the phrase as a corruption of "νεαπιδαις" which would have been written in Roman letters. Crassus is chosen by Trencsényi-Waldapfel, Ath 1965, 49-51, with a very obscure reference to a play by the Attic comic poet, Eubulus. There were Nanneii in Africa at Thugga (ILA fr.561; cf. 516).

18. Trencsényi-Waldapfel, Ath 1965, 42-7.
19. Cf. Wiseman, CQ 1968, 297-8. On all this question see P.W.Fulford-Jones, CQ 1971, 183-5; Ward, Crassus, 227-30. Against the conclusions reached above see also Gruen, Phoenix 1966, 121-2, and LGRR, 275 n.58, where he simply declines to discuss the matter.
20. On Macer's pretensions see R.M.Ogilvie, A Commentary on Livy 1-5 7-12.
21. Cf. Badian, Acta 5th Epig.Cong. 209-14; Gruen, CSCA 1968, 167-9. Any breach with Pompey is denied by Shackleton Bailey, Cic.Att. 1, 312; Ward, Crassus 206 n.41.
22. Ward, Crassus 212 n.54; cf. Grant, Caesar 72.
23. Plutarch (Pomp.45.3) also says that Lucullus had virtually retired, but that he reentered the fray with Cato. In this version, however, the issue of his come-back is the question of the acta.
24. See R.E. Smith, CQ 1957, 82-5; Gabba, PP 1950, 66-8.
25. Gruen, LGRR 86.
26. It has been objected that the figure for Messalla's house is so much larger that it must be corrupt, and that Messalla must have paid 3,400,000 HS: both L.A.Constans and W.B.Tyrrell ad. loc. On the other hand P.Clodius paid 14,800,000 HS for his house (Pliny NH 36.103). Cf. Shackleton Bailey, Cic.Att. I.306.
27. Ward, Crassus 202.
28. Gelzer, RE 13.1.330.1; Taylor, PPAC 121, 218 n.24, 222 n.10; cf. Badian, Publicans and Sinners 107-12; contra: Cadoux, G & R 1956, 157 n.1. But cf. Crassus' interest in Egypt in 65 (above p75).
29. Adcock sees this and a share of the bribe from Ptolemy Auletes as Crassus' chief inducements: Crassus, 44. Cf. Cary, CAH 9.515; Scullard, Gracchi to Nero 119; and slightly more cautiously: Ward, Crassus 210-2; Gruen, LGRR 90.
30. Ward, Crassus 219; cf. the involved but unconvincing reconstruction of the affair by E.J.Parrish, Phoenix 1973, 357-80.

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Ch. VII

31. Cf. Gruen, LGRR 241-2.
32. Stanton and Marshall, Hist 1975, 205-19.
33. Balsdon, JRS 1939, 167ff. Contra: Holmes, RR I.474, who suggests that silvae callesque may be a copyist's gloss, and that Italy was not meant, but other, unwarlike, provinces; cf. Gelzer, Caesar 65 n.2.
34. Cf. Shackleton Bailey, Cic.Att. I.328.
35. Sanders, MAAR 1932, 55-68.

Ch. VIII

1. Among others: Taylor, AJP 1951, 254-68; CQ 1954, 187-8; Hist 1950 45-51; Hist 1968, 173-93; Taylor and Broughton, Hist 1968, 166-172; S.I.Oost, AJP 1956, 25-6; Gelzer, Caesar 71-101; Hermes 1928, 113-37; Shackleton Bailey, Cic.Att. I.408; Meier, Hist 1961, 69-88; Linderski, Hist 1965, 423-33.
2. Linderski, Hist 1965, 423-33.
3. Taylor and Broughton, Hist 1968, 166-72; cf. Ward, Crassus 217 n.66.
4. Taylor, AJP 1951, 257.
5. Gruen, LGRR 397, believes that the senate did reject the bill, citing Plut.Caes.14.1-2; App.BC 2.10; Schol.Bob.146 St. Dio's account, however, is the fullest and most explicit.
6. Cf. Meier, Hist 1961, 77ff.
7. Cf. Shackleton Bailey, Cic.Att. I.408. Contra: Lintott, VRR 145.
8. Cf. Taylor, AJP 1951, 260.
9. Shackleton Bailey, Cic.Att.1.408; contra: Taylor, Hist 1968, 182-7; cf. Gelzer, Hermes 1928, 116; Lintott, VRR 74-5.
10. Sanders, MAAR 1932, 55-68.
11. Varro's pamphlet "Τρικράνον" (App.BC 2.9) probably belongs to 59 and further indicates that the triumvirate was common knowledge.
12. Taylor, Hist 1968, 186-7.

