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EMERGENCY MEASURES: CRISIS AND RESPONSE IN THE ROMAN
REPUBLIC (FROM THE GALLIC SACK TO THE TUMULTUS OF 43BC)

by

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ABSTRACT OF THE DISSERTATION

Emergency Measures: Crisis and response in the Roman Republic
(from the Gallic Sack to the *tumultus* of 43BC)

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Crisis, as a modern phenomenon, is universal. However, there has never been a study of crisis as a phenomenon in the Roman world. The following study fills this gap for the period of the Republic. Chapter 1 begins with a general introduction, covering methodology, a survey of previous works that could be thought to treat crisis (but do not in any adequate manner), and an overview of the ancient sources available. In Chapter 2, employing crisis theory and crisis definitions formulated by modern social scientists, a more precise definition of crisis than commonly used by classical scholars is provided. In Chapter 3, the examination turns to the subject of crisis as it was expressed and recorded in the ancient literature. Having explored the Roman word(s) for crisis, Chapters 4-7 will provide a detailed analysis of the Roman response to crises, examining the types of response employed from an institutional perspective. Chapter 8 will provide a chronological account of the evolution of crisis response. Finally, the Conclusion surveys what is learned from the study of crisis in the Roman Republic. It can be clearly demonstrated that the Romans did not have a fully articulated concept of crisis, and that their response was often *ad hoc* and unsystematic. In the early Republic, crises were handed off to an executive official (the dictator) to be managed. As the Senate grew in stature, it began to take a leading role in crisis management. The Senate's later inability to formulate adequate responses to internal political crises would ultimately result in the downfall of the Roman Republic, since internal impasses could not be solved by any other means than a resort to force. In this situation, the executive (represented by the magistrates) re-emerged as being central to crisis resolution, a fact the Senate itself recognized with the creation of the so-called *senatus consultum ultimum*, to the point where a single executive official (the *princeps*) was made necessary by the cataclysmic crises at the end of the "free" Republic, which the government, as constituted, was incapable of resolving.

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List of Case Studies

List of Works commonly abbreviated in this Dissertation

Briscoe, *Livy* 1 — John Briscoe, *A commentary on Livy, Books XXXI-XXXIII* (Oxford, 1973).

Briscoe, *Livy* 2 — John Briscoe, *A commentary on Livy, Books XXXIV-XXXVII* (Oxford, 1981).

CAH² — *The Cambridge Ancient History,* 2nd ed.

Greenidge and Clay, *Sources²* — Greenidge, A. H. J. and A. M. Clay, *Sources for Roman history, 133-70 B. C.* 2nd ed. rev. by E. W. Gray. (Oxford, 1960).

MRR — T. R. S. Broughton, *The Magistrates of the Roman Republic,* 3 vols. (New York, vols. I and II: 1951 and Atlanta vol. III: 1986).

Oakley, *Livy* — S. P. Oakley, *A commentary on Livy, Books VI-X,* 4 vols. (Oxford, vol. 1: 1997, vol. 2: 1998, vols. 3-4: 2005).

Ogilvie, *Livy* — R. M. Ogilvie, *A commentary on Livy, Books 1-5* (Oxford, 1965).

RE — A. Pauly, G. Wissowa, and W. Kroll, *Real-Encyclopädie der classischen Altertumswissenschaft* (Stuttgart, 1894-1980).

St. R. — Th. Mommsen, *Römisches Staatsrecht,* 3 vols. (Leipzig, 1887).

Walbank, *Polybius* — F. W. Walbank, *A Historical Commentary on Polybius,* 3 vols. (Oxford, vol. 1: rev. 1970, vol. 2: 1967, vol. 3:1979).

CHAPTER 1: WHY STUDY CRISIS?

The question at hand: why study crisis?

There is probably little need to provide any justification for choosing "crisis" as the subject of this examination. In the words of a modern political scientist:

> "…crisis is among the most widely-used verbal symbols of turmoil in the politics among nations. Statesmen often portray their tenure in office as a daily confrontation with crises. Journalists and scholars, too, write about disputes, incidents, riots and rebellions as crises. In sum, crisis is a universal term for disruption and disorder in the global arena."[1]

The media constantly blast the word crisis at us, referring to one situation after another. In Roman history, the word is also well worn. Recent works such as J. D. Grainger's *Nerva and the Roman succession crisis of AD 96-99*[2] demonstrate the word is not unknown in ancient historical studies. An entire volume of the *Cambridge Ancient History* was given the name of "The Crisis of the Roman Empire."[3]

Most works employing the word "crisis" in their titles, however, are focused on a single crisis or time period which the author wishes to call a crisis. Since crisis is a matter of perspective, it depends on whose viewpoint you are viewing matters from when designating a situation a "crisis." To tackle a famous example, one of the most common usages is in the so-called "Crisis of the Roman Republic." In the volume of the *Cambridge Ancient History* that treats the final century of the Roman Republic,[4] the first chapter is titled "The crisis of the Republic: sources and source-problems."[5] Whole works, including a monograph by K. Christ[6] and a selection of journal articles assembled by Robin Seager[7] have taken the "crisis of the Republic" for their titles. Interestingly, all of the works named above have not felt it

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[1] Brecher (1993) 2-3.
[2] Grainger (2003).
[3] *CAH*[2] XII, published in 2005.
[4] *CAH*[2] IX (hereafter Crook et al. (1994)).
[5] Lintott (1994).
[6] Christ (1979).
[7] Seager (1969).

necessary to address two matters that should have been addressed: one, to define what, exactly, a crisis is and two, to state who or what is in crisis. Concerning the first, I will not take the writers to task, since the word crisis is used so commonly in the modern world. [8] Yet the tools exist to deploy the word in a much stricter and proper sense, since there has been extensive work by modern political scientists in the realm of crisis studies. [9]

About the second matter, however, I will say something, since it is very important to state in detail who, or what, is in a state of crisis and why. For example, Lintott in his opening chapter to CAH^2 IX, states that "By the end of the second century before Christ the Romans faced a crisis as a result of their mastery of the Mediterranean…"[10] After that, the discussion turns mainly to the nature of the source material, as to be expected from the title of the chapter, and then to discussing the theories of various modern ancient historians about the "downfall" of the Republic. [11] But what exactly was the "crisis" mentioned at the beginning of the chapter? And who or what is facing the crisis? From the rest of the chapter, it seems clear that he means the potential overthrow of the institutions of government commonly referred to as the Republic. That is certainly a threat which would give rise to a crisis, but is the destruction of the Republic what he is really talking about? I say that, because Lintott states that it was a crisis for "the Romans." But were the Roman people as a whole threatened with serious harm by the potential overthrow of the Republic? Clearly not. The continued existence of the common people of the City of Rome and its peripheral territory was not extinguished by the fall of the Republic. Nor was the senatorial order, the ruling class of the Roman Republic, as a whole threatened with annihilation by the fall of the Republic. If the downfall of the Republic that Lintott is discussing is neither

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[8] This is an issue I will address in somewhat greater detail in Chapter 2.
[9] This will be discussed further in Chapter 2. I also recommend very strongly reading Eckstein (2006) 1-36, which has references to many of more important political science works dealing with interstate interaction, situations which often, but not always, give rise to crises.
[10] Lintott (1994) 1.
[11] ibid. 1-15.

the absolute destruction of the state or the annihilation of its citizens, then what was threatened and who felt that threat?[12]

It seems clear that he is talking about a segment of the ruling group within the Roman aristocracy perceiving a threat: that the fall of the Republic meant the end of their continuing hold on the levers of power in the Roman state that the Republic gave them. If this is so, then it should have been stated with this level of detail and not left to assumption. Therefore, from this perspective, and this is the perspective similarly adopted by many works that focus on the so-called "crisis of the Republic," this "crisis" was not so much a "crisis of the Republic" as it was "a crisis for certain ruling elements within the Roman senatorial order." In the end, of course, the Republic fell because as a system of government, it could not be separated from the individuals who wielded the most power within it. [13] Yet the crisis as often discussed, was not a threat to the existence of the Republic itself, but the threat to the entrenched power of the ruling element within the senatorial order that was finally removed from their favored position by Caesar's crossing a small stream in northern Italy in January of 49BC. While Caesar's invasion of Italy and the events that followed certainly were a crisis, this is does not entail looking at the crisis from the perspective of the survival of the system of government, a system that in theory could have survived (and if you are willing to believe Augustus did survive) the displacement of certain "noble" Romans whose families had dominated it for more than four centuries.

In this examination of crisis, our focus will be on crises from the perspective of the Roman government. That term can, of course, refer to the Senate, the magistrates, and the Roman People all together. In this work, we will be concerned with situations which posed a crisis for the decision making authorities within the Roman state: that is, those persons or

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[12] These are the most important question in defining a crisis. I will discuss the definition of crisis used in this work in great detail in Chapter 2.

[13] One need look no further than the fact that the Civil War of 49 was between "Pompeians" and "Caesarians," not "rebels" v. "loyalists. "

groups who were authorized to take action (a response) in the name of the Roman state in the face of a critical situation.

Previous work

Two recent dissertations have put "crisis" front and center in their titles: Mortensen, *Wine, drunkenness, and the rhetoric of crisis in ancient Rome* (1999) and Chrol, *Countercultural responses to the crisis of masculinity in late republican Rome* (2006). Neither work, however, addresses military security crises. [14] Mortensen does offer a definition of crisis in his work, but he is much more concerned by the rhetorical application of the term, based upon the work of Wooten (1983), and is not informed in any way by social science definitions of crisis. [15] Chrol does not even offer a definition of crisis. In terms of earlier scholarly work addressing the question of crisis and response in the Roman world, there is very little that has been done. For the oft-mentioned "crisis of the third century" AD, there is a book by Ramsey MacMullen, *Roman Government's Response to Crisis.* [16] In it, MacMullen studies the problems that beset the later Roman Empire during the tumultuous, and sadly source-deprived, era between the last of the Severi and the birth of the Tetrarchy. Even in this work, however, there is no explicit definition of crisis offered. Furthermore, while treating a lengthy period during which the Roman state surely faced many crises, MacMullen's work presents itself, in the end, as a work focused on a single crisis.

When it comes to the Republic, or even to other eras of the Empire, there is no comprehensive or diachronic study of crisis covering the whole period. [17] Therefore, the

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[14] Mortensen (1999) 1-2 touches upon them, but he is focused on the rhetorical "genre" of crisis that he seeks to establish. Chrol (2006) does not touch upon our subject at all.
[15] Mortensen (1999) 2-8.
[16] MacMullen (1976).
[17] There is a small group of works that purport to deal with "The Crisis of the Roman Republic. " Seager (1969) is a collection of articles previously published, which focuses on the problems of the Gracchan era. It provides no definition of crisis, nor any overarching analysis

work here presented hopes to at least rectify that gap by providing a comprehensive examination of crisis and the Romans' response to crisis during the time period between the Gallic Sack of Rome at the outer edge of historical records in the early fourth century BC and the death of the Republic in the last century of that era. For the first time as well, a carefully defined and clearly worded definition of crisis, one that can be applied to the Romans state, will be provided. This is important, since many works are deploying the popular usage of the word "crisis," which, while convenient and easily understandable to most people, can misrepresent the importance or implications of a situation. It is only very recently that a book in the field of Roman studies has appeared that uses crisis in a much stricter and correct manner, treating what was a true crisis which did involve the Roman state, the "power-transition crisis" of 207 BC, which affected not only Rome, but every major and minor power in the Mediterranean world during the final decade of the third and the opening decades of the second centuries BC. [18]

Aim of this work

Therefore, the following study of crisis in the Roman Republic will first define a clear and consistent definition for crisis that makes use of modern crisis theory developed by political scientists who have studied crisis as a phenomenon of interstate interaction. There will follow a chapter on Roman terminology used to describe a "crisis." Then, a treatment of the Roman governmental response, illustrated with selected Case Studies that will show the activity of the Roman Government during the major phases of various crises where that particular mode of response was employed. These selected case studies are not

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of its own. Christ (1979) is a narrative summary of the late Republic and the period of the "Crisis," again with no definition of what a crisis is. Recently, the "Crisis," specifically the political problems of the late Republic, has been revisited by von Ungern-Sternberg (2004). A good analysis of the problems involved is provided but again, there is no definition of what a crisis is. All of these works, however, are focused merely on a single period of time (roughly from the Gracchan era to the fall of the Republic), and do not provide a comprehensive view of the phenomenon of crisis during the period of the Roman Republic.

[18] Eckstein (2006).

meant to be complete narrative histories, and thus will not be concerned with solving any remaining historical problems associated with what are already very well known and thoroughly researched events. [19] Only issues that have a direct bearing on whether the event is a crisis or not will be discussed in any depth. Instead, these case studies are meant solely to highlight Roman behavior during crises. From the account of the Romans' response to crisis, an overall narrative will emerge, demonstrating how the Romans' response to crisis played a key role in determining the end of the "free" Republic. Finally, the Conclusion will summarize what can be learned from focusing on the phenomenon of crisis during the Roman Republic.

It should also be noted that the Romans' response to crisis would often take two parallel, but interconnected forms: a religious response and a secular response. While it was originally planned to pursue both, it soon became apparent that there was entirely too much material involved, and that a close examination of the various religious responses to crisis situations would best be served by a study devoted entirely to the subject by itself. The important role of religion in the declaration of war by the Romans has already received study.[20] Therefore, the following work is mainly concerned with the secular governmental actions taken in response to crisis, with occasional references to related religious responses, but without an exhaustive study of them.

The Sources: a very brief overview

In terms of the quality and quantity of the sources for the period under study, from around 390BC down to 43BC, we are fortunate in some respects and unfortunate in others. On the positive side of the ledger, there is the fact that the ancient historical sources are rich in material for the student of crisis. Writing about Hellenistic history, Eckstein notes that

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[19] Bibliographic references to major studies on the individual events will be provided.
[20] For the archaic period, where the forms were most closely followed and respected, one may consult the useful treatment of Watson (1993).

"the historical writers were intensely interested in crises between significant states."[21] The situation is the same for Roman history, where the main narrative accounts practically read like one recounting of a crisis followed by another.

For the earliest period, we are most reliant upon Livy and Dionysius of Halicarnassus. A detailed discussion of Livy, his sources, and his methods is unnecessary here. There is a large body of literature on the subject, including general works,[22] detailed scholarly commentaries on several books,[23] and recently more specialized studies on particular aspects of Livy and his history. [24] For our purposes, he is a wealth of information, but we must, of course, be careful with that wealth. Especially for the early period, there is significant room for error and conflation. [25] Worse, there are episodes which are certainly crises, but for which we cannot trust the reconstruction of events enough to use as case studies for Roman crisis behavior. Two outstanding examples are the wrangling over the Licinian-Sextian Rogations (of 370-67) and the crisis where Rome was attacked by a combination of Etruscans, Umbrians, Samnites, and Gauls, which would only be relieved by the Roman victory at the Battle of Sentinum (295). For the former, we have a full narrative from Livy, but one plagued with problems. [26] As for Sentinum, again, there are serious source problems, including an account of consular activities that is heavily interpolated with anachronism and rhetoric inspired by the "Struggle of the Orders." Livy himself, on numerous occasions, mentions that his own sources were confused and in

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[21] Eckstein (2006) 99 n. 81.
[22] Walsh (1961); Dorey (1971); Luce (1977).
[23] Ogilvie, *Livy*; Oakley, *Livy*; Kraus (1994); Briscoe, *Livy*.
[24] D. Levene (1993); Miles (1995); M. Jaeger (1997); Feldherr (1998); Chaplin (2000). This list is not exhaustive.
[25] When any source presents a major problem, it will be discussed in the Case Study dealing with that specific historical episode.
[26] For the full account, see Livy 6. 34. 1-42. 14. There are serious doubts about the truth of Livy's narrative, for which see the detailed discussion with bibliography and notes by Oakley *Livy* 1. 645-724 (esp. 645-60).

disagreement with each other. [27] While these are certainly crisis situations, our inability to trust in our major source must preclude our desire to include as much material as possible.

This is not to say that Livy is not trustworthy at all. Far from it. In general, regarding the authenticity of the material contained in Livy's history, I am in broad agreement with the position taken by Cornell, which is that despite the embellishments and errors, "our sources do depend ultimately on a hard core of authentic data, much of which is readily identifiable."[28] In the main, we may place a great deal of trust in the information given to us by him.

Of course, the lack of Livy's second decade, and all of his books following book 45 is a great loss, as there are incidents of which we only have shortened and not very satisfying accounts of (such as the revolt of M. Lepidus in 78BC), where Livy's full narrative would have been indispensable. As for Dionysius, as his history becomes fragmented far earlier, it is of less value for most of the incidents studied here. [29] Of the other major narrative histories, Polybius is again a wealth of information, but sadly, we do not have his complete work after 216. [30] Except at the very end of the Republic, Cassius Dio, sadly, largely consists of mere fragments, with Zonaras' summary providing some idea of what Dio might have said. [31] Appian's various histories, especially the one treating civil wars in Rome, are sometimes our sole source for important episodes. [32] Occasionally, the history of Diodorus Siculus provides crucial information. [33]

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[27] For details, see Oakley *Livy* 4. 268-94, esp. 272-4, 283.
[28] Cornell (1995) 16-8; a position followed by Oakley, *Livy* 1. 102 (though he cites Cornell's earlier statement of this position: which Cornell made in *CAH²* VII. 2 249).
[29] For Dionysius, very useful is Gabba (1991).
[30] The literature on Polybius is immense. A good starting point is Walbank (2002).
[31] On Dio, see Swan (2004) 1-36; Millar (1964) is old, but still worth consulting. See also Gowing (1992).
[32] There does not seem to be a more recent monograph dealing with Appian than Gowing (1992). For some of the problems with Appian as a source, see Badian (1984).
[33] See Green (2006) 1-34 for a good summary treatment with references to previous studies.

Of other sources, the biographies of Plutarch[34] and to a much lesser extent Suetonius[35] provide useful information that is not preserved in our existing narrative accounts. Late epitomes such as those of Florus, Orosius and others, are noted in the Case Studies, but rarely provide information that is truly valuable. As for inscriptions, they generally do not provide us with much direct information, but do occasionally give us items for comparison with the narrative histories (for example, Livy's treatment of the "Bacchanalian" conspiracy can be measured against the surviving *senatus consultum de Bacchanalibus*). And of course, especially for the very end of the Republic, the speeches and letters of Cicero are invaluable, if providing only one man's view of matters. [36]

Overall, when dealing with the subject of crisis, our source materials are quite good. They are not, however, as comprehensive as one could wish. For the early sections of Livy, we have to be careful, since the reconstruction of crisis behavior sometimes reads more like what appeared to be a reasonable course of action to a first century Roman, than genuinely reflecting the actions of a fourth century one. [37] Polybius, while justly praised by many, could occasionally get things wrong, as when he stated that when a dictator was in office, all other magistrates were removed from office (when in actuality they stayed in office, but were subordinate to the orders of the dictator). [38] Yet the focus of the sources on crises, as noted in the beginning of this section, compensates for all of the shortcomings of the sources. The greatest problem is actually the lack of detailed source materials for certain events. Plutarch's biographies fortunately tell us much about Pyrrhus and Marius'

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[34] The literature on Plutarch is vast. Pelling (2002) is a starting point.

[35] Only the lives of Julius Caesar and Augustus provide major information related to this study.

[36] The literature on Cicero is too large to even suggest a starting point. For the letters, at least, we have the invaluable commentary editions of Shackleton Bailey (1965-70, 1977, 1980; henceforth abbreviated as SB in the footnotes).

[37] Livy also had his own agenda for including or excluding certain events in order to make specific points. For Livy's deployment of certain *exempla*, for example, see Chaplin (2000).

[38] Error noted with citations of other ancient authors who copied the mistake by Walbank, *Polybius* 1. 422 on Polyb. 3. 87. 8.

campaigns against the Cimbri-Teutones, but we do not get the same wealth of institutional or administrative information about those events that we might have gotten had Livy's books on those episodes survived. We are fortunate that some of the gravest crises faced by the Roman Republic, the invasion of Hannibal and the coup of Julius Caesar, have full narrative accounts, and for the latter, the letters of Cicero provide us with an almost daily commentary for certain stretches of time.

Chapter 2: Modern definitions of crisis and the definition of crisis to be used in this dissertation.

Crisis in the Modern World

Even performing a quick search in a modern university library's electronic card catalogue for the terms "crisis" or "crisis management" will return a broad and varied range of results. One large group is a plethora of manuals designed to aid businesses which have somehow fallen afoul of public perceptions, whether it be by producing shoddy or sometimes dangerous products, or by engaging in somewhat less than legal means of handling their finances or accounting. Another cohort consists of a broad range of social science tracts trying to analyze and tackle societal problems: the "crisis" in our schools, in our environment, in our families, drugs, gangs, bullies, etc. Many of these works contain definitions of crisis that are not directly relevant to studying the issue of crisis in an ancient territorial political power which did not have to worry about "media relations" (whatever mass media there were in antiquity—it is a mistake to think that there were not any at that time—were several orders of magnitude less powerful or capable than what we have in the present) or whether its "customers" were satisfied by the products or services being provided (the major "service" of the Roman authorities, protection from being savagely plundered and murdered by, among others, the Roman authorities, was a "service" that no "consumer" could rationally refuse).

Nor were the Roman authorities greatly concerned with societal "crises" such as we are. It is true that certain prominent Romans took an interest in these types of issues: Suetonius reports that the emperor Augustus read out to the Senate a speech by a Q. Metellus *de prole augenda,* concerned with increasing reproduction among the upper classes.

[39] Further, there were the schemes for providing feeding allowances to Roman children, the *alimenta,* which, though started by private individuals (the most famous, but not the earliest, being the younger Pliny),[40] were eventually put on a state-sponsored basis by the emperors Nerva and Trajan. [41] While examples can be given of rules and regulations being set down for the behavior and responsibilities of the senatorial class,[42] in general the Roman government was not particularly interested in dealing with societal problems in the way that modern governments are.

It is in the realm of the political scientists, especially those involved with current international conflict, crisis and tension that we come across works that can provide a modern analytical framework which can be adapted to a study of crisis in the Roman world. The literature in this field is quite large, including journals (such as *the Journal of Contingencies and Crisis Management*) and a large body of specialist monographs. Naturally, I have not attempted to go through the entirety of this imposing mass of material exhaustively. Fortunately, for the purposes of this study, one particularly relevant group and its publications, the International Crisis Behavior Project,[43] provides materials that are directly germane to the study of a major territorial state and its responses to crises.

Definition of "crisis"

So, what exactly is a crisis? The earliest usage of the word in English was actually medical, according to the Oxford English Dictionary. [44] The meaning most relevant to us, however,

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[39] Suet. *divi Aug.* 89. 2; attributed to Q. Caecilius Metellus Macedonicus (*cos.* 143BC) by Malcovati, *ORF*[4] p. 107, following a statement by Livy (*Per.* 59). It is wrongly attributed by A. Gellius *NA* 1. 6. 1f. to Q. Metellus Numidicus (*cos.* 109BC).
[40] See Plin. *Ep.* 7. 18 (cf. 1. 8. 10).
[41] For a good summary treatment, see *OCD*[3] *alimenta* p. 63.
[42] For example, the *SC* from Larinum of AD19: see B. Levick, "The *senatus consultum* from Larinum," *JRS* 73 (1983) 97-115.
[43] Their current website (December 2007) is: http://www. cidcm. umd. edu/icb/.
[44] *Oxford English Dictionary*[2] **crisis**: "1. *Pathol.* The point in the progress of a disease when an important development or change takes place which is decisive of recovery or death;…" First

is quite old, that is:

> "3. *transf. and fig.* A vitally important or decisive stage in the progress of anything; a turning-point; also, a state of affairs in which a decisive change for better or worse is imminent; now applied *esp.* to times of difficulty, insecurity, and suspense in politics or commerce."

This definition stretches back to 1627, so crisis has a long history in our language. [45] And judging from the frequency with which the word is bandied about, its use is not about to end any time soon.

This definition of crisis is not sufficient for our study, however; recourse must be made to definitions more specific to the realm of political relations between states in order to provide a sharper focus and a more rigorous perspective. Several points need to be made first. To begin with, this study is concerned with what are commonly called *military-security crises*. The three key factors in recognizing a military-security crisis are a perceived "threat to basic values," the appearance of "action demonstrating resolve," and signs of "overt hostility."[46] This is just the starting point, but it helps to separate military-security crises from other generally accepted types of crises, such as personal crises (in the psychological realm) or societal crises (such as those noted above). Another important point to note is that while these crises are termed military-security crises, which might lead one to think that they are exclusively tied to war, this type of crisis is not synonymous with war:

> "Crisis…is a much broader phenomenon than war. In fact, war is a subset of crisis, not the reverse; that is, all wars result from crises, but not all crises lead to war. There are, however, crises which occur during a war, that is, intra-war crises. Similarly, crises may occur within, or outside, the setting of a protracted conflict between adversaries."[47]

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attributed 1543. This quote and all following are taken from the entry in the online version of the *OED*.

[45] One may consult the complete online *Oxford English Dictionary* entry for its full history of usage.

[46] Brecher (1993) 2.

[47] Brecher et al. (1988) 2.

When discussing crisis' relationship to conflict and war, Brecher lays out two different types of crises, which act at different levels of a political system: international crises and foreign policy crises. An *international crisis* occurs when "(1) a change in type and/or an increase in intensity of disruptive interactions between two or more states, with a heightened probability of military hostilities" further "(2) destabilizes their relationship and challenges the structure of an international system."[48] This type of crisis occurs at the "system" or "global" level of interaction between states. In the ancient context, the "system" level would be something akin to the Greek notion of the *oikumene,* all of the civilized, or at least recognized states, tribes, and groupings that could be seen to interact with each other. International crises, in turn, are caused by an external or **foreign policy crisis** for one or more states.

> "The trigger to a foreign policy crisis is perceptual. More precisely, it derives from three related *perceptions* that are generated by a hostile act, disruptive event or environmental change, perceptions of:
> > (1) *threat to one or more basic values;*
> > (2) *finite time for response;* and
> > (3) *heightened probability of involvement in military hostilities* before the challenge is overcome.
>
> "In sum, a foreign policy crisis arises from the highest-level political decision makers' image of pressure(s) to cope with externally-focused stress. It also marks the beginning of an international crisis."[49]

Foreign policy crises occur on the "actor" level; they are focused on individual crisis actors, which are exclusively states in our context that are facing a crisis. For the purposes of this study, there is only one crisis actor that will be consistently mentioned, namely, the Roman state. The case studies, as well, will largely be foreign policy crises that the Roman state had to face during the time period under review. The term "foreign policy crisis" is not

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[48] Brecher (1993) 3. For definitions of an "international system" and other terms, see note 4, p. 581, which gives fuller definitions and references. I will provide some basic ideas by analogy to the Roman situation to make it clear how I will approach these issues.
[49] Brecher (1993) 3-4 [author's italics throughout].

completely apt for all of the crises that will be examined in this treatment, since I will also be dealing with various internal crises that did not necessarily involve foreign powers to any great extent, such as slave revolts and internal rebellions against Roman authority. For this reason, I will simply be using the term "crisis" for these situations, and will not go beyond the "actor" level for the most part, as this study is centered on the Roman government and its handling of crises which directly affected it, and not so much on "international" crises which occurred on the "global" system level of the ancient Mediterranean.

Definition of Crisis for this study

Therefore, in this examination, the military-security crises that will be discussed are defined as situations where the Roman state and/or those charged with its governance: 1) perceived a threat or threats to core values, especially the safety and security of the Roman state (in the most dire cases, its very survival), combined with 2) a perception of a finite time for responding to the threat(s) and 3) felt that there was a heightened probability for violence to occur against the state. This definition largely follows Brecher's definition for foreign policy crises given above, with slight modifications. Core values are those objects or goals which the Roman state, like most states, valued the most: safety and security of the populace, territorial integrity, self-determination in government, access to those resources considered necessary for survival. With time, new core values did come into the equation, notably the self-image and good faith (*maiestas/dignitas* and *fides*) of the Roman People, both of which extended as well to the importance of protecting Rome's allies from outside forces, values which could plunge the state into crisis if they were seriously imperiled. [50] In no. 3, I have substituted "violence" for "military hostilities," since the latter term usually connotes armed clashes between two recognized political entities, while violence can

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[50] A good example of this will be provided in Chapter 6, when we look at the affair of the Statellates of Liguria.

encompass all manner of armed clashes between any and all groups, and is more correct when we are discussing the use of armed force within the City of Rome between factions of citizens not involving foreign militaries.

One of the most important things to note is that the main catalyst to a crisis is the *perception* of a threat, not necessarily the reality of one. [51]

Some further terms used

Having provided the definition of crisis that will be applied to the various case studies in this treatment, there are some further terms that will be used that may require some elaboration. All of these are taken and adapted from Brecher's (1993) first chapter "Concepts and Models," who provides further references to their use and origin:

Intra-war crises: crises can occur during the course of a war. They occur when conditions 1 and 2 of a foreign policy crisis are manifested. In place of no. 3, which is automatically removed as a state of hostilities is in existence, there is a "perceived deterioration in a state's and/or ally's military capability *vis-à-vis* an enemy, that is, a perceived *adverse change in the military balance.*"[52]

(crisis) actor: a state that is faced with a crisis. In all cases, the actor in this study is the Roman state.

(crisis) trigger: a political, economic, non-violent or violent military act, or an event, or an environmental change that triggers a crisis situation. For example, the news of Rome's defeat by Hannibal at Cannae triggered a severe crisis for the Roman State, as it plunged the government into fear and uncertainty, with a heightened expectation that Hannibal

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[51] To repeat part of Brecher's description of foreign policy crises again: "In sum, a foreign policy crisis arises from the highest-level political decision-makers' *image of pressure(s) to cope* with externally-focused stress. " Brecher (1993) 4-5 [Italics added for emphasis].
[52] Brecher (1993) 7 [author's italics].

could himself appear before the walls of Rome, bringing direct violence to the very center of the Roman world. [53]

response: is fairly self-evident. Whatever action an actor takes to respond to a crisis. These comprise:

Crisis Management Techniques (CMTs), which fall into various categories spanning a range from pacific techniques such as *negotiation, mediation, arbitration,* and *adjudication* to *non-military pressure, non-violent military* acts and ultimately to *indirect* and *direct violence.* [54]

Crisis Domains/Phases

In addition to these terms, crises can be further subdivided into distinct phases that can be designated and defined. These phases are descriptive makers for activity and behavior that occurs in a crisis. They represent a model by which most crisis can be described. They are a kind of generalization, a typology of observed behavior. Here, I will provide brief descriptions of the crisis phases, with examples drawn from the Catilinarian crisis[55] (with some modifications for the subject at hand):[56]

Onset Phase/Pre-Crisis Period

The initial phase of a crisis. It is characterized by a change in the intensity of disruptive behavior between Rome and another state(s), or within the state, and a heightened threat perception by the Roman government. While a full blown crisis has not yet materialized, there is a greater expectation that a crisis might occur. When Catiline was defeated for the consulship of 62, the consul Cicero already attempted to raise the alarm, though at this point, not everyone perceived the threat as strongly as he did. So, some recognized the potential for a crisis to occur, though not all.

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[53] Crisis triggering events will be noted in every case study.
[54] Whatever techniques were employed by the Romans will be discussed in detail in the chapters examining the Roman response.
[55] To be dealt with fully in Case Study SCU 3, in Chapter 4.
[56] A summary treatment is given on p. 25-9 of Brecher (1993); full treatments of each of the phases comprise the greater part of the individual chapters in the work cited.

Escalation/Crisis Period

Denotes much more intense disruption than during the onset phase and a qualitative increase in the likelihood of military hostilities or violence. A triggering event is necesary to spark the full blown crisis. For the Catilinarian Crisis, the triggering event was when Cicero presented letters to the Senate from prominent men which gave real weight to his accusations that Catiline and others were plotting violence to seize control of the state. With this revelation, there was a perceived qualitative increase in the likelihood of violence.

Deescalation/End-Crisis Period

This is the "winding-down" period of a crisis. There is a reduction in hostile interactions and the termination of the crisis comes in sight. There is a decline in the perception of threat, time pressure, and the likelihood of violence towards a non-crisis norm. For our example, the arrest and execution of Lentulus Sura and the other Catilinarian plotters marked the transition to the Deescalation phase of the crisis, as we know that support for Catiline within the city of Rome declined after that event, and the Roman government was confident that government forces, under the consul C. Antonius and his deputy M. Petreius, would be capable of defeat Catiline's armed band in Etruria.

Termination Period

I will sometimes, but not always, point out a clear crisis termination point, if there is one, as not every crisis clearly terminated, but can continue, "on the back burner" as it were, for a long time until it simply fades away. For the Catilinarian Crisis, the Termination can be clearly marked by the defeat and death of Catiline at Pistoria.

CHAPTER 3: WAS THERE AN ANCIENT WORD FOR CRISIS AND DOES THAT MATTER?

Roman words for crisis?

Having established firmly the definition of crisis that will be used in this examination, we turn to an important and related question: what was the Roman word for crisis? This survey will primarily be concerned with the Latin words, since this study is focused on Roman, not on Greek or general ancient notions of crisis. Another important question that must be answered is whether the Romans even *had* a notion of crisis in the sense that we do. When a modern speaker of English (or of most other modern languages) says or writes the word "crisis," a cluster of ideas and assumptions immediately come into play in the hearer's/reader's mind. The word is so commonly bandied about that it is often not even necessary to provide a fuller explanation. Take for example, if someone were to say to you "Country A is in crisis." Would you need to ask what a crisis is? Probably not. But does the word have that same level of immediate understanding for a Roman? Would a Roman instinctively recognize what we call "a crisis" when he saw one?

These two questions are actually very closely linked, since if we can find a single word in Latin that can without exception be translated into English as "crisis", then we would have an easy answer. And if there is no simple one-to-one correspondence, that deficiency in the language does not automatically rule out that the Romans had the notion that there was a state of being that we commonly call crisis. Yet such a finding would also strongly support the position that they did not have the notion as we have it.

Discrimen[57]

When one asks classicists for their opinion on what word denotes "crisis" in Latin, the most common answer would probably be *discrimen*.[58] And that is a good word to

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[57] To my knowledge, there has never been a full, detailed discussion of the usage of this word in Latin. I will attempt to provide a survey focusing on its use as relevant to the topic of crisis.

suggest, as the *OLD* lists "a decisive stage, critical point, crisis" as the fourth definition for the word. [59] It does not hurt that the word is etymologically related to our word crisis either. *Discrimen* comes from *dis* + *cerno*. *Cerno* in turn is cognate to the Greek κρίνω, whence the Greek noun κρίσις from which the English "crisis" derives. Often, translators will translate the word with the English word "crisis." We even have several good passages from Cicero where the word is clearly used in a manner similar to our use of the word crisis.

The prime instances center upon the final crisis of the Republic, the *tumultus* of 43BC (see Case Study T1). In his *Philippics,* Cicero often makes reference to the perilous situation of the Republic, in language that lends itself to the "crisis" language familiar to all of us. At the end of *Philippic* 6, delivered before the People probably on January 4, 43, Cicero ended his account of the actions (or lack thereof in many respects, in his opinion) of the Senate to deal with the crisis sparked by Antony's marching against Decimus Brutus in Cisalpine Gaul. In Shackleton Bailey's elegant translation:[60]

> "The time has come, Men of Rome, later than befitted the Roman People
> it is true, but not too late—only it cannot be deferred another hour. What may
> be called a fate-ordained misfortune befell us. We endured it as best we could.
> If anything of the kind happens now, it will be of our own choice. The Immortal
> Gods willed that the Roman People rule over all nations; it is against their law
> that the Roman People should be slaves. *The ultimate crisis is upon us*. The stake
> is freedom. Either you must be victorious, Men of Rome, as you surely will be
> in virtue of your patriotism and united will, or—anything but slavery! Other races
> can endure servitude, but the birthright of the Roman People is freedom"
> (*Phil*. 6. 19 [italics added for emphasis]).

The key part is what Shackleton Bailey has translated as "the ultimate crisis is upon us." In Latin, *res in extremum est adducta discrimen*. This exact phrasing is important, since it gets reused on several occasions.

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[58] I will admit that this conclusion was reached unscientifically, being the result of random polling of classicists I have talked to over the course of several years.
[59] *OLD* p. 552 **discrimen** 4.
[60] Shackleton Bailey (1986) 195.

In *Philippic 7*, it appears again, with some added emphasis: *Phil. 7. 1 adducta est enim, patres conscripti, res in maximum periculum et in extremum paene discrimen.* Shackleton Bailey renders it "For the time of maximum danger has arrived, well-nigh the ultimate crisis." As was mentioned in the previous section on the definition of crisis, threat perception is one of the key elements to recognizing a crisis. The presence of *periculum* combined with the superlative *maximum* surely signals a definite threat perception of a grave kind. In such circumstances, it seems fairly clear that here *discrimen,* as used by Cicero, would seem to denote a situation that we would use the word crisis to describe. Two other instances in the *Philippics* would also be ones where the translation "crisis" would fit for *discrimen*. [61]

The phrase is mirrored again in some of his correspondence from the time. Writing to Cassius, the assassin of Caesar, a few months later in 43, Cicero again states: *res, cum haec scribebam, erat in extremum adducta discrimen* "As I write, the state of affairs has been brought to the final crisis."[62] Again, writing to M. Brutus around the same time: *res existimabatur in extremum adducta discrimen* "The situation is thought to have been brought to the ultimate crisis."[63] The phrase reappears again in another letter to Brutus shortly thereafter. [64]

The usage is not confined to the events of 43, however. In a letter from 46, shortly before the final remnants of the Pompeian cause were to be broken at Thapsus, Cicero wrote to his friend Mescinius Rufus that he was staying in Rome since everyone was awaiting the outcome from Africa. He says *videtur enim mihi res in propinquum adducta*

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[61] 8. 29 and 9. 6; in both cases the word is paired with *maximum.*
[62] Cic. *Fam.* 12. 6. 2 (SB 376).
[63] Cic. *ad Brut.* 1 (2. 1; SB 1) §1.
[64] Cic. *ad Brut.* 2 (2. 2; SB 3) §2.

discrimen "For it seems to me that matters have been brought into an imminent crisis."[65]
Later in that same year, when Cicero pleaded for pardon for the Pompeian Q. Ligarius,
Cicero urges his listeners to agree with him that it would it would be right to help their
friend *in tanto discrimine et periculo civis* "in a citizen's dire and dangerous crisis."[66] Another,
far earlier usage, goes back to the last weeks of 51, when Cicero wrote a congratulatory
letter to C. Scribonius Curio, *tr. pl.* 50 (who would have entered office on December 10th).
In it, he remarks that Curio *iudicio enim tuo, non casu, in ipsum discrimen rerum contulisti
tribunatum tuum* "for by your own decision, not by chance, you have brought your term of
office to coincide with the very crisis-point."[67]

In authors other than Cicero, the word also appears with the apparent meaning of
"crisis." In Livy, a prime example would be 4. 26. 8, the brief speech by Q. Servilius Priscus
addressed to the tribunes of the plebs in 431 to force a pair of contentious consuls to name a
dictator to oppose the threat inspired by the Aequi and Volsci. He says *Vos, tribuni plebis,
quoniam ad extrema ventum est, senatus appellat ut in tanto discrimine rei publicae dictatorem
dicere consules pro potestate vestra cogatis* "You, o tribunes, the Senate calls upon in so great
a crisis for the state to force the consuls by virtue of your power to name a dictator."[68]
Again, in 369, after Livy dismisses the siege at Velitrae by remarking *Nihil…memorabile
factum*, he turns to domestic affairs by boldly stating *in maiore discrimine domi res
vertebantur* "at home, affairs were turning into a greater crisis."[69] This particular phrase,

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[65] Cic. *Fam.* 5. 213 (ѕв 182). The phrase "imminent crisis" I derive from Shackleton Bailey's
translation (1978).
[66] Cic. *Lig.* 16 (translation by N. H. Watts [Loeb]).
[67] Cic. *Fam.* 2. 7. 2 (ѕв 107) translation by Shackleton Bailey (1978).
[68] For Livy some of the translations are my own, but the Penguin and Loeb versions very often
use the word "crisis" for *discrimen*.
[69] Livy 6. 36. 7.

with some modifications, appears again several times in the extant parts of the *Ab Urbe Condita*. [70]

Another example may be drawn from the era of the Second Punic War. The consul Cn. Servilius Geminus (*cos.* 217), colleague of the ill-fated and rash C. Flaminius, having heard of the latter's destruction at the hands of Hannibal, *iam moenibus patriae metuens ne abesset in discrimine extremo, ad urbem iter intendit* "now fearing for the walls of his homeland, lest he should be absent in the very crisis of its peril, set out for Rome."[71] From the other perspective, Livy portrayed Hannibal's thinking in 212 during the siege of Capua as the Romans tightened their grip: *Hannibal non Capuam neglectam neque in tanto discrimine desertos volebat socios* "Hannibal did not wish that Capua be neglected nor that his allies be deserted in so great a crisis."[72] Later, in 200, when the Romans approached the Aetolians for their support in military action against Philip V of Macedon, the Aetolian chief magistrate Damocritus deliberately (according to Livy) delayed action by citing precedent concerning when resolutions of war and peace could be brought before the Aetolian assembly. To justify the delay, he said to the assembly "that nothing was so inconsistent with wisdom in a great crisis as haste" (*rem magni discriminis consiliis nullam esse tam inimicam quam celeritatem dixit*). [73]

From the dramatic stage of a battlefield, we have P. Cornelius Cn. f. Scipio, acting as praetor in Spain,[74] who in the heat of battle against the Lusitanians vowed games in

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[70] See Oakley *Livy* 1. 675, cf. Oakley *Livy* 4. 416 which cites further Livy 10. 39. 7, 26. 5. 12, and 29. 7. 1.

[71] Livy 22. 9. 6 (the translation is adapted from B. O Foster [Loeb]).

[72] Livy 25. 20. 5.

[73] Livy 31. 32. 2 (translation by E. T. Sage [Loeb]). Briscoe *Livy* 1. 138 cites parallels for this thought: Thuc. 3. 42. 1; Soph. *OT* 617; and Publ. Syr. 1. 25.

[74] Scipio was the praetor for Further Spain in 194 (Livy 35. 1. 3-4). Livy then switches to calling him *pro praetore/propraetor*. Sage's note (Loeb Livy vol. x p. 2-3 n. 3) that this usage was "probably informal" to describe Scipio's status "during the period between the expiration of his term and the arrival of his successor, since no prorogation of his command is recorded" sounds right to me, so I have refrained from strictly terming him a propraetor. Briscoe *Livy* 2. 146

exchange for a victory: *in hoc discrimine ludos Iovi, si fudisset cecidissetque hostes, propraetor vovit* "At this crisis the propraetor vowed games to Jupiter if he should rout and slaughter the enemy."[75] As a final example, there is the pathetic entreaty of the Egyptian ambassadors to the Senate in 168 when Antiochus IV was threatening the kingdom of Ptolemy VI Philometor. They claimed that if the Senate did not answer their call for intervention, soon the king and his queen would appear in Rome itself, *cum pudore quodam populi Romani, quod nullam opem in ultimo discrimine fortunarum tulissent* "with a certain amount of shame for the Roman People, since they had not brought any help [to the Ptolemies] in the final crisis of their fortunes."[76]

Going further into the Empire, the historian Tacitus offers a number of examples where the word *discrimen* seems to mean crisis. Speaking of the Helvetians in AD68, he characterized them as *Illi ante discrimen feroces, in periculo pavidi* "bold before the crisis came, but timid in the face of danger."[77] Twice the word appears in Tacitus' account of the uproar in Rome caused by the news that Vitellius had declared himself emperor. Once before Otho's speech, *sed discrimine urbis et periculo senatus anxius* "being distressed by the crisis that had befallen the city and the danger of the Senate,"[78] and once in the speech itself put into Otho's mouth by Tacitus: *fortissimus in ipso discrimine exercitus est qui ante discrimen quietissimus* "…that is the bravest army in time of crisis which has been most

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notes Livy's careful distinguishing between praetor and propraetor in his account of Spanish affairs at the opening of 193, but makes no further comments about Scipio's exact status. Broughton simply records Scipio as a promagistrate under the year 193: *MRR* 1. 348. Regardless of the exact title one would wish to assign him, he would be fully empowered to act in the place of a magistrate or promagistrate until relieved.

[75] Livy 35. 1. 8 (trans. Sage [Loeb], retaining his use of "propraetor"). Briscoe *Livy* 2. 147 notes that the games were "*votivi,* but not *magni*" and points to his discussion of the subject in Briscoe *Livy* 1. 79 on Livy 31. 9. 5-10.

[76] Livy 44. 19. 12.

[77] Tac. *Hist.* 1. 68 (translation by C. H. Moore [Loeb]).

[78] Tac. *Hist.* 1. 83 (trans. Moore [Loeb]).

orderly before the crisis."[79] From the *Annals,* there is the more personal crisis faced by the astrologer Thrasyllus, when the future emperor Tiberius was on Rhodes. Being put to the test by that dour character, Thrasyllus allegedly saw that his own life was in jeopardy. His prognostications ended when *postremo exclamat ambiguum sibi ac prope ultimum discrimen instare* "at last he exclaimed that a doubtful, almost a final, crisis was hard upon him."[80] Fortunately for him, that was the right answer. I shall draw just one more example from the *Annals,* the dramatic moment before Suetonius Paulinus led the Romans to victory over the British queen Boudicca: *ne Suetonius quidem in tanto discrimine silebat* "Even Suetonius, in this critical moment, broke silence."[81]

On the basis of this evidence, it would seem clear that there is a word for crisis in Latin, and that word is *discrimen.* But this would be to ignore the entirety of the evidence. For when one takes a closer look at the usage of the word *discrimen,* one finds that it does not offer a simple one-to-one correspondence for the English word "crisis." In fact, more often than not, the word has other meanings.

To return to our first author, Cicero, in the *Philippics* alone, uses the word more often to denote either a "decision" (*Phil.* 3. 28, 5. 39, 14. 3) or a "danger, risk" (7. 12, 10. 14, 13. 6) than to denote a "crisis" (6. 19, 7. 1, 8. 29, 9. 6). In fact, perhaps Cicero's most common use of the word is to denote danger or risk; a concept certainly closely linked to crisis, but not completely interchangeable in English. For example, in his speech against Q. Caecilius, Cicero's rival for the position of prosecutor against C. Verres, Cicero makes some remarks about what makes a man fit to act in that role. Among them is *Itaque semper ii diligentissime laboriosissimeque accusarunt qui se ipsos in discrimen existimationis venire arbitrati sunt* "That is why the most energetic and painstaking prosecutors have always been

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[79] Tac. *Hist.* 1. 84 (trans. Moore [Loeb]).
[80] Tac. *Ann.* 6. 21. 2 (translation by J. Jackson [Loeb]).
[81] Tac. *Ann.* 14. 36. 1 (trans. Jackson [Loeb]).

men who feel that their own reputations are at stake."[82] Here clearly in English, we could easily substitute "in danger" or "at risk" for "at stake," but it would not be suitable at all to replace the phrase with "in crisis." There is a qualitative difference. For, if you say that someone's reputation is in crisis, it would imply that there are doubts concerning the nature of the reputation, and that change in some form is expected, though it is not certain that the reputation is going to change for the worse. It is in a more ambiguous state, where the outcomes are not assured. But when one says that a reputation is "at stake" or "in danger" it is very clear that a change for the worse is a definite outcome if matters do not turn out well for the man whose reputation is in question. I would admit that the meanings can be close, but they are not identical and certainly not interchangeable.

Later, after Cicero's return from exile in 57, in his speech giving thanks to the Senate after his restoration, Cicero noted that he had suffered what he had suffered on behalf of the state *ne a me defensa res publica per eundem me extremum in discrimen vocaretur* "in order that the state which I had defended might not on my account be brought into the extremest peril."[83] Here again, danger and risk would work interchangeably, but would crisis? While one could argue that had Cicero stayed in 58 and tried to contest matters with Clodius, affairs may have been thrown into what we in English could call crisis, but could just as easily be called "turmoil" "confusion" or "contention." All of which are not strict synonyms for crisis, but which could just as adequately label our expectations for the hypothetic political situation at Rome had Cicero stayed to fight. In fact, crisis might be too strong a word to describe the situation. Would Cicero's attempt to fight Clodius really have resulted in a crisis for Rome? In my opinion, no. He did not have enough support, political or physical for that matter to go "toe to toe" with Clodius (for instance, how

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[82] Cic. *Div. Caec.* 71 (translation by L. Greenwood [Loeb]).
[83] Cic. *Red. sen.* 36 (trans. Watts [Loeb]).

would he have matched the latter's armed gangs?). He would have been worsted and driven into exile (had he survived the encounter) much the worse for wear.

Perhaps a clearer case can be drawn from Cicero again speaking about his favorite subject, himself, in his speech about the restoration of his house. For he threw back in Clodius' face the latter's own apparent (we do not have Clodius' own words, after all) admission that Cicero had saved the state twice, the second time when he refused to violently oppose Clodius' attempts to have him exiled. Cicero claimed that he acted as he did *ne eam civitatem, quam servassem inermis, armatus in discrimen adducerem* "that I might not, by having resort to arms, endanger a state which unarmed I had preserved."[84] In this case, I do not think crisis would work. For what Cicero is talking about is actual physical violence, not the imminent threat of it. Actual physical violence certainly involves danger and risk, but it does not always involve crisis. Perhaps here is the key distinction in English: crisis involves the perception that harm *may* occur. Danger to a greater extent assumes that harm *will* occur.

In comparison, Latin seems to have less precision. Take for example Cicero *Verr.* 2 *Nunc in ipso discrimine ordinis iudiciorumque vestrorum* "And now, at the moment of supreme danger for your Order and your judicial privileges…"[85] The Loeb translator has opted for "danger" here when one could probably substitute "crisis": "at the moment of supreme crisis for your Order…" Yet I would not find fault with the use of "danger" here, since it also makes good sense. That is the point: *discrimen* is clearly not, in Cicero's lexicon, exclusively used to denote crisis. Nor is that the case for the authors who came after him. While earlier I cited several instances where Livy uses the word *discrimen* to indicate a crisis, there are many more instances where the word does not do that. More often than crisis,

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[84] Cic. *Dom.* 76 (trans. Watts [Loeb]).
[85] Translation by L. Greenwood [Loeb].

discrimen means a decision[86] or danger. [87] Another very common use is for the word to denote some sort of distinction or distinguishing between things, a definition that continues on into our day through the English descendant of *discrimen:* discrimination. [88] If we look only at the *Periochae*, the summaries of Livy's books from a much later age, the word *only* means danger. [89]

As for Tacitus, my other major authority, *discrimen* is often used to denote crisis, but there are also many cases where it does not have that meaning. A clear example is in *Germ.* 12. 1, where we have the phrase *discrimen capitis intendere* "to bring a capital charge." A good example of Tacitus' use of the word in one of its main definitions of making a distinction or separating things is in *Agr.* 12. 3 where we have the phrase *exiguo discrimine* "with a brief space separating." Further examples of *discrimen* denoting a separation or distinguishing of concepts or objects from one another occur at *Hist.* 2. 90, 3. 58, 3. 77, 4. 1 and *Ann.* 4. 74. 4. For the more common meaning of danger, there are numerous examples. [90]

The strongest case against *discrimen* being the only Latin word for crisis during the period of the Republic is made by examining the use of the word *before* Cicero and scrutinizing its appearance in authors who were his contemporaries. For example, in Sallust, the word appears once in the *Catilina* in the mouth of Cato, thundering at the Senate when it appeared that Julius Caesar's compromise was gaining the upper hand over the use of

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[86] 1. 6. 4, 3. 28. 6, 8. 27. 4, 10. 14. 8, 10. 27. 7, 10. 28. 1, 22. 59. 16, 23. 29. 7, 26. 39. 9, 30. 30. 19, 30. 32. 4, 31. 41. 7, 37. 18. 9, 39. 1. 8.

