

## THE TESTAMENT OF PTOLEMY ALEXANDER

### I

In his second speech against the bill of Rullus (*leg. agr.* ii 41 f) Cicero tells us of a will by a King (Ptolemy) Alexander, in which the Roman People were made the heirs of his kingdom; the authenticity of this will was disputed, but was vouched for by the venerable L. Marcius Philippus (*cos.* 91), who repeatedly referred to a *senatus auctoritas* that by implication recognised the will. It is as well to quote some of Cicero's actual words:

“uideo qui testamentum factum esse confirmet. auctoritatem exstare hereditatis aditae sentio, tum quando Alexandro mortuo legatos Tyrum misimus, qui ab illo pecuniam depositam nostris recuperarent. haec L. Philippum saepe in senatu confirmasse memoria teneo.”<sup>1)</sup>

The testament was to have important consequences in the seventies, sixties and fifties, when both the legitimacy and the advisability of an annexation of Egypt became great political issues. It is very likely that, even after the thought of annexing Egypt had been officially given up by the recognition of Ptolemy 'Auletes', the annexation of Cyprus almost immediately after was legally based on the testament of Alexander and was intended to forestall a possible effort by Auletes to assert his sovereignty there.<sup>2)</sup>

The legal implications and consequences of the testament have often been discussed by modern scholars. The identity of the monarch who made it used to be a matter of dispute; but it has become the established and orthodox belief that it was

1) The OCT unnecessarily emends 'nostris'. See n. 28 (below).

2) Auletes was recognised in 59 (*RE*, s.v. 'Ptolemaios', col. 1751). That the annexation of Cyprus is probably a legal consequence of this will was argued by De Sanctis and accepted by Luzzatto (*SDHI* 1941, 280, with n. 70). Auletes was expelled from Alexandria by the irate citizens after Cato's annexation of Cyprus (see Samuel, *Ptolemaic Chronology* 155 f; *RE*, l.c.). The reason was perhaps not only that he had been expected to help the King of Cyprus, his brother (thus Plutarch), but that the citizens were still hoping for an ultimate reunion of the two Ptolemaic possessions: he was letting his (and their) heritage pass into Roman hands.

Ptolemy Alexander II and that no one else need be considered. Proof of this has been thought so simple as to be almost self-evident; and this is perhaps why little serious attention has been paid to it.<sup>3)</sup> Yet the matter is not (to say the least) as clear as has been made out, and more thorough investigation in the light of the sources is called for. It should then be possible to fit the will into the political background – both Roman and Alexandrian – rather better than has usually been done.

Let us first examine the traditional proof. Cicero, at the beginning of the surviving text of the first speech against Rullus' bill (*leg. agr. i 1*), says:

“dicent enim decemuiri id quod et dicitur a multis et saepe dictum est, post eosdem consules regis Alexandri testamento regnum illud populi Romani esse factum.”

The consuls named in Rullus' bill, as we are frequently told, were L. Sulla and Q. Pompeius Rufus (*cos.* 88). It follows that Egypt cannot have been acquired before January 1<sup>st</sup> 87.<sup>4)</sup> Now, of the two attested Ptolemies surnamed Alexander (we may ignore a third, who appears to be a modern invention that has not gained much credence), the reign of the first ended in 88, probably soon after mid-September. Therefore the testament must be that of the second, who reigned for just over 18 days in the summer of 80.<sup>5)</sup>

This appears to be the only argument that has ever been advanced, where the matter has in fact been discussed recently. Having reached the requisite conclusion, one can embroider it with further “facts”, such as the claim that this second Alexan-

3) For discussion of the will, see especially Volterra, *BIE* 1938/9, 58, with earlier bibliography, and recently Olshausen, *Rom und Ägypten* (Diss. Erlangen-Nürnberg, 1964), 24f. Volkmann (*RE*, s.v. ‘Ptolemaios’, col. 1748) accepts the *communis opinio* as fact, without indication of the evidence or its uncertainty. Olshausen has a particularly clear exposition of the argument on which the whole structure rests. Jonkers (*Social and Economic Commentary on Cicero's De Lege Agraria*, 84f) is quite superficial, as often throughout that work, and adds nothing of use on this question.

