

“Joined with Power, Greed Without Moderation or Measure”:

Corruption in the Late Roman Republic and Implications for the United States



Cicero Denounces Catiline- Cesare Maccari, 1882-1888

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Dramatis Personae and rough alignment

Populares

Tiberius Sempronius GRACCHUS- tribune; elder of the two reforming Gracchi brothers
Gaius Sempronius GRACCHUS- tribune; younger brother of Tiberius
Gaius MARIUS- Roman general and statesman; plebian champion; uncle of Julius Caesar
Lucius Appuleius SATURNINUS- tribune; ally of Marius
Marcus Livius DRUSUS- reforming tribune
Publius SULPICIUS Rufus- tribune; ally of Marius
Lucius Cornelius CINNA- consul; ally and successor to Marius; father-in-law of Julius Caesar
Marcus Aemilius LEPIDUS- consul
Quintus SERTORIUS- Roman general and rebel for the Marian cause
Publius CLAUDIUS Pulcher, later Publius CLODIUS- tribune; *populares* champion; rival of Cicero
Lucius Sergius CATILINE- *populares* champion
Gaius Julius CAESAR- yes, THAT Caesar; Roman general and statesman
Titus Annius MILO- tribune; ally of Pompeius; rival of Clodius
Marcus ANTONIUS (Mark Antony)- tribune; Caesar's deputy and ally

Optimates

Lucius Cornelius SULLA- Roman general and statesman; patrician champion
Quintus Lutatius CATULUS- consul, censor, Pontifex Maximus
Lucius Licinius LUCULLUS- Roman general; deputy of Sulla
Marcus Porcius CATO- an uncompromising leader of the *optimates*; paragon of traditional values
Quintus Caecilius METELLUS Celler- leading *optimatus*
Marcus Calpurnius BIBULUS- co-consul and great rival with Caesar; Cato's son-in-law
Lucius DOMITIUS Ahenobarbus- consul; ally of Cato; rival of Caesar
Gaius CASSIUS Longinus- one of Caesar's assassins; main ally of Brutus
Quintus Caecilius Metellus Pius SCIPIO Nasica- leading *optimatus* and ally of Cato
Marcus Junius BRUTUS- friend (later leader assassin) of Caesar ; descendant of Lucius Junius Brutus, founder of the Roman Republic who overthrew the last Roman king; fought against Octavian and Antonius

In-between

Gnaeus POMPEIUS "Magnus" (Pompey)- Roman general and statesman; plebian
Marcus Licinius CRASSUS- Roman financier and statesman; richest man in Rome
Marcus Tullius CICERO- lawyer; orator; moderate; one of the great Roman statesmen
Gaius OCTAVIAN Thurinus- Caesar's great-nephew/adopted heir; later Augustus, Rome's first emperor

The Rest

MITHRIDATES VI Eupator- King of Pontus; one of Rome's great nemeses
SPARTACUS- Thracian slave gladiator who led largest slave rebellion in Roman history
CLEOPATRA VII Philopater- last of the Egyptian Pharaohs; ally of Caesar and Antonius

I.) Introduction

The casual observer of politics and public policy will look at this paper and ask “why would someone choose this subject?” A more serious student of these fields, with little background in Roman history, might think the author of the paper to be grasping at superficial or non-existent parallels. For the student of politics and policy, it should be noted that the terms faction, parties, and populists all stem from this period of Roman history: *factio*, *partes*, and *populares*.¹ It should also be understood that “[t]he special and salutary benefit of the study of history,” as Livy noted writing shortly after the death of the Roman Republic in the introduction to his epic history of Rome, “is to behold evidence of every sort of behavior set forth as on a splendid memorial; from it, you may select for yourself and for your country what to emulate, from it what to avoid, whether basely begun or basely conducted” (*From the Founding of the City* preface). That is what this paper will attempt to do in terms of efforts at curbing public corruption, looking to the Roman Republic for lessons for the United States in 2010 and beyond.

As for the worthiness of ancient Rome as a source for lessons relevant to the United States today, there can be few better, and Tom Holland notes that “Rome was the first—and until recently—the only republic ever to rise to the position of world power, and it is indeed hard to think of an episode of history that holds up a more intriguing mirror to our own.”² For proof of this one only needs to look at the many volumes of writings of the American Founding Fathers and the system they created. As M. N. S. Sellers remarks, “[t]he significance of the Roman example at the time of the United States Constitutional Convention can hardly be overstated and it is particularly evident in the works of John Adams, the most often cited and quoted American authority on constitutional government at the time the constitution was written and ratified.”³ The American Founding Fathers explicitly used the Roman constitution as the model from which they based their own, the Roman consuls the basis for the presidency, the Roman Senate the basis for the U.S. Senate, the Roman people’s assemblies the basis for the U.S. House of Representatives, and derived the principles of checks and balances and divided government from the Roman model, too. After the Revolution, a young America even saw itself as the reincarnation of Rome’s republic and consciously proclaimed this; the architecture of Washington, DC, is perhaps the most obviously visible aspect of this movement. There are similarities in historical and cultural development, too, as each started out as an agrarian-based society of small farmers, and then in a rebellion against

Ancient authors have their own special documentation form in Chicago style, generally in-text but not exclusively; work title, book number, chapter and then verse in that order, if present; numbers do not represent pages.

¹ Lily Ross Taylor, *Party Politics in the Age of Caesar* (Berkeley: University of California Press, 1949), 8-15.

² Tom Holland, *Rubicon: The Last Years of the Roman Republic*, (Random House 2004), xviii.

³ M. N. S. Sellers, *American Republicanism: Roman Ideology in the United States Constitution* (New York: New York University Press, 1994), 220.

monarchy created their founding values based on liberty and representative government. Rome's republic lasted nearly five centuries before Caesar's crossing of the Rubicon and the rise of Octavian / Augustus permanently destroyed the Republic, while so far the United States has lasted barely half as long as the Roman Republic in terms of longevity, and there is no guarantee that it will last for nearly five centuries as Rome was able to do. Both utilized the institution of slavery; both also expanded in fits and starts, often, in their views, for defensive reasons, until they suddenly found themselves a major, and then sole, superpower; thus, both had to deal more often with asymmetrical warfare than conventional warfare. And, finally, both had to deal with a massive increase in corruption as they each became more and more powerful; when the Roman Republic fell, corruption was an overbearing issue, while today in the United States, it threatens to become one, if it is not already.⁴

Corruption, in particular, will be the focus of this paper. The following quote

...either the love of the...[writing the history of my country] I have set myself deceives me or there has never been any state grander, purer, or richer in good examples, or one into which greed and luxury gained entrance so late, or where great respect was accorded for so long to small means and frugality—so much so that the less men possessed, the less they coveted. Recently wealth has brought greed in its train, manifold amusements have led to people's obsession with ruining themselves and with consuming all else through excess and self-indulgence.

might be assumed by many a modern American reader to be that of an American historian referring to the United States, but, again, here is Livy (*From the Founding of the City* preface), now with a cautionary note to corruption that would not be inappropriate to apply to the U.S. today. It is telling that the Latin word for ambition—*ambitio*, “which expresses the concept of the pursuit of office and political fame (perhaps to excess),”—is related to the word for electoral bribery, *ambitus*, and that the view of many of ancient Rome's own historians was that “moral corruption” played a central role in the “failure” of the Republic in a broad sense.⁵

II.) The Roman System of Government in the Late Republic and Some Background

The history of the Roman Republic is generally divided into three chronological time periods, referred to as the Early Republic, the Middle Republic, and the Late Republic, which gave way to the system of emperors after Caesar. This paper is concerned mainly with the Late Republic. B.C.E. refers to “before the common era,” C.E. to “common-era,” non-religious substitutes for B.C. and A.D., respectively.

⁴ Thomas F. Madden, *Empires of Trust: How Rome Built—and America is Building—a New World* (New York: Dutton, 2008), *passim*; Madden, 33-34; Sellers, *American Republicanism*, 11-19; Mortimer N. S. Sellers, “The Roman Republic in the French and American Revolutions,” in *The Cambridge Companion to the Roman Republic*, 347-364, ed. Harriet I. Flower (Cambridge: Cambridge University Press, 2004), 351-352; Madden, 34-37.

⁵ Andrew Lintott, “Electoral Bribery in the Roman Republic,” *The Journal of Roman Studies*, 80 (1990) : 1-16, 1-3.

In order to understand the issue of corruption in Roman politics, one must understand the components of the system, who served in them and how, how the system overall functioned, and how and why the system had developed into what it was in the Late Republic.

In the era before the rise of the first of the Gracchi brothers in the last third of the second century B.C.E., the Roman system was based on a series of elected offices, people's assemblies, and an advisory body of leading citizens, mainly ex-political office holders, known as the Senate.

Military service was generally a requirement of being able to enter office. The official *cursus honorum* (career path) began with the office of the **quaestor**, ten elected annually before the reforms of Sulla (see below), twenty after (he made thirty a minimum age but also made the holding of the office bestow an automatic membership in the Senate), some of which handled the Roman treasury, others of which helped those in higher offices, especially in the provinces and with financial issues. The next office required to reach the highest office was that of the annually-elected **praetors** (six before Sulla and eight after), with significant judicial, legal, and even military command responsibilities, in some ways a minor, subordinate version of the consuls; one had to be thirty-nine to hold this office. Finally, there were the **consuls**, the two annually-elected chief-executives of the Roman state (one a patrician, the other a plebeian), each of whom could veto the other's actions and who commanded the major armies, could preside over the Senate, and were the heads of state for Rome; to be a consul one had to be forty-two years of age and have been elected praetor and, after Sulla, a quaestor before that, and had to wait ten years before running for consul again; only consuls could appoint a **dictator** (for up to six months, given extreme powers) in a time of national emergency. There were other important offices, but they were not required to have been held in order to stand for the consulship. The **censors** were two ex-consuls elected once every five years for eighteen-month terms (as opposed to the twelve-month terms of the most other offices) whose primary duties were carrying out a census (key in determining property holdings, who could vote in the people's assemblies, in which assemblies they could vote, and the organization of these assemblies, in addition to determining who was eligible for military service before the Marian reforms) and revising/verifying the lists of both those who held citizenship and of senators. Four **aediles**, elected annually to oversee certain public festivals and games, and to maintain temples, buildings, and roads, among other functions, had an age requirement of thirty-six. Finally, there were the **tribunes of the plebs** (plebeians), an office that in many ways reflected (and was born out of) the divide between the old patrician elites and the lower class plebeians centuries earlier, apparently an office open to one after one had been a quaestor, with ten elected each year, created to defend the common plebeians against the abuses of magistrates within the city or Rome and its environs; they could propose bills and usually see them enacted by the people's assemblies, could veto any government act, including laws, Senate decrees,

and elections, and could run public trials and Senate sessions when consuls were not present. As far as the **Senate**, consisting of 300 people before Sulla and 600 after, they were not elected but were composed of ex-elected magistrates, and its power was technically advisory, though in reality this power carried a tremendous amount of weight; in effect, it ran the state, operating the mechanisms of war and peace, finance, religion, and provincial appointments, including governorships. Lastly, the various **people's assemblies** voted on war and peace, laws, and elected the offices described above, but generally followed the guidance of the Senate in terms of voting on war and peace and legislation.⁶

Yet Rome's republican system did not start out in the form in which it existed in the Late Republic. Accounts and narratives of the Early Republic are scarce and suffer from "notorious unreliability," the best extant sources based on material that does not survive by authors writing centuries after the events in question; yet, even so, some clear themes emerge, and one of these is what is known as the "Conflict of the Orders." This term refers to a the period shortly after Rome had overthrown its rule by kings and established the Republic c. 509 B.C.E., when Roman society was wracked by an intermittent (apparently bitter and possibly often violent) social conflict for the next two centuries between the nobles and the commoners, or the patricians and the plebeians. The sources attest to early patrician rulers of Rome's republic being very exploitative and abusive towards plebeians. At first the plebeians were after "concessions," but later clamored for "an equal share in power." It was in 494 B.C.E. when the plebs threatened to stop working for the patricians and left the then smaller city of Rome for a nearby hill (the First Secession of the Plebs) that in response the patricians allowed them to have their own assembly—in which patricians had no vote—and elect their own leaders called tribunes of the plebs. The tribunate would keep its special character as an office "apart from...other magistracies" and as protector of the people down to the end of the Republic, and could prosecute any of the other officials for misconduct or failure, so if it "was always regarded with suspicion by the more conservative elements in the nobility, then it was in large part because of the unique temptations that it offered to its holders. There was always the risk that a tribune might end up going too far, succumbing to the lure of easy popularity with the mob, bribing them with radical, un-Roman reforms." Also, from 366 B.C.E. one of the two consuls *could* be a plebian, and from 342 B.C.E, one of them *had* to be a plebian. Throughout the Conflict of the Orders the size—and debt—of the poor would remain a problem, but at its end politics had at least given the plebs

⁶ Philip Matyszak, *The Chronicle of the Roman Republic: The Rulers of Ancient Rome from Romulus to Augustus* (New York: Thames & Hudson, 2003), 13; T. Corey Brennan, "Power and Process Under the Republican 'Constitution,'" in *The Cambridge Companion to the Roman Republic*, 31-65, ed. Harriet I. Flower (Cambridge: Cambridge University Press, 2004), 44-65. Of particular use are the tables on 61-65; John A. North, "The Constitution of the Roman Republic," 256-277, in *A Companion to the Roman Republic*, eds. Nathan Rosenstein and Robert Morstein-Marx (Malden: Blackwell Publishing, 2006), 260-270. Again, tables, here on 261 and 264, are quite useful; Taylor, 6, 29-33.

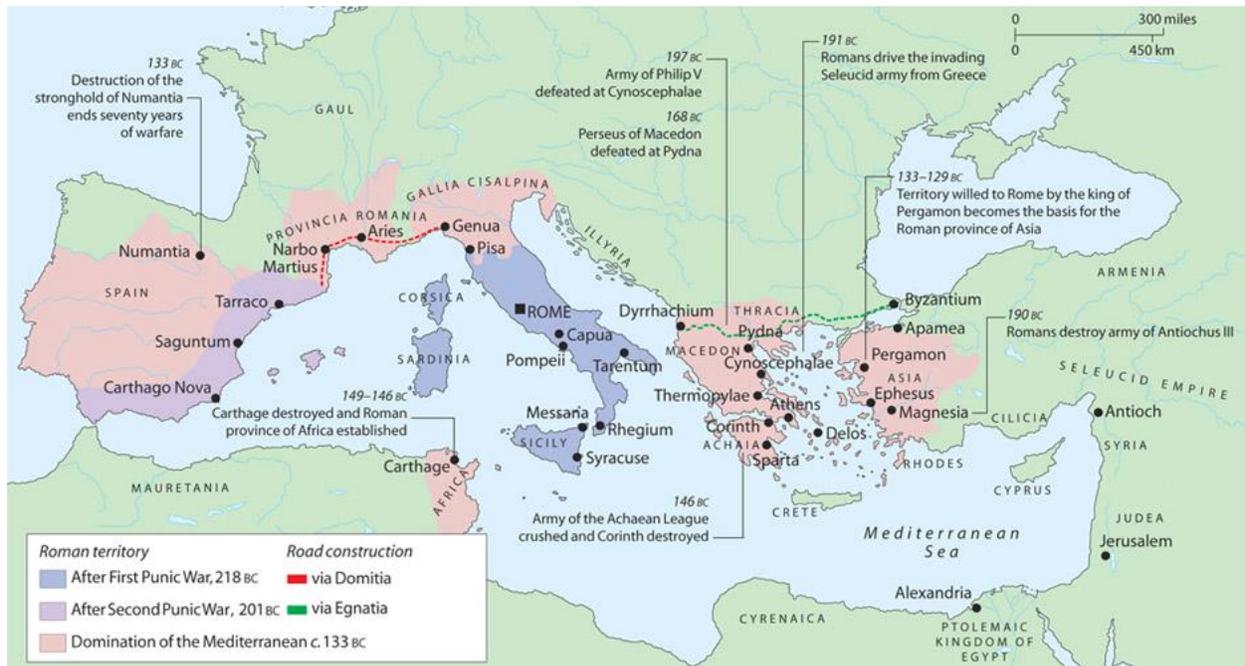
more political power and something close to legal equality, and open class conflict would not be a feature of the Middle Republic. A more unified Rome would unite Italy, and after over a century of conflict with Carthage, its greatest rival, would defeat it wholly. Out of this Conflict of the Orders, “[t]he community as a whole developed a remarkable ability to forge compromises and to emerge from serious conflict stronger and more unified.” Unity was also made easier to achieve over time by increasingly more serious outside threats, e.g., Carthage. So one could say that both the Conflict of the Orders helped Rome evolve to deal more effectively with external threats and that external threats also helped to diminish and defuse the very same conflict.⁷

III.) The Reforms of the Gracchi; Crossing the Rubicon of Civil Violence

By the time of the Late Republic, in the living memory of some Rome had risen from merely being a regional power controlling Italy, Sicily, Corsica and part of the east coast of Spain to dominating most of the Mediterranean through either direct control or rule through client kingdoms as a result the Punic Wars and other conflicts. This growth in power, wealth, and influence was staggering and caused tectonic shifts in Roman society that the state was grappling with at the time of the election of Tiberius Gracchus as tribune of the plebs in 134 B.C.E. A major consequence of the rise of Rome was that the gap between the great consul-holding families who had won Rome’s wars and the other families who had held lower offices but rarely produced consuls grew dramatically; political and personal competition, already a major factor in Roman politics, became greatly intensified. Also, the agrarian-based, small-farmer-system ideal of Roman society was becoming more a myth than a reality, for before the army had been made of landowners, but the wars of the second century had depleted their number through war deaths and through the fact that the many veterans could not maintain their farms while overseas for years fighting wars on foreign shores. These farms were being absorbed by the ultra-wealthy whose estates swallowed up the veterans’ small holdings and were farmed not by free labor but by slaves won in the wars, the small farmers flocking to Rome and swelling its population dramatically. The urban masses became increasingly volatile as they were now much larger in number and filled with those who had been dispossessed by the wealthy; as such, these urban poor would increasingly support candidates for change rather than continuity. A reduction in the property requirement for army service not only reflected this economic reality, but the fear that the class of people able to serve as soldiers for Rome was disappearing.

