

Franz Steiner Verlag

Sonderdruck aus:

DEFORMATIONS AND CRISES OF ANCIENT CIVIL COMMUNITIES

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Franz Steiner Verlag, Stuttgart 2015

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THE ROMAN POLITICAL YEAR AND THE END OF THE REPUBLIC

Catherine Steel

The dictatorship of L. Cornelius Sulla was a moment of profound change in the nature of the Roman *res publica*.¹ This change affected Roman politics and society very broadly; one area which deserves particular attention is the nature of the political year. The annual political cycle was radically altered and the consequences were substantial, both in the effects on the nature of the citizen experience and in the implications for the way in which the magistrates and the Senate carried out their functions.

1. THE NATURE OF THE PROBLEM

The end of the Roman Republic is a perennial challenge to historical explanation. That something happened at Rome, in terms of its political organisation, in the first century B.C. that requires explanation seems indisputable. But what exactly was this? The emergence of Octavian as sole ruler of the area which Rome controlled after the battle of Actium in 31 and his conquest of Egypt in 30 are widely accepted as an end-date to this process, whether one sees 31, 30 or even 27, when Octavian took the name Augustus, as the decisive date for purposes of periodisation. But few would argue that the Republic in the sense in which the term is used in modern discussions of Rome was still in existence in 31. Octavian's victory was preceded by nearly twenty years of intermittent civil war which began in early 49 when Caesar invaded Italy; the intervals of peace during this period were dominated by individuals in positions of exceptional power. Caesar assumed the dictatorship in 49 and by the time of his death was dictator in perpetuity, and the realisation that Caesar had no intention of relinquishing this position of sole power was a major factor in his death and contributed to its presentation in many of the sources as an act of tyrannicide. A number of men emerged as independent loci of power in the period after Caesar's death, their power based on military resources. Within this group, Antonius, Lepidus and Octavian have a distinct status, since their position was also confirmed by the Roman people, who elected them – albeit under exceptional conditions – as *triumviri rei publicae constituendae*, triumvirs for the establishment of the *res publica*. That their assumption of this role inverted the publi-

1 H. Flower, *Roman Republics*, (Princeton: Princeton U.P., 2011), 117–34; cf. 22–3; F. Santangelo, 'Roman Politics in the 70s B.C.: A Story of Realignments?', *JRS* civ 2014, 1–27; C. Steel, 'Rethinking Sulla: The Case of the Roman Senate', *CQ*² lxiv 2014, 657–68.

can pattern whereby military power followed popular endorsement does not entirely undermine the fact that they, unlike Brutus, Cassius or Sextus Pompeius, had a formal position within the *res publica* to justify their activity.

From this perspective, then, the year 49 takes on particular significance: it was the last year in which two consuls elected by the Roman people took office. It retains its importance even if one argues that there was a real opportunity, in the period immediately after Caesar's death, to restore the constitutional pattern in existence before 49, since even if that opportunity had been successfully grasped, as it was not, the outcome would have been the restoration of the *res publica* after a hiatus. Civil war was the cause of the disruption, and the causes of the civil war, and in particular the set of circumstances which led to Caesar's invasion, are central to any attempt to explain why the Republic ended. Most such explanations contextualise the outbreak of civil war within a framework of political and social problems. Meier argued that the way the Roman *res publica* operated – its constitutional form – prevented its governing class from addressing the threats which it faced in its last decades from powerful individuals holding military power; as a result, it was attempting to deal with a 'crisis without an alternative', since there was no mechanism for introducing essential constitutional reform.² Morstein-Marx essentially amplified this view in his *Mass Oratory and Political Power in the Late Roman Republic*, identifying an 'ideological monotony' in public discourse in the late Republic.³ As a result, meaningful debate on issues was difficult to initiate. Brunt, by contrast, located the causes of civil war in the discontent felt by the mass of citizens at the unfair distribution of the profits of empire. Those citizens who were serving as soldiers saw that their commanders offered them a better prospect of material reward than did the Senate; so the circumstances were in place which gave individuals the resources to challenge the *res publica*, a process which began with Sulla and Cinna in the 80s and culminated with the conflict between Caesar and Pompeius. The resulting violence alienated wealthy Italians who were not involved directly with political life at Rome; hence their eventual acquiescence in Augustus' rule.⁴ On such an interpretation, the end of the Republic was thus a social and economic phenomenon rather than the result of constitutional failings.

In sharp distinction to these approaches is Gruen's highly influential *The Last Generation of the Roman Republic*.⁵ Gruen argued that the final decades of the

2 C. Meier, *Res Publica Amissa: Eine Studie zur Verfassung und Geschichte der späten römischen Republik*, (Wiesbaden: Steiner, 1966)

3 R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic*, (Cambridge: Cambridge U. P., 2004)

4 P.A. Brunt, 'The Fall of the Roman Republic', in Brunt, *The Fall of the Roman Republic and Related Essays* (Oxford: Oxford U. P., 1988), 1–92. Compare, however, Morstein-Marx's argument (R. Morstein-Marx, 'Dignitas and Res Publica: Caesar and Republican Legitimacy', in K.-J. Hölkeskamp (ed.), *Eine politische Kultur (in) der Krise? Die 'letzte Generation' der römischen Republik* [München: Oldenbourg, 2009], 115–40) that Caesar's appeals to his army in 49 were based on the threat to their citizen rights posed by the *pauci* in Rome rather than the personal profits which might follow their victory.