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Ch. VIII

13. Gelzer, Caesar 86; Ward, Crassus 224.
14. Cf. Broughton, TAPA 1948, 73-6.
15. Two other quinquévirs are known, M. Messalla Niger, cos. 61, and C. Cosconius, pr. 63. It is not possible to guess the likely political connections of either man (MRR 2.192).
16. Clodius a puppet of the triumvirate: Garzetti, Ath 1944, 14; of Caesar: Cadoux, G & R 1956, 158; Pocock, CQ 1924, 59-65; Cary, CAH 9.522; of Crassus: Deknatel, Vita 78-9; Marsh, CQ 1927, 30-6; Rowland, Hist 1966, 217-23; Marshall, Crassus 115-30; Wholly Independent: Gruen, Phoenix 1966, 120-30; Lintott, G & R 1967, 157-60; VRR 193-200.
17. Gruen, Phoenix 1966, 120-30.
18. Cf. Gelzer, RE 8a. 907f.
19. Cf. Gruen, Latomus 1973, 301ff.
20. Cf. Allen, TAPA 1952, 233-5.
21. Crassus was a patron of Caelius (Cic.Cael.9). Q. Fabius served as a Caesarian legate in 46-5 and was suffect consul in 45. He may have been a lover of Clodius' sister (Cic.Att.2.1.5); cf. Shackleton Bailey, Cic.Att. I.348. Caninius is probably L. Gallus the Pompeian tribune of 56 (MRR 2.209).
22. Stockton, Cicero 201 n.14, suggests that Crassus withdrew his motion proposing that, for Auletes' restoration, three men be selected from those holding imperium, in favour of a motion by Bibulus that they be drawn from those not holding it. This latter proposal will have suited Crassus much better, since it excluded Pompey. Cf. Garzetti, Ath 1944, 17f.; Gruen, Phoenix 1966, 129 n.49.
23. Taylor, AJP 1951, 45-51; accepted by McDermott, TAPA 1949, 358-9; Allen, TAPA 1950, 153; Gelzer, Caesar 90 n.2.
24. Meier, Hist 1961, 89-93.
25. Shackleton Bailey, Cic.Att. I.395; cf. Brunt, CQ 1953, 62ff., not entirely refuted by Taylor, CQ 1954, 181f.
26. - (deleted)
27. Cf. Mommsen, St R 3.409.
28. S.I. Oost, AJP 1956, 25-6; cf. Seager, Latomus 1965, 519-31.

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Ch. VIII

29. There are two further indications that the Vettius affair, and therefore Clodius' election, took place later in the year. In his account of the affair, Cicero refers to Gabinius' games. It is clear that these had taken place some time before, as Paullus would seem, from the tenses used, to have returned from Macedonia in the interim (Att.2.24.3). These games are probably those referred to by Cicero in mid July (Att.2.19.3); cf. Shackleton Bailey, Cic.Att. I.389-90. The other point concerns Cicero's reference in his speech pro Flacco to his own recent denunciation by informers (Flacc.96). This could be a reference to the Vettius affair (cf. Att.2.24.3; Dio 38.9.2). The trial of Flaccus is usually dated in September or October 59, and so would fit well with the period just before the elections on 18 October, the context of the Vettius affair.
30. Taylor, Hist 1950, 48-51; Rowland, Hist 1966, 223; Gelzer, Caesar 91.
31. McDermott, TAPA 1949, 366, who even believes that Caesar had arranged for Vettius to denounce him in 62 in order to demonstrate his innocence, p.362; Allen, TAPA 1950, 153-62.
32. Seager, Latomus 1965, 525-31.
33. Ward, Crassus 238-42; Gruen, LGRR 96.
34. Gelzer, Caesar 91 n2, is of the opinion that these criticisms come not from speeches of the elder Curio in 59, but from a dialogue that he wrote later. Cf. Malcovati, ORF 301-3.
35. Seager, Latomus 1965, 525-31; Allen, TAPA 1950, 153-62.
36. For Pompey's fear of assassination cf. McDermott, TAPA 1949, 364n.29.
37. Vettius' possible Picene origins are not enough to prove him Pompeian. His background must have been far better known to his contemporaries. Cicero certainly did not see an inevitable connection with Pompey: cf. Ward, Crassus 238 n.26. In 62 Vettius had denounced Caesar at a time when Caesar was very openly supporting Pompey's interests.
- 37A. Hoard evidence, however, suggests a date later than 58, possibly 54.
38. Contra: Ward, Crassus 235-42, who thinks that Bibulus' delay and Curio's opposition, encouraged by Crassus, had in fact endangered their prospects. The Vettius affair, he argues, was designed to restore them, and indeed clearly succeeded.
- 38A. There seem in fact to have been insufficient days for the prosecution.
39. Cf. Gruen, CSCA 1968, 163-7.
40. Cf. Ward, Crassus 243-5.
41. Cf. Shackleton Bailey, Cic.Att. I.397, who suggests the first, and cites the second, which belongs to Watt, and is favoured by Ward, Crassus 243 n.40.