⁷ Stephen P. Oakley, “The Early Republic,” in *The Cambridge Companion to the Roman Republic*, 15-30, ed. Harriet I. Flower (Cambridge: Cambridge University Press, 2004), 15-21; North, 259-260; Holland, 26-27; Kurtin A. Raaflaub, “Between Myth and History: Rome’s Rise from Village to Empire (the Eighth Century to 264),” 125-146, in *A Companion to the Roman Republic*, eds. Nathan Rosenstein and Robert Morstein-Marx (Malden: Blackwell Publishing, 2006), 139-141.

As the wars of the second century continued, these trends were exacerbated and the problem was on the minds of many Romans.⁸



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Or, in the words of Plutarch, writing after the fall of the Republic but with access to period material:

The poor, when they found themselves forced off the land, became more and more unwilling to volunteer for military service or even to raise a family. The result was a rapid decline of the class of free small holders over Italy, their places being taken by gangs of foreign slaves, whom the rich employed to cultivate the estates from which they had driven off the free citizens. (*Parallel Lives* Tiberius Gracchus 8)

“[T]he year 133 [was] a turning point in Roman history and the beginning of the crisis of the Roman Republic,” notes Jürgen von Ungern-Sternberg.¹⁰ Corruption was a major theme of the controversies, as highlighted by the Roman historian Sallust; though a friend and ally of Gaius Julius Caesar, who would lead the *populares* at the end of the Republic, he is critical of both sides and provides a powerful description of this corruption which would be a large part of the downfall of the Republic:

...the pattern of routine partisanship and factionalism, and, as a result, of all other vicious practices had arisen in Rome...[at the time of the rise and fall of the Gracchi]. It was the result of

⁸ Adrian Goldsworthy, *Caesar: Life of a Colossus* (New Haven: Yale University Press, 2006), 21-25; Adrian Goldsworthy, *The Fall of Carthage: The Punic Wars 265-146 BC* (London: Orion Books Ltd, 2006), 360-365; Taylor, 4-5.

⁹ David Potter, The expansion of Roman power in the second century BC, In *Ancient Rome: A New History*. <http://www.thamesandhudsonusa.com/web/ancientrome/resources/ch3resources.html>

¹⁰ Jürgen von Ungern-Sternberg, “The Crisis of the Republic,” 89-109, trans. Harriet I. Flower, in *The Cambridge Companion to the Roman Republic*, ed. Harriet I. Flower (Cambridge: Cambridge University Press, 2004), 92.

peace and an abundance of those things that mortals consider most important. I say this, because, before the destruction of Carthage [in 146 B.C.E.], mutual consideration and restraint between the people and the Roman Senate characterized the government. Among the citizens, there was no struggle for glory or domination. Fear of a foreign enemy preserved good political practices. But when that fear was no longer on their minds, self-indulgence and arrogance, attitudes that prosperity loves, took over. As a result the tranquility they had longed for in difficult times proved, when they got it, to be more cruel and bitter than adversity. For the aristocracy twisted their 'dignity' and the people twisted 'liberty' towards their desires; every man acted on his own behalf, stealing, robbing, plundering. In this way all political life was torn apart between two parties, and the Republic, which had been our common ground, was mutilated.

But the aristocracy, as a faction, had more power; less potent, the people's strength was dissipated and dispersed among the multitude. A few men controlled military and domestic affairs; the same men held the treasury, the provinces, political offices, honours and triumphs [triumphs being the supreme honor and honorary procession held in Rome bestowed upon a victorious general by decision of the Senate]. The people were oppressed by military service and by poverty. The spoils of war were ravaged by the generals and their friends. Meanwhile, if soldiers' parents or their little children were neighbors to one of the more powerful, they were driven from their homes. And so, joined with power, greed without moderation or measure invaded, polluted, and devastated everything, considered nothing valuable or sacred, until it brought about its own collapse. For as soon as men were found among the aristocracy who put true glory above unjust power, the state began to tremble and civil strife began to rise up like an earthquake. (*The Jurgurthine War* 41.1-10)

Though Sallust is overplaying the harmony before the fall of Carthage, his general point is still valid.¹¹

Tiberius Sempronius Gracchus, whose father was a famous censor, twice elected a consul and winner of famous military victories for Rome, and whose mother hailed from the Scipiones family, the famous victors over Carthage, stood for the tribunate in December 134 B.C.E. and won, his major program being an ambitious set of laws aimed at dealing with the crisis of the system of land cultivation that was impoverishing the soldier class and threatening the stability of the Republic. Gracchus looked back to a law technically still on the books for several centuries but that had fallen out of enforcement and practice which limited the holdings of public land for an individual to a specific yet still sizable amount, an amount which many of the wealthy had far surpassed in order to engage in commercial farming, and this often by fraudulent means (apparently using fake names). He proposed giving out the land in excess of that previously-set legal amount to the poor, with the wealthy receiving compensation in the form of official recognition of their property rights to the other land and an additional half-the-maximum portion given to them for each of their sons, which would ameliorate the problems both of the rising number of landless poor, and the shrinking pool of those eligible for military service in a growing empire. For what were largely selfish reasons, the ruling aristocracy, including the Senate, was strongly opposed to this

Major Roman players in these events, when introduced, will be in bold text for the reader to easily be able to reference their names and avoid confusion.

¹¹ William W. Batstone, note for *The Jurgurthine War*, in *Oxford World's Classics: Sallust: Catiline's Conspiracy, The Jurgurthine Wars, Histories* by Sallust, trans. William W. Batstone, (Oxford: Oxford University Press, 2010), 189n.

measure, as they stood to lose some of the incredible wealth they had been amassing during the last centuries of expansion.¹²

Plutarch has Gracchus giving an emotional speech, noting that though “wild beasts of Italy have their dens and holes to lurk in...the men who fight and die for our country enjoy the common air and light and nothing else...The truth is that they fight and die to protect the wealth and luxury of others. They are called the masters of the world, but they do not possess a single clod of earth which is truly their own” (Plutarch *Tiberius Gracchus* 9). Such rhetoric of class warfare, appealing to divisions long dormant, aroused serious alarm in the nobility, and Gracchus chose to be bold as well as speak bold: breaking with precedent, he convened one of the people’s assemblies and passed his law through popular vote. Though a technically legal action, laws were rarely passed without prior approval from the Senate, and the Senate fought back: they got one of the other nine tribunes to veto Gracchus’s land bill, itself a very uncommon act in the face of such overwhelming popular support; in response, Gracchus persuaded the assembly to vote that opposing tribune out of office, an extremely dramatic break with precedent which was probably still technically legal. Shocked at such unprecedented moves and fearful of losing power, the senators began to portray Gracchus as one who wanted to make himself a king like the ones the Romans had overthrown roughly three centuries earlier, a view which was reinforced in the eyes of some when the three-person commission Tiberius crafted to oversee the land reform consisted of himself and two of his relatives. In response to this, the Senate refused to allocate funds for the commission to function; Gracchus responded by trying to use his power as tribune to take funds from sources normally controlled by the Senate. The consensus driven procedures and traditions of the last few centuries of Roman politics were rapidly being turned upside-down in an unheard-of manner on both sides, so much so that Gracchus feared the survival of his legislation after his term expired, so he did what no other tribune before him had ever done: he sought a second tribunate immediately after his first would expire. This was too much for some senators, an armed group of some of them attacking and killing Gracchus during the electoral assembly, later killing and persecuting his supporters. This was even more a crossing of the proverbial Rubicon for Roman history than Caesar’s actual crossing of the Rubicon in the sense that one had to go back centuries to find political violence of this sort in the streets of Rome, with blood spilled in public places as a means of politics. What would later become clear is that two distinct types of leaders would exist after this incident: the people’s champions, or the *populares*, and the men who called themselves the *optimates*, self-dubbed “best-men” who were conservatives bent on maintaining the status quo.¹³

¹² von Ungern-Sternberg, 90; Goldsworthy, *Caesar*, 25-26; Plutarch *Parallel Lives* Tiberius Gracchus 8-9; Taylor, 15-16.

¹³ von Ungern-Sternberg, 90-92; Taylor, 16; Goldsworthy, *Caesar*, 26; Plutarch, 10-19.

Some parts of Gracchus's reforms were initially carried out, only to be halted; the Senate resisted input from Rome's Italian, non-citizen allies on the subject and halted reform in 129. Tiberius's younger brother **Gaius Gracchus** began to side with the Italians shut-out of the decision-making process by the Senate, and would try his luck in 123 as a tribune (and again, to little hysteria this time, in 122) with a similar agenda to his older, dead brother. Yet he had a more ambitious agenda designed to greatly broaden his base of support that, he hoped, would rally to his aid should the *optimates* try to get rid of him like his brother. For the urban poor, he passed a grain law that would ensure access to grain. For the rural poor, he proposed establishing a colony where Carthage had once stood to settle people. For the emerging middle class of lower nobles and businessmen known as knights or *equites*, he gave them access to the tax-collecting contracts in the new, very rich province of Asia (taxation was conducted by private companies on contract with the Roman state) by having the bidding take place in Rome and not in the province itself, a process often twisted to conform to the provincial governor's personal ends; but he also made it a single contract for the entire province, making it only available to larger corporations. Legally, he made it so that capital trials had to be through a people's assembly or a law, so no longer could the Senate conduct trials by decree, and any senator or official who tried to break this law could be prosecuted. He also brought the *equites* into juries, so now there were two *equites* for every senator in the pool from which jurors and judges were drawn in most civil court cases, and a bill passed by a colleague fully replaced senators with *equites* on the extortion courts that could convict senatorial governors and other senatorial-level officials of extortion that before were composed exclusively of senators, who generally did not convict their own; a permanent court of this type, also, was established. For Rome's Italian allies, he apparently proposed citizenship for many of them but this never came to pass. The Senate responded by politically outmaneuvering him, convincing the local Roman people that extending citizenship to the Italians would weaken their own power, and using their existing patron-client ties with many of the leading Italian *equites* to keep them from taking Gaius's side. They also undercut him by having a consul and one tribune present their own legislation for establishing colonies; when Gaius lost his attempt at a third tribunate, a fight broke out between his followers and those of one of the consuls who was a personal enemy of Gaius's and had opposed his reforms, resulting in the death a member of the consul's party. In response, the Senate, in an unprecedented move, authorized the consul by an emergency decree to take any means necessary, legal or not, to protect the interests of the state; this amounted to a death warrant for Gaius and his followers, thousands of whom perished along with him in a brief yet bloody fight and subsequent executions. Ironically, much of both brothers' legislation outlasted

their deaths. Still, trends that would prove very detrimental to the Republic later on were introduced and the ghosts of 133 would haunt Rome in the next stages of her drama.¹⁴

Holland takes the argument of other sources even further: not only did 133 mark a turning point and open a Pandora's Box of on-and-off-again political violence: it laid bare that the Republic was politically paralyzed. For Holland

A system that encouraged a gnawing hunger for prestige in its citizens, that seethed with their vaunting rivalries, that generated a dynamism so aggressive that it had overwhelmed all who came against it, also bred paralysis...In the Republic there was no distinguishing between political goals and personal ambitions. Influence came through power, power through influence. The fate of the Gracchi had conclusively proved that any attempt to impose root and branch reforms on the Republic would be interpreted as tyranny. Programs of radical change, no matter how idealistic their inspiration, would inevitably disintegrate into internecine rivalries. By demonstrating this to the point of destruction, the Gracchi ultimately stymied the very reforms for which they had died. The tribunes who followed them would be more careful in the causes they adopted. Social revolution would remain on permanent hold.¹⁵

IV.) Wars and Civil Wars: the Era of Marius, Sulla, and Mithridates

A civil war in Numidia, a state in North Africa, saw the emergence of Jurgurtha as its new king; in this war with his rivals to the throne, he chased one rival to a city with a significant Roman and Italian merchant population, which fought on behalf of the city; in victory, he slaughtered all of them and his rival after he took the city in 112 B.C.E. He was able to delay Roman retribution by cleverness and bribing a number of senators, but when he had a rival the Romans were harboring in Rome assassinated, Rome deployed an army to Africa. The campaign was poorly led and sabotaged by further bribery from Jurgurtha, resulting in defeat in for Rome in 110. Even when Jurgurtha himself was compelled to testify as to which Roman officials had accepted his bribes, he was able to bribe a tribune to "veto" his actual testimony. Yet eventually, in 109, under the laws established by Gaius Gracchus, five senators were convicted in this scandal and then exiled, including, in an ironic posthumous revenge, the ex-consul who, as consul, had orchestrated the downfall of Gaius Gracchus and butchered his followers. Another army under a new commander fared better, but Jurgurtha evaded capture and the whole episode had hurt public confidence in the Senate; into this scene stepped **Gaius Marius**, a "new man," with no ancestors in the senate but military experience, who campaigned for the consulship in 108, taking office in 107. Breaking precedent with all previous non-emergency military recruitment, he jettisoned the property requirement as the first in a series of military reforms and thus many of the poor and landless joined up as part of his army that went with him to Africa. By 105, he had done well for Rome in Africa, and his quaestor,

¹⁴ C. F. Konrad, "From the Gracchi to the First Civil War (133-70)," 167-189, in *A Companion to the Roman Republic*, eds. Nathan Rosenstein and Robert Morstein-Marx (Malden: Blackwell Publishing, 2006), 170-173; von Ungern-Sternberg, 92-95; Plutarch *Parallel Lives* Gaius Gracchus; Goldsworthy, *Caesar*, 27-28; Taylor, 3-4.

¹⁵ Holland, 29.

Lucius Cornelius Sulla, negotiated a handover of Jurgurtha to Marius; Marius would return home a hero, to the news that he had been elected to a second consulship *in absentia* for 104. Rome was in a frenzy because for a number of years and while he was in Africa, six Roman armies had been defeated by the Cimbri and the Teutoni barbarian tribes, coming down from northern Europe and seeking a new home; Marius was the man the Romans wanted to save the day, and they elected him to five *consecutive* consulships in a row, a record never before or after matched; only one person before him had even reached five consulships over any period of time. Several major battles were won under Marius's leadership in southern Gaul (roughly modern-day France) and northern Italy until he truly was the savior of Italy by 10, having pushed the barbarians back and saved Rome. He was soon elected to a sixth consulship.¹⁶

Once the fighting ended, however, a familiar pattern emerged: political division. Even in Marius's hour of glory, the Senate *optimates* were trying to roll back the reforms of the Gracchi. An attempt to restore senators to the extortion courts during the crisis with the migrant tribes was undone by subsequent legislation put forth by the tribune **Lucius Appuleius Saturninus**, an ally of Marius; his help also got Marius a program of settling his veterans passed, with new plots of land to call their own in colonies throughout Rome's provinces against heavy senatorial opposition. The glory of this new man, and his legislative success with the help of one of the *populares*, Saturninus, enraged the senators, who could see their power, prestige, and esteem they were held in by the people falling from the war with Jurgurtha to even new lows as Marius kept winning glory. Saturninus's attempt to seek a third tribunate, and his wish to elevate an ally of his, the tribune Glaucia, to the consulship before Glaucia was legally eligible, and through a popular assembly, to boot, forced Marius, though he was no friend of the *optimates*, to intervene on the side of tradition. When in 99 a main competitor of Glaucia's was murdered on an election day, and with Saturninus taking control of the Capitoline Hill with the aim of holding a people's assembly to remove the restrictions on Glaucia's candidacy, the Senate gave Glaucia the same treatment and emergency measure they had showed Gaius Gracchus. Enforcement was Marius's responsibility, and he was torn; eventually he sided against ripping the fabric of the state and went to detain Saturninus and his followers, but in the process a mob killed the tribune and his followers. It was Gaius Gracchus all over again.¹⁷

The censors of 97, allies of Marius, began significantly expanding the list of citizenship, adding many Italians to the rolls. The *optimates'* response to the *populares'* moves was to set up a special court responsible for looking into claims of citizenship for fraud, with the intent and result that many of the new

¹⁶ von Ungern-Sternberg, 95-96; Goldsworthy, *Caesar*, 28-29; Konrad, 173-175.