[87] 3. 35. 3, 4. 14. 5, 6. 20. 2, 6. 20. 9, 6. 35. 6, 8. 32. 4, 8. 35. 4, 9. 18. 19, 10. 5. 4, 10. 22. 5, 22. 59. 19, 23. 14. 10, 23. 21. 2, 25. 24. 12, 26. 7. 5, 26. 25. 15, 27. 29. 2, 28. 39. 2, 28. 44. 1, 33. 7. 10, 35. 48. 10, 37. 53. 16, 39. 28. 6, 45. 8. 1.

[88] praef. 8, 1. 8. 6, 1. 33. 8, 1. 43. 5, 2. 3. 3, 4. 2. 5, 4. 8. 2, 5. 6. 7, 5. 10. 8, 5. 14. 10, 5. 55. 4, 6. 14. 11, 6. 27. 7, 7. 11. 10, 9. 30. 2, 21. 15. 1, 24. 16. 12, 25. 10. 10, 27. 16. 6, 28. 3. 10, 39. 8. 6, 42. 19. 1, 42. 37. 7.

[89] *Per.* 7, 10, 22, 104, 112, 113, 115.

[90] *Dial.* 11. 4; *Hist.* 1. 56, 1. 81, 2. 52, 2. 60, 2. 63, 2. 77, 2. 85, 3. 66, 3. 80, 4. 13, 4. 74, 4. 85; *Ann.* 2. 11. 1, 4. 52. 2, 6. 8. 3, 14. 7. 1, 14. 10. 2, 15. 3. 1.

severity against the conspirators. Deprecating the decline of morals and standards which he held to have existed in earlier eras, Sallust specifically noted that in his own time there was (52. 22) *inter bonos et malos discrimen nullum* "no distinction between good men and bad men." In Sallust's other major monograph, the *Jugurtha*, the word does not appear at all. [91]

In Caesar, again the word makes only a single appearance: *BG* 6. 38. 2, where he recounts the heroic actions of the soldier P. Sextius Baculus. Even though ill and having gone without food for five days, as the Germans approached the Roman camp, *videt imminere hostis atque in summo esse rem discrimine* "he saw that the enemy was threatening and that the situation was in the greatest danger." Now, I realize that the situation here could actually be considered a crisis situation, but *discrimen* here clearly means "danger." For here there is no uncertainty--physical violence was an undeniable prospect. Baculus reacted as an experienced and valorous soldier would: he grabbed weapons from the nearest men and posted himself at the gate of the camp. Returning to the main point, Caesar seems to avoid using the word *discrimen* for the most part, even for its more common meanings of "distinction" or "danger." In fact, Caesar's preferred word for danger is *periculum*, which appears an innumerable number of times in the Gallic and Civil War narratives (over 30 times in the singular alone).

To turn to other authors of the late Republic, in Varro, the word *discrimen* shows up a very few times. In *LL* 6. 12 and 7. 91, it is simply "division" in the sense of separating things from one another. Separation and distinction is its sole meaning again at *LL* 6. 81 and 10. 20. In *RR* 2. 3. 10 we find *idem fere discrimen* which means "nearly the same difference [of opinion]" concerning the proper ratio of male to female goats in a flock. It has the same meaning of "difference" or distinction between things again at 2. 7. 15, and 2.

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[91] Of the fragments of his other works, *discrimen* does appear in one fragment from book 1 of his *History*, but it does not mean crisis there.

11. 3. At 3. 16. 26 it has another, but related meaning, as it means a "principle of selection,"[92] which is again, strongly tied to the concepts of separating objects from one another. In Varro, *discrimen* presents no danger at all.

In the remains of other prose writing from the Republic, the word does not appear. It would appear from the discussion of the word so far that the use of *discrimen* to denote crisis may be a Ciceronian coinage. Even after him, later writers continued to use the word often, perhaps more often, to mean something other than crisis. So, there is no word-to-word correspondence for *discrimen* at least.

Other words for "crisis" in Latin

To continue, let us look at two other words that can often, in specific contexts, be translated as crisis into English. What will become immediately apparent, however, is the realization that neither of these words will provide a one-to-one correspondence with "crisis" in English either. These words are, in fact, so common that no attempt will be made to cite their all of their appearances in particular authors or works, since the mere citations would run several pages.

One word is *tempus,* which, of course, is the Latin word for "time." It can also refer to a specific time and the circumstances surrounding that time. In several places, however, Latin authors use the word *tempus* where a modern writer in English would more naturally use the more specific term crisis to describe the situation. Since the word *tempus* is so ubiquitous in Latin, the examples I cite are illustrative rather than exhaustive. I will start with our two sole examples of contemporary reporting. First, there is Caesar the Dictator. At Caes. *BC* 3. 22. 4 which describes the end of the attempts by M. Caelius Rufus and T. Annius Milo to stir up trouble in Italy during Caesar's absence, he wrote: *Ita magnarum initia rerum, quae occupatione magistratuum et temporum sollicitam Italiam habebant, celerem*

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[92] This is the translation of Hooper/Ash (Loeb).

et facilem exitum habuerunt "Thus the first outbreak of a serious movement, which kept Italy harassed by the burden of work imposed on the magistrates by the crisis, came promptly and easily to an end."[93] While somewhat loose, the use of "crisis" to translate *temporum* is quite fitting, as the situation, which could have upset the relative calm of Italy itself while the main players were engaged elsewhere, was certainly one which in the perception of those in Italy threatened their survival.

Further use of *tempus* for what we would call a crisis appears in our only other contemporary witness to a crisis, Cicero. In the *Philippics*, the very speeches used above to show the use of *discrimen* as "crisis," there are also examples of *tempus* as crisis. For example, at *Phil.* 3. 1, Cicero opens his address to the Senate by stating *Serius omnino, patres conscripti, quam tempus rei publicae postulabat, aliquando tamen convocati sumus* "Members of the Senate, we have been called together later than the crisis of the Commonwealth demanded; but we meet at last."[94] While "circumstances" or "situation" would certainly work here, "time" does not. "Crisis," however, fits very well and was well chosen by Shackleton Bailey. Later in this same speech, Cicero states again *nemo est tam stultus qui non intellegat, si indormierimus huic tempori, non modo crudelem superbamque dominationem nobis sed ignominiosam etiam flagitiosam ferendam* "No man is so dull as not to realize that if we doze over this crisis we shall have to endure a despotism not only cruel and arrogant but ignominious and disgraceful."[95]

In *Phil.* 5. 46 Cicero uses *tempus* again, this time twice in the same passage, to describe the critical situation of the state. He urges the Senate to grant Octavian *imperium pro praetore* because *summo rei publicae tempore* "at a grave crisis of the Commonwealth" young Caesar urged veteran soldiers to defend the state and because *difficillimo rei publicae*

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[93] Translation by A. G. Peskett (Loeb).
[94] Translated by Shackleton Bailey (1986) 109.
[95] Translated by Shackleton Bailey (1986) 129.

tempore "at a most difficult crisis of the Commonwealth" he came to the aid of the state. [96]
These phrases are echoed again in *Phil.* 9, Cicero's speech on the honors due to the consular
Ser. Sulpicius Rufus, who died while serving on the last ditch embassy to Antony to head
off the crisis blossoming into war. In §15, we find *difficillimo rei publicae tempore* and
maximo rei publicae tempore with reference to the crisis. [97]

In *Philippic* 7, Cicero speaks of the role of a consul during crisis, speaking ostensibly
of Pansa but likely speaking as much about himself or any other man in the curule chair:
huius magnitudini animi, gravitati, sapientiae tempestas est oblata formidolosissimi temporis.
tum autem illustratur consulatus, cum gubernat rem publicam, si non optabili, at necessario
tempore. magis autm necessarium, patres conscripti, nullum tempus ullam fuit "Pansa's high-
mindedness, responsibility, and wisdom have been well challenged by a political storm, a
terrifying crisis. Now a consulship comes into the limelight when it guides the
Commonwealth, at a crucial, if undesired, juncture. Members of the Senate, no juncture
has ever been more crucial than the present."[98] Cicero is clearly talking about crises, much
as we might consider the governments of our time to be judged by how they handled crises.
And yet the word that appears here is *tempus.*

There are other examples. In his speech in defense of Rabirius, Cicero remarks upon
the duty of a consul to come to the defense of the country, and then follows by speaking
about what is expected of "good" (*bonus*) and brave (*fortis*) citizens, *quales vos omnibus rei*
publicae temporibus exstitistis "such as you have shown yourselves to be at every crisis in our
history."[99] Later in the same speech, he questions the prosecutor Labienus himself, asking
him *Tu denique, Labiene, quid faceres tali in re ac tempore* "And you yourself, Labienus–what

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[96] Translations from Shackleton Bailey (1986) 175.
[97] Though Shackleton Bailey (1986) 245 here prefers "situation" and "juncture" respectively for
tempore in these clauses.
[98] Cic. *Phil.* 7. 7; trans. Shackleton Bailey (1986) 201.
[99] Cic. *Rab. perd.* 3, translated by H. G. Hodge (Loeb).

should you have been doing in such a time of crisis?"[100] In the vast corpus of correspondence to and from Cicero, several appearances of *tempus* as crisis occur. At *Att.* 8. 15a. 2, from the critical year of 49 we find *nam cave putes hoc tempore plus me quemquem cruciari* "For do not think that this crisis causes anyone more torment than it causes me."[101] In *Att.* 9. 4. 1 from the same year, Cicero complains to his old friend that he has trouble in choosing subject matter to write to Atticus on, *quae enim soluto animo familiariter scribi solent, ea temporibus his excluduntur, quae autem sunt horum temporum, ea iam contrivimus* "for the present crisis debars us from the free and easy topics of friendly correspondence, and the topics connected with the present crisis we have already exhausted."[102] Later, in 44, Cicero notes to Atticus that in the new crisis that began with Caesar the Dictator's murder, Cicero was planning to escape the coming trouble by going on a *libera legatio* to Greece, *sed casurus in aliquam vituperationem, quod rei publicae defuerim tam gravi tempore* "but I shall not escape some blame for deserting the state in such a crisis."[103] What is particularly interesting about this appearance of *tempus* as crisis, is the sentence that immediately follows: *sin autem mansero, fore me quidem video in discrimine, sed accidere posse suspicor ut prodesse possim rei publicae* "On the other hand, if I stay, I see I shall be in danger, but I suspect there is a possibility that I may help the State."[104] Notice here we have *discrimen,* but it does not refer to the crisis of the state, only to the personal danger that threatens Cicero.

From the collection of letters to his friends, an example may be drawn from a letter to L. Munatius Plancus in 43, *Fam.* 10. 10. 2, where Cicero remarks *Is autem, qui vere appellari potest honos, non invitamentum ad tempus, sed perpetuae virtutis est praemium* "But

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[100] Cic. *Rab. perd.* 22, translated by Hodge (Loeb).
[101] Translated by E. O. Winstedt (Loeb).
[102] Translated by Winstedt (Loeb).
[103] Translated by Winstedt (Loeb).
[104] Translated by Winstedt (Loeb).

an honour truly so called is not an allurement offered at a crisis, but the reward of constant merit."[105] While not translated as such by Shackleton Bailey or any other translator, another passage where *tempus* refers clearly to the crisis of 43 is *Fam.* 10. 14. 2 where Cicero writes to Plancus *sperabamque etiam Lepidum rei publicae temporibus admonitum tecum e re publica esse facturum* "I hope that Lepidus too will pay heed to the national emergency and co-operate with you in the national interest."[106] We could very well substitute "crisis" here for the "national emergency" of Shackleton Bailey, but regardless, Cicero is referring to the critical situation in which the Roman Republic found itself after Antony had been defeated, but not captured or killed. So long as he was alive and free to work mischief, the war was on.

If we turn to other authors, the use of *tempus* as crisis also appears. In Sallust, *Cat.* 48. 5, when an informer accused M. Licinius Crassus of being involved in the plot, there were some senators who were outraged, but also a number who thought it might be true, but *tamen quia in tali tempore tanta vis hominis magis leniunda quam exagitanda videbatur* "thought that in such a crisis a powerful man like Crassus should be conciliated rather than provoked."[107] Though not as obvious, another example of *tempus* being used in a situation where the Sallust was referring to the crisis is at *Cat.* 50. 3, where he begins his narrative of the fateful Senate meeting of December 5, 63: *Consul ubi ea parari cognovit, dispositis praesidiis ut res atque tempus monebat, convocato senatu refert quid de iis fieri placeat qui in custodiam traditi erant* "On learning of these designs,[108] the consul posted such guards as the emergency required, and after convoking the Senate, formally consulted it as to what

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[105] Translated by Shackleton Bailey no. 375 (1978).
[106] Translated by Shackleton Bailey no. 384 (1978).
[107] Translated by S. A. Hanford (Penguin). J. C. Rolfe's Loeb is very close: "thought that in such a crisis so powerful a man ought to be propitiated rather than exasperated."
[108] That an attempt might be made to free the Catilinarian conspirators from their places of confinement, see Sall. *Cat.* 50. 1-2.

should be done with the prisoners,…"[109] The *res atque tempus* clearly refers to the potential

crisis (during a crisis) that an armed attack to free the Catilinarian conspirators would

create for the Republic.

Livy as well will often use *tempus* in a situation where he is clearly referring to a

crisis. In 216, after the horrific destruction of the Roman army at Cannae, there was a need

to revise the roll of the Senate that could not wait for the next regular censorship, so the

Romans had M. Fabius Buteo (*cos.* 245), the senior living ex-censor, appointed dictator *sine*

magistro equitum to revise the Senate roll. [110] That man, aware of the strange situation he

was placed in, announced that *quae immoderata fors, tempus ac necessitas fecerit, iis se modum*

impositurum "he would set a limit to such possible irregularities as the crisis and necessity

had occasioned."[111] A couple of years later, when Syracuse was in foment after the death of

Hieronymus, Adranodorus, son-in-law to the late Hiero and father of Hieronymus, took

control of the royal treasures, trying to gain some control over the city. When pressed,

however, by the city's council to give up control over the treasures, Adranodorus decided

that the safer course for gaining power would be *si in praesentia tempori cessisset* "if for the

moment he should yield to the crisis."[112] The *stasis* in Syracuse dragged on, however, so

more public meetings and debates were held. At one, a certain Apollonides spoke, giving a

speech considered *salutarem in tali tempore* "well-advised, considering the crisis."[113]

In 212, a serious crisis was almost caused by the actions of a malign public

contractor, Postumius of Pyrgi, who came under suspicion for defrauding the state by

claiming losses from faked shipwrecks (losses at seas caused by storms or the work of

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[109] Translated by Hanford. Rolfe has the somewhat more literal but less emotive "time and circumstances" for *res atque tempus.*
[110] Full account Livy 23. 22. 10-23. 8.
[111] Livy 23. 23. 3, translated by F. G. Moore (Loeb).
[112] Livy 24. 22. 11, translated by Moore (Loeb).
[113] Livy 24. 28. 1, translated by Moore (Loeb).

enemies were currently being covered by the state: see Livy 23. 49. 1-3). [114] Though the crime was reported to the praetor *peregrinus* of the year before, M. Aemilius Lepidus, no action was taken by the Senate *quia patres ordinem publicanorum in tali tempore offensum nolebant* "because the senators were unwilling to offend the tax-farmers as a class at such a crisis."[115] The next year, as the siege of Capua entered its final stage, the Capuan nobles gathered to discuss their options. One of the ringleaders of the revolt, Vibius Virrius, thought that talk of surrender was pointless, as he reminded his listeners *iam e memoria excessit, quo tempore et in qua fortuna a populo Romano defecerimus?* "Have you already forgotten in what a critical moment and in what a situation for the Roman people we have revolted from them?"[116] As their revolt took place when Rome was facing its gravest crisis of survival following the disaster at Cannae, *tempus* here is referring to what was perhaps the most serious crisis that a Roman writer could mention.

Many years later in 195, after the war was won, many in Rome continued to hold an implacable hatred for Hannibal, the Carthaginian general, and finding an excuse to agitate for his removal from Carthage, the Senate sent an embassy to work with his domestic political opponents to arrange it. [117] Seeing how events were playing out, Hannibal *cedere tempori et fortunae statuit* "decided to give way to the emergency and his fate."[118] This situation was a crisis for Hannibal and a potential crisis for the Carthaginian state. As a final example from Livy, there is his account of the actions taken by the Spartan tyrant Nabis, who in this same year (195) was coming under attack by the Romans because of his aggression against Argos. [119] In reported speech, Livy recounts Nabis' explanation for his actions, wherein he asks for the Spartan's forgiveness for measures taken *in tali tempore* "in

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[114] For the full narrative on this incident, see Livy 25. 3. 8-5. 1.
[115] Livy 25. 3. 12, translated by Moore (Loeb).
[116] Livy 26. 13. 5, translated by Moore (Loeb).
[117] Full narrative in Livy 33. 47. 1-49. 7.
[118] Livy 33. 47. 10, translated by Sage (Loeb).
[119] For Nabis' preparations for the war, see Livy 34. 27. 1-10.

such an emergency,"[120] but which could easily have been translated as "in such a crisis," for that certainly was where Nabis and the Spartans were.

The other word that occurs time and again in descriptions of crisis situations is *res*. *Res* is such a nebulous and protean word that it is easy to understand that there would be specific contexts where translating it as "crisis" would be far preferable to rendering it as "thing."

In the context of the Catilinarian Crisis, there is Cicero's defense of the consul-elect for 62, L. Licinius Murena. Winding up his speech, he makes a direct appeal to one of the prosecutors, Cato the Younger, asking him if he wanted to leave the state without a settled leadership *tantis in rebus tantisque in periculis* "in such circumstances and in such a critical time."[121] Cicero is certainly referring to a definite crisis situation in Rome, and the whole phrase could easily be replaced with the word crisis in an English rendition. In 62, the year following his suppression of the Catilinarian conspiracy, Cicero undertook the defense of P. Cornelius Sulla, the nephew of the Dictator, who was accused of taking part in that conspiracy. In his speech, among the many points that Cicero makes, one of them revolved around the departure of Sulla's close friend P. Sittius[122] for Spain. Cicero notes how close a friend Sittius was, and asks the judges whether they though it likely for Sulla to send far away from himself a man who was so close to him, especially *in tantis rebus, tam novis consiliis, tam periculosis, tam turbulentis* "in such a crisis, in the midst of designs so new, so dangerous and so confused."[123] While *tantis rebus* by itself could just as simply be translated as "in such matters, in such important matters," but in this context, with *nova consilia, (res) periculosa,* and *(res) turbulenta* here, "crisis" is a natural and understandable usage. From the correspondence, a good example is provided by *Att.* 8. 3. 1, written to Atticus during the

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[120] Livy 34. 27. 6, translated by Sage (Loeb).
[121] Cic. *Mur.* 83, translated by Lord (Loeb).
[122] For this man, see Berry (1996) 246-7.
[123] Cic. *Sul.* 57, translated by Lord (Loeb).

stressful month of February 49. Cicero opens his letter by telling Atticus what his mental state at the time was: *Maximis et miserrimis rebus perturbatus* "Upset by this grave and most calamitous crisis…"[124] This was an apt description from Cicero's point of view, as he wished for nothing more than peace.

From Livy, again there are examples of *res* in combination with other words used to describe a crisis situation. Returning again to the siege at Capua during the Second Punic War, when Hannibal made an attempt to raise the siege by an attack from the outside of the Roman entrenchments by himself, coordinated with a sally from the townsmen and the Carthaginian garrison, the Romans were caught in a serious state of affairs. Livy reports that the Romans, *ut in re trepida*, divided their forces so that their camp would not be undefended at any point. [125] The translation by Moore (Loeb), "in their alarm," does not bring out the *ut* well at all. de Sélincourt's Penguin, while not literal, does a much better job of expressing the Latin: "It was a difficult situation for the Romans." I would suggest that *Romani ut in re trepida* could just as well be translated as "The Romans, as they were in a crisis situation," or "in a frightful state of affairs." Either way, it certainly refers to a crisis situation for the Roman army besieging Capua. Just a short while later, Hannibal conceived his plan to march on Rome in order to draw off the Romans from Capua. The proconsul Fulvius Flaccus learned of the plan from deserters and sent a dispatch to Rome. There, *ut in re tam trepida senatu extemplo vocato* "in view of the alarming nature of the situation the Senate was immediately convened."[126] Again, it would not be strange or awkward at all to translate this as "As usual in so alarming a crisis, the Senate was immediately called into session."

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[124] Translated by Winstedt (Loeb).
[125] Livy 26. 5. 7.
[126] Livy 26. 8. 2, translated by de Sélincourt (Penguin). Moore's Loeb translation is very similar.

Near the end of the Second Punic War, when the danger from Hannibal had subsided, the Roman Senate undertook at the beginning of consular year 204 to revisit the old issue of the recalcitrant Latin colonies who had refused to provide their annual levy of soldiers since 209. [127] Some senators raised the point that it was time for them no longer to tolerate *quae dubiis in rebus utcumque tolerata essent* "what had been endured as best they could in critical circumstances."[128] Later on, in 192, during the campaign of the Achaean League against the Spartan tyrant Nabis, Livy describes the Achaean commander Philopoemen as well versed in the skills needed to manage an army campaign, so well prepared *ut nulla ei nova in tali re cogitatio esset* "so that now no new subject of consideration faced him at such a crisis."[129] As a final example, from 190 during the war with the Seleucid king Antiochus III, Livy reports the reaction of the Roman praetor L. Aemilius Regillus, commanding the fleet in the war, when he was alerted to the attempt by the Seleucid admiral Polyxenidas to trap him at Myonnesus. Regillius was *re subita perculsus* "dismayed by this sudden crisis."[130]

What all of the examples of *res* in a crisis context have in common is that the word is accompanied by words that denote danger and uncertainty in one form or another: *novus, periculum/periculosus, turbulentus/perturbatus, miserrimus, trepidus, dubius, subitus*. When *res* is matched with words of this sort, it is quite reasonable to translate the situation being described as a crisis.

This is not to say that *discrimen, tempus,* and *res* (+modifying words) were the only words used in crisis situations. Other words were also used, such as *periculum* itself. In fact, Cicero's favorite phrase in his Catilinarian Orations for describing past crisis might be *in tantis rei publicae periculis, Catil.* 1. 4 and 3. 7—*discrimen* does not figure at all, except at

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[127] See Livy 27. 9. 1-14.
[128] Livy 29. 15. 1, translated by Moore (Loeb). de Sélincourt's Penguin is similar.
[129] Livy 35. 28. 7, translated by Sage (Loeb).
[130] Livy 37. 29. 3, translated by Sage (Loeb).

Catil. 4. 4 where it most certainly refers to the decision of a judicial procedure. Sallust as well preferred the word: *Cat.* 43. 3 the conspirator Cethegus complained to his associates that *facto, no consulto in tali periculo opus esse* "Action…not debate, was what such a crisis required."[131] As both *discrimen* and *periculum* have the common meaning of danger, it is not unnatural that both would appear in crisis narratives. [132]

Metaphor: The Storm as Crisis:

Before concluding this discussion on the Latin terminology for crisis, let me finish by looking at one fairly common metaphorical means of describing a crisis: the image of the storm (*tempestas*). As a metaphor for crisis, I would suggest the obvious origin lies in the concept of the "ship of state," an image that memorably first appeared in political writings when it was employed by the Athenian philosopher Plato in the sixth book of his *Republic.* [133] Cicero himself was familiar with this image. In 44, writing his philosophical treatise *De Divinatione,* he wrote: *Atque his libris adnumerandi sunt sex de re publica, quos tum scripsimus, cum gubernacula rei publicae tenebamus* "and to be numbered among these books are six concerning "the form of the commonwealth," which we wrote at the time when we were holding the rudder of the state."[134] Cicero goes on to mention Plato by name as one of his sources in the part that follows his mention of the "rudder." From this, it is no great leap to suggest that the storm, which presented one of the greatest dangers to a helmsman at sea, offered an excellent metaphor for the description of crisis, the great danger to the "helmsman" of the state.

The metaphor of storm to refer to a political crisis appears early in Cicero's works. In the speech in defense of Licinius Murena, Cicero compares his own consulship to a ship that has survived a rough storm, but he sees worse for the next pair of consuls. For Cicero

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[131] Translated by S. A. Handford (Penguin). Rolfe's Loeb is similar.
[132] Some other examples of *periculum* as crisis are Cic. *Mur.* 6 and possibly Livy 29. 4. 1.
[133] Plato *Rep.* 488a-e. The image did appear earlier in the poetry of Alcaeus and Theognis.
[134] Cic. *Div.* 2. 3, my translation.

has sight of land; how should he treat him *cui video maximas rei publicae tempestates esse subeundas?* "who…I see must undergo the severest of political storms?"[135] Clearly, Cicero foresees a political crisis. Again, Cicero employs the storm imagery again for his closing warning to Cato the Younger near the end of this same speech: *Te, te appello, Cato; nonne prospicis tempestatem anni tui?* "You, I call upon you, Cato; do you not see the storm for your year?"[136] In his speech defending P. Sulla the next year, Cicero twice employs the phrase *rei publicae tempestas* to describe the events of the previous year. [137]

Another group of storm references crop up in the set of speeches that Cicero gave upon his return from exile in 57. In his speech given to the Senate, Cicero mentions that C. Marius *tempestati civili expulsus est* "had been expelled by civil unrest."[138] Certainly, the events of 88 (see Case Study M3: The Wheels Come Off) qualify as a crisis. An even better example appears in Cicero's speech delivered before the pontiffs concerning his house. After his banishment, Cicero notes that *Civis est nemo tanto in populo extra contaminatam illam et cruentam P. Clodi manum qui rem ullam de meis bonis attigerit, qui non pro suis opibus in illa tempestate me defenderit* "In all this vast people, save only for the polluted and ensanguined crew of Publius Clodius, no citizen was found to lay a finger upon any particle of my property, or who did not defend me at that crisis, as his means allowed."[139] Cicero later calls Clodius himself a storm that threatened the Republic with shipwreck. [140] In his speech about the prodigies that Clodius alleged referred to Cicero's reoccupation of his house, Cicero again associates Clodius with a storm that imperils the

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[135] Cic. *Mur.* 4, translated by Lord (Loeb).
[136] Cic. *Mur.* 81, my translation. The storm imagery also appears in §36 with a political dimension.
[137] Cic. *Sul.* 40, 59.
[138] Cic. *Red. sen.* 38, my translation.
[139] Cic. *Dom.* 108, translated by Watts (Loeb).
[140] Cic. *Dom.* 137.

state. [141] And again in the same speech, [142] Cicero refers to the period of his exile and Clodius' dominance as *in illa tempestate ac nocte rei publicae* "in that stormy and dark period of the state."

In his speech in defense of Cn. Plancius, accused of electoral misconduct after winning the curule aedileship,[143] there are several passages where Cicero uses storm imagery to refer to the tumultuous (for him) period when Clodius was tribune. One passage in particular provides us with an example of both *tempus* and *tempestas* appearing in the context of a crisis situation:

> *Coeperas enim petere tribunatum plebis temporibus iis…tanta in tempestate et gubernare non posse, de virtute tua dubitavi…Sin…temporibus te aliis reservasti, ego quoque, inquiet populus Romanus, ad ea te tempora revocavi, ad quae tu te ipse servaras.*

> "You undertook your candidature for the tribunate of the plebs at a crisis… [if your abandonment of it] was an expression of your sense of inability to guide the helm of the state in such troubled waters, I had doubts of you capacity;… but if…you did but reserve yourself for a later crisis, I too—so the Roman People will say it—have recalled you to face that crisis with a view to which you had reserved yourself."[144]

A later section presents us with the combination of *discrimen* with a storm: *Qui enim status, quod discrimen, quae fuerit in re publica tempestas illa qui nescit?* "For who can be unaware of the critical and stormy nature of the period through which the state was at that time passing?"[145] Near the very end of the speech, Cicero mentions another man who did not feel able to weather the storm that he had faced. [146] There are several more examples from across Cicero's writings, but let the foregoing suffice. [147]

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[141] Cic. *Har.* 4.
[142] Cic. *Har.* 11, my translation.
[143] On the date, somewhat debated, see Broughton, *MRR* 3. 158.
[144] Cic. *Planc.* 13, translated by Watts (Loeb).
[145] Cic. *Planc.* 86, translated by Watts (Loeb).
[146] Cic. *Planc.* 96, again with an appearance of *tempus*.
[147] Other examples are Cic. *Sest.* 61, 73, 139; *Balb.* 61; *Phil.* 7. 5 (already discussed above); *Vat.* 33; *Fam.* 4. 3. 1; *Att.* 9. 9. 3. This list is not exhaustive, but should give some idea that this was a favored metaphor for political crisis and unrest in Cicero's works.

Cicero's usage had a ready follower in Livy once again, who provides many instances, of which I shall give a few examples. In Livy 2. 55. 9, when trouble was caused by a certain Publilius Volero in 473, *huic tantae tempestati cum se consules obtulissent, facile experti sunt parum tutam maiestatem sine viribus esse* "The consuls, exposed to this furious tempest, were quickly convinced of the insecurity of majesty when unaccompanied with force."[148] Much later, in 215 when Q. Fabius Maximus (Cunctator) interfered with the consular elections for 214, he made a speech against his own relation T. Otacilius Crassus, wherein he used the helmsman and storm image: *Quilibet nautarum vectorumque tranquillo mari gubernare potest; ubi saeva orta tempestas est ac turbato mari rapitur vento navis, tum viro et gubernatore opus est* "Any one of the sailors and passengers can steer when the sea is calm. When a savage storm comes and the ship is swept over a rough sea by the wind, then there is need of a man and a pilot."[149] Returning to the surrender of Capua again, Vibius Virrius in his speech noted how the Romans responded to Hannibal marching up to the very gates of Rome: *eam quoque tempestatem imminentem spreverunt* "that impending storm also they scorned."[150] Finally, Nabis of Sparta again, when trying to justify the "temporary" imprisonment of his domestic political opponents, said they would be held *donec ea quae instet tempestas praetereat* "until the storm which was threatening should pass."[151]

The image of the storm is well established in later writers as well. As a quick example, the compiler of memorable deeds and sayings Valerius Maximus, recording the Senate debate that led to the murder of Ti. Sempronius Gracchus in 133, noted that the consul Q. Mucius Scaevola called the Senate into the Temple of Fides *quidnam in tali tempestate faciendum esset* "[to deliberate] on what should be done in such a crisis."[152]

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[148] Translated by Foster (Loeb).
[149] Livy 24. 8. 12, translated by Moore (Loeb).
[150] Livy 26. 13. 11, translated by Moore (Loeb).
[151] Livy 34. 27. 7, translated by Sage (Loeb).
[152] Val. Max. 3. 2. 17, translated by Shackleton Bailey (Loeb).

Summation: The Latin word(s) for crisis and the concept in the Roman mind

At the beginning of this section, it was noted that if there was a single Latin word that corresponded closely or, in the best case, exclusively with our word "crisis," that piece of evidence in itself would be fundamental for demonstrating that the Romans had the same concept as we do. As has become apparent from this study of the Roman terminology related to crisis situations, there is not a single word that provides such a close correspondence. *Discrimen, tempus, res* (+modifiers expressing fear or uncertainty), *periculum,* and even *tempestas* can all be used by a Latin writer to describe a crisis. That these words are being used to describe a crisis is demonstrated by the fact that they are all related to danger, risk, and uncertainty. As noted in the previous section on the definition of crisis used in this work, crisis is fundamentally a state of existence caused by the perception of harm and loss that might follow from a certain chain of events. Clearly, they did experience crisis and described it appropriately.

However, the imprecision of terminology in Latin seems to indicate that they may not have had as fully developed a concept of crisis as a state of being as we do. They experience crises and know how to describe them, but they do not have crisis as a mental category, with a set of assumptions and frames of understanding that we in the modern world may have when the word is used. To an extent, we take crisis for granted, while the Romans did not. To conclude, from the linguistic standpoint alone, it would be hard to prove beyond doubt that the Romans had the concept of crisis. Yet, I will not provide a definite answer to that large question just yet, as we still need to look at how the Romans responded to crises, to discover whether the concept may have existed, but simply been one that did not have a correspondingly detailed development in the language.

Appendix: The Greek words for crisis

My concentration is on the Latin words for crisis, because, obviously, the Romans spoke and wrote in Latin as their primary language, so to see whether the Romans had a developed terminology for crisis, it was necessary to focus our attention on the Latin word for crisis. To provide a comprehensive examination of the Greek terminology for crisis would require a lengthy work, far beyond the scope of this dissertation.[153] Therefore, the following is but a brief survey of selected Greek authors who are most relevant to this dissertation, authors who are recounting Roman affairs.

As with Latin, Greek writers also seem to have some varied usage with regard to critical situations. A very common word that is either translated as crisis, or should be on many occasions, is καιρός.[154] There are numerous examples. For instance, in Plutarch's life of M. Furius Camillus, when he is recounting the story of L. Albinius (who helped transport the Vestals and the sacred objects of Rome during the Gallic threat), he notes that Albinius performed his act ἐν τοῖς ἐπισφαλεστάτοις καιροῖς ἐκφανῆ "in a season of the greatest danger…"[155] Here, καιρός is certainly referring to a time of crisis. Again, in the same life, Plutarch, discussing the Romans "buying back" their city from the Gauls, notes that they did it διὰ τὸν καιρὸν "because of the emergency," where we could easily translate it as "because of the critical position they were in."[156]

From the biography of Coriolanus, an excellent example occurs during the tumult that preceded his eventual banishment. As the Senate deliberated how to deal with the tribunes who wished to see Coriolanus removed from the state, the consuls, asking the patricians to compromise, noted ἀλλὰ καιρὸν ἐπισφαλῆ καὶ ὀξύν "but the crisis was

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[153] I am not aware of any comprehensive examination of the subject.

[154] While it will become clear that καιρός is certainly a word used to describe a crisis in Greek, it is not exclusively used to do so, and there is no one-to-one word correspondence to the English "crisis," as there is none in Latin. This will be discussed more fully in the discussion on Polybius below.

[155] Plut. *Cam.* 21. 3; trans. Perrin (Loeb).

[156] Plut. *Cam.* 28. 7; trans. Perrin (Loeb).

severe and critical," so accommodation with the plebs was necessary. [157] Again, here is another example, this time from the life of Pyrrhus, the Epirote King. In 275BC, as Pyrrhus marched against the consul M. ' Curius Dentatus, before the climatic battle near Beneventum, Curius decided to give battle, since the omens were favorable καὶ τοῦ καιροῦ βοηθεῖν ἀναγκάζοντος "and the crisis forced action upon him."[158]

Yet καιρός is not the exclusive word used to describe crises in Greek. From Plutarch, we can draw examples of other words employed in such situations. For instance, in the biography of Tiberius Gracchus, at a moment where there is certainly a crisis, and where the Loeb translator translates it as such, we find something different: as Gracchus attempted to move forward on his proposals, two prominent consulars, Manlius and Fulvius, asked him to relent. When Gracchus then asked them what he should do, they claimed to be unable to advise him πρὸς τηλικαύτην "in so grave a crisis."[159] The Greek merely says "for so great a thing," but Perrin's translation accurately conveys what it is talking about. In Plutarch's life of Sertorius, when recounting his quaestorship in Cisalpine Gaul, he notes that he was appointed ἐν δέοντι Perrin: "at a critical time."[160] And there are times when a crisis is mentioned, but no word for crisis is even used: for example, when Plutarch begins his narrative of the event of late 50–early 49 in his biography of Marcus Antonius, he blandly states ἐπεὶ δὲ τὰ Ῥωμαίων πράγματα διέστη. [161] Perrin, in his Loeb translation, is not at all off in translating this as "But when matters at Rome came to a crisis," yet the Greek we can see merely states "when the affairs of the Romans came to be divided."

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[157] Plut. *Cor.* 17. 7; trans. Perrin (Loeb). "Acute" would probably be a better translation for ὀξύν.
[158] Plut. *Pyrrh.* 25. 6; trans. Perrin (Loeb).
[159] Plut. *TG* 11. 3; trans. Perrin (Loeb). The full clause is οὐκ ἔφασαν ἀξιόχρεῳ εἶναι πρὸς τηλικαύτην συμβουλίαν.
[160] Plut. *Sert.* 4. 1; trans. Perrin (Loeb).
[161] Plut. *Ant.* 5. 1.

For yet another usage, there is κίνδυνος. In the life of Marius, when Marius apparently hesitated to stand for another consulship in 102, Saturninus allegedly rebuked him for refusing to command Rome's armies against the Germanic threat ἐν κινδύνῳ τοσούτῳ "at a time of so great peril."[162] In the biography of Brutus, during the period just before the decisive battles at Philippi, Plutarch reports that Brutus wrote to T. Pomponius Atticus ἤδη τῷ κινδύνῳ πλησιάζων "when he was already nearing the perilous crisis."[163] This usage is also found in Appian. For instance, when Rome was plunged into a deep crisis by the assassination of Julius Caesar in 44, as messengers were sent back and forth between the so-called Liberators and Antony, one of the messages brought to the latter by the messengers of the former was that it would be an impiety for the sides to engage in private animosity ἐν τοῖς δημοσίοις κινδύνοις "in a time of public danger."[164] As an another example of the word being used in what is without doubt a crisis situation, during the grave danger posed to Rome by Hannibal's overwhelming victory at Cannae, the Romans gathered what weapons they could, including taking down the weapons dedicated as spoils in temples, and δικτάτορά τε, ὡς ἐν κινδύνῳ, Φάβιον εἵλοντο Μάξιμον "and, as was customary in times of great danger, they chose a dictator, Fabius Maximus."[165] Both of these situations are clearly crisis situations.

As interesting as these examples might be, however, they are not of any direct relevance to our discussion, since these Greek authors wrote long after the demise of the Republic. Their writings would not have had any influence upon how the Romans of the Republic would have discussed and thought about crisis and critical situations. There is one author, however, who wrote during the Republic, and whose work did influence later

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[162] Plut. *Mar.* 14. 13; trans. Perrin (Loeb).
[163] Plut. *Brut.* 29. 9; trans. Perrin (Loeb).
[164] App. *BC* 2. 123. 517; trans. White (Loeb Appian v. 3 p. 457).
[165] App. *Hann.* 48; trans. White (Loeb Appian v. 1 p. 323).

Roman usage: Polybius. While one could do a survey of the appearances of the words καιρός and κίνδυνος in this author, there are 781 instances of the former and 326 occurrences of the latter. Again, a thorough survey would best be left to a separate, and lengthy, treatment. [166] What might be most of interest, in terms of this examination, would be to do a comparison of Polybius to a Latin author where both treat a crisis situation. A very good example where we can do exactly this kind of comparison is if we compare the account of Polybius with that of Livy on the aftermath of the Romans bitter defeat at the hands of Hannibal at Lake Trasimene in 217. During the Second Punic War, following the Carthaginian commander Hannibal's decisive defeat of the Roman forces under the consul C. Flaminius, a severe crisis gripped the Roman state. For this, we have the parallel narratives of Polybius 3. 85. 7-86. 7, 87. 6-9, 88. 7-9 and Livy 22. 7. 6-8. 7, 9. 6-12. 2.

According to Polybius, when the word of the defeat first reached Rome, the leading men were unable to cover up the fact, and were compelled to announce the result. The praetor (unnamed) laconically said "Λειπόμεθα μάχη μεγάλη" "We have been defeated in a great battle" (3. 85. 7). What is interesting, is how Polybius describes the reaction of the Romans to this announcement: τηλικαύτην συνέβη γενέσθαι διατροπὴν ὥστε τοῖς παραγενομένοις ἐφ᾽ ἑκατέρων τῶν καιρῶν πολλῷ μεῖζον τότε φανῆναι τὸ γενονὸς ἢ παρ᾽ αὐτὸν τὸν τῆς μάχης καιρόν. "it followed that there was confusion of so great an extent that to those who had been present at both of these critical moments, this moment seemed to be the greater by far than the very crisis of the battle."[167] So, here

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[166] To my knowledge, there has been no scholarly examination of crisis in Polybius.
[167] Polyb. 3. 85. 8; my translation.

we have a very good example of the appearance of καιρός in a crisis narrative in Polybius.[168]

Livy's account has some similarities, but also significant differences, in recounting the immediate result of the news. As might be expected, we do get more detail from Livy. We learn that it was the praetor *peregrinus* M. Pomponius Matho[169] who announced the defeat, which Livy (22. 7. 8) renders *magna pugna victi sumus*, the same as what Polybius states. Livy differs, however, in portraying the crisis atmosphere. He is closer to Polybius in how he depicts the state of Rome *before* the news of the defeat is publicly announced, as the people suddenly rushed about in terror and tumult when the first reports of the defeat had come to Rome, but before the official announcement by the praetor: *cum ingenti terrore ac tumultu concursus in forum populi est factus* (22. 7. 6) Yet after the official announcement, the atmosphere in Rome following the defeat is one more of apprehension and sorrow than crisis. Livy's Romans do not continue to run about in great confusion, as they do in Polybius. Instead, they stand at the gates, expectantly awaiting further news, especially news of loved ones and relatives who had been serving in the army of the consul Flaminius.[170]

There is no doubt that the Roman State was in crisis. The Senate met in constant session under the presidency of the praetors following the news, deliberating with what forces and what commanders they could resist the Carthaginians.[171] Yet we do not find any of the crisis words that we looked at above in our discussion of crisis words in Latin. Interestingly, Polybius makes no further mention of the role of the praetors in this crisis.

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[168] As will be seen in this discussion, καιρός is used a good number of times in a crisis narrative in Polybius, but the word does not exclusively denote a crisis. On many occasions, the word simply means "time" in Polybius. In fact, during the first three times where the word appears in the nominative (2. 67. 1, 3. 8. 9, 3. 11. 3), it simply means time. The other examples are too numerous to cite (and in the nominative case, it almost always carries this simple meaning). In Polyb. 3. 88. 7, discussed below, the word καιρός appears twice, once simply indicating time (ἐν ᾧ καιρῷ), and the second time referring to crisis (ἐκ τοῦ καιροῦ).

[169] For him, see *MRR* 1. 244.

[170] Livy 22. 7. 10-13.

[171] Livy 22. 7. 14.

He merely reports that the Senate, as if it could act on its own, deliberated about how to respond to the threat. [172] Polybius does, however, continue to make use of crisis language. When next he records the attempt by the other Consul, Cn. Servilius Geminus, to join his colleague Flaminius, he decided to send ahead a flying column of 4000 cavalry under the command of one C. Centenius,[173] with the intention that they would reach the battle in time, εἰ δέοινθ' οἱ καιροί "if the crisis should require [it]."[174] The cavalry were destroyed by Hannibal. [175] Livy also reports the destruction of Centenius' force (22. 8. 1), but instead of using any of the crisis words discussed above, he instead chooses to use metaphor to describe the state of affairs in Rome, likening the populace's reactions to those of people learning about someone else who is sick. [176] Livy continues this metaphor when he speaks of the *remedia* that the Romans turn to in their hour of need: the dictatorship. [177]

By contrast, Polybius continues with a crisis word, καιρός, employing it again when he describes the Romans decision to turn to the dictatorship: the situation was so serious that the Romans decided to put aside the system of annual magistrates, νομίζοντες αὐτοκράτορος δεῖσθαι στρατηγοῦ τὰ πράγματα καὶ τοὺς περιεστῶτας καιρούς "thinking that the present state of affairs and the worsening crisis had need of a dictator."[178] In fact, it is not until Livy leaves Rome that he finally makes use of a word for crisis, Cicero's favored one in this case: when the consul Servilius had finally learned of the defeat and death of his colleague, and the danger to Rome, *iam moenibus patriae metuens ne abesset in discrimine extremo, ad urbem iter intendit* "now fearing for the walls of his country, lest he

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[172] Polyb. 3. 85. 10.
[173] There is some dispute as to what, exactly, his rank and position was. See *MRR* 1. 245, 246-7 n. 9.
[174] Polyb. 3. 86. 3.
[175] Polyb. 3. 86. 4-5.
[176] Livy 22. 8. 3-4.
[177] Livy 22. 8. 5.
[178] Polyb. 3. 86. 7.

should be absent during this extreme crisis, set off for the City."[179] For the rest of his narrative, detailed as it is, Livy does not employ any of the crisis terms discussed above. Polybius makes use of καιρός once more, when referring to the emergency soldiers enlisted by the dictator who was named to face Hannibal, Q. Fabius Maximus Verrucosus. [180] Polybius does not give us details of the enrollment of troops, but does note that after Fabius had performed various religious rituals,[181] the dictator marched forth with his colleague (actually his subordinate, M. Minucius Rufus the Master of Horse) with four legions enlisted "owing to the crisis" (ἐξώρμησε μετὰ τοῦ συνάρχοντος καὶ τῶν ἐκ τοῦ καιροῦ καταγραφέντων τεττάρων στρατοπέδων 3. 88. 7). [182] As at this point the immediate crisis sparked by the massive defeat at Trasimene was resolved, with the response being the appointment of Fabius as dictator.

It is, of course, dangerous to attempt to draw any broad or generally applicable conclusions from a single case, but if we restrict ourselves to this one case, a couple of interesting points may be noted. First, Polybius seems to be much more tied to the *language* of crisis than Livy is. In Polybius, καιρός is very present, and the atmophere of a crisis is brought out through language. Livy, while he makes use of *discrimen* once (and that not even in the context of events in Rome), seems less concerned to bring out the crisis atmosphere with language, preferring to use the metaphor of sickness to describe the reaction at Rome. Secondly, in this one case (and in this one case only, since Polybius does not survive sufficiently to make too many more comparisons to Livy), Livy seems not to

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[179] Livy 22. 9. 6.
[180] For the enlistment, see Livy 22. 11. 2-4, 8-9, 12. 1.
[181] Described in much greater detail by Livy 22. 9. 7-11. 1.
[182] Walbank, *Polybius* 1. 423 on τεττάρων στρατοπέδων remarks that Polybius erred in referring to "four" legions raised for the crisis, as two of them were legions taken over from the consul Servilius, unless Polybius was including the allied forces and meant that Fabius left Rome with the equivalent of four legions of soldiers in terms of numbers. The total number of Roman legions Fabius had was four (Livy 22. 27. 10). My opinion is that it is probably the former, and Polybius merely stated the total force Fabius had, mixing the two, we could call, tumultuary legions, with the two regular legions received from Servilius.

have been influenced by Polybius' deployment of crisis language. While Livy is far more detailed, he is just as interested in engaging in antiquarian excursus as in narrating the crisis. He gives us a lengthy account of the Sacred Spring (22. 9. 10-10. 6) and other religious rites that Polybius dismisses with a single clause: μετὰ τὴν κατάστασιν θύσας τοῖς θεοῖς (3. 88. 7). Polybius, as we can see, is more interested in sticking to the major actions of the Roman government to respond to the threat. Clearly, for this one case, Livy was not heavily influenced by Polybius in shaping his narrative of a crisis.

CHAPTER 4 STATES OF EMERGENCY

Unlike the modern English term "state of emergency," there does not seem to be a Latin term that provides a one-to-one correspondence. There were, however, decrees and edicts that were passed in specific circumstances that legally altered conditions to create what amounted to a "state of emergency." The most recent synthetic modern discussion specifically dealing with states of emergency would be that of Lintott, but his discussion is rather limited, being almost exclusively focused on the question of the legal status of the so-called *SC ultimum,* without a thorough discussion of other states of emergency. [183] The two most common actual means of ordering a true state of emergency were the declaration of a *tumultus* and an edict proclaiming a *iustitium.* To complicate matters, these two are not mutually exclusive. During the Late Republic, there also arose the Senate decree known as the *senatus consultum ultimum,* which some have argued will have signaled that a state of emergency existed in Rome. Let us look at all three in turn.

Tumultus[184]

In extreme cases of sudden danger threatening from nearby the city of Rome, or from the Gauls to the north, the Roman state, usually through the Senate or a dictator if

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[183] Lintott (1968) 149-74. His more recent work on the constitution of the Roman Republic (Lintott 1999) lacks any discussion of emergency situations, save for an appendix on the so-called *SC ultimum.*

[184] Brief but recent discussions are provided by Oakley (1998) 126-8 and Kunkel (1995) 228-9. Lintott (1968) 153-5 only discusses *tumultus* within the context of the *SC ultimum*; there exists an unpublished dissertation on the subject: G. Osthoff, *Tumultus - Seditio. Untersuchungen zum römischen Staatsrecht und zur politischen Terminologie der Römer* (Köln 1953) [non vidi]. Its findings have not made any significant appearance in later scholarship.

The Greek translation for Latin *tumultus* appears to be ταραχή. The problem is that the Greek sources are just as imprecise and unconcerned with matters such as "formal" declarations of a state of emergency as the Latin sources often are. The only Greek author who clearly states that a declaration of a *tumultus* occurred is Dio: 46. 29. 5 ταραχήν τε εἶναι ἐψηφίσαντὸ "they voted that a *tumultus* existed. " Also at 37. 31. 1 (quoted in full below—see Case Study SCU3: The Catilinarian Crisis) From no other Greek author do we get such an explicit and clear statement in a Greek source. Polyb. 2. 22. 7, discussing the Gallic tumult of 225, says at one point says εἰς φόβους ἐνέπιπτον συνεχεῖς καὶ ταραχὰς, but does not mention a formal vote to declare a ταραχή.

one was in office, could declare a state of *tumultus*. [185] Cicero provides us with an

interesting passage from the *Philippics* which tells us much of what the Romans of his time

thought the word meant. It is instructive and worth quoting in full, even if his etymology

may be suspect:

> *potest enim esse bellum ut tumultus non sit, tumultus autem esse sine bello non potest.*
> *quid est enim aliud tumultus nisi perturbatio tanta ut maior timor oriatur? unde etiam*
> *nomen ductum est tumultus. itaque maiores nostri tumultum Italicum quod erat*
> *domesticus, tumultum Gallicum quod erat Italiae finitimus, praeterea nullum*
> *nominabant. gravius autem tumultum esse quam bellum hinc intellegi potest quod bello*
> *[Italico] vacationes valent, tumultu non valent.*

> "For it is possible that there be a war that may not be a *tumultus*, a *tumultus* in
> turn is not able to exist without war. What is a *tumultus* other than a disturbance
> so serious that a greater than normal fear arises? From which even the name
> *tumultus* is derived?[186] Therefore our ancestors called a *tumultus* "Italian" which was
> nearby, and "Gallic" which was at the borders of Italy, and none besides [those
> two]. That a *tumultus*, however, is more serious than a war can be understood
> from this point, in that during a war, military exemptions are still in force, but
> they are not valid during a state of *tumultus*." Cicero *Phil.* 8. 2-3.

Several important points arise. First, a state of *tumultus* was considered something even

more serious than a normal "war." For while most wars would result in the holding of a

dilectus, a draft of men liable to military service,[187] we know that normally, certain classes

of persons, such as magistrates' servants, had an automatic exemption (*vacatio*) from

service, but not during a state of *tumultus*. A piece of first-hand evidence exists in a heavily

tralatician municipal charter from Spain, the *lex coloniae Genetivae*. [188] In that text,

concerning the *apparitores* (runners (*viatores*), scribes etc.) of the *duoviri* and the aediles of

the colony, none of them are to be liable for military service *nisi tumultus Italici Gallicive*

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[185] Kunkel (1995) 228.

[186] This is a mistake. As Shackelton Bailey (1986) 215 n. 2 points out, the word actually is
connected etymologically to *tumere* ("to swell"), not *timere*.

[187] For a detailed discussion of the military levy during the Republic, see Brunt (1971) 625-34.
For an examination of what the term *dilectus* itself meant to the Romans, see further pp. 635-8.

[188] For the text, translation and commentary, see Crawford (1995) 393-54 Law 25.

causa.[189] As noted in the commentary, "the provisions on *militiae vacatio* are clearly lifted from a form of charter appropriate to a community in Italy."[190]

And while Cicero's etymological guesswork might be off, his highlighting of *timor* is of interest to us, as it is specifically the fear perception that creates a state of crisis. So, the declaration of a state of *tumultus* is one absolutely clear indicator that a crisis existed for the Roman state, as the threat perception is manifest when a *tumultus* is declared.