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Ch. VIII

42. Deknatel, Vita 79-80, mentions the first three possibilities. Ward, Crassus 244, favours M. Crassus.
43. Although when listing the friendly praetors of 57 he does give Dives' praenomen, it should be noted that he gives the praenomina of all of them, as was presumably fitting in a formal speech (Red. in Sen. 23).

Ch. IX

1. Cf. E. Rawson, Hist 1973, 235-8.
2. Clodius seems to have prosecuted a number of Pompey's friends, but whom and when is not clear (Plut. Pomp. 48.6).
3. Ward, Crassus 246-7; Gruen, IGRR 99, 294.
4. See Weinstock, JRS 1937, 215-22, on the fate of Clodius' modification of the leges Aelia et Fufia. Cf. Balsdon, JRS 1957, 15-16; Astin, Latomus 1964, 421-45.
5. Thus: Pocock, CQ 1924, 59-65; contra: Marsh, CQ 1927, 30-6.
6. Cf. Shatzman, Latomus 1971, 363-9.
7. Thus: Balsdon, JRS 1951, 16-18.
8. Although Taylor, AJP 1942, 393-4, suggests that the M. Crassus, listed as a pontiff in Cic. Har. Resp. 12, must have been the triumvir's son, because of his relatively late entry to the college, shown by his place on the list, it is more likely that the triumvir himself held this priesthood. Marcus was his younger son (see Appendix A), and Publius the elder became an augur in 55. It is unlikely that the younger son would be honoured before the elder, and it is therefore probable that the father was the pontiff. He was in any case listed above C. Curio, consul 76, an older man of considerable dignity, for all that his family was not noble.
9. Cf. Gelzer, Caesar 86, on Pomptinus' supplicatio, and Vatinius' objections to it.
10. Cf. Balsdon, JRS 1939, 167ff.
11. Thus: Badian, CQ 1969, 200-4. Contra: Gruen, Ath 1971, 62-5.
12. Cf. Cary, CQ 1923, 103-7.