¹⁷ Konrad, 175-176; Goldsworthy, *Caesar*, 29; von Ungern-Sternberg, 96.

enrollees had trouble proving their enfranchisement; in addition, all non-Roman Italians in Rome were ordered to leave to city. The Italians were beginning to feel neglected, betrayed, and angry. The next stage in this seemingly tit-for-tat exchange would soon set off a major war. Another tribune, **Marcus Livius Drusus**, would take up the mantle of reform in 91, proposing a package of reforms that tried to appeal to too many groups and thus alienated too many people, showcasing the inability of different groups to come together on major issues. Laws passed giving the jury courts once again back to the senators, but adding 300 *equites* to the Senate, and the standard packages of grain legislation and land reform were thrown to the plebeians; yet the presiding consul convinced the Senate to nullify these laws on the ground of a procedural issue and on religious grounds as the passing of these bills went against religious omens at the time of their passage. Undaunted, Drusus proposed his most daring program yet: Roman citizenship for all of Italy. A few days before the vote on this bill, Drusus was murdered. Once again, the *optimates* and their supporters had resorted to violence; once again, it was dangerous to be a tribune with big ideas. Many of Rome's Italian allies had reached their saturation point and prepared for war after the murder of Drusus, rebelling in what was called Social War since they were denied a fair share of political rights; after some successes they eventually failed, but once victory seemed certain to Rome, a series of laws enacted during the war did spread citizenship by 89, ultimately, to all Italian allies south of the Po River who had not rebelled or would be willing to end their rebellion, and granted Latin status, a legal state in between full citizenship and being a non-citizen, to those allies which had not rebelled or who would end their rebellion living north of the Po in Italy, in an effort to get the rebels to lay down their arms. These measures were largely successful in defusing the conflict. Yet in Italy, the clear distinctions between military and civilian life which had existed for so long under the Republic were now melting away, with so many in the Senate controlling and leading legions in war; these legions were now coming more and more from a class or poor who had earlier felt neglected but some of whom were finally seeing improvements in their lives after the Marian reforms. But these were military reforms, and it was Marius, not the Senate, that had offered these opportunities to the poor.¹⁸

Meanwhile, in the Roman province of Asia, the very corporations (*publicani*), many of which were run by the *equites*, that had been granted the right to conduct taxing operations for the Roman state there by Gaius Gracchus's law had been grossly abusing their power there (as well as in other provinces); the senatorial elite which governed the provinces were supposed to look out for the well-being of the people in the provinces and protect them from any abuses, and by law, those who ran the *publicani* could not be senators, nor could senators engage in such business enterprises. In reality, they operated very closely with each other in a mutually beneficial, inordinately corrupt relationship; for Asiatics and others,

¹⁸ Taylor, 18; Holland, 45-57; Konrad, 177-178; von Ungern-Sternberg, 96-97

senatorial governors and the *publicani* were virtually the same thing. Here one can see the willingness of the elites to ignore or bend rules and law to enrich themselves, in what Sallust would say was a departure from earlier times. One administrator named Rutilius Rufus had tried to stand up against this corruption for the people of Asia, but his powerful enemies in the *publicani* brought charges (ironically of extortion) against him with a jury full of their fellow *publicani*; he was convicted and exiled, corruption of private corporations not ending with their business dealings, but also easily corrupting the law courts. The same *publicani*, eyeing the riches of a Kingdom called Pontus near Asia, on the southern and western shores of the Black Sea, were able to convince some of the Roman elite of the desirability of bringing Roman jurisdiction, and lucrative contracting opportunities, to Pontus; so the Roman senator leading a commission in the region, Manius Aquillius, encouraged one of Rome's area client kingdoms to invade Pontus as the Social War was underway in Italy.¹⁹

Things did not go as planned in Asia, though, as the energetic and wily King of Pontus, **Mithridates VI Eupator**, not only beat back the client invasion but overran Rome's province of Asia late in 89. Aquillius was captured, and after being paraded around was executed by having molten treasure poured down his throat, the symbolism regarding greed likely intentional. News of this reached Rome before the end of the year and war was declared. To the shock of the Roman world, Mithridates's response was brutal: in secret preparations with the leaders of the Roman-dominated cities of the east in what is modern-day Turkey, virtually every Roman or Latin civilian, mostly businessman and their families, were massacred in a single night, apparently some 80,000 (or possibly as many as 150,000) people in total, and then Mithridates invaded Roman Greece. The shock and magnitude of the mass murder of an unprecedented amount of Roman and allied citizens and subsequent loss of Asia for Rome cannot be understated; the massacre may even fit the modern definitions of both genocide and terrorism. An older Marius, though winning some victories for Rome in the Social War, was overshadowed by the more important victories in the same war of his own former deputy, Sulla, and one Gnaeus Pompeius "Strabo;" elected consul for the year 88, Sulla, a patrician, was given command of the war against Mithridates by the Senate. This was too much for Marius, a plebian, and he used his popularity with the masses to have a tribune by the name of **Publius Sulpicius Rufus**, with whom he had worked earlier to limit restrictions on the new Italian citizens by placing unwelcome pressure on Sulla, pass a bill through the assemblies giving command to himself. Sulla was outraged and convinced his troops that they would be abandoned by Marius in favor of different ones and miss out on plundering the riches of Asia (this was a lie), and thus persuading them to support him, the legions marched with Sulla on Rome. A consul and his army had come to Rome by force to settle a personally motivated dispute, a dramatic escalation,

¹⁹ Holland, 36-43; Konrad, 178-179.

resulting in military fighting of Romans against Romans in the streets of Rome, unheard of in the history of the Republic. Sulla, backed by the legions, forced the Senate to declare Marius, Sulpicius, and others as public enemies of the state, the first time this was ever done to Roman citizens; Sulpicius was killed and his legislation declared null and void, but the others escaped, Marius fleeing to Africa.²⁰

Optimates vs. *populares* returned violently on a whole new level. For the first time in the history of the Republic, Rome was in a civil war (one should give Rome credit, since it took the United States less than a century before it had its Civil War) while at the same time, it faced a threat from Mithridates in the east. The people did not like the fact Sulla had sacrilegiously taken the city of Rome by force (it was an extreme religious taboo for a soldier under arms to enter the city, let alone an army); his sponsored candidates for the consulship lost, and he took his army to Greece to confront Mithridates in 87. The newly elected *populares* consul, **Lucius Cornelius Cinna** (who married Julius Caesar's mother and was thus his father in law; Caesar, only a teenager now, was also a nephew to Marius through his aunt's marriage to him) tried to spread the newly enrolled Italian (now Roman) citizens throughout more of the voting units so their power would not be so small and diluted, but his fellow consul, one of the *optimates*, opposed him and had armed supporters drive Cinna out of Rome while scaring the Senate into declaring Cinna's consulship null and void. In the countryside, Cinna recruited legions from the new Italian Roman citizens and conducted a siege against Rome. During the siege, Marius returned with forces he, too, had raised, and with the forces of an Italian people called the Samnites, for whom the Senate had rejected citizenship, but for whom Marius and Cinna promised exactly that. Eventually, the Senate went around Cinna's rival consul, agreed to reinstate Cinna as consul, and surrendered the city to Cinna while his rival was killed as he sat in the consul's official chair. About a dozen or so enemies of Marius and Cinna were killed, and Marius and Cinna stood as the only two candidates for the consulships of 86, while now it was Sulla's turn to be declared a public enemy, his house leveled. Not even two weeks into the year 86, consul Marius—holding the office a record seven times, unequalled in Roman history before or since—died. His replacement was sent with a second Roman army to confront Mithridates in Greece with orders to attempt to work with Sulla's army; on arriving in Greece, Marius's replacement consul was killed by one of his own officers, who focused on attacking Mithridates but was given no assistance by Sulla's men. Meanwhile, Sulla was doing his own part to drive Mithridates out of Greece, trying to find an easy way out so he could deal with his enemies in Rome. Thus, in 85, he concluded a generous peace with Mithridates, who would keep Pontus but give all his new conquests up and pay an indemnity; much larger amounts of money were forced to be coughed up by the cities formerly under Rome who had sided

²⁰ Goldsworthy, *Caesar*, 43-45; Holland, 44-45, 63-71. See 59-63 for the personal history between Marius and Sulla; Adrienne Mayor, *The Poison King: The Life and Legend of Mithridates: Rome's Deadliest Enemy* (Princeton: Princeton University Press, 2010), 13-24, von Ungern-Sternberg, 96-97; Konrad, 178-179.

with Mithridates, including Athens, much of which was handsomely lavished on Sulla's troops, while the second Roman army refused to fight Sulla.²¹

Cinna, in his third consulship, took an army towards Greece, but was murdered by his own troops; after plundering the east and restoring Roman control there, Sulla returned to Italy in the spring of 83, and either defeated or cause to defect to his side one poorly-trained or poorly-led army after another; several prominent Romans joined Sulla, among them **Gnaeus Pompeius** (known from Shakespeare as Pompey), son of the Pompeius who was a victor of the Social War, with his own private army inherited from his father, and **Marcus Licinius Crassus**. Sulla's return was bloody, with thousands of prisoners being massacred and with Sulla creating a list of the "proscribed" of some 2,000 people who had supported Marius and Cinna, including as many as 100 senators, who were to be killed, their property sold at public auction (young Caesar was ordered to divorce his wife, who was Cinna's daughter; he refused, and eventually had to flee for his safety, but Sulla eventually pardoned him). Blood flowed freely in the streets of Rome. But Sulla was no petty warlord looking for mere personal power, with his patrician roots, he saw himself as an *optimatus* who could correct much of the errors of the *populares* efforts since the Gracchi. Soon Sulla was named dictator, tasked specifically with reorganizing the Republic and the constitution. The office of the tribune of the plebs, accordingly, was severely curtailed: tribunes could no longer introduce legislation (meaning that the ability of the people's assemblies as a force for laws to bypass the Senate was virtually eliminated), and no man who had held the tribunate could run for a higher office; the Senate would be supreme again. With its ranks devastated from the recent wars, he increased the number of senators from 300 to 600 with men of his choosing, making it again the exclusive pool for juries as it had been before the reforms of Gaius Gracchus. He also made the quaestorship a requirement for the higher offices and had it bestow automatic membership to the Senate without the actions of a censor being required, also increasing the number of quaestors from eight to twenty and the number of praetors from six to eight. Still, Sulla's new senators would not have the experience or resources of the old and wealthier senators, many of whom had perished in the fighting of recent years, and it would find itself not up to the task of tackling Rome's largest problems. To the surprise of many, Sulla gave up the dictatorship late in 80 or early in 79, and retired, dying in 78. Sulla's reign was a clear triumph for the *optimates* and a severe blow to *populares*-type reform.²²

V.) The Era of Pompeius "Magnus," Cicero, Cato and Caesar

²¹ von Ungern-Sternberg, 98-99; Holland, 71-86; Konrad, 180-181; Goldsworthy, *Caesar*, 46, 52-55.

²² Konrad, 182-183; von Ungern-Sternberg, 99; Goldsworthy, *Caesar*, 55-60; Holland 86-90, 60-104, 105-107.

Yet soon after Sulla died, it was clear the *populares* were not cowed into submission. One of the consuls for 78, **Marcus Aemilius Lepidus**, began seeking to undo many of Sulla's reforms, marching on Rome with some of the remaining men from Sulla's proscribed list, and demanding he have one of the consulships for 77. The Senate passed the same emergency decree used against Gaius Gracchus and Saturninus against Lepidus and his followers; while Lepidus's co-consul, **Quintus Lutatius Catulus**, defended Rome and drove Lepidus away, Pompeius was sent to crush part of the movement in northern Italy, eventually executing the movement's leader (who happened to be the father of the famous Brutus who would lead Caesar's assassins). Pompeius had earlier become Sulla's favorite lieutenant. Sulla allowed him to celebrate a triumph after mopping up Marius's and Cinna's holdouts in Sicily and Africa in 81, an honor never before given to a private, non-office-holding citizen; Sulla called him "*Magnus* (the Great)," a name that Pompeius was known by for the rest of his life. Some of the anti-government forces escaping with Lepidus's forces fled to Spain, where they joined existing forces that were still fighting for the Marian and Cinna cause under **Quintus Sertorius**. Neither consul for 77 wanted to take on Sertorius, who had been fighting in Spain for years and was a very capable general, and Pompeius was sent there to take him on as a private citizen, joining forces with a senatorial-level general who had done well and yet was unable to finish off Sertorius or his forces. By 75 B.C.E. Sertorius's power had been severely reduced, and he sought an alliance with Mithridates of Pontus, whose own government did not support the peace treaty Sulla had made with him, and who had been dealing with attacks from the Roman governor in Asia. Mithridates sent Sertorius money and a navy in exchange for Roman officers who could train his army in the Roman style, teaching them Roman tactics.²³

The war against Sertorius progressed slowly, while in the east, Rome won several victories and the King of Bithynia (near Pontus) gave, upon his death through his will, his kingdom to Rome in 75. Mithridates was subsequently defeated several times, decisively in 72, by **Lucius Licinius Lucullus**, but

²³ Konrad, 184-185; von Ungern-Sternberg, 100; Goldsworthy, *Caesar*, 90-93



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escaped to Armenia, ruled by his son-in-law. While all this was going on, a slave revolt led by a gladiator named **Spartacus** erupted in 73 and spread to all of Italy; after defeating several Roman armies, Crassus, now one of the richest men in the Republic, was given special power to command the consular legions against Spartacus, the legions actually being taken away from the command of the active consuls; in 71 he crushed Spartacus and his army, crucifying over 6,000 of the surviving rebels on the Via Appia (a major Roman highway in Italy) for all to see. While Spartacus was rampaging in Italy, Sertorius was killed by one of his officers late in 73; the next year, Pompeius defeated most of the rest of the rebels in Spain, and upon his return, he was able to mop up remnants of Spartacus's army which was fleeing from Italy, an action Pompeius used to share in the credit of putting down the Spartacus revolt even though the victory was really Crassus's. Crassus deeply resented Pompeius's attempt to steal his glory, though he saw an opportunity to combine forces with Pompeius politically: the Senate, grateful for Pompeius's exploits and mindful of his popularity with the people and his plebian roots, allowed him to run for the consulship six years before the minimum age and without even being in the Senate or having held any of the required offices. He and Crassus ran together for the consulships of 70 and won. Though they had both served the Sullan cause, it is important to note that now they acted against it; Pompeius in particular seemed to constantly compromise between *optimates* and *populares*. Throughout the struggles that followed, it was often hard to tell exactly where these two stood or what cause they would support and when, so if the

²⁴ Potter, The Empire in 60 B.C.

<http://www.thamesandhudsonusa.com/web/ancientrome/resources/ch3resources.html>

reader finds himself confused, he might have a feel for how the Romans of the time felt: unable to keep up with shifting alliances. The new consuls repealed some of Sulla's more controversial reforms: the tribunate, already partially restored, was restored to its full pre-Sullan powers, and the corrupt, self-serving all-senatorial juries changed to one-third senators, one-third *equites*, and one-third a group of people with the wealth of the *equites* but without their social status. Newly elected censors even expelled sixty-four members of the Senate. It was under these censors that many of the new citizenry were properly enrolled so that they could now vote; this would dramatically change the nature of Roman politics; not only were voters dramatically diversified and expanded, but there was a much larger pool of eligible candidates. This meant that competition for office became that much fiercer. Despite some friction and unresolved personal issues between them, Pompeius and Crassus, unlike previous consular rivals, preserved a working relationship free of bloodshed as co-consuls.²⁵

Marcus Tullius Cicero entered the public stage in 70 in the midst of this debate on the composition of juries, before the reforms were actually passed, launching a career that would eventually define him as the greatest statesman of his day and a living legend (John Adams, when taking part in the debate about what form of government America should adopt, noted that “[a]s all the ages of the world have not produced a greater statesman and philosopher united in the same character [than Cicero] his authority should have great weight.”²⁶). But it was as a prosecutor in a trial against a notoriously corrupt governor of Sicily, Gaius Verres, that he would start his public career. Before the passage of the law changing the composition of the juries, senators were nervous of losing this power, and Cicero used this fear and the politics of the jury debate heavily in his arguments before the jury. Both in the speeches and in the actions of and surrounding it, this trial is an amazing example of the type of corruption that was possible in Late Republican Rome. As Andrew Lintott notes, “[t]he influence of money was paramount in the post-Sullan ‘establishment’, to judge from what we learn of the influence of...[one notorious Roman] as a ‘fixer’, who could secure for a magistrate the province he desired.”²⁷ All manner of disingenuous and procedural obstructions were attempted to derail the trial, everything from having an ally of Verres prosecute someone else so as to either a.) delay the proceedings enough so that a more favorable set of jurors and magistrates would be available to them or b.) hope that, since they had allies in the government in Sicily delaying Cicero in gathering evidence there, that if he did not return to Rome in time, they could drop their sham suit so that Cicero would not be present and the charges would be dropped. Cicero was

²⁵ Holland, 139-149; Konrad, 185; von Ungern-Sternberg, 100; W. Jeffery Tatum, “The Final Crisis (69-44),” 190-211, in *A Companion to the Roman Republic*, eds. Nathan Rosenstein and Robert Morstein-Marx (Malden: Blackwell Publishing, 2006), 190-191.

²⁶ Sellers, *American Republicanism*, 36.

²⁷ Lintott, 7.

also running for aedile and Verres had tried to bribe his way into keeping Cicero from winning, apart from bribing many of the jurors. Bribery was very common in elections, and in a twisted cycle, it was common for elected officials to take on massive debt to bribe their way into office, then use their future governorships in the provinces to plunder the provinces in order to repay these debts; Verres was a prime example of this trend. Among those defending and aiding Verres were the two consul-elects for the next year, one of whom was the most famous orator in Rome, and they both tried to use the power of their future office to pressure jurors. Cicero mentions all this to the jury, but in the beginning he goes right to the heart of the larger issues surrounding the trial at the immediate beginning of his first speech to the senatorial jury:

The very thing which was most to be desired, members of this jury, the one thing that will have most effect in reducing the hatred felt towards your order [i.e., senators] and restoring the tarnished reputation of the courts, this it is which, in the current political crisis, has been granted and presented to you; and this opportunity has come about not, it would appear, by human planning, but virtually by the gift of the gods. For a belief, disastrous for the state and dangerous for you, has become widespread, and has been increasingly talked about not only among ourselves but among foreign peoples as well—the belief that, in these courts as they are currently constituted, it is impossible for a man with money, no matter how guilty he may be, to be convicted. Now, at this moment of reckoning for your order and your courts, when people are ready to use public meetings and legislation to stoke up this hatred of the Senate, a defendant has been put on trial—Gaius Verres, a man already convicted according to universal public opinion, by his character and actions, but already acquitted, according to his hopes and assertions, by his immense wealth. (*In Verrem* 1-2)

He continues, noting that when it was overheard that one of Verres's lawyers who had just become consul-elect came up to Verres and told him he had nothing to fear, other Romans were shocked:

To some it appeared scandalous, to others absurd—absurd to those who thought the trial depended on the reliability of the witnesses, the handling of the charges, and the power of the jurors, rather than the outcome of a consular election; and scandalous to those who looked deeper and realized that these congratulations pointed to the corruption of the court... How can a defendant one day consider himself convicted, and then the next day, when his advocate is elected consul, be acquitted? How can this be? What about the fact that the whole of Sicily, all its inhabitants, all its business community, all its public and private records are here in Rome—does this count for nothing? Nothing, if the consul-elect so decides. Really? Will the jury take no account of the charges, or the witnesses, or the opinion of the Roman people? No: everything will be subject to the power and influence of one man. (*In Verrem* I 19-21)

One can see how politics and the courts were extremely intertwined. He also elaborated on the character of the courts and the damage they were causing Rome's reputation, while neatly tying the turbulence of Rome's politics of the last decades into the very trial at which he is speaking:

I said I thought that there would come a time when foreign peoples would send delegations to Rome to request that the extortion law and this court would be abolished. For if there were no courts, they believe that each governor would only carry off enough for himself and his children. With the courts as they are now, on the other hand, they reckon each governor carries away enough for himself, his advocates, his supporters, the president of the court, and the jurors—in

other words, an infinite amount. Their conclusion is that they are capable of satisfying the avarice of one greedy individual, but incapable of subsidizing a guilty man's acquittal. How remarkable are our courts and how glorious the reputation of our order [i.e., senators], when the allies of the Roman people hope for the abolition of the extortion court, which our ancestors established for their benefit! Would Verres have ever been so optimistic about his own chances if he had not absorbed the same bad opinion of yourselves? This ought to make your own hatred of him even greater than the Roman people's, if such a thing were possible, seeing that he imagines you are his equal in avarice, criminality, and perjury.