Further, we see that in general, there were two types of *tumultus: Italicus* and *Gallicus*.[191] In general, these referred to dangers that threatened from the immediate vicinity of Rome, and those from further away. It should be kept in mind, however, that Cicero's statement is very much a reflection of his times. Cicero's *finitimus* is understandable from his perspective, as by his time the Gallic threat had been pushed "beyond" the borders of Italy by Roman action over the past centuries.[192] But Oakley correctly notes that "Gallic tumults of the fourth and third centuries were hardly outside Italy."[193] In general, a *tumultus* represented a "clear and present danger" that was also geographically proximate to the city of Rome itself.

As for the mechanics of the process itself, we have another passage from Cicero to provide some guidance. In the context of the crisis caused by Antony's actions in 43 (Case Study T1: the *tumultus* of 43BC), Cicero put this proposal before the Senate at the opening meeting of the year: *tumultum decerni, iustitium edici, saga sumi dico oportere, dilectum haberi sublatis vacationibus in urbe et in Italia praeter Gallia tota* "I say that a state of

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[189] See Crawford (1995) 400 Law 25 §62 ll. 31-2.
[190] Crawford (1995) 432.
[191] This is not to exclude entirely the possibility of a *tumultus* existing on Roman territory outside of Italy: see Case Study T4: the *tumultus* of 192 for an example outside of Italy below. On the *tumultus Gallicus* especially, see Bellen (1985) 9-19 and Williams (2001) 171.
[192] For a thorough treatment of the subject, see Dyson (1985), esp. chs. 1-4.
[193] Oakley (1998) 126 n. 2. Though this did lead Oakley to originally make the mistake of dismissing Cicero's correct statement that there were two distinct *kinds* of *tumultus*; Oakley has noted and corrected his mistake in his Addenda and corrigenda, see Oakley (2005) 550.

tumultus ought to be decreed, a *iustitium* proclaimed, military dress be assumed and a military levy be held in the City and all of Italy except Gaul [*Gallia cisalpina*] with exemptions from service suspended" (Cic. *Phil.* 5. 31). So, a formal decree of the Senate, accompanied by a suspension of all public business (more on *iustitium* below), the formal change into military dress by the Senate, and a military draft that suspended normal exemptions comprised the basic elements of a state of *tumultus*. In the early Republic, it was not uncommon for the Senate to call for the appointment of a dictator. An example of this comes from 332, where Livy reports that the mere *fama Gallici belli* spurred the Senate to call for the appointment of a dictator. [194] A stricter than usual levy was held (*dilectus intentius quam adversus finitima bella haberetur*) by the dictator and his master of the horse. In the end, scouts were sent out and found that all was quiet. [195] In an earlier example, where Livy argues against one of his sources (Licinius Macer) that a dictator appointed in 361 was clearly named *belli Gallici causa*,[196] the dictator proclaimed a *iustitium* and administered the oath of military service to all men of military age (*omnes iuniores*), all of his actions being done *tumultus Gallici causa* "because of the Gallic *tumultus*."[197] This seems to be the common script. If we reach back to a likely mythical record of a *tumultus,* there is Livy's description of the actions taken by the dictator Cincinnatus in 458: on the night he entered Rome, the city was placed on alert throughout the night. [198] The next day, Cincinnatus proclaimed a *iustitium,* ordered all shops in the city to be closed, and forbade everyone from engaging in private business matters (*iustitium edicit, claudi tabernas tota in urbe iubet, vetat quemquam privatae quiquam rei agere*). [199] He then ordered all men of

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[194] Livy 8. 17. 6.
[195] Livy 8. 17. 7.
[196] Livy 7. 9. 5.
[197] Livy 7. 9. 6.
[198] *vigilatum est in urbe*, Livy 3. 26. 12.
[199] Livy 3. 27. 2.

military age to come armed to the Campus Martius with supplies. [200] While we need not give full credit to the report of Cincinnatus' dictatorship, the measures themselves are not fantastical or mythical, but reflect actual practice. [201]

Concerning the levy thus raised during a *tumultus,* Linderski has drawn upon the antiquarian tradition to provide a likely model for it. It would not be the normal recruitment procedure that we know of from Polybius 6. 19-21. [202] A tumultuary levy worked somewhat differently. As in the normal method of constituting a legal force of combatants, the soldiers would be given an oath to swear, but not in the same manner as during a regular levy. Instead, the emergency leader chosen to raise the army during the *tumultus* would call out the available men and say *qui rem publicam salvam esse vult, me sequatur,* and the men assembled would swear at the same time. [203] The soldiers themselves were termed *tumultuarii,* and unlike the usual term of service for regularly raised soldiers who swore the *sacramentum, tumultuarii* could only be made to serve for the one war. [204] We get confirmation of the last part of what the antiquarians relate from the annalists in their reports of *tumultus* that we have complete. In his account of the Ligurian *tumultus* of 181 (see Case Study T2), Livy reports that when word came to the Senate that the emergency was over, the Senate instructed the City Praetor, Q. Petilius, to write to the consuls, who had already left the city and taken to the field, to dismiss all of their emergency troops (*subitarios milites*) which they had enlisted because of the *tumultus.* [205]

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[200] Livy 3. 27. 3.

[201] On early dictatorships and *tumultus,* Oakley (1998) 127 (on Livy 7. 9. 6) notes that "...it is...doubtful how many of the details listed above go back to reliable records: if Cicero knew what measures were appropriate in such a crisis, so did the annalists;..." All very true, but that only supports the idea that the details themselves are believable, and therefore useable in discussing what a *tumultus* was and how it operated.

[202] See Brunt (1971) *loc. cit.* above n. 5 for a detailed discussion of the normal levy.

[203] Servius on *Aen.* 8. 1. See Linderski (1984) 76. Cf. Kunkel (1995) 229.

[204] *tumultuarii, hoc est qui ad unum militabant bellum* (Servius on *Aen.* 2. 157). For full discussion, sources, and details, see Linderski (1984) 74-80.

[205] Livy 40. 28. 10.

As the consuls had already begun their regular levy, they also had regularly drafted troops, but these men did not have to be dismissed, unlike the emergency troops, who were only enlisted *ad unum bellum*.

Tumultuary levies were also the normal method of dealing with slave revolts, for which a declaration of a state of *tumultus* was not uncommon. In the three instances cited in the Case Study dealing with slave *tumultus,* in each instance it was at the start considered sufficient to raise a tumultuary force, even inside the city of Rome itself, to put down slave insurrections. Only in the case of Spartacus did an emergency levy prove unequal to the task at hand.

Case Studies T1: The *tumultus* of 43BC

On the one hand, the events following Caesar's death on the Ides of March (March 15) 44BC, which would eventually lead to irrevocable changes in the structure of the Roman government, do not count as a true case study in crisis and response during the Roman Republic for the simple reason that the Republic was dead. Here I will quote the words of Cicero, a contemporary and major player in the events that are to be discussed below. Cicero *Att.* 14. 13. 6, written c. April 26, 44BC: *Redeo enim ad miseram seu nullam potius rem publicam.* "So now I return to the pathetic, or rather, non-existent Republic" (my own translation). At this point, as far as Cicero was concerned, there was *nulla res publica.* The Republic was dead. [206] On the other hand, during the period between the death of Caesar and the march of Octavian[207] upon the city of Rome, in August of 43, we have a return to

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[206] Cf. Cic. *Fam.* 12. 23. 3 to Q. Cornificius, sent sometime in October of 44: *habes formam rei publicae, si in castris esse res publica; in quo tuam vicem saepe doleo, quod nullum partem per aetatem sanae et salvae rei publicae gustare potuisti* "you have the state of the Republic, if [there is able] to be a Republic in an armed camp; concerning which I often deplore your turn [at handling public affairs], since you were not able, because of your age, to taste any part of a safe and sound Republic. "

[207] I follow common practice in referring to him as Octavian, even though he never used the name, and preferred to be called C. Iulius Caesar, as was his right by being adopted by his great-uncle. The common practice, however, avoids any confusion.

the institutions and processes of the Republic, as can be seen from the events as we have them recorded. Since one of our main sources concerning how a *tumultus* even functioned comes from the work of Cicero that was created during this tumultuous period, it is fitting to cite this as the first case study for a *tumultus*.

Bibliographic note:

The most recent, if somewhat brief, survey of the time period is Osgood (2006) 12-61, which has references to earlier surveys. The work on this period is too numerous to list. The classic account, despite certain flaws in its perspective, is still that of Syme (1939). I have found both works to be instructive.

Main Sources
Cicero, *Philippici; Fam.* 10. 10, 30, 11. 2, 5, 6a, 8, 12. 1, 2, 3, 4, 6, 16, 22a, 23, 24, 25; *Att.* 14. 10, 12, 13, 14, 20, 21, 15. 4, 18, 19, 20, 16. 8, 9; *ad Brut.* 1(2. 1), 9(1. 3), 10(1. 3a)
Livy *Per.* 116-20
Dio Cassius 44-6; 56. 30. 5
Appian, *BC* 2. 126. 525-3. 85. 352
Plutarch, *Cicero; Antonius* 14-19; *Brutus* 19-20
Suetonius, *div. Aug.* 10

Summary and Crisis Phases

Prologue–The death of Caesar the Dictator did not, in itself, present a crisis to the Roman Republic, since, as I noted above, the Republic was dead. It did, however, make possible a return to life for the *libera res publica*, and in the days immediately following the assassination, there was a struggle to see whether the Republic would be revived.

The most important day was not actually March 15th or 16th, but March 17th, when the Senate was called together by M. Antony, for the moment the sole legal consul (Dolabella's arrogation of the consulship that Caesar intended for him had yet to be acquiesced in or formally confirmed) and highest magistrate in Rome. The Master of the Horse M. Aemilius Lepidus had troops at his disposal, but with the death of his superior, his position was much less secure for any attempt at seizing power.

The meeting was held at the Temple of Tellus (Appian tells us the choice was dictated by it being near Antony's house) and much needed to be discussed. The so-called "Liberators" had seized the Capitol and would not come down. The debate centered on whether Caesar, the man and his actions, were to be discarded, while the Liberators would be absolved, or even thanked, or would the assassins be condemned and prosecuted, while Caesar would be mourned and his doings honored as legal. In the end, as is usual when the sides seems somewhat balanced, a compromise was worked out. Caesar would not be branded a tyrant, and his *acta* were to be ratified. Yet, Brutus and the "Liberators" were to be given a free pass for their deed. The now rather senior ex-consul M. Tullius Cicero proposed that the Romans follow the model of the Athenians and declare an "amnesty," a literal "forgetting" of the actions that had occurred over the past couple of days. This was decreed. It was finally voted that Caesar's will should be openly read and that he receive a public funeral. (Cic. *Att.* 14. 10. 1; *Phil.* 1. 1; App. *BC* 2. 126. 525-136. 563; Plut. *Cicero* 42; *Brutus* 19-20. 1; cf. *Caesar* 67; *Antonius* 14; Dio 44. 22-34).

So the initial crisis was weathered fairly well by the Roman state, and the Senate, according to one report, even passed a formal vote of thanks to Antony the next day (Mar 18th), praising him for stopping a new civil war (Plut. *Brutus* 19. 4).

Onset—The crisis itself, which I put under the heading of the *tumultus* of 43, has its actual start not too long after everyone had breathed a sigh of relief and thought that the worst part was over.

The problem was the consul Antony. In the immediate aftermath of Caesar's death, apparently Antony, even though he was in charge of Caesar's papers (cf. Plut. *Antonius* 15; Dio 44. 53. 2-3), did not act in a manner which offended "senatorial" opinion (Cic. *Phil.* 1.

2-5). [208] Yet already by April, we have hints that Antony began to strike out on his own. In a letter to Atticus dated firmly to April 22, 44, Cicero (currently in Puteoli) noted that Antony apparently posted up a law which made the Sicilians into Roman citizens, claiming the measure had been passed by Caesar through the assembly (Cic. *Att.* 14. 12. 1). More unsettling news of Antony's behavior began to reach Cicero on his trip, as revealed in another letter to Atticus, written sometime in late April. In it he wrote: *sublato enim tyranno tyrannida manere video, nam quae ille facturus non fuit eas fiunt* "For while the tyrant was removed, I see the tyranny remains. For the things which that man [Caesar] would never have done, these are being done…" (*Att.* 14. 14. 2). In the same paragraph, Cicero sarcastically added *cui servire ipsi non potuimus, eius libellis paremus* "to the man whom we were unable to be slaves, we are obedient to his notebooks."

The same letter provides us as well with a very important piece of information, the trigger to the opening stage of the crisis: in §4, Cicero records that Atticus had informed him of a Senate meeting being called on June 1 by Antony, with the consul planning to make a motion to redistribute the provinces, with Cisalpine Gaul being removed from D. Brutus, *cos. design.* for 42, and given instead to Antony himself. Cicero had doubts that there would be a "free vote." Still, he was planning on attending himself, in order to raise other issues, including some measure that Atticus himself desired (14. 14. 6).

By early May, Cicero began to be seriously upset with the way that Antony was managing affairs. In a letter to C. Cassius Longinus, the "Liberator," written on May 3, 44, Cicero complains how *interfecto enim rege regios omnis nutus tuemur* (*Fam.* 12. 1. 1). The king may be dead, but the royal commands are not. What made it outrageous to Cicero however, was not that Caesar's *acta* were to be upheld, but that Antony had used the

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[208] It is not, I believe, unreasonable to take Cicero and the views he expresses as representative of the thinking of many "middle of the road" senators, neither beholden to Caesar nor bold enough to have joined in the conspiracy that murdered him.

nebulous status of some of Caesar's plans to include pet projects of his own, things that Caesar would not have done. In the same passage, he wrote: *Tabulae figuntur, immunitates dantur, pecuniae maximae discribuntur, exsules reducuntur, senatus consulta falsa referentur* "tablets [containing laws] are being posted up [which signifies their validity], exemptions are being granted, huge amounts of money are being allocated, exiles are being recalled, fake decrees of the Senate are being passed." In the uneasy days following Caesar's death the Senate had agreed to ratify his actions, *sed immoderate quidam et ingrate nostra facilitate abutuntur* "but they [Antony and his friends] are taking advantage of our obliging nature without restraint or gratitude" (*Fam.* 12. 1. 2).

Already at this point, the seeds of threat perception appears, as Cicero says in a letter to Atticus from May 11 that *causam armorum quaeri plane video* "I clearly see that a pretext for arms is being sought" (*Att.* 14. 20. 4). In another letter from the same day, Cicero thinks the appeal to arms is inevitable: *mihi autem non est dubium quin res spectet ad castra* (*Att.* 14. 21. 3). Cicero was not the only senator out of Rome hearing about trouble brewing in Rome. In a letter sent on May 24th by C. Trebonius, one of the Liberators, but now at Athens on his way to govern the province of Asia, Trebonius tells Cicero that he was hearing disturbing reports from Rome (*audiebam quaedam turbulenta*–*Fam.* 12. 16. 3).

The day that Antony planned to make his move was on June 1st. Cicero was already informed that Antony planned to have Cisalpine Gaul voted to himself that day (*Att.* 14. 14. 4; 15. 4. 1). Cicero, Brutus and Cassius were also aware that Antony had planned to bring in a large crowd of Caesarian veterans into the City (*Att.* 14. 21. 2; 14. 22. 2; letter of Brutus and Cassius to Antony, Cic. *Fam.* 11. 2. 1). In the event, Antony did carry through his plan to have Cisalpine Gaul transferred to himself, but it was done through the popular assembly, and not the Senate (Cic. *Phil.* 1. 6; cf. 1. 25-6; App. *BC* 3. 30. 115-9). Tensions continued to rise throughout the summer (see Cic. *Att.* 15. 18. 2; 15. 19. 1; 15. 20. 2), when

the first attack on Antony's actions came, not from Cicero, but from Julius Caesar's father-in-law, L. Calpurnius Piso Caesoninus (*cos.* 58). This event brought Cicero back to Rome from his planned trip to visit his son at Athens (Cic. *Phil.* 1. 10). On September 2nd, Cicero delivered before the Senate (Dolabella was presiding) the first of his extended attacks on Antony, his first *Philippic.* In response, Antony may have considered killing his opponents (Cic. *Fam.* 12. 2. 1 specifically mentions September 19th as the date for their removal), but in the end decided against that course of action, preferring instead to engage in a propaganda campaign, as he had the statue of Caesar located near the Rostra inscribed with the words *parenti optime merito* "to the parent deserving most well [from his children]," to which Cicero remarked *ut non modo sicarii sed etaim parricidae iudicemini* "so that we are judged not only murderers, but parricides" (letter to Cassius, *Fam.* 12. 3. 1). Cicero notes that Antony was now trying to lump him into the company of the "assassins."

The war of words subsided for the moment when Antony left Rome for Brundisium to take control of the legions his brother C. Antonius had brought over from Macedon (see App. *BC* 3. 27. 102-28. 105). He left on October 9th (Cic. *Fam.* 12. 23. 2; cf. Dio 45. 12. 1). It was around this same time that Cicero began to place hope in a young adventurer in town, who had his own private armed following: the young Caesar, Octavian. Of him, Cicero notes in the same passage: *magna spes est in eo.* While Antony was on his way to Brundisium, Octavian, in late October,[209] went around parts of Campania, gathering an armed following among Caesar's veterans who had been settled on lands there (Cic. *Att.* 16. 8. 1; 16. 9. 1; cf. Dio 45. 12. 2). At Brundisium, Antony had trouble with the legions, as the monetary gift he offered them seemed too low. He responded by having the

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[209] Cicero received a letter from Octavian on Nov. 1st (*Att.* 16. 8. 1), so we can date Octavian's activity in this time period with confidence.

leading malcontents executed, which made the legions unhappy (Dio 45. 13. 1-2; cf. Cic. *Phil.* 3. 4; 5. 22).

Antony's rough treatment of his soldiers would come back to haunt him. In early November, Antony set out for Rome at the head of the Alaudae legion (Cic. *Att.* 16. 8. 2; cf. App. *BC* 3. 40. 166). He reached Rome, but Octavian was already there with a large armed force (Cic. *Phil.* 3. 4; cf. *Fam.* 12. 25. 4). In late November, Antony planned to call the Senate, but both of his meetings did not go as planned. His first summons was for November 24th, but he did not actually show up (Cic. *Phil.* 3. 19). His plan was to denounce Octavian's actions, but he did not carry through with his plan when he was informed that one of his legions from Macedon, the Martian legion, had refused to obey his orders any further, and had instead halted at Alba and proclaimed themselves to be under Octavian's command (Cic. *Phil.* 3. 6; 4. 5; App. *BC* 3. 45. 185; Dio 45. 13. 3). The meeting of the Senate was then postponed to the 28th of November, where Antony planned again to launch an attack on Octavian, but he was already showing signs of worry. To be held at the Capitoline Temple, Antony entered by an underground tunnel (Cic. *Phil.* 3. 20). Instead of immediately attacking Octavian, however, Antony spent the beginning of the meeting calling for a *supplicatio*[210] for Lepidus, which Cicero considered odd, as Antony had taken the trouble to scare away many of his political opponents, such as the tribunes L. Cassius and Ti. Cannutius, from attending this session (Cic. *Phil.* 3. 20-3).

Finally, Antony was planning to make a motion *de re publica* (concerning affairs of state), but he apparently lost his nerve when news came that another one of the Macedonian legions, the Fourth Legion, had also defected from him to Octavian (Cic. *Phil.* 3. 24; cf. 4. 6; App. *BC* 3. 45. 185-6; Dio 45. 13. 3). So all Antony managed to

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[210] Usually translated as "thanksgiving," it called for the state to formally thank the immortal gods because of the actions of a Roman (pro)magistrate on behalf of the state, usually for defeating foreign enemies in battle. It was a high honor, and normally required as a preliminary step for the granting of an ovation or a triumph.

accomplish was to call a formal division (*discessio*) of the Senate for the *supplicatio,* a procedure that Cicero found unusual (*Phil.* 3. 24: *cum id factum esset antea numquam*). Antony quickly left the Senate and traveled to Alba to try to win back the deserters, but he was repelled from the camp (Cic. *Phil.* 3. 24; App. *BC* 3. 45. 186-7).

Escalation—The crisis period proper begins here, late November to early December, as Antony, repelled in his attempts to stifle Octavian, and weakened by the defections of two veteran legions, decided to cut his losses and undertake his main task: heading northward to remove D. Brutus from Cisalpine Gaul, with an eye to strengthening himself by gaining the support of the Caesarian military commanders in the north, Lepidus with four legions (in Narbonese Gaul and Near Spain), L. Munatius Plancus with three (*cos. desig.* 42 and governing Transalpine Gaul) and C. Asinius Pollio with two legions (governing Further Spain). Antony himself set out from Tibur with four seasoned legions, as well as some fresh levies, and made for Brutus (App. *BC* 3. 45. 187, 46. 189-90; cf. Cic. *Fam.* 11. 5. 2-3; cf. Dio 45. 13. 5).

The news reached Rome that D. Brutus was under siege by Antony in the town of Mutina (modern Modena), providing the spectacle of a consul of the Roman Republic laying siege to a promagistrate who refused, with good reason, to hand over his province to said consul (for the run up of events, see App. *BC* 3. 49. 198-201 and Dio 45. 14. 1). This event marked a much more severe level of disruption in Roman affairs, and a qualitative increase in the likelihood of full scale military hostilities occurring within the Roman state, a clear sign that a full blown crisis had come into existence, as defined above in Chapter 2.

The changing of the provincial assignments, usually a preserve of the Senate, was accomplished by violence through the assembly (see above on June 1st). Early on December 20th, a manifesto from D. Brutus was read in Rome, announcing that he would hold the province for the Senate and people of Rome (Cic. *Fam.* 11. 6a. 1; *Phil.* 3. 8). On this same

day, Cicero decided to act boldly, for a change. He delivered two speeches, one in the Senate (*Philippic* 3) and one before a public meeting (*Philippic* 4), inveighing against Antony and demanding that the consul be branded a public enemy (*hostis*). While Cicero did not achieve this aim, he did manage to get two important matters through: first, he did convince the Senate, meeting under the presidency of the tribunes, to pass a vote publicly praising D. Brutus, Octavian, and the Martian and Fourth Legions for their actions; second, and more importantly, Cicero had the Senate pass a resolution that D. Brutus, L. Plancus and all other provincial governors under the *lex Iulia* be retained until a successor has been appointed by decree of the Senate (Cic. *Phil.* 3. 38; *Fam.* 12. 22a. 1; cf. *Fam.* 12. 25. 2). This latter decree provided D. Brutus with the legal cover to refuse to give way to Antony, who could claim to be acting following the law he had passed granting him the province.

The next critical day was the first of January, when the new consuls, A. Hirtius and C. Vibius Pansa, entered office. On that day, a meeting of the Senate was held under guard (as had also been arranged at the Senate meeting of December 20th), and the question of what to do about Mutina was put before the chamber. Q. Fufius Calenus, a close friend of Antony, proposed sending a delegation to talk to Antony. Cicero responded that at this time, D. Brutus was under siege from Antony (*Phil.* 5. 24). The current situation was that of a grave internal crisis, if not outright civil war. Cicero's view was that "not only in every crisis of the state, but even in war and especially in civil war" (*Phil.* 5. 26: *cum in omni casu rei publicae tum in bello et maxime civili*), there was need for far stronger measures.

Therefore, he called for an immediate declaration of a state of emergency, a *tumultus,* and for all-out war to be waged against Antony. In his own words: *tumultum decerni, iustitium edici, saga sumi dico oportere, dilectum haberi sublatis vacationibus in urbe et in Italia praeter Gallia tota* "I say that it is necessary that a state of emergency be declared, a

suspension of business be announced, military cloaks be worn, [and] that a levy be held in all of Italy except [Cisalpine] Gaul, with exemptions from military service being removed" (*Phil.* 5. 31). He went even further, asking for the Senate to pass the so-called *senatus consultum ultimum,* entrusting the safety of the state to the consuls against Antony (*Phil.* 5. 34). Another important measure was a proposal that Octavian, sitting at Alba with a large armed force (two veteran legions, one freshly levied, and two with some recalled veterans mixed with recruits: App. *BC* 3. 47. 191-2), have his status legitimized, by voting him *imperium pro praetore* (*Phil.* 5. 45).

Nothing was resolved the first day, however. On January 2, Cicero seemed to be gaining his point, before a tribune of the plebs named Salvius vetoed the session (App. *BC* 3. 50. 206). Finally, by the 3rd or 4th, the Senate took some measures, but not all as Cicero envisioned: an embassy was sent to Antony, to consist of Ser. Sulpicius Rufus, L. Marcius Philippus, and L. Calpurnius Piso, all ex-consuls, though Cicero did manage to have *imperium* voted to Octavian, as well as a decree thanking D. Brutus for not abandoning his province (see Cic. *Phil.* 5 and 6; cf. *Fam.* 11. 8. 1, 12. 24. 2; cf. App. *BC* 3. 50. 202-6, 51. 209-10, cf. 61. 250-1; Suet. *div. Aug.* 10. 3; Plut. *Cicero* 45. 4; *Antonius* 17. 1; Dio 45. 17-47, 46. 1-29). Here we are in the heart of the crisis, as Cicero turned up the rhetoric. In his address to the Roman People on January 4th, Cicero states that *res in extremum est adducta discrimen* "the state of affairs has been brought into extreme crisis" (*Phil.* 6. 19).

Speaking in the Senate again later in January, Cicero notes the he cannot focus on the matter at hand since *adducta est enim, patres conscripti, res in maximum periculum et in extremum paene discrimen* "For, Conscript Fathers, the state of affairs has been brought into the greatest danger and almost into extreme crisis" (*Phil.* 7. 1). All of his strident rhetoric must have some effect, as not too long after the Senate meetings at the beginning of the year, it had already been decided to send the consuls to fight Antony, Hirtius was already in

the field, and the levy was being held throughout Italy, without any exemptions from service being recognized (*Phil.* 7. 11-3).

From this, it already seems that the Senate had declared a *tumultus*, before Antony's response had even been received. We have a consul sent to war and a levy being held without any *vacationes* being honored, which only occurred during a *tumultus*. The only firm notice we get of a *tumultus* being declared at this time is from Dio, but it is spelled out explicitly: Dio 46. 29. 5 notes that shortly after the Senate meetings of the first several days of January, and even before Antony's reply was learned (in early Feb), ταραχήν τε εἶναι ἐψηφίσαντο καὶ τὴν ἐσθῆτα τὴν βουλευτικὴν ἀπεδύσαντο, τόν τε πόλεμον τὸν πρὸς αὐτὸν καὶ τοῖς ὑπάτοις καὶ τῷ Καίσαρι, στρατηγοῦ τινα ἀρχὴν δόντες, προσέταξαν "they voted that there was a state of *tumultus*, and they put aside senatorial dress, and they assigned the war against Antony to the consuls and to Caesar (Octavian), giving him the authority of a praetor."[211]

After the embassy returned around Feb 1, debate opened again. Apparently Antony had counterproposals, and the Senate rejected them outright (Cic. *Fam.* 12. 4. 1; Dio 46. 31. 1) If Dio was incorrect in his dating of the *tumultus* decree before, we can be certain that a motion for a declaration of a state of *tumultus* was formally passed on February 3rd, with the mover being none other than L. Iulius Caesar (*cos.* 64), Antony's maternal uncle (Cic. *Phil.* 8. 1-2; cf. Dio 46. 31. 2-3). So it was to be full scale war against Antony. [212]

While the Republic's armies marched north to free D. Brutus (see Cic. *Phil.* 8. 6; Dio 46. 36. 2-3), there was one last attempt at diplomacy, though. Apparently, Antony's friends in Rome spread about the story that Antony was willing to come to terms, and

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[211] On Octavian's grant, cf. Livy *Per.* 118.
[212] Dio further records the passage of the so-called *SC ultimum* against Antony (46. 31. 2), which is not mentioned by any other source, though perhaps we have a hint of this from Cicero's discussion of the uses of the "ultimate decree" in *Phil.* 8. 14-5. The *tumultus* is further confirmed by Livy *Per.* 118 : *populus Romanus saga sumpsit.*

there was an attempt to decree that a second embassy be sent, consisting of just about all of the ex-consuls in the Senate. Cicero reports that Calenus and Piso (*Phil.* 12. 3) brought the hope of an "honorable peace," and that envoys, including himself, had been named to go to Antony (*Phil.* 12. 5). But he refused to go, since he was unsuitable for negotiating with Antony (*Phil.* 12. 16). Dio notes that when Cicero refused to go, none of the other envoys would agree to go either (46. 32. 3-4).

The height of the crisis for the Roman Republic was reached in early April, as Pansa's army was entering the war zone. On March 30, 43 Cicero wrote to L. Plancus, who happened to be an old family friend, saying that he expected the *omnis fortuna rei publicae* to be decided by a single battle, whose result would already be known by the time Cicero received a response from all the way in Gaul (Cic. *Fam.* 10. 10. 1). Writing to Cassius the "Liberator" at around the same time, Cicero noted *res, cum haec scribebam, erat in extremum adducta discrimen* "matters, while I was writing, had come to the furthest point of crisis" (*Fam.* 12. 6. 2), echoing the same usage I have noted above. He uses a similar phrasing while writing to M. Brutus in Macedon (*ad Brut.* 1(2. 1). 1). Finally, on April 14, 43, there were a pair of battles near Forum Gallorum, close to Mutina.

We have a first hand account, written the next day, from Ser. Sulpicius Galba, a friend of Cicero's who was serving in the army of the consul Pansa and wrote a letter to Cicero detailing the battles (*Fam.* 10. 30). In the first battle, Antony attempted to slip away from his siege of D. Brutus in order to intercept Pansa and his force of recruits before they could join the veteran army of Hirtius and Octavian. His plan was not a complete success, since Hirtius and Octavian had suspected that Antony might make such an attempt, and had sent Pansa Octavian's praetorian cohort and the Martian legion in order to provide some protection for the consul's force. Antony's plan, however, turned out to be successful enough, as his veteran force of two seasoned legions cut Octavian's praetorian cohort to

pieces and inflicted heavy casualties on the Martian legion, while Pansa himself, gravely wounded, and his force of recruits retreated to Bononia (*Fam.* 10. 30. 1-4; cf. App. *BC* 3. 66. 272-69. 284; Dio 46. 37. 3-6).

Antony, however, was robbed of complete victory on his way back to Forum Gallorum, when Hirtius lead out 22 veteran cohorts and routed Antony's army, which was exhausted from their battle earlier in the day (*Fam.* 10. 30. 4-5; cf. App. *BC* 3. 70. 285-9; Dio 46. 37. 7). In the days following, Hirtius and Octavian pressed the attack, and even managed to take Antony's camp near Mutina, but at a heavy cost, as Hirtius fell there (App. *BC* 3. 71. 290-4; Dio 46. 38. 5). Pansa as well, at Bononia, succumbed to his wounds, and the state was left without consuls (App. *BC* 3. 75. 305-76. 311 [containing a dubious at best death scene of Pansa urging Octavian to patch up things between himself and Antony, in order to provide a Caesarian "united front" against the "Pompeian" Senate]; Dio 46. 39. 1). Antony, however, was defeated and decided to make a run for it to try to join Lepidus (App. *BC* 3. 72. 295-7).

Deescalation—At Rome, on the other hand, everything seemed to be well. The news of the victory reached the City on April 20th, and the City populace apparently gave Cicero an impromptu "triumphal" procession of sorts, from his house up to the Capitol (*Phil.* 14. 12; cf. *ad Brut.* 9(1. 3). 2). The next day, the Parilia (April 21), Cicero made a speech in the Senate (*Phil.* 14) mentioning the dispatches about the victory (§1), but resisting P. Servilius' call for a return to civilian dress (§2) until D. Brutus was known to be safe. A *supplicatio* was voted for 50 days (Cic. *Phil.* 14. 29, 37; App. *BC* 3. 74. 302; Dio 46. 39. 3 wrongly has 60 days). Dio alone records that the Senate returned to civilian dress (46. 39. 3). Finally, the Senate passed a decree branding anyone who fled with Antony as public enemies (Cic. *ad Brut.* 10(1. 3a); cf. Dio 46. 39. 3). A noted decrease in time pressure, perception of threat,

and the potential for violence occured, the key makers for the shift to the Deescalation

phase as noted in Chapter 2.

Termination–With Antony in flight and D. Brutus relieved from siege, the crisis was over.

Perceptions of an imminent threat of violent action by Antony against the city of Rome

and the government returned to the levels they had been before the crisis began.

Case Study T2: The Ligurian Tumult of 181BC

BIBLIOGRAPHIC NOTE

While nothing more than a minor event, the Ligurian *tumultus* of 181BC provides a good

example of crisis behavior and response during the middle Republic. Events such as this

episode were likely more common than reported. Sadly, we do not have accounts of any

similar instances. There is no specialized treatment of this episode, and little to note beyond

Walsh's (1996b) commentary on Livy Book 40.

THE SOURCES
Livy 40. 25-8

SUMMARY AND CRISIS PHASES

Onset–In the spring of 181, L. Aemilius Paullus, consul of 182, now *pro consule* in Liguria

commanding the same army he had the year before, lead his troops into Liguria against the

Ingauni (40. 25. 1). While he was encamped near the enemy, ambassadors from the Ingauni

came pretending to seek peace (40. 25. 2). The ambassadors engaged in deceit, asking

Paullus not to allow his men to forage on a nearby mountain, where they claimed that their

cultivated lands were; Paullus himself was a little lax in his guard and followed their request

(40. 25. 3-4). The Ligurians used the cover of the nearby mountain to mass their forces and then attacked the Roman camp continuously the next day (40. 25. 5-6).

After holding against the attack for the day, Paullus sent two cavalrymen with a message for Cn. Baebius (his fellow consul in 182), who was currently in command of an army at Pisa (40. 25. 7). Unfortunately for Paullus, Baebius had already handed over his army, as he had been ordered to by the Senate (40. 19. 8), to the praetor bound for Sardinia, M. Pinarius; Baebius did, however, take the initiative to write about Paullus' situation to the Senate (40. 25. 8), as well as to M. Marcellus (*cos.* 183) in Gaul, who was in command of an army there, urging him, if possible, to march to Paullus' aid (40. 25. 9). Paullus stayed behind his fortifications and waited for relief (40. 25. 10).

Escalation–The arrival of Baebius' letter caused *trepidatio* at Rome (thus, we have the threat perception made manifest—40. 26. 1. With the qualitative increase in the likelihood of military hostilities, we have the shift to the Escalation Phase). The crisis atmosphere worsened in Rome a few days later when Marcellus arrived in the City and reported that he had handed his own army over to the praetor Fabius Buteo, who had marched against the Histrians (40. 26. 2).

At this point, "there was one hope of help, one that itself was slower than the crisis demanded" *una, et ipsa tardior quam tempus postulabat, subsidii spes erat*: the only measure was to urge the new consuls (P. Cornelius Lentulus and M. Baebius Tamphilus) to take the field with their newly levied armies immediately (40. 26. 4). The senators individually urged this measure, though whether it was formally voted or not is unclear from Livy's account.

While the consuls tried to delay this measure, saying that they could not take the field until the levy was completed (40. 26. 5), they eventually gave in to the pressure from the senators and left Rome in uniform (*paludatus*), issuing the standard order to their newly

enrolled troops commanding them to mobilize at Pisa on a fixed day; further the consuls were permitted to raise emergency troops (*subitarios milites*) wherever they went (40. 26. 6).

In addition, tasks were given to the two praetors in the City: Q. Petilius the City Praetor was ordered to enlist two emergency legions (*legiones tumultuarias*) of Roman citizens, enlisting everyone under the age of 50, while Q. Fabius Maximus the *pr. inter peregrinos* was instructed to call upon the Latins and allies for 15,000 infantry and 800 cavalry. (40. 26. 7). Also, the Romans elected two naval commanders (*IIviri navales*), C. Matienus and C. Lucretius; one of them, Matienus, was assigned the Gallic Gulf and ordered to sail to Liguria and aid Paullus in any way he could (40. 26. 8).

Deescalation and Termination–Salvation for Paullus' beleaguered army, however, would come from within. Thinking that his messengers had been captured and despairing of relief from outside, Paullus determined on fighting his way out of his plight (40. 27. 1). He marshaled his troops, made a little speech, and attacked the Ligurians, putting them to rout (40. 27. 2-28. 5). Afterward, he even managed to force the capitulation of the entire tribe of Ingauni (40. 28. 6).

When the news of the defeat of the Ligurians by Aemilius came to Rome, the emergency measures were suspended. Q. Petilius was told to discharge the two City legions he had raised, and Fabius Maximus was instructed to cancel the allied levy (40. 28. 9). Further, the Senate ordered Petilius to write to the consuls, commanding them to discharge their emergency troops (*subitarios milites*) who had been enlisted because of the state of emergency (*tumultus causa conscriptos*) as soon as they could (40. 28. 10). From this last mention, we can be certain that a formal state of *tumultus* was declared. The likelihood of hostilities decreased and the end of the crisis not only came within sight, but occurred.

Case Study T3: Slave Tumults

Introduction and Bibliographic note

Throughout the history of the Roman Republic, there were many occasions when slaves rose up against their masters. On some occasions, the danger to Rome rose to a level that threatened public order within the Roman *imperium*. While every instance did not present a survival-level threat to the Roman state, in several instances they were major crises that the Roman state was forced to resolve. I will not make a full list here. For those interested, there is a very useful collection of the sources in translation by Shaw (2001). For a detailed look at the period between 140 and 70BC, I recommend Bradley (1989).

I present here a few selected instances that illustrate the Roman response, where we have detailed knowledge of it. They are all ones that occurred on Italian soil. While the two great Sicilian Slave Wars were large in scale, they never actually threatened the safety of the Republic. When a slave uprising occurred in or near Rome, a serious threat to the safety of the city was a real possibility.

1) the slave tumultus of 198bc

Livy 32. 26. 4-18

Summary and Crisis Phases

Onset–Following the conclusion of the Second Punic War, the Romans had a large number of Carthaginian hostages. Many of them were the sons of prominent men at Carthage, and they were accompanied by a large number of slaves. The hostages were being kept in the town of Setia. Further, the people of Setia had purchased a large number of slaves from the war booty, including many who were from Africa. In this situation, a conspiracy was formed by the slaves to take over the towns of Setia, Cerceii and Norba.

(Livy 32. 26. 4-7). The slaves rose and managed to seize the town of Setia, though they failed at Cerceii and Norba (32. 26. 8).

Escalation–At this point, two slaves laid information about what was happening before the City Praetor at Rome, L. Cornelius Merula. [213] Merula consulted the Senate, which ordered him to investigate and suppress the conspiracy (32. 26. 8-10). With the presentation of the evidence, the percevied threat of violence rose, sparking a crisis. Setting out with five legates, Merula conscripted every man he encountered and ordered them to follow him with their arms. From this *tumultuario dilectu,* he raised a force of nearly two thousand men and proceeded to Setia.

Deescalation–Arriving at the town, he summarily arrested the ringleaders, leading to a mass exodus of slaves from the town. He then sent his troops into the countryside to round up the runaways. (32. 26. 11-3). The two slave informers and a free man who also provided evidence were rewarded (32. 26. 14). With these actions, the perceived threat of violence decreased, and the end of the crisis came within sight.

Reescalation–The main threat was over, but some embers still glowed. News came to Rome that the remnants of the same slave conspiracy were planning to seize Praeneste. Therefore, an increase in the likelihood of violence returned. Merula set out again and executed 500 men who were implicated in the plot (32. 26. 15-6). In Rome itself, the continuing worry led to the institution of night watches (*vigiles*), and the minor magistrates[214] were ordered to patrol the neighborhoods of the City, and the *triumviri carceris lautumarium* (the *tresviri capitales?*) were ordered to guard the prison more carefully (32. 26. 17). Further, the praetor (likely meaning Merula, the City Praetor) sent a letter to

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[213] Livy mistakenly refers to him here, 32. 26. 8, as L. Cornelius Lentulus, when in the election notice and praetorian provincial assignment notice of the previous year, he is listed as L. Cornelius Merula–32. 7. 13, 8. 5.
[214] Not specified, but likely the members of what we now commonly refer to as the *vigintisexviri.*

all of the Latin communities, ordering them to keep the Carthaginian hostages who were in private custody under house arrest and not allow them to go out into public. Prisoners of war were to be placed under chains of not less than 10 pounds of weight, as was done in a public prison (32. 26. 18).

Termination–As we hear nothing further about the incident, we can consider it to have been fully suppressed by Merula's actions.

2) THE WEIRD REBELLION OF T. MINUCIUS   104BC

Immediately preceding the Second Sicilian Slave War, there were several minor uprisings in Italy, including this odd incident. Even Diodorus calls it παράδοξος. While not a survival level threat to the Roman state, this case illustrates the textbook approach to minor slave revolts that grew too powerful for local authorities to handle.

Diodorus 36. 2, 2a

Summary and Crisis Phases

Onset–T. Minucius, an *eques* and son of a very wealthy man, fell in love with a slave woman of exceptional beauty owned by another man. Being desperately in love, he offered an exorbitant amount of money (seven Attic talents) for the girl. Time was given him to make payment, as he was extended credit based upon his father's wealth. When he failed to pay, a new deadline for thirty days later was made. When he was unable to pay by the second deadline, Minucius concocted a mad scheme.

He acquired 500 suits of armor, on credit naturally, and had them stockpiled in one of his fields secretly. He then incited four hundred of his own slaves to rise in revolt, while he donned a purple cloak and a diadem (the Hellenistic emblems of kingship). He killed his

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[215] An alternate version recorded by Diodorus calls him T. Vettius, but most scholars refer to him as Minucius.

creditors. He then began to raid nearby estates, drawing more slaves to his banner.

Growing in numbers, he established a palisaded fort and welcomed any who wished to join.

Escalation–When these matters were reported in Rome, the Senate deliberated what to do.

Faced with the threat of increased violence and disruptive activity, a response was required.

They appointed L. Licinius Lucullus, one of the praetors who were in the City (τῶν…

κατὰ πόλιν στρατηγῶν 2. 5) to apprehend the fugitives. [216] On the very day he was

appointed, Lucullus enrolled 600 soldiers in Rome itself. By the time he reached Capua, he

had raised a force of 4000 infantry and 400 cavalry. A battle was fought, and the slaves got

the better of it because of superior position.

Deescalation–Lucullus, however, suborned one of Minucius' subordinates, a certain

Apollonius, by promising him immunity. When Apollonius turned his forces against

Minucius, he chose to do away with himself rather than face punishment; the rest of his

followers also died, except Apollonius.

Termination–With the death of Minucius and his followers, the crisis was over.

3) SPARTACUS 73-71BC

This one hardly needs an introduction at all. Perhaps the largest and most serious of

all slave uprisings in Roman history, it is a well-known event, even making its way into the

popular imagination especially with Stanley Kubrick's 1960 film. For a good overview with

analysis, see Bradley (1989) 83-101. For the roles of praetors in this war, see Brennan (2000)

431-4.

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[216] While his title is not given, Broughton *MRR* lists him as likely the City Praetor or *praetor peregrinus*. Brennan (2000) 465 agrees, but also suggests that he could have been a praetor presiding over the extortion court.

The main source is Plutarch's *Life of Crassus* 8-11. Sadly missing is the complete text of Sallust's *Historiae*, of which only scattered fragments survive. All of the major sources, collected and translated, can be found in Shaw (2001) 130-65.

<div align="center">SUMMARY AND CRISIS PHASES</div>

Onset–During consular year 73, a breakout occurred at the gladiatorial school of one Lentulus Batiatus near Capua. 200 were planning a rising, but information was given on them before they could act. Being made aware that their plans were known, they made the attempt and 78 slaves escaped. [217] On the road fleeing from the gladiatorial school, the band came upon wagons bearing gladiators' weapons. They seized them, armed themselves, and took up a strong position. Three leaders were elected, including Spartacus, a Thracian (*Crassus* 8).

The gladiators repulsed an armed force from Capua, and exchanged their gladiators' weapons for the arms they seized from the Capuans (9. 1). This would be the triggering event for the Escalation phase, as the inability of the Capuans to suppress the slaves heightened the possiblity for increased violence and disruption.

Onset/Early Escalation 1–At this point, Rome had to respond. The praetor Claudius Glaber[218] was sent from Rome with 3000 soldiers (9. 2). He placed the escaped slaves under siege on a hill with only one road up or down, but the slaves used ladders made from vines to climb down the unwatched side and surrounded the Roman force. They launched a

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[217] The numbers vary. Livy *Per.* 95 says 74 slaves escaped. Yet others such as Orosius (5. 24) and Velleius (2. 30. 5) say 64. Florus (2. 8. 3) has a vague "thirty or more. " The real number is lost.

[218] The confusion of the sources makes a definitive identification difficult. Broughton *MRR* lists him as praetor for 73. Brennan (2000) 431 tentatively accepts this view, but also suggests an alternative, that Glaber was actually an ex-praetor and legate of Varinius (see above) which follows the somewhat muddled epitome of Livy.

sneak attack and routed the Romans (9. 3). At this point, they were joined by herdsmen and shepherds in the area (9. 4).

Onset/Early Escalation 2—The Romans then sent the praetor P. Varinius to confront the slaves. His legate Furius, commanding 2000 men, was the first to engage the enemy and was routed (9. 5). Then, Spartacus carefully watched and attacked L. Cossinius, who had been sent to advise and assist Varinius, capturing his camp and killing Cossinius himself (9. 5-6). Finally, Spartacus defeated the praetor Varinius, even capturing his lictors and his horse (9. 7).

While Appian's account is confused (he calls Glaber "Varinius Glaber" and Varinius "Publius Valerius"), it does have one detail about the two early commanders that actually makes some sense when compared to earlier incidents. Appian notes that: οὐ πολιτικὴν στρατιὰν ἄγοντες, ἀλλ᾽ ὅσους ἐν σπουδῇ καὶ παρόδῳ συνέλεξαν (οὐ γάρ πω Ῥωμαῖοι πόλεμον, ἀλλ᾽ ἐπιδρομήν τινα καὶ λῃστηρίῳ τὸ ἔργον ὅμοιον ἡγοῦτο εἶναι) συμβαλόντες ἡττῶντο "they, engaging in battle, were defeated not leading the citizen army [a regularly levied army], but gathering together whomever they collected by chance and on the road (for the Romans did not yet consider this a war, but some sort of raid and action similar to banditry)" (App. *BC* 1. 116. 541). When comparing this to the two earlier incidents I have recounted above in 198 and 104BC, this may be an accurate detail in an otherwise muddled account (at the very least for Glaber's force). Clearly, these early forces were raised by a tumultuary levy (see above), and were not regularly constituted armies.

Escalation—At this point, the full crisis had hit. Plutarch records the clear appearance of threat perception necessary for a crisis: Οὐκέτ᾽ οὖν τὸ παρ᾽ ἀξίαν καὶ τὸ αἰσχρὸν ἠνώχλει τῆς ἀποστάσεως τὴν σύγκλητον, ἀλλὰ δὴ διὰ φόβον τε καὶ κίνδυνον ὡς πρὸς ἕνα τῶν δυσκολωτάτων πολέμων καὶ μεγίστων ἀμφοτέρους ἐξέπεμπον

τοὺς ὑπάτους. "It was now no longer the indignity and disgrace of the revolt that harassed the Senate, but they were constrained by their fear and peril to send both consuls into the field, as they would to a war of the utmost difficulty and magnitude" (*Crassus* 9. 8; tr. Perrin [Loeb]). While a crisis had already been noted, it had been a minor crisis previously. Now, we get the unmistakable sign that a serious crisis was perceived by the Roman state.

At the beginning of consular year 72, both consuls for the year, L. Gellius and Cn. Cornelius Lentulus Clodianus, were assigned the war against Spartacus. The consul Gellius fought and won a major victory against a group of Germans who had separated themselves from Spartacus' main body (9. 9; unless this victory properly belongs to the praetor Q. Arrius, as recorded in the Livian epitome–see Brennan (2000) 432). The consul Lentulus, however, suffered a major defeat (9. 9). After that victory, Spartacus headed for the Alps, where he was met by the governor of the province, C. Cassius Longinus (*cos.* 73). Cassius was defeated with heavy losses (9. 10). Livy further records a praetor Cn. Manlius who was also defeated by Spartacus this year (Livy *Per.* 96). The sources other than Plutarch also record Gellius and Arrius being defeated (Livy *Per.* 96, Oros. 5. 24, App. *BC* 1. 117. 544). **Further Escalation**–Faced with the multiple defeats and ineffectiveness of the consuls, Plutarch records that the Senate ordered the consuls to "keep quiet" and chose M. Licinus Crassus to conduct the war, with many prominent men serving under him (*Crassus* 10. 1).

Concerning his exact status at the time of his appointment, there has been some discussion, but I am in agreement with Brennan's position that Crassus was praetor in 73, and likely holding a promagisterial post (probably *pro praetore*) somewhere in Italy during 72 when he was appointed to the command against Spartacus. [219] As for the actual

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[219] Brennan (2000) 432-4.

mechanism, Brennan has put forward that Appian's garbled account of Crassus' election as praetor (*BC* 1. 118. 549) may retain a true notice of a special election for the command.[220]

Crassus took the field and began a series of operations with varying success, until he managed to corner Spartacus in the neighborhood of Rhegium (*Crassus* 10. 2-9). He also wrote to the Senate to ask them to summon M. Lucullus from Thrace and Pompey (the Great) from Spain to assist him, though Plutarch records that Crassus later regretted the request, as he wanted all of the glory for himself (11. 3). After further desultory operations, Crassus managed to force Spartacus to fight to a finish, which he did. Crassus achieved an overwhelming victory over the slaves (11. 7-10; Livy *Per.* 97; App. *BC* 1. 120. 557-8).

Deescalation–With the defeat of the slaves, there was a decrease in the perception of threat and of time pressure on the leadership. The proverbial light at the end of the tunnel could be seen, the way out of the crisis. All that remained were mop-up operations. Soon after the battle, Pompey, freshly arrived from Spain, encountered a large body of fugitives from Spartacus' forces and slaughtered them (*Crassus* 11. 10-1; *Pompey* 21. 1-4). Crassus himself captured 6000 slaves and crucified them along the Appian Way from Capua to Rome (App. *BC* 1. 120. 559).

Termination–Following the death of Spartacus and the harsh warning posted by Crassus along the Appian Way, the crisis was over, as perceptions of threat returned to pre-crisis norms. Though the Romans were still rounding up alleged remnants of the slaves as late as 60BC, when the Senate ordered the praetor C. Octavius[221] (bound for the governorship of Macedonia) to round up runaway slaves near Thurii, leftovers from the revolts of Catiline

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[220] Following a suggestion made to him by Prof. Christopher Mackay. See Brennan (2000) 433 and note 390. Cited there is the special election of Marius in 88 to command the Mithridatic War, but another (and perhaps more auspicious) precedent was the special election in 211 which named P. Cornelius Scipio to the command in Spain *pro consule* (Livy 26. 18. 1-9).
[221] Whose son would one day overthrow the Republic.

and Spartacus (Suet. *div. Aug.* 3. 1), these minor groups did not present a perceptible threat to the Roman state.

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Case Study T4: The *tumultus* of 192: the threat from Antiochus III

Bibliographic note

The most recent full treatment is Grainger (2002), which has full references to earlier important discussions. Considerable attention to Antiochus' activities in Asia minor before the outbreak of the crisis can be found in Ma (2000). The diplomatic interchanges between Rome and Antiochus, and why relations broke down and led to war, are discussed in detail by Eckstein (2006) 292-306, whose work I have found very instructive.

Major Sources
Polybius fragments and excerpts of Books 18-21
Livy 33-37
Appian, *Syriaca* 1-44
Zonaras 9. 18-20

<center>Summary and Crisis Phases</center>

Onset–While Rome's attention was focused on Philip V of Macedon for the years immediately following the Second Punic War, the Seleucid monarch Antiochus III moved to reclaim his control of the cities and territories of Asia Minor that had once been under the sway of the Seleucid dynasty. Livy presents this in the light of Antiochus taking control of cities that were previously tied to the Ptolemaic kingdom (33. 19. 6-11). An attempt to stop his advance was made by Rhodes when Antiochus reached Coracesium, but the news of Cynoscephalae and Philip's utter defeat allowed the two sides to back down for the moment (Livy 33. 20).