5 E. Gruen, *The Last Generation of the Roman Republic*, (Berkeley & Los Angeles: U. of California P., 1974).

Republic were not a period of decline; rather, its distinctive features were stability and institutional vitality. The conflict between Pompeius and Caesar developed almost by accident, the result of a number of contingencies rather than weaknesses in the operation and organisation of the state. But Gruen does, like Meier, Brunt and others, assume that we can talk about ‘the Roman Republic’. That we should not – that there was a sequence of republics between the expulsion of the kings and the establishment of the Julio-Claudian monarchy – is Flower’s central contention.⁶ She identified a series of republics at Rome between 450 and 60, of which Sulla’s was the sixth and radically different from what had gone before: he introduced a new kind of state, in which the rule of law was intended to supersede the power of the *nobiles*. She argues that it came to an end with the consulship of Caesar in 59, leaving Rome under the domination of Pompeius, Caesar and Crassus until, after Crassus’ removal from the scene, Pompeius and Caesar came to inevitable conflict.

This paper considers the problem from the perspective of the political life of Rome; to that extent, it follows analyses of the end of the Republic which see the causes of civil war there, rather than in the ambition of commanders and the willingness of soldiers to follow them. However, I concentrate on the details of how politics actually worked, rather than broader questions concerning the nature of political participation, the extent of a democratic element in Republican Rome, and the methods by which politicians sought to work with and against one another’s interests. Apparently mundane issues of political practice hold the key, I suggest, to understanding why Caesar came to believe that the exceptionally high-risk strategy of invading Italy was his best option. I agree with Flower that Sulla changed the *res publica* radically. But I differ from her interpretation in seeing the fundamentals of the Sullan *res publica* persisting until 49; Gruen is right not to emphasise a break in 70. However, I disagree with Gruen’s contention that in its final years the *res publica* was institutionally effective. The form of constitutional arrangement which Sulla imposed was unworkable: whether knowingly or not, he had devised a *res publica* in which government was almost impossible. The Senate, which had previously exercised this function, was deprived of it, not because of increases in the power of individuals but through a series of relatively small changes, which have been largely ignored in scholarship on the period. No other element in the *res publica* was in a position to assume it. Thus there were three decades of improvisation until the vacuum was decisively filled by Caesar.

These observations emerge very clearly from a consideration of the year as a structuring device for political activity and the implications of the annual cycle for the way that magistrates and citizens conducted their duties. I outline how the year worked prior to Sulla, consider the ways in which the changes imposed by Sulla affected it and then discuss their implications for our analysis of the period between Sulla’s abdication of power and Caesar’s invasion of Italy.

6 Flower, *Republics* (n. 1, above).

2. THE INSTITUTIONAL FRAMEWORK PRIOR TO SULLA'S DICTATORSHIP

The annual political cycle was a fundamental feature of Roman political life throughout the Republic: magistrates were elected for a year, with fixed start and end dates.⁷ Each year, regularly in March at least from the late third century, and then from the mid-second century in January, there was a complete renewal of executive office-holders on the basis of the votes cast by citizens. In addition, there was a very strong prohibition on multiple office-holding and, as far as we can tell, an absolute bar on consecutive office holding. These restrictions ensured that political power could not be concentrated in the hands of individuals. The relatively few exceptions do not seriously undermine this principle. The censorship was held for longer than a year – eighteen months appears to be the norm – which is to be explained by the sheer volume of tasks with the censors had to accomplish. In addition, elections to the censorship took place only every five years. Repeat holding of the consulship did occur in response to military crisis, most strikingly during the Samnite wars of the late fourth and early third centuries, and a century later during the second war between Rome and Carthage. At such moments, demonstrable military ability appears to have become more important than a desire to share honours around. Even in the crisis of the war against Hannibal, however, consecutive consulships did not occur. Against this background, Marius' repeated consulships in the later second century are striking in their divergence from normal practice, but even then the innovation was discontinued once the crisis of the Celtic migrations was at an end.

The consequences of these practices can be observed in the operation of politics. The existence of annually-elected magistrates, who changed from year to year, led to a regular and largely predictable annual cycle of political activity, at least from the time of the second war between Rome and Carthage. Elections were held shortly before the political year started (whether in March or in January) and, usually, the consuls and most praetors left for their *prouvinciae* once the *Feriae Latinae* had been celebrated in early spring. It was not mandatory for consuls to go to a province, and some are attested in Rome during their year in office; but military service was the expected activity of the consuls.⁸ It was also in many cases highly attractive because it was only through the conduct of a successful campaign that a politician could triumph, an accolade which – along with membership of one of the priestly colleges – marked out an exclusive inner circle within the senatorial nobility; and campaigning could be financially profitable, too.⁹ As Rome's overseas em-

7 A. Lintott, *The Constitution of the Roman Republic* (Oxford: Oxford U.P., 1999) 9–15. This annual cycle underpins the structure of much Roman historiography with its annalistic structure.