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Ch. IX

13. Cf. Pocock, Comm.Cic.in Vat. 1-9; contra: U.Albini, PP 1959, 172-84.
14. Th.N.Mitchell, TAPA 1969, 295-320, argues that the issue was not an important one, that Cicero was neither deeply involved in it nor at this time hostile to Caesar, and that Lupus may not have been acting for Pompey. Balsdon, JRS 1957, 15-20, tries to show that Cicero was lying when he claimed to have been a prime mover in the affair. Marsh, CQ 1927, 30-36, argues that Pompey was the chief target of the attack, and that Caesar was not affected by it. Pocock, CP 1927, 301-6, shows that Caesar was in fact annoyed by the attack, and that Pompey supported it. Carey, CQ 1923, 103-7, and JP 1920, 174-90, also shows that it was Caesar who stood to be hurt by the attack. Stockton, TAPA 1962, 72-7 and T.A.Dorey, CR 1959, 13, both refute Balsdon's arguments.
15. Cf. the arguments of Cary in the articles cited in n.14 above.
16. Cf. Stockton, TAPA 1962, 476.
17. Dorey, CR 1959, 13. Cf. Wiseman, JRS 1966, 108-15, who doubts the triumvirs' power to coerce Cicero after Luca, and concludes that they must have bribed him. He ignores Cicero's own testimony, and also the fact that Cicero was by now well aware that without Pompey he was nothing.
18. Cf. Stockton, Cicero 201 n.14.
19. The first view is that of Ward, Crassus 252 n.66. The second is favoured by Shackleton Bailey, Cicero 80, and Meier, RPA 20.
20. E.g. Gruen, LGRR 308.
21. Cf. Gruen, LGRR 305-9, for the details of the case, although he does try to bend it to fit the pattern.
22. On the name Cloelius, rather than Clodius, see Shackleton Bailey, CQ 1960, 41-2.
23. The actions and motives of the members of the triumvirate in the period leading up to Luca have given rise to much speculation. Cf. C.Luibheid, CP 1970, 88-94; Pocock, CP 1927, 301-6; Marsh, CQ 1927, 30-6; Gruen, Hist 1969, 71-96. An interestingly eccentric account is that of J.F.Lazenby, Latomus 1959, 67-76, who, accepting Dio's account, suggests that Pompey sought the consulship of 55 so that he might himself replace Caesar in Gaul.
24. One possible explanation of Domitius' one competitor could be that Crassus had in fact been able to submit his name properly, but that Pompey had encountered some difficulty, perhaps failing to obtain a dispensation allowing him to make his professio in absentia. It is unclear whether Pompey's imperium prevented him

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- from doing so in person. At one point the senate met outside the pomerium specifically so that he could attend (Cic.QF 2.3.3), but on the other hand he seems to have entered the city to speak for Milo and Sestius (QF 2.3.2; Fam. 1.9.7).
25. Pace C.E.Stevens, Latomus 1953, 14-21, who believes that Crassus planned to conquer Ireland from Spain. It is not clear whether the lot was nominally involved (Plut.Pomp. 52.4; cf. Cr. 15.7; Cat. 43.1; Dio 39.33.2).
  26. Cary, CAH 9, 534-5, and Gelzer, Caesar 123, opt for Caesar. Syme, RR 37 and Stockton, Cicero 208-9, credit Pompey. Meier, RPA 287 and Ward, Crassus 264, favour Crassus.
  27. Thus: Meier, RPA 287.
  28. Thus: Stevens, Latomus 1953, 14-21.
  29. It is not certain that this meeting was connected with the Syrian publicani. Marshall, Crassus 131, thinks it may concern Pompey's proposal to make equestrian jurors liable to prosecution for extortion (cf. Cic.Rab.Post. 12-13); contra: Shackleton Bailey, Cic.Att. 2.197.

Ch. X

1. Cf. Taylor, Ath 1964, 12-28; Gruen, LGRR 313-22; Hist 1969, 101-3.
2. Marshall, Crassus 101.
3. The measure did, in any case, merely put into effect a senatorial decree passed in early 56 (Cic.QF 2.3.5).
4. Cf. Gruen, LGRR 230-33; contra: Ward, Crassus 269-72.
5. Dio, in his already noted ignorance of the meeting at Luca, suggests that Pompey and Crassus initially did not intend to extend Caesar's command, but were compelled to do so by Caesar's supporters who threatened to oppose the lex Trebonia (Dio 39.33); cf. Gelzer, Caesar 128 n.2. Ward, Crassus 277, suggests unconvincingly that Pompey and Crassus hoped, by not including Caesar's extension in the lex Trebonia, that the measure might encounter less resistance.
6. Ward, Crassus 283-4, sees in these moves a conspiracy between Crassus and the "optimates" to the disadvantage of Pompey and Caesar. He ignores the fact that Crassus' ties with Metellus Scipio almost certainly go back at least to 63, when they made their joint nocturnal visit to Cicero, and possibly to 70, when

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Ch. X

Scipio was associated with Crassus' adfinis, Metellus Creticus, in the defence of Verres. Ward's use of the term "optimate" is in any case elastic. Scipio was a bitter enemy of M.Cato (Plut.Cat.7.1-2), and, as has been shown, almost certainly a triumviral candidate for the praetorship. That P.Crassus succeeded Lucullus is more likely to be due to his gens than to any political associations.