Expressions of fear of Antiochus involving himself in Rome's settlement of Greece already appear in the immediate aftermath of Rome's defeat of Philip. [222] T. Quinctius Flamininus was eager to have matters settled after Philip's defeat, as there was already a hint that Antiochus had his eye on a crossing to Europe (Polyb. 18. 39. 3; Livy 33. 13. 15). Again in another context, the sources portray Flamininus as worried about Antiochus (Polyb. 18. 43. 2; Livy 33. 27. 5-7). In the final settlement and the Isthmian Proclamation, again fear of Antiochus entered the picture, as the reason for Roman reluctance to remove their forces from the so-called "fetters of Greece" (Polyb. 18. 45. 10-1; Livy 33. 31. 8-11). Clearly, the threat perception from Antiochus was on the rise among the Romans, and a crisis was brewing.

Following the Isthmian Proclamation, when the ambassadors of Antiochus came before the ten commissioners, the Romans began to take a hard line (Polyb. 18. 47. 1-4; Livy 33. 32. 2-4; cf. App. *Syr.* 2). Diplomacy continued for a while, as a group of the Roman commissioners went to meet Antiochus at Lysimachia in Thrace (Polyb. 18. 50-2; Livy 33. 39-41; App. *Syr.* 3). Again, the hard line, calling for Antiochus' withdrawal from much of what he had re-conquered in Asia Minor, was pronounced. Tensions would mount slowly.

Escalation–

The crisis manifested itself in the opening of 193, when ambassadors came to Rome from Antiochus, and Flamininus had also returned to Rome, his job completed, in order to have his *acta* ratified. [223] After the Senate had ratified Flamininus' arrangements for Greece, the

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[222] Eckstein (2006) 305 and n. 206 notes that Harris (1979) 221-3 disbelieves the Roman tradition of fear about Antiochus. Harris (1979) 222 himself states: "Too much importance has been attributed to Roman fear…," discounting the opinions of Walbank (1940) and Badian (1959).

[223] For an attempt to set a clear chronology with approximate correlations to the later Julian (solar) calendar of the entire period preceding the outbreak of hostilities, see Warrior (1996)

ambassadors from Antiochus, Menippus and Hegesianax, were brought into the Senate. On both sides, the talk, while ostensibly about agreeing upon an alliance, was in reality an attempt by each to divine the intentions of the other side. In the end, no agreement was reached and the matter postponed (Livy 34. 57-9; App. *Syr.* 6; Diod. 28. 15). But the Senate had made its intentions clear to Antiochus, by openly stating that Rome would intervene on behalf of the Asiatic Greeks unless Antiochus agreed to withdraw completely from Europe (mainly from his recent activities in Thrace). Antiochus' ambassadors begged the Romans to allow them time to go back to the king and report the Roman demand. The crisis had begun, for the Romans had practically issued an ultimatum to Antiochus, demanding that he withdraw from Thrace. The Romans had triggered a full-blown crisis for Antiochus, but the reverse held true as well for Rome. For if Antiochus refused to comply, then Rome would be compelled to carry through on her threat to liberate the Asiatic Greeks. Clearly, there was much more intense disruption in the relations between Rome and Antiochus, and a qualitative increase in the possibility of military hostilities, the markers of a change to the Escalation Phase as noted in Chapter 2.

At this point, both sides were slowly heading towards war. Rome's suspicions were only increased when ambassadors from Carthage arrived, informing the Romans that Hannibal had sent an agent to try to stir things up there (Livy 34. 60-1; App. *Syr.* 8). In the winter of 193/2, the Aetolians, dissatisfied with the Romans, began to send embassies around Greece and to Antiochus, openly calling for Antiochus to cross to Greece and push out the Romans (Livy 35. 12-3). The Romans countered with a diplomatic and intelligence gathering mission of their own, sending envoys, including the former commissioners P. Sulpicius Galba (*cos.* 200) and P. Villius Tappulus (*cos.* 199), back to Greece to sound out

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356-75. For my purposes, however, events will generally be presented in the order they are related in the sources.

the various groups and gain information (Livy 35. 14-6). There was another meeting

between the Roman commissioners and Antiochus, one which settled the king on a course

of war with Rome (Livy 35. 17-9; cf. App. *Syr.* 12).

Roman perceptions of danger already reached a peak in 192. The Senate prepared

for any eventuality, by assigning both consuls Italy as their province, but specifying that the

consuls should cast lots to see who would hold the elections. The consul who would *not* be

holding the elections would be prepared to lead legions outside of Italy, if the need arouse

(Livy 35. 20. 2-3). The consul who *might* leave Italy was permitted to raise two new legions

and substantial (20,000 infantry and 800 cavalry) allied forces (Livy 35. 20. 4). Further

preparations were made in respect to the outside possibility that Antiochus could invade

Italy or Sicily. The two praetors who were originally designated for Spain, M. Baebius

Tamphilus and A. Atilius Serranus, were reassigned (by both decree of the Senate and by

plebiscite[224]) respectively to Bruttium and a fleet that was to operate in "Macedonia" (Livy

35. 20. 9-10). The praetor in Bruttium was assigned the City legions of the previous year,

along with substantial allied forces (15,000 infantry and 500 cavalry), while the praetor in

charge of the fleet was ordered to build 30 new quinqueremes and launch all available old

ships. The consuls were ordered to provide the praetor with 2000 allied infantry and 1000

Roman infantry for marine service (Livy 35. 20. 11-2). The Romans "said" that these forces

were being prepared to move against Nabis, the tyrant of Sparta (Livy 35. 20. 13), but "they

were really to be ready in case Antiochus invaded Greece" (Briscoe on Livy 35. 20. 14). [225]

The mustering of such significant forces showed that Rome was preparing for a serious

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[224] Briscoe, *Livy* 2. 174 thinks that the involvement of the People (through the plebiscite) was
to avoid a repetition of what occurred in 200, when the war vote against Philip failed, by
getting the People involved in the moves against Antiochus from the beginning. Perhaps.
[225] Briscoe, *Livy* 2. 175.

armed clash with the Seleucid king. [226] The upshot of these preparations, however, was that the Romans commissioners returned from the east and their report made hostilities seem less imminent, so both consuls were sent to the north against the Gauls and Ligurians, while Atilius was ordered to cross to Greece with his fleet and begin operations against Nabis only (Livy 35. 22. 1-5).

While the level of fear perception then abated, the crisis atmosphere in Rome did not die down. As rumors began to swell again in Rome, including one that Antiochus planned to send a fleet to Sicily after he had landed in Aetolia (Livy 35. 23. 3), the Senate decided to take certain countermeasures even though the reports were only rumors. First, the Senate, though the praetor Atilius had already been sent with the fleet, decided that there was need for *auctoritas* as well as force, so a group of senatorial ambassadors, including Flamininus, were sent to hold fast the minds of the allies; in addition, M. Baebius was to move his army from Bruttium to Tarentum and Brundisium, to be prepared to cross to Macedon (Greece) if necessary (Livy 35. 23. 5). The City Praetor M. Fulvius was ordered to send a fleet of 20 ships to Sicily to defend the island's coasts, under a commander with *imperium* (Livy 35. 23. 6). Further, Fulvius was instructed by the Senate to write to his colleague L. Valerius, the praetor in charge of Sicily to inform him that there was danger of Antiochus crossing to Sicily, and that the Senate had authorized him (Valerius) to raise an emergency force (*tumultuarii milites*) of 12,000 infantry and 400 cavalry to defend the coast which faced Greece (Livy 35. 23. 8).

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[226] *Contra* Grainger (2002) 165-7. 167: "The dispositions of Roman magistrates and armies…do not provide any support to the theory that the Senate either expected or intended war against Antiochus in 192. " Grainger puts forward the theory that the praetor Baebius and his army were in Bruttium to assist in Roman colonization projects in the area. He points out that when Baebius was transferred to Greece, an army of similar strength was sent to replace his force. I am unconvinced. More plausible is the interpretation of Brennan (2000) 202-3, who accepts that Baebius was there to defend against a possible attack by Antiochus, but also to watch against any potential revolt among "Rome's reluctant allies. " This twofold remit seems much more likely than the idea that Baebius was in Bruttium solely to oversee colonization work. That forces were sent to watch after Rome's own subject peoples, see also App. *Syr.* 15.

Here we have the key wording that makes it more than likely that a formal state of *tumultus* was decreed, or at least recognized to exist by the Senate, for Sicily. For when we turn back to events earlier in Book 35 of Livy, we have a curious passage concerning the state of affairs in Spain in 193. There, when there were reports of Roman affairs being imperiled, the Senate refused to vote assistance because of rumors just to please a particular magistrate. "If a state of emergency should exist in Spain, it pleased the Senate that emergency troops should be enrolled outside of Italy by the praetor. It was the intention of the Senate that these emergency troops be enlisted outside of Spain."[227] As we likewise have a mention of the Senate specifically authorizing the raising of *tumultuarii milites* in Sicily in 192, we can say with confidence that they formally recognized, and perhaps even declared, a state of *tumultus* for Sicily.

Fuel was added to the flames by the arrival of Attalus, brother of King Eumenes of Pergamum, who brought word that Antiochus was crossing the Hellespont and the Aetolians were preparing everything for his entry to Greece (Livy 35. 23. 10-1). As reports came in to Rome saying that war was imminent, the Senate decided that new consuls should be chosen as soon as possible (Livy 35. 24. 1). The haste with which the Senate demanded that this be accomplished (the City Praetor Fulvius was ordered to write to the consul L. Quinctius Flamininus, to whom the lot had fallen earlier to hold the elections for 191 (Livy 35. 20. 7), to turn his army over to his lieutenants and hurry back to Rome, issuing the edict announcing the elections while on the road; Quinctius complied (Livy 35. 24. 2-3). The actions recorded clearly demonstrate that the Senate was gripped by a crisis mentality, that is high threat perception and an imminent feeling that hostilities were soon to come. Even though the state waited for the new magistrates to come into office, the Romans still

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[227] Livy 35. 2. 7: …*si tumultus in Hispania esset, placere tumultuarios milites extra Italiam scribi a praetore. Mens ea senatus fuit ut in Hispania tumultuarii milites legerentur.*

took some measures: Baebius was ordered to cross to Epirus with his army and concentrate his forces around Apollonia, while the City Praetor Fulvius was ordered to build 50 more quinqueremes (Livy 35. 24. 7-8).

Deescalation–In the end, the *tumultus* of 192 would be anti-climactic (much as the entire war would be) since Antiochus did not, in the end, invade Sicily or present any real threat to Roman Italy. Without the expected invasion occurring, the chance of hostilities in Italy decreased. Instead, the war would be finished two years later with the defeat of Antiochus at the Battle of Magnesia by the Scipios, L. Cornelius Scipio *cos.* 190 and his elder brother and legate P. Cornelius Scipio Africanus (Livy 37. 2. 10; App. *Syr.* 30-6). The Seleucid King fled to Apamea and sued for peace. His ambassadors were willing to accept any terms given by the Romans (Polyb. 21. 16-7; Livy 37. 44-5; App. *Syr.* 36-9). With these events, the end of the crisis came within sight, and a decrease in the perception of any further threat from Antiochus.

Termination–Though one of the consuls of 189 was assigned Asia as a province, not too long after the opening of the year the ambassadors from Antiochus came to Rome and peace was granted them following the terms laid down by the consul L. Scipio. Other embassies from Asia came as well, and the Senate appointed the usual ten-man commission to make the final adjustments to the peace (Polyb. 21. 18-24; Livy 37. 55; App. *Syr.* 39). So ended the threat from Antiochus to the Romans.

Please also consult Case Study SCU3: The Catilinarian Crisis.

Iustitium[228]

A *iustitium* was a complete cessation of public business, equivalent to a shutdown of the government today. Kleinfeller makes a list of the usual actions that followed a proclamation of a *iustitium*: the assumption of military dress (*saga sumere*) in preparation for the entry into military service; the complete call up of available men of military age (*dilectus omnis generis hominum*); the suspension of meetings of the Senate and all public business; the closing of the shops; a complete ban on private business; a suspension of the courts; a stoppage of the holding of auctions.

A *iustitium* was normally proclaimed by edict (the normal verb is *indicere* or *edicere*) by a consul (P. Scipio Nasica in 111, Cic. *Planc.* 33; Sulla and Q. Pompeius in 88, App. *BC* 1. 55. 244) or dictator (Livy 3. 27. 2, 7. 9. 6), but the Senate could also order one to be proclaimed (Livy 10. 21. 3; but keep in mind that the Senate required a magistrate to call it into session). The *iustitium* could only be cancelled by the authority that ordered it (the consul Sulla was forced to cancel the *iustitium* he ordered in 88 under duress from Marius and Sulpicius, App. *BC* 1. 56. 248). The normal terminology for its termination was *remittere* or *exuere*. Shiemann in the *New Pauly* makes the bold statement that "by the late Republic this order [proclaiming a *iustitium*] had to be preceded by a resolution of the Senate" and cites as evidence Livy 3. 3. 6. [229] The example mentioned comes from the 460's, but obviously relies on the fact that Livy's account was shaped by what was

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[228] Most recent is the interesting article of Scalia (1999). See also Kunkel (1995) 225-8. Though old, many still reference Kleinfeller's useful treatment in *RE* (v. 10 coll. 1339-40).

Unlike *tumultus* and ταραχή, it is hard to demonstrate that there was a single Greek word for *iustitium*. The ordering of a *iustitium* often goes unnoticed in Greek sources. In a rarity, we get a possible word for it from Appian: ἀργία *BC* 1. 55. 244. It is, however, an isolated usage, but the only time we get a term that would seem to translate what a *iustitium* was.

[229] *BNP* 6 1142 [English edition]. He is following Kunkel (1995) 227 here, but Kunkel just notes that Livy always mentions a preceding *senatus consultum* when recording *iustitia* proclaimed by consuls and praetors, and further notes that there were no notices when dictators issued them, leading him to believe that a *senatus consultum* was necessary before a consul or praetor could proclaim one.

customary in his day. Yet in historical cases that we are aware of, there is no notice that a Senate decree was required, and Sulla's action in 88 canceling the *iustitium* that he and his colleague Q. Pompeius had proclaimed without any consultation with the Senate *or* his colleague would strongly point to it being entirely within a magistrate's own competence and authority to declare or cancel a *iustitium* he had announced. For that matter, when the *iustitium* was proclaimed in the first place, there was no notice of a Senate meeting beforehand.

Though not always mentioned in conjunction with a declaration of a state of *tumultus,* it seems rather obvious that the proclamation of a *iustitium* would naturally follow a declaration of *tumultus.* Cicero's linking of the two in the passage quoted above, along with its pairing in other contexts (the *tumultus* of 361 noted above) strongly points in that direction. But the opposite does not hold true, as the proclamation of a *iustitium* did not necessarily mean that a *tumultus* was declared. From two examples noted above, that of Nasica in 111 and Sulla and Q. Pompeius in 88, a *iustitium* could be proclaimed in the absence of a declaration of *tumultus.*

We have no evidence of any other authority being able to issue a proclamation of a *iustitium*. While Ti. Gracchus' blanket obstruction in 133, where he issued an edict announcing that he would forbid all the other magistrates from handling business (διαγράμματι τὰς ἄλλας ἀρχὰς ἁπάσας ἐκώλυσε χρηματίδειν) until his law was voted upon, may have had the effect of a *iustitium,* it is clear that it was not one. [230]

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[230] While Mommsen and his followers called it one, and some, like Lintott (1999) 125 leave the question open ("Whether this should be termed technically a *iustitium* or not…"), Scalia's assessment of the case of 133 clearly demonstrates that there was no *iustitium* in 133. See Scalia (1999) 685-95.

The so-called *senatus consultum ultimum*[231]

It was Caesar the Dictator who coined the phrase "the last decree of the Senate."[232] Attempts that have been made to displace it with a more descriptive moniker, such as the *senatus consultum de re publica defendenda,* have so far been ineffective. [233] There is no special Greek usage for the *senatus consultum ultimum.* For example, in one of the best documented cases where it is used, against L. Sergius Catilina in 63, Dio 37. 31. 2 records that καὶ προσεψηφίσαντο τοῖς ὑπάτοις τὴν φυλακὴν τῆς πόλεως καὶ τῶν ὅλων αὐτῆς πραγμάτων, καθάπερ εἰώθεσαν· καὶ γὰρ τούτῳ τῷ δόγματι προσεγράφη τὸ διὰ φροντίδος αὐτοὺς σχεῖν ὥστε μηδεμίαν ἀποτριβὴν τῷ δημοσίῳ συμβῆναι "and they voted further both the protection of the city and all of its affairs to the consuls, as they were accustomed [to do]; for it was written in addition in this decree that they should have care that no harm was suffered by the state." Appian *BC* 2. 3. 8-6. 22 does not even mention that a decree of the Senate was passed. [234] It is only from the specific wording that Dio uses that we can even guess that he is referring to an *SC ultimum* (for the Latin wording, see below). Without any other candidates coming forward and gaining broad support, Caesar's label seems to have stuck.

So, what exactly was it? In its own words, it was a decree in which the Senate exhorted the magistrates, generally the consuls as chief magistrates of the state, to take whatever measures they thought necessary to see that the state did not suffer any harm. To cite one specific example, here is Caesar's description of the *SC ultimum* that was passed against him: *dent operam consules, praetores, tribuni plebis quique pro consulibus sint ad*

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[231] The most recent detailed discussion is Lintott (1999) 89-93, which is largely a restatement of his discussion in Lintott (1968) 149-73. Oakley, *Livy* 1. 554 has a very good collection of references to the major discussions of the subject up to when his work was published.

[232] For the phrase *senatus consultum ultimum,* see Caes. *BC* 1. 5. 3.

[233] This was the formula preferred by Plaumann, noted by Lintott (1999) 90 n. 5. It is also adopted by H. Last, see *CAH*[1] 9. 84-9 and Last (1943) 93-7.

[234] In all, Appian is not a very good historian, as he does not even get Catiline's *praenomen* correct, calling him Gaius instead of Lucius: see *BC* 2. 2. 4.

urbem, ne quid res publica detrimenti capiat "[the Senate advised] the consuls, praetors, tribunes of the plebs and those who held *imperium pro consule* in the environs of Rome that they should make it their business that the state not take any harm."[235] Cicero, attempting to rally the Senate against the threat that he saw from Catiline in 63, tells the Senate: *decrevit quondam senatus uti L. Opimius consul videret ne quid res publica detrimenti caperet* "The Senate once decreed that L. Opimius the consul ought to see to it that the state not take any harm."[236] Much later in 43, Cicero refers to Opimius again by citing what, in form, would seem to be the actual form of the *relatio*[237] put forward by Opimius and voted upon by the Senate in 121: *Quod L. Opimius consul verba fecit de re publica, de ea re ita censuerunt uti L. Opimius consul rem publicam defenderet* "In regard to what L. Opimius the consul said concerning the state, concerning this matter thus [the Senate] resolved: that L. Opimius the consul should defend the state."[238] From these notices, we can generally piece together the basic wording of the most important parts of the decree. A presiding magistrate presents the Senate with information that the state is in imminent danger, and the Senate votes to advise the magistrate, and all other magistrates and tribunes of the plebs who are loyal, to take whatever measures they think necessary to protect the state and suppress the threat.

Generally, this decree was, so Caesar tells us, only passed as a last resort, when the city of Rome itself was already practically in flames and there was despair over the safety of everyone in the state. [239] Cicero, in the passages noted above from *Catil.* 1. 4 and *Phil.* 8. 14-5 cites several occasions when it was previously used: C. Gracchus, Saturninus and Catiline (see the relevant Case Studies below). These were obviously the precedents that he

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[235] Caes. *BC* 1. 5. 3.
[236] Cic. *Catil.* 1. 4.
[237] The motion put forward by the presiding magistrate to the Senate for a vote.
[238] Cic. *Phil.* 8. 14.
[239] Caes. *BC* 1. 5. 3 *quo nisi paene in ipso urbis incendio atque in desperatione omnium salutis…numquam ante discessum est.*

thought merited mention in trying to have the decree passed. A complete list of its historical usage up to the end of the Republic would be: C. Gracchus (121), Saturninus (100), [Sulla (83)][240], M. Lepidus *cos.* 78 (77), Catiline (63), the Clodian rioters (52), Caesar (49), Dollabella and Trebellius (47), Antony (43) and Octavian (43). [241] Yet the question can be asked whether this decree was a true way of declaring a "state of emergency" or not. For during a *tumultus* or a *iusititium* we know that the regular law was to some degree suspended, at least normal legal procedures or privileges were not honored. Was this the case following the passage of an *SC ultimum*?

Perhaps a brief look at the history of its usage and appearance in history will help to answer this question. There are some false forerunners to the historical occurrences noted above which appear in the annalistic tradition. In 464, according to Livy 3. 4. 9, the *SC ultimum* was passed owing to a dire situation during the Second Aequan War, with a consul trapped by the enemy. Unusually, this situation does not involve an internal enemy, as all historical uses of the Senate's "final" decree do. This in itself made Ogilvie suspicious: "It might be expected that such a resolution would have its origins in a military emergency before it was adapted to political circumstances, but if there were any earlier precedents Cicero must have invoked them." Following from this, he concludes: "The present passage is therefore an invention by the post-Gracchan annalists to supply a pedigree for the actions of 121;" Ogilvie even nominates Piso (the annalist L. Calpurnius Piso, *cos.* 133[242]) as the originator of this episode, though Valerius Antias has been put forward more recently. [243] Whoever was the inventor, it is agreed that this incident is surely an anachronism.

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[240] Technically, there was no "legitimate" Roman government to pass the decree, but the Marian-Cinnan regime's Senate did pass it.
[241] This list is mainly taken from Oakley, *Livy* 1. 554, but he missed the final usage of the decree, against Octavian in the summer of 43–see Case Study SCU 5.
[242] For the man and his historical work, see Forsythe (1994).
[243] Ogilvie, *Livy* 399; for Antias as inventor, see Forsythe (2005) 207.

Another alleged usage occurred in 384 during the reported sedition of M. Manlius Capitolinus. [244] While its usage in this case would be for suppressing a supposed internal threat, again, there is serious doubt to its authenticity. Oakley notes Ogilvie's position on Livy 3. 4. 9 as being equally applicable to this incident, but he thinks it is more likely that "the aim was to provide a plausible account of the suppression of a revolution: just as the *s. c. u.* was used in the late Republic, so the annalists tried to help readers by inserting it into their tale of Manlius."[245] Regardless of the explanation, the historical veracity of these two early appearances of the *SC ultimum* is in very serious doubt.

Leaving aside these anachronistic reports of the so-called "final" decree, there are the historical occurrences, several of which are discussed in greater detail in the Case Studies: C. Gracchus, Saturninus, Catiline, the rioters in 52, Caesar, Antony, and Octavian. What, exactly, did the *SC ultimum* do in terms of the law?

The main theories fall into several camps. [246] I will give only a very brief overview, as more detailed discussions with full citations of the previous literature have already been mentioned. The early theory of Mommsen was that in a grave crisis the notion of "self-help" overrode the need to follow the normal law. In such conditions, the passage of the "last" decree was relatively superfluous, since necessity trumped the niceties of law. Regardless of whether such a concept of "self-help" was important or not in Roman minds,[247] we are concerned with whether the decree had any *legal* consequences. In this

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[244] Livy 6. 19. 3.

[245] Oakley, *Livy* 1. 553-4; he even notes a "curious attempt" to defend the tradition–see his note. Concerning this whole episode, Forsythe (1994) 302 would follow the line of Ogilvie that the insertion of the *SCU* here was mainly meant to serve "a later political agenda," that of justifying the Senate's use of the decree in the late Republic.

[246] Lintott (1999) 89-93 provides a useful summarizing of earlier positions, but himself seems hesitant on firmly adopting one. Lintott (1968) 149-73 is actually more detailed and informative even though it is forty years older.

[247] Lintott (1999) 90 and n. 10 would argue that the concept was accepted by the Romans under the Republic, though he does not go so far as to state that this supports Mommsen's position.

respect, Mommsen would hold that it would not, since in form, a *senatus consultum* was only a recommendation to a magistrate, which could only be given effect by that magistrate, and did not have any power of its own. [248]

While not holding with Mommsen's views, the next group, represented by Hugh Last and G. Plaumann, also hold that the decree was without any binding force of its own, but relied on the magistrates' own discretion to determine what course of action to follow. While referring back to his discussion in *CAH*[1] 9 in a later book review, Last states that the *SC ultimum* was:

> "in effect an intimation to the magistrates of the Senate's opinion that a situation might shortly arise in which the public interest would require them to ignore some of the legal limitations on the use of their *imperium*, and to act in accordance with the maxim expressed by Cicero in the words 'salus populi suprema lex esto' (*de legg.* iii, 8)."[249]

But that "intimation" did not in any way actually remove the constraints of the law from the magistrate. Plaumann lays greater stress on the decree as providing the acting magistrate(s) with the Senate's support and authority in the measures that he was about to take. Both men felt that the decree was there to support the magistrate in taking measures that went beyond the normal law.

Finally, there is a third camp in which two differing versions of a doctrine of "senatorial supremacy" have been put forward. First was that of von Lübtow, who held that the Senate had a latent *imperium* which could be transferred to the consuls in an emergency. As Lintott notes, this view runs contrary to all of the evidence that we have about the nature of *imperium*, and finds no support among modern scholars. [250] Later, T. N. Mitchell has advocated that the Senate formed some sort of supreme deliberative body

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[248] Mommsen *St. R.* 3. 2. 1025f. , followed by Lintott (1999) 90 and n. 7.
[249] Last (1943) 94.
[250] Lintott (1999) 92.

which the magistrates and people were bound in some way to support. [251] Basing himself

upon Cicero's writings related to his defense of Rabirius and his suppression of Catiline,

Mitchell thinks that "the Senate was recognized to have a certain power of initiative in

dangerous crises."[252] He asserts that "Cicero held that the Senate had the power to decide

when the public safety demanded the suspension of normal procedures in dealing with

dangerous citizens"[253] and further proposes that "Cicero held that the *senatus consultum*

ultimum was an extraordinary machinery of government whereby, in dangerous internal

crises, sovereign power in the state was temporarily assumed by the Senate."[254] Such

assertions are rather extreme and have not found any support in later scholarship, and with

good reason. Such a position, that the Senate had actual sovereignty of any sort, is frankly

unsustainable.

So, what status did the decree have in terms of law? Most scholars whatever their

position would agree that unlike the *tumultus* declaration or *iustitium* edict, the *SC*

ultimum did not and could not stop the normal legal process from functioning. The

clearest proof of that is Cicero himself. For despite the passage of the *SC ultimum* against

Catiline in 63, Cicero was able to be prosecuted and forced to go into exile by P. Clodius

Pulcher in 58 for the execution of the Catilinarian conspirators, who had not been

condemned to death by the Roman People. [255] The *SC ultimum* conferred no legal

immunity upon a magistrate who went beyond the normal law in order to suppress a

supposed or even a real threat. The only reason Cicero thought that he could "get away

with it" was that in two previous uses of the decree, in 121 and 100, the consul in charge did

not suffer any serious consequences immediately attributable to their arbitrary use of power

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[251] Mitchell (1971) 47-61.
[252] Mitchell (1971) 48.
[253] Mitchell (1971) 53.
[254] Mitchell (1971) 55.
[255] For the full narrative, see Dio 38. 9-17.

in suppressing an internal foe. Even though Opimius was brought to trial for his actions, he was acquitted. [256] Cicero thought that he would be afforded the same protection, but it proved to be otherwise.

Therefore, it is clear that the decree was largely "superfluous" to the extent that magistrates had all the authority they needed in their *imperium* to take whatever measures were necessary during a severe internal crisis. The Senate could not grant any further power.

Basically the *senatus consultum ultimum* was a public statement by the Senate that an emergency existed, but beyond that, it could not actually grant magistrates any further powers, nor did it confer any special immunity on magistrates who used extra-legal means of accomplishing their task of suppressing internal dissent. Its main force was largely to provide political cover for a magistrate who went beyond the law in order to deal with a crisis. In terms of the law, however, it was not actually a formal declaration of a state of emergency, as a *tumultus* or a *iustitium* certainly was. Yet it does belong in this discussion, since it had the practical effect of signaling that a state of emergency was thought to exist by the presiding magistrate who put it to the Senate to pass the decree, though an emergency in which the magistrate could not ask the Senate to declare a formal state of emergency, which only existed during a *tumultus*. In some respects, the *SC ultimum* was more an affirmation of magisterial power, than an expression of senatorial authority.

Case Study SCU1: Gaius Sempronius Gracchus

Bibliographic note

Stockton provides a comprehensive introduction to the main themes and issues with reference to discussions up to 1979. [257] More recent examinations both of the men and the

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[256] Livy *Per.* 61; Cic. *de Or.* 2. 106, 132-4; *Part. Or.* 104; *Sest.* 140.
[257] Stockton (1979).

issues involved can be found in Thommen (1989) and Perelli (1993). Currently, there is some debate about how the death of the C. Gracchus is portrayed, whether it is influenced by dramatic considerations that might interfere with the historical truth involved: Wiseman (1998); Beness, Hillard (2001); Keaveney (2003).

Main Sources

Plutarch, *Life of Gaius Gracchus*
Appian, *BC* 1. 21. 88-26. 120
Livy *Per.* 60-1 (Gaius)
Diod. and Dio "patchy excerpts"[258]
For a complete list of sources and cursory references, see Broughton, *MRR* 1. 513-4, 517-8, 520.

Onset–The actual crisis created by C. Gracchus only comprises the end of his "career." The entire period leading up to that point, the two terms as tribune he served and the legislation he passed can be considered, in some ways, the onset period to that final crisis. There is no point in a full narrative of his two tribunates, as there are others who have already discussed his activities while in office. [259] The onset period of the crisis arrived when L. Opimius was elected consul for 121, largely with the intent of revoking the laws that had been passed by Gaius (Plut. 34. 1). [260] He also worked with a group of tribunes to start undoing Gracchus' legislative work, intending to provoke Gaius into a violent reaction. [261] While trying to bear with it at first, Gaius was convinced by his friends, especially M. Fulvius Flaccus (*cos.* 125), to contest matters (Plut. 34. 1).

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[258] Stockton (1979) 1.
[259] See Bibliographic note above.
[260] Stockton (1979) 115-61 has a quite comprehensive account of Gaius' legislative program.
[261] This is the interpretation of Stockton (1979) 195 of Plut. *C. Gracchus* 13. 1, which I am inclined to support. Plutarch's Greek is much more euphemistic: ὡς ἂν αἰτίαν ὀργῆς παρασχὼν ἀναιρεθείη "so that he (Gracchus), furnishing a reason for anger [against himself] might be removed. " Perrin's Loeb "that he might furnish ground for resentment, and so be got rid of" captures the sense fairly well. Note that there is no explicit mention of Opimius desiring a violent reaction, but it is not hard to imagine that provoking the Gracchans to violence, in order to justify using violence against them, was the goal of their maneuvers.

In this case, the trigger for the crisis was the fractious legislative meeting on the Capitol where the tribune Minucius Rufus attempted to repeal Gracchus' law authorizing a colony on the site of old Carthage in North Africa, with encouragement from Oppius (Plut. 34. 1; App. 1. 24. 106). While violence was not unexpected by both sides, matters got out of hand as one of the consul's attendants, one Q. Antyllius, was killed by Gracchus' supporters (Plut. 34. 3-5; App. 1. 25. 107-112: there are significant variances in the accounts, but ones that do not affect a crisis analysis greatly).

Escalation–The assembly was dismissed, on account of rain (Plut. 35. 1). The death of Anyllius, however, increased the chance of even more intense violence in the near future, thus marking the transition to the Escalation Phase. According to both Plutarch and Appian, Opimius had already decided to use armed force the next day, and made his preparations accordingly. Plutarch has a dramatic story about the theatrical use of Antyllius' body to stir up the anger of the senators (while also stoking the anger of the people against the Senate), which ends in the Senate passing the so-called *senatus consultum ultimum*, the first historical passage of this decree (Plut. 35. 3). [262] The passage of this decree demonstrates a clear threat perception in the eyes of the senators. [263] Opimius then ordered the senators and the equestrian order to assemble with armed retainers the next morning (Plut. 35. 4). Appian similarly mentions that Opimius prepared an armed force and took up his station in the Temple of Castor and Pollux in the center of the City (App. 1. 25. 113).

The Gracchans and Fulvians gathered their forces and took a position on the Aventine Hill, near the Temple of Diana, a place with long-known associations with the plebeians and their fights against the "nobility."[264] Fruitless negotiations conducted by Fulvius' younger son came to naught (Plut. 37. 1-4; App. 1. 26. 115). Opimius σπεύδων

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[262] See Chapter 5 for a fuller discussion of this unusual Senate decree.
[263] See Stockton (1979) 198-9.
[264] See Stockton (1979) 196-7; Richardson (1992) 47.

μάχην συνάψαι "eager to join battle" (Plut. 37. 4), placed the younger Fulvius in custody and "let slip [his] dogs of war."

Deescalation–The Gracchans were easily overwhelmed (Plut. 37. 4-38. 3; App. 1. 26. 116-120), especially as Opimius had provided for serious fighting by bringing in a unit of Cretan archers, whose volleys were instrumental in dislodging the Gracchans and Fulvians from their positions on the Aventine (Plut. 37. 4). With the defeat of the Gracchans, the end of the crisis came within sight, and a decrease in expectation for further disruption and violence occurred.

Termination–The aftermath was horrific, as upwards of 3,000 Gracchan partisans were killed (Plut. 38. 6). Opimius arrested and killed more Gracchans after the slaughter (App. 1. 26. 119), who may be included in the number given by Plutarch above. [265] Even the women-folk, especially Licinia the widow of Gaius Gracchus, were financially punished (Plut. 38. 6). And as Plutarch notes "most cruel of all," the younger son of Fulvius (named Quintus by Appian), who had taken no part in the fighting, was executed by Opimius (Plut. 38. 7; App. 1. 26. 120). As a final insult to the Gracchans, after these events, the Senate ordered the construction (refurbishing) of a temple of Concord to Opimius, which led to a notable piece of graffiti written underneath the dedicatory inscription: ἔργον ἀπονοίας ναὸν ὁμονοίας ποιεῖ (Plut. 38. 8-9; App. 1. 26. 120).

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Case Study SCU2: Saturninus

Bibliographic note

While Evans (2003) has recently made an attempt to reappraise Saturninus and his close collaborator Glaucia (to the latter's credit), the source problem (see below) remains, and

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[265] See Stockton (1979) 198.

the work itself is not without some problems (see Tatum 2004). The death of L. Equitius, one of Saturninus' satellites, and connected to the actual crisis that provoked the *SC ultimum* has received some attention: Twyman (1989); Beness and Hillard (1990). The source problem is dealt with carefully by Badian (1984), whose treatment in general was of great use. Otherwise, much of the earlier scholarship is focused on Saturninus' legislation, which is not directly relevant to the crisis.

Main Sources

Appian *BC* 1. 28. 125-33. 146
Cicero *Rab. perd.* 18-22; cf. *Cat.* 1. 4; *Phil.* 8. 15
Livy *Per.* 69
Plutarch, *Marius* 29-30
Diodorus 36. 15
Velleius 2. 12
Valerius Maximus 9. 7. 3; 3. 2. 18
Florus 2. 4
Orosius 5. 17
de vir. ill. 73. 9-12
For fuller references, see *MRR* under the year 100BC (and 103-1)

Summary and Crisis Phases

Onset– While there are problems with his account,[266] our main source is Appian. Despite the problems, Appian may in fact offer a better account than some other *testimonia*. For instance, he may be correct in separating the death of L. Equitius, the would-be son of Gracchus, from the death of Saturninus and his main adherents.[267] Regardless of the problems in chronology, a basic outline of the crisis can be constructed.

While a clash between the senatorial class and Saturninus was long in coming, the actual crisis that lead to the suppression of Saturninus and his supporters began with the elections for the consulship of 99.[268] Saturninus' close ally, C. Servilius Glaucia, who was praetor in 100, was illegally seeking to become consul the next year. Another one of the

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[266] See Badian (1984).
[267] For discussion see Beness and Hillard (1990).
[268] The sources for the riot at the consular comitia are conveniently collected in Greenidge and Clay, *Sources*[2] 108-9.

candidates was C. Memmius, once a "troublesome" tribune himself in 111 (where he led the attack on the foot-dragging commanders in the early years of the Jugurthine War), but now seen as a threat by Saturninus and his supporters. When Glaucia's candidacy was rejected, Saturninus responded by having Memmius murdered.

Concerning the dating, over which there has been some argument, I find myself persuaded by the arguments of Badian, who would place these events around October, not December 10th as others would have it. [269]

Escalation—Following Memmius' murder, Saturninus and his closest adherents, including the quaestor Saufeius, and a certain Labienus, along with Glaucia possibly, gathered a band of followers (according to Appian, drawn from the countryside) and seized the Capitol. The murder of Memmius, combined with the seizure of the Capitol triggered the crisis, as these events made manifest a clear and present danger to the Roman government. The likelihood of increased disruption and violence was brought into view.

On the other side, the Senate was roused to anger and called upon the consul C. Marius to put down the tribune. According to Appian, the Senate voted for the arrest of the rioters (App. *BC* 1. 32. 144: καὶ αὐτοὺς τῆς βουλῆς ἀναιρεθῆναι ψηφισαμένης). According to Cicero *Rab. perd.* 20: *Fit senatus consultum ut C. Marius L. Valerius consules adhiberent tribunos pl. et praetores, quos eis videretur, operamque darent ut imperium populi Romani maiestasque conservaretur.* Loosely: "A decree of the Senate was passed that advised Gaius Marius and Lucius Valerius the consuls to employ the tribunes of the plebs and praetors, those whom seemed good to them, and to give attention to preserving the power and majesty of the Roman People." While the wording here is a little different from the norm, it is taken that this was equivalent to an emergency decree, the so-called *senatus*

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[269] See Badian (1984) 101-6 for full arguments and the references to both sides in the debate.

consultum ultimum. [270] We also get a clear indication of the core values that were foremost in senatorial minds, as they mention specifically the desire to preserve the *imperium et maiestas populi Romani.*

The consul Marius may have hesitated at the beginning, as Appian and Plutarch report, but this was likely owing to the novelty of the circumstances. [271] In the end, in what was akin to a regularly proclaimed state of emergency (such as a *tumultus*), an emergency levy was held, as Marius distributed arms to the people hastily enlisted in the City itself, and the other consul, Valerius Flaccus, was sent to the Quirinal with a guard (Oros. 5. 17). A battle of some sort occurred in the Forum, driving Saturninus and his supporters to take refuge on the Capitol (Appian *BC* 1. 32. 143; Plut. *Marius* 30; Florus 2. 4; Orosius 5. 17). **Deescalation**–Trapped on the Capitol, Marius decided to cut the water supply to force a surrender. As one source records, the temperature was high that day (*de vir. ill.* 73. 10 *maximo aestu*), which is confirmed by Appian's report that the quaestor Saufeius ὑπὸ δίψης ἀπολλύμενος "was dying of thirst" (*BC* 1. 32. 144). At this point, the "rebels" surrendered and were placed under arrest in the Senate house by Marius. The likelihood of violence decreased, and the end of the crisis was in view.

Termination–Though the end of the crisis was inevitable, the senators and their allies put a full stop to it by massacring Saturninus and his followers in the Senate house, with Glaucia possibly dying separately, and Equitius likely at another time. [272]

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[270] Badian (1984) 108 and following always refers to it as "the Senate's emergency decree," but then compares it to 121 explicitly (p. 118) and notes that others (see esp. note 41) take it that way as well.

[271] On this point, I am in agreement with Badian (1984) 117-20.

[272] See Beness and Hillard (1990) 270-2 for full sources and discussion.

Case Study SCU3: The Catilinarian Crisis

I will not make any attempt to go through the massive bibliography that has accrued over the years concerning this matter. For the subject of Sallust's monograph alone, there is a large and continually growing corpus. In addition to the classic treatments by Büchner, Earl, La Penna and Syme,[273] there is a useful, recently revised, commentary in English by J. T. Ramsey,[274] which also has an updated bibliography to bring it up to the present. Further, Pagán has provided a new examination of Sallust's narrative technique and how he creates continuity in his account of the Catilinarian affair. [275]

Opinions about the severity of this crisis have varied over time. In the Prefatory Note to his 1937 Loeb edition of *In Catilinam I-IV, Pro Murena, Pro Sulla,* and *Pro Flacco,* Louis E. Lord stated: "Six of the seven orations contained in this volume are connected with one of the best known and least significant episodes in Roman history–the conspiracy of Catiline." That is surely a bit harsh. Though perhaps not as harsh as the extremist position taken by K. H. Waters, who would like to make Cicero his personal piñata, if not for the fact that Mark Anthony had already beaten him to it around two thousand years before. [276] For him, the affair was a "storm in a tea-cup."[277] Much more reasonable diminutions of its importance in history come from other scholars. Zvi Yavetz, in an important article on the question of where Catiline's support came from, notes that it "is

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[273] For full citations, and useful commentary on the past several decades of Sallustian scholarship, see Ronald Mellor's Foreword (xxxiv-xlvi) to the recent paperback republication (2002) of Syme's *Sallust* (1964).
[274] Ramsey (1984), revised 2007.
[275] Pagán (2004) 27-49, esp. 32-49.
[276] Waters (1970) 195 "Not only has its importance been greatly exaggerated; the scale, extent, duration and aims of the conspiracy, perhaps its very existence, have all been vastly over-stated; only in the fertile imagination of Cicero himself could many of the alleged facts have had their origin. "
[277] Waters (1970) 195.

possible that the importance of Catiline's conspiracy is over-estimated by some modern historians."[278] Erich Gruen sums it all up best:

> "It is evident, in retrospect, that the event did not shake the foundations of the state. The government was in no real danger of toppling; the conspiracy, in fact, strengthened awareness of a common interest in order and stability. It is not, however, to be dismissed as a minor and meaningless episode."[279]

Granted, in the end, the Catilinarian Crisis was hardly the straw that would break the proverbial camel's back (that would come in 49), but it is still worthy of close inspection, if for no other reason than that it is a very well documented affair and one where we can learn much about how the Roman government dealt with a crisis.

The Sources

Cicero *In Catilinam* 1-4; *Pro Sulla; Pro Murena*
Sallust *De coniuratione Catilinae*
Livy *Per.* 102, 103
Dio Cassius 37. 24-36, 39-43 (including the final mop-up operations and aftermath)
Plutarch *Cicero* 10-23; *Caesar* 7. 3-8. 4; *Crassus* 13. 2-4; *Cato min.* 22-24. 2
Suetonius *div. Iul.* 14
Appian *BC* 2. 2-7
Diodorus 40. 5, 5a
Velleius 2. 24-5
Florus 2. 12
Orosius 6. 6

Crisis Phases

Onset—While Manlius and other followers of Catiline may have already been gathering their forces for some time, the trigger to the whole affair was clearly Catiline's defeat in the elections for 62, the one where Cicero, as consul presiding at the *comitia*, ostentatiously appeared wearing a breastplate for his own protection (Cic. *Mur.* 52; Dio 37. 29. 4; Plut. *Cicero* 14. 5). It was after his second consecutive defeat in the polls that Catiline decided upon violence to achieve his ends (Sall. *Cat.* 26. 5; Dio 37. 30. 1). The threat was not yet felt by most of the Roman Senate, as Cicero had already once attempted to denounce Catiline,

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[278] Yavetz (1963) 485-99; quote is from 497.
[279] Gruen (1974) 431-2.

only to have it fall on deaf ears (Cic. *Mur.* 51; Dio 37. 29. 3). Still, greater disruption and the possibility of violence was already foreseen by some at this point.

Escalation–The escalation phase began when firm evidence of Catiline's plotting came to the attention of Cicero. Not the story of Fulvia, picturesque as it is, but the letters that were brought to Cicero by Crassus, and possibly other leading men in the state (Dio 37. 31. 1; Plut. *Cicero* 15; *Crassus* 13. 3). A meeting of the Senate was held the next morning, and at least according to one source, a state of emergency was declared: Dio 37. 31. 1: καὶ ἐπ᾽αὐτοῖς δόγμα ἐκυρώθη, ταραχήν τε εἶναι καὶ ζήτησιν τῶν αἰτίων αὐτῆς γενέσθαι "…and concerning these matters, a decree was ratified that a state of *tumultus* was in existence and that there would be a search for the causes of this thing." The perception of a threat to the state, and increased expectations of the likelihood of violence, as evidenced by the senatorial decree, mark the transition from Onset to Escalation.

The sources are all a little jumbled and provide some variations in detail, but following the letters of Crassus and others, news came in of Manlius' activities in Etruria, upon which the Senate immediately passed the so-called *senatus consultum ultimum*, which basically gave Cicero political *carte blanche* to respond to the crisis as he saw fit (Sall. *Cat.* 28. 4-29. 3; Dio 37. 31. 2; Plut. *Cicero* 15. 3-4). All of this occurred around the 20-22nd of October. The one firm date that we have, one that marked a sure, further escalation in the crisis, was the verified report that Manlius had taken up arms at Faesulae on October 27th (Sall. *Cat.* 30. 1).

The Escalation Phase continued as the crisis was enhanced by Cicero's more forceful denunciation of Catiline at the meeting of the Senate on November 8th, which has been preserved for us (edited, no doubt) as *In Catilinam I* (Sall. *Cat.* 31. 6; Plut. *Cicero* 16. 3). Even though Catiline left the City (Sall. *Cat.* 32. 1; Dio 37. 33. 1-2; Plut. *Cicero* 16. 4), the escalation continued further with the plot of Lentulus and the involvement of the

Allobroges that resulted in the incident at the Mulvian Bridge (Sall. *Cat.* 39. 6-41. 5, 43. 1-45. 4; Plut. *Cicero* 17-18; Dio 37. 34. 1-2).

Deescalation–Even though Catiline was in the field with an army, the Deescalation Phase and the potential end of the crisis already began with the arrest of the Catilinarian plotters (they were arrested around December 5th–see Cic. *Att.* 16. 14. 4) and their swift execution after the famed Senate debate which Sallust records as pitting Julius Caesar against M. Porcius Cato (Sall. *Cat.* 46-55; Plut. *Cicero* 19-22; Dio 37. 34. 2; App. *BC* 2. 5). At the news of the execution of the Catilinarian plotters, support fell away from Catiline's army (Sall. *Cat.* 57. 1; Dio 37. 39. 2). With the decline in support for Catiline, the perception of threat eased, and the level of disruption declined.

Termination–While there were some remnants afterwards, the defeat and death of Catiline at Pistoria (Sall. *Cat.* 57-61; Plut. *Cicero* 22; Dio 37. 39-40) marks the end of the Catilinarian Crisis.

Case Study SCU4: The crisis of 50, Caesar's *coup d'état* and the Civil War of 49BC

Bibliographic note

Turning to the central figure in this debacle, the bibliography on Caesar, the man, the myth, the legend, is enormous. A recent addition is concerned solely with the "reception" of Caesar in Western culture. [280] A quick search at any major research library will turn up pages of listings. A simple search in an electronic archive of journals such as JSTOR will

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[280] Wyke ed. (2006).

return citations practically beyond cataloguing. [281] He lives on as well in popular fiction, from the novels of Colleen McCullough to the recent HBO/BBC cable television series *Rome*. Major modern biographies of Caesar exist in C. Meier's rather popularizing *Caesar* (Berlin, 1982; also in English translation, New York, 1995) and the more scholarly M. Gelzer's *Caesar: Politician and Statesman* (6th ed. , Wiesbaden, 1960; tr. P. Needham, Oxford, 1968). To mention works that touch upon the man and his work would be to list much of the bibliography of the entire late Republic. My views on the events of this tumultuous period in Roman history are shaped by a variety of sources, including Gelzer, Syme (1939) and the original sources themselves.

The Main Sources (including the 50's)

Caesar, *Bellum Civile*
Hirtius [Caesar] *De bello Gallico* VIII
Cicero, *Epistulae ad Familiares, Epistuale ad Atticum*
Livy *Per.* 102-9
Dio Cassius 37-41
Plutarch, *Caesar; Cicero* 35-6; *Crassus* 14 ; *Cato min.* 31-34, 40-1, 47; *Pompeius* 47-63
Suetonius, *div. Iul.*
Appian, *BC* 2. 8. 26-34. 135

Backstory: A Decade in Crisis

In many ways, the decade of the 50's BC can be considered a long series of crises that finally culminated in the last one which brought an end to the Republic as "revised" by Sulla the Dictator. It is perhaps ironic that it would be overturned by another man who would be commonly referred to by that same title, Caesar the Dictator. As will be discussed in a case study to come (see Chapter 7), Sulla destroyed the Roman Republic, but after he had defeated all of his domestic enemies, he set about recreating the Republic, or at least, recreating what he liked about the old system, while bringing in innovations (such as removing most of the powers of the tribunate) that he felt would stabilize the system. The

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[281] A simple search for the exact phrase "Julius Caesar" returned 1,912 hits at the time of writing.

Sullan regime did not last long, however, before opposition arose. As early as 78BC, one of the consuls of the year following Sulla's death, M. Aemilius Lepidus, led an insurrection (which was rather swiftly crushed; for sources, see *MRR* 2 on Lepidus). The later conspiracy of Catiline has its own case study above.

The origins of the Crisis of 50, however, follow close upon the heels of Catiline, as we turn the clock back to 60BC, where we find Gaius Julius Caesar, ex-praetorian governor of Spain (Lusitania), waiting patiently outside the *pomerium* for a chance to enter the City in triumph (literally, in a triumphal procession). At the same time, Caesar had made sure to arrive in time for the elections for 59, so that he could place himself before the voters, fresh from the glory of his triumph. In addition, he tried to get permission to canvass for votes before he had even entered the City, a move which brought the immediate opposition of that alleged stickler for the observation of the rules of the Republic, M. Porcius Cato. Cato's opposition to Caesar was successful, to the point where Caesar had to make a choice between obtaining a triumph or being allowed to stand for the consulship, so Caesar chose the latter and entered the sacred boundary, which terminated his *imperium,* but allowed him to begin canvassing for office. While these matters about *imperium* and the *pomerium* and such are not too important at this moment, they will come back later into the discussion when we come to the Crisis of 50. (App. *BC* 2. 8. 28-30; Dio 37. 54. 1-4; Plut. *Caesar* 13. 1-4; Suet. *div. Iul.* 18. 2; Plut. *Cato min.* 31. 3-6).

As the main accounts of the period have it, Caesar gained the political friendship of Cn. Pompeius (Pompey the Great, hereafter, simply 'Pompey') and M. Licinius Crassus, the former consuls of 70, who each wielded considerable clout, but who were often at loggerheads with each other. Winning the support of these two men, there was born the "three-headed monster," so christened by Terentius Varro (App. *BC* 2. 9. 31-3; Plut. *Crassus*

14. 1-4; *Pompey* 47. 1-3), which some modern scholars have erroneously and highly misleadingly called the "First" Triumvirate. Caesar would win the consulship.

I pass over the events of Caesar's consulship. [282] Needless to say, none of his actions won the plaudits of the so-called "optimate" faction in the Senate. While Caesar was away, however, a new player would arise, one of Caesar's own making, the "patrician" tribune, P. Clodius Pulcher. [283] Clodius had a long-standing feud with M. Tullius Cicero, the orator, and now got the upper hand against him by orchestrating his banishment in 58 (the fullest account is in Dio 38. 12-17). Then, Clodius began to become a thorn in the side of Pompey, who, in turn, engineered the recall of Cicero the following year, partially through the tribune T. Annius Milo. What made things somewhat different is that Clodius and Milo played the familiar game of getting matters pushed through the popular assemblies by new rules. When trying to bring the recall vote before the assembly, Clodius disrupted matters by using gladiators who had been gathered by his brother App. Claudius for funeral games for a relative (Dio 39. 7. 1-2). Milo tried to get Clodius indicted (for causing the violence at the assembly), but the court process was blocked by maneuverings of Clodius (Dio 39. 7. 3-4). In response, Milo collected his own armed gang, and the two men engaged in street skirmishes (Dio 39. 8. 1).