8 F. Pina Polo, *The Consul at Rome: The Civil Functions of the Consuls at Rome* (Cambridge: Cambridge U.P., 2011), 211–5.

9 H. Beck, 'Züge in die Ewigkeit: Prozessionen durch das republikanische Rom', in F. Marco Simón *et al.* (edd.), *Repúblicas y ciudadanos: modelos de participación cívica en el mundo antiguo*, (Barcelona: Universitat de Barcelona, 2006), 131–51; N. Rosenstein, 'War, Wealth

pire and concomitant diplomacy expanded, the early months of the year were increasingly dedicated to dealing with embassies, which sought to influence Roman activity immediately prior to decisions about the tasks to be allotted to *imperium*-holding magistrates. Tribunician activity ran to a different timetable. Tribunes of the plebs entered office on 10 December, with elections immediately prior to that date, and if they intended to bring forward legislation it seems that they normally did so on entering office, with legislative voting taking place during the winter, at the end of the political year as determined by the election of magistrates.

The process and rationale for the shift of consular entry date in 153 to 1 January from 1 March are not well documented.¹⁰ It is however possible that it was connected to the increasing complexity and geographical range of Rome's diplomatic and military commitments. Rome's magistrates, particularly its consuls, wished to have more influence over the debates which would inform their responsibilities during their year of office by presiding over the senatorial meetings which heard embassies and decided foreign policy priorities. But whatever the cause, the result of the shift of date was the consuls assumed office just twenty days after the tribunes of the plebs did, and were often in Rome, as consuls, for a period of some weeks before they left on campaign. The possibility that this juxtaposition played a part in raising political temperatures should not be disregarded; it may well not be a coincidence that this change to practice was followed by more contentious and disturbed domestic politics than had been the case in the previous half-century, even if the unpopular wars in Spain provided the cause over which tribunes and consuls most frequently came into conflict.¹¹

That regularity of annual processes was also an integral part of the citizen experience of participation in politics.¹² A Roman citizen in the Republican period had the opportunity to cast his vote at least three times a year, at the *concilium plebis* which elected the tribunes in early December, the *comitia centuriata* which elected senior magistrates towards the end of the winter, and the subsequent *comitia tributa* for junior magistrates. The centuriate meeting is likely to have taken most of a (short) winter day given the number of voting units involved, and the sheer number of different junior posts will have made the other meetings lengthy affairs as well. In effect, voting required three whole days of each citizen's time each year. In addition, there was legislative voting. Although legislation is not attested in every year, there was on average more than one legislative vote in each year throughout the second century.¹³ Even if voting on legislation was quicker than electoral voting, the vote itself was usually preceded by *contiones* at which the law's proposer ex-

and Consuls', in H. Beck *et al.* (edd.), *Consuls and Res Publica: Holding High Office in the Roman Republic* (Cambridge: Cambridge U.P., 2011), 133–58.

10 Pina Polo, *Consul* (n. 8, above), 13–15.

11 L. R. Taylor, 'Forerunners of the Gracchi', *JRS* lii 1962, 19–27, which highlights a number of conflicts between tribunes and consuls in the period 151–133.

12 C. Nicolet, *Le Métier de citoyen dans la République romaine* (Paris: Gallimard, 1976), 307–80.

13 C. Williamson, *The Laws of the Roman People: Public Law in the Expansion and Decline of the Roman Republic*, (Ann Arbor: U. of Michigan P., 2005), 456–62, lists 168 laws from the second century.

plained its rationale and opponents articulated their objections: voters might attend these meetings, though were not obliged to.¹⁴ What is evident about this cycle is that although the demands of full participation were high, at least in comparison with the experience of citizens in modern democracies, the obligations normally fell in winter and thus were compatible with the demands of a citizen militia and, to a certain extent, those of agricultural labour.¹⁵ The frequency and predictability of these interactions is a factor in considering voting patterns, both before and after the introduction of the secret ballot in the later second century.

The annual cycle is also evident in the activity of the Roman Senate. I have already noted the development of the early months of the year as a time for engagement with foreign embassies. In these months, too, the key strategic decisions around the identification of *prouvinciae* and of military resources also took place. Once the *Feriae Latinae* had been celebrated, the *imperium*-holding magistrates who had *prouvinciae* outside Rome would depart, with the result, in many years, that from April until the end of the calendar year the only *imperium*-holding magistrates in the city itself were the urban and peregrine praetors.¹⁶ The urban praetor chaired Senate meetings when the consuls were absent, and the Senate's role throughout the summer and early autumn was largely reactive: crises demanded action, but in other respects there was a pause until the election of tribunes of the plebs restarted the active phase of the cycle once more.