4) Olshausen (*op. cit.* 26) erroneously says ‘March 1<sup>st</sup>’ – apparently unaware of the date of the beginning of the consular year at this time.

5) On regnal dates, see Samuel, *op. cit.* (n. 1) 152f. Samuel, however, mistakenly refers to Alexander I's death (instead of his flight) as the end of his reign; and he does not notice the fact that Porphyry (*F Gr Hist* 260, fr. 2, 8) puts the ‘mutiny’ against Alexander I in his 19<sup>th</sup> year, i.e. after Thoth 1<sup>st</sup> (= Sept. 14<sup>th</sup>). The double date in *P. Strasb.* 8 (27=30) may denote an attempt at compromise between the kings. On all this, see further n. 19 (below).

der was the last legitimate Ptolemy;<sup>6)</sup> and a suitable background can be created, e. g. by the assertion (as a statement of supporting fact – not as a deduction, which would in the circumstances be legitimate)<sup>7)</sup> that Sulla had lent the King the money which, according to Cicero, was later recovered by the Romans from Tyre.

The argument is weak, on several grounds – so weak that it is surprising to see it meekly accepted. The first point that arises is the *senatus auctoritas*. When Cicero describes it as “extant”, he clearly does not mean that there was a record of it that could be consulted. For he goes on to tell us that L. Philippus’ frequent assertion is the (sole, it appears) basis of his knowledge of the matter. Now, we know that *senatus consulta* were recorded;<sup>8)</sup> and recent ones, at any rate, must have been accessible. Why did one have to cite a long-deceased senator as the authority for this one? We notice at once that it is not called a *consultum*, but merely an *auctoritas*. Mommsen tried (*obiter*) to argue that the word, in our context as in one or two others, means an “authoritative decree” of the Senate, with no question about its full validity.<sup>9)</sup> Whatever may be the case in the instances cited as parallel, Mommsen apparently overlooked the decisive point that in this case there was no record: a *vetoed* decree (which is the usual meaning of *senatus auctoritas*) was not normally recorded, no doubt because in the circumstances the elaborate and time-consuming process of *perscriptio* would not be worth while. Our evidence on this point comes from the *senatus auctoritates* that Caelius sent to Cicero: they, in quite exceptional conditions, and obviously for their great propaganda value, were formally written down – but this had to be specially ordered in each case, in striking contrast with a proper *consultum* passed at the same time, where *perscriptio* is taken for granted and not mentioned.<sup>10)</sup>

6) Almost certainly untrue – see Volkmann, *RE*, l.c. (n. 3).

7) Volterra, *op. cit.* (n. 3) 101. App. *b.c.* i 102 contains no statement of this; on the contrary, Appian says Sulla was hoping to get his share of the resources of Egypt.

8) Mommsen, *St. R.* iii<sup>a</sup> 1010f.

9) *Ibid.* 1033, n. 2. Of two parallels he quotes, only one is valid. (The other is the phrase ‘ex auctoritate senatus’, which is no more relevant than the use of ‘ex auctoritate’ with any other noun.) That is ‘senatus uetus auctoritas de Bacchanalibus’ (*leg.* ii 37). But here the non-technical meaning of ‘auctoritas’ is made clear by the adjective separating it from ‘senatus’; and there is, of course, no question of ambiguity, since the decree on the Bacchanalia was (and is) well known.

10) Cic. *fam.* viii 8, 5, contrasting with *ibid.* 6, 7 and 8.

