

## L. Appuleius Saturninus and the Role of Violence in the Politics of the Late Republic

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Throughout the decade 110-100 B. C., a series of tribunes asserted *popularis* control over the traditional prerogatives of the Senate. At the beginning of the decade, Rome found itself sunk knee-deep in an unusual war in Africa with the elusive Jugurtha. Corruption and scandal aroused the enmity of the People against the senatorial classes, and in 109 the tribune C. Mamilius established a People's commission, composed of an equestrian *quaestio*, to weed out the guilty. The *lex Mamilia* set the pattern for the decade. The pressures of a two-front war against the Cimbri and Teutones in the North and Jugurtha in Africa created an acute need for more troops and better military organization. Marius's solution was both precedent-setting and momentous; for by enrolling the *capite censi* into the armies in 108, the military commander acquired a *clientela* of landless poor. The demands for land, rather than traditional booty, forced the military commander to take an active role in domestic politics in order to ensure the passage of favorable *leges agrariae*.

After the Mamilian Commission, a series of military failures fell under the close scrutiny of the tribunes and *equester ordo*. C. Popillius Laenas, who had saved his army from the Tigurini at the cost of humiliating terms, was prosecuted for treason in 106 by the tribune C. Coelius Caldus, who further proposed to extend the secret ballot to such cases. In 104, the tribune Cn. Domitius Ahenobarbus prosecuted M. Junius Silanus, defeated by the Cimbri in 109, for "having waged war against the Cimbri without the authority of the people. . . ." <sup>1</sup> But the scandal of the decade occurred in 105 at Arausio when Rome's legions suffered one of

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their worst defeats in history due to the failure of the consul Mallius and the proconsul Caepio to coordinate their efforts. The tribunes revoked Caepio's *imperium*, and in 104 under the *lex Cassia* all members who had been deprived of *imperium* by the People lost their seats in the Senate.<sup>2</sup> Whether justified or not, the People flouted the *lex Annalis*: by assuming from the Senate the power to designate consular provinces (when they replaced Metellus Numidicus with Marius), by asserting the right to revoke magisterial *imperium*, and by re-electing Marius to six consulships despite the historic ban of ten years.

Further attacks on the Senate's traditional powers came in 104 when Domitius prosecuted the lofty Scaurus for having neglected his duties as *Pontifex Maximus*. Domitius then carried a law by which the selection of priests was transferred to the People.<sup>3</sup> L. Marcius Philippus, who later reversed his *popularis* course, called in the same year for a *lex agraria* to distribute property equally and claimed that no more than two thousand people in all of Rome held all the property.<sup>4</sup>

Yet until 103, none of the tribunes could manage a sustained effort on a broad front against senatorial dominion. Though the Senate was approaching an all-time low in dignity, proposals aimed at limiting their power were essentially piecemeal and temporary in purpose. Frustrated by the one-year term and the difficulty of maintaining organized support — and no doubt nervously aware of the ill-fated Gracchi — Domitius, Philippus, and Calpurnius eventually found their ways into the conservative senatorial ranks, having gained *auctoritas* in their brief forays on behalf of the People. Trials throughout the decade were used as methods of harassment. It was difficult to convict for treasonous conduct under the crime of *perduellio*, for negligence and incompetence fell short of full treason. Few who were prosecuted were convicted by the courts, even though equestrians served for the most part as jurors.

At the close of the decade, however, a brilliant and flashy politician in the *popularis* mold, L. Appuleius Saturninus, managed for a short time to construct a working popular *factio* that pushed through the most wide-sweeping legislation since that of C. Gracchus. A noble by birth, Saturninus first appears in the sources in 104, when because of alleged inefficiencies in the

management of grain, the Senate took away his authority as quaestor of Ostia and assigned the administration of supplies to the reliable Scaurus.<sup>5</sup> Cicero mentions that the Senate's action came under the stress of a temporary rise in the price of corn and attributes Saturninus's career as a *popularis* to his embarrassing removal. This constituted a grave insult and damaging blow to an ambitious young noble who, like those of his class, took a personal affront badly. Yet in almost every reference in the sources, Saturninus is portrayed as anathema. Because of this obvious bias against him, we cannot accept the question of motive without some scrutiny. H.Hill has suggested that in light of his later associations with the *Equites*, it is tempting to explain Saturninus's inefficiency at Ostia as due to a connection with the leading merchants and businessmen of the port.<sup>6</sup> Perhaps, considering the whole of Saturninus's career and his *lex frumentaria* of 103, we can suggest that, because of the rising price of grain, the young quaestor was sympathetic to the needs of the People and turned his back on inefficiency. We should not, however, give way to the temptation to manipulate the sources, but neither can we accept the sources' view on motive at face value.<sup>7</sup>

As Saturninus had suffered an uncommon personal setback in 104, it is remarkable that we find him elected tribune for 103 in the same year. Cicero describes him as a passionate man, an effective street orator, and a "consummate exciter and inflamer of the unschooled mind." He was the best speaker among the radicals though "he took fancy of the public rather by externals, such as his action or even his dress, than by any real faculty of expression or of sound sense, with which he was but meagrely endowed."<sup>8</sup> Such a compliment from Cicero indicates extraordinary political ability. Still, something had to be an issue, a strong popular cause, to explain such a quick rise from disgrace, for by the time of the consular elections of 103, Saturninus had become the most influential of all the tribunes for that year.<sup>9</sup> It seems obvious that his sudden reversal of fortune was made possible by the grain issue, with which he had been closely associated as quaestor. The two major wars of the decade and the Sicilian slave revolts had severely affected the price of grain, and

the Senate had found the port of Ostia so important that no one less than Scaurus was deemed capable of proper management.