7. See the convincing arguments of A.D. Simpson, TAPA 1938, 532-41, who shows that confusion with a similar set of events and names in 131/130 recorded by the Livian epitomator may have led the later writers astray.
8. Meyer, Caesars Monarchie 161; Heitland, RR 3.229. Contra: Gruen, Hist 1969, 100-3.
9. Münzer, RE 3.2850; Syme, RR 45; contra: Gruen, Hist 1969, 101-3.
10. Cf. Tyrrell and Purser, Corr.Cic. 2 ad loc.
- 10A. Cf. E.Rawson, Hist 1973, 219-39.
11. Ciaceri, Cicerone 2.112-127, tries to represent the trial as a triumviral attack on Scaurus. E.Courtney, Philologus 1961, 151-6, sees the trial as a resurgence of the Marian-Sullan struggle, with family loyalties from that time determining present positions. There are, however, as many exceptions detectable to this rule as observances, if not indeed more. Meier, RPA 18, takes the case as evidence for the essential unanimity of the Roman nobility, but this example would seem exceptional rather than typical. Cf. Gruen, LGRR 332-7.
12. If Messalla did stand in 55, he must have been opposed to Ap.Claudius, since they were both patricians. This would confirm the impression that Appius was not aligned with Ahenobarbus until well into 54. The latter and Messalla, both connected with the boni, may have been opposed to the triumvirs, and Appius and Ampius Balbus friendly.
13. Gruen, Hommages Renard 2.315.
14. Ahenobarbus had an hereditary interest in Gaul. His grandfather had helped to organise Gallia Narbonensis in the first place (MRR 1.524), and his father had been a co-founder of Narbo Martius in 118 (MRR 2.644).
15. The credit for the identification belongs to Shackleton Bailey Cic.Fam. ad loc. (goes back earlier)
16. Meyer, Caesars Monarchie, 191-7; 207-11; D.-G. 2.4-8; cf. Mommsen, HR 4 297, 302.
17. Cf. MRR 2.233; Taylor, PPAC 230-1.

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Ch. X

18. It could be interesting to speculate whether Pompey might not in fact have had a hand, indirectly, in Crassus' downfall in the East. The motive was certainly there; so too the means, in his immense influence and clientela. Ariamnes, who appears to have been a chief agent of the disaster, was a client of Pompey (Plut.Cr.21.1-2;22.1).

Ch. XI

1. Cf. Earl, Ti.Gracchus 91-5; Gruen, PPCC 56-8; Stockton, The Gracchi 81-4.
2. Cf. Syme, Sallust 19; JRS 1944, 96-7; Adcock, Crassus 13.
3. Cf. Gruen, AJAH 1977, 119-21.
4. Cf. Syme, RR 28-46; R.Seager, Pompey 188.
5. Cf. Syme, RR 28-31; Badian, FC 228-9; Seager, Pompey 2.
6. Syme, RR 22,40; Holmes, RR I.309.
7. Gruen, LGRR 71-4.
8. C.Claudius Pulcher had command of some of Caesar's troops in Italy in early 58 but there is no record of his presence in Gaul (Cic.Sest.41).
9. Even M.Piso may have needed Pompey's help more than most nobles. His praetorship had been at least ten years earlier.
10. RE 2A, 870ff.; 3.1269f.
11. Cf. Syme, RR 51-2.
12. E.g. C.Calvisius Sabinus, Sex.Appuleius, L.Autronius Paetus, C.Carrinas, M.Messalla.
13. Cf. Groag, RE 13.283ff.; Syme, RR 303, 308-10. One other incident that may have served to trigger Octavian's "restoration of the republic" is the obscure affair of C.Cornelius Gallus, Prefect of Egypt. He was "prosecuted for treason, disowned by Octavian, and committed suicide (Jerome, Chron.164H; Dio 53.23.7). It is just possible that there may have been some link between Crassus and Gallus. The tomb of the Crassi contained one "Licinia P.f. Galli (uxor)" (CIL.6.21308). Certainty is impossible. M.Crassus disappears from history after his triumph, and indeed is tactfully never mentioned at all by so loyal a historian as Velleius.