The absence of a record makes it certain that *senatus auctoritas* is here used technically, and that the decree concerned was vetoed. Since it concerned the sending of *legati*, it could, of course, nevertheless be carried out by administrative ordinance of the consuls. There is reason to think that it was: otherwise the matter would hardly have been remembered as an important precedent. But the question arises: when could all this have happened? It must be asserted by those who assign the will to Alexander II that it happened soon after his death, which occurred (as we have seen) in the late summer of 80. That is to say, the *senatus auctoritas* ought to be of late 80 or early 79. Those who have thought about the matter at all have – even while admitting the technical meaning of *senatus auctoritas* in this instance – apparently felt no hesitation in placing it at that time. The obvious difficulty about this can be evaded by convenient vagueness: “scarcely in Sulla’s own time, since the Dictator would have known how to prevent a tribunician intercession that ... he disliked.”<sup>11)</sup> Yet there is no doubt that it is before 74:<sup>12)</sup> from that year Cicero, back from his Sicilian quaestorship, was a – no doubt assiduous – member of the Senate, who would vouch for important Senate business from his own memory. So we cannot assume any major delay, and 80 or 79 becomes the only reasonable date. But is this not “in Sulla’s own time”? Though probably no longer Dictator,<sup>13)</sup> he was still consul late in 80, and in 79, as *privatus*, was watching over his constitution and, e.g., actively campaigning against the election of M. Lepidus.

Not that the exact date matters all that much. It can hardly be seriously maintained – despite Caesar’s later demagogic oratory – that tribunician intercession against a major decree of the Senate, on a matter of foreign or imperial policy (which the Optimates had always regarded as the Senate’s prerogative), was legal under the Sullan constitution.<sup>14)</sup> But we could not

11) Olshausen, *op. cit.* (n. 3) 29.

12) Olshausen says ‘before 76’, but gives no reason for this.

13) See *Historia* 1962, 230; and my *Studies in Greek and Roman History* (1964) 231f. Cf. now Sumner *JRS* 1964, 44, cautiously agreeing at least as regards late 80. Meier (*Res Publica Amissa* 260) disagrees, offering solely a mistranslation as argument.

14) *Caes. b.c.* i 7 (denying any restriction at all) is refuted by *Cic. 2 Verr.* i 105 (much nearer the time), about the ex-tribune who was condemned by Verres (formally) ‘quod intercessisset contra legem Corneliam’. Thus there were restrictions. That intercession and other political activity

easily suggest a less suitable date for it, in the whole of the history of the Republic, than the years 80 and 79, where *prima facie* it must be placed under the theory here examined.

This is quite enough to make us very doubtful of the theory as a whole. Nor is the personal connection of Alexander II with Sulla relevant. For it is not attested that Sulla had lent him the money that was later reclaimed from Tyre, and it is not in the least probable. Why, indeed, should Alexander II need to borrow money for his return – and why should he then deposit it at (of all places) Tyre? He was not going back to conquer a kingdom; he was going at the request of the Alexandrians (who did not like to be ruled by a queen without a consort) and, as the sources tell us, with the consent of the queen herself. He went straight back to a throne waiting for him and would have all the money he wanted: indeed, Appian tells us that Sulla was hoping to get some out of him. It was only the cold-blooded murder of the queen that cost him his kingdom and his life.<sup>15</sup> However, had he needed a loan (we cannot imagine why), he would hardly have deposited the money at Tyre, leaving it idle and out of his immediate control. This would be sheer lunacy. In fact, this whole interpretation would never have been so lightly accepted – or perhaps even advanced – had it not served to bolster the preconceived attribution of the testament to Alexander II.

We may fairly say that attempts to assign the testament to that king run into serious difficulties, which suffice to disprove the validity of this attribution – unless, indeed, it is true that his father, Alexander I, is positively and insuperably excluded. As we have seen, it is argued (where there is any argument on the matter) that he *is* positively excluded by the opening passage (in our texts) of Cicero's first speech against Rullus. It is our next task to examine that passage and its implications: it will appear that it in no way excludes Alexander I as testator. In fact, it is very doubtful if Cicero could ever have referred to the son as "King Alexander" without definition. Where one king

by tribunes was severely limited can be gathered (apart from general considerations) from Cic. *leg.* iii 22.