The *lex frumentaria*, we can conclude, belongs to the tribunate of 103. According to Mommsen the bill called for a dramatic reduction in the market price of grain — to one-eighth the rate set by C. Gracchus. Caepio the younger, as city quaestor, quite understandably feared for the depletion of the treasury and convinced the Senate to pass a decree declaring that such a law would undermine the commonweal. Yet on the day of voting, despite the veto of his colleagues, Saturninus brought the lot-urn down for the vote. This infuriated Caepio, who lost all self-control, and attacked the assembly, destroying the bridges and ballot-boxes, for which he was later prosecuted.<sup>10</sup> If we accept Broughton's view, that Caepio was quaestor in 100 (and thus, of course, date the grain law to the same year), we must rely solely on Sydenham's numismatical evidence, which itself is scanty and puzzling. Placing the grain law in 103 not only accounts for Saturninus's sudden popularity; it also accounts for the otherwise conflicting fact that in the elections of 101 (for 100), he secured a solid slate of loyal supporters — something he did not have in 103.<sup>11</sup>

Caepio's violent display, moreover, indicates a personal hostility towards Saturninus, who had earlier in the year secured a conviction against the much maligned elder Caepio. Feelings ran high against the two generals of Arausio; after the disaster, the consul Rutilius had restricted the movement of all men under thirty-five in Italy, reflecting Rome's fear of the advancing Cimbri and Teutones, who in 390 B. C. had sacked the city.<sup>12</sup> Caepio was further disgraced by the mysterious disappearance of the gold of Tolosa. Hostility from the *Equites* matched the clamor of the People, for in 106, as consul, Caepio had either transferred the courts to the Senate or added senators to equestrian juries.<sup>13</sup> E. Badian thinks he was tried for *maiestas* under a *lex Appuleia*,<sup>14</sup> but this conflicts with the evidence. Caepio and Mallius were both prosecuted before the public and banished by plebiscites passed by Saturninus.<sup>15</sup> When the tribune Norbanus zealously prosecuted Caepio for a crime against the state, the feelings of the on-lookers erupted into violence and stone-throwing, while two tribunes who sought to interpose a veto were driven away by force.<sup>16</sup>

A severe blow had been struck against the Senate, yet in order to ensure a more efficient procedure for prosecuting crimes that fell short of *perduellio*, Saturninus proposed his *lex Appuleia de maiestate*. *Maiestas* was not a novel approach; Laenas had been tried under it in 106.<sup>17</sup> Yet under the new law, an equestrian *quaestio* was set up to handle the now defined and recognized crime of *minuere maiestatem*. "To lessen the majesty of the state," as M. Antonius demonstrated at Norbanus's trial in 94, depended on the interpretation of the jurors.<sup>18</sup> The *quaestio* would be equestrian and thus presumably hostile to the *Optimates*. With this measure, Saturninus established in law a permanent method for continuing the People's control over higher magistrates and military commanders: a far more effective device than the occasional harassments in the courts.

Stuart Jones has identified the *lex Bantia* with the *lex Appuleia de maiestate*, rather than with the *lex agraria* of 100 or with earlier Gracchan measures. He bases his argument on the presence in the law of an elaborate oath which was to be sworn while facing the Forum by magistrates and senators. Jones emphasizes that the phrase "*iudex ex hac lege plebive scito factus*" parallels the *lex Acilia* and clearly indicates the presiding magistrate in a *quaestio* set up by the Appuleian law.<sup>19</sup> E. J. Yarnold's argument against Jones's analysis rests on the questionable assumption that it is "most unlikely that the oath attached to the Agrarian law of 100 would have created such perplexity in that year, if a similar oath had been attached to a law only three years before."<sup>20</sup> If Jones is right, as it appears he is, the *lex de maiestate* included a rigid *sanctio*. But considering the intensity of public outrage for the disgrace at Arausio, it is likely that Saturninus got through such a provision in spite of the opposition at various times in the year of at least four of his colleagues. The introduction of the *sanctio* and the *quaestio* was a brilliant stroke for a popular tribune; it presented effective and legal devices for checking recalcitrant *Optimates* and accomplishing constitutional reform.