...we [senators] are scorned and despised by the Roman people, and we now burn with an extreme and long-lasting infamy.

It was for this reason and no other that the Roman people were so determined to see the restoration of the tribune's powers. When they were demanding that, that was what they seemed on the surface to be demanding, but in reality they were demanding courts. And this fact did not escape the distinguished and wise Quintus Catulus [the consul who had defeated Lepidus in 78, had been a major ally of Sulla, and was one of the leading *optimates*]. When the valiant and illustrious Gnaeus Pompeius raised the question of the tribunes' powers before the Senate, Catulus, on being asked of his opinion, replied with the greatest authority, saying straightaway that the conscript fathers [i.e., the senators] were managing the courts in a wicked and scandalous fashion, and that if, while acting as jurors, they had paid heed to what the Roman people thought, then the tribunes' loss of their powers would not have been so keenly regretted. Furthermore, when Gnaeus Pompeius himself as consul-elect first held a public meeting outside the city, and revealed that he was intending to restore the tribunes' powers (the things which it was supposed people were most waiting for), there was a hum of approval and a murmur of appreciation among the audience. But when later in the same speech, he pointed out that the provinces had been plundered and devastated, that the courts were behaving scandalously and disgracefully, and that he wanted to consider this problem and take action, at that moment not a mere murmur but with a deafening shout the Roman people signified that this was their own wish too.

So now people are on the lookout, watching to see how each one of us conducts himself, whether he stays honest and abides by the laws. They note that since the law about the tribunes [which restored their powers] was [recently] passed, only a single senator has been convicted, and he a man of slender means. They do not actually criticize this, but they do not find much in it to praise either. After all, there is no glory in being honest when there is nobody who is able, or attempts, to corrupt you.

This is a trial in which you will be passing verdict on the defendant, but the Roman people will also be passing verdict on you. This case will determine whether it is possible, when a jury consists of senators, for a very guilty but very rich man to be convicted. Moreover, this is a defendant who has only two characteristics, extreme guilt and immense wealth; so if he is acquitted, no other conclusion could possibly be drawn except for the least favorable one. Neither popularity, nor family tie, nor any good deed done in the past, nor even any fault of a venial kind, will be thought to have compensated for his numerous and abominable crimes. (*In Verrem I 41-47*)

Cicero's speech was bold and unique, and after presenting an abundance of evidence of all sorts of corruption, theft, bribery, depravity, and cruelty on the part of Verres, Cicero made it clear for the senators on the jury that their actions would be judged by the Roman people and even other nations, unconventionally discussing the politics behind the trial itself. When Cicero bypassed the normal order of events and presented the evidence well before the ascension of the new consuls-elect, Verres ended up fleeing before the second hearing and was convicted *in absentia*. In his initial speech, Cicero had made it clear that he was making corruption his enemy, and that he was out to restore the good name of the

Senate, preserving the harmony between the Senate and the people; his rise would be sudden and swift, especially for a non-patrician Italian with Roman citizenship whose family hailed from another part of Italy. In contrast, even Caesar, in two stints as a prosecutor in the same extortion court the previous decade against men who were very likely guilty, had distinguished himself with his speeches, too, but was unable to obtain convictions. Like Pompeius, Cicero would often find himself somewhere in between the *optimates* and *populares*.²⁸

Three crises in the 60s would show how deeply corruption was poisoning Roman politics, policy, and society, and involved major military operations and the rise of Pompeius to heights of military glory the world had not seen since Alexander the Great nearly three centuries earlier, as well as Cicero's crowning achievement of his career. These crises were a war on piracy, the continuing war in the east against Mithridates, and the Catilinarian Conspiracy.

Pirates were a major problem in the Mediterranean, constantly preying on Roman shipping and raiding the coast, and holding nobles and even senators for ransom (Caesar himself was kidnapped by pirates in his youth). Rome had become master of almost all the states of the Mediterranean, but these non-state pirates were spread all over and did not answer to anyone but their individual captains. Many of the pirates were now even allied with Mithridates, who was looking for a comeback. The last two major efforts against the pirates ended in failure, with one of the commanders learning of his daughter being abducted by the pirates after he had declared a hollow victory and celebrated it in Rome. Corrupt *publicani* involved in the enormously profitable trade in slaves—many of which they bought from these pirates—resisted any serious effort against the pirates, though, and used their money and influence to prevent action against them as this would hurt the ready supply and transport of slaves. After Ostia, the port to the city of Rome, only fifteen miles from it, was raided by pirates in 68, with a consular war fleet burned in the docks, even causing famine conditions in the Republic's capital, public pressure to do something about the pirates was insatiable. A bill, the *lex Gabinia*, awarding a level of power to an individual unprecedented in Roman history, was proposed by a tribune in 67; command would be given to single man over the whole of the Mediterranean Sea, all islands, and fifty miles inward from all coasts. Pompeius was the only military man with the resume considered appropriate for such a command. Besides the opposition of the *publicani*, most of the *optimates* were extremely alarmed by this concentration of power, especially in the hands of a plebian; but the law passed and when Pompeius was formally chosen for the command, the grain price in Rome dropped, so confident were the people in his

²⁸ von Ungern-Sternberg, 100; Holland, 129-132. For more background on Cicero and the courts, see 123-129; Goldsworthy, *Caesar*, 71-74; D. H. Berry, introduction to *In Verrem*, 4-12, in *Oxford World's Classics: Cicero: Political Speeches*, by Cicero, trans. D. H. Berry (Oxford: Oxford University Press, 2006).

abilities. A massive army was recruited, a massive navy built. Pompeius brilliantly cleaned the Mediterranean of pirates in a three-month campaign, not only sparing the lives of many of the pirates, but addressing the root cause: as many of the pirates had been poor and landless and became pirates to support themselves economically, Pompeius settled them on small plots of land so they could farm for a living, winning their admiration and support. He was truly the man of the hour; and yet his *ambitio* burned brightly, in search of even more glory, wishing to take on Mithridates.²⁹

After Mithridates had fled, as discussed earlier, to Armenia, Lucullus was involved in a war against the King of Armenia when he refused to hand Mithridates over. The Roman commander won a stunning victory in 69 over a far numerically superior force and the Armenian king fled; in taking the major Armenian city in the region, Lucullus conducted himself in a way he had done the entire campaign: uniquely lenient towards the local population and trying to show the locals the way Rome could govern on its best days. In order to pay Sulla's indemnity, the cities of Asia were forced to borrow from Roman bankers, who then charged 48% interest or more; Lucullus cancelled interest that went over the original borrowed amount and lowered the rates, making him a hero to the Asiatics, who were then able to finish paying their debts in a matter of years, but making him enemies among the *publicani*. Lucullus even paid for the damages inflicted on cities in fighting after they surrendered. But while Lucullus was chasing the King of Armenia, Mithridates made his comeback, taking some locations garrisoned by Rome; starting in 68, Lucullus's enemies back at home, especially the *publicani* he so tightly regulated, began lobbying for the removal of Lucullus from command, complaining, ostensibly, that he had not yet stopped Mithridates. One of his own officers—his own brother-in-law, **Publius Claudius Pulcher**—stoked a mutiny, using his lenient treatment of the population to frame Lucullus as being stingy with booty and plunder for his soldiers (an unfair accusation); Mithridates was gaining more ground in the meantime. Back in Rome, Lucullus's enemies were able to have the provinces assigned to his command one-by-one assigned to others, while his own troops became less and less willing to follow his orders or fight. So it was that in 66, a law giving Pompeius the command of the war against Mithridates passed; Cicero delivered a major speech in support of the law before its passage, yet also took care to praise the efforts of Lucullus. When Pompeius arrived to take command, he faced opponents severely weakened by Lucullus; Pontus and its King Mithridates were easily defeated, though he evaded capture again, and Armenia and many other kingdoms were turned into client states of Rome as Pompeius took his legions to just shy of the Caspian Sea. He would swing south in 64 to put the weak and crumbling Seleucid Empire—one of the successor

²⁹ Goldsworthy, *Caesar*, 103-104; Holland, 164-171; von Ungern-Sternberg, 100-101; Tatum, 192.



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states to Alexander the Great’s vast empire ruled by his generals and their descendants, and Rome’s former foe—out of its misery, annexing what had been a source of disorder in the region into Rome directly as the new province of Syria. Finally, he went south to Jerusalem to end a civil war among the Jews, then learned in 63 that Mithridates was finally dead. Now, thanks to Pompeius, Rome was in control, directly or indirectly, of most of the eastern Mediterranean. Still, playing politics with military commands was dangerous business; had a man of lesser abilities been chosen to replace Lucullus than Pompeius, or any number of other things gone wrong while Lucullus sat impotently presiding over mutinous troops while Pompeius was on his way to take over, the political machinations of the *publicani* could have led easily to disaster for Rome or even defeat in the field and the deaths of thousands of Romans. For the *publicani* and their senatorial allies, corruption dictated that profits, not the success of Rome or the lives of brave Roman soldiers, were the top priority. Fortunately for Rome, disaster was averted and Pompeius triumphed beyond all expectations.³¹

³⁰ Potter, Pompey’s Eastern Conquests.

<http://www.thamesandhudsonusa.com/web/ancientrome/resources/ch3resources.html>

³¹ Konrad, 185; Tatum, 192-193; Holland, 152-155, 158-164, 171-178; Goldsworthy, *Caesar*, 153-154; Madden, 262-263; Goldsworthy, *Caesar*, 109-119

Things had been tumultuous in Rome while Pompeius was away; both consuls elected for the year of 67 had been tried for *ambitus* (electoral bribery) and found guilty, with at least one of them using a gang of followers to try to scare away the participants in the trial or disrupt it enough that it would not take place, but failing to stop the trial from going forward. One **Lucius Sergius Catiline**, a powerful patrician notorious for his awful conduct as governor of the province of Africa and ripe for a prosecution in the extortion courts, wanted to run as a replacement but was barred from doing so; as the new replacement consuls were about to take office, there were whispers that the recently convicted consuls-elects were trying to have their replacements assassinated, and that they would take the office by force, with certain senators to be killed in the process. Catiline was believed to be in on this plot, and another senator rumored to be involved was assigned a post in Spain, it was said, to get him out of the city where he could do less harm; after arriving there, he was eventually murdered by some of his own troops, and the rumors swirled even more. Rumors even said that **Gaius Julius Caesar** (yes, *that* Caesar) and Crassus, elected aedile and censor for 65, respectively, were involved in the plot, but these are very unlikely to be true. The year 65 promised to be momentous for Crassus as censor, but his ambitious program of enrolling new citizens from the province of Cisalpine Gaul in northern Italy was thwarted by his co-censor, Catulus, and, unable to agree on much, they both resigned the censorship. Here one of the *optimates*, Catulus, and Crassus, with an agenda item that would have benefitted the *populares* but would also have addressed sensibly some of the political reality of the Republic's changing demographics, were unable to work together and rendered their office ineffective. With the censorship vacant, a key institution of the Republic was failing to function at all, and the task of carrying out a census, vital to the workings of the Republic, was not undertaken, nor would it be for decades. In contrast to Crassus's failing stalemate, Caesar threw such extravagant celebrations as aedile that his popularity only increased. Another dynamic entered the scene, as well: the year 64 would see the emergence of a new quaestor, far more energetic, resistant to corruption, scrupulous, and dedicated than most in his position: the intensely Stoic, deeply conservative, self-proclaimed defender of the Republic's virtue, **Marcus Porcius Cato** (namesake of America's Cato Institute). Looking into financial records, he discovered those who had claimed the rewards for Sulla's proscription list, had them named and demanded the return of the money; this, in turn, opened them up to prosecution for murder, and the Roman public approved. Caesar, now an ex-aedile and ex-quaestor, presided over some of these trials. Catiline had already escaped conviction in his trial for extortion as governor of Africa, prosecuted by Lucullus's traitorous brother-in-law Claudius, who might have even helped acquit the man he was prosecuting; Catiline's acquittal was "almost certainly" won with bribes orchestrated by Crassus. Now, going back to a brutal murder from the days of

Sulla's proscriptions, Catiline was put on trial in the murder court, Caesar presiding, but was again acquitted, possibly using bribery but possibly also with Caesar's help.³²

The elections held late in 64 were to prove momentous. One Titus Atius Labienus was elected as one of the tribunes, and would begin a long political relationship with Caesar. But the most important election would be that of the consuls: Cicero, already praetor for 66, and Catiline were both running. Catiline seemed to have enjoyed the financial sponsorship of Crassus, like so many other Romans and as many as a majority of senators (not the most powerful, but those on the margins seeking to distinguish themselves), as well as the support of Caesar. Whatever his means of support, it seems Catiline had staked much of his career on this election; he came in a close third to Gaius Antonius (uncle to Marcus Antonius, a.k.a. Mark Antony), with Cicero clearly at the top. As soon as Cicero, the first new blood or "new man" to reach the consulship in a generation, and Antonius took office, a controversial land bill of a very large scale establishing colonies for the poor and providing lands for the settlement of Pompeius's yet-to-return veterans was proposed by the tribune Publius Servilius Rullus. The bill would have done much to deal with the poverty of a great many poor Romans, becoming a desperate part of the city of Rome's growing population, but Cicero vehemently opposed it, opposing similar bills throughout his career. This may have been a tactic to try to get him in with the *optimates*, always cool to new blood in the Senate, and Cicero was instrumental in keeping the bill from being passed. Though Cicero often disagreed and distanced himself from the *optimates*, he was certainly more conservative than radical at heart, and was hardly one of the *populares*, even though he would occasionally support this or that item of the sounder *populares'* programs. Like Pompeius and Crassus, it would often be a question as to where Cicero would stand on a major issue of the day. Later in the year, Caesar was elected to one of the most prestigious and sacred positions in the Republic; Sulla had made the *Pontifex Maximus*—Rome's senior priest—an office chosen by the Senate, but during 63 Labienus passed a bill returning election of that office to the people's assemblies. Caesar, already a figure popular with the masses, had gained immense popularity as aedile, throwing lavish games and festivals. He was careful to align himself with the immensely popular Pompeius and with the *populares'* causes throughout his career, so was able to defeat the leader of the *optimates*, Catulus, for this priesthood, a position he held for the rest of his life.³³

Cicero had a stronger bill against electoral bribery, which would now give the guilty a ten-year exile, passed before he presided over the consular elections of 62. Bribery was omnipresent in this election, with Cato saying beforehand that he would prosecute whoever won; Catiline was running yet again, at this point massively in debt and staking everything on this election. For Catiline, a demagogic

³² Tatum, 193; von Ungern-Sternberg, 101; Tatum, 193-194; Holland, 194-197; Goldsworthy, *Caesar*, 114-117.

³³ Tatum, 194-197; Goldsworthy, *Caesar*, 111, 119-127; Holland, 192-194, 197-198; Tatum, 195-197.

and leading member of the *populares*, only the rhetoric of class warfare would do. Facing bankruptcy, Catiline did not intend to leave this to chance; one of his associates, after his own defeat in an election, had a backup plan ready to move forward: drawing similar nobles who were heavily indebted, rousing popular agitation, and using an old Sullan centurion (a sort of senior NCO or junior officer in the Roman military) to begin forming an army from Sulla's poor and disaffected veterans in the north of Italy, Catiline planned to achieve their aims, whatever those ultimately may have been, by force. Crassus heard of the plot, and told Cicero; the same decree passed against the younger Gracchus, Saturninus, and Lepidus was passed, and Cicero began forming forces to put the insurrection down. Cicero, in what is one of his most famous moments, denounced Catiline in a series of speeches (Catiline in attendance for the first one) to the Senate, and Catiline fled to the north with his assembling army; another plot to cause a rebellion in the province of Transalpine Gaul, also largely inspired by debt problems, was tipped off to Cicero, with five conspirators being arrested. Debating their fate, the *optimates* favored execution, Caesar arguing for imprisonment. It was unclear whether the emergency decree by the Senate allowed for an exception in executing Roman citizens without a trial, but Cato's rebuttal of Caesar's argument convinced the Senate and Cicero to go with immediate execution. Plot seemingly averted, Cicero was hailed as "father of the country." It is important to note that here Caesar argued for a more moderate approach, and he was opposed by Cato and the *optimates*. This would be the beginning of a long series of clashes between Caesar and Cato. Early in 62 Catiline, with his army, was defeated and killed. Before the senatorial forces had taken care of Catiline, a tribune loyal to Pompeius proposed giving his patron on his way back from the east a command to put down this rebellion, and another bill proposed Pompeius be allowed to run for consul *in absentia*, both supported by Caesar; Cato, now a tribune, vetoed this motion and violence broke out in the proceedings. In response, the Senate passed the infamous emergency decree again, what Caesar termed the *senatus consultum ultimum* ("last decree") against the tribune, and had Caesar, who was a newly-elected praetor, suspended, but Caesar, rather than agitate, mended fences with the Senate. In this climate, some of the *optimates* feared Pompeius, upon his return, would prove to be another Sulla, but when he landed in Italy near the end of 62, to the relief of the Senate, he disbanded his army. Even though the city was not to be stormed by another conquering general, the cracks in the Republic were beginning to become evident to all. Still, the Senate regained confidence in the wake of Cicero's handling of the Catilinarian Conspiracy. One should note that Pompeius here acted as a moderating influence. Together with Caesar, both of their actions in 63-62 avoided extremist agitation, violence, or revolution in favor of accommodation and harmony, even when their proposals were threatened and/or defeated by their opponents.³⁴

³⁴ Holland, 197-200, 201-204; von Ungern-Sternberg, 101; Goldsworthy, *Caesar*, 127-145.