It seems likely that these patterns of activity framed participants' expectations of their roles and responsibilities; and as a result, political activity at the 'wrong' time of the year is always worth attention. The year 133 is perhaps the most striking example from the period before Sulla. Although a detailed chronology is not easy to reconstruct, it is clear that Tiberius Gracchus did not propose all of the legislation that he sponsored at the point at which he entered office on 10 December 134. His legislative programme developed over the course of the year in response both to the opposition he faced from the Senate and to foreign policy developments.¹⁷

Nonetheless, despite the pressures which annual elections imposed on the practice of politics, there were also, in the pre-Sullan period, some institutional factors which operated on a scale longer than a year. These were concentrated in the Senate, where membership tended to be for life. Although identification as a member of the Senate was closely connected to holding or having held a magistracy, the choice itself lay with the censors, and once made, the expectation was clearly that names would remain on the senatorial roll unless serious flaws of behaviour justified expulsion. Even though senatorial membership implied participation in Senate meet-

14 On attendance at *contiones*, H. Mouritsen, *Plebs and Politics in the Late Roman Republic* (Cambridge: Cambridge U.P., 2001); Morstein-Marx, *Mass Oratory* (n. 3, above), 128–36.

15 The disjunction between the Roman calendar and the sun at points during the second century because of missed intercalations lessens but does not destroy the force of this argument.

16 On two occasions (191 and 189) one man covered both urban and peregrine jurisdictions: T.C. Brennan, *The Praetorship in the Roman Republic* (New York: Oxford U.P., 2000), 108–9; Brennan also notes the rare occasions on which the urban praetor left Rome.

17 H. Flower, 'Beyond the Contio: Political Communication in the Tribune of Tiberius Gracchus', in C. Steel & H. van der Blom (edd.), *Community and Communication: Oratory and Politics in Republican Rome* (Oxford: Oxford U.P., 2013), 85–100.

ings, we do not find examples of senators retiring if age made it impossible for them to continue their duties, implying that attendance was in practice seldom constrained.¹⁸ The Senate thus embodied ongoing experience and authority which transcended annual boundaries, an aspect which was embodied in the position of *princeps senatus*. Prior to Sulla, the *princeps* led senatorial debate, if present; he was nominated by the censors, who invariably followed their predecessors' nomination if the *princeps* were still alive. Their nomination seems to have been of the most senior senator from one of a limited number of patrician *gentes*.¹⁹ Another supra-annual institutional factor was the colleges of priests, whose membership was also for life. The precise nature of the political authority which the various colleges exercised is not entirely clear, but the high degree of overlap between their members and those who had or were likely to hold the highest magistracies ensured that the position of priest was another way in which a position in the *res publica* could be maintained from year to year.²⁰

3. SULLA'S *RES PUBLICA*

The institutional framework which I have been describing was in place only down to 82. In that year, the proconsul Sulla defeated an army commanded by two praetors just outside Rome, and then took control of the city, having himself declared dictator.²¹ As dictator, he introduced a sweeping set of changes which fundamentally altered how Roman politics worked. The radical nature of the Sullan *res publica* has often been ignored, influenced perhaps by the surviving ancient sources which largely, and generally uncritically, accept Sulla's own presentation of his activity as a restoration, *restituere*. And it is true that the institutions of the state appear unchanged insofar as the magistrates remained, with the same names and held in the same order as before, the Senate continued in existence and citizenship remained the basis of mass political participation. However, this view is deceptive: if we drill down to the details of Sulla's changes, and above all if we reflect on institutions in practice, it becomes apparent that the *res publica* was transformed. To this extent, then, I am entirely in accord with Flower, who claims that 'Sulla the dictator effectively declared that a traditional republican system led by *nobiles* had failed within his own lifetime... It is vital to understand that his New Republic was not a restoration of any kind'.²² Nonetheless, Flower overestimates the extent to

18 On the role of consulars in the Senate, M. Jehne, 'The rise of the consular as a social type in the third and second centuries B.C.', in H. Beck, et al, edd., *Consuls and Res Publica: Holding High Office in the Roman Republic* (Cambridge: Cambridge U.P. 2011), 211–31.

19 F. X. Ryan, *Rank and Participation in the Republican Senate* (Stuttgart: Steiner, 1998), 137–246.

20 J. Richardson and F. Santangelo (edd.), *Priests and State in the Roman World* (Stuttgart: Steiner, 2011).

21 T. Hantos, *Res Publica Constituta: Die Verfassung des Dictators Sulla* (Stuttgart: Steiner, 1988); F. Hurllet, *La Dictature de Sylla: Monarchie ou magistrature republicaine? Essai d'histoire constitutionnelle* (Brussels: Institut Historique Belge de Rome, 1993).

22 Flower, *Republics* (n. 1, above), 129–30.

which the post-Sullan *res publica* operated in accord with what she discerns as Sulla's vision. The three decades which separate Sulla's retirement from the fresh outbreak of civil war in 49 were indeed a new kind of *res publica*: but it was also highly unstable, riddled with design flaws whose consequences Sulla may or may not have intended or envisaged.