Thus far, Saturninus had laid the foundations for a working alliance with the equestrians while meeting the immediate demands of the *plebs*. A good politician, he surely thought often about the fate of the two Gracchi. He achieved in 103 what C. Gracchus had achieved twenty years before him, and though he

had the added advantage of the *sanctio* and the *quaestio*, he could not forget that the Senate had previously overcome its enemies by waiting until the right moment to divide the popular *factio*. Furthermore, there was always the possibility of a new Drusus, who could compete for the favors of the People against their true champion. Saturninus had made enemies in the Senate who would not forget his actions—certainly Metellus Numidicus, who had probably engineered his removal from the quaestorship in 104, and undoubtedly Scaurus, the man who succeeded him.<sup>21</sup>

The grain law had secured plebeian support, yet perhaps at the expense of alienating the propertied classes. Interestingly, Caepio was closely allied with equestrians through business interests, and as seen in the tribunes of Marius and Philippus, grain measures were not popular with this class.<sup>22</sup> At the time of the clash with the younger Caepio, Marius and his troops were either at the northern front or unavailable to help out in such a matter. The *lex de maiestate* had won some support with the *Equites*, yet Saturninus must have known that his anti-senatorial coalition was hardly firm. A change in the winds could cause the loss of the fickle urban *plebs* and the property-based equestrians.

The opportunity to solidify the alliance came when Marius returned in 103 to seek re-election. Saturninus helped him out of the embarrassing position that the death of Orestes, the other consul, had created. Marius would have to preside over his own election and face strong opposition, yet Saturninus, through his own influence, carried the victory.<sup>23</sup> In a sense, at this time, Marius needed Saturninus more than the latter needed him. For the *capite censi* he needed land and *leges agrariae* to found colonies. Some agreement was made. Marius returned to the front, and Saturninus obliged him by passing a land bill which provided allotments of 100 *iugera* in Africa for the veterans. When the tribune Baebius tried to veto the measure, he was stoned from the field.<sup>24</sup>

Thus, as his term of office expired in 103, Saturninus had formed the essence of a revolutionary program and put together the elements of what could become a permanent anti-senatorial alliance. What C. Gracchus had lacked in 122 was this mutually beneficial working agreement between the military commander and the *popularis* tribune. Soldiers would return as a lobby and

strike fear into senators who would otherwise have armed themselves behind a Nasica. In return, the military commander could satisfy his new *clientelae* with land. Saturninus's aims were revolutionary in the sense that they followed the outline of C. Gracchus: he sought like Gracchus to effect constitutional reform, to substitute *popularis* rule for the rule of an oligarchy. Like the Gracchi, he assaulted the traditional prerogatives of the Senate. His land law would influence overseas expansion and the direction of foreign policy. The *quaestio* could be used against any moves by the Senate to quash the new laws. In 103, at least, Saturninus solved the problem of vetoes by fellow tribunes with mob violence. He was no doubt a cynic, toughened by the knowledge that the Senate had violated the *lex sacrata* and the *lex provocatio* (of C. Gracchus) though they accused tribunes of passing laws *per vim*. Their actions were not lost on him. To avoid being the victim of violence, Saturninus had to use violence effectively himself. If he were to carry out his program of constitutional reform, there was nothing else he could do unless he chose to follow ancient tradition and stand by while the Senate sought first to break his power and then his head.<sup>25</sup>

For some reason, Saturninus did not stand for, or receive, re-election in 103 and remained *privatus* until the elections of 101.<sup>26</sup> We can only conjecture why he chose this course. It can perhaps be attributed to political sagacity; Marius was away in the North with his troops. Little more could be accomplished against the Senate and for the *plebs* without the backing of the army. Re-election might scare the Senate to eliminate the radical tribune before his new allies could return to Rome. At any rate, there is an indication that lying low would have been wise. Scaurus, the *Princeps Senatus*, tried to crush Norbanus before a *quaestio* for *maiestas*, and prosecuted C. Memmius and C. Flavius (Fimbria) about the same time on charges of extortion. All three were acquitted, but it is obvious that the Senate was not sitting idly by.<sup>27</sup>

In the following year, 102, the censor Metellus Numidicus attempted to exclude from the Senate both Saturninus and his close ally, Glaucia.<sup>28</sup> The sources are confused and contradictory for the years 102-101, but it appears likely that the attempted exclusion of Saturninus precipitated the mob violence against

Metellus. Previously in 102, he had refused to admit to the equestrian roles one Lucius Equitius, who claimed to be the son of Tiberius Gracchus.<sup>29</sup> Saturninus was surely behind this false Gracchus, who had evidently convinced the People. Denied by Sempronia, sister of the Gracchi, Equitius and his supporters attacked Metellus with stones. Metellus, suspecting that Saturninus was behind Equitius, then sought to remove the source of the trouble from the senate.<sup>30</sup> We know that a violent and excited mob pursued Metellus and that Metellus Caprarius, the other censor, wisely refused to go along with the exclusions. Only a strong and enraged popular backing could have created this disagreement between the two Caecilii Metelli.<sup>31</sup> The clever Saturninus surely understood what a colleague named Gracchus could offer; he knew well the power of myth, the residual feelings that emotional appeals could rekindle. Equitius as Gracchus could keep the unpredictable urban *plebs* in line: with him visible, one need not feel the pressure to continually pass popular measures to ensure support. The *Optimates* had exposed their hand in 102. That they did so against a *privatus* indicates the unusual power that Saturninus was wielding.<sup>32</sup>