There was still time for one more great scandal before the close of the 60s. There was a special religious holiday, the *Bona Dea*, or festival of the Good Goddess, performed at the house of a senior official, this year Caesar's, with absolutely no men allowed to be present. Claudius, now a quaestor-elect and from a very powerful family, was caught sneaking into the ceremony dressed as a slave girl, it seems trying to have some sort of rendezvous with Pompeia, Caesar's wife, pointing to their being lovers. Caesar divorced his wife, commenting that "Caesar's wife must be above suspicion." Rome was outraged at the scandal; though nothing Claudius did was, technically, illegal, Claudius had powerful enemies and public opinion was with them, and the Senate wanted to declare his actions criminal. The Senate decided to put him on trial, Cicero and Cato, and especially Lucullus, his old commander in the east he had betrayed, enthusiastically speaking against him; but through massive bribery and intimidation, Claudius was found not guilty by the jury, which had asked for an armed guard; Catulus asked them "Why did you ask for a guard? Were you afraid of being robbed?" implying they had bribe money on their persons. Claudius now hated Cicero, especially after Cicero spoke publicly against him multiple times after his acquittal, and began plotting his revenge.³⁵

Thus, one can see that in this era, the prizes of senior office, as exemplified by Pompeius, were rising, and so too the efforts of those seeking such power and glory rose in audacity and in the use of violence; for some of those gambling in the high-stakes game of Roman politics, the potential destruction of the state was deemed an acceptable risk in order their *ambitio* be satisfied.

VI.) The First Triumvirate and the Death of the Republic

Unlike most other periods in Roman history, where elder statesmen guided the Senate, so many of those who would have been the elder statesmen were killed in these years of violence and civil strife; with the death of the ageing Catulus, the young Cato took over the leadership of the *optimates*. Even after the restoration of the tribunate, the *populares*, and any meaningful reform along with them, were being stymied by the conservative senatorial elites, and Cato would be as uncompromising as any of the previous leading *optimates*, if not more so. Cicero, even as a deep admirer of Cato, wrote to a friend that "in spite of his exemplary attitude and total integrity, he sometimes inflicts damage on the state, for he delivers speeches as if he were in Plato's republic and not in Romulus' cesspit" (*Letters to Atticus* 2.1). Pompeius's main priority right now was in having his administrative acts he performed in the east in the field—without the usual consultation of the Senate, which the Senate resented—ratified, and in settling

³⁵ Holland, 204-207; Goldsworthy, *Caesar*, 145-148; Tatum, 197-198.

his veterans on land to farm as he had promised them. Crassus was now particularly envious of Pompeius, who had just celebrated his third triumph, so Crassus teamed up with Lucullus, who did not forget the takeover of his command by Pompeius, as well as Cato, to block Pompeius's political efforts; as a result, the Senate refused to acknowledge Pompeius's administrative settlement of the east or settle his veterans. Pompeius, himself a plebeian, was not in search of a crown, as some feared; he wanted the respect and acceptance of the patrician elite, but Cato even denied Pompeius his niece's hand in marriage, even after Pompeius had divorced his wife, a relative of the powerful **Quintus Caecilius Metellus Celer** who was not quick to forget this slight, just so he could marry her. When one of Pompeius's allies, a tribune, moved to pass a land bill that would settle Pompeius's veterans and significant numbers of the urban poor, Metellus led the opposition as consul for 60. After he gave a vindictive speech against the tribune, the tribune responded by having Metellus imprisoned, who then in turn simply called a meeting of the Senate in the prison; the tribune then responded by placing his official bench in the doorway to prevent the senators from getting in, whereby Metellus smashed a hole in the wall and had the senators enter through that, and tribune gave up after that. Meanwhile, Caesar had a very successful term as a governor in Spain, even winning some battles, and began eyeing the consulship of 59, with the support of Pompeius. For Pompeius, himself inexperienced in the politics of the city since he was always out in the field, Caesar seemed the energetic and talented ally he needed to take on Cato and Crassus. Cato put his son-in-law, **Marcus Calpurnius Bibulus**, up for consul. Caesar easily won first place, but Bibulus was the other consul-elect, which portended much strife between the two. Bibulus had always felt overshadowed by Caesar, going back to their days when they were both aediles in 65. Cato was even said to be complicit with bribery on his behalf, a measure of how serious, desperate, and paranoid the *optimates* felt about the growing power of Caesar and Pompeius since Cato would almost always have avoided such conduct. It was customary for senators, after they served as consuls, to be assigned a command of a province; yet after seeing Caesar win military victories in Spain, Cato, ever eager to deny one of the leading *populares* further chances at success, had a law passed which would assign Caesar, after his consulship of 59 ended, to clean up brigands and thieves in Italy, rather than have the chance of a major military command in the provinces. Men like Crassus seemed to change their politics just to serve their own personal gain, and these incidents were only the beginning of personal rivalries in general escalating out of control and to the detriment of public policy.³⁶

Caesar's first major challenge as consul was proposing a well crafted, moderate land bill, even admitted by Cato to be a good bill, aimed at settling Pompeius's veterans; allowing so many veterans to linger unsatisfied was not smart policy and threatened the stability of the state. Though Caesar adopted a

³⁶ Goldsworthy, *Caesar*, 148-164, and 106-108 for history with Bibulus; Holland, 212-218; Tatum, 193, 198-199.

conciliatory tone, the Senate was very much against the bill and Caesar. No senator was willing to go on the record to explain his opposition against the bill, but still Caesar was filibustered by Cato and lost his temper, ordering Cato sent to prison after Cato spoke for hour after hour made it clear to Caesar he was talking just for the sake of preventing a vote on Caesar's bill; the arrest resulted in a walk-out of the senators. Caesar released Cato, but then took to the public Forum to sell his bill, which started filling with Pompeius's veterans. They and the rest of the crowd were overwhelmingly for the bill, but despite exhortations from them, Bibulus told the crowd "You shall not have this law this year, even if you all want it" and left (Cassius Dio *Roman History* 38.4.3). Caesar got Pompeius even to come out and speak for the bill, followed by, to the surprise of many, Crassus. Caesar had patched up the differences between Pompeius and Crassus, and the three of them, three of the most powerful individuals in the Republic, combining wealth, popularity, and soldiers, had agreed to support each other against Cato, Bibulus and the *optimates* (Caesar had tried to get Cicero to join them, but he declined) in what would become known as the First Triumvirate. On the day of the vote, to be presented to the people and thus bypassing the Senate, Caesar's co-consul Bibulus arrived on scene with all the attendants and symbols of his office as consul with him, Cato his father-in-law in train, to exercise a special power as consul which allowed him to declare ill religious omens; when such omens were declared by certain officials, including consuls, any electoral or legislative assembly had to be postponed. Bibulus, though, was clearly doing this for partisan purposes, and, apparently before he was able to make his announcement, a bucket of feces was dumped on his head, his attendants roughed up, and the symbols of his office smashed as a small riot ensued. Since no one was killed, this suggests the violence was meant to be tightly controlled on purpose, in contrast to nearly all the violent political disturbances since 133. After Bibulus, Cato, and their supporters were ejected from the assembly, the land bill was passed. As part of the bill, every senator had to swear an oath to support it and not to seek its repeal, or be exiled. Within five days, every senator, including Cato, persuaded by Cicero he was of more use to the Republic in Rome than in exile, had taken the oath. Bibulus, after failing to rally the Senate against Caesar, remained out of public view for the rest of his consulship (he was so overshadowed by Caesar that the people would jokingly talk of "the consulship of Julius and Caesar," rather than Caesar and Bibulus), though was sure to send messages to every public meeting Caesar held that he had seen ill omens, providing a legal basis to challenge the legality of Caesar's actions in the future; he wrote many pamphlets against Caesar, and even manipulated holidays to prevent public business from being conducted when Caesar was planning to push legislation. The actions by Bibulus and Cato showed that they and the *optimates* had no desire to work towards any meaningful reform and would oppose those who did, even using technicalities in questionable manners and twisting the machinery of the state to their own ends. On the one level, Pompeius, Caesar, and Crassus had engaged in low-level intimidatory and non-fatal violence in response, but in the context of

their opponents' actions, political and personal defeat and seriously explosive problems for the Republic being left untreated were the only alternatives. To Caesar's credit, he had tried reasoned argument and had not pushed for anything radical, but this did not temper the opposition of the *optimates*. For them, it was more important to oppose Caesar than to deal with thousands and thousands of former troops facing no viable future.³⁷

Still, at this point, with Bibulus effectively procedurally sidelined, Caesar was able to pass legislation easily using the popular assemblies, finally getting Pompeius's organization of the east ratified, and also getting a key bill helping the *publicani* reduce by one-third what they had to pay for the right to collect taxes, helping key constituents of Crassus's. Caesar also crafted a new extortion law which was so well regarded, thorough, and detailed that it lasted until the days of the East Roman (Byzantine) Emperor Justinian I in the sixth century C.E; Cicero labeled it an "excellent law," and it was far more restrictive and harsh than any previous law concerning governors' behavior in the provinces; this helped to balance the favors shown to the *publicani*. Caesar had tried to go through the Senate, the traditional and less radical way, but that did not work, so the assemblies it was. Also, the illegitimate son of the previous ruler in Egypt had bribed Pompeius and Crassus for recognition of his rule. And another land bill, settling some 20,000 poor families in Campania, was passed. Most importantly for Caesar were two pieces of legislation. In one, a tribune passed a law giving Caesar a command of both Cisalpine Gaul and, to its east, Illyria, with three legions (each Roman legion at this time numbering about 5,000 men at full strength), all for a five-year-term. This was soon followed by Pompeius adding the province of Transalpine Gaul (what is now southern France) and an additional legion to Caesar's command when he had a bill passed in the Senate after that province's current governor, Metellus, Pompeius's former political foe, had passed away. In the process, the people turned on Caesar and Pompeius, seeing them as having too much power and questioning the legality of their acts, in no small part because of the activities of Cato, Bibulus, and other *optimates*. Pompeius also married Caesar's daughter, Julia, and two allies of the triumvirs, including Caesar's father-in-law, were elected consuls for 58. Despite some lingering issues, when Caesar departed for Gaul in 58 he could feel a deep sense of accomplishment. Though they had unquestionably used their offices to enrich themselves, the triumvirs had several major and much needed legislation packages passed that greatly served the interests of the Republic. The opposition got tough, and the triumvirs got tougher after previous attempts to be conciliatory failed. The *optimates* were in opposition to needed reform and left the triumvirs no choice but to act a little tougher; the stability and interests of the Republic would certainly have suffered by leaving large numbers of veterans feeling they had no future and leaving newly acquired territory in the east in political and administrative chaos. Still,

³⁷ Holland, 218-221; Goldsworthy, *Caesar*, 164-173, 111; Tatum, 199-200; von Ungern-Sternberg, 102.

even the Roman people thought the triumvirs had overreached with the unprecedented proconsular command (commands given to ex-consuls after their terms were over) in Gaul and Illyria.³⁸

Cicero, too, had begun to loudly criticize the triumvirs during an extortion trial of 59 in which his old co-consul Antonius, who led the army which killed Catiline, was prosecuted; Cicero defended him, but he was convicted (to the cheers of the urban poor, as Catiline had been a hero to them with his demagoguery and charisma), and in response to Cicero's criticism, Pompeius and Caesar both helped to move Claudius, Cicero's old enemy, from patrician to plebeian status, meaning he was eligible to run for tribune for 58; on this news, Cicero left the city for his country villa. Claudius—who as part of the status change also changed the spelling of his family name Claudius to the more plebeian-sounding Clodius, the name by which he would become known to history—ended up winning a tribunate, and early on in his tenure, as an ally of Caesar, he passed four laws: one created a free monthly grain ration for Roman citizens; the second legitimized neighborhood associations/guilds of the lower classes called *collegia* (which the Senate had suppressed some years ago) and involved them in the distribution of the free grain; the third allowed every senator a public hearing before he could be expelled by a censor, and the fourth regulated how magistrates could use their omen divination power in response to Bibulus's abuses but would not retroactively be applied to his actions. He also passed a law which awarded Cato the power to oversee the Roman annexation of Cyprus, both an honor (only Cato, it was said, could do an honest job in so rich a province) and a convenient way to remove him, temporarily, as a force in politics in the city. Clodius passed another law exiling any person who had executed a citizen without trial, clearly targeting Cicero for his handling of the Catilinarian Conspiracy; Cicero appealed to Caesar outside the city, camped with his legions, who said his hands were tied in Gaul, but then tried to get Cicero's support for his general program and even asked him to join him on campaign as a senior military officer in Gaul, but Cicero refused. Clodius had Cicero's mansion in Rome ransacked and razed and built a shrine to the goddess Libertas in its place, and a subsequent law he passed specifically condemned Cicero. Clodius had taken the politics of personal destruction to a new level. The resurgent *collegia*, utilized by Clodius in a way that introduced the urban masses into politics as never before, provided the muscle for his street gangs; no one was safe, as senators and even consuls were harassed and in one instance, he broke up a legitimate trial with them, roughing up the judge mid-trial (incidentally, Marcus Antonius, a.k.a. Mark Antony, only a mere youth, began an affair with Clodius's wife at this time). Pompeius, disgusted at the turn of events and hurt (always the sensitive one) by the swell of public feeling against him, retired to his country villa with Julia, and Clodius sensed an opportunity to target him; his *collegia* gangs started

³⁸ Holland, 221-224; Brennan, 47; Goldsworthy, *Caesar*, 173-181, and see 193 for information on the strength/composition of legions; von Ungern-Sternberg, 102.

harassing and insulting Pompeius when he was in public in Rome. Finally, they even chased Pompeius to his house in Rome once, threatening to do to his house what had been done to Cicero's and threatening to force him from the city; the Senate, never liking plebian Pompeius and fearful of his power, enjoyed this spectacle, especially Crassus, who still harbored resentment from actions of long ago.³⁹

Shortly before the beginning of 57, things would escalate even further; one of Pompeius's supporters, **Titus Annius Milo**, took office as a tribune just as Clodius's term ended; it did not take long for him to indict Clodius for using violence. Yet Clodius's brother was praetor, and he obstructed the lawsuit as gangs hit Milo's own house, but Milo, unlike Cicero, responded with his own armed gangs of veterans and gladiators. Street violence became so widespread that the government had to shut down all its operations in the Forum. With Pompeius canvassing the countryside and in the lead, and with Caesar's support, the Senate voted 416 to 1 (a lone Clodius) to recall Cicero from exile. When Clodius tried to disrupt the vote of the people's assembly on this matter in August of 57, Milo and his men easily chased him away. Cicero came back to Italy and was greeted by throngs of supporters on the road to Rome; but it was Pompeius, not Cicero, who had truly rebuffed Clodius, as it was mostly because of his doing that Cicero was able to make his comeback. Yet Clodius, coming from one of Rome's oldest, most powerful, most distinguished, and most well-connected families, was not easily brushed aside, and knew no limits to his ambition or shamelessness. Cicero, owing his return to Caesar and especially Pompeius, found himself uncomfortably obligated to support them; he became the vehicle for proposing that Pompeius be the administrator for all of Rome's supply of grain. Clodius spoke against the motion, accusing Pompeius of wishing to bribe the urban poor through the dispensation of grain and Cicero of demagoguery, but the measure passed. Trying to restore his own house, Cicero, the workmen, and Cicero's brother's house were all attacked by Clodius's men and the gang warfare between his gangs and Milo's gangs resumed, while each use the courts against the other as well. Clodius used his political influence to avoid conviction again, while Pompeius and Cicero spoke in Milo's defense when he was on trial; in the latter case, rioting and serious fighting resulted, with Clodius's men clamoring for Crassus, and not Pompeius, to be given a new command in the east, and the case was dropped. This was an ominous development for Pompeius and the signs were clear: Crassus was using Clodius to weaken Pompeius and advance his interests, Pompeius even fearing that Crassus was trying to have him killed. The politics of personal destruction became more intense yet again. Pompeius, and not Clodius, was blamed for the riots by the Senate, to add insult to injury, while **Lucius Domitius Ahenobarbus**, the grandson of the man who had created Transalpine Gaul as a province and viewed it as his right to command, and whose brother had been killed or executed by Pompeius's forces in the Sullan-Marian conflict, was going to seek the

³⁹ Holland, 224-232, 241-244; Tatum, 200-201; Goldsworthy, *Caesar*, 176-177, 256-258

consulship of 55 and try to remove Caesar from command of his coveted “birthright” province. On top of all this, Cicero was even trying to revisit Caesar’s Campanian land bill. The consuls elected for 56, including Cato’s father-in-law, were openly anti-triumvirate, which now itself seemed dead or soon to be finished and all of Rome was talking about it. The *optimates* eagerly awaited their chance to reassert themselves.⁴⁰

It would be the man who had brought Pompeius and Crassus together in the first place who seemed to orchestrate a reconciliation: first, Caesar met with Crassus and Clodius’s elder brother, Appius, in Ravenna in the north of Italy in Caesar’s province of Cisalpine Gaul in the spring of 56; by the time Caesar had moved with Appius to the town of Lucca, also in Cisalpine Gaul but on the other side of Italy, to meet with Pompeius, the rumor of momentous meetings between the powerful triumvirs has spread enough so that as much as one-third of the Senate had shown up in Lucca, trying to gain favor. The *optimates*, once again, became nervous; besides the apparent renewal of the working relationship of Pompeius, Crassus, and Caesar, Clodius would no longer be a force acting against Pompeius. Still, the following month, Cicero took the opportunity to defend one of his own clients and an ally of Pompeius’s, Marcus Caelius Rufus, who had been accused of trying to poison his former lover, Clodius’s sister, Clodia, among other charges. Cicero’s defense was an attack on Clodia’s character:

...if a woman [Cicero is mockingly indirectly referencing Clodia] without a husband throws open her home to every lecher and publicly leads the life of a prostitute, if she is used to attending dinner parties given by men to whom she is completely unconnected, if she carries on like this in Rome, in her pleasure-gardens, and among the crowds at Baiae [a seaside resort town near Naples], and if she conducts herself in such a way that not only her bearing but also her dress and entourage, not only her blazing eyes and her loose language but also her embraces, her kisses, her beach parties, her boating parties, and her dinner parties all declare her to be not simply a prostitute but a lewd and lascivious prostitute at that—and if some young man [i.e., Caelius Rufus] should chance to take up with her, then would you...regard that man as an adulterer or as merely a lover, as someone who intended to violate her chastity or merely to satiate his own appetite?