The significance and extent of Sulla's changes is evident if one considers their effect on the annual cycle of political activity. A major shift occurred around elections: these now took place in late summer, rather than November or December. The cause of this shift was apparently trivial: the rise in the number of praetorships from six to eight meant that praetorian elections took too long to be held during daylight in the winter.²³ When they were consequently moved to the summer, the elections to other offices moved too; the usual date appears to have been in July, though elections were subject to delays, particularly in the 50s. This change of date had a profound effect on the nature of citizen participation in political life: to be an electoral voter now meant being present in Rome during high summer. This is likely to have had some effect on the socio-economic composition of those citizens who travelled to Rome to vote – that is, one can suspect that anyone who was directly involved in agricultural activity would have some difficulty in leaving their duties. In addition, it had consequences for participation by soldiers. Although late Republican armies were often active at a considerable distance from Rome and their absences lasted for years, some soldiers were involved in campaigns closer at hand. These men could potentially vote in a winter election, but were barred from exercising their vote with summer elections. Throughout the fifties there was a large Roman army in Gaul, and permitting its members to vote is cited as reason for some of the delays which were so prevalent in the timetable of elections during that decade.

The emergence of high summer as a key moment for citizen participation because elections were held then was matched by a decrease in the importance of winter. Tribunes of the plebs seem as a result of Sulla's changes to have lost the capacity to propose legislation, and so that period immediately after their entry into office in December, when tribunician legislation had formerly been proposed, ceased to be one of activity. Furthermore, we might speculate that the tribunician elections themselves attracted less interest once the office was stripped so extensively of its powers. And although curule magistrates did sponsor legislation during the 70s when the tribunes were not legislatively active, it is less easy to see a pattern in the times during the year at which they did so. The *leges Aeliae et Fufiae*, which had been in force since the 90s, stipulated a timetable for legislation which in theory will have alerted those citizens resident outside Rome to imminent opportunities to exercise their vote, though we may suspect that the absence of predictability reduced participation. In addition, these changes to the citizen's year took place when the citizen body itself had recently been profoundly altered by the extension of the franchise following the Social War. In theory, every free inhabitant of Italy was now a Roman citizen. In practice, the process of assimilation took time and was presum-

23 Brennan, *Praetorship* (n. 16, above), 391 n.15.

ably delayed, at least in terms of classifying new citizens by centuries, by the lack of a census between 86 and 70. These new citizens could probably vote in elections where the voting unit was the tribe; whether or not they did is much more difficult to determine. And I suspect it was much more difficult for members of the political elite to predict who would vote, a difficulty which was compounded by the changes to the annual cycle which themselves are likely to have altered patterns of participation among ‘old’ citizens. As a result, managing elections became much more challenging than it had been prior to the Social War; these are changes comparable in their effects to the introduction of the secret ballot, and the apparent rise in the intensity of electoral bribery should be connected to the newly unpredictable identity of electors as well as to the increase in the numbers of some offices which increased the pool of candidates for higher positions.

The annual cycle also underwent some shifts from the perspective of office-holders. For those elected to the consulship there was now usually a period of five or so months as consul-designate, in comparison with just a few weeks prior to Sulla’s dictatorship. Consuls-designate had a privileged position in senatorial debates and used their position to plan ahead for their year in office and could on occasion influence and lead policy to a very significant extent.²⁴ In addition, and for reasons that have to my knowledge not fully been explained, consuls themselves tended in the post-Sullan period to remain in Rome, even if they then proceeded to take up an overseas province. This was not the result of any legal ban – Giovannini demonstrated that the idea that there was a Sullan law preventing consuls from exercising their *imperium* outside Rome is entirely unfounded – but it emerges strikingly as an element in practice: consuls stayed in the city at least until late autumn.²⁵ Furthermore, all eight praetors were now usually in Rome, and in this case as a direct result of Sulla’s reforms to the administration of justice: all had a role as a court president.²⁶ Thus Roman political life moved from a situation in which two *imperium*-holders were usually present in the city between the *Feriae Latinae* and the end of the year to one in which ten were. As Brennan observes, ‘on the most basic level, in such a crowded atmosphere, with newly circumscribed powers – and with the consulship now significantly harder to obtain – the temptation for an individual praetor to grandstand would be huge’.²⁷

Moreover, these changes had major implications for the Senate. I have argued elsewhere that it is a mistake to see Sulla’s changes as measures which strengthened the Senate (setting aside the question of what he might actually have intended).²⁸ The increase in the size of the Senate, in particular, combined with increasing regulation around political life in general (or, to use Flower’s terminology, Sulla’s

24 F. Pina Polo, ‘The Political Role of the *Consules Designati* at Rome’, *Historia* lxii 2013, 420–52.

25 A. Giovannini, *Consulare Imperium* (Basel: Reinhardt, 1983).

26 Brennan, *Praetorship* (n. 16, above), 396–8.

27 Brennan, *Praetorship* (n. 16, above), 397. On the political activity of consuls in the period, Pina Polo, *Consul* (n. 8, above), 307–15.