Their opportunity for revenge came in the following year when envoys from King Mithridates arrived in Rome and with large sums of money attempted to bribe the Senate. According to Diodorus, Saturninus behaved with great insolence towards the embassy; and, owing to Roman tradition, which assigned special privileges to ambassadors, he was brought to trial on a capital charge. The trial took place in public before a senatorial court with senatorial prosecutors, and it was only by the pity he aroused in the People, who massed in thousands at the trial, that he was unexpectedly acquitted. He had taken a big risk in attempting to expose the corruption in senatorial foreign policy, and his enemies in the Senate no doubt welcomed the opportunity to be rid of his menace. But again we find unusual mass support for a *privatus* coercing the Senate into a position they did not want to take. It is as likely that Saturninus stirred the feelings of the People by exposing the corruption as is Diodorus's view that he was acquitted only because of excessive, humiliating appeals that pandered to the rabble.<sup>33</sup>

Later in 101, on July 30 (Roman calendar), Marius and Catulus



defeated the Cimbri at Vercellae, and the northern threat disappeared. Marius returned to Rome in great triumph and was heralded as the third founder. According to Plutarch, he broke precedent and rather actively campaigned for election to a fifth consulship. He tried to "win over the people with obsequious attentions," schemed to banish his opponent Metellus Numidicus, and allied himself with Saturninus and Glaucia, who Plutarch notes "would introduce laws."<sup>34</sup> According to Rutilius, Marius even paid out bribes and bought votes in the tribes in attempts to defeat Metellus.<sup>35</sup> More momentous was the fact that he released his soldiers to mingle with the citizens in the assemblies. Marius was elected and carried with him his ally Valerius Flaccus, a "servant rather than a colleague"; Saturninus then stood for a second tribunate.<sup>36</sup> He sought revenge against Metellus and found that the conclusion of the war and the return of Marius's troops had strengthened his popular *factio* to the point that senatorial opposition could be intimidated.

According to Appian, Glaucia presided over the tribunician elections of 101, yet surprisingly, Saturninus lost a place to the noble Nonius, who had denounced both Glaucia and Saturninus in the assembly. Fearing retribution, this account continues, they stabbed Nonius, and the next morning, before the People had assembled, Glaucia's supporters elected Saturninus in Nonius's place. Appian as a source for these years is not very consistent, and we can only accept a portion of his account. Plutarch and Julius Victor substantiate that Nonius was killed by Saturninus and Glaucia. Livy notes that Nonius was slain by the soldiers and that Marius lent support to Saturninus's election, as might be expected. It is safe to assume that desiring a solid slate of reliable tribunes for 100, so as to pass agrarian laws and reform measures, the three allies allowed Nonius, conceivably a new Drusus, to be killed, probably by the soldiers themselves, who certainly had much at stake.<sup>37</sup>

Glaucia, a tribune in 101, won a praetorship for 100.<sup>38</sup> He carried at some time in 101 a *Lex Servilia repetundarum* which restored full control of the courts to the equestrians.<sup>39</sup> Cicero describes him as a "very shrewd and clever" speaker, a master of humor, "the most impudent demagogue in the memory of man."<sup>40</sup> Glaucia had the support of the People as an ally of Saturninus,

but certainly needed his equestrian support to win the praetorship. With a solid slate of loyal tribunes headed by Saturninus, Marius — “the third founder” — as consul, and Glaucia as praetor, laws could be safely passed and defended. They would not tolerate a tribune who might interpose his veto on behalf of the *Optimates*. The soldiers who mingled in the streets were available for any necessary dirty work: their presence would dissuade the opposition.

Probably early in 100, Saturninus carried a law concerning piracy. Stuart Jones has dated this law to the ascendancy of Marius, Glaucia, and Saturninus. The law's provisions echo the patterns established in the legislation of 103. Strict penalties were provided for acts of violation, and a stringent oath was required of most magistrates and senators. Only tribunes and popularly-elected *praefecti urbi* were exempted from taking the oath. Jones emphasizes the presence of the phrase “The praetor, consul, or proconsul who goes to the province of Asia in the consulship of Gaius Marius and Lucius Valerius. . .”; elsewhere the law mentions Didius's victory in Thrace. Thus he dates this law prior to the assignment of consular provinces for the year 100. Jones convincingly concludes that the piracy law, which obviously represents a response to the threat of Mithridates and the pirates operating in Asia, indicates a temporary assertion of democratic government in the traditional senatorial sphere of foreign policy. The exemption of popularly-elected tribunes and provincial *praefecti* from taking the oath reveals that Saturninus felt reasonably sure about his tribune colleagues in 100. Further, the law must have pleased the *Equites*, whose business interests had been constantly troubled by pirates.<sup>41</sup>

Later in the year, Saturninus proposed a *lex agraria* to provide land for army veterans. Appian mentions that this bill pertained to lands in Gaul, which would reflect only the interests of Marius's troops.<sup>42</sup> Yet Victor notes that the bill designated new colonies for Sicily, Achaia, and Macedonia: land to be purchased with the recovered gold from Tolosa.<sup>43</sup> In now characteristic fashion, the bill contained a strict oath to be sworn by the Senate. In addition, Marius's generosity in granting the citizenship on the battlefield was somewhat legitimated by a provision which allowed him to confer citizenship on 3 (300?) members of each colony.<sup>44</sup> This helps