...what criticism can the prosecution possibly make of Caelius...would you consider it so very shocking and disgraceful if a young man should have had some dealings with her?...either your [Cicero is now addressing Clodia directly] own fundamental decency will make it clear that Caelius has not acted immorally [a sarcastic suggestion that she is chaste], or else your utter lack of decency will provide both him and all the rest with an ample means of justifying their behavior (*Pro Caelio* 49-50).

Both Clodius and Clodia had notoriously immoral reputations, which included rampant rumors of incest between them; during the trial, Cicero repeatedly played to this rumor, at one point referring to Clodius as “this woman’s husband, I mean her brother” (*Ibid.*, 32). It worked and Caelius was acquitted. Though Cicero would relish this, he was only reluctantly a tool of the renewed triumvirs; still, he did not want to challenge them now that they had seemingly patched up their differences, hating himself all the same for

⁴⁰ Holland, 244-249; Goldsworthy, *Caesar*, 258-261; Tatum, 202.

putting aside his principles by helping them the ways he was. They had Cicero propose that Caesar keep command of all his provinces to himself, and the motion passed, so Caesar's command was secured against Domitius's ambitions. Clodius put his gangs to use, causing violent disturbances which forced the delay of the elections in time for Pompeius's, Crassus's, and Caesar's followers to convene on the city for the vote, including a large number of Caesar's legionnaires given special permission to return to Rome to vote, and Pompeius showed all their cards when he admitted publicly that he and Crassus were going to stand for a second consulship. Elections for the consulship of 55 still had not been held in January of 55, due to Clodius's mischief. But then, when Cato (back from success in Cyprus) and Domitius tried to arrive early at the location of the vote, the Campus Martius, on the day of the election, they were attacked, their torchbearer killed and either Cato or Domitius wounded; Pompeius and Crassus prevailed in the elections. Not long after, Cato was in the process of winning a praetorship, but Pompeius, now consul, used a strike of lightning to declare ill omens; when the voting was restarted, Cato was kept out by force and thus was denied the office, and when the aedileships were blatantly awarded to the triumvirs' backers, violent riots ensued; Pompeius's own toga was stained with blood, and upon returning the sight caused his wife, Caesar's daughter, to have a miscarriage. At this point, it is clear both *optimates* and *populares* were willing to engage in more extreme behavior.⁴¹

Soon the details of what had been worked out at Ravenna and Lucca would become clear: after their year as consuls, when consuls would customarily be given what was termed proconsular command in a province for one year, Pompeius (in addition to his current role as administrator of Rome's grain supply) and Crassus were to be awarded more extraordinary five-year proconsulships in Spain and Syria, respectively. They would have the power to bypass the Senate in terms of raising troops and in declaring war or peace. They succeeded in having such motions passed, and Caesar's command, recently confirmed thanks to Cicero, was also extended for five more years in a bill; he was given the same powers as the other triumvirs, too. While at the beginning of their triumvirate the triumvirs seemed to favor cautious, conciliatory tactics, when it became clear the *optimates* were only interested in obstructionism the triumvirs did not shy away from boldness. With their commands set for years, they would all be safe from prosecution by their enemies since as long as they held office they were immune from prosecution, and the three men would control twenty legions—100,000 soldiers—between them. But Rome was aghast as such blatant power grabs, especially by Crassus. He was even formally cursed by one man, rituals and all, as he was exiting the city to go to Syria. He had a military inferiority complex regarding Pompeius, ever since he stole some of Crassus's thunder fighting the remnants of Spartacus's army that he, Crassus, had actually defeated, and now with Caesar, winning glory and territory in Gaul after

⁴¹ von Ungern-Sternberg, 103; Holland, 250-255; Tatum, 202-203; Goldsworthy, *Caesar*, 261-264; Taylor, 144.

defending Rome's interests against a series of attacks from Germanic tribes. Crassus was avaricious as a governor in Syria when he arrived in 54; he even had the Jews' Temple in Jerusalem plundered (which Pompeius, to his credit, had avoided doing when he had been there), and attacked the Parthian (Persian) Empire's border regions. After amassing an army of seven legions and nearly two more legions' worth of cavalry and auxiliaries, Crassus, hungry for glory, took his army into Parthia in 53. Near Carrhae, in what is today eastern Turkey, he suffered the worst defeat of any Roman commander since Carthage's Hannibal marched in Italy over a century and half earlier: 10,000 men were captured, 20,000 killed, and all seven legionary standards were captured; Crassus himself was killed, the Parthians mocking his avarice with a mock Roman triumph and using Crassus's severed head as a prop in a theatrical performance of a Euripides play; Crassus's quaestor, **Gaius Cassius Longinus** (later the main ally of Brutus and one of Caesar's assassins), managed to escape with only a few thousand men, the rest of the army utterly destroyed. The Romans judged Crassus harshly; for them, it was clear his motivation was greed, pure and simple, and he had paid the price.⁴²

Caesar, meanwhile, had led his armies across the sea into mysterious Britain and deep into Germany, over the Rhine, firsts for a Roman that won Caesar immense glory and popularity. He was also winning Gaul—used repeatedly in the past as an invasion route into Roman territory by enemies from Hannibal to the Cimbri and the Teutoni—from the Gauls—who had long ago sacked Rome (a traumatizing event from 390 B.C.E. that still gave Romans nightmares) and had a long history of allying with Roman enemies, including Hannibal—and it was Caesar who had finally (mostly) subdued them in 52-51 B.C.E. after a long, bloody war. Pompeius, unlike Caesar and Crassus, had stayed by Rome as grain administrator and governed his Spanish provinces through his subordinates, and Rome was not quiet for him. Late in 54, Julia miscarried again but did not survive this time; both Caesar and Pompeius were crushed by this event, and it furthermore dissolved the strongest bond between them and significantly weakened their relationship. Domitius and Clodius's older brother, Appius, were the consuls for 54, and Cato finally had his praetorship. At the end of 54, both these consuls would become embroiled in a massive *ambitus* scandal, larger than any in recent memory, with both Caesar and Pompeius involved, too: two of the candidates for 53 had bribed the current consuls and one of the main voting groups to work things in their favor. Elections were delayed when this was discovered and there were no consuls for the first half of 53. When elections were finally held that summer, Pompeius supervising at the request of the Senate, only more corruption followed and violence erupted between Clodius's and Milo's gangs once again, bringing chaos to Rome once again. Clodius was planning to run for praetor for 52, on a campaign of changing the voting laws to give more power to freedmen (freed slaves), thus gaining their support,

⁴² Holland, 255-261; Goldsworthy, *Caesar*, 261-262, 295-296, 313-314; Tatum, 204; von Ungern-Sternberg, 103.

while Milo was standing for consul. The violence was so bad that elections still had not been held in January of 52. Their gangs with their leaders crossed paths just outside the city of Rome on January 18th, with Clodius being killed by Milo's men on his explicit orders; Clodius's supporters carried his body the next day to the Senate house and started a funeral pyre that burned it down. The institutions of the Republic were literally going up in smoke. The ominous *senatus consultum ultimum* was passed, authorizing Pompeius to restore order, and there was talk of making him dictator (Pompeius would refuse the offer), of having Caesar be consul with him (Caesar declined as he was busy in Gaul), but eventually, with the support of even Bibulus and Cato, Pompeius was named the only consul for the year by decree, with no elections being held. For the first time since Sulla, armed soldiers, now Pompeius's, entered Rome, quickly restoring order and putting down the street gangs, and Milo was put on trial for Clodius's murder. Cicero eagerly defended him, but the stark images of the streets of Rome and the Forum patrolled by Pompeius's soldiers, and the wall of troops lining the courts, Pompeius (who had had a falling out with Milo) among them like a general in the field, shook Cicero, as did the jeers of the crowd (Clodius had, after all, been a champion of the people) and he was not his usual eloquent self; Milo was convicted and exiled, as were some of his supporters and Clodius's henchmen.⁴³

Cato, Bibulus, and the *optimates* had come together with Pompeius to restore order, but only when things had gotten this bad. In particular, Clodius' use of violence needed some force to check it, and this came in the form on Milo; short of military involvement, the hatred between them was so harsh that it is hard to see how the situation could have been resolved without one defeating the other. Their ties to Rome's most prominent men threatened to tear the state apart and cause anarchy, but it was the earlier failings of the leaders of Rome, particularly the *optimates'* lack of willingness to pursue desperately needed reforms and their willingness to act virtually only in partisan and obstructionist terms, that created the conditions for the Clodius/Milo gang warfare to become so endemic. Sure, the triumvirs had amassed great power for themselves, and Crassus in particular was unscrupulous in its exercise, and even Pompeius and Caesar became increasingly willing to act more forcefully. Yet if they had not amassed this power for themselves, they would have had all or nearly all their programs defeated by the obstinacy of the *optimates* and the Senate, or likely they would have been prosecuted in courts very likely to be stacked with supporters of the *optimates*, facing exile, disgrace, or even worse. Whereas some of the moderate *populares*, in particular Caesar, tried accommodation and working with the Senate and the *optimates*, the *optimates* never really even thought of serious cooperation with the *populares*; compromise was not in their vocabulary. Major problems in the Republic threatened a crumbling or a

⁴³ Holland, 267, 272-273, 278-282; von Ungern-Sternberg, 102-103; Tatum, 203-204; Goldsworthy, *Caesar*, 318-319, 346-347, 361.

collapse of the Republic if some of the *populares*' reforms and legislation were not adopted, however. So the *optimates* helped to create these conditions whereby the *populares* and the Triumvirate felt they needed to resort to force (though men like Clodius did not need much help in resorting to violence) and secret alliance, but then they also began to use their power for unseemly personal gain that was at first questioned even by the masses.

Sensing the need for major reform, Pompeius passed laws that were harsher on violence and *ambitus*. The normal corrupt practice had been to spend into debt to bribe one's way into office, then take bribes from the *publicani* to turn a blind eye to their exploitation of the provinces so the governors could pay their creditors, since governorships customarily followed the year after office was held. A new law of Pompeius's put a five year gap between the holding of office and a governorship, to make it harder to make up the debts for corrupt winners of elections and make it less attractive to borrow so heavily to engage in massive bribery to begin with. Corruption and bribery in the elections of the next few years seem to have significantly decreased because of Pompeius's efforts, and even Cato had to give Pompeius credit. In return for his service, Pompeius got another five-year extension of his command in Spain. Besides Milo, two of the candidates for the consulship of 52 had also been convicted and exiled, and the remaining candidate, **Quintus Caecilius Metellus Pius Scipio Nasica**, also faced charges; he hailed from the Scipios who had defeated Carthage and had also been adopted into one of the most important plebian families, and thus had all the old-style status and influence that Pompeius had always craved. Turning down Caesar's offer of his niece Octavia, he married Scipio's daughter, Cornelia, and made Scipio his co-consul. For Caesar, his main priority was to look to his future, a future with further terms of office so as to protect himself from prosecution by his enemies, enemies who had been biding their time to take legal action against Caesar since his consulship of 59 (Cato had even been calling Caesar a war criminal for his actions in Gaul), so Caesar had, with the help of Pompeius, a law passed allowing him to stand for the consulship *in absentia* when his current five-year term expired. Pompeius subsequently passed a law outlawing *in absentia* candidacies for the consulship; after some questioning by Caesar's supporters, Pompeius said this was not directed at Caesar and added a clause to the law exempting Caesar from it, but this did not carry the same legal weight. Cato then stood for the consulship of 51, saying he would do nothing to win over voters, and campaigning to recall and try Caesar; unsurprisingly, he lost, but the message to Caesar from Cato was clear: Cato would not relent. That year, Pompeius's new father-in-law proposed a law which scheduled a discussion of Caesar's provinces for March of 50, not opposed by Pompeius.⁴⁴

⁴⁴ Holland, 282-295; Brennan, 48; Goldsworthy, *Caesar*, 347-350; Tatum, 205-206

Things for both Pompeius and Caesar became more complicated when, in February of 50, a tribune (and ally of Caesar) proposed that both Caesar and Pompeius give up their commands. Before, the struggle had been between Caesar and the *optimates*. Now, it turned into a struggle between the careers of Pompeius and Caesar, and Pompeius had been drifting towards the *optimates*, always coveting that respect from them he found so elusive; they, in turn, were able, especially through Cornelia and her father Scipio, to draw him away from Caesar. Negotiations dragged on for months, but neither Caesar, nor the *optimates*, nor Pompeius seemed willing to relent. It is noteworthy that in this tense atmosphere, **Marcus Antonius**, having served under Caesar in Gaul now a hero of the Gallic War and backed by him, defeated Domitius, backed by the *optimates*, for an open priesthood. Soon Antonius was also elected as a tribune, and he used his veto against anti-Caesarian measures. In December, the Senate passed a motion that Caesar should step down, failed to pass the same for Pompeius, and voted yes on a tribune's proposal that both step down. No further action was taken, but on January 1, 49, a letter of Caesar's, severe in tone, was read to the Senate. In response, Scipio proposed that Caesar dismiss his armies or be named an enemy of the state, but this was vetoed by two tribunes, including Antonius. After this, the Senate passed its *senatus consultum ultimum* against Caesar, warning Antonius not to interfere; he and other agents of Caesar's fled the city in disguise. In response, on January 10, Caesar crossed the Rubicon River—the border of the province of Cisalpine Gaul with Rome/Italy proper—with his legions. Republican government in any meaningful way for the people of ancient Rome, after nearly five centuries, would never operate again. It is likely that there were many misunderstandings between Pompeius, in Rome, and Caesar, far away in Gaul. Neither seemed to seek conflict directly, yet at the same time, the *optimates* were clearly trying to use Pompeius to destroy Caesar, which Pompeius may or may not have realized, so eager was he to be on their good side. That the Senate was willing to call a man with active veteran armies an enemy of the state, in the confidence that Pompeius would defeat Caesar in a civil war, rather than allow such a powerful man to avoid prosecution and disgrace, and find some way to come together peacefully to deal with the problems of the Republic, is very troubling indeed. The way events developed, it seems that it would be fair to say that the Senate pushed Caesar into marching on Rome, while he anticipated they would leave him the choice of war or disgrace and prosecution. The Senate and Pompeius did not anticipate how much Caesar had prepared for this possibility before they called him a traitor and left him no desirable options other than war. Short of being a sacrificial lamb, Caesar's only option was war then, while Pompeius might likely have been manipulated by the Senate into thinking Caesar was trying to ruin his career and overthrow the Republic. Caesar, as opposed to Crassus and even Pompeius, was always the peacemaker among the triumvirate, and his career suggested that he usually sought moderate and conciliatory measures first, so it is an argument with little evidence that claims he was always out to destroy the state and republican government for his personal gain. Perhaps if Julia had

not died, or the two great men had been able to meet in person, the final falling out, and civil war, could have been avoided. The world may never know. Conversely, there was little action on the part of Cato, the Senate, and the *optimates* that indicated they would have behaved in any kind of moderate, conciliatory, or non-obstructionist way. As opposed to the civil war between Marius and Sulla, then, the civil war between Pompeius and the Senate on one side and Caesar on the other seems, relatively, to have been driven and caused not so much by the individuals themselves but by a Senate which intentionally drove a wedge between Caesar and Pompeius and then felt powerful enough, with Cato in the lead and in many ways driven by a long-standing opposition to all of Caesar's actions, to isolate and destroy Caesar, through civil war, if necessary, this being their preferred course of action above all else.⁴⁵

VII.) Conclusion: Analysis, Relevance for the United States c. 2010

Years of war would follow: Caesar against Pompeius with Cato, Scipio, and the *optimates*, then Caesar's nephew and adopted heir, Octavian, against Antonius, then Antonius with Octavian against Brutus and Cassius, and finally Octavian against Antonius and Cleopatra. Throughout all the years up to 49 B.C.E., there was a functioning republic, even if it was rotten on the inside; yet after 49, the Republic was only a farce, and competing generals controlled virtually everything until, after nearly twenty years of war, Octavian reigned alone as "first citizen," laying the foundation of the emperorship as he would soon become Augustus. Caesar had famously remarked that "The Republic is nothing—just a name, without substance or form" (Suetonius *Lives of the Caesars* The Deified Julius Caesar 77), but his actions, like Cato's, Pompeius's, and many others before, contributed heavily to this fact. It was the majority of the ruling elite, the Senate, *populares*, and *optimates* together since the days of the Gracchi, who had brought Rome to where it was in 49. Things might have turned out differently. Had Brutus and Cassius prevailed, a republic might have been restored (though one likely to embody the *optimates'* obstinacy and unable to function well without severe change). If Caesar had not been assassinated, he might have restored the Republic in time, after much reform; it is impossible to know such things, and those who succeeded Caesar did not restore republican government. Before Caesar was assassinated in 44 B.C.E., Pompeius, Cato, Bibulus, Scipio, Domitius, and Milo would be casualties of war. The wars that brought Octavian to power would see the deaths of Cicero, Brutus, Cassius, Antonius, and Cleopatra. Only Octavian among the major players would remain.

"Caesar was born into a Republic already prone to sudden outbreaks of savage political violence," notes Goldsworthy.⁴⁶ With the mass civil violence in Rome in the years before the civil war of

⁴⁵ Holland, 290-296; Tatum, 206-207; von Ungern-Sternberg, 104; Goldsworthy, *Caesar*, 358-374.

⁴⁶ Goldsworthy, *Caesar*, 512.