28 C. Steel, ‘Rethinking Sulla’ (n. 1, above); C. Steel, ‘The Roman Senate and the Post-Sullan *Res Publica*’, *Historia* lxxiii 2014, 323–39.

adoption of the role of a law-giver) pointed in the other direction, towards a much less autonomous and authoritative Senate. In addition, the near-total destruction of the most senior members of the Senate in the Social and Civil Wars of the 80s led to a vacuum of leadership and experience within the Senate, a situation compounded by the apparent ending of the position of *princeps senatus*. The Sullan *res publica* inscribed onto the Senate with greatly increased force the primacy of the annual cycle over other forms of structuring time: its debates and decisions were now dominated by annually-elected magistrates whose tenure of a position of influence was strictly time-limited. It is also worth observing the extent to which these shifts in practice made it difficult for the Senate to manage in any rational fashion the *res publica*'s relationships with foreign powers. A *lex Sempronia*, proposed by Gaius Gracchus in the 120s, had compelled the Senate to identify the consular provinces in advance of the consular elections, the rationale probably being to ensure that electors knew what tasks those they elected would be called upon to undertake. This measure was compatible with timely decision-making in an environment in which consuls proceeded to their provinces soon after election: the Senate was making decisions in the autumn which could be implemented the following spring as the consuls entered their provinces. After 80, however, the Senate was compelled to make decisions about the allocation of consular provinces almost two years before they could be put into effect. Consular provinces would be decreed in the early summer of a year, before the election of consuls that summer; these consuls would then spend hold office the following year in Rome before, at the earliest, leaving Rome in late autumn to begin campaigning the following spring. That is no basis on which to run foreign policy. It is extremely curious that this situation was not addressed; of course, praetorian provinces were not subject to the same constraints, so the praetors provided a more flexible source of *imperium*-holders to respond to crises. In addition, it appears that the Senate could amend decisions made under the *lex Sempronia* in times of crisis.²⁹ But it is striking that military crises in the post-Sullan period were more often addressed through popular commands, which sidestepped the *lex Sempronia*. The development of such special commands has been extensively studied; it is surely correct to see their fundamental rationale being the assertion of popular sovereignty and the exploitation of personal charismatic relationships with the people by individual politicians to bypass the collective restraint embodied in the Senate. But I would suggest that an environment which militated against decisive and effective control of policy by the Senate and reduced opportunities for consuls to exercise relevant military power was another factor in the emergence of special commands and in their winning widespread support from among the citizens. The unresponsiveness of senatorial mechanisms to manage for-

29 The account of Lucullus' intrigues in 74 to get the command against Mithridates (Plut. *Luc.* 6–7) implies that the Senate had the capacity to change his province. Cf. also Cicero's swap of provinces with Antonius in 63, which indicates that consensual changes were possible; and see F. Vervaeke, 'The Scope of the *Lex Sempronia* Concerning the Assignment of the Consular Provinces (123 B.C.E.)', *Athenaeum* xciv 2006, 627–56. However, consuls who could not persuade the Senate to alter its decision under the *lex Sempronia*, or their colleague to make a deal, were stuck with existing consular allocations unless they turned to the people.

eign policy gave tribunes, once they had regained the capacity to propose legislation, further justification to articulate direct popular control over such decisions.

4. THE IMPLICATIONS

The Sullan *res publica* offered a radically new experience of political life for citizens and for senators and magistrates. The dominant political issue of the remaining three decades of the Republic, if we consider Caesar's invasion of Italy to be a decisive turning-point, was precisely an ongoing debate about the form of the *res publica* in the light of Sulla's changes, a debate which sometimes became explicit but is more often to be traced implicitly in legislation and in institutional innovation. From this perspective, to focus discussion on the year 70 and the debate about whether or not that year marks an end of the Sullan *res publica* is unhelpfully limited. What happened in 70 was important, but its importance was as much symbolic as actual; and the process of adjusting to the Sullan *res publica* neither ended in that year, nor even found its most significant expression then.

Consuls and praetors continued to be present in Rome during their year in office throughout the period down to 49, as did the innovation of summer elections with the consequent period of several months in which consuls-designate had the opportunity to play a major role in senatorial debate. Our best attested examples of this phenomenon come from the 60s and 50s: Pina Polo highlights Silanus' role in the debate on the Catilinarian conspirators in 63, Celer's opposition to concessions to the *publicani* in 61, and Lentulus Spinther's support for Cicero's restoration in the autumn of 58.³⁰ The Sullan transformation in the nature of the relationship between the *res publica*'s executive officers and its deliberative body remained in place: magistrates now exercised their functions and their *imperium* in Rome and in the Senate. There are a number of examples from the 60s and 50s of the Senate becoming stuck on a particular issue: the trial of Clodius in the first half of 61, the administration of Pompeius' conquests in 60, and the restoration of Ptolemy XII in 56. Cicero's letters describe situations in which debate cannot proceed because agreement cannot be reached on the matter in hand. In February 61 he noted (*Att.* 1.14.5) that 'the Senate has decreed that there should be no action on either praetorian provinces or embassies or any other issue until the law [sc. on Clodius' sacrilege] has been brought forward'.³¹ In the spring of 56 the consul Lentulus Marcellinus 'has removed all the comitial days...in this way very dangerous legislation is prevented' (*Q. Fr.* 2.5.2).³² The letters to Quintus and to Lentulus Spinther from this period in 56 also refer to a number of Senate debates which could not reach a vote because of filibustering.³³

30 Pina Polo, 'Consules Designati' (n. 24, above).

31 *Senatus et de prouinciis praetorum et de legationibus et de ceteris rebus decernebat ut ante quam rogatio lata esset ne quid ageretur.*

32 *Dies comitalis exemit omnis...sic legibus perniciosissimis obsistitur.*

33 *Cic. Fam.* 1.2.1–2; 1.4.1; *Q. Fr.* 2.2.3; 2.3.1.