to explain Appian's account, which stresses that the bill benefitted the Italian allies and aroused the hatreds of the urban *plebs*, who attempted to rout Saturninus from the *comitia*. Yet sufficient numbers of "rustic" veterans from the countryside had been brought in to drive off the urban assailants, and thus the bill carried.<sup>45</sup> The next issue was the oath. Appian and Plutarch suggest that Marius acted with duplicity and deception when, before the Senate, he expressed his unwillingness to swear the oath. Later, to catch his long-time enemy Metellus Numidicus in a bind, he swore the oath before an excited public assembly. Only Metellus failed to swear the oath, and by a decree of banishment was forced into exile and interdicted from fire, water, and shelter. Strangely, Appian's account mentions that the urban mob rallied to Metellus's defense, a rather unlikely occurrence. He alone notes the hostility of the urban *plebs* and the intervention of the country veterans and Italians. Yet despite Appian's uneven account, there is much here that makes sense. Certainly the urban *plebs* would have benefitted only in part from Saturninus's land bill. That Marius was empowered to grant citizenships, of course, implies that the settlers were to be predominantly non-citizens.<sup>46</sup>

Metellus's departure appears in all the sources as a noble, selfless gesture.<sup>47</sup> Yet in the late Republic, few armed clashes were prevented because of abnegation or restraint. Realistically, the sheer folly of armed resistance at this time militated against a move by the Senate and Metellus. With Marius behind Saturninus, the Senate would have destroyed itself by attempting such an intervention.<sup>48</sup>

Marius's inconsistent conduct may have been less deceitful than Plutarch observes. It is unlikely, however, that he had reservations about the oath. Rather, what may have disturbed him, as E. Badian suggests, was Saturninus's decision to create colonies in Sicily, Achaia, and Macedonia.<sup>49</sup> As colonies tended to be established in areas where the armies had campaigned, we can assume that these lands were intended for the veterans of Didius, Aquillius, and Antonius, who had fought there. Such a move by Saturninus reveals an attempt to expand his power so as to create alliances with all military commanders who needed land for their troops. Marius would become less important to him if the

cooperation of other commanders and their veterans could be secured.

The sources agree that the anti-senatorial alliance began to break at the time of the consular elections of 100 (for 99). Saturninus feared that one candidate, C. Memmius, would oppose his programs, and pushed the obviously illegal candidacy of Glaucia, who was then praetor. Either Marius or his man, Valerius Flaccus, would have presided over the elections, and one of them disallowed Glaucia's candidacy.<sup>50</sup> In desperation, Saturninus and Glaucia had Memmius murdered.<sup>51</sup> We know from Cicero that at the time of the election, Glaucia still maintained his equestrian support.<sup>52</sup> We can safely associate Memmius, a popular tribune during the Jugurthine War, with Marius's career, and must assume that this is what panicked Saturninus. Murdering Memmius meant that he preferred anyone else, for with Glaucia declared ineligible, Aulus Postumius Albinus, of a senatorial family, was elected to serve with M. Antonius.<sup>53</sup>

Further signs of rupture appear at the time of the tribunician elections. Standing for re-election himself, Saturninus sought to carry with him the false Gracchus, Lucius Equitius, who had been kept from the census roles by Metellus in 102. His candidacy was thus illegal, and if we can trust Valerius Maximus on this, Marius arrested Equitius and put him in prison. The People, however, moved by their feelings for the Gracchi, stormed the prison, freed Equitius, and then elected him tribune.<sup>54</sup> The sources agree that Memmius's death precipitated the fall of Saturninus and completed the break with Marius. Cicero mentions a passage which indicates that Glaucia had begun to attack Marius and one which warns Saturninus of the urban mob's role in the deaths of the Gracchi.<sup>55</sup> Surely, Memmius's murder had alienated Marius and the *Equites*, who as H. Hill notes, never condoned revolutionary methods.<sup>56</sup>

Yet, if the sources agree on the significance of Memmius's murder, they offer no insight into what pushed Saturninus and Glaucia to such a desperate act. The illegal candidacy and the murder are presented as examples of the tactics which radical reformers employ when confronted with constitutional obstacles. We must turn, then, to Marius's actions, which receive more attention, to explain the break in the anti-senatorial alliance.

Sallust, Cicero, Plutarch, and Appian portray Marius as an outsider, a *novus homo*, who was ambivalently both hostile to the nobles and anxious for their acceptance. We can agree with Carney that Marius was certainly not Saturninus's tool, or as politically inept as Last suggests.<sup>57</sup> We know that he used Sulpicius later to advance his own interests. Clearly, Saturninus's courting of the other commanders would have threatened his position. Further, always associated with equestrian interests, he may have observed this class's alienation from Saturninus's tactics and the grain law; Cicero's works indicate that the equestrians held the balance of power at this time.<sup>58</sup> Then too, if the *lex agraria* had aroused the hatred of the urban *plebs* for the Italians, Saturninus was in the precarious position of the Gracchi and might well lose his popular following. These considerations Marius had to weigh against his need for *leges agrariae*. He seems to have hesitated before choosing sides. According to Plutarch, he received both "the leading men" and Saturninus at the same time, and, without revealing the presence of the other party to either, used the excuse of having diarrhea to run between rooms in his house, listening to one argument and then another, "now to the nobles and now to Saturninus, trying to irritate and bring them into collision." Both Plutarch and Florus indicate that Marius chose to side with the Senate (and, Plutarch adds, the equestrians) only after their opposition appeared decisive.<sup>59</sup> Yet this conflicts with the obvious fact that Marius was the key to success for both the Senate and Saturninus, for he commanded the support of the army and the veterans, who had hitherto sustained Saturninus and restrained the Senate.