15) On his return and death see Porphyry (*F Gr Hist* 260), fr. 2, 11. Cf. Cic. *reg. Alex.* fr. 9 (p. 93 St.); App. *b. c.* i 102 (incidentally confirming the Greek version of Porphyry – see Jacoby's note – as to the invitation to Alexander). Jonkers (l.c., n. 3) suggests that Alexander had borrowed a large sum to bribe Sulla into recognising him. In that case, why was the money at Tyre after the recognition?

rules for (officially) 26 years and another by the same name for 18 days (all references to him being then erased), it would be decidedly odd to use that name, *tout court*, to refer to the second! But let us look at the text and the evidence.

The first point to be noticed is that Rullus' bill did not confine itself to land acquired *after* 88: "L. Sulla Q. Pompeio consulibus aut postea" is the formula that Cicero quotes.<sup>16</sup>) It may well be that Cicero's phrase at *leg. agr.* i 1, where he does not claim to be quoting, is merely an abbreviated summary of that phrase, "post eosdem consules" standing for – what must have been mentioned a few lines earlier – the full phrase we have seen. It would be awkward and pedantic to repeat "iisdem consulibus aut postea", when Cicero was not giving exact information, but merely pointing out that Egypt fell within the scope of the bill. He was not misleading anyone by simplifying the phrase.<sup>17</sup>)

This consideration should suffice to make us cautious about rejecting Alexander I out of hand. But in fact it is not even true that Rome received the *hereditas* (assuming it was his) in 88 – or that it possibly could have. For it is not true that Alexander I died in September or October of 88.<sup>18</sup>) All that the Egyptian documents tell us is that his reign was officially terminated and the count of Soter's begun (or, to be precise, resumed) at that time – in fact, there is evidence for an intermediate period of double dating.<sup>19</sup>) Alexander himself, far from dying as soon as deposed, escaped to Lycia after a naval battle with his rebellious subjects and was killed later, either when returning to Cyprus or (later still) when trying to go on from Cyprus to Alexandria; and the fact that he was killed in another naval battle shows that he had managed to collect a fleet in the interval.<sup>20</sup>)

16) Cic. *leg. agr.* ii 38. Cf. 'ab Sulla et Pompeio consulibus' (ibid. 56).

17) Cf. *leg. agr.* ii 38, followed by the shorter version in 39. Here the 'post' happens to be correct; but it can reasonably be argued that Cicero was not even thinking of this, but merely reproducing the formula in a simplified version.

18) This is sometimes said (e.g. Samuel, l.c. (n. 5) – see next note; Olshausen, *op. cit.* (n. 3) 26), but is inaccurate.

19) *P. (Dem.) Strasb.* 8, giving year 27=30. (See Samuel, l.c., and cf. n. 5, above.) Professor Samuel kindly informs me that his references to Alexander's death (l.c.) should indeed have been to his *flight*: he agrees that Alexander's death took place some considerable time later and is going to discuss *P. Strasb.* 8, with its double dating, in a forthcoming study.

20) The story is credibly (if not altogether clearly) told by Porphyry (*F Gr Hist* 260, fr. 2, 8). Volkman (*RE*, s.v. 'Ptolemaios', col. 1746) gets it right, but does not apply this to the question of the testament.

Of course, we do not know how long all this took. But it clearly cannot be a matter of days or even of a few weeks. The collection of a fleet that, though ultimately unsuccessful, must at least have held out a hope of success is not the work of a moment. Not to mention – what we shall see – that the King had no money to pay for that fleet, and that it must first have been necessary to procure some. Thus, if Alexander's reign was terminated in Alexandrian records in (at the earliest) late September, he cannot have died much – if at all – before the end of the year. Indeed, common sense and ancient practice would suggest that the second naval battle was not fought before the spring of 87.