<div align="center">SUMMARY AND CRISIS PHASES</div>

Prologue– In many ways, the Crisis of 50 has its initial origin in a sad event that occurred in 54. In that year, Julia, wife of Pompey and daughter of Caesar, died in childbirth, the child dying as well (App. *BC* 2. 19. 68; Dio 39. 64; Livy *Per.* 106; Plut. *Pompey* 53. 4; *Caesar* 23. 5). Appian notes that δέος "fear" gripped everyone, as they were afraid that with the end of the marriage link between them, Caesar and Pompey might come into conflict. With this

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[282] Those interested in that somewhat tumultuous year can consult Gelzer (1968) 71-101.
[283] With apologies to Tatum, whose book title I have appropriated here, and whose work should be consulted on this notable figure: Tatum (1999).

threat perception, the clock slowly started ticking on the crisis to come. The death of their political ally Crassus the next year would also contribute to the eventual clash, but other events in 53 and 52 would portend that trouble lay ahead. In 53, the first seven months of the year passed without any magistrates, the tribunes of the plebs officiating at state games in place of the praetors (Dio 40. 45. 3). The normal process of dealing with an interregnum, the appointment of patrician *interreges,* one of whom would eventually see to the election of at least one consul, was apparently unable to function properly. Unusual remedies were proposed by the tribunes. Dio reports that one such suggestion was the appointment of χιλιάρχοι in place of the consuls, dredging up practice from over three centuries ago, suggesting the appointment of *tribuni militum consulari potestate*, to give them their proper Latin title (Dio 40. 45. 4). A more serious proposal followed: the naming of Pompey as dictator (Dio 40. 45. 5; Plut. *Pompey* 54. 2). While this did not come to pass (Pompey publicly refused the offer and instead brought about the election of consuls), this incident indicates just unsettled the situation had become.

The virtual anarchy of 53 would spill over into 52, as the consuls were incapable of getting their successors elected (Dio 40. 46. 1). What made matters worse, two of the candidates for office for 52 were Milo (seeking the consulship) and Clodius (aiming for the praetorship). The almost-guaranteed violence, however, did not take place at the voting enclosure, but instead occurred outside of Rome, on the Appian Way near Bovillae. When the two enemies and their entourages encountered each other on the road, a servant of Milo took it upon himself to stab Clodius in the back. Milo, feeling certain that he would be punished for the act, decided that if he was "in for a penny" he would certainly be "in for a pound." Following Clodius into the inn where he had been brought, Milo finished the deed (App. *BC* 2. 21. 75-6; Dio 40. 48. 2; Livy *Per.* 107).

The reaction at Rome was predictable, with Clodius' partisans baying for blood, while Milo attempted to avoid punishment. [284] In perhaps a portent of what was to come for the Sullan regime, the *curia Hostilia*, the Senate house which had been restored by the late Dictator himself, was burned to the ground by the partisans of Clodius, who used it as the crematorium for their dear leader (App. *BC* 2. 21. 78; Dio 40. 49. 2). According to Appian, Milo attempted to stage a show trial for himself through the friendly tribune Caelius, but his attempt failed when armed thugs loyal to Clodius stormed in and broke up the assembly by violence (App. *BC* 2. 22. 80-2). Faced with violence and bloodshed in the streets, while there were still no magistrates in office, the Senate, meeting on the Palatine (we can only assume under the presidency of a tribune of the plebs), apparently voted for an *interrex* to be chosen, and for him, the tribunes, and Pompey to see to the guarding of the City, so that it should not come to harm ὥστε μηδὲν ἀπ' αὐτῆς ἀποτριβῆναι (Dio 40. 49. 5). It would seem to be tantamount to the passing of the so-called *senatus consultum ultimum*, in this case equivalent to a declaration of a state of emergency. But that would come soon after.

Milo apparently came out of hiding and began to press his claims for the consulship again, which led to more violence (Dio 40. 49. 5). In response, according to Dio, the Senate called in Pompey and authorized him to make fresh levies of troops, and also ordered a change of dress (Dio 40. 50. 1). This last notice would seem to indicate the declaration of a *tumultus* (this we will have to assume was done under the presidency of the *interrex*). Considering the seriousness of the situation, this is not impossible. The Senate then met under armed guard at Pompey's theater, located outside of the *pomerium* (Dio 40. 50. 2). Passing over minor details (what should be done with Clodius' remains, the rebuilding of the *curia*), talk moved to what the next step should be. What was clear was

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[284] For a recent treatment of this tumultuous episode, see Sumi (1997).

that the common members were eager to honor Pompey and Caesar as much as possible (Dio 40. 50. 3-4). The "arch conservatives" apparently were alarmed at the prospect of Caesar and Pompey both gaining greatly from the crisis, so they made a choice. On the motion of either Cato (Appian) or Bibulus (Dio), a completely "novel" proposal was made and accepted: Pompey would be named sole consul (Dio 40. 50. 4; App. *BC* 2. 23. 84; cf. Plut. *Cato min.* 47. 3-4; *Pompey* 54. 4-5; *Caesar* 28. 7-8; cf. Livy *Per.* 107; Suet. *div. Iul.* 26. 1). Pompey brought in his soldiers, strictly controlled trials were held and many, including Milo were condemned (App. *BC* 2. 24. 89-94; Dio 40. 54-5). [285] With the end of this crisis, we now move into the centerpiece of this case study. While these events may have formed a separate crisis in themselves, they provide the absolutely essential context for what followed.

Early Onset–The earliest indications of the crisis of 50 (which actually stretches into early 49), came in 51, when the consul M. Claudius Marcellus (curse the voters of the *comitia centuriata* for giving us *three* Marcelli at the end of the Republic), started to make noises about having Caesar replaced before his term as governor of Gaul expired. For this, we even have a first hand account (a real rarity) in the letters sent by the young M. Caelius Rufus to Cicero while the latter was governor of Cilicia from about summer 51 to summer 50 (Cicero *Fam.* 8. 1, 2, 4, 5, 8, 9, 10). Especially important are the copies of the proposals made in the Senate that Caelius records in Cicero *Fam.* 8. 8. Another (brief) contemporary account comes from A. Hirtius (Hirtius [Caesar] *BG* 8. 53).

Matters really came to a head, however, during the next year, when C. Claudius C. f. Marcellus, consul with L. Aemilius Pallus for 50, made a renewed attempt to oust Caesar, only to be countered by the tribune of the plebs C. Scribonius Curio, who had

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[285] Cicero, apparently, attempted to defend Milo, but ended up doing little but splutter–Plut. *Cicero* 35. The *Pro Milone* we have is little more than the speech he *would* have delivered, had he had the courage.

allegedly been won over to Caesar's side by an obscenely large bribe. [286] From this point, we will be able to do something that could not be done in any previous case study, which is provide a somewhat more precise timeline of events, since we have Cicero's correspondence and those letters sent to him to provide rough, and sometimes exact, dates.

Onset–The level of disruptive behavior, a marker in the beginning of crisis onset, between Caesar and his opponents clearly began to be on the rise during the summer of 50, when C. C. f. Marcellus and C. Curio sparred in the Senate over how to handle Caesar and Pompey. While Marcellus succeeded in his motion to have Caesar superseded (which Curio vetoed), Curio's countermotion that both Caesar *and* Pompey should lay down their extraordinary commands (it should be remembered that they both owed their current positions to acts of the assembly, not to the usual distribution of provinces at the discretion of the Senate) passed overwhelmingly. Marcellus then attempted to pass a decree to pressure the tribune to withdraw his veto, but when it came to a division, the Senate voted it down, again, overwhelmingly (Cic. *Fam.* 8. 13, Caelius' letter of c. June 50; cf. App. *BC* 2. 30. 118-9; Plut. *Pompey* 58. 4; *Caesar* 30. 2-5).

Escalation–There is a certain confusion about specific events in the main narrative sources, but the beginning of the crisis phase can be placed somewhere in the vicinity of the fall of 50BC. The *threat perception* being the major indicator of the transition to the crisis (Escalation Phase) proper, we may take a statement from a letter of Cicero as a good indicator of when that threat perception arose. Cicero, of course, is not the Senate, but he is a fairly good example of a middle of the road senator, who would have preferred that matters not be decided on the battlefield. From a letter of his firmly dated to the Kalends of October, we learn that he had heard things from one Batonius and from a certain Lepta

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[286] Some first hand notices in Cic. *Fam.* 8. 6. 5, Cic. *Att.* 6. 3. 4. Cf. App. *BC* 2. 27. 102-6; Dio 40. 61-2; Livy *Per.* 109.

that were *spero falsa sed certe horribilia* "[which] I hope are false, but certainly horrifying" (Cic. *Att.* 6. 8. 2). He had heard that Caesar would not dismiss his army (in early 49), that three praetors,[287] the tribune of the plebs Q. Cassius (Longinus), and the consul Lentulus (L. Cornelius Lentulus Crus, designate for 49 with C. Claudius M. f. Marcellus) would all take the part of Caesar. Fifteen days later, on the Ides, Cicero heard a report (which turned out to be false) that Caesar would winter in Placentia with 4 legions (Cic. *Att.* 6. 9; cf. *Att.* 7. 1. 1 [Oct. 16, 50]). Regardless that the rumor was false, it contributed to the air of crisis that continued to build.

The full appearance of the perception of threat and imminent danger of physical violence comes clearly by December, where in a letter Cicero notes *sic enim sentio, maximo in periculo rem esse* "as far as I feel, the whole thing is in the greatest danger" (Cic. *Att.* 7. 3. 5 [Dec. 9, 50]). When Cicero met Pompey at Cumae sometime during the middle of December, Cicero's report was not positive: *de re publica autem ita mecum locutus est quasi non dubium bellum haberemus: nihil ad spem concordiae* "about affairs of state, however, he spoke to me as if without doubt we would have a war; he said nothing relating to hope for an agreement" (Cic. *Att.* 7. 4. 3). The notices of fear would only build (granted, Cicero was rather timorous, but these notices are worth noting): *Att.* 7. 5. 4: *de re publica cotidie magis timeo; Att.* 7. 6. 2: *de re publica valde timeo.* Without question, members of the ruling groups within the Senate, the organ of government that currently managed crises,[288] perceived a clear and present danger to core values and a qualitative increase in the likelihood of military hostilities to occur in the near future. In this case as well, there was demonstrable time pressure, since January 1st presented a hard deadline for either Caesar, or the Senate, to compromise with the other side. The alternative was open warfare.

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[287] This is Shackleton Bailey's Teubner reading.
[288] I will deal with this subject in much greater detail in Chapter 8.

A major escalation occurred when another false rumor was circulated sometime during December that Caesar had crossed the Alps and was marching on the City. Marcellus proposed that the army at Capua (the two legions taken from Caesar, see Hirtius [Caesar] *BG* 8. 54; App. *BC* 2. 29. 114-5; Dio 40. 65) be turned against Caesar, but Curio intervened (App. *BC* 2. 31. 120). Marcellus then stated that if he were hindered from taking measures to protect the common safety (through a senatorial decree, it must be assumed), he would do so by virtue of his own consular authority: "εἰ κωλύμαι ψήφῳ κοινῇ τὰ συμφέροντα διοικεῖν, κατ᾽ ἐμαυτὸν ὡς ὕπατος διοικήσω." (App. *BC* 2. 31. 121). The consuls, and possibly the consuls-elect left the City and presented Pompey with the command of the army at Capua, as well as the authority to raise whatever extra levies he wished (App. *BC* 2. 31. 121-2; cf. Dio 40. 66. 1-3; Plut. *Pompey* 59; *Caesar* 30. 6). Curio, unable to effect anything, fled to Caesar (App. *BC* 2. 31. 123). Before he left office, so about December 9, 50, Curio delivered an accusing address before the People condemning the actions of Pompey and the consuls-elect (Dio 40. 66. 5). After the new tribunes took office, Antony kept up the attack, as he gave a strong speech on December 21st attacking Pompey all the way from boyhood to the present, especially complaining about Pompey's court proceedings in 52 (Cic. *Att.* 7. 8. 5 [c. Dec. 25/6 50]).

At the very end of 50, Caesar was at Ravenna with 5000 infantry and 300 cavalry (one legion, the Thirteenth). Curio came to him and Caesar sent him back to Rome bearing a letter for the consuls who would take office on January 1. Here we have the opening of Caesar's own account, his *commentarii* on the Civil War. Caesar's letter was read only after the intervention of the tribunes Antony and Q. Cassius. In it, he offered to disband his army and lay down his command…*if* Pompey would do the same. There was an

implied threat of armed force if his proposal were refused. [289] The consuls (Caesar makes out Lentulus as the more forceful of the pair) brought forward a *relatio de re publica*, and a resolution was passed that Caesar should disband his forces by a fixed date, but it was vetoed by Antony and Cassius. Pressure was placed on the tribunes to withdraw their vetoes. The Senate apparently met several times during the first week of 49, including a session with Pompey outside the City. At one point, it appears that the Senate may have tried to declare a state of *tumultus,* as Dio records that the Senate voted to change their apparel, but this was vetoed. The Senate ordered the *sententia* recorded, and many senators apparently went ahead and changed from normal senatorial dress anyway. (Caes. *BC* 1. 1-4; Livy *Per.* 109; App. *BC* 2. 33. 124-31; Dio 41. 1-3. 2; cf. Suet. *div. Iul.* 30. 1; Plut. *Caesar* 32. 1).

Further Escalation–At some point between January 1sr and January 7th, it is clear that severe pressure was placed upon the tribunes Antony and Cassius, perhaps even to the point of threatening their personal safety if they did not leave Rome. The point of no return was January 7th,[290] when the Senate, in Caesar's words:

> *decurritur ad illud extremum atque ultimum senatus consultum, quo nisi paene in ipso urbis incendio atque in desperatione omnium salutis latorum audacia numquam ante discessum est: dent operam consules, praetores, tribuni plebis quique pro consulibus sint ad urbem, ne quid res publica detrimenti capiat.*

> "There was recourse to that last and final decree of the Senate, having never been voted before except in the imminent threat of destruction of the city and in despair over the safety of all due to the audacity of proposers [of inimical laws], by which [the Senate ordered] the consuls, praetors, tribunes of the plebs, and those who were near the City *pro consule*,[291] to take care that the state should not be harmed." (Caesar *BC* 1. 5. 3).

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[289] Obviously not in Caes. *BC* 1. 1, nor in Dio 41. 1. 3-4, but in App. *BC* 2. 33. 128, which actually has support from Cicero's description of the letter as a *minacis…et acerbas litteras*–Cic. *Fam.* 16. 11. 2.

[290] Caes. *BC* 1. 5. 4: *Haec senatus consulto perscribuntur a. d. VII Id. Ian.*

[291] Promagistrates returning from their *provincia*, like Cicero, who had not yet entered the *pomerium* and were therefore still in possession of *imperium,* particularly *imperium pro consule.*

The tribunes Antony and Cassius, along with the Caesarian supporters Curio and M. Caelius Rufus, left Rome and headed for Ravenna. (Cic. *Fam.* 16. 11. 2-3; Caes. *BC* 1. 5. 1-5; Livy *Per.* 109; Dio 41. 3. 2-3; App. *BC* 2. 33. 131-3; Plut. *Caesar* 31. 2).

What happened next is best placed in a chronological format of major datable events (with footnotes to fill in some events which cannot be firmly dated):

Jan 8   The Senate met outside of the *pomerium* with Pompey in attendance, to decide how to proceed during the emergency. Besides other measures, a levy was to be held throughout all of Italy. Caes. *BC* 1. 6.

Jan 12   Cicero reports the flight of the tribunes, the so-called *SCU*, and his own appointment at Capua (meaning Campania?), as Italy was divided up into districts to be watched over. Cic. *Fam.* 16. 11. 2-3

c.   Cicero reports the defection of T. Labienus, Caesar's legate.
Jan 21   Cicero reports that Caesar has taken Cingulum and Ancona.
Cicero reports his own assignment as ἐπίσκοπος (supervisor) of the Campanian coast, and his commission to conduct the levy in that area. Cic. *Att.* 7. 11.
Pompey plans to abandon Rome. He declares a state of *tumultus,* and orders all senators to leave Rome with him, or be considered enemies.
Cic. *ad Att* 7. 11; Plut. *Pompey* 61. 3-4; *Caesar* 33. 6; Dio 41. 6. 1-2; cf. 41. 3. 3 (on the declaration of a *tumultus*[292]); App. *BC* 2. 37

Jan 23   By about this date, Pompey abandons Rome. Cic. *Att.* 9. 10. 4 (letter of Atticus to Cicero, noting Pompey's departure from Rome by this date).

Jan 25   L. Caesar and L. Roscius meet Pompey and the consuls at Teanum. [293] Caesar's proposals are agreed, so long as he removes his garrisons from northern Italy. Cic. *Att.* 7. 14. 1.

The consuls and Senate met at Capua (Cicero in attendance). Most hoped that Caesar would abide by the interim agreement that he withdraw his garrisons from northern Italy. Cic. *Att.* 7. 15. 2.

c.   Caesar had firm control of Ariminum, Pisaurum, Ancona, and Arretium by
Jan 27   this date. Cic. *Fam.* 16. 12.

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[292] See also Suet. *div. Iul.* 34. 1, which notes on L. Domitius (more on him below) *Lucio Domitio, qui per tumultum successor ei nominatus Corfinium praesidio tenebat.* That is likely refers to a formal state of *tumultus,* see Butler and Cary (1982) 86.
[293] Sent by Pompey, they had met Caesar at Ariminum, and had been sent back to Pompey to communicate Caesar's proposals for a settlement to avert war (Caes. *BC* 1. 8. 2-9. 6; Dio 41. 5. 2-4; cf. Cic. *Fam.* 16. 12). Cicero did not think much of L. Caesar's mission: Cic. *Att.* 7. 13A. 2, which Shackleton Bailey dates to Jan. 24.

by   L. Caesar was sent back to Caesar with the Senate's response: all of Caesar's
Jan 28   terms agreed to; all that was left was to wait for Caesar's response. Cic. *Att.*
         7. 16. 2; 7. 17. 2.

Feb 5   Date set for the consuls to meet with others at Capua. Cic. *Att.* 7. 16. 2; 7. 17. 5;
         7. 18. 1.
         Cicero was there, but only the consul Lentulus appeared. C. Marcellus did not
         show up. Cic. *Att.* 7. 20. 1; 7. 21. 1.

Feb 7-8 The consuls were ordered to return to Rome to remove the *sanctius aerarium*, but
         they do not manage to do so. Cic. *Att.* 7. 21. 2; cf. Caes. *BC* 1. 14. 1.

Feb 9   Pompey ordered L. Domitius[294] to leave Corfinium by this date and meet him at
         Luceria. Cic. *Att.* 8. 12A. 1, letter of Pompey to the consuls; Cic. *Att.* 8. 12B. 1-2,
         Letter of Pompey to Domitius; Cic. *Att.* 8. 12C. 1-2, letter of Pompey to Domitius;
         Cic. *Att.* 8. 12D. 1-2, letter of Pompey to Domitius.

c. Feb   Cicero hears reports of Domitius with a force at Corfinium. He further reports
10/1   that Caesar might already be headed southward to pursue the Pompeians, while the
         consuls had already left Capua. Cic. *Att.* 7. 23. 1; 7. 24.

Feb 15/ Cicero receives a letter from Pompey, asking him to come to Luceria. Cicero
16   suspects that this is merely a staging area for further flight. Cic. *Att.* 7. 8. 1-2.

Feb 17   Caesar placed L. Domitius under siege in Corfinium. Caes. *BC* 1. 15. 6-19. 5.
         Domitius sent a letter to Pompey from Corfinium, asking for Pompey to
         come to his aid, informing him of Caesar's encamping outside the town. Cic. *ad*
         Att. 8. 12D; 8. 6. 2; cf. Caes. *BC* 1. 17.

         By about this time, Cicero concludes that Picenum is already lost and the way to
         Rome lay open to Caesar. Cic. *Att.* 8. 3. 4.

         Pompey ordered Domitius to leave Corfinium and come to him at Luceria with all
         of his forces. Cic. *Att.* 8. 12A. 1; 8. 12B. 1-2; 8. 12C. 1-3; 8. 12D. 2

Feb 19   Pompey leaves Luceria, ahead of his legions en route to Brundisium. Cic. *ad*
         Att. 8. 9A. 2.

Feb 20   Pompey sent a letter (Cic. *Att.* 8. 11C) to Cicero urging him to head for
         Brundisium (the letter was received on the 27th). Cic. *Att.* 8. 11D. 4.

         Either on this day, or slightly before, the siege of Corfinium (Caes. *BC* 1. 20-3; Livy
         Per. 109; Dio 41. 10-11; cf. Plut. *Caesar* 34. 6-8) must have ended, as Caesar left the
         town on the 21st (see below). Reports of Domitius' surrender reached Cicero at
         Formiae by about the 24th. Cic. *Att.* 8. 8. 2.

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[294] L. Domitius Ahenobarbus *cos.* 54 had been named Caesar's successor in Gaul, and marched
north to take over the province (Caes. *BC* 1. 6. 5; App. *BC* 2. 33. 129; Suet. *div. Iul.* 34. 1; Dio
41. 10. 2).

Deescalation–As Caesar took control of most of the Italian peninsula, the threat of armed force abated somewhat, and the end to the crisis sparked by the fear of Caesar's invasion, and the actual invasion, came into view. The final round of events were as follows:

Feb 21 Pompey departs from Canusium to Brundisium. Cic. *Att.* 8. 14. 1; Caes. *BC* 1. 24. 1. Caesar leaves Corfinium. Cic. *Att.* 8. 14. 1.

Feb 26 Pompey arrives at Brundisium (Cicero says that on Mar 1 that Pompey had been at Brundisium for 4 days [so inclusive reckoning = Feb 26]). Cic. *Att.* 9. 10. 8.

Mar 9 Caesar pitched camp under walls of Brundisium. This is dated by a letter of Caesar to Balbus, of which a copy was sent to Cicero. Cic. *Att.* 9. 13A. 1.

With Pompey under siege in Brundisium, there was one last chance to resolve the crisis through negotiation and avoid a war. Cicero talked about playing peace-maker (Cic. *Att.* 9. 7. 3) a serious possibility since he had not joined Pompey in his flight, but nothing actually came of it. Caesar's last attempt at negotiation, through Pompey's prefect of engineers N. Magius (Caes. *BC* 1. 24. 4-5; 26. 2; cf. Cic. *Att.* 9. 7C. 2) and through L. Caninius Rebilus (Caes. *BC* 1. 26. 3-4) both failed; since the consuls had apparently left for Greece, no negotiation was possible (Caes. *BC* 1. 26. 5; cf. Cic. *Att.* 9. 9. 2: *discessu enim illorum actio de pace sublata est* "with the departure of those men [the consuls], any activity concerning peace was destroyed;" cf. Dio 41. 12. 2; Plut. *Pompey* 63. 2).

Termination–While Caesar's capture of Pompey might have ended the crisis, he did not manage to achieve that goal. During Mar 9-17, Pompey embarked his forces for Greece, having sent the consuls with the bulk of his forces ahead of himself (Cic. *Att.* 9. 14. 3; 9. 15a). Caesar entered Brundisium on the next day (Cic. *Att.* 9. 15a).

The Republic had fallen; the crisis for the Roman state was over.

Case Study SCU5: Last Words: The final SCU

There is actually a second crisis that occurred in 43BC, which followed closely upon the heels of the *tumultus* that lasted from (definitively) February 3 to roughly April 21 or shortly thereafter. For recent work, consult the Bibliographic Note on Case Study T1: The *tumultus* of 43BC.

The Sources

See Case Study T1: The *tumultus* of 43BC.

Summary and Crisis Phases

Onset—After Antony's defeat at the hands of the armies loyal to the Senate, it seemed like the Republic would arise anew, like the mythical phoenix, from the proverbial ashes. Yet, two serious problems arose in the immediate aftermath. First, Antony had escaped, and the threat from him was not over. That in itself promised future disruption. As D. Brutus, writing to Cicero at the end of April, noted, M. Aemilius Lepidus, governing Narbonese Gaul and Near Spain, could ruin everything if he decided to join with Antony (Cic. *Fam.* 11. 9. 1). Brutus also had doubts about Cicero's friend L. Munatius Plancus, governing all of Gaul over the Alps except Narbo (*Fam.* 11. 9. 2). Plancus himself, writing to Cicero, made similar remarks to those of Brutus about where refuge lay for Antony: in Lepidus' army (*Fam.* 10. 11. 2).

The other major problem facing the revived Republic was the loss of both its chief magistrates. In other crises, especially internal ones, I have noted how the consuls were often the chief "point men" for the Senate, and often were trusted to carry through the defense of the state on their own by virtue of their magisterial powers.[295] Now, Rome had no consuls to guide her. Hirtius was killed shortly after April 15th; Pansa lay dying at

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[295] This will be discussed further below in Chapter 5.

Bononia, and succumbed very soon after. News of both their deaths did not reach Rome until around the second week of May. [296] The Republic was not stagnant in this situation (a debate on the military situation and what should be done about those who had been declared public *hostes* was held in the Senate on April 27 according to Cic. *ad Brut.* 13(1. 5). 1), and the Senate could function quite normally under the presidency of the City Praetor (at this time, M. Caecilius Cornutus), *qui, quod consules aberant, consulare munus sustinebat more maiorum* "who, since the consuls were absent, was undertaking the consular burden following ancestral custom" (Cic. *Fam.* 10. 12. 3). But from no source do we hear that Cornutus made any attempt to provide leadership or executive direction during the vacuum caused by the death of the consuls. Instead, we have the words of D. Brutus writing to Cicero in early May again to inform us of the situation: *Primum omnium quantum perturbationem rerum urbanarum adferat obitus consulum, quantumque cupiditatem hominibus honoris iniciat vacuitas, non te fugit* "First of all, it does not escape you how much confusion the death of the consuls has brought into City affairs, or how much desire for office the vacuum has stirred up in men" (Cic. *Fam.* 11. 10. 2).

On both fronts, the situation would get worse for the Republic. First, there came the news that Antony had been joined by his friend Ventidius at Vada near the Alps, leading three legions (Cic. *Fam.* 11. 10. 3). According to D. Brutus, the fault lay with Octavian, who did not act in concert with him to stop Antony (*Fam.* 11. 10. 4). [297] More worrisome, in the same passage, Brutus notes: *sed neque Caesari imperari potest nec Caesar exercitui suo.* Octavian is not to be ordered, but his army is not following orders either. Brutus himself, who had been voted by the Senate to command the war (Dio 46. 40. 1) was slow to follow Antony (he makes his excuses in a letter to Cicero, *Fam.* 11. 13), which gave

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[296] In a letter from Cicero to M. Brutus in Macedonia sent on May 5th, Cicero makes it clear that at Rome, Pansa was still believed to be alive–Cic. *ad Brut.* 13(1. 5). 4.
[297] Cf. App. *BC* 3. 80. 325-329.

Antony the opportunity he needed to reach Lepidus. Lepidus himself sent letters to Cicero (there were doubtless ones to others in Rome as well) protesting his loyalty (*Fam.* 10. 34a, 10. 43). Regardless, no one else seemed to put much faith in Lepidus (see Cic. *Fam.* 10. 21. 1 (Plancus), 11. 23. 1 (D. Brutus), 10. 20. 1 (Cicero).

Escalation–The crisis phase proper can be precisely dated to start from May 30, when Lepidus wrote an official dispatch to the SPQR, claiming that his army has mutinied and that the decision (on whether to fight Antony or not) was taken out of his hands (Cic. *Fam.* 10. 35. 1). Lepidus called upon the Senate to put aside public quarrels and think about the best interests of the state (§2). Whether he was telling the truth or lying through his teeth (App. *BC* 3. 83. 340-84. 348 and Plut. *Antonius* 18. 1-6 both seem to go along with the idea that the suborning of the army was the work of Antony, and Lepidus was forced to go along with events or be forcibly removed), does not matter. Antony was now in command of a sizable army. The threat perception and fear perception are well noted at this event by D. Brutus, writing to Cicero on June 3rd, by which date he had certainly heard the news about Lepidus' army. *Crede mihi, nisi ista omnia ita fiunt quem ad modum scribo, magnum nos omnis adituros periculum* "Trust me, unless everything is done as I write [earlier in the letter, Brutus suggests recalling the legions from Africa and Sardinia, summoning M. Brutus and his army from Macedon, and voting pay for his own army], all of us are going to be heading into great danger" (Cic. *Fam.* 11. 26). There was a qualitative increase in the likelihood of renewed hostilities with Antony.

On another front, another danger presented itself to the Republic. Already following Antony's rout from Mutina, doubts began to surface about the reliability of Octavian. More than his refusing to help D. Brutus corner Antony near the Alps, Appian reports immediately after that incident that Octavian had opened up communication with Lepidus and Pollio, offering to join them in suppressing the "Pompeians" (App. *BC* 3. 81.

330-2). M. Brutus in Macedon must have been receiving troublesome reports, as he wrote to Cicero on May 15th (which means the letters coming to him were likely from the end of April to early May) that he had serious fears of Octavian and his desire for the consulship. He went on to note that Cicero would receive a serious measure of blame if things turned sour, since Cicero had been so instrumental in the many honorific decrees the Senate had passed to favor the young Caesar (*ad Brut.* 12(1. 4a). 2-3).

Again, from the other Brutus, Decimus, word came to Cicero that Octavian was now becoming less than pleased with Cicero: apparently, people had been telling Octavian that Cicero's plans for the youth could be summed up as *laudandum adulescentem, ornandum, tollendum* "…the youth must be praised, decorated and then lifted up [and out of the picture]" (*Fam.* 11. 20. 1). Apparently Octavian had already made his response. Octavian said (as reported by Brutus in the same passage): *se non esse commissurum ut tolli possit* "he would see to it that he could not be removed." At the same time, Octavian's behavior was also a sign of future trouble, as he refused to send to Brutus the legion from Pansa' army that Octavian had taken over after the consul's death (§4).

The problems arose from the soldiers, especially from Caesarian legions. In early June, Cicero reports that the Martian and Fourth Legions had refused to serve under D. Brutus (*Fam.* 11. 14. 2). This news, combined with the shock of Lepidus' turnabout, had taken everyone at Rome by surprise. They had thought the war was over, but now they faced *hi novi timores* (§3). The Republic was not finished yet, as Plancus was still loyal to the Senate, and even joined D. Brutus' army in Gaul to face off against Antony and Lepidus (Cic. *Fam.* 10. 23, 11. 13a, 11. 25, 10. 26, 12. 10, *ad Brut.* 18(1. 10). 2). On June 30th, Lepidus was added to the list of public enemies, but the Senate was not beyond compromise, as they set a deadline of September 1 for all of those who had turned to come to their senses (Cic. *Fam.* 12. 10. 1). However, Octavian had become utterly unreliable.

Cicero wrote to M. Brutus urgently calling upon him to come, since Octavian was now of no help to the state: *exercitus autem Caesaris, qui erat optimus, non modo nihil prodest sed etiam cogit exercitum tuum flagitari* (*ad Brut.* 22(1. 14). 2). The last dated letter from the Ciceronian corpus that refers directly to events is a letter from Plancus, camped in Gaul with D. Brutus, sent on July 28, 43. He reports that the situation is currently a stalemate, with the Republic's army encamped facing Antony and Lepidus, neither side making a move (Cic. *Fam.* 10. 24. 3). He states that they would be in a position to attack if they could be reinforced by either the legions from Africa or Octavian's army. He had sent messengers to Octavian asking him to come, and said that Ocatvian had even promised to do so—but had not (§4). He blames the situation on Octavian's desire to have the consulship for the rest of the magisterial year (§§5-6). He and Brutus will not attempt a decisive engagement without the African legions or Octavian (§8).

At this point, exact dates are harder to come by, so a brief summary of events will follow. With the decline in trust of Octavian, the Senate attempted to woo his army away from him, a plan that utterly backfired (App. *BC* 3. 86. 353-7; Dio 46. 40. 4-6). Octavian's response was to rouse his soldiers against the Senate (App. *BC* 3. 87. 358-60; Dio 46. 42. 4-43. 1). Though the Senate tried various measures to soothe him, giving him command in the war against Antony and Lepidus (App. *BC* 3. 85. 352; Dio 46. 42. 1), and granting him still more honors (Dio 46. 41. 3), nothing worked. Octavian's soldiers then demanded the consulship for him, which the Senate refused, leading to Octavian marching on Rome (App. *BC* 3. 88. 361-6; Dio 46. 42. 2-43. 6).

The Senate dithered between resistance and appeasement. Their last stand came when the legions from Africa arrived, and combined with one legion left by Pansa, they attempted to make one last stand against Octavian's army (App. *BC* 3. 91. 373-6; Dio 46. 44. 2-5). Dio records one last use of the so-called *senatus consultum ultimum,* with the care

of the City entrusted to the praetors, as there were no consuls; and apparently one last

declaration of a *tumultus*, as he records that the senators changed their dress: Dio 46. 44. 4

καὶ αὐτοὶ τήν τε ἐσθῆτα αὖθις ἠλλάξαντο καὶ τοῖς στρατηγοῖς τὴν φυλακὴν τῆς

πόλεως ἐνεχείρισαν, ὥσπερ εἴθιστο. It is curious that here, as elsewhere, the Greek

accounts have no special terminology to designate a *SC ultimum*. We must infer its

existence (but do so with confidence) from the order concerning the protection of the city.

Deescalation—This crisis, however, would end with mostly a whimper, and not a great

battle. The final usage of the *SC ultimum* would not serve to deter Octavian from his goal.

The Senate's army quickly decided to go over to Octavian (App. *BC* 3. 92. 377-82; Dio 46.

45. 1-2). In an act perhaps more worthy of another age (or did he see what was coming

inevitably ahead?), the City Praetor, M. Caecilius Cornutus, committed suicide (App. *BC*

3. 92. 381). As there was to be no climactic battle for the defense of the Republic, the

perception of the possibility of violence lessened, and the end of the crisis came into sight.

Termination—In a strange, but not implausible, notice from Dio, we hear of the "irregular"

events that followed. As it was not possible to follow normal custom and seek the

appointment of an *interrex* (apparently, all holders of patrician magistracies needed to

resign their offices in order to allow the auspices to return to the *patres,* an impossible

situation since at least one patrician magistrate, P. Ventidius the praetor, was currently with

Antony in Gaul), two men were appointed *pro consulibus* in order to hold the elections

(δύο τινῶν ἀντὶ ὑπάτων πρὸς τὰς ἀρχαιρεσίας αἱρεθέντων), a highly irregular

procedure without precedent (Dio 46. 45. 3).

And so, at the age of 19, C. Iulius divi f. Caesar (Octavianus) became consul with

his relative Q. Pedius (App. *BC* 3. 94. 387-8; Dio 46. 46. 1; Livy *Per.* 119; Suet. *div. Aug.* 12;

RGDA 1. 4). The date of his inauguration was August 19, 43, the termination point for this

crisis (Dio 56. 30. 5; cf. Tac. *Ann.* 1. 9). In this case, the crisis ended because the crisis actor,

the "free Roman republic," ceased to exist. A system of institutions that had managed to govern Rome for several centuries was finally overthrown by the power of the soldiers.

Chapter 5: Executive management of crises

The following chapters will offer a range of examples to demonstrate actual institutional responses to crisis by the various parts of the Roman Government, along with selected case studies to provide even more detailed examinations of crisis response. These chapters, which will survey the crisis response of the Roman state, will not provide hypothetical responses that could be theorized based upon models of powers and abilities inherent in the various magistracies and bodies that comprised the governing machinery of the Roman Republic. A *descriptive* account of actual recorded behavior is superior, in my opinion, to a *prescriptive* listing of possible responses based upon hypothetical actions by the Roman government that would be largely speculative. For this reason, I will not engage in making lists of powers and competencies attaching to the various magistracies, or bodies such as the Senate. [298] Nor will there be discussion of what *could* have been done in any particular case. The fact that the Romans did not themselves seem to have a set of prepared responses for every situation, based upon past experience with similar crises encountered before, is an important point that is revealed by examining their actual responses.

The Dictatorship[299]

This most unusual Roman magistracy figured prominently in the early Roman Republic's response to military-security crises during the first three centuries of the

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[298] Those wishing to learn of the full range of powers and competencies held by the various magistrates, the Senate, and the popular assemblies, can consult the appropriate sections of Mommsen's *Staatsrecht* or the more recent summations of Lintott (1999) and Kunkel (1995) for the magistracies.

[299] The most recent full scale, detailed (though with some limitations on its scope) monograph on the subject of the Roman dictatorship is an unpublished dissertation: Hartfield (1982). Then there are the collected volume of Duverger (1982) and the work of Valditara (1989) which is not solely focused on the Roman dictatorship. Kunkel (1995) 665-717 provides a detailed view, but includes the anomalous dictatorships of Sulla and Caesar. There is no more recent book length treatment in any language. There has been little, if any, detailed work done on the dictatorship in the past decade.

Republic. [300] During the early life of the Roman state, this extraordinary magistracy was instrumental in providing a means of dealing with severe threats, both external and internal. The very first dictator recorded was T. Larcius Flavus in 501BC. [301]

External Threats

I will not provide a full case study for the classic literary example of the dictatorship in action during a crisis, the famous tale of L. Quinctius Cincinnatus, dictator in 458. [302] I call it a "tale," since we might have doubts about the "authenticity" of the narrative (see below). Still, a brief recounting of his activity, drawn from Livy,[303] is helpful in demonstrating the dictator in action during a crisis (even though technically, this example comes from before our period of primary focus). When the consul L. Minucius was trapped by the Aequi, the other consul (Nautius) was thought unequal to the task of his colleague's rescue. Therefore, the Romans decided to have Cincinnatus named dictator. A delegation from Rome met him hard at work on his farm, informing him that he had been named dictator and that a Roman army and consul were in danger. They returned to Rome immediately. On the next day, Cincinnatus named L. Tarquinius[304] as his *magister equitum* (Master of Horse) and appeared before an assembly to announce his orders:

> *iustitium edicit, claudi tabernas tota urbe iubet, vetat quemquam privatae quicquam rei agere; tum quicumque aetate militari essent armati cum cibariis in dies quinque coctis vallisque duodenis ante solis occasum in Campo Martio adessent; quibus aetas ad militandum gravior esset, vicino militi, dum is arma pararet vallumque peteret, cibaria coquere iussit.* (3. 27. 2-4)

> "He proclaimed a *iustitium*, ordered the shops to be closed throughout the city, (and) forbade anyone from undertaking private business of any sort; then anyone who was of military age was to be present, under arms, in the Campus Martius

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[300] I will not be discussing the role of dictators who were named for other reasons, such as holding elections or fulfilling certain religious duties.

[301] There are, of course, problems with the exact date. Precision is not to be expected in this case. For detailed discussion, see Hartfield (1982) 310-2.

[302] For full references, consult *MRR* 1. 39, or Hartfield (1982) 324-6.

[303] Livy 3. 26. 3-29. 7.

[304] His name is also given as Tarquitius, accepted by some (Broughton *MRR*), rejected by others (Ogilvie *Livy* 442); see both for further references.

> before sundown with cooked rations for five days and twelve wooden stakes; to those who were over the age for military service, he ordered them to cook the food for their neighbors who were to serve, while they were readying their arms and seeking out stakes."

The army was mustered and marched out of the City that night under the command of Cincinnatus. To make a long story short, Cincinnatus managed to approach the Aequian positions besieging the Roman army under Minucius and succeeded in surrounding them. Caught between the two Roman armies, the Aequians had to accept a humiliating surrender. Cincinnatus returned to triumph, and abdicated after only 15 days in office as dictator, even though the appointment was for six months. [305]

Though there is little doubt that the whole narrative, including the wonderfully picturesque image of Cincinnatus drawn from his plow to save the Roman State, is largely legendary,[306] the details that were used in its construction exhibit very well a script that nearly all dictators who were named to deal with military crises followed. In short, a dictator performed a play in three acts. Act I was to appoint a *magister equitum*. Act II saw the dictator lead out the Roman army to battle. The final act was the dictator returning to abdicate his office, his task completed. [307] Cincinnatus followed the playbook to the end. What is of greater interest is the series of orders that he gave to the citizens in Rome, detailed above. As stated, the dictator declared a *iustitium*[308] and ordered the enrollment of all men of military age in the city to assemble for action by the end of the day. He further gave very specific instructions for the men to provide stakes for entrenchment and rations for a fixed number of days. Embellished or not, this account probably reflected actual practice (and may very well have derived from real events).

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[305] Livy 3. 29. 7.
[306] Ogilvie *Livy* 441.
[307] This almost standard formula is the observation of Hartfield (1982) 19.
[308] On the *iustitium*, see Chapter 4.

It is unfortunate for our analysis that the great majority of dictators that were appointed to deal with military-security crisis were all appointed during the early centuries of the Republic, where our faith in the sources is somewhat impaired. To turn to a more historically trustworthy period, we may examine the last two dictators to have been appointed to deal with an external threat, the dictatorships of Q. Fabius Maximus Verrucosus ("Cunctator," *cos.* I 233) and M. Iunius Pera (*cos.* 230).

During the Second Punic War, following the Carthaginian commander Hannibal's decisive defeat of the Roman forces under the consul C. Flaminius in 217 at Lake Trasimene, a severe crisis gripped the Roman state as the other consul Cn. Servilius was at Ariminum, north of Lake Trasimene, which placed Hannibal and the Carthaginian army between him and Rome. [309] As it was impossible to communicate safely with the surviving consul, the Senate and magistrates (the praetors M. Aemilius and M. Pomponius) deliberated upon what course of action to take. In Livy's words, *itaque ad remedium iam diu neque desideratum nec adhibitum, dictatorem dicendum, civitas confugit* "And so the community had recourse to a remedy that had for a long time already been neither desired nor called upon–that a dictator be named."[310]

Concerning the appointment itself, there is some dispute, as our main source, Livy, felt that the irregularities involved in Fabius being made dictator were such that Fabius should be more appropriately be styled *pro dictatore* than dictator. [311] According to Livy 22. 31. 8-11, drawing on authority from the annalistic tradition, including a named reference to

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[309] Complete references may be found in *MRR* 1. 242-3 and 248; for a list of sources directly related to the dictators see Hartfield (1982) 495-7 (Fabius) and 502 (Pera).

[310] Livy 22. 8. 5. All sources note that the depth of the crisis made the Romans feel the need for a dictator.

[311] The most recent treatment of the subject that is noted in *L'Année philologique* is J. Lesinski, "Quintus Fabius Maximus Verrucosus: a dictator in 217 BC ?" in *EUERGESIAS KHARIN : studies presented to Benedetto Bravo and Ewa Wipszycka by their disciples* / ed. by Tomasz Derda, Jakub Urbanik, Marek Wecowski. Warzaw 2002. This work is extremely hard to track down, however, as I have not been able to find anywhere that has a copy, save Harvard University, where it is kept in a non-circulating collection only.

Coelius Antipater, Fabius was elected dictator by the people. Hartfield[312] agrees with a line

of argument descended from Mommsen[313] with some modifications by others that asserts

that Fabius was formally named by the City Praetor after the tribal assembly (*comitia*

tributa) had voted him to be named dictator. Walbank, in his note to Polyb. 3. 87. 6 states

that "[i]n Servilius' absence, the *comitia centuriata* elected Fabius *dictator*,…"[314] Broughton

professes a certain agnosticism about the manner of selection, terming Fabius "appointed

or elected," though he is strong in his refusal to accept Livy's remarks about Fabius being

pro dictatore. [315] Unfortunately, we receive no help from Polyb. 3. 87. 6, which blandly

states that "the Romans" κατέστησαν Quintus Fabius as dictator. The word is used clearly

to mean "appoint" in Greek, but Polybius does not offer any detailed testimony here,

neither giving us the name or office of a magistrate who would have made the appointment

(according to the speculations of Mommsen and his followers), nor ruling out any other

method of appointment. All later sources clearly draw upon what is already extant in

Polybius or Livy.

I see no problems with Fabius having been named by the assembly. The normal

naming procedure could not be employed. Brennan, viewing the issue from the perspective

of the praetors, does not buy into Mommsen's hypothesis of a praetor carrying out the

ritual *dictio*. Besides the lack of any explicit evidence in the sources stating clearly that a

praetor did so, he notes that Caesar, who clearly was in need of a firm *exemplum maiorum*

to bolster his claim to the office, did not cite the case of Fabius as a precedent. Instead, it is

more likely that M. Aemilius the City Praetor passed a bill through the centuries ordering

Fabius to act as dictator, perhaps until the surviving consul could carry out the proper

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[312] Hartfield (1982) 495-6.
[313] *St. R.* 2. 147 n. 4, which she misses; see Hartfield (1982) 496 n. 2 for references to this line of assumption, as well noting a quite speculative proposal of G. V. Sumner *Phoenix* 29 (1975) 253-6 that is not worth pursuing further.
[314] Walbank *Polybius* 1. 422.
[315] See *MRR* 1. 243 and 245-6 n. 2.

naming procedure.[316] In the end, it really is unimportant whether Fabius was, in legal terms, dictator or only *pro dictatore*. The strange designation *interregni caussa* on the Capitoline Fasti is also immaterial.[317] During the depth of severe crisis, the Roman state needed leadership and Fabius was named sole leader to deal with the crisis caused by the slaughter of one consul and his army and the cutting off from Rome of the surviving consul.

As dictator, Fabius carried out the duties normal for a dictator named to face an external threat. After first settling alleged affronts to the gods,[318] Fabius levied supplementary forces and led out an army to join up with the surviving forces under the consul Servilius,[319] who had in the meantime begun to march around Hannibal and make his way back to defend Rome.[320] Fabius also ordered by edict that all those who lived in unfortified towns should take refuge in safe places, with farmers burning their crops and denying Hannibal and his army any useable supplies–an early example of a scorched earth policy.[321] Having taken over the consul's army, Fabius dispatched Servilius to take command of a fleet to oppose Punic naval movements in the Tyrrhenian Sea.[322] For the remainder of the year, Fabius was in command of war policy (with the exception of the tussle with M. Minucius Rufus, his *magister equitum*) until he handed over the army to the consuls (M. Atilius Regulus had been elected suffect consul in the meantime) and abdicated as winter approached.[323]

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[316] Brennan (2000) 121.
[317] For a defense, though one I do not agree with, of the designation, see Hartfield (1982) 303-6. For a more recent assessment, see Gusso (1990).
[318] Livy 22. 9. 7-11
[319] Livy 22. 11. 1-3.
[320] Livy 22. 9. 6.
[321] Livy 22. 11. 4-5.
[322] Livy 22. 11. 5-7.
[323] Livy 22. 31. 7, 32. 1.

As we turn to our last historical example of a dictator appointed to deal with a serious military-security crisis, we do not have problems with either his appointment or sphere of command. It was in the aftermath of Cannae. Let us look at this episode in some greater depth:

Case Study E1: Cannae

Bibiliographic note

Two recent books have looked at the battle closely, from the combatants' perspective: Daly (2002) and Goldsworthy (2001). In general on the Second Punic War, one may consult Hoyos (2003), Hoyos (1998), and Cornell, et al. (1996), all of which contain useful discussions. There is very little scholarship of any sort dealing with this event in any detail. Concerning the status of the prisoners conscripted by Pera during the emergency, one can consult Crifò (1964).

The Sources

Polybius 3. 106-118
Livy 22. 33. 9-23. 14. 4

Summary and Crisis Phases

Escalation– I do not include an Onset phase here, for this intra-war crisis followed immediately upon the crisis atmosphere in Rome following Hannibal's destruction of C. Flaminius' army in 217. Actually, the only two phases that apply here are an Escalation Phase and a phase of Deescalation/Return to Equilibrium that will be addressed in due course.

The preparations of the Romans for consular year 216 were immense. The Romans were looking for a decisive encounter. According to Polybius, the Senate decided to give battle (Polyb. 3. 107. 7; cf. 108. 2 τῆς συγκλήτου γνώμην). Further, the new consuls, L. Aemilius Paullus and C. Terentius Varro, were to be sent into the field with eight Roman

legions ὃ πρότερον οὐδέποτ᾽ ἐγεγόνει παρὰ ῾Ρωμαίοις "which had never been done before by the Romans," and these legions were reinforced units of five thousand infantry, employed in times of crisis (ἐπὰν δέ τις ὁλοσχερεστέρα προφαίνηται χρεία) (Polyb. 3. 107. 9-11; cf. 6. 20. 8). Livy refused to affirm exact figures, but noted the increased size of legions and also the number of legions being increased to eight, with the allied contingents being doubled in size as well (22. 36. 1-5). A further extraordinary measure was that the usual voluntary oath not to abandon the ranks and flee was formally administered by the military tribunes to the soldiers, a thing "which had never been done before" (22. 38. 2-5).

That is not to say that there was complete unity at the top of the Roman political class. As Livy reports, wrangling over who would hold the elections resulted in the state reverting to an *interregnum* (Livy 22. 33. 12). The second *interrex*, P. Cornelius Asina, the first one legally allowed to hold the elections, managed to achieve the election of only one consul (Varro) due to political infighting which Livy portrayed as being between patricians and plebeians (surely a little anachronistic at this point?). With Varro's election, of course, the interregnum ceased to exist (22. 34. 1-35. 2). Varro held the election for his colleague, and Aemilius was elected (22. 35. 3-4).

Matters came to a head when Hannibal attacked and seized a Roman supply depot at the town of Cannae in southern Italy (Polyb. 3. 107. 2-6). There, the decisive battle was fought.

As most students of Roman history know, the battle was an utter disaster for Rome. Polybius records over 70,000 deaths on the Roman side; a further 10,000 were captured by Hannibal (3. 117. 2-4). Livy states the number as closer to 50,000 (22. 49. 15). The consul Aemilius Paullus along with the consuls of 217 Servilius and Atilius, were among the dead (Polyb. 3. 116. 8-9; cf. Livy 22. 49. 12; Polyb. 3. 116. 11; cf. Livy 22. 49. 16). The other consul, Varro, escaped with a small band of cavalry to Venusia (Polyb. 3. 116. 13; Livy 22. 49. 14).

At Rome, the first news was bleak (and inaccurate): that the entire army and both consuls had been utterly wiped off the face of the earth (Livy 22. 54. 7). With this news, a qualitative increase in the likelihood of direct violence to the city of Rome, probably to manifest itself in the appearance of Hannibal himself before the city gates, marked the move into the Escalation Phase. Still, in this absolute crisis, when the very survival of the state was uppermost in Roman minds, the Roman Senate did not fall into blind panic. The praetors in Rome, P. Furius Philus (the City Praetor) and M. Pomponius Matho (the praetor *inter peregrinos*), called the Senate into session to discuss the defense of the City (Livy 22. 55. 1). Though most were at a loss, Q. Fabius Maximus made a series of sensible suggestions: that light horsemen be sent along the Via Appia and Via Latina to gather information;[324] that the uproar and lamentation in the city be quieted, that all informants entering the city be brought before the praetors; that sentries be posted at the gates and that people be prohibited from leaving the city (Livy 22. 55. 4-8). The Senate approved all the measures proposed by Fabius without debate (Livy 22. 56. 1). Though Livy does not anywhere formally state this, in modern terms a state of emergency and martial law would seem to have been declared in the city of Rome.

At this point, better, more accurate information began to flow into the city. A letter arrived from the consul Varro informing the Senate of the losses and survivors of the battle, as well as Hannibal's position and movements (Livy 22. 56. 1-3). As the Senate reconvened (after placing the city in order), another magisterial letter arrived, this time from T. Otacilius Crassus, the propraetor stationed at Lilybaeum, who reported that Syracuse was under assault by a Carthaginian fleet, and that another was poised to strike the Roman areas of the island if Otacilius went to the help of their ally King Hiero (Livy 22.

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[324] The search for more information is one of the major coping mechanisms during a crisis. See Brecher (1993) 45, 83-117, 126-9, 363-367.

56. 6-8). With these reports in hand, the Senate made the decision to divert the praetor stationed at Ostia, M. Claudius Marcellus (*cos.* 222), who was bound for Sicily, from his mission to instead take over the army of Varro at Canusium, with Varro coming back to Rome (Livy 22. 57. 1).