The Senate had of course often been the location, prior to Sulla's dictatorship, of heated debate in which entrenched positions were adopted. What seems to be new about the post-Sullan period is the frequency with which specific issues dominated debate, preventing consideration of other topics, and the extent to which procedural mechanisms were invoked to prevent decisions being made. After 70 the tribunician veto was again available, but it is clear that it was not the only mechanism to prevent debate; non-tribunes, and particularly consuls, were also using their resources, particularly limited time, to close off debates without reaching decisions. This pattern should be linked to the duration of time available to men in which they could be influential. Consuls had some months between their election and their assumption of office in which to signal what they intended to do; once in office, their year was split into two, with the presence of consuls designate complicating their role after the elections in the summer. This period was enough time to encourage consuls to see themselves as having an effective role in the city (particularly as the likelihood that they would proceed to a glorious military campaign was now slight) but the end-date was always in sight, and in a system rich in reasons and ways not to take action, inertia was an ever-present danger: a group which opposed action had more effective tools with which to achieve its ends than those wanting action. A revealing piece of legislation is a *lex Gabinia* to ensure that the Senate heard embassies during February, which modified a *lex Pupia* which restricted senatorial debate on other topics in January and February until embassies had been heard. These date from their sponsors' respective consulships, in 61 and in 58, and point to an ongoing concern to manage senatorial debate and ensure timely decision-making. Although Cicero was not in Rome for the crucial period in 51 and 50 when the Senate was failing to resolve the issue of Caesar's command in Gaul, other sources, particularly Caelius' letters, indicate how difficult it was to frame and secure votes on relevant issues, when faced with tribunician vetoes and with obstruction from some of the consuls in these years. This institutional sclerosis was a major factor in the outcome of that confrontation, when, despite a huge senatorial majority in favour of bilateral disarmament, a small group of Caesar's enemies engineered a showdown.

The reinstatement of all the powers of the tribunate, a process which began in 75 with the restoration of the capacity of ex-tribunes to hold other offices and was completed in the consulship of Pompeius and Crassus in 70 with the re-establishment of the veto and the tribunes' right to bring forward legislation, is rightly regarded as the most significant modification to the Sullan constitution. It was also, probably, the easiest to predict. In *De Legibus* Cicero – not in other respects a constitutional innovator or a *popularis* sympathiser, whose blueprint for the ideal Roman state matches to a remarkable extent the framework within which he himself worked – has his character support the restoration of the tribunate, in the face of a vigorous counter-argument from his brother Quintus (*Leg.* 3.15–26). 'Quintus' argues that the existence of the tribunate promotes and enables discord within the state: thus he approves of Sulla, 'because he took away from tribunes of the *plebs*

the capacity to do harm'.³⁴ 'Marcus' does not disagree, but claims that restoration was unavoidable: as the people had had experience of the tribunate of the plebs, they would simply not acquiesce in not having it. However much Cicero believed that the people should be constrained by the distribution of powers inherent in a mixed constitution, he recognised that they had to have some role.³⁵ Nor was he alone in this; there is little evidence of opposition to the *lex Pompeia Licinia* in 70 itself. However, the operation of the tribunate from 70 onwards needs a little further consideration. That moment is usually described as a 'restoration'; and if judged in terms of the formal rights and powers of the institution of the tribunate, that is surely correct. But what of actual practice? There was a gulf of more than a decade which separated the tribunes of 69 from the last college which had operated without Sulla's interference, in 82. (In fact none of the tribunes from 82 is known; the latest pre-Sullan tribunician legislation is a *lex Iunia* from 83, authorising the colonisation of Capua). In terms of institutional memory this is a significant break: as legislators and active participants in the political environment, the tribunes of 69 began with a near-blank slate. Whatever inherited tradition, unspoken understandings and indeed technical expertise the tribunes had drawn upon prior to Sulla's dictatorship was now, for practical purposes, largely obliterated. The relationship between tribunes and Senate in the 60s and 50s was frequently antagonistic: that had serious implications for the *res publica's* capacity to be effective and can be directly related to the hiatus in tribunician power in combination with the transformation in the Senate I discussed above. The tribunate's powers were restored in 70, but not its former method of activity in which co-operation with the Senate was as common as confrontation.³⁶

Finally, the question of how foreign policy was handled remained a significant issue. As noted above, the development of special grants of *imperium* cannot be regarded as a response solely to the difficulty of ensuring prompt action which was created by the *lex Sempronia de prouinciis consularibus* when combined with changes in patterns of consular activity. Ambition is clearly highly relevant; and, insofar as structural constraints were invoked to justify special arrangements, it was the shortage of commanders, not the untimeliness of decision making: hence Philippus' famous quip that Pompeius was sent to Spain – a senatorial commission – *non pro consule sed pro consulibus*.³⁷ Rather, the time lag involved in normal senatorial decision-making created a vacuum – or at least an environment in which new challenges emerged – into which tribunes could popularly and indeed responsibly rush, in order to provide the good governance which the Senate was failing to provide. To that extent, then, the laws which gave Pompeius military tasks in the early 60s can meaningfully take their place alongside the measures also put forward by Gabinius and Manilius to improve the behaviour of Senate and magistrates as