49, the final clash of armies against armies was simply the next step in a natural progression and escalation of violence which began in 133. From 133 on the political violence steadily increased until it peaked when Marius and later Cinna fought with Sulla and his followers and had a high plateau for years through Lepidus and Sertorius and Spartacus, receded and then spiked again with Catiline, immediately after went down to a low level of relatively bloodless controlled violence until Clodius targeted Cicero and others with the *collegia*, became even greater when Milo finally responded, and then escalated out of control, disrupting basic and vital functions of the state from commerce to elections to court proceedings, until Clodius was finally killed; but then his supporters burned down the Senate house and it was only after this in 52 when a breakthrough occurred, when the feuding parties agreed to have Pompeius restore order. Pompeius was then able to implement meaningful electoral reforms and harsher measures against violence and bribery, but this as sole consul and with his own troops in the city; that was not how the Republic was supposed to function, with only one consul and uniformed soldiers keeping the peace in the city of Rome itself. One can easily speculate that under “normal” circumstances, the *optimates* would have tried to block such reforms of Pompeius as they had blocked most of his agenda, and most major reforms, in the past. While calling on Pompeius to restore order during the civil war which started between Marius and Sulla and ended with Pompeius’ defeat of the Sertorian rebels in Spain, against the pirates and against Mithridates, the elites consistently blocked his political agenda, preferring to let his veterans languish and the political situation in the new eastern acquisitions remain up in the air. From 133 onward, only twice before 52 had the *optimates* even grudgingly compromised on major domestic reform (unless one counts awarding Pompeius the position of a unified grain administrator, then it is thrice): first by having some of their own officials propose establishing colonies for veterans during the tribunate of Gaius Gracchus, if mostly seemingly to counter Gaius’s similar proposals, and at the end of the Social War in extending citizenship and Latin status to allies when faced with the disintegration of Roman Italy. The social war ended and three-and-a-half decades would pass before had the factions came together in such a meaningful way as in 52, but it literally took near anarchy and the destruction of the Senate house to bring this about. Not even three full years of tense calm followed before Caesar crossed the Rubicon. And while all this was going on, Rome was fighting wars against foreign peoples, from Germanic and Gallic tribes, to Jurgurtha and Mithridates, from the deserts of North Africa to the shores of Britain, from Armenia to even the walls of Jerusalem. Considering both the domestic and foreign conflicts, Rome was involved in non-stop violent conflict for the vast majority of the history of the Late Republic covered in this paper. One should not doubt that at least indirectly, and quite likely directly, this contributed to the increasing level of violence in Roman society as a whole. Rather than soldiers being a part of normal civic life while out of uniform when Rome was at peace, as they had for much of the Early and Middle Republic, now soldiers were quite outside of normal life; the maintenance of a large overseas empire and

the economic changes of the later Punic Wars discussed early in this paper, left unaddressed by the Senate, meant there was little for the soldier to be able to come back to in civilian life. As Goldsworthy notes:

the Senate...refused to take responsibility for these men and provide them with some sort of livelihood. This encouraged a trend whereby legionnaires became more loyal to popular commanders than they were to the State itself. The Roman Army had ceased to be the entire State under arms, each class serving in accordance with its wealth so that men fought to preserve a community from which they benefited, and became something outside normal society. This was the change which allowed successive Roman generals to lead their armies against each other and Rome itself. Scipio Africanus [hero of the Second Punic War (218-201 B.C.E.) and one of Rome's greatest generals] could not even have dreamed of turning to the men who had served under him to bring armed force to bear against his [domestic political] opponents in the 180s.⁴⁷

For von Ungern-Sternberg, “[t]hrough its refusal to produce a solution to these problems [i.e., the plight of the urban poor and land and farming issues including settlement of veterans], the Senate created serious doubts about its own legitimacy as the ultimate governing body, which in turn caused the soldiers to stage repeated “marches on Rome.”⁴⁸

It is tellingly ironic that the *optimates* were the first to bring political violence into the forum, against the Gracchi, and that it was violence that would undo them. Most of the reforms the Gracchi were calling for were sensible, even essential; but their tactics, their challenge to the status and power of the old-school of Rome's elite, was more than that elite was willing to tolerate. In general this was the pattern the *optimates* would follow from 133 to 49: nearly a century of near total obstruction. They rarely put the interests of the people or Rome as a whole above their own. The tribunes' physical bodies were made religiously sacrosanct when they held that office, which existed as the people's constitutional mechanism for influencing the higher mechanisms of the state, so the Roman elites' willingness to use violence against the tribunes who did put Rome's people first is very revealing, for it shows that they fought to preserve tradition as long as such traditions were beneficial to themselves, but the tradition of the tribune being sacrosanct, going back almost to the founding of the Republic, was repeatedly ignored by the *optimates* and the Senate. Such actions by the *optimates* furthermore meant that anyone who wanted to succeed in such matters had to counter the *optimates* with violence, or they would end up dead like the Gracchi and their political heirs if they seriously tried to push reforms through. This repeated initiation of targeted political violence by the *optimates* meant that anyone serious about reform or addressing the Republic's most serious problems had to be prepared to meet violence with violence or likely would only meet with failure and death. Even up until Caesar, these *optimates* continued the same tactic; the fanatically stubborn Cato, seen in later years as a martyr for the Republic, left his opponent,

⁴⁷ Goldsworthy, *Carthage*, 362.

⁴⁸ von Ungern-Sternberg, 106.

Caesar, with no choice but of that between prosecution and disgrace or a fight, between an unacceptable and dangerous status quo and political violence. After Caesar had defeated Pompeius's and the *optimates*'s forces decisively at Pharsalus, Suetonius quotes a source who fought with him there and throughout the conflict that has Caesar looking out over the battlefield filled with dead enemies and saying "It was they who wanted this, for I, Gaius Caesar, would have been found guilty, despite all my achievements, if I had not turned to my army for aid" (*Lives of the Caesars* The Deified Julius Caesar 30).

Without the threats of his enemies, keen to tear him down, it seems more than possible that Caesar would have found an alternative to marching his legions into Italy. But as Cicero's speeches and career, and the episodes between him and Clodius, and Milo and Clodius, and Sulla and Marius (among others) would show, the politics of personal destruction in the post-Gracchi order would prove to be so destructive as to destroy the Republic. People that feel threatened often make more extreme decisions, have more extreme views. So it was that from Tiberius Gracchus down to Caesar, almost all of the major *populares* of Rome were threatened with political violence at least in part orchestrated by the *optimates*; this generated a mentality among reformers of extreme risk-taking which became a *modus operandi*. The gambling started with legislation under the Gracchi, but the chips came to be legions and the Republic itself in the days of Caesar. But a special blame must be assigned to the *optimates* leading the Senate: they compromised on virtually nothing from 133-49 B.C.E., daring someone to destroy the Republic in order to get even the most basic reforms that were wholly necessary passed. Caesar took them on their dare, but apparently tried to avoid doing so; but Cato and his ilk never let him sit easy, and made it clear they would do everything they could to tear him down for his "sins" of his consulship of 59. They did this to a man with a personal, veteran army, and they were willing to fight a civil war just to take him down. Caesar, for his part, let his own sense of self worth get in the way of working out a better deal with Pompeius, as did Pompeius with Caesar. Sadly, the stakes set by nearly a century of life-and-death struggle over basic governance left little room for alternative and too much risk for those thinking of compromise. It is important to note that Caesar generally offered clemency and eventual reinstatement to his opponents during and after the civil war, something unique among all the generals in Roman history who had seized power by force, for which Caesar was famous in his own lifetime, and something, it should be noted, his opponents would clearly not have shown him, except perhaps for Pompeius, and did not show him when many of these former opponents, pardoned by Caesar, assassinated him in the Senate. His successors, Octavian and Marcus Antonius, were not prone to the same clemency. This *clemencia* regularly offered by Caesar further adds to the argument that unlike his opponents, Caesar was conciliatory and willing to work with his opposition peacefully before the outbreak of hostilities. Furthermore, one must ask how different things would have been if Caesar had not been away from Rome

for most of the 50s. His personality was exceedingly charming and he was able to boldly reconcile others throughout his career, notably Pompeius and Crassus twice, and even Pompeius and Clodius. With his record and skills of personal diplomacy, and the personality to make him excel so well at this, it is not unreasonable to speculate that, had Caesar spent more time away from his provinces in Rome in the 50s, like Pompeius did, the forces that pushed Rome to civil war might have been ameliorated just enough to prevent civil war. One might assume that there would have been a fairly good chance of his relationship with Pompeius not deteriorating as much as it eventually did, and one must remember that this was one of the final factors that led to open war. Though one cannot know such things, the point should be considered all the same. And, though even more speculative, it is certainly possible that Pompeius and Caesar working together for a much longer period of time might have peacefully reformed the Republic into something worth preserving, or at least with far less violence than ended up occurring. Instead, the real world outcome was massive bloodshed on a continental scale and the destruction of the Republic.

At the heart of the process leading to the end of the Republic was corruption, especially the corruption of the senatorial class/*optimates* and the *publicani*, but certainly also of the later *populares*, not terribly discriminating in their methods. There is the obvious material corruption, and the corruption of those seeking power, which, despite many attempts at reform and all sorts of legislation, proved ineffective abroad until Caesar's reforms of his consulship for officials in the provinces and ineffective at home until Pompeius's reforms during his second consulship, both just before the civil war between the two great men. As a class, the senators were atrocious; Cicero makes this more than clear in his prosecution of Verres, but Verres's blatant guilt was one of the few instances that the senatorial class ever demonstrated even an inkling of a willingness to convict one of their own, unless personal vendettas or bribery were there to offer an incentive. For decades, senatorial elites abused their power to an extraordinarily extreme degree and thought nothing of it. Men like Lucullus and Rutilius paid a heavy price for their attempts to be fair and just and avoid corruption. Whenever their interests were seriously threatened, the *publicani* were able to buy off large portions of the Senate. This did not matter even if it hurt the interests of the state, as shown most blatantly in the cases of the pirates and the war with Mithridates. Without the senators, the *publicani* would not have been able to carry out their exploitation of the provinces, and without the *publicani*, it would have been much harder for the senatorial elite to pay off their campaign debts, and this relationship was a large source of the cash that ruined the extortion courts and elections.

But it is the corruption of the institutions of the Republic themselves which is perhaps most striking. Rather than use the rules, laws, and institutions as their creators intended, courts, Senate procedures, legislation, even armies became the tools of individual office holders to use to further their

own individual interests and vendettas. This general abuse of governance ensured that the politics of personal destruction became inextricably woven into the fabric of the Republic itself. Prosecutions were rarely conducted, for example, to pursue justice; rather, they were a form of escalation in personal disputes, more often than not, between individual members of the ruling class. Procedures and rules in the Senate and in government, as demonstrated starkly by Cato's filibustering, Bibulus's use of interpreting religious omens, and the dispute between Metellus and the tribune that resulted in the Senate being convened in a jail, are only some of the examples. This is telling: for the senatorial elites; they *were* the Republic; their interests were the Republic's. Before in Roman history, the interests of the state had tended to be the interests of the senators; but in the era discussed in this paper, the interests of the senators became the interests of the state. Even when good legislation and good magistrates were present, if the senators had a personal grievance against something or someone, or the people presenting the reforms or legislation were from a different class or rival faction, paralysis was the norm. Even Pompeius and Cicero found, for most of their careers, acceptance among the elite *optimates* almost impossible to attain, despite their many accomplishments, and despite their many attempts to ingratiate themselves to these elite *optimates*. First and foremost, then, the senators cared for themselves, and defined the Republic in terms of themselves. On the other side, *populares* leaders used their popularity so much to advance their programs that they themselves became synonymous with their agendas. Any personal blow to themselves had to be fought with every measure available, because their own personal failure meant that their causes would fail, too. In the high stakes game of politics in the Late Republic, this may have been true, with any reformer who did not cultivate public opinion as a check against the governing elites who would use violence against them appearing as too easy a target for that very violence; but often like the *optimates*, *populares* put their own advancement at the head of their programs and accepted nothing less, risking their very lives and taking even more and more drastic measures in the face of senatorial threats and intransigence. The careers of Cicero, Pompeius and Caesar show how utterly futile it normally was searching for common ground with the *optimates*, however, lending some legitimacy to the view that it was the *optimates* who left men like Caesar little choice. The triumvirate, then, can be seen as a semi-peaceful attempt to sideline the fairly useless Senate from getting in the way of necessary reform, while also advancing the careers of the reformers and their supporters, to be sure; but taken too far, this would, and did, have the effect of destroying the Republic's institutions, as the next level of escalation, on both sides, was the use of street gangs and, after that, armies, to achieve political aims. The stakes being what they were, neither the *optimates* nor the *populares* were willing to take a step back and avoid further escalation; doing so, because of the intensity of the politics of personal destruction, often meant that they risked prosecution, exile, or even death, though these risks seemed to be more true for the *populares*, who were generally not more than a few powerful men and their supporters who would face a Senate generally

united behind the *optimates* or courts dominated by the same men and the *publicani*. Yet at the very end, the leading *populares*, men like Caesar and Clodius, had armies and gangs at their disposal, the only weapons they could use against a rigid opposition. The *optimates*, facing such powerful men, did not change their tactics but only intensified them; such behavior made a clash all but inevitable, and yet, if a few leading *optimates* had been able to go against the trend of initiating violence and selfish and partisan obstructionism, one can see a path where compromise would have been possible and republican institutions could have been adapted and renewed to the changing demographics and realities of the Late Roman Republic.

While the Conflict of the Orders in the Early Republic had been bitter, it helped drive consensus and compromise and made Rome better able to deal with external threats, while the same external threats helped to bring unity to Rome and drive down class conflict. By the Late Republic, cultural changes in how the leading Romans conducted themselves and how they used public institutions had profoundly produced a complete reversal in this trend: class conflict and conflict between the elites themselves helped to make consensus and compromise particularly elusive and made the Romans less able to deal with external threats, while the external conflicts, much farther, generally speaking, from the city of Rome itself than in previous centuries, helped to fuel conflict over who would lead and benefit from these wars, and what to do with the results, be they new territories or thousands of idle soldiers from victorious armies. The various measures and compromises, laws and regulations, did nothing to solve Rome's critical issue of corruption before it was too late. It took a war to give the Italians voting rights, and much civil violence just to settle veterans and poor who needed assistance from a state that had marginalized them. But no matter what the state did, it could not cause the individuals in charge of Rome to exercise restraint, either in the pursuit of office, the acquiring of wealth, or in how they chose to oppose those of other political blocs. These men proved unable and unwilling to restrain themselves, and this lack of restraint caused an escalation of too many negative trends that ended up swallowing the Republic. The system worked when Romans were more austere and less avaricious, but could no longer work when the level of greed and ambition became as extreme as it did. Thus, the belated reforms only succeeded in delaying what was seemingly inevitable for a society that could no longer restrain itself: a collapsing in on itself. Only Romans restraining themselves could have preserved the Republic; they did not, and it did not survive. "All over Italy men were conscripted," wrote Caesar of the civil war that began in 49, "and weapons requisitioned; money was exacted from towns, and taken from shrines; and all the laws of god and man were overturned," (*The Civil War* 1.6) yet all this had been happening for decades before 49; the Republic had been dying long before Caesar crossed the Rubicon.

The *populares* of Caesar's day might deserve more of the short term blame, then, in the specific events that led to the Republic's downfall, but it was the *optimates* who ensured the long-term conditions which ate away at the Republic from the inside long before Caesar crossed the Rubicon. Blame must certainly be shared heavily across parties, but if one wants to pick one side or another as being more culpable, much of it will depend on how the individual assigning blame views the world: a view that is more liberal and inclined to look at long-term, structural reasons for the fall of the Republic might put more of the blame with Cato and the *optimates*, while a more conservative, individual-responsibility-oriented viewpoint might single out Caesar for being the man (or the *populares* as the party) responsible for destroying the Republic. Roman historians, even living under the emperors who saw themselves as the heirs of Caesar, would debate this for centuries. The debate still rages on, and will likely never be settled, having been and likely to be framed through the commentary of those wishing to make points about their own times and societies. Still, objectively it should be noted that men are responsible for actions and shape structures over time, but also are shaped very much by the structures in which they find themselves. In the case of the Republic, generational failure on the part of the several generations of *optimates* leading the Senate set the stage on which Caesar was an actor, an actor who clearly generally tried to avoid bloodshed and escalation but was left by these same *optimates*, and the structures they had failed to reform, with little choice. Both the actions of men like Cato and the *optimates* and Caesar and the *populares* should both inspire and be cause for concern for those preoccupied with the future of the American republic. For all their differences in their lives, times, and actions from the modern world, denying the similarities and the lessons they present dooms America's republic to failure. While this period presents far more lessons of what not to do than what to do, this is but one chapter of the history of Rome's republic; Rome's greatness was established long before Caesar and even the Gracchi, and other periods not covered in this paper provide many positive examples. At the close of the Revolutionary War, the veterans' organization the Society of Cincinnati was founded for American and French military officers who had served in the war, winning the United States its independence; it was named for Lucius Quinctius Cincinnatus, who, after being called from his farm to serve as consul and then dictator of Rome in a time of crisis in the middle of the fifth century B.C.E., gave up his extraordinary power and returned home to farm his fields. It was an example which America sought to emulate among those who served in its armed forces, George Washington himself the best example when first he tried to stay out of politics after the Revolution and then retired after his second term as president, and is today a huge part of American culture and tradition.

As far as looking at the United States and lessons today, the examples should, frankly, be obvious. One need only look at any respectable periodical, and examples of some of the same ills which

plagued Rome's republic are abundant. Eisenhower warned of the military-industrial complex; Rome is described by Holland as having a "military-fiscal complex."⁴⁹ In some important ways, the Republicans troublingly resemble the *optimates*. At the end of 2010, the U.S. Senate, with the conservative Republicans in the lead, refused to pass anything until a tax cut that included the wealthiest Americans was passed. This included, for some time, a bill intended to pay for the medical care of the first-responders of the 9/11 terrorist attacks, many of whom are suffering, even dying, from extreme health problems as a result of their working at or near "Ground Zero" in Manhattan; this is still unresolved over nine years after 9/11. Not one of the senators who were delaying the up-or-down vote on the bill would speak on the Senate floor as to his reasons for holding up the bill. The bill finally would be passed, the sole exception before the U.S. President agreed to allow a tax cut for the very wealthiest of Americans, in part because of the attention drawn to the actions of the Republicans by comedian and political satirist Jon Stewart, but the Republicans for some time used the threat of a filibuster to prevent the bill from even coming to the floor, meaning that those wishing to pass the bill would need a full 60 out of 100 votes, not just a majority, to get the bill voted on at all.⁵⁰ This incident bears a remarkable similarity to the process surrounding the first of Caesar's land bills as consul, where none of the senators would publicly state their reasons for their opposition, while even Cato admitted it was a good bill. Yet he tried to filibuster it. What mattered was not what was good for the country, what did matter were the narrow partisan agendas, whether the opposition to Caesar accomplishing anything or staying true to the interests of a select group of wealthy supporters for the American senators today. Democrats may have used the filibuster to oppose some of President George W. Bush's judicial appointments, but now Republicans use it to oppose almost anything they do not like. In fact, the Republicans in general are objectively and measurably more partisan in their use of the filibuster.⁵¹ Laws and procedures, then, are twisted to gain an edge over opponents, and are not used as originally intended, and this is an increasing rather than a decreasing trend.