The depth of mourning in Rome even affected the performance of religious rites, as the annual *sacra* of Ceres were allowed to lapse, as those in mourning were forbidden from taking part, and no matron was left who was not among those affected by the disaster (Livy 22. 56. 4). The Senate was worried about private and public rites going unperformed, so a decree was passed which limited mourning to thirty days. More worrisome from the religious viewpoint, two Vestal Virgins, Floronia and Opimia, were convicted of *incestus* (impurity). One was buried alive *uti mos est* (in accord with ancestral custom), while the other killed herself (Livy 22. 57. 2). Floronia's paramour, L. Cantilius, a pontifical *scriba*, was beaten to death (Livy 22. 57. 3). In response, the Senate ordered the *decemviri s. f.* to consult the Sibylline Books, and Q. Fabius Pictor was sent to Delphi to consult the Oracle there (Livy 22. 57. 4-5). To mark the desperation of the Romans to regain the favor of the gods, an unusual rite (*minime Romano sacro*) was performed again: the burying alive of a pair of Gauls and a pair of Greeks, one male and one female each (Livy 22. 57. 6). [325]

Marcellus handed over his fleet to the praetor *urbanus* Furius, while he had his naval legion sent ahead to Teanum Sidicinum, which force he then lead to Canusium to take command of Varro's army (Livy 22. 57. 7-8). After Varro's return, the Senate authorized the appointment of a dictator, and M. Iunius Pera was named (at this point, Pera must have been a rather old man, as he was consul back in 230) with Ti. Sempronius Gracchus (a much younger man who had not yet been consul) as his Master of the Horse (Livy 22. 57.

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[325] See Eckstein (1982) for a discussion of the earlier occurrence in 228 as well the latter repetition in 114/3, and see 73-5 for this particular episode.

9). The Dictator took a host of emergency measures in keeping with the situation (Livy 22. 57. 9-11): A new levy was proclaimed and all were enlisted from the age of seventeen up, including some who had not even put on the toga of manhood; four legions and 1000 horse were enlisted, and men were sent to collect allied contingents according to the *formula* (the formal listing of troops owed to the Romans by treaty obligations); arms were ordered to be readied, and even spoils (foreign weapons and equipment) from enemies were taken down from temples to equip the army; owing to the scarcity of free men, the extraordinary step was taken of the state treasury buying 8000 young and strong slaves, who were willing to volunteer as soldiers. While noted a little later in Livy's narrative, one final desperation measure was adopted by the Dictator: yielding to dire necessity, Pera issued an edict which offered pardon to convicted criminals, even murderers, if they would serve in the army. [326] In this manner, six thousand men were enrolled, armed with weapons and equipment from C. Flaminius' Gallic triumph (Livy 23. 14. 3-4).

"Deescalation"/ reduction of crisis level–In the end, however, the absolute disaster that appeared before the eyes of the Romans never came. They did not know this at the time, but Livy puts the words into the mouth of Hannibal's subordinate Maharbal shortly after the overwhelming victory at Cannae. For after the battle, while the other officers advised Hannibal to rest his men, Maharbal, the commander of the cavalry, prompted Hannibal to make an immediate march upon Rome. Hannibal refused. In response, Maharbal said "you know how to achieve a victory, Hannibal, but you don't know how to make use of one" (*vincere scis, Hannibal, victoria uti nescis* Livy 22. 51. 4). Livy immediately followed that with his own comment: *mora eius diei satis creditur saluti fuisse urbi atque imperio* "a delay of one day is commonly believed to have saved the city and the empire."

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[326] As mentioned before, one may consult Crifò (1964) for further discussion of these special conscripts.

That is not to say that matters began to turn in the Romans' favor. In fact, matters would get much worse before becoming any better. Even though Hannibal did not immediately march upon Rome, he did eventually get moving, after wasting time haggling over the Roman prisoners, whom, in the end, the Senate refused to ransom (Livy 22. 58. 1-61. 10). At this point, events blend into the next critical event, which was immediately sparked by Hannibal's brilliant victory, The Revolt of the Allies. Compared to the level of threat peception, however, that existed in the immediate aftermath of the news about Cannae, the was a return to the previous level of threat and disruption, thus marking the move into the Deescalation Phase (with no true Termination Phase being present here, since the war and the threat from the Carthaginians overall remained).

As an endnote, it should be noted that the Roman ruling class very wisely, in the midst of the crisis, did not spiral downward into internecine strife and recriminations. Though the main sources (Polybius and Livy) do their best to vilify him, even Livy did not refuse to record a very interesting detail that occurred in the aftermath of Cannae. When Varro had returned to Rome, he was met by a crowd of all ranks and statuses in life, and was formally thanked *quod de re publica non desperasset* "because he did not despair over the state of the state" (Livy 22. 61. 14). [327] In a later Imperial age tradition, seen in Valerius Maximus, there is even notice that the Roman Senate offered Varro the dictatorship, but that he refused it (Val. Max. 3. 4. 4, 4. 5. 2). Whether true or not, it is in character with the Romans "circling the wagons" in this dire situation, instead of looking for a political scapegoat. [328]

While this may seem a minor point, it should be noted that there were others who were recorded as being potential proverbial "rats leaving the sinking ship." As an example of

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[327] There are other references to this giving of thanks to the consul Varro. See *MRR* 1. 247.
[328] Compare as well the comments of the soon to be dead Aemilius Paullus on the battlefield of Cannae, where he refused to live in order to be tried again or to stand as the accuser of his colleague in order to defend himself: Livy 22. 49. 11.

this, there is the famous anecdote concerning Publius Scipio (later Africanus), who served as a military tribune at Cannae and survived. With the remaining survivors at Canusium, when word was brought to him and other loyalists that a group of young noble Romans, led by M. Caecilius Metellus, were planning on leaving Italy and finding fortune with some king across the sea, Scipio burst into their meeting and forced them all to swear not to abandon Rome, or else he would use his sword on them right there and then. The others, cowering, swore (Livy 22. 53. 4-13). In light of this incident, the thanks given to Varro for not forsaking Rome makes much more sense, as yet another measure that was taken in order to shore up resistance at Rome to the sinking feeling of defeat that could have led to Rome's capitulation in the face of the extreme defeat dealt to them by Hannibal at Cannae.

Internal Threats

The dictatorship could also be used to face internal threats, but its use in that manner was largely in the very early period, during the so-called Struggle of the Orders when the patricians and the plebeians were fighting over access to office and honors. I will briefly recount one incident where it is clear that the dictatorship was used to manage an internal crisis.

In 368, P. Manlius Capitolinus was named *dictator seditionis sedandae et rei gerundae caussa*,[329] during the final battles over plebeian access to the consulship. [330] Unfortunately, we know little of his activities while in office beyond Livy's noting that he named a plebeian as his *magister equitum*. That he did not succeed in settling the protracted dispute between the plebeian tribunes Licinius and Sextius and the patrician Senate is unimportant. The fact

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[329] The dictator's title is preserved complete, though Manlius' name must be restore, but Livy provide us with Manlius' name.
[330] Livy 6. 39. 1. For full references on Manlius's dictatorship, see Hartfield (1982) 365.

is that the Romans, at least during the patrician government, could see the dictatorship as a office they could resort to in order to face an internal dispute. At least, before the *lex Valeria de provocatione* of 300 was passed. [331]

As one final note, though no dictators were appointed after C. Servilius Geminus in 202 (appointed to hold the elections) until the irregular revival of the office by Sulla in 82, that does not mean that the office was dead before Sulla's arrogation of it. In fact, while recording the tumultuous period of the Gracchi, the historian Appian at one point remarks with wonder why the Romans did not appoint a dictator to deal with the threat posed by Ti. Gracchus. [332] Though he seems to be oblivious to the problem posed by a dictator being just as bound as any other magistrate to the law of *provocatio*, one wonders if the remark was Appian's own, or did he see comments of a similar vein himself when reading the sources he examined in compiling his own history. [333]

The Consulship[334]

The preceding section has shown that Rome, when faced with a sudden military threat, would make use of the extraordinary office of dictator to cope with the danger. But as a matter of course, the management of affairs would generally be the purview of the highest regular magistrates, the consuls. When not leading Rome's armies abroad, they consuls presided over the machinery of the Roman government. When a crisis arose, it

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[331] On the effect of the *lex Valeria* on the effectiveness of the dictator in facing civilian troublemakers, see Hartfield (1982) 249f. with notes to relevant literature and earlier discussions. On the *lex Valeria* in general, see the extensive note of Oakley, *Livy* 4. 120-34 with comprehensive review of earlier views and a full listing of earlier discussions.

[332] App. *BC* 1. 16. 67.

[333] As for why the dictatorship fell into desuetude, Hartfield's (1982) 247-64 explanation that it was mainly due to the rise of promagistracies (to deal with military needs) and the availability of consuls to hold the elections (the other major use of the dictatorship in the third century) seems most likely to be correct. A rather speculative notion was put forward by Morgan (1991) suggesting that it was related to ranking within the senatorial order and a wish to avoid elevating a man beyond his proper station.

[334] There is a long and lengthy bibliography for the consulship. Yet the only comprehensive general treatments remain Mommsen *StR* and the treatment in *RE* by Kübler. Kunkel (1995) 294-390 treats the consulship together with the praetorship.

would be expected that a consul, if available, would call the Senate into session in order to deliberate about how to respond.

From the early period up through to the *dominatio* of Sulla, however, a consul was often *not* available in Rome, except during the opening month or so of the magisterial year. [335] So, they were largely absent from Rome if a crisis emerged well into the year or at least at some point after the Latin Festival (the last major event that could delay the consuls' departure for their provinces). But if a crisis were foreseen for the coming year, the new consuls would be heavily involved in the planning for the Romans' response to it. The consuls convened the Senate at the opening of the year and guided its deliberations during the opening months.

In one realm, however, the role of the consul as crisis manager became paramount, however: that of facing internal threats to the safety and security of the Republic. As we see the disappearance of dictators, we can note the rise of the consul as the point man and key leader for the governing class against a severe internal security threat. In matters that affected the internal security of the state, the role of the consuls was well established, as the example of the Bacchanalian episode, managed largely by the consul Sp. Postumius Albinus (*cos.* 186), demonstrates (see Case Study below).

Yet, that disturbance did not involve the threat of armed force within the boundaries of the City of Rome itself. When such occurrences did appear in Rome, the role of the consul was supreme. For my first example, I would like to do something unusual and cite a negative example, an instance where the failure of consular leadership allowed a situation to ensue where the laws of the Republic were rode over roughshod, in order to maintain the grip of the ruling oligarchy over Rome against a rebellious faction within it.

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[335] Before 153BC, the Roman magisterial year opened in March; it changed to January. See Livy *Per.* 47.

In 133, Tiberius Sempronius Gracchus became tribune of the plebs and began to move a series of reforms aimed at stabilizing the disappearing class of free farmers who formed the backbone of the Republic's legions. [336] His reforms, however, did not meet with a favorable reception among most of the senatorial establishment, and they found an aid in Tiberius' fellow tribune Octavius. The interposition of the veto forestalled Gracchus' attempts, but rather than stop his program, Tiberius decided to challenge his colleague's refusal to allow the People to express their will. When Octavius continued his obstinacy, Gracchus moved for Octavius' deposition from office. Having achieved this, he then proceeded to move his legislative program.

What finally outraged the senatorial elite, however, was Gracchus' attempt to have himself re-elected tribune for the following year. Unwilling to countenance this, the Senate met to deliberate on how to respond. The consul Q. Mucius Scaevola stated that he would not use armed force to stop Gracchus. [337] This did not satisfy those who were pushing most strongly for Gracchus' suppression, and they followed the lead of P. Cornelius Scipio Nasica Serapio (*cos.* 138), the Pontifex Maximus. He led a lynch mob that attacked Gracchus and his supporters, killing the troublesome tribune.

While scholars can debate over who was in the right and who in the wrong in this episode,[338] what is clear from the viewpoint of crisis management is that the real fault lay in Scaevola's refusal (or inability) to provide direction and leadership during the crisis. While the consul's declaration that he would not move against Gracchus, but would also not consider Gracchus' actions valid if they contravened the law may have been the best response from the standpoint of strict legality, his failure to prevent the senatorial lynch

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[336] See Case Study M2 for references and fuller discussion of the relevant events.
[337] Val. Max. 3. 2. 17; Plut. *TG* 19. 4.
[338] For a balanced perspective, see Stockton (1979) 82-6. In the end, any such judgments will largely be a matter of opinion and cannot be settled beyond dispute.

mob led by Nasica Serapio or to provide more active leadership for the Senate practically ensured that the law and constitutional norms would not be observed.

In sharp contrast, when Tiberius' younger brother Gaius rose to the tribunate in 123 and managed to be more successful, the response this time involved decisive consular leadership. [339] And a new senatorial tool would be developed to formally state the Senate's displeasure with the activities of a troublesome tribune. That displeasure was much more keen this time, since Gaius managed not only to get his legislative program through, but was also re-elected to the position of tribune.

As these events were discussed more fully above in Case Study SCU1, I will merely briefly summarize them again. The crisis came into being in late 121, when Gaius had actually been out of office since December 10, 122, but stood again in December of 121 for the tribunate that would start December 10th of that year. The consul of 121, L. Opimius, an open Gracchan opponent, had the Senate firmly lined up behind him. [340] The trigger to the crisis was the killing of a consular attendant, Q. Antyllius, at a legislative assembly. Gracchus and Fulvius Flaccus then gathered with their adherents on the Aventine. Opimius called the Senate together and pushed through the first historical passage of the so-called *senatus consultum ultimum*. [341] Opimius then gathered an armed force of senators and equestrians, along with a unit of Cretan archers who "just happened" to be present in Rome. Fulvius, Gracchus and thousands of their supporters were killed. While the legality of Opimius actions was later brought under scrutiny (he was brought to trial before the People by the tribune P. Decius in 120), he was acquitted of violating any laws, so his actions stood.

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[339] For details and references, see Case Study SCU1.
[340] His colleague Q. Fabius Maximus (Allobrogicus) was off in the north fighting Gauls.
[341] See Chapter 4 on states of emergency.

While questionable, the precedent was established. When the next instance of a troublesome tribune arose, the Senate and the consul had a plan of response available to them. In 100, following the murder of the consular candidate Memmius by the praetor (and fellow candidate for the consulship) Servilius Glaucia and his ally the tribune L. Appuleius Saturninus, Rome was in an uproar. [342] Saturninus and his adherents took refuge on the Capitol. This time, the consul Gaius Marius (his colleague L. Valerius Flaccus was also in Rome, but played only a minor role in events), who had once been in close political cooperation with tribune Saturninus, now gave over his erstwhile ally and responded to the crisis by having the *SC ultimum* passed again. Marius immediately raised an armed force and placed the adherents of Saturninus under siege on the Capitol. Driven by thirst to capitulate, they were placed under arrest in the Senate house under a safe conduct by Marius, but others in the Senate showed no respect for the agreement and stoned Saturninus and the other prisoners to death with roof tiles. So, finally, a response plan for reacting to threats of serious internal violence had been devised in the last few decades of the second century B. C.

There is one final example of the successful use of the *SC ultimum*, though that success came with a price for the man who made use of it. In 63, during the consulship of M. Tullius Cicero (and C. Antonius), Cicero worked up the Senate over the purported conspiracy of L. Sergius Catilina to overthrow the Republic. [343] After Catiline had left, Cicero succeeded in pushing through the passage of the *SC ultimum* against Catiline and his supporters, which included the praetor P. Cornelius Lentulus Sura, who was deposed from office and placed under arrest. While Antonius was dispatched with an army to face Catiline and the armed force raised by his cohort Manlius in Etruria, Cicero stayed in

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[342] See Case Study SCU2 for references and fuller narrative of events.
[343] See Case Study SCU 3 for full details and references.

Rome. Drawing political support (and cover) from the *SC ultimum,* Cicero had the Senate pass the death sentence against Sura and several prominent men who were alleged to have been part of the plot. Cicero showed decisive leadership during this crisis.

But that decisive leadership also involved violating the laws of the Republic, especially the one that forbade the execution of a Roman citizen without a trial before a legally constituted tribunal, which the Senate was not. Seizing upon this, Cicero's nemesis the tribune of the plebs P. Clodius Pulcher harried Cicero into exile and pushed through a bill banishing him from Rome. While Cicero did eventually get his return arranged, the point had been made that the *SC ultimum* did not free a consul, even when acting in defense of the State, from observing the laws.

By the end of the Republic, however, decisive consular leadership was sorely lacking during its final crises that lead to the final death of a system of government that, with changes, had governed Rome from the expulsion of the kings. To a certain degree, it is very surprising when viewing the events of 88, not to wonder why it turned out the way that it did. [344] When the consuls Sulla and Pompeius were faced with yet another troublesome tribune, Sulpicius, and his cohort Marius, why did they not attempt to follow the precedents set in the cases of C. Gracchus and Saturninus? Again there was a tribune passing legislation that was not entirely to the liking of the senatorial establishment, and using violence and intimidation to ram his bills through the assembly. Sulla and Pompeius tried for delay by attempting to impose a *iustitium,* but they were then forced, when threatened with physical violence to themselves, to revoke their edict.

Why did Sulla and Pompeius not convene the Senate and push for a *SC ultimum*, to acquire the political cover necessary to use armed force against Sulpicius and Marius? Instead, Sulla went off to the army that was supposed to be his for use in the Mithridatic

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[344] For details and references, see Case Study M3.

War and turned it against its own country to carry out an illegal *coup d'état* and impose a military junta that did not long outlast his presence in Rome. The key difference, probably, was that Sulla and Pompeius did not have the backing of the entire Senate, maybe not even the majority, and were thus unlikely to be able to effect the passage of an *SC ultimum* against Sulpicius. Their weakness and weak consular leadership led to the death of the Roman Republic.

During the final crisis of the free Roman Republic, spanning crucial months in the years 50-49, the consuls, especially C. Claudius Marcellus (*cos.* 50) and L. Cornelius Lentulus Crus (*cos.* 49) attempted to provide some leadership in rallying the governing classes against Caesar. [345] But they were mistaken in their approach, as it was patently clear in the final months of the crisis that a majority of the Senate wished to avoid an outright break with Caesar. Were they truly interested in preserving the Republic, they would have worked harder to try to arrange some sort of compromise with Caesar. Sadly for them, they seemed to be under the mistaken impression that they could handle Caesar, when they should have realized what position they were really in: they were in the same state as the Cinnan regime in Rome in 83, with Sulla about to enter Italy with a large and experienced army. In an irony of sorts, one could almost (but not quite) say that Caesar's overthrow of the Sullan regime was the final revenge of the Cinnans against the partisans of Sulla. [346]

Yet, even these failures without question demonstrate the importance of consular leadership in a crisis. Whether they were capable and successful, or failed miserably, it was the consul who provided leadership and directed the response of the Roman Republic when serious military security crises, especially internal revolts and violence, threatened the safety

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[345] See Case Study SCU4 for references and more extensive discussion.
[346] Since Pompey was closely connected to Sulla, while Caesar had once been married to the daughter of L. Cornelius Cinna (*cos.* I 87).

and survival of the Roman state. Let us now take an in-depth look at an example (outside of cases involving the passage of an *SC ultimum*, which have already been reviewed).

Case Study E2: The Bacchanalian Affair

There is substantial bibliography on this topic, so there is little need for a lengthy introduction. The most recent works are Pagán (2004), Takács (2000), and the now somewhat older, but useful, treatment of Gruen. [347] Briscoe (2003) is concerned with the ultimate origin of the information found in Livy. Rasmussen (2001) looks at how contemporary figures (such as M. Antonius and Cleopatra) may have affected Livy's narrative. [348]

I am in partial agreement with the line taken by Takács, which follows that of Gruen, in that the whole crisis was a staged event, part of a larger plan by the Roman Senate to assert and expand their authority over Rome's growing sphere of control in Italy. What was not staged was the perceived threat presented by the Bacchanalian followers themselves. Even if crisis itself was staged, a crisis deliberately triggered by the Roman authorities, it still ough to count as an actual crisis.

The Sources

Livy 39. 8-19, 41. 6-7; 40. 19. 9-10
SC de Bacchanalibus ILLRP 511 (*CIL* 1² 581)

SUMMARY AND CRISIS PHASES

Onset–As we have it according to our major source, Livy, there seems to be a short Onset Phase. When Livy begins his report of the whole affair, it is already a full-blown crisis, as he notes at the opening of consular year 186 that the consuls were diverted from armies and war and provinces "to the suppression of an internal conspiracy" *ad intestinae coniurationis*

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[347] Gruen (1990) 72-77.
[348] Pagán (2004), even though focused on Livy's account as a conspiracy narrative, seems to have missed Briscoe (2003), Takács (2000), and Rasmussen (2001).

vindictam (39. 8. 1). [349] After a brief summary of the origin of the cult in Italy (39. 8. 3-8), Livy begins to spin his dramatic tale of the young Aebutius and his prostitute "with the heart of gold," Hispala Faecenia (39. 9. 2-10. 9). We get the story of the young man's being driven from his home upon refusal to be initiated into the cult, his refuge with his aunt, his informing the consul Sp. Postumius Albinus of the whole affair and the consul's confirmation, through his mother-in-law (!) of the trustworthiness of Aebutia, the aunt of the young man (39. 11. 1-7).

In the next phase of the drama, we have the consul interview the prostitute Hispala through the medium of his mother-in-law Sulpicia again. The freedwoman refuses to acknowledge anything beyond her own membership in the cult at first, but after application of pressure by the consul, she reveals all of the activities that take place during the nocturnal rites (39. 12-3). After divulging everything, the consul has Hispala moved into Sulpicia's house, and has Aebutius lodged at the house of one of his clients (39. 14. 1-3). **Escalation**—At this point, Postumius moves to trigger the crisis for the state, by laying the entire matter before the Senate (39. 14. 3). The reaction recorded by Livy assures that a state of crisis existed, as he reports: *patres pavor ingens cepit*, "a great terror seized the senators" (39. 14. 4). Here were have evidence of a qualitative increase in the preception of the likelihood of disruption and the potential for violence, the markers for the movement into the Escalation Phase. In response to this crisis, the Senate, practically in a panic, decreed that the consuls begin an investigation into the whole affair, that the witnesses be placed in protective custody, and that rewards be offered to informers willing to provide further information (39. 14. 4-7). What is noteworthy here, as already noticed before by

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[349] The translation is from E. Sage's Loeb.

Gruen, is that the investigation was ordered *extra ordinem* (39. 14. 6) without any authorization beyond a decree of the Senate. [350]

As Livy reports it, the first business of the consuls was to investigate any persons who had engaged in either immorality (*stuprum*) or criminal acts (*flagitium*) (39. 14. 8). The consuls ordered the curule aediles to locate all priests of the cult and place them under watch; they ordered the plebeian aediles to prevent any secret celebrations of the rites (39. 14. 9). The *triumviri capitales* were ordered to place the City under guard (organize the *vigiles*, the Night Watch) and guard against any possibility of arson, with the assistance of the *quinqueviri uls cis Tiberim*, two boards of five (one on the nearer bank, one on the further bank of the Tiber). In this respect, the way of managing the situation is reminiscent of the events of 213, with the minor magistrates being deployed to clean up the spread of foreign cults in the City, though their failure at that time forced the Senate to decree the task to the City Praetor instead (25. 1. 10-12). [351]

At this point, the consuls held a *contio* to address the Roman People. Postumius made a long speech (39. 15. 1-17. 1) to the crowd, revealing the goals of the Bacchanalians, including their wish to control the state (39. 15. 3). Postumius was certainly exaggerating, but it was the shared perception of a threat that made this episode a crisis. The Senate's decrees were then read out, including rewards for informers and penalties for those who tried to help any fugitives escape (39. 17. 1-3). There followed a panic among those who were involved in the cult, as people were caught trying to leave the City in secret by the guards posted by the *triumviri capitales*. The ringleaders were captured and put on trial and Livy records that over 7000 men and women were implicated (39. 17. 4-7). So many were being brought before the praetors in the City, T. Maenius and M. Licinius, that cases

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[350] As Gruen (1990) 40-1 notes, the lack of any popular sanction is odd.
[351] This incident is noted by Gruen (1990) 39-40 as a precursor to the current episode.

began to fall through and the Senate compelled the praetors to adjourn all legal hearings for thirty days until the consuls could complete their investigations (39. 18. 1). This the consuls prosecuted vigorously, executing most of the cult members they found, with female transgressors handed over to their relatives for punishment, with the state carrying out the death sentence only when a woman had no relatives who could undertake the task (39. 18. 2-6).

Deescalation–After the "witch hunt" was completed, the final measures were taken: the decree of the Senate was passed which severely restricted the cult within Italy (the *SC de Baccahanalibus,* which is surely what Livy 39. 18. 8-9 refers to). It is implied that Postumius was responsible for the stamping out of the cult outside of the city of Rome, while Q. Marcius, the other consul of 186 stayed in the City (39. 18. 7-19. 1). With these actions, the government could begin to breath easier and see an end to the crisis, demonstrating the transition to the Deescalation Phase.

Termination–With the cult and its membership brought under control, for the most part, after the return of Sp. Postumius, decrees were passed voting rewards to Aebutius and Hispala, very generous ones: he was exempted from all military service, she was given rights over her property and legal standing in the courts that practically put her on a level with a free-born woman (39. 19. 3-7). With that, levels of threat perception returned to pre-crisis norms, and the crisis was over. A few scattered remnants of Bacchanalians were apparently gathered in the south, and one of the praetors of 185, L. Postumius Tempsanus, who was given Tarentum as his *provincia,* was ordered to continue rooting out members of the cult (39. 41. 6-7). Finally, one of the praetors of 181, L. Duronius was assigned the task of mopping up the last remaining "seeds" of the group in his assigned province of Apulia (40. 19. 9-10).

The Praetorship[352]

As mentioned in the section above, the consuls, while the chief magistrates of the Roman state and bound to take a leading role in responding to a crisis situation, were not always in Rome, and thus could not be present to lead the deliberations that the Romans had in responding to sudden crises. In these situations, the task of leading the Senate and devising a response would fall to a praetor, usually the City Praetor (*praetor urbanus*). As recorded explicitly by Cicero in one of his letters of 43, when dispatches came to him and others from Munatius Plancus (*cos. design.* 42 and temporarily supporting D. Brutus and the Republic), Cicero decided to take them at once to M. Caecilius Cornutus, the City Praetor *qui, quod consules aberant, consulare munus sustinebat more maiorum* "who, since the consuls were not present, was undertaking the duties of the consul in accordance with ancestral practice."[353] We will return to Cornutus later, but first let us look at the actions of praetors in crisis situations from before then.

To return to the panic-stricken moments that gripped Rome after word came that C. Flaminius had been defeated at Lake Trasimene in 217, mentioned above in discussing dictators, it was the praetor *inter peregrinos* M. Pomponius who addressed the fearful crowd and officially announced the defeat.[354] Clearly, without any consuls in the City, the praetors were the public face of the Roman Government to its own citizens. The deliberations in the Senate that followed were under the presidency of the praetors. Livy says *senatum praetores per dies aliquot ab orto usque ad occidentem solem in curia retinent, consultantes quonam duce aut quibus copiis resisti victoribus Poenis posset* "the praetors kept the Senate for several days in the Senate house from sunrise to sunset deliberating with what leader and what forces it would be possible for the victorious Carthaginians to be

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[352] For the praetorship, there is the comprehensive and magisterial study by Brennan (2000).
[353] Cic. *Fam.* 10. 12. 3.
[354] Livy 22. 7. 7-8; Plut. *Fab* . 3. 4-5; Polyb. 3. 7-8 merely says a praetor announced it without providing a name.

withstood."[355] The praetors would had to have approved of the idea that a dictator be created to meet the emergency.

Again, in the even more terrifying moments a year later when the results of Cannae were made known at Rome, it was the praetors who had charge of the situation. Livy reports *P. Furius Philus et M. Pomponius praetores senatum in curiam Hostiliam vocaverunt, ut de urbis custodia consulerent* "The Praetors P. Furius Philus and M. Pomponius called the Senate into the Senate house of Hostilius in order to consult them concerning the defense of the City."[356] When the streets of Rome, overflowing with panic-stricken people, the Senate had to act to restore public order, with the magistrates (meaning more the praetors than any of the other minor magistrates, who lacked the full range of magisterial power) clearing the forum. [357] Further, anyone coming into the City with fresh information was to be brought before the praetors immediately. [358] Again, recourse was had to a dictator, but the Senate meeting at which this plan was adopted was under the presidency of a praetor. And in fact, several key decisions were made while the praetors were controlling policy before the decision to appoint a dictator (M. Iunius Pera, discussed above) was made. One was the transfer of the Praetor M. Claudius Marcellus from Ostia, where he was in command of a fleet bound for Sicily, to take command of the surviving consul Varro's army at Canusium. [359] Following that, the important question of appropriate religious observances to respond to the defeat was also handled before the decision to appoint a dictator. [360] So before Iunius Pera took over as supreme director of war policy, several key measures were already undertaken with the praetors in charge of directing affairs.

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[355] Livy 22. 7. 14.
[356] Livy 22. 55. 1.
[357] Livy 22. 56. 1.
[358] Livy 22. 55. 7.
[359] Livy 22. 57. 1. P. Furius Philus, the City Praetor, took control of the fleet (22. 57. 8).
[360] See Livy 22. 57. 2-6.

Praetors could also be dispatched to deal with sudden emergencies that occurred outside of Rome, but which threatened the safety and wellbeing of her allies and friends. An interesting example occurred in 173, when a swarm of locusts coming from the sea suddenly appeared in Apulia, covering large areas with the crop destroying pests. The Romans sent the praetor designate (for 172) Cn. Sicinius with *imperium* to Apulia to deal with the swarm. He employed a veritable battle line of men (*ingenti agmine hominum*) to collect the locusts. [361] It is interesting that it was felt necessary to send a man with military command authority (*imperium*) to take control of this local crisis, but considering the method that he used to deal with the pests, basically conscripting what was for all intents and purposes a "bug-catching army," we should not be surprised at all. [362]

As a final example of praetors in crisis situations, let us briefly look at the role of M. Caecilius Cornutus, City Praetor in 43. [363] As already noted in the letter from Cicero above, with the consuls out of the City (and shortly to leave this world), the City Praetor administered affairs. Whatever measures were proposed by the Senate from this point onward, and whatever decisions were rendered there, were all under the presidency of Cornutus. From the attempt to chase down Antony, to the last ditch attempts to hold off Octavian, the burden rested heavily on the shoulders of Cornutus, even if the sources do not record him providing much in the way of leadership. [364] When the ultimate crisis of the

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[361] Livy 42. 10. 7-8.

[362] What is most curious of all is to consider the actions of this man in the near future. In his year of office in 172, though Peregrine Praetor, he was ordered to go to southern Italy again, but this time he was instructed to raise a regular army near Rome, march it to Brundisium, and prepare it for transport to Apollonia in preparation for the coming war with King Perseus of Macedon (Livy 42. 18. 2-3, 27. 3-8). With his *imperium* prorogued, he later crossed to Greece with his forces from Brundisium and waited for the consul P. Licinius Crassus (*cos.* 171) to assume command (Livy 42. 31. 3; 36. 4, 8-9; 42. 49. 10 [Licinius relieves him]). It is interesting that for two years in a row this particular man was sent south in command of a sizable body of men.

[363] Discussed in greater detail with sources and references in Case Study SCU5.

[364] This can be intimated from the words of D. Brutus writing to Cicero in early May 43: *Primum omnium quantum perturbationem rerum urbanarum adferat obitus consulum, quantumque*

Roman Republic, or at least its brief afterimage, came, recourse was had one last time to the *SC ultimum,* at least according to Dio 46. 44. 4. In the end, when the Senate's army went over to Octavian, Cornutus took his own life, an act worthy of an earlier age, but also perhaps, an indication that he saw himself as responsible for the policy of opposing Octavian, and likely, therefore, to suffer a potentially worse fate at the hands of the Caesarian soldiers. [365]

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cupiditatem hominibus honoris iniciat vacuitas, non te fugit "First of all, it does not escape you how much confusion the death of the consuls has brought into City affairs, or how much desire for office the vacuum has stirred up in men" (Cic. *ad Fam*. 11. 10. 2). Had Cornutus' leadership been perceived as effective, Brutus would probably not have described the situation as a *vacuitas.*

[365] See App. *BC* 3. 92. 381.

Chapter 6: Senatorial crisis management

One may wonder why the Senate has not been given a more prominent place so far. After all, the official name of the Roman state was *Senatus Populusque Romans* "The Senate and the Roman People." And one of our most important informants on the Roman constitution, the Greek historian Polybius, considered the Senate to be predominant in the running of the Roman government. [366] A long line of constitutional thinking, going back to the 19th century, believed the Senate was the major organ of governance. [367]

There are reasons, however, for not giving it pride of place. For, no matter how influential the Senate was as a body, no matter how much emphasis is given to its decisions in the sources, there are two important points that need to be stressed in discussing crisis response and the Senate's role. First, there is the fact that decisions of the Senate themselves had no legal and binding authority of their own. [368] Second, the Senate had no independent initiative either–it had to be called into session by a magistrate or tribune of the plebs, who could enable it to pass a decree, but that same magistrate could just as well reject what the Senate wished passed and dismiss the meeting without any action being taken at all. [369] While it would be a foolhardy, or powerful, man who would ignore the expressed will of a gathering of the most politically influential men in Rome, there were those who did. And did so, apparently, with near impunity. The institutional shortcomings of the Senate noted above were a severe handicap to its claim to predominance in the management of state crises.

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[366] Polybius felt that the Senate was paramount because of the number of matters it had control over. See Lintott (1999) 18-20; 64.
[367] The line of De Martino (1951-67), whose predecessors are discussed by Ormanni (1990).
[368] See Lintott (1999) 90.
[369] See Lintott (1999) 193; Cornell (1995) 247 (with minimal references). It is commonly repeated by others without comment or bibliography. Things would change only under the Empire; see Talbert (1984) 432f. , which again restates the traditional view on the Senate in the Republic.

A famous example of these shortcomings is provided by the brothers Popillii Laenates, consuls in 173 (Marcus) and 172 (Gaius). [370] The elder brother, Marcus, campaigning against the Ligurians, committed an act that upset the Conscript Fathers back in Rome: he sold into slavery and demolished the town of the Statellates *after* they had surrendered themselves to the Roman People without conditions. [371] When the consul's dispatch was read in the Senate by the City Praetor A. Atilius Serranus, the Senate reacted with outrage, and a decree was passed–it must be noted, under the presidency of the praetor Serranus–to order the consul to immediately free the Statellates, restore their lands and arms, and pay back to the buyers who had purchased the enslaved Ligurians the price which they have paid for them. [372]

But M. Popillius Laenas chose instead to ignore the decree. Coming to Rome in a huff, he instead upbraided the praetor (and fined him!) for passing a decree directed against him, when the praetor should have instead been moving for a *supplicatio* to *reward* him for his actions. Then Laenas asked the Senate to repeal their earlier decree and instead pass the thanksgiving in his presence to do him honor. [373] The response of the senators gathered there was a series of speeches attacking him that were no less harsh than when he had been absent (*nihilo lenioribus quam absens*). Neither of the consul's wishes was granted, and he returned to his province. [374]

The events of the following year, when M. Laenas was no longer consul and could not block the Senate's wishes by himself, demonstrated the true impotency of the Senate

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[370] For full references on both, see *MRR* 1 under their respective years. The prominence given to this story is curious. It has been suggested, by A.M. Eckstein in conversation, that it only appears here to highlight the arrogance of the Popillii Laenates, a family not in the good books of Livy, since a later member of the family was the murderer of Cicero (Dio 47. 11. 1-2), whom we know Livy had a high regard for (Livy's eulogy of Cicero from his lost 120th book is partly preserved in Seneca the Elder, *Suas.* 6. 17).

[371] Livy 42. 7. 3-8. 3.

[372] Livy 42. 8. 4-8.

[373] Livy 42. 9. 1-5.

[374] Livy 42. 9. 6.

on its own. Seeking to have the decree re-enacted (which would be necessary since the original decree directed M. Laenas to restore the Statellates; one of the new consuls would have to carry out the restoration now), the Senate asked the new consuls, P. Aelius and C. Popillius Laenas, to have it passed. Laenas, obviously, refused, and convinced his colleague also to refuse. The Senate therefore refused to allot either of them the coveted province of Macedonia, but instead decreed Liguria again for both. When the question of reinforcements for the armies was raised, the Senate refused to decree any reinforcement. The consuls then refused to carry out any other business except what was related to their provinces. [375] Clearly, this was an insurmountable impasse for both sides. The consuls could not get decrees authorizing increases or replacements for their armies, but likewise the Senate would be incapable of passing a decree ordering the restoration of the Statellates (since the consuls refused to leave Rome for their province, and could prevent any praetor who wished to call the Senate from doing so). [376]

The impasse would only be broken by the actions of an outside party, the intercession of two tribunes of the plebs, M. Marcius Sermo and Q. Marcius Silla. They threatened the consuls with a fine unless they left Rome for their province, and further read in the Senate a bill they were going to propose before the assembly to effect the restoration of the Statellates. With the Senate's blessing, they promulgated the bill. [377] The bill was passed. [378] While the Senate was ultimately successful in getting its way, it did not achieve it on its own, but had to rely upon the actions of two tribunes of the plebs, the sole officials who would be capable of operating outside of the consuls' ability to veto or obstruct any governmental action.

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[375] Livy 42. 10. 9-15.
[376] Livy 42. 21. 1.
[377] Livy 42. 21. 4-5.
[378] Livy 42. 21. 8.

Just as the Senate was powerless if opposed by the consuls, the Senate could be just as helpless when the consuls were out of Rome and no praetor was willing to take action. As an example, let us look again at the practically never-ending crisis that followed the death of Caesar the Dictator in 44. [379] By the end of the year, with one consul, Mark Antony, now engaged in open warfare against the consul-elect D. Brutus in northern Italy, and another consul (Dolabella) having left Italy altogether, any attempt by the Senate to try to cope with the crisis would have to be under the presidency of a praetor. But as the praetors were all Caesarians and not opposed to Antony's attack on one of Caesar's assassins, the Senate was helpless to do anything. It was only when a meeting of the Senate was held on December 20, 44 under the presidency of the ten tribunes of the plebs that Cicero was able to push through measures to support D. Brutus against the attack by Antony. [380] Had the new (they entered office on December 10th) tribunes not called this meeting of the Senate, it is unlikely that the Senate's wish to support Brutus against Antony would ever have been expressed. To demonstrate further the Senate's impotence in the absence of a magistrate or tribune who would carry out the Senate's will, we can simply mention that, despite the decrees Cicero was able to have passed at the meeting held by the tribunes in December, had the new consuls for 43, A. Hirtius and C. Vibius Pansa, not been amenable to carrying out the wishes of the majority of the Senate, there was little the Senate could have done to force them to abide by the decrees passed the month before they entered office.

That is not to say that the Senate was without authority. A curious event from the year 171 shows that not every consul was as arrogant as the Popillii. For in this year, following close upon the heels of the two Laenates, another consul, C. Cassius Longinus,

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[379] For full details and references, see Case Study T1.
[380] See Cic. *Phil.* 3; *Fam.* 11. 6a. 1; 12. 22a. 1.

who was assigned the province of Italy, had conceived a rash plan to lead his army overland to Macedonia, in order to join his colleague P. Licinius Crassus, who was pursuing the war against King Perseus of Macedon. When the Senate learned of this, they immediately passed a decree ordering the consul to return to Italy. Three envoys were sent to deliver the decree. [381] Sadly, we do not know exactly how the embassy fared, but we do know that it was likely successful, since for the next three years (170, 169 and 168) Cassius did not return to Rome, but remained in the field as a tribune of the soldiers to various commanders. [382] Livy makes it clear from his first notice of Cassius' continued absence from Rome, that he was remaining in the field *rei publicae causa* in order to avoid having to account for misdeeds he likely committed in relation to his venture to march to Macedonia. [383] It would appear that the mission to him had succeeded, and Cassius was now sufficiently fearful for his future political life and position if he returned to face a wrathful Senate. This incident never reached the level of presenting a crisis for the Roman state, but it had the potential to, had Cassius attempted to ignore the wishes of the Conscript Fathers.

For those who may find fault with the perspective given here, feeling that it downplays the important role that the Senate played in advising magistrates how to respond to crises, I can only say that while the Senate and its wishes were very important, and as said above, it would be either a foolhardy or very powerful man who would ignore them entirely, nevertheless, it would be incorrect to discuss the role of the Senate in terms of crisis response as if it were an independent body making independent decisions that had to be obeyed by all in the state, when that simply is not the case. The Senate was most

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[381] Livy 43. 1. 4-12.
[382] For references and details, see Broughton, *MRR* 1. 421, 425, and 429.
[383] See Livy 43. 5. 1-10.

effective when acting in concert with a magistrate who was interested in following the general will of his fellow senators. [384]

In a state crisis, the main role of the Senate was to provide the magistrates in charge with their advice as to what the best course of action would be. The most clear example of the importance of their consultative role comes in 211, during Hannibal's famed march on Rome, where he tried to draw the Romans off from the siege of Capua by launching the attack he should have made five years earlier after Cannae. Let us look at this episode more carefully.

Case Study Sen1: Hannibal's March on Rome

Bibliographic note

Beyond the general works on the Second Punic War noted in Case Study E1: Cannae, there is not much to add specifically about Hannibal's march on Rome in 211 that concerns crisis management. Of what there is, Salmon (1957) traces the route of march, Bassett (1964) is concerned with the site of Hannibal's camp, while Davis (1959) and Novara (1982) look at Livy's account of the march.

Onset: At the beginning of the book 23, Livy begins to lay out the back story to the revolt of Capua and most of the Campanians. The first defection to be noted was that of the town of Compsa among the Hirpini (Livy 23. 1. 1-3). So, we get a long tale of the rise of Pacuvius Calavius, a Campanian noble who planned to hand Capua over to Hannibal (Livy 23. 2-4). Following the Roman defeat at Cannae, the Campanians began to despise Roman power, and yielding to the entreaties of the parents and relatives of Campanian nobles serving as cavalry for the Romans in Sicily, a delegation was sent to see the Roman consul

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[384] In this respect, senatorial effectiveness relied upon close cooperation and trust, much as it did in terms of general foreign policy matters as interpreted by Eckstein (1987), which provides an excellent examination of magisterial-senatorial relations in that sphere. The image of the Senate as an impressive torso with no head when lacking a magistrate to lead it made by Lintott (1999) 197 is not completely inept.

of 216, M. Terentius Varro, whom they met while he was still in Venusia. There, Varro made a rather pitiable speech (Livy again trying to make the least of the man), which only encouraged the Campanians to despise Rome more (Livy 23. 5-6. 1). They decided that an alliance with Hannibal could see them become the rulers of Italy, and so the Campanians sent the same ambassadors to Hannibal who had gone to see Varro (Livy 23. 6. 2-5). Terms were agreed and Capua and much of Campania switched from the side of Rome to that of Hannibal (Livy 23. 7-10).

The revolt of the Campanians put Rome into a very sore spot, though surprisingly, Livy never recorded what the immediate reaction at Rome was to the revolt of some of their nearest allies. Perhaps this apparent lack of action stemmed from being beset by so many other problems already. The situation changed, however, in 212, when the new consuls, Q. Fulvius Flaccus and App. Claudius Pulcher decided that it was time to attack Capua and punish it for the defection of the Campanians several year before (Livy 25. 15. 18-9), even though they had been assigned the war with Hannibal by decree of the Senate at the opening of the year (Livy 25. 3. 3). Though there were some setbacks and some diversions (Livy 25. 15. 20-19. 17), the consuls eventually managed to commit themselves to the slow and difficult business of laying siege to Capua (Livy 25. 20. 1-4). Despite another serious setback (the destruction of the praetor Cn. Fulvius' army, Livy 25. 20. 5-21. 10), the Romans persevered, inspired by the continuing success of the consuls (Livy 25. 22. 1). The siege was pressed into the next year, though the Roman Senate made the decision to offer amnesty to any Campanian who left Capua before the next Ides of March (the beginning of the next magisterial year), taking their possessions with them (Livy 25. 22. 5-12).

Escalation: In response to pleas from the Campanians (Livy 25. 15. 1-3, 22. 10, 15-6), Hannibal decided that the way to break the siege of Capua was by making a direct assault on the City of Rome itself (Livy 26. 7. 3).

The Roman response was energetic. The proconsul Q. Fulvius learned of Hannibal's plans and immediately informed the Senate (Livy 26. 8. 1). "As usual in so alarming a situation" (*ut in re tam trepida*), the Senate was immediately called into session (Livy 26. 8. 2). So, here we have the triggering event for the Escalation Phase, the report that Hannibal himself was headed to Rome. The threat to the city was clear and manifest, and with the heightened expectation for violence and full scale hostilities, the phase shift occurred. After some debate, it was decided by the Senate to ask the proconsuls at Capua to choose which of them would return to Rome with part of the army stationed there, while the other proconsul continued to press the siege (Livy 26. 8. 2-8). As Appius was wounded, Fulvius had to go, so he chose 16,000 men from the army at Capua, and having ascertained Hannibal's route of march (the Via Latina), Fulvius himself traveled by the Appian Way in order to reach Rome before him (Livy 26. 8. 9-11).

Hannibal caused devastation along the route of his march (Livy 26. 9. 1-5). As alarm spread in Rome, Livy reports some scenes of panic (Livy 26. 9. 6-8), but also notes the measures that the Romans took for the defense: the Senate sat in constant session in the Forum for consultation; men were given assignments for the defense; guards were posted on the Citadel, the Capitol, along the walls, and around the city (Livy 26. 9. 9). When word came that Fulvius was on his way, the Senate quickly decreed that his *imperium* would be made equal to the consuls, thus allowing him to enter the city without the loss of *imperium* that would normally occur (Livy 26. 9. 10). Once he arrived, he pitched camp between the Esquiline and Colline Gates (Livy 26. 10. 1). The plebeian aediles were in charge of bringing supplies to the army and the consuls and Senate gathered there to discuss the defense of Rome. The consuls and Flaccus met with the Senate on the Esquiline to discuss the situation. Among the many measures which were voted by them (under the presidency of the consuls), was that *senatum frequentem in foro contineri si quid*

tam in subitis rebus consulto opus esset "that a session of the Senate with full attendance be held in the Forum if there should be any need for consultation during such a crisis." (Livy 26. 10. 2). Here was the paramount role for the Senate during crises–they were there to provide the magistrates with their knowledge, their advice, and their opinions of what were the best courses of action available in dangerous times.

It was decided that the consuls would pitch their camps near that of Fulvius (there is no mention of what forces they had at hand, but we can assume the two City legions "of the previous year," mentioned at the opening of consular year 210 at Livy 26. 28. 4 were included, as well as any volunteers. Further, while there is no explicit mention in Livy, it would not be out of the bounds of reason to assume that an emergency was declared, a *tumultus* (a word which pops up in 26. 10. 1), with the result that a tumultuary levy was held and an emergency force of *tumultuarii* was enrolled. The City Praetor C. Calpurnius took station on the Capitol and the Citadel, with the Senate sitting in continuous session in the Forum, available for consultation during the emergency (Livy 26. 10. 2). As there was an almost constant state of panic in parts of the city, the Senate had to take the unusual step of granting *imperium* to all previous dictators, consuls, and censors who were in the city until the enemy had withdrawn from the walls of Rome, so that there would be enough officials with coercive powers to suppress any and all disturbances in the city itself (Livy 26. 10. 7-10).

Deescalation and Termination: Apparently, Fate or something intervened on the side of the Romans, because twice when the two sides had attempted to decide the issue in battle, the heavens broke open and rained on their parade of arms (Livy 26. 11. 1-4). Eventually, Hannibal retired and marched all the way back to Bruttium, leaving Rome safe (Livy 26. 11. 5-12. 2). Upon Hannibal's departure, the immediate crisis deescalated and terminated, with the threat perception and likelihood of violence returning to their pre-crisis norms.

With the enemy literally at the gates, the role of the Senate was clearly that of an advisory board. When there was greater time for deliberation, and no immediate threat of violence, the Senate was also important in shaping policy for responding to crises. Let us look at another case.

Case Study Sen 2: The Saguntine Crisis of 220-18

Bibliographic note

As with all Second Punic War case studies, one may look at the bibliographic note at the beginning of Case Study E1: Cannae. Especially important for this event is Hoyos (2003 and 1998). On the outbreak of the war, see also Rich (1996) and Schwarte (1983). On Saguntum as a potential source economic competition, see Domínguez Pérez (2005).

The Sources

Major Sources
Polybius Books 1-3, fragments of other books
Livy Books 21-30

Secondary Sources (not an exhaustive list)
Appian, *Iberica, Annibaica, Libyca* 2. 2-7
Plutarch, *Fabius Maximus, Marcellus*
Diodorus fragments of Books 25-7
Zonaras (Dio) 8. 21-9. 14

Summary and Crisis Phases

Pre-onset-The chain of events that lead to the Saguntine Crisis cannot be separated from the general chain of events that led to the Second Punic War. Therefore, it is necessary to recount the causes, as noted by the sources.

The Greek historian Polybius mentions a series of reasons which he thinks were the causes of the Second Punic War, and it is worth mentioning at least two of them here, as they certainly were triggering events which made the showdown over Saguntum inevitable.

First, there was the Roman annexation of Sardinia, the circumstances of which certainly left a bitter taste in the mouths of the Carthaginians (Polyb. 1. 88. 8-12; 3. 10. 1-5, 28. 2-3). Occurring in 238,[385] just a few years after the end of the first conflict, and following the horrific Mercenary War that bled Carthage even drier after the First Punic War, the incident inspired the Carthaginian general Hamilcar Barca all the more in his drive to create and expand Punic power in Spain (Polyb. 3. 10. 1-5). Following on from that, Polybius notes that very attempt by Hamilcar, followed through by his son-in-law Hasdrubal and his eldest son Hannibal, to expand Punic power in Spain was the final enabler of the resumption of hostilities between Rome and Carthage (Polyb. 3. 10. 6-7; for the rise of the Barcid "empire" in Spain, see 2. 1. 5-9, 13. 1-7, 36. 1-7). [386]

Onset–While the Romans did not do much to counter Carthaginian expansion in Spain, they were not entirely ignorant nor inactive in regards to it. At some point just before the major Gallic scare of 225, the Romans made a treaty with Hasdrubal, at the time commander-in-chief of Carthaginian forces in Spain, which limited Punic military activity to the areas south of the Ebro River (Polyb. 2. 13. 7). [387] For the moment, this agreement was acceptable to both sides, as Hasdrubal had not yet reached this area, and the Romans did not have a free hand to impose an arrangement more to their liking.

The complication, the beginning of the chain of events that would lead to the Second Punic Crisis, was Rome's relations with a little town called Saguntum. Though there has been longstanding debate and discussion related to the status of Saguntum in relation to the Ebro Treaty and the rights and wrongs of both parties, the Romans and the

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[385] There is some debate whether the seizure occurred in 238 or the next year. See Walbank, *Polybius* 1. 149-50 for a brief discussion. For our purposes, an overly exact date is not necessary. For the episode and the later moralizing discussions of how the Romans behaved that were later made, based upon the judgment of Polybius, see Carey (1996).
[386] There is need for a full treatment of Punic Spain. Most of the very limited bibliography that there is is largely archaeological: e. g. Untermann (1989), Devijver (1988), Peacock (1986).
[387] With multiple later references. See Walbank, *Polybius* 1. 168 on §7.

Carthaginians, it is not directly relevant to this discussion about crisis and the Roman response to it. [388] It is enough to state the basic facts. Saguntum was a town in alliance with Rome (Polyb. 3. 30. 1), acknowledged by the Carthaginians. Whether it was north or south of the Ebro, included or not in the Ebro Treaty, covered or not covered by the Treaty of Lutatius that ended the First Punic War, are all important issues, but again not material for discussing the crisis. Hannibal, shortly after he took command of Punic forces in Spain, decided to attack the town. He did not do so immediately, as Polybius informs us (3. 14. 10). The Saguntines themselves were alarmed by Hannibal's activities, and sent messages to Rome (3. 15. 1).