Plutarch's account, moreover, suggests that Marius was encouraging both sides to bid for his support. In the summaries of Livy, he is described as "a man of shifting and changeable nature, and one to shift his policy as chance directed."<sup>60</sup> We know that at some point before the execution of the Senate's ultimate decree, Scaurus urged Marius to lead the senatorial forces against Saturninus. A leading member of the Metellan faction, Scaurus would hardly have been persuasive unless he was empowered to meet the commander's needs. It is likely that he conveyed the Senate's promise to pass the colony laws which Marius needed for his veterans, for without such an assurance, Marius had no reason to trust the Senate, regardless of any inner desire for their

acceptance. Without it, he still had need of the popular tribune. Once he had allied himself with the Senate, however, Marius could only view Saturninus as a menace, for his service to the other commanders, as well as his popular support, threatened Marius's position as well as his colonies. Scaurus's offer was clever and timely, for by demonstrating that the Senate was willing to meet the needs of Marius, he was also suggesting to the commanders in the field that more arrangements might be made, and to the veterans that Saturninus had been only Marius's instrument in obtaining their allotments.<sup>61</sup>

Although there is no firm evidence for placing Marius's agreement with the Senate before the consular elections of 100, there is nothing which prevents it, and logic would seem to require it. Clearly, Saturninus felt compelled to push Glaucia's illegal candidacy and to arrange the murder of Memmius. Only the knowledge of Marius's desertion could have driven him to these acts, and unless we view the murder of Memmius as an aberration, we can identify a political purpose behind each of his uses of violence. Until the other commanders returned from the field, Saturninus's political survival was dependent upon Marius and his veterans. It was they who had prevented the Senate from taking action against him, and whose threat restrained the urban *plebs*, who no doubt opposed his *lex agraria*. Marius's men had supplied their votes and presented visible force at public assemblies. It was only their support which made it possible to construct a legislative program which satisfied the needs of the *plebs* while providing for the allies and Latins. Glaucia's illegal candidacy clearly indicates the importance which Saturninus attributed to the control of consular armies. After the consular elections and the murder of Memmius, he fell back on his last source of power, popular feeling for the Gracchi, and demonstrated its considerable depth by securing the illegal election of Lucius Equitius as tribune, through mob violence, despite the intervention of Marius. His use of Equitius reveals a desperate attempt to appeal to mass sentiment, to offset the hostility to his *leges agrariae*, no doubt kindled by the Senate, and to retain some support from the veterans.<sup>62</sup> Appeals to sentiment for the Gracchi might hold his popular following until a new military ally could be found.

But now that he was peculiarly vulnerable, the Senate chose to act, and ironically for Saturninus, the Gracchan drama provided the script for his demise. On December 10th, 100, armed with the Senate's ultimate decree, Marius and the senatorial forces pursued Saturninus and his supporters — notably, Glaucia, Equitius, and Saufeius the quaester — who seized the Capitol. It is not necessary to deal at length with the manner of their deaths. Yet there are certain aspects of this final clash which shed light on Saturninus's position. Knowing that against Marius's armed opposition open revolution was his only hope, he probably attempted to start a civil war.<sup>63</sup> It is possible that he urged the slaves to revolt and that he could count on the support of some country veterans. By taking the Capitol by force, he no doubt intended to incite the masses to join him. There he was cornered by Marius's forces and, according to one account, called out to the People that Marius was the source of their problems.<sup>64</sup> Whether Marius gave his assurances of safety to them is uncertain, but they were shortly after set upon by angry mobs who could not wait for the formalities of a trial. They thus died at the hands of the People, wearing the insignia of their offices.<sup>65</sup>

Saturninus was the first major political figure to explore the potential which an active *clientela* of army veterans offered. He knew that he needed the army to offset the *Optimates* and to achieve his political goals, which were basically to effect Gracchan reforms. Force alone could prevent the demise of the Gracchi from becoming a familiar liturgy. Without the use or the threat of force, which increasingly had become the basis of *auctoritas*, the *popularis* tribune could be crushed by reactionary senators, conservative and propertied equestrians, and the easily manipulated urban *plebs*.<sup>66</sup> If the attempt to secure the support of the other commanders was the miscalculation which alienated Marius, it further emphasizes Saturninus's awareness that the army and its veterans were essential to the popular *factio*. He may have looked to other allies because he knew that Marius was unreliable and susceptible to a Scaurus. Yet because he miscalculated, the decade closed with popular reform thoroughly routed and his coalition shattered. As long as the popular *factio* depended on an alliance between the *popularis* tribune and a military commander, the *Optimates* retained a wedge of influence

which could divide it. The lessons of 100 were not lost on Augustus.