34 Cic. *Leg.* 3.22, *Quamobrem in ista quidem re uehementer Sullam probo, qui tribunis plebis sua lege iniuriae faciendae potestatem ademerit.*

35 J. Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws* (Cambridge: Cambridge U.P., 2013), esp. 207–17.

36 See further on the pre-Sullan tribunate Russell's chapter in this collection.

37 Cic. *Leg. Man.* 62.

part of coherent programmes of amelioration. The consequences, however, were profound. Pompeius' success in his commands during the 60s changed the nature of what constituted military success, leading to a triumph of astonishing lavishness and massive, unmissable remodelling of Rome's built environment.³⁸ He also put forward a new model of military activity, in which a single *imperium*-holder orchestrated a large number of legates to campaign across hitherto impossibly extensive ranges of territory. These developments were taking place while conventional military success was proving elusive: the Senate was reluctant to authorise other men's triumphs. In the autumn of 63, three former consuls (Metellus Creticus, Lucullus, and Q. Marcius Rex) were waiting in the vicinity of Rome in the hope that they would be permitted to celebrate a triumph. Their presence and *imperium* were useful to the consul Cicero as he orchestrated an Italy-wide response to the threat of uprisings linked to Catiline's activities; but this was not a normal phenomenon in political life. Triumphs tended to be delayed after the commander's return only so long as preparations for the ceremony required. The peculiar situation in 63 – that is, the Senate's reluctance to authorise triumphs – demands an explanation. I would suggest that it is due to a combination of modest achievements on the part of the men involved, particularly in comparison with reports of what Pompeius was doing, with the tendency of the Senate to jam which has already been noted.

The special command, as managed by Pompeius, proved an irresistible model. Caesar seized on it and introduced two important innovations. The first was that he used a tribunician law to give him his proconsular command, thus bypassing the Senate's plans. Pompeius had been a private individual, commissioned in the face of a crisis; Caesar was simply replacing the Senate by the people in the normal arrangements of the *res publica* for its magistrates. Secondly, his command's extent was defined in terms of time, not task; he was to have Cisalpine Gaul and Illyria for five years, and not until a particular threat had been dealt with.³⁹ Such a formulation was designed to protect him from being replaced, and thus is testimony to poor relations with the Senate which were not, despite some senatorial opposition, true of Pompeius in the early 60s; but it also indicates the lack of a real justification for the extended command. Caesar did not, in 59, have the benefit of a crisis to which he could respond, though as it turned out he did his very best with the materials at his disposal. A subsidiary issue, which became of such vital importance, was the failure clearly to define when the specified time period began and ended. These two elements were replicated in the subsequent grants of *imperium* through tribunician legislation. In effect, throughout the fifties, the Roman *res publica* had two distinct foreign policies, one handled by the Senate, the other by the tribunes, guided by consuls with a view to their own interests.

What are the implications of these institutional factors for the slide towards civil war in 49? I conclude by returning to Gruen's analysis of the problem in *The*

38 M. Beard, *The Roman Triumph* (Cambridge, Mass: Belknap Press of Harvard U.P., 2007), 7–41.

39 For possible use of fixed terms in the 60s, see F. Vervaet, 'Reducing Senatorial Control of Provincial Commanders: A forgotten Gabinian Law of 67 B.C.E.', in O. Hekster and T. Kaizer (edd.), *Frontiers of the Roman World* (Leiden: Brill, 2011), 265–90.

Last Generation of the Roman Republic, and suggesting that his interpretation is both profoundly right and profoundly wrong. He is right in locating the causes of the war in political life at Rome: 'political conflict precipitated the crisis'.⁴⁰ This was not a war whose origins lay in social or economic discontents or which pitted ideologically opposed factions against one another. Where Gruen is surely wrong, however, is to ignore the institutional factors which enabled the suspicion and hostility which leading politicians, including Pompeius, felt towards Caesar to turn into armed conflict. It was these, rather than a series of unfortunate events, which led to disaster. The changes which Sulla had imposed on the *res publica* had weakened its governing class as a collective body and created a political environment in which the short-term interests of annually-changing office-holders overwhelmed capacity to engage in longer-term planning; the relationship between Senate and magistrates tipped out of balance. The result was high levels of instability and unpredictability, which led to increasingly violent attempts by individual politicians to maintain their power.

The annual cycle is only one element in this complex picture, but it deserves particular attention because it encapsulates the nature of the transformation of the *res publica* following Sulla's dictatorship: a large number of relatively small changes combined to create a radically different form of political organisation. Yet they were superficially compatible with Sulla's overall message of a *res publica* restored, a message which has, with rather few exceptions, dominated interpretation of the end of the Republic and distracted attention from the minutiae of political practice. It is only by acknowledging the transformative effects of Sulla's dictatorship at the level of detail as well as in general terms that we can assess the end of the Republic. Sulla broke the *res publica* as it had existed up until that point, with its careful balancing between different interests; and for all their efforts, his successors could not put in back together again.

40 Gruen, *Last Generation* (n. 5, above), 497.