Escalation–The message from Saguntum sparked the crisis for Rome. For with the report that an ally of theirs was in danger from the Carthaginians, the level of disruptive behavior between Carthage and Rome increased, and the likelihood of hostilities breaking out between the two states rose perceptibly higher, marking the shift to the Escalation Phase. The Romans acted as crisis actors usually do in an emerging crisis: they sought more information. [389] A senatorial embassy was sent to Spain late in 220 to investigate (3. 15. 2; Livy 21. 6 wrongly places these events in 218). There is some slight divergence in the sources here, as Polybius states that the ambassadors were received by Hannibal and debated with him, before setting off for Carthage (3. 15. 4-9, 12). The annalistic tradition, represented best by Livy (21. 6. 5-8, 9. 3-11. 2; see also App. *Iber.* 11; Zonaras 8. 21), has a different view, stating that Saguntum was already under siege and that Hannibal refused to see the ambassadors, who then went to Carthage immediately. The ambassadors received a hearing at Carthage, but it did not accomplish much as Hannibal began the siege of Saguntum,

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[388] For a good brief summary of the long running debate up to the mid-1950's, see Walbank, *Polybius* 1. 170-2. More recent discussions of the issues can be found in Errington (1970), Sumner (1972), Schwarte (1983), Eckstein (1984), Bender (1997), and Hoyos (1998).
[389] The search for more information is one of the major coping mechanisms during a crisis. See Brecher (1993) 45, 83-117, 126-9, 363-367.

while the Romans were busy with affairs in Illyria, attempting to "clean their plates" for the inevitable (to them) war with Hannibal in Spain (Polyb. 3. 16-19; Livy 21. 10-15).

The crisis was further escalated for Rome when news of the fall of Saguntum reached Rome (Polyb. 3. 20; Livy 21. 16). The immediate response of the Romans was to prepare for war and to send a high level embassy bearing an ultimatum for Carthage to the home government: either surrender Hannibal or accept war (Polyb. 3. 20. 6-8, 33. 2-4; Livy 21. 17 Roman war preparations including a formal vote of the People for war (21. 17. 4); the embassy and its ultimatum 21. 18). Here we have a classic example of the compellence diplomacy practiced by ancient states. [390] That the Roman Senate was serious in their resolve can be demonstrated by the high level status of the embassy they sent: both outgoing consuls of 219, two other ex-consuls (including the head, Fabius[391]), and a member of the previous embassy to Hannibal at Saguntum the year before (219). [392] The burgeoning crisis had not yet expanded into an unavoidable clash at this point, as there was still a choice for Carthage. As Polybius described it, there were two very distinct options: ὧν τὸ μὲν αἰσχύνην ἅμα καὶ βλάβην ἐδόκει φέρειν δεξαμένοις τοῖς Καρχηδονίοις, τὸ δ' ἕτερον πραγμάτων καὶ κινδύνων ἀρχὴν μεγάλων "of which the one, to the Carthaginians choosing it, seemed to bear shame and harm, the other the beginning of great troubles and dangers" (Polyb. 3. 20. 7). The Carthaginians refused to surrender Hannibal, choosing the course of danger.

Termination–With the mutual declarations of war, the crisis concerning Saguntum was over, or at least could not be finally resolved until the war was over. That is not to say that threat perceptions and the possibility of military hostilities receded, but these perceptions

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[390] For the term compellence diplomacy and its application to ancient states, see Eckstein (2006) 60-1 esp. nn. 100 and 101; 97-8; in the Roman context 121; 155-6, 166-7; 173 (for the ultimatum issued to Carthage to hand over Hannibal).

[391] There is some dispute over whether it was Q. Fabius Maximus Verrucosus or M. Fabius Buteo. See *MRR* 1. 239, 241 n. 7.

[392] The high level nature of the embassy is noted by Eckstein (2006) 173.

were now more fully integrated into what could be termed the "Punic Crisis," which spanned from the Saguntum Crisis until Hannibal and the Carthaginians had been finally defeated at Zama by the Romans in 202.

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In this case, we do see the Senate in charge of managing a crisis. Certainly, their deliberations were overseen by a magistrate, but it is reasonable to think that policy decisions were being made with the Senate's opinion being taken into full account.[393] Let us look at another case where the Senate was overseeing policy during a critical period of time.

Case Study Sen 3: The Macedonian Crisis (of 200)

BIBLIOGRAPHIC NOTE

The events that led to the Romans crossing the Adriatic Sea and ended in the defeat of one of the Successor Kingdoms of Alexander the Great, are intricately tied to the Second Punic War (for which see Case Studies E1, Sen 1 and Sen 2). Beyond that, however, they are also intensively intertwined with the larger power transition crisis in the Hellenistic World that began in 207, for which we now have the important new work of Eckstein.[394] A full scale clash was inevitable, as Macedon had a serious interest in countering the slow encroachment of Roman power eastward which began in the third century with Roman involvement in Illyria.[395] Philip V's alliance with Hannibal during the Second Punic War eventually came to nothing, except to bring Rome into Greek affairs for the first time.

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[393] Harris sees the delay in immediate Roman action to Hannibal's moves as possibly stemming from a lack of unanimity in the Senate. See Harris (1979) 203.

[394] For the terminology and details of this event, whereby the balance of power among the three Successor Kingdoms to Alexander the Great was severely, and irrevocably, disrupted, see Eckstein (2006) 104-116.

[395] For background, see Eckstein (1999); Warrior (1996); Eckstein (1994); Derow (1991); Gruen (1984) esp. 359f. ; Hammond (1968), with sometimes diverging views and with references to earlier scholarship in all of these.

This episode in Roman history has also been discussed repeatedly in the context of Rome's (possible) imperial ambitions, a subject with a vast bibliography, but one that has no direct bearing upon whether this episode represents a crisis or not. [396]

Major Sources

Livy 30-35 (+ fragments and excerpts from Polybius 16-18)
Plutarch, *Flamininus* 2-10
Zonaras 9. 15-6

Summary and Crisis Phases

Onset–The Romans were not necessarily eager to begin a new major military undertaking, having just completed the titanic struggle against Hannibal. [397] What may have prompted them, as Polybius surmised, was the news, brought to the senators by numerous Greek ambassadors, that Philip and Antiochus III, the Seleucid monarch, had joined forces and were attempting to dismember the third of the "Successor" kingdoms, Egypt of the Ptolemies. [398] Rome did not want that to happen.

During the turn of the consular year 203/2, envoys from Greece came to Rome to complain of attacks on their lands by the forces of Philip, and Philip's rebuffing of their attempts to receive redress for their complaints (Livy 30. 36. 2). They further reported to the Senate that Philip had sent soldiers and money to Carthage to help them in their last stand against Roman forces in Africa (Livy 30. 36. 3; Cf. Livy 30. 26. 3, 42. 4-5). Modern scholars have taken these troops to be an annalistic invention, as neither Polybius nor

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[396] The most recent extensive treatment of the scholarship on this episode is Eckstein (2006) 257-92. Going against the prevailing trend of recent decades, he finds merit in the older "defensive" view of Holleaux (1921) esp. 276-331, which has been somewhat swept aside by the influential work of Harris (1979), who (212-18) dismisses the "defensive view," and thinks the Romans gladly embraced the war with Philip. Of recent works, Mandell (1989) follows the Harris line strongly. Earlier followers of Holleaux were noted by Harris (1979) 212 n. 1. Prominent followers of the Harris line (as well as his precursors) are noted by Eckstein (2006) 262 n. 60.
[397] See Eckstein (2006) 266-9.
[398] See Eckstein (2006) 269-76.

Appian mention them. [399] I am in agreement with those who have taken the charge to be false, but there is also the possibility that it was a contemporary charge, perhaps invented by the Greek states appealing to Rome for help against Philip. There is, however, no strong evidence for this conjecture (and sadly, the sections of Polybius and Appian that concerned the Greek embassies at Rome are no longer preserved).

The response of the Roman Senate was to dispatch a senatorial embassy of 3 (C. Terentius Varro, C. Mamilius, M. Aurelius Cotta) to visit Philip and warn him that his actions were violating the Peace of Phoenike (see Livy 29. 12; cf. Polyb. 16. 27, 34). One year later, during the opening of consular year 201, embassies came to the Senate again to argue over Philip's behavior. Philip's ambassadors complained about the actions of the Roman senatorial legate M. Aurelius, who apparently worked with the minor Greek states in raising troops to counter Philip's raiding parties. The Romans, however, responded to Philip's ambassadors by telling them that Philip's actions were violating the treaty and that he was looking to start a war (Livy 30. 42. 1-10). Philip's aggressive behavior towards Greek states that Rome considered to be under her protection heightened the possibility of a clash between the two greater powers. Further embassies would come, this time from the Rhodians and from King Attalus of Pergamum reporting the state of affairs in Asia Minor, as well as news that Athens was being harassed by Philip (Livy 31. 1. 9-2. 1). The Senate responded by saying that they would look in these matters. That war was already contemplated was indicated by the Romans taking this opportunity to send an embassy of 3 (C. Claudius Nero, M. Aemilius Lepidus, P. Sempronius Tuditanus) to King Ptolemy in Egypt, thanking him for his support during the Second Punic War, and asking him, in the event of a war between Roman and Macedon, to stay neutral (Livy 31. 2. 3-4).

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[399] See Walbank, *Polybius* 2. 456 (with references to earlier scholarship). But see also Briscoe, *Livy* 1. 55 (with bibliography). Referenced also by Warrior (1996) 102-3 and n. 12.

Escalation–The Romans themselves took the initiative in escalating the crisis in late consular year 201. At a meeting of the Senate (a well-attended one–*frequens*) presided over by the consul P. Aelius Paetus (*cos.* 201), the Senate instructed the consul to send someone with *imperium* to take over the fleet that Cn. Octavius (*pr.* 205 who had been continuously prorogued to command the fleet supplying Scipio's force in Africa) was sailing back to Rome from Sicily, and to move that fleet to "Macedon" (Livy 31. 3. 1-2). As Briscoe points out, this likely meant that the fleet would be moved into the territory of Rome's allies in Illyria near to Macedon. [400] M. Valerius Laevinus, the consul of 210 was given the command with *imperium pro praetore* to transfer the fleet to the East. Once there, he consulted with the senatorial legate M. Aurelius and the two of them planned Roman countermeasures to Philip, with Aurelius writing an alarming report to the Senate as to affairs in the area (Livy 31. 3. 3-6).

The immediate triggering events to the crisis, which mark the phase transition to the Escalation Phase, were the reports at the opening of consular year 200 that came back to Rome from Aurelius and Laevinus, as well as an embassy that arrived from Athens to report that the city was being harassed by Philip (Livy 31. 5. 5-6; cf. Polyb. 16. 27). The *patres* were alarmed by events in the East, and that fear provoked a crisis. Now, from a certain perspective on Roman imperialism, that of W. V. Harris, the events of this year should not be seen as a crisis. It cannot be a crisis, since, in his opinion, the Romans did not in fact feel any fear with regard to Philip. [401] He makes a case for why we should simply disregard Livy's clear notices to the contrary (31. 3. 4-6 [alarming report of the legate Aurelius]; 31. 7. 1-15 [speech of the consul Galba]). Harris' own line of reasoning, however, is grounded upon nothing more than a supposition. He is correct to ask "What then do we

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[400] Briscoe, *Livy* 1. 61.
[401] Harris (1979) 212-8.

know about Roman feelings towards Philip v in 201 and 200?"[402] What he does next, however, is to make use of mere speculation to counter Livy. For he states that while we do not have Polybius (and we do not for this important point in Roman history), "His [Polybius'] analysis probably gave due prominence to the Roman ἔννοια of world-conquest, a view which Livy naturally rejected."[403]

The foundation of his argument is that the Romans did not feel fear "because Polybius might have said that they did not at this time." That is mere speculation, and in itself cannot, in my opinion, trump the extant testimony of Livy. Furthermore, his reasoning for dismissing Livy is suspect on two further grounds. First of all, Harris seems to think that Livy and the annalists felt the need to justify Roman actions in 200. "Livy or a source of his is attempting to justify Roman actions by making Philip into a serious threat,…"[404] The question can be asked (and is not answered by him at all), to whom were the annalists and Livy trying to justify Roman actions? To the Greeks? Which Greeks, especially in Livy's time, who could read Latin, would require a justification for Roman actions against Philip? And in an earlier period as well, who of the Latin annalist reading public would require a justification to be made for Roman actions against Philip? Why would the Latin annalists, or Livy if we believe him to be the "inventor" of the Romans' fear, feel there was need to justify Romans actions in 200 at all? These are questions Harris leaves unanswered, but ones that must be answered in order to accept his argument.

A second assumption he makes concerns Roman knowledge of Eastern events when the decision to go to war was being made. Harris notes that the battle of Chios, while called a strategic victory for Philip, was actually a defeat for him. Therefore, the Romans

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[402] Harris (1979) 215.
[403] Harris (1979) 215-6.
[404] Harris (1979) 214.

knew that Philip was not a serious threat and did not feel any fear towards him. [405] Harris

makes a serious error here, however, if we are talking about *perceptions* and not *realities*. For

if we are really going to attempt to get into the minds of the Roman Senate in 200 (which,

admittedly, may be a near impossibility without a direct first-hand account), then we must

base our suppositions upon what the Romans knew at the time, not what we know from

the vantage of hindsight. Even Harris is aware of this, as he notes "Its [the Roman Senate's]

information may admittedly have been defective. Senatorial opinion may have hardened to

an important extent after the Pergamene-Rhodian embassies, if members lacked reliable

news about the Aegean situation that resulted from the battle of Chios."[406] Harris treats

the situation as if the Roman Senate was as fully informed as he is, a dubious prospect at

best.

To view things from the other major side of the divide on Roman imperialism,

those who derive their views from the defensive school represented most strongly by

Holleaux,[407] would have no issue seeing this episode as a crisis. Clearly, the Romans were

afraid of Philip, and responded. Even if one does not accept Holleaux's pre-emptive war

theory, others, such as Badian[408] have suggested that Rome was concerned about Philip's

ambitions and the threat posed by him through Illyria (another position summarily

dismissed by Harris). They as well would agree with Philip being perceived as a threat, and

therefore, the trigger to a crisis.

I believe that we can take Livy's reports of fear among the Romans caused by the

specter of Philip invading Italy as genuine, even if we know from the vantage of hindsight

that the threat was exaggerated. This would not be the first, nor the last, war to be fought

because of exaggerated fears of dangers that were not real. The military build up in 201, the

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[405] Harris (1979) 214-5.
[406] Harris (1979) 215.
[407] Holleaux (1921) esp. 276-331 for the events surrounding 200.
[408] Badian (1958) 61-6.

year before the Romans actually decided to declare war, would point to rising Roman fears of a new military threat from the East. As yet another piece of evidence for the Roman attitude in 200, let us note what might seem to be a minor event, but is rather important. For after war was declared, the consuls had given notice that the third debt repayment, owed by the Roman state to those who had load it money back in 210 during the Second Punic War, could not be made, since what funds there were in the treasury we necessary for the newly voted upon war. [409] In response to the demand of creditors, the Senate made a compromise: they would not be able to repay the money owed now, but would allow creditors to lease public land for a nominal rent of a single *as,* so that the state would be able to retain title. When the treasury was sufficiently replenished, repayment on the loans would be made. [410] That the Senate was willing to give away public land practically rent-free in order to avoid draining the treasury of much needed funds for the coming war demonstrates the seriousness of their apprehension about the battles to come.

The Senate decided that one of the consuls would have Macedon as a province, and that that consul would bring a war vote before the People (Livy 31. 5. 9). Although the consul who was assigned the war, P. Sulpicius Galba (previously *cos.* 211), failed to have the war vote passed on the first attempt (Livy 31. 6. 1-4), it was eventually passed (Livy 31. 8. 1). Legions were voted for the consuls, and Sulpicius was authorized to enlist volunteers from Scipio's army returning from Africa, though otherwise the Senate was attempting to discharge veterans from the Second Punic War (Livy 31. 8. 5-6). Further preparations were made by dispatching an embassy to Masinissa with a request for Numidian horsemen. The king offered 2000, of which the Romans only accepted half (Livy 31. 11. 8-12, 19. 3-4).

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[409] For the original loan, see Livy 26. 36. 8. Repayment was first arranged in 204, to be made in three biennial installments (see 29. 26. 1). On the issue of Rome's finances at the time, see Buraselis (1996).
[410] Livy 31. 13. 2-9.

Sulpicius gathered his army and fleet at Brundisium and embarked for Greece. Once there, he was met by Athenian ambassadors, and sent his subordinate C. Claudius Cento with 20 ships and 1000 soldiers to relieve Athens (Livy 31. 14. 1-5). The war did not proceed quickly, and it continued to drag on through the next consulship, which saw P. Villius Tappulus replace Sulpicius as commander (Livy 32. 1. 1-3, 3. 2-7, 6. 1). Villius was also not particularly successful in seeing things through when his successor, one of the new consuls of 198, the young T. Quinctius Flamininus, appeared on the scene to take over (Livy 32. 6. 4, 9. 6-11). At this point, Philip decided to send out peace feelers through the Epirotes; Flamininus made some counterproposals that only managed to anger Philip, so the two sides headed for battle (Livy 32. 10). There followed the battle near the Aous gorge, which saw Philip driven back into Thessaly (Livy 32. 11-2; Plut. *Flamininus* 4. 2-3 offers a very slight variant). This battle was not a crisis terminator, as Philip managed to escape with most of his army.

As the next consular year opened, an attempt by the new consuls to have Macedon decreed as one of the new consular *proviniciae* was quashed by two tribunes, who suggested that the consuls allow the Senate to decide the matter. The Senate decreed that Flamininus would continue in Greece until the Senate sent a successor (Livy 32. 28. 3-9). Back in Greece, there was another round of negotiations between Philip and his enemies (the Romans, Athenians, King Attalus, the Rhodians, the Aetolians and now the Achaeans as well), but the negotiations did not go anywhere. It was finally decided that all parties would send ambassadors to Rome (Polyb. 18. 1-11; Livy 32. 32-6). At Rome, the Romans asked if Philip would evacuate the so-called "fetters of Greece" (Acrocorinth, Chalcis, and Demetrias), and his ambassadors replied that they had no instructions on the matter, so diplomacy again produced no results. The Senate gave Flamininus full discretion in the matter, and he proceeded to plan for the war (Polyb. 18. 12; Livy 32. 37).

After the opening of the next consular year, 197, Flamininus and his allies fought a decisive battle with Philip at the "dogs' heads" (Cynoscephalae) in Thessaly. It was a resounding victory for the forces arrayed against Philip (Polyb. 18. 19-26; Livy 33. 3-10). **Deescalation**—Immediately following the Battle of Cynoscephalae, the Deescalation Phase began, as Philip swiftly retreated back to his kingdom, stopping only at Larisa in Thessaly to burn his records; he also sent a herald to Flamininus asking for a truce to bury his dead, secretly requesting permission to send an embassy to treat for peace (Livy 33. 11; cf. Polyb. 18. 33-4[411]). With Philips retreat, the perception of his remaining a threat receded, and the end of the crisis came into sight. After further negotiation, terms of peace were laid out, and Philip was ordered to send an embassy to Rome (Polyb. 18. 36-9; Livy 33. 13). Flamininus was eager to have things settled, as there was already a hint that Antiochus has his eye on a crossing to Europe (Polyb. 18. 39. 3; Livy 33. 13. 15).

Termination—All sides converged on Rome, and though one of the new consuls for 196, M. Claudius Marcellus, attempted to wreck the peace (in order to have Macedon decreed for himself so that he could bring the war to a conclusion), the peace was approved, with the customary (*more maiorum*) and by now normal appointment of ten commissioners to help Flamininus draw up the final peace settlements (Polyb. 18. 42; Livy 33. 24. 5-7, 25. 4-7).Thus ended the war between Philip and Rome (Livy 33. 35. 12), and there was a clear end to the crisis as well.

The role of magistrates was important in the management of this episode (Galba's eventual passing of the war vote, Flamininus' key role in settling the post-war arrangements[412]), but

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[411] There is a small lacuna in Polybius at this point. See Walbank (1967) 592 and Briscoe (1973) 266-7.

[412] For a detailed discussion on the final settlement, see Eckstein (1987) 268-317.

the role of the Senate was primary. It was the Senate who decided upon war with Philip in response to the Greek embassies that came before its members. When the war vote failed before the centuries (the *comitia centuriata*), the senators, individually exhorted the consul to put the motion before them for war again, to upbraid the People for their feebleness (*segnitia*), and how much damage and dishonor a delay to the war would cause. [413] When the consuls of 197 attempted to take the command against Philip away from T. Quinctius Flamininus, the Senate, given the choice to decide the matter, decided to keep Flamininus in command for the duration (see above). When decisions that had a clearly defined time element, but not an overwhelming need to act "immediately" were involved, the Senate often took a leading role in crisis response decision-making.

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[413] Livy 31. 6. 5-6.

Chapter 7: crisis *Mis*-management

Tolstoy said: "All happy families are alike; every unhappy family is unhappy in its own way."[414] It is not exactly the case that all successfully resolved crises were the same for the Romans, but it is certainly the case that the most prominent unsuccessfully resolved crises are dissimilar in their failures to cope with the crisis situation. It is obvious that not every crisis was handled well by the Roman government. Though the Romans did eventually prevail over all of their rivals for the paramount place in the Mediterranean world, it was not an effortless climb to the summit of power. Let us look at a few major setbacks, and see what they tell us about the Romans' (in)ability to respond to crises.

Case Study M1: The Gallic Crisis of 390BC (Varronian)

Bibliographic note

There is significant bibliography for this event, so I will limit myself to a few recent general assessments, where references to more specialized studies on particular topics may be found. That the account of the events leading to the Gallic march on Rome as we have it in Livy is "not very satisfactory," as Cornell put it,[415] is a view I believe most scholars would agree with. Concerning the events at Clusium, Ogilvie considered the whole story a "romantic explanation, typical of the Hellenistic age,"[416] while the Clusines' appeal to Rome and the embassy of the Fabii brought out the deepest skepticism in the commentator: "The whole story is baseless."[417] A recent view of the matter would disagree in part, as "Given Rome's military operations as far north as Volsinii in 392 and 391 B.C., Clusium's appeal to Rome, as well as to other states in the region, is certainly plausible, whereas the tale of the

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[414] L. Tolstoy, *Anna Karenina.*
[415] Cornell (1995) 314.
[416] Ogilvie, *Livy* 699.
[417] Ogilvie, *Livy* 716. See also 699-700, where Ogilvie lays out his reasons for doubting the role of Clusium entirely in the matter.

Roman ambassadors taking the side of Clusium in the fighting is a later invention…”[418]

While all of the early events in Roman history are, in one way or another, problematic, I will attempt to assess the entire episode in light of those events that seem plausible, while trying to push aside, and sometime deliberately overlook, those events which are mere “romantic” invention. Most prominently, this means that Camillus’ heroic “ride to the rescue” will not figure at all in my discussion.[419] Problems with the historicity of events aside, it is, however, entirely believable that the Romans would turn to the dictatorship to manage a crisis of the severity caused by the siege of the city by a foreign enemy.

The Sources

Livy 5. 32-50
Diodorus 14. 113-116
Plutarch, *Camillus* 14-32
Florus 1. 7
Orosius 2. 19
Polybius 2. 18. 1-3 (*very* brief)
[Fragments of Dio Cassius and Appian’s *Celtica* exist, but do not contribute anything]

Summary and Crisis Phases

Onset–This is entirely fanciful, but it could be said that a crisis atmosphere was already coming into existence from the moment that M. Caedicius reported to the *tribuni militum consulari potestate* that he had heard a voice warning the Romans that the Gauls were approaching (Livy 5. 32. 6-7).[420] The portent was ignored.

The true trigger to the crisis was obviously the appeal from Clusium for Roman intervention in their affair with the Gauls (Livy 5. 35. 4). According to Livy, the Roman Senate refused to intervene directly in the matter, but agreed to send ambassadors (three

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[418] Forsythe (2005) 252.
[419] Most scholars are in agreement that the Camillus legend is a later accretion, probably invented by the late annalists of the first century BC. See Forsythe (2005) 255-6; Cornell (1995) 316-7; Ogilvie, *Livy* 727-8.
[420] Cf. Cic. *de Div.* 1. 101, 2. 69; Plut. *Camillus* 14. See also Ogilvie, *Livy* 698.

Fabii, though this is likely a later interpolation[421]) to warn the Gauls off (Livy 5. 35. 5). That the Romans chose to respond at all demonstrates that they took the matter seriously. It is also evidence that they had a heightened sense of a possible threat, a marker of the Onset Phase of a crisis. Diodorus reports that the Roman ambassadors were sent to spy on the Gauls (Diod. 14. 113. 4), which again, is in line with behavior during a crisis, as decision-makers often seek out more information. [422] Whatever the case, the ambassadors apparently joined in the battle of the Clusines against the Gauls (and according to Plutarch, they actually incited the Clusines to attack the Gauls-*Camillus* 17. 5), during which one of the Romans killed a prominent Gaul (Livy 5. 36. 7; Diod. 14. 113. 5; Plut. *Camillus* 17. 5). **Escalation**–The escalation phase began when the Gallic chieftain, named Brennus, demanded satisfaction from Rome over the violation of the normal rules regarding the behavior of ambassadors (Livy 5. 36. 8; Diod. 14. 113. 5; Plut. *Camillus* 17. 6). This ultimatum directed at the Romans resulted in a heightened perception of threat, and introduced a qualitative increase in the likelihood of military hostilities, if the Romans failed to satisfy the Gallic demand by other means. As time became a factor as well, the shift to the Escalation Phase occurred after they received the ultimatum.

The Roman Senate was divided in its opinion. Apparently, there was significant sentiment among the priests, especially the Fetials, to hand over the Fabii (Plut. *Camillus* 18. 1). In this atmosphere, the first attempt to resolve the crisis was to offer the Gauls money, but the offer was refused (Diod. 14. 113. 6). There is dispute over what exactly followed next. Diodorus reports that the Senate actually voted to hand over the accused, but this action was appealed by the ambassadors' father to the people (*loc. cit.*); Livy and Plutarch both state that the Senate itself referred the matter to the people, Livy asserting

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[421] See Ogilvie, *Livy* 716.
[422] The search for more information is one of the major coping mechanisms during a crisis. See Brecher (1993) 45, 83-117, 126-9, 363-367.

the Senate wished to attempt to shift blame for the war to the people from themselves
(Livy 5. 36. 9-10; Plut. *Camillus* 18. 2). Whatever the case, the course of action most likely
to enrage the Gauls was taken by the Romans, as not only were the three Fabii not
punished, but they were elevated to the chief magistracy of the time, being elected military
tribunes with consular power for the next year (Livy 5. 36. 10; Plut. *Camillus* 18. 2; not in
Diod.).

The crisis continued to escalate, as the Gauls responded, naturally, by marching on
Rome with a large force (Diod. 14. 114. 1; Livy 5. 36. 11, 37. 4; Plut. *Camillus* 18. 2-3). At
this point, there is a sharp disagreement in the sources as to the Roman response. By
comparing all of the three major accounts, as well as what can be gleaned from other
sources, it is possible to provide a plausible version of events. While this would appear to be
a crisis of major proportions, recourse was not made at this time to the usual expedient of
naming a dictator, a fact specifically noted as strange by Livy (as well as by Plutarch (18. 5),
perhaps following Livy here[423]):

> *Cum tanta moles mali instaret–adeo occaecat animos fortuna, ubi vim suam*
> *ingruentem refringi non volt–civitas quae adversus Fidenatem ac Veientem hostem*
> *aliosque finitimos populos ultima experiens auxilia dictatorem multis tempestatibus*
> *dixisset, ea tunc invisitato atque inaudito hoste ab Oceano terrarumque ultimis oris*
> *bellum ciente, nihil extraordinarii imperii aut auxilii quaesivit.* 5. 37. 1-2

> "Although so great a mass of ill was threatening (thus does Fortune blind minds
> when she does not wish her assailing force to be checked) a state which against
> Fidenae and Veii and other neighboring peoples during many crises had
> appointed a dictator, making use of that final source of support, and when an
> enemy not seen nor heard of before at the time was stirring up war from the ends
> of the Earth, [Rome] sought no extraordinary power or help."

Continuing in this vein, Livy, playing up the *temeritas* "rashness" of the military tribunes,
further remarks that the preparations for the war were lax, following the minds of the men
in charge: *dilectumque nihilo accuratiorem quam ad media bella haberi solitus erat, extenuantes*

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[423] That Plutarch was familiar with Livy, see Pelling (2002) 16.

etiam famam belli, habebant. (Livy 5. 37. 3) "They [the military tribunes] held a levy no more careful than was normal for regular wars, even making light of the reported seriousness of this war."

The other sources, however, would seem to contradict Livy's account, at least to the extent that the Roman high command was not completely lax in terms of the levy. Diodorus explicitly states that οἱ δέ χιλίαρχοι τῶν Ῥωμαίων ἐπὶ τῆς ἰδίας ἐξουσίας ὄντες, καὶ τὴν τῶν Κελτῶν ἔφοδον ἀκούοντες, ἅπαντας τοὺς ἐν ἡλικίᾳ καθώπλισαν. (Diod. 14. 114. 1) "The military tribunes of the Romans, hearing of the advance of the Celts, using their own authority, armed everyone of military age." This statement is further supported by what other sources report. Plutarch states that the Romans were not inferior to the Gauls in numbers, but that the Romans force was composed of men ἀνασκήτους δὲ τοὺς πολλοὺς καὶ τότε πρῶτον ἁπτομένους ὅπλων "for the most part untrained and even taking up arms for the first time." (Plut. *Camillus* 18. 4). Dionysius of Halicarnassus reports that the Romans led out four legions of picked troops experienced in war (ἐκ μὲν τῶν ἐπιλέκτων τε καὶ κατηθλημένων ἐν τοῖς πολέμοις στρατιωτῶν), but that ἐκ δὲ τῶν ἄλλων πολιτῶν τοὺς κατοικιδίους καὶ ἧττον ὡμιληκότας πολέμοις πλείους ὄντας ἀριθμῷ τῶν ἑτέρων "there were also those from the other citizens, the stay-at-homes and those who busied themselves less with wars, who were greater in number than the rest (of the troops)" (Dion. Hal. 13. 12. 2)

From these accounts, it sounds like a state of emergency was declared and a tumultuary levy was held. Support for this idea can even be inferred from Livy's account, where he notes that the Roman army was lead out *velut tumultuario* "as if it were an emergency levy" (Livy 5. 37. 7). That the Romans were not lax can further be confirmed by the fact that there were allied contingents at the battle, a fact only preserved by Polybius.

[424] The later tradition "may well have preferred to mitigate the disaster by stressing Roman isolation."[425] In any event, the Gallic advance was certainly fast and may have taken the Romans by surprise, which could possibly explain the lack of a dictator, since the Romans may not have been in agreement as to whom to appoint in such a situation. Confronted with the Gauls so suddenly, they went to battle with the troops and commanders that they had.

Nothing need be said about the battle at the Allia (Livy 5. 37. 7-38. 10; Diod. 14. 114. 2-115. 1; Plut. *Camillus* 18. 6-19. 1). It was a complete disaster, and was followed by the Gallic sack of Rome. [426] Upon the approach of the Gauls, some last minute measures were taken to deal with the inevitable taking of the City: men of military age and able-bodied senators were to retreat to the Citadel and the Capitol, with the women and children, storing arms and provisions for a siege; the flamen (of Quirinus, cf. Livy 5. 40. 7) and the Vestals were to remove the sacred objects to safety; the old men were to be abandoned to the enemy (Livy 5. 39. 9; cf. Diod. 14. 115. 3-4; Plut. *Camillus* 20. 2-3). Diodorus says that the City magistrates made these arrangements, while Livy does not explicitly state who was giving the orders, but he uses the verb *placuit*, which might imply the Senate, but the point should not be pressed.

Deescalation–The low water point for the Romans was also the beginning of the deescalation phase, when the Romans and the Gauls came to an agreement to ransom the City for 1000 lbs. of gold (Livy 5. 48. 5-9; Diod. 14. 116. 7; Plut. *Camillus* 28. 4-5). Putting aside the romantic story of Camillus coming to Rome's aid in her most humiliating moment, the fact is that the Gauls finally did leave, which resulted in a drop in the level of disruptive behavior between the two parties and a perceptible drop in the likelihood of

[424] Polyb. 2. 18. 2 Ῥωμαίους καὶ τοὺς μετὰ τούτων παραταξαμένους.
[425] Walbank, *Polybius* 1. 185; see also Ogilvie, *Livy* 718.
[426] The annalistic tradition held that the Citadel held, but it is also possible the entire city was sacked. See Williams (2001) 144-5.

further hostilities between the groups, as well as opening the path for Rome to restore and rebuild.

Termination–The departure of the Gauls did not entirely end the "crisis" period, as two other crises, which can be seen as directly related to the Gallic Crisis of 390 followed immediately upon the departure of the Gauls: the "crisis" over agitation to move the body politic to Veii (the fullest account in Livy 5. 50f.), and the immediate resumption of hostilities by Rome's neighbors, the Volscians, the Etruscans, the Latins, etc. It does, however, mark the end of this specific incident in the larger protracted conflict between the Celts and the Romans that would only be terminated with Julius Caesar's conquest of Gaul in the 50's BC.

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Case Study M2: The First Troublesome Tribune: Ti. Gracchus

Bibliographic note

The basic treatments are the same as for Gaius Gracchus (see Case Study SCU1). Tiberius Gracchus is a figure who continues to draw the attention of scholars for various reasons. [427]

Main Sources

Plutarch, *Life of Tiberius*
Appian, *BC* 1. 9. 35-16. 70

Livy *Per.* 58
Diod. and Dio "patchy excerpts"[428]
For a complete list of sources and cursory references, see Broughton, *MRR* 1. 494-5

Summary and Crisis Phases

Onset–The origins of the crisis for the Roman state originated in the standoff between Tiberius and his fellow tribune of the plebs M. Octavius. As we have it in the accounts of

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[427] In just the past five years, there is De Ligt (2004), Ossier (2004), Badian (2004), and Linderski (2002). A reappraisal of Scipio Nasica's role in this mess is offered by Binot (2001).
[428] Stockton (1979) 1. Only a few scraps remain of what was Dio's 24th book. Diodorus 34/35. 5-7 is all that is extant of his account of Tiberius Gracchus.

Plutarch (*TG* 9-10) and Appian (1. 9. 25-10. 50), Tiberius attempted to have his law on reclaiming the *ager publicus* read,[429] and Octavius interposed his veto to stop the reading of the bill. Gracchus tried again and again Octavius blocked it. At this point, when things could have moved to violence, two influential senators (named Manlius and Fulvius by Plutarch), successfully interceded with Tiberius to have the matter referred to the Senate; but this accomplished nothing (Plut. *TG* 11, App. 1. 12. 50-1).

At this point, Gracchus "upped the ante," as it were, by proposing to have his colleague deposed from office by vote of the plebeian assembly. According to Plutarch (11. 5-8), he first offered to allow Octavius to move for his (Gracchus') removal, but Octavius refused, so Tiberius proceeded to propose the deposition of Octavius. Both Plutarch (12) and Appian (12. 51-4) agree that Gracchus hesitated during key parts of the vote to allow Octavius the opportunity to relent, but the latter refused. So the removal of Octavius from office was voted, and with his removal, the only roadblock to the passage of *lex agraria*. A commission of three was elected to administer the law, but the Senate refused to vote the commissioners sufficient funds to provide for its expenses (Plut. *TG* 13; App. 1. 13. 55).

The situation could have ended there, to some extent, except that Tiberius decided to take on a new project when notice of the death King Attalus (III) of Pergamum came to Rome, accompanied by the news that Rome was to be the beneficiary of his will. Tiberius attempted to interfere with the Senate's traditional role in overseeing matters of Rome's relations with foreign states by announcing that he would arrange for the disposal of the inheritance through acts of the assembly proposed by himself (Plut. *TG* 14; Livy *Per.* 58).
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[429] Concerning the aims and content of the law, see the works cited in the introduction to this case study.
[430] See Stockton (1979) 67f. , 81-83.

While we do not have the details, it would appear that the insults to the ruling group were becoming insufferable. Livy's epitomator succinctly states *tot indignitatibus commotus graviter senatus* (*Per.* 58). Though it removes this clause from its original sense (and sentence), it could be said that "the Senate was strongly moved by so many insults." The subtext, not clearly spelled out, was that Gracchus' action in bypassing the Senate and working such matters directly through the assembly, though not illegal, was seriously undermining the power of the Senate.

Escalation–Sensing a threat from the opponents of the reforms, Tiberius' friends urged him to seek reelection to the tribunate in order to protect himself from the almost certain attacks against him that would be launched by his political opponents (Plut. *TG* 16; cf. App. 1. 14. 58-9). It would be at the riotous and fateful electoral assembly that matters would come to a head. At the electoral assembly on the Capitol, disturbances broke out between the pro- and anti-Gracchan forces (Plut. *TG* 17-8; App. 1. 15. 64-6). Plutarch also records that during the assembly, Fulvius Flaccus came to warn Tiberius that there was a movement afoot in the Senate, led by P. Cornelius Scipio Nasica, the current ponitfex maximus, to come and put down Gracchus.

In the preserved accounts of the Senate meeting, held at the Temple of Fides according to Appian (1. 16. 67), confusing reports were apparently coming in. Some were telling the senators that all of the tribunes had been deposed by Gracchus (since the other tribunes could not be seen on the Capitol) and other reports came in that Gracchus had declared himself tribune without holding any election (App. 1. 15. 66). Plutarch says the Senate was informed that Gracchus was trying to make himself king (19. 1-3). From these various reports, expectations among the senators that violence might occur rose, and a full blown crisis came into existence.

Nasica, the pontifex maximus, called upon the consul to immediately aid the state and put down the "tyrant" (Plut. *TG* 19. 3). The consul, Mucius Scaevola (the other consul, L. Calprunius Piso Frugi, the later annalist, was out of town), refused to intervene, but preferred to wait on events and stated that he would consider any "illegal" (παρανόμος) acts of the assembly under Tiberius' control as not having any binding force (τοῦτο κύριον μὴ φυλάζειν Plut. 19. 5).

In his brief account of the Senate meeting, Appian has an interesting note. He wonders (or did he get this from his own source?) why the Senate did not think it right to appoint a dictator to deal with the situation, although he notes that the Romans had made use of this expedient "in such times of peril" (White's Loeb translation: App. 1. 16. 67 ἐν τοιοῖσδε φόβοις). The threat perception apparent in this notice further demonstrates that the event had changed from onset to full crisis (escalation) mode. Nasica was not satisfied with the consul's answer and called upon his supporters to raise what was, in effect, a vigilante squad to deal out mob justice to Tiberius Gracchus and his supporters (Plut. 19. 5-6; App. 1. 16. 68-70).

Deescalation and Termination–The crisis ended very abruptly. The senatorial mob called for by Nasica gathered and charged the Capitol. Tiberius Gracchus was slain (first struck with the leg from a bench by his fellow plebeian tribune P. Satyreius according to Plut. 19. 10) along with many of his followers. Their bodies were dumped into the Tiber (see previous citations of Plut. and App. , as well as Livy *Per.* 58). With his death, the likelihood of further violence lessened and the crisis came to an end.

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Case Study M3: The Wheels Come Off

INTRODUCTION

During the period between 91 and 88 BC, a series of events would occur that resulted in the death of the Roman Republic. In the end, it would not be a foreign invader, nor a revolt by its allies, that would end the Roman Republic. Instead that dishonor belongs to a Roman consul, descended from a patrician family, who, being deprived of his consular province by admittedly less than honest (yet often grudgingly accepted) means, decided to contest the outcome by marching an army (which was not technically his any longer) against his own country. No matter what kinds of rationalizations may be served up, and certainly Sulpicius and Marius deserve a large measure of censure for their roles in this debacle, nothing can excuse the behavior of Sulla. According to Appian, all of Sulla's own staff officers, with the exception of one, his quaestor,[431] refused to join in his venture (App. *BC* 1. 57. 253). In essence, a military coup d'état occurred. In past times, many consuls and tribunes had gone head to head in political disputes. Sometimes the consul would gain the upper hand, prevailing upon the tribune to stop his objectionable course, with a large amount of social pressure coming from his senatorial peers. Other times, tribunes had consuls hauled off to jail, with the Senate imploring the tribune to relent. At worst, armed gangs had been employed by both sides to win their point. Yet never before, had a regularly enrolled, formally enlisted regular Roman army been employed by a magistrate against his internal political foes in what was an internal political dispute.

The Social War, the first war with Mithridates, and the civil war between the Marian-Cinnans and Sulla are all too intricately tied together to separate without losing proper historical context. Therefore, they are presented together. The three can serve as pointed contrasts to each other. The Social War is an example of a crisis that had an

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[431] Unnamed by Appian, but thought to be L. Licinius Lucullus. See Broughton *MRR* 2. 47, 52 n. 5 and 3. 121 for references to modern discussions. The issue was recently revisted by Thonemann (2004), who argues for Lucullus being quaestor in 87, not 88.

adequate response, but one that was, initially, poorly executed. The crisis caused by Mithridates' invasion was one that could be adequately responded to, but domestic politics prevented it from being responded to more effectively in the beginning. Finally, the showdown between Sulla and Marius would be the undoing of the Republic for a long period of time.

Bibliographic note

For Sulla, the biography of Keaveney (1982; reissued 2005) remains a starting point, though not one free of controversy. [432] There are also three recent treatments in German (Krist (2002) a very general work; Letzner (2000) and Hölkeskamp (2000b; a brief sketch). Marius has not benefited from a recent general biography since Evans (1994). [433] For the outbreak of the war with Mithridates, see Kallet-Marx (now Morstein-Marx)[434] (1995), Tamura (1990) and McGing (1986). On the Social War, see Ridley (2003) and Gabba (1994).

Main Sources
Livy *Per.* 72-77
Dio Cassius 30-5 (fragments)
Plutarch *Life of Marius, Life of Sulla, Life of Sertorius*
Appian, *BC* 1; *Mithr.*
Diodorus 37
Velleius 2. 14-20
Justin 38
Florus 2. 6-9
Orosius 5. 18-9
Other minor references, see *MRR.*
Many sources helpfully collected in Greenidge and Clay, *Sources²* 128-65

Summary and Crisis Phases

One: The Social War[435]

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[432] See Charles (2006) for a list of negative reviews drawn by the first edition, and comments about the "second. "
[433] Which itself relies upon the older work of Carney (1962).
[434] For convenience, however, he will be referred to as Kallet-Marx since that is the name under which his work for this discussion was published.
[435] For a full narrative of events, see Gabba, (1994) 104-28.

Onset–The cause of the crisis was the rising expectations of the Italian peoples who had been allied with Rome now for centuries. The triggering event that brought their dissatisfaction to a head was the murder of M. Livius Drusus, tribune of the plebs for 91BC, whose extensive legislative program included an attempt to extend the Roman citizenship to all the Italian peoples (for Drusus, see Livy *Per.* 71; Diod. 37; Velleius 2. 13; App. *BC* 1. 35. 155-36. 164; Florus 2. 5–other minor references in *MRR*). The failure of the attempt at enfranchisement followed by the death of Drusus led to the revolt. [436]

The Romans were not ignorant of events. Initially, the Romans absorbed themselves in internal squabbling (Appian's account has the equestrians and senators at loggerheads over Drusus' legislation, with the equestrians "retaliating" against Drusus by having prominent senatorial supporters of Drusus put on trial for trying to help the Italians, App. *BC* 1. 37. 165-8; unrelated, but indicative of internal political strife, Plutarch records the rather silly (but to them important) spat between Marius and Sulla over the monument that Bocchus, the king of Mauretania, had erected in Rome, which seemed to magnify Sulla's role in capturing Jugurtha, while removing Marius from the picture, Plut. *Marius* 32. 5; *Sulla* 6. 2); but after they noticed that something was afoot, they engaged in routine crisis mode behavior, sending out agents to observe the actions of the now wavering Italian allies (App. *BC* 1. 38. 169-70). What is interesting is that they did not engage in ham-handed action, but instead tried a "softly, softly" approach, sending men who were well acquainted with the individual towns to obtain information. The key word in Appian's account is ἀφανῶς "secretly" (App. *BC* 1. 38. 170). Of course, they also had less secretive surveillance as well, as Appian notes that ἦσαν γάρ, ὡς ἔοικε, τότε καὶ τῆς Ἰταλίας

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[436] There has been some debate over what, exactly, the aims of the Italians were: whether they merely wished for Roman citizenship, or desired to break away and be free from Rome entirely. For a balanced and detailed discussion, see Sherwin-White (1973) 134-49.

ἄρχοντες ἀνθύπατοι κατὰ μέρη: "for there were, so it seems, proconsular magistrates at the time distributed among the parts of Italy" (App. *BC* 1. 38. 172).

Escalation–The flashpoint occurred at Asculum (App. *BC* 1. 38. 171, 172-4; cf. Diod. 37. 13. 2; Livy *Per.* 72; Velleius 2. 15. 1–see *MRR* under 91BC Praetors "Servilius" for full references). A Roman agent saw what appeared to be a good-faith hostage being transferred from Asculum to another town and informed the praetor (probably *pro consule* now in late 91/early 90) Servilius, who was nearby. The praetor came into the town and attempted to menace the populace, but ended up getting killed, along with his legate Fonteius. Other Romans in the town were massacred, and the war was on. A last minute attempt at negotiation proved futile (App. *BC* 1. 39. 175-7). With the murder of Servilius, the Romans perceptions of a threat to core values, combined with a marked increase in the likelihood of military hostilities, marked the transition to the Escalation Phase.

According to Appian (our fullest source), both consuls marched to war, leaving the defense of Rome to others, the usual case in matters that were nearby and involving Rome's neighbors (App. *BC* 1. 40. 178). The unusual step of assigning a large number of prominent men, including C. Marius and L. Sulla, as "lieutenant-generals" (White's Loeb translation for ὑποστρατήγοι) to the consuls for 90 P. Rutilius Lupus and L. Iulius Caesar, further demonstrates that the Romans took this war very seriously (App. *BC* 1. 40. 179). There are also clear indications that the Romans declared a *tumultus*. While this is not explicitly recorded in the sources, Velleius' comment *utque ad saga iretur diuque in eo habitu maneretur* "[the Roman people] put on military cloaks and remained in this apparel for a long time" (Vell. 2. 16. 4, my loose translation), provides a fairly certain indicator. The wearing of the *sagum* is explicitly mentioned by Cicero in *Phil.* 5. 31 as part of the routine during a *tumultus*. Velleius' usage also has a direct parallel to another passage in the *Philippics,* where Cicero notes that the Senate were in military dress on account of the perilous situation of

D. Brutus in Mutina: *propter cuius periculum ad saga issemus* (14. 1). Livy's epitomator also records with, alas, all too much brevity *saga populus sumpsit* (*Per.* 72). Considering the magnitude of the preparations and these references to the *sagum*, a *tumultus* was in all likelihood formally declared.

Deescalation–The fortunes varied on both sides, but the Romans eventually got the upper hand, to the point where the consuls for 88, while still involved in some operations in Italy, were more intent on the newly begun Mithridatic War, which suddenly burst upon the Romans.

The Romans managed to succeed partially because they were willing to concede what they had refused to do before: the admitting of Italians into Roman citizenship. First, a measure was brought by the consul L. Caesar which gave the franchise to all Latins and those Italians who had remained loyal to Rome (Cic. *Balb.* 21; Gell. 4. 4. 3; cf. Sisenna (Peter fr. 119); Vell. 2. 16. 4; App. *BC* 1. 49. 212-4: wrongly says the Senate did this--while an enabling resolution from the Senate is expected and required, only the People could carry out the actual act of enfranchising so many communities). Then, a tribunician law, the *lex Plautia Papiria,* extended the grant to all citizens of allied states who made a declaration before a praetor within sixty days (Cic. *Arch.* 7 and Schol. Bob. 175 Stangl; Vell. 2. 17. 1). Between military victories for the Romans, and the opportunity to gain Roman citizenship extended to them, the peoples of Italy began to give up, with notable exceptions (the Samnites). As more groups within Italy decided to join the Roman banner, the perception of threat abated, and the likelihood of further military hostilities began to recede to pre-crisis levels, thus clearly marking the shift into the Deescalation Phase. In the end, the Senate had managed to weather this crisis fairly well.

For the moment, the "Termination" phase of this crisis is omitted, since it is tied to the end of this extended case study.

Two: The coming Mithridatic War

There are many good modern discussions of the events that preceded the first war between Rome and Mithridates VI, king of Pontus, providing full details (with complete references to the sources) of the prosecution of the war and the aftermath. [437] In itself, the crisis did not actually present a survival-level threat to the continued existence of the Roman state, but it contributed significantly to the crisis that did result in the temporary death of the Roman Republic.

Onset–After the death of the last Attalid king of Asia, Attalus III, in 133, Rome became the paramount power in the Anatolian peninsula, inheriting the kingdom of the Attalids, and the important role of playing arbiter between the various kingdoms and cities located there. [438] While at first, the Romans tried not to get too involved in the affairs of the various kings, the actions of King Mithridates VI of Pontus, would cause them to intervene on occasion. An important precursor to the events that led to the First Mithridatic War was the Roman intervention in the kingdom of Cappadocia during the 90's. Sometime during the early part of that decade, Ariobarzanes, the king of Cappadocia, was driven from his kingdom by Mithridates, through the agency of a usurper, Gordius, with support from Tigranes, king of Armenia. Sulla, who was likely praetor in 97, [439] was assigned the

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[437] Most recently, see Kallet-Marx (1995) 250-60, 261f. for Sulla's settlement at the end; McGing (1986) 66-88 lead up to the war, 89-108 Mithridates' propaganda, 108-31 account of the First War; Sherwin-White (1984) 92-148. There are earlier accounts as well by Magie (see next note), Mommsen and Reinach; see McGing (1986) 108 note 94 for full references.
[438] For discussions of Rome in Asia, see works in previous note. While older, still very useful is Magie (1950).
[439] There is contention over this dating. The original *MRR* 2 has Sulla's praetorship listed under the year 93, with the promagistracy in Cilicia in 92. In *MRR* 3 *Supp.* (1986) 73-4, Broughton has provided some discussion of the attempts to change that date, noting the earlier chronology advanced by Badian, placing the praetorship in 97 and the mission to Asia in 96. Broughton himself, after wavering a bit, seems to side with Sherwin-White, who has Sulla restoring Ariobarzanes in 94, with the praetorship coming shortly before then (see Broughton for full references). More recently, Brennan has provided a detailed analysis of the issues, holding to Badian's early date for the praetorship (97), followed by prolonged service in Asia, lasting to as late as 93/2; see Brennan (1992) 103-58. [Brennan holds to this dating in

task of restoring/safely installing Ariobarzanes upon his throne. This was merely a practice run for what would come later.

The immediate trigger for the crisis was another attempt by Mithridates to take control of Cappadocia and Bithynia. Around 92, a usurper, Socrates Chrestus, backed by Mithridates, seized control of Bithynia from the Roman-recognized king Nicomedes IV, who had just succeeded to the throne. At the same time, Mithridates' newly acquired son-in-law Tigranes, king of Armenia, expelled Ariobarzanes from his kingdom in Cappadocia, and attempted to reinstall the Mithridatic usurper Ariarathes IX. Confronted with a heightened expectation of the possibility of military hostilities breaking out (the sign of the onset to a crisis), the Roman response relied upon employing basically the same approach as they did the last time. A commission of three headed by M. ' Aquillius, consul of 101, was sent to restore both Ariobarzanes and Nicomedes IV to their thrones. With token Roman forces under the command of the (praetorian) proconsul of Asia, C. Cassius, the kings were restored.

It is at this point that apparently our sources fail us. Our main source is Appian, who provides us with a highly unbalanced account pinning the blame for the start of the war on the legate Aquillius, who allegedly impelled Nicomedes (holding the large debts that he owed to Roman moneylenders over his head) into raiding Mithridates' territory, which resulted in Mithridates responding with a new incursion into Cappadocia (reinstalling the usurper Ariarathes IX again) and an embassy to the Roman commission, complaining of Nicomedes' attacks. The Roman commissioners ordered Mithridates to withdraw from Cappadocia again, and stated that they wished both kings not to suffer any

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Brennan (2000) 358, 765n. 9]. Kallet-Marx (1995) 355f. (appendix H), also supports Badian's date.

harm. At this point, the Romans prepared their forces to restore Ariobarzanes, and Mithridates readied for war.