## NOTES

1. Asc. Corn. p. 80C.
2. Asc. Corn. p. 78C.
3. Cic. Scaur. ap. Asc. 21C; Asc. Scaur. p. 21C.
4. Cic. Off. ii. 21. 73.
5. Diod. xxxvi. 12; Cic. Har. Resp. 20. 43.
6. H. Hill, *The Roman Middle Class in the Republican Period* (Oxford, 1952), 123.
7. Cicero, e.g., praises Saturninus for the selflessness of his advocacy, but this comes in a piece of oratory and has a rhetorical purpose. *Sest.* 16. 37.
8. Cic. Har. Resp. 19. 41, *Brut.* 62. 224.
9. Plut. Mar. xiv.
10. Last, *CAH*, IX, 165n, notes that the grain law formed the first part of the Gracchan reform programs. E. Badian ("Caepio and Norbanus," *Hist.*, 1957, 319n) finds that "no good argument for 100 has ever been advanced." My argument here is similar to that of T.F. Carney (*A Biography of C. Marius* [2nd ed., Chicago, 1970], 34n-35n), who feels that Marius, who had friends in Ostia (Plut. Mar. xxxv. 9), let Saturninus confront Caepio the younger without assistance, as the grain law was a sticky issue with Marius's equestrian following. The incident is related in [Cic.] *Rhet. Her.* i. 12. 21. On the 5/6 as: *CAH*, IX, 165. H.H. Scullard (*From the Gracchi to Nero* [London, 1963], 393n) argues that the price should be read as the same as that of C. Gracchus's law.
11. Broughton, *MRR*, I, 578n. Sydenham bases his argument on the validity of a regular production of coinage. Thus, because a coin bearing Caepio's name as quaestor would, if dated to 103, make too many issues for the decade 110-100, in comparison with other decades, he dates the quaestorship to the 90's. Strangely, Broughton cuts the ground out from under this position but says this militates against 103 and for 100. He mentions, yet obviously discards, the fact that 110-100 saw several wars and economic fluctuations — sufficient reason to suppose that more coins were minted.
12. Licinianus, p. 14F; Plut. Mar. xxvii.
13. Tac. Ann. xii. 60. 4; Cassiod. Chron.; Obsequens 41 [101]; Cic. De Or. ii. 48. 199.
14. Badian, *Hist.*, 1957, 319.
15. Licinianus, p. 13F.
16. Cic. Brut. 35. 135, Part. Or. 30. 105, De Or. ii. 164, 197-203; [Cic.] *Rhet. Her.* ii. 12. 17.
17. [Cic.] *Rhet. Her.* i. 15. 25.
18. Cic. Inv. Rhet. ii. 17. 53, Part. Or. 30. 105, De Or. ii. 164, 197-203; [Cic.] *Rhet. Her.* ii. 12. 17.
19. Jones, "A Roman Law Concerning Piracy," *JRS*, 1926, 170ff. What remains of the law is printed in Warmington, *ROL*, iv, 294.



20. Yarnold, "The Latin Law of Bantia," *AJPhil*, 1957, 163ff, 166.
21. Cic. *Sest.* 47. 101.
22. Cic. *Brut.* 62. 223; Florus ii. 5; Carney, *Marius*, 35n.
23. Carney, *Marius*, 36n; Plut. *Mar.* xiv.
24. [Victor] *De Vir. Ill.* 73; Pliny *NH* 3. 80, 3. 123.
25. M. Antonius's speech echoes this view. Cic. *De Or.* ii. 28. 124.
26. Cic. *Sest.* 16. 37. Glaucia, however, was a tribune in 101.
27. Cic. *Sest.* 47. 101; Val. Max. viii. 5. 2. Norbanus's trial was after December 9, 103.
28. [Victor] *De Vir. Ill.* 73; App. *BCiv.* i. 28.
29. Cic. *Sest.* 47. 101; Val. Max. ix. 7. 2.
30. [Victor] *De Vir. Ill.* 73; Val. Max. ix. 7. 2. Cic. *Sest.* 101, reverses this order of events. Valerius Maximus's account is inconsistent, placing Equitius's tribunate in 100.
31. App. *BCiv.* i. 28.
32. Cic. *Har. Resp.* 19. 41.
33. Diod. xxxvi. 15, also substantiating that Saturninus was *privatus* at the time.
34. Plut. *Mar.* xxviii.
35. *Ibid.*; Livy, *Epit.* 69.
36. Plut. *Mar.* xxviii. Lily Ross Taylor (*Roman Voting Assemblies* [Ann Arbor, 1966], 141n) notes that before 153, when the consular year was changed from March 15 to January 1, tribunes were elected before the regular magistrates. Yet no such custom was established for the late Republic. In 91, tribunician elections took place in late September or early October. This indicates, we can safely conclude, that Saturninus was elected tribune after Marius's victory in the consular elections. Appian (*BCiv.* i. 32) has the election of tribunes preceding the election of magistrates, further confusing his account. Osor. 17, notes that Metellus had aroused great indignation among the *Equites*, for which Saturninus besieged him with an armed mob. Marius's hostility to Metellus was long-standing, but if an affront to the *Equites* had occurred, he would have had added reason to oppose his old enemy.
37. App. *BCiv.* i. 28; Livy, *Epit.* 69; Plut. *Mar.* xxix; [Victor] *De Vir. Ill.*, 73; Florus ii. 5; Val Max. ix. 7. 1; Osor. 17. Saturninus may have been opposed by the urban *plebs* because of his *lex agraria*.
38. App. *BCiv.* i. 28, notes that Glaucia as "praetor" presided over the election of the tribunes and got Saturninus elected. He may have confused this term with one which was used to denote the presiding tribune. Yet, there is another strange passage in [Victor] *De Vir. Ill.* 73 (see Broughton, *MRR*, I, 571 and 565). Glaucia was praetor in 101, though Scullard thinks the date is 104; the *lex repetundarum* is the key for placing the date of his tribunate.
39. Cic. *Brut.* 62. 224.
40. Cic. *Rab. Post.* 14, *Brut.* 62. 224.
41. *FIRA*, Vol. I, no. 9. M. Antonius, praetor, was fighting the pirates in Cilicia at this time (Livy, *Epit.* 68). The law *does* require oaths of the tribunes in years after the first year of its passage. Jones, *JRS*, 1926, 170ff. It may have set up an exceptional command in Asia for Marius (*ibid.*, 172).