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Appendix A

1. Ward, Crassus 81.
2. Cf. Iunia Tertia or Tertulla, daughter of D.Silanus, cos. 62. Vespasian's paternal grandmother was a Tertulla, wife of T. Flavius Petro, a Pompeian centurion from Reiti (Suet.Vesp.1.2). Attempts to see Tertulla as a contraction of Terentilla are unlikely, though such diminutives are found; cf. "Mucilla" (Catullus 113.2).
3. Cf. Adcock, Crassus 2.
4. Münzer, RE 13.1, 291; Gelzer, Caesar 132; Syme, RR 22 n.1; 36 n.3.
5. MRR 2.217; Supp.34; Mattingly, Num.Chr. 1956, 20f.
6. Willems, Le Sénat 1.536.
7. Cf. Sumner, Orators in Brutus 149-50; Ward, Crassus 55-7, esp. n.39, which shows that the coin issued by P.Crassus need not mean that he was quaestor in 55.
8. Ward, Crassus 203-4.
9. Ward, Crassus 203 n.35; cf. Syme, RR 369.

Appendix B

1. It seems best to give all figures in one currency and denomination. All subsequent sums will be given in sesterces. It is assumed that the denarius, which was four sesterces, was equivalent to the drachma, and that there were approximately 24,000 HS to the talent.
2. Wiseman, New Men 66-7.
3. Cf. T.Frank, ESAR 393-4, on the sizes of private fortunes in the Republic.
4. It is amusing to note that Badian, Roman Imperialism, who insists that Pliny's is the version to take here (109 n.20), studiously ignores, for the purposes of his argument, Pliny's assessment of Crassus' wealth which comes in the same passage, and quotes only Plutarch's (81-3). In each case the lower figure is preferred, Pliny refuting Plutarch in the one, and vice versa in the other.
5. Watson, Hist 1958, 113.
6. T.Frank, ESAR 1.393.
7. Adcock, Crassus 22-3; Ward, Crassus 86.
8. Badian, Roman Imperialism 82. Cadoux, G & R 1956, 161, more reasonably suggests that there was probably little in it.

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Appendix B

9. Suetonius asserts that Caesar and Pompey shared a bribe of 150,000,000 HS from Ptolemy Auletes (Suet. Iul. 54.2). It is not certain however that Crassus may not have received a share.
10. An alternative reading is Heracleensem legionem. The same point would apply.
11. A reference by Tacitus to the lands, clients, and "nominis favor" of the Crassi in Istria may not have any bearing on the Republic (Hist 2.72).
12. It has been suggested that Pompey's debts about provinces in 55, "Syriam spernens, Hispaniam iactans" (Cic. Att. 4.9.1), may reflect an interest on Crassus' part in having Spain for himself. The suggestion that he was inspired, by Caesar's exploits and by faulty notions of geography, with a desire to use Spain as a stepping stone to the conquest of Ireland seems unlikely: C.E. Stevens, Latomus 1953, 14-21.
13. Casson, Macedonia, Thrace and Illyria 76.
14. T. Frank, ESAR 1.257.
15. E.J. Phillips, Latomus 1973, 86-95.
16. Since Crassus' father was not a rich man, it is likely that the house on the Palatine that Crassus sold to Cicero was the only house he had inherited (Gell. NA. 12.12.2; Cic. Fam. 5.6.2). If Plutarch is right, it must be assumed that his one piece of personal building was at least an adequate replacement for that house and must have been built by 62.
17. Cf. J.H.D'Arms, Romans on the Bay of Naples.
18. Frank, ESAR 1.385.
19. Cf. Yavetz, Latomus 1958, 500-17.
20. Ciaceri, Cicerone 2.18-19; Parrish, Phoenix 1973, 357-80.

Appendix C

1. Cf. A.G. Lee, Introduction to his edition of Cicero's Stoic Paradoxes. Cf. A. Oltramare, Les origines de la diatribe Romaine.
2. Plutarch gives the maxim Crassus admired as "ὅτι πλούσιον εἶναι τὸν ἀγαθὸν", and Cicero's counter-quotations as "ὅτι πάντα τοῦ σοφοῦ . . . εἶναι" (Cic. 25.4).

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