Appian's account (which many scholars have accepted to a greater or lesser extent) receives a fairly convincing rebuttal by Kallet-Marx, who exposes the bias in Appian's likely source, and provides a reasonable explanation for why Nicomedes may have on his own engaged in the raiding of Mithridates' territory which started the war. [440] In these circumstances, it is probably counterproductive to "assign blame," but merely report events in the most likely order.

Escalation–At this point, we enter the escalation phase, as it became clear to the Romans that Mithridates was not going to "meekly" submit. [441] Whatever the truth, whether Nicomedes was impelled by Aquillius or conducted the raid on his own, in any event, that action served as the trigger to the crisis, and marked the shift to the Escalation Phase of the crisis, as either Mithridates would give in or respond by launching military action of his own. The perception of threat to Roman interests and the near certainty of military hostilities (should Mithridates fail to concede) were manifest.

Mithridates, as mentioned above, attempted negotiations to head off a full scale conflict, but the Romans expected Mithridates to submit to their authority, as he had done in the past. Still, they were not taking chances, as they did prepare military forces, but their armies largely consisted of scratch levies from the Asian cities and the royal forces of Nicomedes. [442] The strategy failed when Mithridates defeated the numerically superior forces of Nicomedes, and followed that up by routing Aquillius' force of raw recruits. Cassius, seeing the futility of facing the Pontic king, dismissed his army and retired to

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[440] Kallet-Marx (1995) 251-6.
[441] Here I borrow Kallet-Marx's characterization of Mithridates' behavior. See Kallet-Marx (1995) 255.
[442] For the Romans' strategy and forces, see Kallet-Marx (1995) 258.

Rhodes. The other Roman commander, Q. Oppius, the (praetorian) proconsul of Cilicia, was besieged and captured at Laodicea. Mithridates overran all of Roman Asia.

Deescalation and Termination–The Mithridatic War itself did not present a survival-level threat to Rome, but it is extremely important since it caused an internal crisis in the Roman state, the final internal crisis that the Republic was not able to withstand. For the sake of completeness, I will briefly mention the end of this crisis. Over the course of years (87-83), Sulla succeeded in defeating the Mithridatic generals in Greece, and brought Mithridates himself to terms to end the war. For details, see modern discussions, already cited. Now, however, we need to return back to late 89/early 88, when the final crisis of the "free" Republic occurred.

THREE: THE FIRST END OF THE REPUBLIC: MARIUS V. SULLA

Onset–Though the Romans had presented a strong united front against the threat to their survival from the revolt of the Italian allies, internal dissension and more menacing signs of internal weakness had not disappeared. As a bad omen for the health of the state, in 89, a Roman praetor, A. Sempronius Asellio, was killed by a mob of moneylenders in the Forum, since he dared to try to allow the law to help debtors, who were suffering from the effects of the Social War (App. *BC* 1. 54. 232-9; Livy, *Per.* 74; Val. Max. 9. 7. 4). The murder of the City Praetor in Rome, with the apparent encouragement of a tribune of the plebs (one L. Cassius, according to Valerius Maximus), did not bode well for Rome. The Senate offered rewards to informers, but no one came forward (App. *BC* 1. 54. 239). A bad omen indeed.

The immediate trigger for the crisis, however, was the Mithridatic War. For while the Social War was not completely over, the new consuls for the year 88, Q. Pompeius Rufus and L. Cornelius Sulla, drew lots for the command in Asia, and Sulla received the command (App. *BC* 1. 55. 241). At this point, a tribune of the plebs, P. Sulpicius Rufus,

attempted to take away the Mithridatic command, and instead have it reassigned to Gaius Marius. Sulpicius also intended to rework the arrangements for the newly enfranchised Italians, who had been deliberately "gerrymandered," to use the modern term, in order to reduce their influence in the Roman elections.

Marius and Sulla had no love for each other, as they had shown just a few years before, where, just prior to the outbreak of the Social War, the two nearly came to political (if not literal, yet) blows over a monument erected in Rome by Bocchus, the king of the Moors (Plut. *Marius* 32. 5; *Sulla* 6. 2).

In an attempt to forestall Sulpicius, the consuls declared a *iustitium* (while not encountered elsewhere, Appian's ἀργία *BC* 1. 55. 244 must mean a *iustitium,* and the *LSJ* concurs).

Escalation–This did not abate the looming crisis, unfortunately. Sulpicius gathered his forces anyway, and used violence at the voting assembly. The consuls were put to flight, and the consul Pompeius' son was killed in the fighting. Sulla was forced, under duress, to revoke the *iustitium,* and then fled the City to the comparative safety of his army at Nola. Sulpicius then proceeded to pass his laws (App. *BC* 1. 55. 240-9; Livy *Per.* 77 (alas, all too condensed); Plut. *Marius* 34-5. 5; *Sulla* 7-8; see *MRR* under the year 88 for other references).

Further escalation came from Sulla, who now undertook a step that had never before been used to settle an internal political dispute. He called upon his army to support him in what would amount to a coup d'état (App. *BC* 1. 57. 250-3; Plut. *Marius* 35. 3-4, 6; *Sulla* 9. 1). As I noted in the introduction to this case study, only one member of the officer class, his quaestor, stayed with him (App. *BC* 1. 57. 253). Faced with the prospect of a consul, at the head of a regularly constituted army of Roman soldiers, was marching upon the city, we can be sure that the Senate and whatever magistrates remained in Rome were

greatly alarmed by the prospect of violence being used to win a political dispute. The increase in disruptive activity combined with the qualitative rise in the likelihood of military hostilities marked the transition to the Escalation Phase of this crisis. Attempts were made at negotiation, but they were fruitless. When two praetors, Brutus and Servilius, were sent to forbid Sulla's advance on Rome, the soldiers broke their fasces and sent them back humiliated to Rome (Plut. *Sulla* 9. 2). A last ditch attempt at compromise was met with a ruse by Sulla, who entered the City and defeated the Marian forces (Plut. *Sulla* 9. 5-7; *Marius* 35. 5-8; App. *BC* 1. 57. 254-58. 263).

Deescalation and Termination–With the expulsion and outlawing of the Marians at the point of a spear, the crisis, as well as the *libera res publica* came to an end. Sulla had won, and the threat of future violence temporarily abated. A regular Roman army had been employed in an internal political dispute, and the "free" Republic was dead. While blame can be liberally spread around, it was Sulla who first brought the "camp" into the center of Roman politics.

Each of these cases represents a different kind of failure. In the case of the crisis that led to the Gallic Sack, the Romans failed to gauge the threat posed to them by their intervention in the encounter between the Gauls and Clusium with sufficient accuracy. It may be that the historical accounts deliberately downplay the Romans' response in order to cast the blame squarely on the "lax" leadership of the three Fabii, but nevertheless, there was a serious failure in the initial embassy to Clusium, a failure which caused Rome to be burned.

In the case of Tiberius Gracchus, the shortcomings of relying upon "senatorial consensus" to keep the political order running smoothly and not allowing it to be stuck in

an impasse are made clear. There was a failure all around: Gracchus failed to compromise with his opponents; Octavius failed to perform his office properly (by not respecting the wishes of the Plebs, his constituency); the consul Scaevola failed to manage the Senate; and most grievously, Scipio Nasica failed to abide by the law, invoking extra-legal justifications for engaging in armed strife within the city of Rome itself. The system failed as well, since there was no means of settling the impasse between the Senate and Ti. Gracchus which would have been respected by both sides.

And yet the actions of Nasica did not result in the complete overthrow of the system of government we refer to as the Roman Republic. It would take another patrician, Sulla, to do that. For he not only ignored the law, but marched into Rome at the head of an army of Roman soldiers, despite being ordered by the Roman Senate not to do so. Here, the lack of any institution that could arbitrate in political clashes, such as that between Sulla and Sulpicius over the Mithridatic command, doomed the contest into being decided by brute force. Sulpicius won round 1 by the use of armed gangs. Sulla won the match by using armed *soldiers.* At this point, the ultimate level in using armed force to achieve political ends was reached, but it was a level that the Republic, as a series of institutions and customs employed by the Romans to govern themselves, was unable to cope with in any manner whatsoever.

Chapter 8 the evolution of crisis response during the roman republic

We have looked at crisis and the response of the Roman Government from the institutional perspective. Such a perspective, however, does not provide a window for examining whether there was any change, or continuity for that matter, in the way that the Romans responded to crises. For that, a chronological survey is necessary.

The early records of the Roman state, as we have them, point very strongly to the primary role of executive leadership in the resolution of serious crises in the early period of the Republic. Strong evidence for this is provided by looking at how often the Romans resorted to the use of the extraordinary office of *dictator* during the early period of the Republic. [443] Here briefly is a table of dictators appointed to combat military threats or internal disturbances (thus omitting those appointed for other reasons) just for the period between 390 and 290 (roughly from the Gallic Sack and the end of the Third Samnite War):

No. [444] and man appointed	Year	Reason
18. M. Furius Camillus	389	War with Volscians and Latins
19. A. Cornelius Cossus	385	War against Volscians
20. T. Quinctius Capitolinus	380	Attack from Praeneste
21. M. Furius Camillus†	368	Internal strife (Licinian-Sextian)
22. P. Manlius Capitolinus	368	same as immediately above
23. M. Furius Camillus	367	Gallic war
24. L. Manlius Capitolinus	363	clavi figendi/rei gerendae?[445]

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[443] The importance of the use of a dictator as a means of response by the Roman state was already discussed above in Chapter 5.

[444] These numbers refer to the numbers assigned these men by Hartfield (1982) 309-518 in her catalogue of dictators. You may find a full lists of source citations for them in her catalogue entry, as well as more detailed information about that particular dictatorship. The table itself is adapted from a similar listing given by Oakley *Livy* 1. 41-2.

[445] There are serious problems here. It is true that Capitolinus appears to have been named "to drive a nail," the performance of an ancient religious ceremony to ward off pestilence, but he may also have held a levy, which is an indication of service in war. The whole story of the

25. Ap. Claudius Crassus	362	War against the Hernici
26. T. Quinctius Poenus	361	*tumultus Gallicus*
27. Q. Servilius Ahala	360	*tumultus Gallicus*
28. C. Sulpicius Peticus	358	Gallic war
29. C. Marcius Rutilus	356	War with Etruscans
30. T,. Manlius Torquatus	353	War with Caere
31. C. Iulius Iullus	352	Rumored Etruscan hostility
36. L. Furius Camillus[446]	345	War with the Aurunci, *tumultus*
38. M. Valerius Corvus	342	The mutiny at Lautulae
39. L. Papirius Crassus	340	War against the Antiates
40. Q. Publilius Philo	339	War against rebellious Latins?[447]
41. C. Claudius Inregillensis†	337	War against the Sidicini
43. P. Cornelius Rufinus†	334	War against Sidicini and Samnites
45. M. Papirius Crassus	332	Gallic war, possibly a *tumultus*
48. L. Papirius Cursor	325	War against the Samnites (in place of an ailing consul)
50. A. Corn. Cossus Arvina	322	War against the Samnites[448]
54. L. Cornelius Lentulus	320	War against the Samnites[449]

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levy may be a fabrication in order to set up the "trial" (another fabrication) the next year. I admit that this example is problematic at best. For discussion, see Oakley *Livy* 2. 72-6; Hartfield (1982) 369-70.

[446] There is some question over *which* L. Furius Camillus this is: either Sp. f. M. n. or M. f. L. n (the son of the famous M. Furius Camillus, the "savior" and second founder of Rome). See Hartfield (1982) 390-2 (opting for Sp. f.); Oakley *Livy* 2. 267 ("almost certainly the son of the great Camillus").

[447] There are problems with this dictatorship, as their appears to be a disconnect between its avowed reason for being and what Publilius actually did while in office. See Hartfield (1982) 401-4; on the dispute over his legislation, see Oakley *Livy* 2. 522-8 (with references to important earlier discussions).

[448] There are problems with this appointment as well, as there is a variant tradition, accepted by many, that he was appointed solely to hold special games. See Hartfield (1982) 420-1; cf. Oakley *Livy* 2. 760-72.

56. L. Aemilius Mamercinus	316	War against Saticula, Samnites
57. Q. Fabius Max. Rullianus	315	Continued campaign of Mamercinus
58. C. Maenius	314	Special *quaestio* in Capua/*rei gerendae causa*?[450]
59. C. Poetelius Libo[451]	313	War against the Samnites
61. C. Sulpicius Longus or 62. C. Iunius Bubulcus[452]	312	Etruscan war
63. L. Papirius Cursor[453]	310	War against the Samnites
66. C. Iunius Bubulcus	302	*tumultus* caused by the Aequi
68. M. Valerius Maximus	301[454]	*tumultus*, Etruscans and Marsi

(†=denotes *vitio creatus*)

On roughly thirty occasions, recourse was had to the appointment of a dictator in situations which can be considered crises, even if the threat varied in intensity. On several more occasions, attempts were made to appoint dictators, but there were technical faults in their appointment (*vitio creatus*). [455] Therefore, in just about one out of every three years, the decision-making authority of the Roman State was turned over to a single executive

[449] Livy reports this dictator as a variant against the war being handled by the consuls alone. The account, as given by Livy, is not free from problems, but fragments of the *Fasti Capitolini* provide support for Lentulus' dictatorship in this year. See Hartfiel (1982) 429-30; for the problems in Livy, see Oakley *Livy* 3. 167-8.

[450] Maenius was appointed initially to deal with rumors of a conspiracy at Capua. Beyond that, much of what is recorded is likely annalistic invention to provide another colorful episode in the "Struggle of the Orders. " The *Fasti Capitolini* record him unequivocally as *rei gerendae*. See Hartfield (1982) 439-42; on the problems with Livy's account for the entire episode, see Oakley *Livy* 3. 304-6.

[451] Like many of these cases, there are some doubts about this man's exact identity, and what he did while in office. See Hartfield (1982) 443-8; on the identity question, cf. Oakley *Livy* 3. 335-6.

[452] Longus is named on the *Fasti Capitolini;* Bubulcus only is mentioned by Livy. See Hartfield (1982) 452-4; Oakley *Livy* 3. 348-50.

[453] Hartfield (1982) 455-7 dismisses this dictatorship. Oakley *Livy* 3. 461 accepts it. There is divided opinion on it (see Hartfield and Oakley, *locc. citt.* for references to earlier judgments for and against).

[454] There are problems with the date. See Hartfield (1982) 464-6. This man's entire career presents diffiiculties for accurate recontruction. See Oakley *Livy* 2. 238-40.

[455] Strict religious strictures had to be followed in the appointment of a dictator. If any error occurred, the augurs could declare the appointment flawed, and the Dictator and his Master of the Horse would have to abdicate from office immediately. On the appointment of dictators, see Kunkel (1995) 668-70.

magistrate. That in itself demonstrates the central importance of the executive in the functioning of the Roman State. Very often, dictators were appointed during a *tumultus* (see table above).

During the course of the third century, however, there is a marked decline in the employment of the dictatorship for military purposes. While explanations for the gradual disappearance of the dictatorship vary,[456] the reasoning put forward by Hartfield makes a certain amount of sense. She notes several important factors in the gradual disappearance of the use of the extraordinary magistracy: the creation and rise in the number of promagistracies; the greater flexibility and control that promagistracies gave the Senate; and the limitations of the dictatorship as an office (six-month term of office; generally restricted to Italian soil; it was an extraordinary office, and thus went against a preference for adhering to the "normal" governmental structure). [457] In general, this theory seems sound, and can be seen as a parallel development to where the primary responsibility for crisis management moved, as the Senate began to assert itself more as a primary crisis decision maker itself, and not a body that handed off authority to deal with crises to an executive officer.

This change in crisis response decision-making can already be seen at work during the critical threat that Rome faced when King Pyrrhus of Epirus was called in by the Greek city of Tarentum, in southern Italy, to defend it from Rome. [458] Unfortunately, our main source, Plutarch's biography of the Epirote King, does not tell us as much about internal Roman deliberations as we might like, but it still is apparent that the Senate took the lead in responding to the crisis, sending embassies and deciding how the state would respond to

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[456] One of more recent attempts is Morgan (1991), claiming that many senators did not like how holding the office gave too much precedence to a select few men over other ex-magistrates, and therefore decided to appoint no more. I am not convinced by his argument. For earlier attempts to explain its disappearance, see Hartfield (1982) 249, 265 n. 4.

[457] Hartfield (1982) 247-55.

[458] On the outbreak of war between Rome and Tarentum, see Barnes (2005).

the threat from Pyrrhus. It should be noted that the Romans did not resort to the naming of a dictator once to lead their forces in their encounter with Pyrrhus. [459] Likewise, during the First Punic War, a dictator was only named once for war-related duties: A. Atilius Caiatinus, who was named to replace the disgraced consul P. Claudius Pulcher (*cos*. 249). [460] On the contrary, from Polybius' account of the war, it seems that the Senate played a major role in decision-making in every critical moment, as far as we can tell.

The importance of the Senate as the prime responder to a crisis situation, however, comes sharply into focus when we examine their active role in deciding policy during the Second Punic War. [461] I have already discussed in detail the Senate's role in managing the Saguntine Crisis. [462] After the war was underway, the Senate was the primary crisis manager during periods of severe crisis. As discussed before (in Chapter 5), when the Roman state was faced with one of its darkest days following the consul C. Flaminius' defeat and death at Lake Trasimene, the Senate and the magistrates on hand (two praetors), deliberated what to do. They decided upon the selection of a dictator, even though the normal means of appointment (naming by a consul), could not be carried through. Again, in the aftermath of the horrific defeat at Cannae, it would be the Senate that would decide upon what measures to take in response to the crisis (see Chapter 5, Case Study E1: Cannae). In many respects, the period between 218 and 207, when Hasdrubal's death and defeat at the Metaurus put an end to the imminent threat to Roman survival posed by Hannibal's presence in Italy, could be considered one long sequence of continuous

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[459] Cn. Domitius Calvinus was named in order to hold the elections (*comitiorum habendorum*) in 280 (see *MRR* 1. 191), but otherwise, no other dictators were named at all during the war against Pyrrhus.

[460] See *MRR* 1. 215 for sources; Hartfield (1982) 480-4 for discussion of this man, and his curious predecessor M. Claudius Glicia, who was appointed, but never acted, as dictator immediately before Caiatinus. For recent work on the First Punic War, see Hoyos (1998) and Lazenby (1995). Still fundamental are the notes in Walbank's commentary on Polybius.

[461] See above, Chapter 5 Case Study E1: Cannae, for references to general discussions of the war.

[462] See above, Chapter 6 Case Study Sen 2: The Saguntine Crisis of 220-18.

crises (Saguntum, Trebia, Trasimene, Cannae, the defection of Capua, the defection of Tarentum, the non-compliance of several Latin colonies, the threat from Philip V of Macedon, and finally, the Metaurus). Throughout this period, the leadership of the Senate was clear.

The turning point, the time at which the pendulum begins to swing away from the Senate's predominance in managing the Roman state during crises, is one which is probably well known to most and will come as no surprise: the turbulent tribunate of Tiberius Sempronius Gracchus. [463] This episode is, of course, the point at which many scholars begin to speak of what is called "The Crisis of the Republic."[464] In reality, the so-called "Crisis of the Republic" is not a true crisis as I have defined above (in Chapter 2). The Roman Republic certainly came to a crossroads in the bloody resolution to the impasse that trapped both Tiberius Gracchus and his opponents into resorting to arms, but the problem that the Republic faced was not a crisis because there was no finite time for response. There was a considerable time for response. The Romans, for whatever reason, refused to choose an adequate response to the quandary presented by Tiberius Gracchus' refusal to allow his proposals to die. Instead, they, at least a sizable segment of the ruling class, chose to use violence.

That is not to say that the situation presented by Tiberius Gracchus himself was not itself a crisis. It most certainly was one, but one which the Roman state did not have a response for…yet. When the particular crisis presented by Tiberius was repeated, this time by his younger brother Gaius Gracchus (for which, see Chapter 4 Case Study SCU 1: Gaius Gracchus), a response was finally devised, but not one which would address the "Crisis of the Republic," only the immediate threat presented by Gaius: the so-called

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[463] See above, Chapter 7 Case Study M2: Tiberius Gracchus.
[464] A very good recent summary of the topic, with references to ancient and modern discussions, is von Ungern-Sternberg (2004).

senatus consultum ultimum. [465] The legacy of the so-called *SC ultimum* would prove, however, to be mixed, at best, for the senatorial aristocracy. When it was first passed in 121 BC, it would give L. Opimius the legal, or at least the political, cover to use violence to put down a turbulent tribune whose political program was not to the liking of the majority of the Senate. From the standpoint of the senators who passed it, it must have seemed to have been a success: Gracchus and his supporters were crushed, the authority of the Senate was respected, and there was peace.

Yet, what they created that day set two very important and lasting precedents, which they might not have approved of, had they been aware of it. First of all, the passage of the *SC ultimum* provided an institutional basis for resorting to violence in order to resolve a political dispute. The senators had irrevocably brought violence into the system. Secondly, and more significantly for the future of the "free" Roman Republic, the Senate had ended up abdicating the decision-making power for resolving a crisis, and instead handed that power back to the executive, this time in the form of the consul(s) who had the decree passed. While they might not have thought about it, what the senators had done was to return to the old way of crisis management of the early Republic: handing power over to the executive and having the executive make all of the decisions about resolving the crisis. From this point forward, the Senate would turn towards the executive to handle serious crises.

It did not have to be this way. As we know from the modern world, there are other methods available to resolving a political impasse within a state, even states that do not have a written constitution, as Rome did not. There are courts. There is the ballot box. It would appear, however, that the Romans could not think in those terms. Instead, they institutionalized violence. The effect of this choice would be profound. For a little more

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[465] On the so-called *SC ultimum*, see Chapter 4.

than 30 years later, again a troublesome tribune would cause problems for the consuls in office. In this case, the consuls of 88, P. Cornelius Sulla and Q. Pompeius Rufus, faced P. Sulpicius, a tribune of the plebs with ambitions. [466] The consuls attempted a novel maneuver in order to block his legislation, declaring a *iustitium*, but it ended in failure when Sulpicius, and his supporter C. Marius resorted to violence and forced Sulla to rescind the suspension of business. Violence had become the norm for achieving political goals. At this point, one can ask, why did Sulla and Pompeius choose not to call upon the Senate to pass the *SC ultimum* against Sulpicius? There are probably good reasons why it did not happen. The Senate itself may have been divided. Sulpicius might have been more capable in preventing that from happening than previous turbulent tribunes had managed. Whatever the reason, the fact is that the *SC ultimum* was not resorted to in this instance, when previous precedent would suggest that this was an optimal time for a consul, being faced with a tribune who resorted to violence, to move for its passage.

Instead, the consul Sulla decided to resort to unauthorized and extreme violence, of a kind never contemplated before by any other magistrate faced with political opposition at home: he went to the army stationed at Capua, which had been previously assigned to him for the war with Mithridates (but had now been taken away from him by Sulpicius' legislation), and suborned the soldiers into marching upon the city of Rome. Sulla decided to use the ultimate level of force available to settle this political dispute in his favor. But it can be noted that his use of a Roman army to end a political fight, illegal and despicable as it was, was not entirely out of keeping with the methods that the Senate itself had sanctioned for the resolution of political disputes within the city when they first passed the *SC ultimum* 33 years previously.

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[466] See Chapter 7 Case Study M3: The Wheels Come Off.

Here was the real crux of the "Crisis of the Republic," the issue that the Romans never addressed until a solution was imposed upon them. There was no final arbiter within the system whose judgment would be acceptable to all sides in a political impasse. It could be argued that the Senate should have the role of final arbiter within the system, as they had increasingly taken on that role in responding to state crises since the Second Punic War. The Senate, however, suffered institutional shortcomings that made it possible for the Senate *itself* to be thrown into crisis, with its own authority and survival being threatened, which rendered it incapable of formulating a peaceful response to internal political impasses. When the state crisis was a threat from the outside, the Senate could be an effective body through which to deliberate and determine the correct response. When the threat was internal, when the Senate's own authority to settle disputes was questioned, it could be rendered powerless and incapable of formulating a response.

Even when working in close cooperation with a magistrate, that response more and more reflected the leadership of the magistrate, not the collective will of the Senate. The Senate in 121 had decided that the use of force would be the final arbiter for political disputes within the Roman Republic. In that sense, what Sulla did was to appeal to the final arbiter, though to an extent that was unimaginable to the vast majority of Romans of the political class of that time. It should be remembered, after all, that all of Sulla's officers (save one), most of them coming from the senatorial and equestrian orders, refused to join him on his march, and the Senate, even if it may have been intimidated by Sulpicius and Marius, did send two praetors to intercept Sulla and stop his march upon the city. Regardless of political views, the majority of the Senate certainly did not want armed soldiers to decide what was an internal political matter.

While the Republic would be restored eventually, the problem of resolving political disputes without resorting to violence did not disappear. As we saw again in 63, during M.

Tullius Cicero's consulship, a spurned noble (L. Sergius Catilina) decided to turn to armed force in order to defeat his political opponents. [467] The consul Cicero had the *SC ultimum* passed. This time, the main violence would be restricted to outside the city, but Cicero was prepared to use armed force within the city if necessary. This would be the last successful use of the *SC ultimum*. The power of the executive in resolving internal political crises was now more firmly established than ever. The state had institutionalized the use of force to crush political opposition to those who currently held the levers of power. Future challengers decided that they would need to match force with force.

With C. Iulius Caesar and the crises that brought an end to the "free" Roman Republic,[468] the twin legacy of the *SC ultimum*, the handing off of crisis management into the hands of the executive, and the institutionalization of the use of force to settle political disputes, would set the pattern for the final resolution of the "Crisis of the Republic." For with the victory of Caesar in the Civil War of 49, a final arbiter was created: namely Caesar. In fact, the Roman Republic would be plunged into its final crisis when that arbiter was assassinated in March of 44. After nearly 15 more years of turmoil and intermittent civil war, the Roman state did, at last develop a final arbiter who would decide all political disputes, and for that matter, all political decisions of any kind: the *princeps*. For the *princeps* embodied the legacy of the decision made in 121. He was an executive officer acting in the name of the Senate, and he had a monopoly on the deployment of force. So, we can see that the decision made by L. Opimius and the Senate in 121 had a much more profound impact that many might have thought–it set the course for the "Roman Revolution"[469] that would result in a new government structure for the Roman state.

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[467] See Chapter 4 Case Study SCU 3: The Catilinarian Crisis.
[468] See Chapter 4 Case Studies T1, SCU 4 and SCU 5.
[469] The term coined, of course, by Syme (1939).

CONCLUSION

The aim of this work has been two-fold from the start. First, it is a study of crisis in the Roman Republic, an important phenomenon in and of itself. Second, it has sought to determine what crisis, or more specifically, the behavior of the Romans in crisis situations, can tell us about the Roman Republic and how it functioned in practice, not theory. Since crisis is a word all too easily used (or abused) in modern scholarly literature, following its overuse in the modern media and even in everyday discourse, recourse was had to social science literature, specifically the works of political scientists who specialize in studying crises, to see if a precise definition with stricter criteria could be developed and employed to identify crisis situations in the Republic. Having adapted the definition of Brecher[470] for this examination, there remained the need to study the question of whether crisis existed as a concept with a firm definition in the Roman world.

The Concept of Crisis

Did the Romans have the conceptual category of *crisis*? Based upon several factors analyzed in this study, I have concluded the answer is no. The strongest piece of evidence for this conclusion is that there is no Latin word that has a one-to-one correspondence to "crisis" in English. While that may not be considered definitive by many, it is an important observation by itself. Were there a single word that we could point to and say "this is the Latin word for 'crisis,'" that would make a strong case for the existence of the concept. Against this, one might argue that the lack of a single word that corresponds in a one-to-one manner does not rule out the existence of the concept. Indeed, a good example would be the word *propaganda;* there is no Latin word for propaganda (ironic, since it is a word

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[470] Brecher (1993). See Chapter 2.

completely Latin in origin), but they certainly knew how to employ it. [471] However, if one examines the actual behavior of the Romans in crisis situations, there is no indication that they are operating systematically or institutionally in "crisis mode."[472] Further, as was made clear in Chapter 3, there were multiple terms employed in the description of crisis situations. While either factor in itself might not be considered conclusive in ruling out the existence of the concept of crisis, the combination of the two clearly demonstrates that they did not have a clearly defined and systematic view of crisis. A second objection that might be raised is the use of the word *discrimen*, which many scholars would designate as the Latin word for crisis. While it might appear so, *discrimen* is very likely a Ciceronianism, which is not employed with this meaning before him. It is simply an extension of the usages of that word to mean a "decisive point" where things can go one way or another, combined with its very common meaning of "danger," which is obviously derived from the other meaning. But there is no one-to-one correspondence and the word can be used completely divorced from any meaning of crisis, whereas "crisis" *always* means "crisis" in English and most modern languages.

Perhaps more damning than the simple lack of a one-to-one word correspondence is the important observation that arises from the case studies dealing with internal threats. The Romans did not regularly accept the notion that there could be a state of being where the normal rules did not apply at all. It is true that during a *tumultus*,[473] certain rules, concerning exemptions from military service, for example, could be suspended, but that did not mean a wholesale change in the enforcement of the law. The *tumultus,* however, was almost without exception employed to face an outside threat (and even in 43, Cicero tried

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[471] For example, the recently celebrated *SC de Pisone (patre)*, a text which is as much concerned with complimenting the members of the *domus Augusti* as it is with detailing the crime and punishment of Piso.

[472] This will be discussed in greater detail below.

[473] For examples, see Case Study T2: The *tumultus* of 181 or Case Study T1: The *tumultus* of 43.

to paint Antony as acting outside of the state, and thus, like an external *hostis*). When it came to internal crises, where the threat was located within the city of Rome itself, the Romans never deployed a state of emergency. [474] In similar situations, modern societies are willing (to an extent) to accept that many normal laws and rules will be bent or broken in order to achieve the larger goal of preserving lives and the safety of the state. The Romans, for reasons that remain unclear, were not prepared to take that step. Some would suggest that following an *SC ultimum*, such a state of emergency came into existence, but I strongly disagree. The *SC ultimum* provided overt senatorial political support for any and all actions a consul in office might take to deal with a serious internal crisis, especially the use of force to resolve it. While it is true that it can be seen as the development of an internal response mechanism to internal crisis, it was a response rooted in institutionalizing the use for force by the ruling faction of the Senate against its domestic political enemies.

As firm proof that the *SC ultimum* did not suspend the normal operation of the laws, there is Clodius' successful effort to have Cicero exiled for his actions during the Catilinarian Crisis, in which the latter had Roman citizens put to death without trial before the People, contrary to long established Roman law. [475] In a true "state of emergency" as we know it, the normal laws would be "suspended," and actions which could be justified as protecting the common safety would usually provide an excuse for the abuse of the laws undertaken by an executive officer to protect the general good. This is not the case with the *SC ultimum*, even after its first use, where the tribune of the plebs P. Decius (*tr. pl.* 120) attempted to bring the consul L. Opimius (*cos.* 121) to justice after his term of office was

[474] Again, note that the poorly documented, but known, *tumultus* of 78bc declared against the rebellious consul M. Lepidus again was used against an armed force located outside the city. The sources are extremely poor for this event: Florus 2. 11, Oros. 5. 22, Livy *Per.* 90. For his entire career, see Criniti (1969), Hayne (1972).
[475] See further Chapter 4 and Case Study SCU 3: The Catilinarian Crisis. That cases concerning the *caput* (the life) of a Roman citizen were to be decided only by the People, we have the testimony of Cicero *de leg.* 3. 11 which transmits wording from the Twelve Tables.

over for what he had done to the Gracchans. The attempt failed,[476] but we should not ignore the fact that it was undertaken at all, since that tells us that there were those who did not believe that the *SC ultimum* put Rome into a "state of emergency" where the regular laws temporarily no longer applied.

The *SC ultimum* was, I would argue, an attempt to go back to the use of a "dictator" to deal with internal crises, as the Senate turned to the executive to take control of the situation and deal with it. But at no point did the regular law get suspended, and it is not proven that the Senate could even do such a thing as suspend the normal law, save for a declaration of *tumultus*, but that could only be done in the face of an external enemy, not a domestic threat. Even there, the *tumultus* declaration did not suspend all normal law, but merely provided for the lifting of certain privileges that some classes had to be free from military service. The suspension of certain privileges is not the same as the suspension of all normal legal procedures.

Other than the *SC ultimum,* there is the key observation that the Republic never developed a series of institutions or institutional responses to deal with internal crises. The Senate could attempt to assume this role itself, but when the crisis involved someone with independent authority challenging the Senate's right to act as final arbitrator in a dispute, that could itself provoke a far more severe crisis. In such situations, the Senate, having certain institutional limitations to its ability, eventually turned to the *SC ultimum* as their method of response. As I have already noted, however, the *SC ultimum* represented an institutionalization of the use of armed force by the executive to counter an internal opponent, not a true institutional response that could peacefully resolve an internal political dispute and be acceptable to all parties in such disputes. The failure of the Romans to create a peaceful institutional mechanism that could resolve internal political impasses to

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[476] Livy *Per.* 61.

the satisfaction (or at the very least grudging acceptance) of everyone in the state can in itself be seen as further evidence that the Romans did not have (or at the very least did not have a fully articulated) concept of crisis.

Crisis and the Roman Republic

When it comes to what we can learn about the Roman Republic, we do gain some knowledge about how the system functioned (and, at times, did not function) in practice, from observing the Romans in crisis situations, especially internal ones. It is in the latter category especially that I am reminded of an observation by Polybius, a keen observer of the Romans. For the student of the subject of crisis, especially crises involving the threat of physical danger and harm to the Roman State, there is no observation that is more important than one he makes after recounting the disaster at sea suffered by the consuls of 255 M. Aemilius Paullus and Ser. Fulvius Nobilior, whose fleet was shipwrecked off the coast of Sicily at Camarina, bringing home the survivors of the equally disastrous land expedition of M. Atilius Regulus (*cos. suff.* 256). [477] For among the many things he notes about the Romans, he states: καθόλου δὲ Ῥωμαῖοι πρὸς πάντα χρώμενοι τῇ βίᾳ, which can roughly be rendered as "In general, the Romans in all things make use of force."[478] While Polybius was discussing their attitude toward naval affairs, which, according to him, they later adapted to fit the realities of the situation, the statement could apply equally well to their approach to crisis.

Of the crises examined in detail as case studies, and even looking beyond them to other military security crises that we know about, there are few, if any, instances, where the Romans did not use force to achieve their ends. Even in one potential crisis that did not end in warfare, it was the very real threat of force that ended it: the potential for a war between

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[477] Polyb. 1. 36. 10-37.
[478] Polyb. 1. 37. 7.

Rome and Antiochus IV of Syria in 168, when the latter was threatening the kingdom of the Ptolemies in Egypt. [479] This is the famous story of C. Popillius Laenas (*cos.* 172), who drew a circle in the sand around King Antiochus' feet and ordered him to answer the senatorial decree that Laenas had handed him, which threatened what amounted to war on the party who refused to cease hostilities. In this case, Antiochus complied, and it can be argued the crisis was defused by negotiation. That is true, but it was negotiation with the heavy shadow of force hanging over all.

In internal matters, almost all crises that threatened the Roman State with physical destruction were settled by the use of force. Even situations that did not threaten the physical destruction of the city, such as C. Gracchus' attempt to have himself elected tribune for 120, provoked the use of force. [480] There are two important points to note in light of this observation. One, internal crisis beyond doubt demonstrated the overwhelming importance of the executive (the magistrates) in the functioning of the Roman Republic, whose role has sometimes been overshadowed in both the ancient sources and the modern literature by an over-emphasis on the role of the Senate. [481] Magistrates mattered. The Senate could not be called into session without a magistrate (and later, the tribunes of the plebs, who are not strictly magistrates, but increasingly began to function as ones by the end of the Republic). The assemblies could not conduct elections nor pass laws without one. The selection of the Senate itself depended upon the censorship, a magistracy. And in facing internal crises, where the use of force of was necessary to put down a physical threat to the safety and continued survival of the Roman Republic, the need for strong executive leadership was paramount.

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[479] Polyb. 29. 2, 27; Livy 44. 19. 6-14, 29. 1-5, 45. 10. 2-12. 8, 13. 1.
[480] See Case Study SCU 1. While Gracchus and his adherents may have seized control of the Aventine, they were not planning to destroy the city of Rome.
[481] See above Chapter 6, for discussion of the Senate's role in Rome's "constitution."

The other important point is intricately linked with one of the large questions that has taxed scholars for centuries, which I will now address.

Crisis and the downfall of the Roman Republic

No claim will be made here to have found *the* answer for the fall of the Republic, but the study of internal crises and the government's attempt to respond to them does provide an important observation that any future discussions of the fall of the Republic will need to address. One of *the key* reasons for the fall of the Roman Republic is that it did not have a set of institutions or institutional responses to handle internal political impasses. When political crises develop in modern constitution-based polities (such as the United States), the constitution (usually a written document) serves as the final arbiter of all disputes. [482] Thus, when an impasse occurs in the United States, the dispute can be taken to the court system, up to the Supreme Court, and a settlement, if not to everyone's liking, but nonetheless accepted by all, can be made based upon the Constitution. [483] Once that ruling is made, the different sides agree to respect it. In the British system, that final arbiter in theory is the monarch, even if in reality power resides in the House of Commons representing the British People. This theoretical supremacy of the monarchy is still necessary for settling potential impasses between the House of Commons and the upper house (the now modified House of Lords) whose opposition to a bill put through the Commons can be overridden by a threat from the monarch to appoint extra peers to the House of Lords to overcome their refusal to give assent. [484]

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[482] See Finer (1997) 3. 1570-1: "…constitution…supreme law of the land, all other acts of government having to comply with these rules. "

[483] While the United States Constitution already proclaims itself as the "supreme law of the land" in Article VI, it would be the establishment of judicial review which would make it clear that the Supreme Court would settle disputes according to the Constitution. See Finer (1997) 3. 1510-2.

[484] See Finer (1997) 3. 1594.

In the early Republic, resort could be had to the dictatorship, and actually, that was an institutional response to severe crisis, both internal and external. And it revealed a key foundation in Roman thinking about crisis response, as it left crisis management in the hands of a powerful executive officer, who would be entrusted to resolve the crisis. Especially in an internal dispute, the dictator's superior position, power, and *auctoritas* backed up any settlement that he might impose to resolve the crisis. [485] However, the use of the dictatorship was abandoned by the end of the Second Punic War. [486] When "revived" by Sulla and Caesar at the end of the Republic, its use was a complete anomaly, not in keeping with the traditions and customs of the Roman state. The problem is that the Romans never developed a final arbiter whose decision would be acceptable to all parties involved as "the final word." Political disputes were often resolved in the Senate, it is true, but what happened if the Senate itself was the ground of contention or one of the parties involved in the dispute?[487] What happened was that the Romans resorted to force.

In the late Republic, it can be claimed that the *SC ultimum* was developed as an institutional response to severe internal threats. And it was, but not one of a very complex nature. For the *SC ultimum* was merely an institutionalization of the use of force, providing political cover to a consul who wished to resolve an internal crisis by using armed force, even though legally it would normally be unacceptable. That the consul's actions were seen as legal (though not by all) hinged upon the successful acquittal of L. Opimius in the next year for his actions undertaken following the first historical passage of the *SC ultimum* in 121. We should not forget that there were those who tried to bring him to trial for it, which

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[485] There are numerous examples, such as the dictatorships of M'. Valerius in 494 (see *MRR* 1. 14) and Q. Hortensius in 287 (see *MRR* 1. 185), which were instrumental in ending the famed "Secessions" of the plebs.

[486] See Chapter 5 and Chapter 8.

[487] A point noted by Eder (1996) 447 in his perceptive essay about the "provisional nature" of the constitution of the Roman Republic. He does not, however, note the absence of any final arbiter whom all interested parties, including the Senate, would respect and be guided by.

shows that there was no consensus even among the political classes (while not always the cream of the crop, as it were, the tribunes were men of some means and part of the class that governed the Roman state) about its status. The use of the *SC ultimum* was successfully repeated in 100, when Marius put down Saturninus without any personal repercussions. It might be thought that it was now established as an institutional response to internal crisis at this point, but the following two cases will show that it was not clearly so.

First, P. Cornelius Sulla and Q. Pompeius in 88. The sources without reservation tell us that there was a tribune passing laws through somewhat unacceptable means (the use of force and intimidation). Why did Sulla and Pompeius not seek an *SC ultimum* to put down Sulpicius and Marius? It may be that the Senate was deeply divided and Sulla and Pompeius lacked the support or *auctoritas* to push through its passage. Or it could be that what Sulpicius and Marius were doing was not, strictly speaking, illegal. Using brute force to push one's opponents out of the voting area was frowned upon and decried, but without any police force of any sort to stop it, it happened. The consuls' attempt to forestall matters by declaring a *iustitium* was a legal and novel way of handling the situation, but it failed in the end because of the violent means used by Sulpicius and Marius to have it lifted. As violence had been used against the consuls of the Roman Republic, why did Sulla and Pompeius not demand an *SC ultimum* from the Senate at this point? That is an interesting question for which I cannot offer any answer. Instead, Sulla suborned a Roman army and brought down the Republic. [488]

For the other case, let us look again at M. Tullius Cicero. He had an *SC ultimum* passed to put down the Catilinarians, but that gave him no comfort when P. Clodius became tribune in 58 (December 10, 59). He fled into exile largely because the necessary

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[488] For full details and source references, see Case Study M3: The Wheels Come Off.

political support that the "ultimate decree" *should* have provided seems to have eroded in the years between 62 and 59. Without the *political* cover offered by the *SC ultimum* being effective with enough of the ruling groups to provide protection, a former consul who took illegal or extra-legal action to put down an internal threat became a viable target. (And we should never forget that Opimius was later brought down for other reasons, with his handling of Gracchus as a major factor in his downfall. [489])

Clearly, the *SC ultimum* may represent an attempt at formulating a response to internal crisis, but one that was not based upon law, human or divine, but simply a resort to brute force to resolve the dispute. It does, however, clearly demonstrate to us the central role of magistrates in the functioning of the Republic and especially in the protection of the system from any threat. For the Senate did not, and frankly *could not*, take any powers unto itself to attempt to resolve an internal political dispute. Instead, it had to turn to a consul, who was guiding its deliberations to begin with.

One of the key answers in any explanation of the fall of the Roman Republic must address the issue of the Romans' inability to resolve internal political disputes successfully without, in the end, resorting to force. There is no need to cite in detail the great political impasses that shattered the Republic to its core, the problems of Sulla, Caesar and then the Caesarian party (Antony and Octavian). As the Senate itself increasingly turned to the executive to handle serious crises that arose within the Roman state, it comes as no surprise that the end result of those cataclysmic contests for control of the Roman state in its last decades resulted in the creation of an executive as the final arbiter who could render binding judgments in political disputes: the *princeps*.

Questions and Final Thoughts

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[489] He was condemned by the Mamilian Commission created to investigate those who had colluded with Jugurtha, king of Numidia. See Cic. *Brutus* 128; Sallust *Iug.* 40.

In conclusion, I would like to offer a series of questions and answers to address the many important issues raised by this examination of crisis in the Roman Republic. Question One:

First, why did the Roman Republic fail to develop any institutions or institutional responses to internal crises and threats, other than institutionalizing the use of force by the executive? In modern states, governments have developed professional policing forces and emergency law to cope with internal crises. When peaceful protest turns into violent uprising, the riot police are called out and the use of force is permitted to an extent that would not be considered lawful during "normal" conditions. This is not the same as the conditions following the passage of an *SC ultimum*. The consul and his armed force did use force beyond what was normally permitted, but there was no similar suspension of the normal law as occurs in modern states. And for the political operators (the executive officers, legislators, administrators) in the majority of modern states, the use of violent means to win in a political dispute is increasingly becoming unthinkable. When intractable disputes arise, recourse to the courts has become the norm. While the Romans were no strangers to the courtroom, they never even considered employing the courts as a forum for resolving political disputes.

So the question may be restated: why did the Romans never settle on a final arbiter until the destruction of the Republic created one? In the end, it may be that the reason why the Romans never established such a mechanism is simply that the nature of the Republic was far more simple and less complex than would have required a final arbiter. The true nature of the Roman Republic was really nothing more than a "gentleman's agreement." The most wealthy and socially powerful individuals in the Roman state agreed to abide by a

certain set of rules (*lex*) and traditions (*mos*) in governing the Roman state. [490] This is not

in any way to disregard the aspects of democracy and popular participation in the process

that have recently been articulated by the work of Fergus Millar. [491] In fact, the

participation of the People is one of those rules that the senatorial class agreed to abide by.

But like all gentlemen's agreements, its ability to survive was dependent upon cooperation

and all members of the agreement behaving "honorably." When disputes occurred, and

parties to the agreement refused to abide by its rules, both spoken and unspoken, the

system, lacking a final arbiter, collapsed.

What hampered them was the fact that there was no Roman "constitution." It is an

old maxim ascribed to Napoleon that constitutions should be "short and obscure."[492] The

Romans failed on both counts. There was a long and constantly growing body of known

rules, some written into statute, some agreed to be tradition (*mos maiorum*), and some

simply unwritten but generally accepted as standard practice, that formed the "constitution"

of the Roman state. [493] The rules were not obscure either, as they could be quite specific

about certain matters, such as the ages required for holding magistracies, set down by the

lex Villia of 180. [494] Yet there was no mechanism or institution set up to arbitrate between

the competing powers of magistrates and tribunes. The Roman Senate often tried to act as

the final arbiter, but it was not accepted by all that it had the right or the authority to do

so.

Since there was no "constitutional court," or written constitution, or universally

accepted arbiter who could pass final judgment upon a political dispute within the Roman

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[490] See Eder (1996) for a good discussion of this view.
[491] Several works published separately, but now conveniently collected in Millar (2002) 85-182.
[492] In fact, this is a misattribution. According to Rose (1901) 323 n. 1 it was actually Talleyrand who made the remark.
[493] On the nature of the "constitution" of the Roman state, see Lintott (1999) 1-8.
[494] See Livy 40. 44. 1. Previously, the ages had been largely determined by *mos* not *lex*. For detailed discussion, see Astin (1958).

Republic, it would have to be "Might makes Right" in the end. Such was the case with Sulla. Thus Caesar. It would be Augustus who would put a final end to the dispute by creating a single authority who would be respected by all within the Roman state as the final arbiter: himself. But the creation of the Principate would be accomplished only by force, to return to Polybius' observation, though it would also have the beneficial side effect of largely destroying the bitter internal political clashes that brought down the Republic.

Why did the Roman political class not establish a much needed arbiter? It may be that they wanted it this way. The senatorial class may have preferred to leave themselves with a free hand and not be tied down by explicitly spelled out rules and regulations. [495]

Question Two:

The Roman Republic did have a series of institutional measures for dealing with external threats: states of emergency (or functional equivalents of them) such as the *tumultus* declaration, the *iustitium* edict, authorizations to magistrates by the Senate for emergency levies during declared states of emergency, empowering of former magistrates to resume magisterial powers to provide more officers of state (Hannibal's march on Rome, Caesar's march on Rome), formally instituting the Night Watch (*vigiliae*) and stationing guards in the City (*praesidia, custodes*). [496] Why did the Republic never transfer these measures to their handling of internal threats (that is, threats within the city itself)? Why did the Senate not simply declare a *tumultus* when the Gracchans seized the Capitol? When domestic enemies raised forces outside the city of Rome, the Romans were not reluctant to declare a *tumultus* (as against Lepidus in 78 (noted above), Catiline in 63 and Antony in 43), but they

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[495] On the resistance to institutionalizing explicit rules and regulations, which does not mean that it did not occur at all, but that it was not carried through to anywhere near the same extent as today, see the interesting piece on Roman political behavior by Brennan (2004) 31-58.

[496] See Case Study Sen 1: Hannibal's March on Rome and Case Study SCU 4: The Crisis of 50, Caesar's *coup d'état* and the Civil War of 49BC.

seemed loath to use the decree if the enemy were already within the boundaries of the city itself.

The only times where it appears that these states of emergency were employed in purely internal domestic circumstances were in 88, when Sulla and Pompeius Rufus attempted to declare a *iustitium* in order to prevent the tribune P. Sulpicius from passing his measures through the assembly, and in 52, when it appears that a *SC ultimum* was passed instructing an *interrex* (!) to institute a state of emergency, and then the *interrex* may have called for a formal *tumultus* declaration followed by ordering the proconsul Cn. Pompeius to enter the city with armed soldiers to put down the violence in Rome between supporters of the dead tribune Clodius and his rival Milo. [497] But as is clear, both of these examples are highly anomalous, and also come very late in the life of the Republic, the latter just a few years from the end of the *libera res publica*. Whatever precedents they might have given rise to, there was not enough life left in the Republic to adopt them.

Question Three:

Where did authority lie for dealing with crisis within the Roman state? How did the Romans successfully address crisis situations? I pair these two questions together, since their answer is closely intertwined. The People were sovereign. The consuls held *imperium*. The Senate had *auctoritas*. When one takes a longterm chronological view, it becomes clear that the Romans themselves turned to the executive for the resolution of crises. In the early Republic, resort to a dictator was a fairly common occurrence. [498] As the state grew and matured, the Senate did rise in prominence in managing crises. Yet, though the Second Punic War may be hailed as a high point in the Senate's role in directing governmental policy, it should not be forgotten that that same Senate, when faced with the

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[497] See Case Study M3: The Wheels Come Off and Case Study SCU 4: The Crisis of 50, Caesar's *coup d'état* and the Civil War of 49BC.
[498] See Chapter 8.

overwhelming problems caused by the Roman's horrific defeats at Lake Trasimene and Cannae, did not shrink from turning to an all powerful executive, the dictator, to take control of the Roman state's crisis response. Later on, the Senate would begin to abdicate decision making for serious internal crises altogether, by empowering the executive, through the *SC ultimum,* to take what ever steps the executive saw fit "to see that the state takes no harm."

Summation

To conclude: a close examination of the phenomenon of crisis in the Roman Republic yields interesting insights into the nature of the Roman political system, as well as information about their conceptual categories related to law, states of emergency, and where authority lay in the Republic. From both a linguistic standpoint, and from observing their attitudes towards proper behavior during a crisis, it appears that the Romans did not have a concept of "crisis" as a separate state of being, where the normal rules for legal behavior could be modified or temporarily suspended, as they can be in modern societies. The law was the law and there was no suspending it just because danger threatened. However, the Romans were amenable to amending the law when faced with mortal crisis. [499]

As for the political system of the Roman Republic, crisis demonstrates the absolutely vital role of magistrates in the functioning of the Roman state. From early on in Roman history, this is clearly demonstrated by the use of the extraordinary office of dictator. In cases where disputes arose and no side was willing to back down, the only resort was to force, bloodshed, and victory by the stronger armed party. This was exacerbated by the Romans' inability either to create or to agree to the designation of a final arbiter to

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[499] For example, while re-election to the consulship within ten years of having held it once was barred by law in 342 (Livy 7. 42. 2), during the Hannibalic War, the ban was temporarily repealed by act of the People (Livy 27. 6. 7).

whom recourse could be made when political impasses had proved incapable of being resolved through negotiation between the parties. The Senate could play this role on occasion, but when they failed to do so (as in the case of Ti. Gracchus), bloodshed followed. Here we may reiterate Polybius' observation, the Romans commonly resorted to force. In the end, that problem would be solved by the radical step of practically removing debate completely from the hands of the ruling class and depositing all authority into the hands of a single man, the *princeps,* who would resolve all future political debates. When faced with one of its gravest crises ever, the Romans turned to the executive again, but this time permanently. Of course, this also meant the end of the Roman Republic as a system of institutions that allowed for a larger number of citizens to be involved in decision making for their state.

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