42. App. *BCiv.* i. 29.
43. *De Vir. Ill.* 73. Muenzer has suggested (XIV, 1562) that this law is related to Philippus's law, the *voerlauferin* of Saturninus's law.
44. Val. Max. v. 2. 8; Cic. *Balb.* 21. 48.
45. App. *BCiv.* i. 29-31.
46. *Ibid.*; Cic. *Sest.* 47. 101, *Dom.* 31. 82; Vell. Pat. ii. 15. 4; Florus ii. 4; Livy, *Epit.* 69; [Victor] *De Vir. Ill.* 73. Livy notes that the better class, not the mob, supported Metellus. Appian says that other tribunes helped Metellus, which is rather unlikely considering the power Saturninus had and the fact that he had obtained a solid slate of loyal tribunes in the elections of 101. Osor. 17, implies that Metellus was banished by a trial (*maiestas?*) before equestrian jurors.
47. Cic. *Sest.* 16. 37, shows Cicero's ability to adjust to the requirements of an argument. Here he criticizes Metellus, but elsewhere he praises him. This passage has been manipulated because of Cicero's need to defend his own conduct. The sources are more concerned with the noble character of Metellus than anything else during these years.
48. Cic. *Pis.* 9. 20, *Planc.* 36. 89; Livy, *Epit.* 69.
49. Badian, *Foreign Clientelae* (Oxford, 1958), 205-208.
50. Livy, *Epit.* 69; Cic. *Brut.* 62. 224.
51. Cic. *Cat.* iv. 2. 4; Livy, *Epit.* 69; Florus ii. 4.
52. Cic. *Brut.* 62. 224.
53. Carney, *Marius*, 43-44n. Albinus's rise is rather remarkable, for while legate lieutenant in 109, he was defeated by Jugurtha near Suthul; his army had to march under the yoke. This disaster precipitated the Mamilian Commission (Sall. *Iug.* xxxvii-xl).
54. Val. Max. ix. 7. 1.
55. Cic. *Har. Resp.* 24. 51; [Cic.] *Rhet. Her.* iv. 54. 67.
56. H. Hill, *Roman Middle Class*, 125; Carney, *Marius*, 42n-43n.
57. Florus ii. 4, claims that Marius was always hostile to the nobility and was a *popularis*. *CAH*, ix, 171-172. Carney, "Cicero's Picture of Marius," *Wienerstudien*, 1960, 83ff, esp. 100.
58. *Ibid.*, 104; Livy, *Epit.* 69.
59. *Plut. Mar.* xxx; Florus ii. 4; [Victor] *De Vir. Ill.* 73; Cic. *Rab. Perd.* 7. 20.
60. Livy, *Epit.* 69.
61. Val. Max. iii. 2. 18; [Victor] *De Vir. Ill.* 72; Pliny *NH* 36. 116. Vell. Pat. i. 15. 5, notes the founding of the town of Eporedia in 100 (also Pliny *NH* 3. 123). It is unlikely that this town was founded by the *lex Appuleia agraria*. It could have been founded to compensate Marius. See U. Ewins, "The Early Colonisation of Cisalpine Gaul," *PBSR*, 1952, 70ff; Scullard, *Gracchi to Nero*, 395n; Carney, *Marius*, 43n.
62. Badian, *Foreign Clientelae*, 206-208, notes the parallels with the Gracchi. The urban *plebs* harbored great hatred for the Italians and would have been easily aroused by the *Optimates*. App. *BCiv.* i. 29-30, indicates the extent of their opposition to the *lex agraria* of 100.
63. Livy, *Epit.*, 69; Cic. *Rab. Perd.* 12. 35.
64. Val. Max. viii. 6. 2; App. *BCiv.* . . . 32; Osor. 17; Cic. *Rab. Perd.* 7. 20. Cicero notes that "all men of every order who held that their own well-being was bound

up with the well-being of the Republic" took up arms against Saturninus; conspicuous among these were the *Equites* (*ibid.*).

65. [Victor] *De Vir. Ill.* 73; App. *BCiv.* i. 33; Cic. *Cat.* iii. 6. 15, *Rab. Perd.* 10. 28.

66. In his general study of *Violence in Republican Rome* (Oxford, 1968), A.W. Lintott concludes that "The Romans of the Republic seem genuinely to have considered it an essential constituent of *libertas* that a man should be allowed to use force in his personal interests to secure what he believed to be his due" (p. 204).