Partisanship, too, for both Democrats and Republicans, seems to have increased to extreme levels: *Congressional Quarterly* ranked, using objective metrics, 2009 as the most partisan year ever for Congress since *CQ* has been keeping records starting in 1953.⁵² For the House, it was not the most partisan year ever, but for the Senate, it clearly was; until 2009, there was a frequency of party unity

⁴⁹ Holland, 42.

⁵⁰ Bill Carter and Brian Stelter, "News Analysis: In 'Daily Show' Role on 9/11 Bill, Echoes of Murrow," *The New York Times*, 26 December 2010, <http://www.nytimes.com/2010/12/27/business/media/27stewart.html?adxnnl=1&adxnnlx=1306931303-JWItX5ZaasK8pMcBiwMGNA&pagewanted=all> (accessed May 31, 2011).

⁵¹ Ben Eidelson, "Let the Majority Rule: Why the filibuster is OK for Democrats but not for Republicans," *Slate*, 8 February 2010, <http://www.slate.com/id/2244060/pagenum/all/> (accessed May 31, 2011).

⁵² Andrea Seabrook, "CQ: 2009 Was The Most Partisan Year Ever," *National Public Radio*, 11 January 2010, <http://www.npr.org/templates/story/story.php?storyId=122441095> (accessed December 16, 2010).

votes—votes when majorities in both parties voted contrary to the other party—in excess of 60% only seven times in the Senate and only seven times in the house; in 1995, the year the Republicans took over both houses of Congress in what was termed the “Republican Revolution,” the record was set for the Senate at 68.8%, and a record was set as well in the House at 73.2%, the latter higher than any previous mark by 7.7%. 2009 saw the Senate level rise to 72%, a new record, and in 2010 even further to 78.6%, a full 9.8% higher than any previously measured year except for 2009. As of early May, 2011 is on pace for the Republicans in the House of Representatives to have their most united voting patterns, the average Republican congressman voting with his party 93% of the time when it came to these party-line votes; Democrats broke their previous record in 2009. Starting with the first year of President Clinton’s first term, the percentage of congressmen voting with their parties in these partisan votes rose dramatically; before 1993, this metric for either party was rarely over 80%, and if then, barely, but over the last two decades, that average has risen to the mid-80s to the low-to-mid-90s and in between.⁵³ These numbers do need some further discussion, though; they do not distinguish one vote from another. It should be noted that there is a significant difference between Republicans and Democrats of recent years in terms of what was supported. Much, though certainly not all, of President Bush’s major legislative agenda received significant support from Democrats: his packages of tax cuts, his immigration reform policy, the Patriot Act, his authorization for use of force in Iraq, the creation of the Dept. of Homeland Security, a partial-birth abortion ban, No Child Left Behind, intelligence reform, the war in Afghanistan, and TARP. However, so far, President Obama has only had significant Republican support on the war in Afghanistan, which in many ways was a continuation, with major changes, of President Bush’s policies; none of President Obama’s major initiatives have received any significant support from congressional Republicans. Even if the numbers are similar from *CQ*, this major difference cannot be ignored, and it suggests a far stronger degree of partisanship in the Republican Party of late than in the Democratic Party, even if they too are more partisan than ever.

President Clinton’s administration was the first to begin after the Cold War was over; like Rome after the fall of Carthage, America after the fall of the USSR has seen its politics turn increasingly bitter and vindictive in a way that is paralyzing government. During the Clinton administration, President Clinton’s political enemies consistently used state apparatuses to try to disgrace the president, spending inordinate amounts of time and money and using an Independent Counsel, Kenneth Starr, who operated in very partisan and unrestrained manner; all that the investigation found was that the President perjured himself regarding a private sexual affair with an intern young enough to be his daughter. The Republican

⁵³ *CQ Weekly*, “Party Unity History,” 3 January 2011, 37; *CQ Weekly*, “Record Party Unity for House GOP,” 2 May 2011, 961.

Party also sought to undermine U.S. military efforts in Somalia and Kosovo, and then shut down the government to try to force their partisan agenda forward. When the U.S. government shutdown is mentioned, one might think of the deliberate attempts by some to prevent the election of consuls and the years Rome went, partly, without senior office holders. Democrats escalated rhetoric against George W. Bush, accusing him of wholly sinister motives in his war against Saddam Hussein, threatening even to defund active combat operations, but this never came to any serious action. Furthermore, many Democrats initially signaled certain levels of support for President Bush's Iraq operation, but only changed their support over time when serious issues about the lack of WMD and the conduct of the war grew over a period of years. Still, the verbal escalation cannot be discounted, and neither can the counter-strokes of questioning the motives of critics or calling them "unpatriotic." The most interesting situation in this saga was the outing of an undercover CIA agent for apparently partisan purposes, with links going all the way into Vice President Cheney's office. Both parties have a range of special interests which dominate their agenda, too, from trial lawyers and teachers' unions to corporate banks and large oil companies. The oil industry lobbies Congress hard for less regulation, and part of the result was the BP disaster in the Gulf. Republican Tom Delay, the former Speaker of the House of Representatives, was convicted of money laundering outside of Congress, but was never investigated by his peers in Congress while he was a member, mirroring the ineffectiveness of the all-senatorial Roman extortion courts; just as most people knew Roman senators were accepting bribes from *publicani*, so many congressmen today are more involved than they admit publicly with big business or unions. The close relationship between big banks and other large corporations and the government was a major factor in the financial meltdown that began at the end of 2008, and when the whole country began suffering as a result, these same corporate entities were the first to receive major assistance from the Federal Government. The relationships on at least some levels are not remarkably different, then, between Rome's senators and its *publicani*. One could fill a whole research paper with examples, and deeper explanations of them.

A note must be said about the level of spending in political campaigns; just as the level of spending rose dramatically and became obscenely high in the elections of the Late Republic, especially in the first century B.C.E., so too have the levels of campaign spending in the U.S. risen dramatically in the last few decades. Though these numbers are not adjusted for inflation, they are telling: in 1976, \$171 million was raised and \$66.9 million spent in the presidential election; in 1992, \$331.1 million was raised, \$192.2 million spent; in 2000, \$528.89 million was raised, \$343.1 million spent; in 2004, \$880.5 million was raised, \$717.9 million spent; and in 2008, \$1.7488 *billion* was raised, and \$1.3247 *billion* spent.⁵⁴ In

⁵⁴ *OpenSecrets.org: Center for Responsive Politics*, Presidential Fundraising and Spending, 1976-2008, 2011, <http://www.opensecrets.org/pres08/totals.php?cycle=2008> (accessed May 31, 2011).

1990, House races brought in \$264.8 million and spent \$242.8 million, Senate races taking in \$177.7 million, spending \$171.6 million.⁵⁵ In 1992, House candidates raised \$331 million and spent \$240.5 million, Senate candidates \$188.4 million and spent \$195.1 million;⁵⁶ in 2000, \$600.2 million was raised in House races, \$562.4 million spent, Senate races \$447.8 million raised, \$447.4 million spent;⁵⁷ in 2004, candidates in for the House raised \$696.7 million while using \$654.4 million of it, Senate races raising \$488.5 million and saw \$489.5 million spent;⁵⁸ the House races in 2006 drew in \$872.5 million and spent \$854.9 million, the Senate \$557.9 million for races, spending \$558.3 million;⁵⁹ 2008 saw races in the House raise \$978.4 million while spending \$938 million, the Senate candidates raising \$410.4 million, spending \$418.6 million;⁶⁰ and most recently, in 2010, the House races drew \$1.0884 billion, spending \$1.0817 billion, the Senate candidates pulling in \$745.1 million and spending \$741.5 million.⁶¹ These numbers do not even specifically measure the money spent by lobbyists on behalf of large corporations to bend the government to their will or shape public opinion. The corrupting power of money is amply demonstrated by the Late Roman Republic, and the parallels to the problems with so much money in the American elections and government today should be obvious. Of particular worry should be fact that the amounts being raised and spent seems to increase exponentially every few years.

While some of the trends discussed show a significantly higher level of occurrence with Republicans, Democrats are also seeing significant increases in these trends. They, too, are taking on some of the traits of the *optimates*. Yes, Democrats may have an agenda more ideologically akin to that of the *populares* and have a few radically liberal “man-of-the-people” politicians, they may speak up for legislation that has the poor or middle class more as beneficiaries than the wealthy compared to Republicans, but their behavior as a party is not terribly radical. A truly *populares* health care initiative would have been a single-payer and/or universal and/or government-run system; instead, the plan that did end up being passed into law was similar to the plan Republican Governor and presidential candidate Mitt Romney signed into law in Massachusetts and was less progressive than the plan proposed by Republican

⁵⁵ *OpenSecrets.org: Center for Responsive Politics*, Price of Admission 1990, 2011, <http://www.opensecrets.org/bigpicture/stats.php?display=T&type=A&cycle=1990> (accessed May 31, 2011).

⁵⁶ *OpenSecrets.org: Center for Responsive Politics*, Price of Admission 1992, 2011, <http://www.opensecrets.org/bigpicture/stats.php?display=T&type=A&cycle=1992> (accessed May 31, 2011).

⁵⁷ *OpenSecrets.org: Center for Responsive Politics*, Price of Admission 2000, 2011, <http://www.opensecrets.org/bigpicture/stats.php?display=T&type=A&cycle=2000> (accessed May 31, 2011).

⁵⁸ *OpenSecrets.org: Center for Responsive Politics*, Price of Admission 2004, 2011, <http://www.opensecrets.org/bigpicture/stats.php?display=T&type=A&cycle=2004> (accessed May 31, 2011).

⁵⁹ *OpenSecrets.org: Center for Responsive Politics*, Price of Admission 2006, 2011, <http://www.opensecrets.org/bigpicture/stats.php?display=T&type=A&cycle=2006> (accessed May 31, 2011).

⁶⁰ *OpenSecrets.org: Center for Responsive Politics*, Price of Admission 2008, 2010, 2011, <http://www.opensecrets.org/bigpicture/stats.php?display=T&type=A&cycle=2008> (accessed May 31, 2011).

⁶¹ *OpenSecrets.org: Center for Responsive Politics*, 2010 Overview: Stats at a Glance, 2011, <http://www.opensecrets.org/overview/index.php> (accessed May 31, 2011).

President Richard Nixon decades earlier. The Democratic Party in 2010 also has strong ties to major corporations, the modern *publicani*, not just labor unions. And teachers' unions, too, seem to have too much power and seem to be a major impediment in reforming the American education system, and could be viewed in some ways one of the modern *publicani* if one has an open mind. Many of Obama's critics try to portray him as some sort of dangerous un-American revolutionary, like the way the way the *optimates* tried to portray many *populares* reformers, from Tiberius Gracchus to Caesar, as some sort of dangerous un-Roman revolutionary. Obama's critics, both like some of the *populares* criticized by the *optimates* and some of the *optimates* who hurled the accusations, might be engaging in hyperbole; Obama is no Catiline or Clodius. He's not even that liberal in general when it comes to his policies. Some Democrats, too, were prone to exaggeration with some of the claims they made against Republicans like George W. Bush; it is unlikely he only invaded Iraq to profit personally from oil. So while too many Republicans, in calling Obama a Muslim Marxist revolutionary and asking for his birth certificate, today seem to be the best and most frequent abusers of hyperbole, Democrats are hardly immune from this charge. Both parties exhibit some of the negative trends of the *factiones* from republican Rome, and both would do well to moderate their behavior, particularly the Republicans who seem to be losing their political center and empowering their extremists, but also certainly the Democrats who, at times, seem to be trying to catch up to their Republican brethren in terms of demagoguery, corruption, and lack of restraint, if they are not nearly as bad in terms of obstructionism.

Having touched on some specific examples, the bottom line is this: there are major, thematic similarities going on in the U.S. today that are similar to the dynamics examined in this paper concerning Rome. If left unchecked, the U.S. system could be in danger in several decades of collapsing as well, though not likely in as violent a way as the Roman Republic did. If this seems implausible, just remember how it took only a few decades for Rome's republican institutions to cease to function and then crumble.

Three specific themes emerge. Firstly, there is *the increasing role of money and big business in politics*. In the U.S., elections are more often than not now determined by which candidate spends the most money. Like Rome, the increase in money has led to a narrowing of who can compete to hold office. The influence of this money especially buys large corporations, but also large unions, influence in the halls of power and their interests, not the people's as a whole, are what are often considered. What is good or necessary for the country is not done. Halliburton's donations gave it much influence, and resulted in it being awarded no-bid contracts where it was later found it had committed fraud and had overcharged the U.S. Government; in this sense, Halliburton, and others, are just modern *publicani*, their supporters in Congress no different than corrupt Roman senators. But the Bipartisan Campaign Reform

Act (nicknamed “McCain-Feingold”) campaign finance law of 2002 is perhaps the best example of how loopholes undermine the best of intentions. The law itself has been basically struck down by the Supreme Court with its 2009 *Citizens United v. Federal Election Commission* ruling, itself a 5-4 decision split along partisan lines, but was already severely weakened by loopholes before that. Sen. Feingold lost his re-election, and Sen. McCain is becoming increasingly marginalized within his own party; there are other reasons besides this for each of their troubles, but it is important to note what is happening to the two men who did more than anyone else to attempt to change the role and scale of money in elections. Another major theme is ***the increase in the politics of personal destruction and partisanship***. These forces saw a dramatic increase in the years of Bill Clinton’s presidency and have escalated ever since, especially during campaign season. Today, newly elected Republicans are speaking not of their agenda, but of stopping Obama. The level of personal attacks on candidates and the extent of distortion of an opponent’s record (Obama is apparently a Marxist revolutionary, a Muslim intent on imposing Islamic Sharia law, and is a foreign-born person ineligible to be president, just to list a few) are only increasing. This is making it harder for both parties to work together. And procedures, like introducing amendments or placing nominations on indefinite hold, have become hijacked for blatant partisanship in an increasing fashion. Clodius would not find himself totally out of place in today’s climate, save for his violence. Another theme is that of ***the rise of obstructionism and paralysis***. Different factions are not trying to work together, they are trying to stop the government from functioning when something one faction does not like is being adopted or likely to be adopted, though, unlike Rome, this has not turned into a violent process. Whether out of genuine disagreement or a desire to prevent the other side from reaping credit, Congress has done little to tackle long-term problems at all in the last several decades while America’s schools, health system, infrastructure, entitlement programs, and debt/deficit (just to name a few) were all facing massive problems which grew steadily worse and are making life as Americans know it unsustainable. Such obstructionism, from filibusters or other tactics, was common, too, in Rome, and contributed significantly to the long list of massive problems that festered due to government inaction. The change in money and corporate involvement, tone and tactics, and the increase in obstructionism and paralysis are all feeding each other, and threaten to undermine the ability of the system to function not only well, but at all. These dynamics will undermine America’s government and Constitution without the personal warlord armies of Caesar or Pompeius, Marius or Sulla being necessary. The example of Rome should infuse American policy makers with even stronger motivation to tackle these three major challenges before the damage is too great. Unless major action is undertaken, the whole American system might find itself caving in on itself under the weight of these three problems and their amplifying effects.

Yet there is also one broad, societal theme: *the general lack of restraint* that is ever more present in American culture today. There is little else to be said about that: either Americans—individual citizens, government, society, and private enterprise—exercise more restraint, or three specific trends discussed above will doom America to destroying itself. Whatever the reforms were passed, corruption, and corrupt people, found a way to circumnavigate them in Rome. The U.S. is having the same problem today: laws and regulations are not something to be respected and observed in the U.S., it seems, so much as they are obstacles to be creatively bypassed or changed with the right amount of money thrown at the right number of senators and congressman. CEOs, senators, individuals, and presidents all reach beyond constraints regularly, whether legally, financially, morally, or procedurally established. If America keeps finding ways to reward, rather than punish, such behavior, it will find itself in a similar position to Rome in the twilight of its republic: the reckless, high stakes gambling will become so commonplace and accepted that few with the opportunity to push the limits of acceptable behavior will ever refrain from doing so. Individuals may spend, living for the moment, with reckless abandon; corporations may treat their customers as prey, to be bled dry for maximum profit for the company; government officials may tell people what they want to hear so they can be reelected and see to their own personal interests through the benefits of office; society as whole might not questions its own behavior and focus on short-term material gain, greed, glamour, unsustainability, personal success at all costs, and selfishness as “values” it demonstrates and passes onto the next generation. When such behavior becomes too common, then the U.S. will be like the republic Caesar described, “nothing—just a name, without substance or form.”

Only a few decades after Rome had formally turned most of the Mediterranean into provinces administered by the Senate, the very system which had brought it to dominate a large portion of the world collapsed suddenly and violently, though the symptoms of its fatal disease had been present for at least a generation if not more. One should shudder when one thinks that Rome had centuries of a tradition of no political violence at home, to only, in mere decades, episodically resemble some of the scenes common in sub-Saharan African cities, even with no history of such behavior. For the U.S., the ugly specter of anarchy appeared, though only very briefly, in the wake of Hurricane Katrina, and in the past, riots and disturbances were even more commonplace. The United States today, only two decades after the end of the Cold War, found itself on the brink of financial ruin and even still has an unsustainably massive and expanding deficit and debt, this only a few years removed from the booming years of the 1990s; its parties for decades have been unable to come together to deal with debt and many other major issues from immigration to education to social security, and the fact that Rome’s republican system of representative government and checks and balances collapsed on itself so soon after its total dominance of the Mediterranean should provide a stark warning for America: partisanship and obstructionism that delays

tackling essential issues and lets them fester can bring down even the mightiest and most successful nation rapidly, and when corruption geared towards money and power substitutes for true patriotism, when leading elites seek to serve themselves and not the people, when a whole society loses its restraint and self-control, change can come rapidly in such a way that even a political system like America's, based very much on Rome's, might become mere history, one of Livy's lessons from which a future power can learn "from it...what to emulate, from it what to avoid." It is now for the republic of the United States to learn from the republic of Rome's example, or to become mere history like it, another tragic morality tale in the dustbin of history.