And this is not the end of the argument. It is, of course, clear (and should not need to be said, had it not been unaccountably overlooked) that the Roman People could not inherit until the testator was well and truly dead – not expelled from his kingdom and trying to recover it. And if that event did not take place until spring 87 (as seems almost certain, on reasonable consideration of the evidence), Rome cannot have had news of it until late that spring at the very earliest.<sup>21)</sup> And this is still not the end. A *hereditas* did not always start with the death of the testator or even the news of it. In civil law, while a man's *heredes necessarii* inherited automatically, *heredes extranei* did not: the *hereditas* had to be formally *adita* by the heir.<sup>22)</sup> The question of the legal validity and status of these royal bequests to the Roman People has been much discussed<sup>23)</sup> and the details are

21) We do not know the state of the Roman calendar at the time, except to be reasonably sure that there were no major long-term variations. But in times of trouble (e.g. the Hannibalic War and the late Republic) intercalation tended to be omitted and the calendar would run ahead of the solar year, at least for a time. The years 90–88 B.C. were as troubled as any in Roman history, with civil war following the Social War. Some irregularity at this period is suggested by one of the few relevant facts we know: that both 86 and 83 were apparently intercalary (see, e.g., Holzappel, *Röm. Chron.* 315). This was after the first round of civil war, and it suggests that the *triennium sine armis* may have been used to make up for omissions. If the calendar was indeed in advance of the solar year in 88 and 87, news of Alexander's death cannot have reached Rome until at least half-way through 87 at the earliest. By then, of course, the *bellum Cinnanum* was in full swing. The matter would not be attended to until 86, with the return to ordered government (as marked, i.a., by intercalation). All this, however, though not unreasonable, must remain hypothetical in our present state of ignorance.

22) See Gaius ii 152f, 161f; Kaser, *Röm. Privatrecht* i 596f.

23) See Volterra, *op. cit.* (n. 3); Luzzatto, *op. cit.* (n. 2).

not very clear – and probably not very important: it is doubtful whether the Senate, in deciding whether to accept such a bequest, was at all guided by strict legal considerations. In any case, as is well known, in the first instance of acceptance – the will of Attalus III – political events in Rome had forced their hand, and after that the precedent was set.<sup>24</sup>) Henceforth, at least, political considerations were the determining factor. But Cicero's language, here and elsewhere, shows – what would *a priori* be likely – that the practice of civil law was inevitably present in the minds of Roman senators dealing with such matters: the validity of Roman claims to Egypt could be described as depending on whether the *hereditas* had been *adita*. In this case it had clearly not been done by a formal decision to accept. All that L. Philippus had to report was an act implying acceptance – what was later called *pro herede gestio*.<sup>25</sup>) Later, this was normally considered sufficient to establish acceptance. Whether this was so in Cicero's day does not seem to be certain: that it was not, appears, at any rate, to be Cicero's argument in the speech *de rege Alexandrino*.<sup>26</sup>) In the *de lege agraria*, on the other hand, his professed hesitation is justified not legally but politically.<sup>27</sup>)

It should now be sufficiently obvious that the rejection of Alexander I, which has become traditional, rests on a complete misreading of our evidence. If the will was his, no Roman decision on the matter can have been taken before about the middle of 87, i.e. “post L. Sullam Q. Pompeium consules”. Since there is thus no argument against attribution to Alexander I and quite weighty arguments against attribution to his son, it is clear which course we must follow.

## II

It is worth following a little further. There were – as we shall see – very adequate reasons for the Senate's failure to arrive at a clear-cut decision on whether to accept the bequest: that omission needs no very elaborate justification. But what does need explanation is the action that was in fact taken: the

24) Cf. my *Foreign Clientelae*, 174.

25) Kaser, l.c. (n. 22), discusses the term and the concept.

26) See fr. 5 (92 St.): ‘qui ex hereditate tanta unum solum nomen agnouerimus’. That the date of this speech is c. 65 was established (after Mommsen) by Strasburger, *Caes. Eintritt i. d. Gesch.* 212.

27) Cic. *leg. agr.* ii 41 f. – refusing, in view of his consular authority, to pronounce casually on a matter of such importance.

decision to reclaim some money that Alexander had put away in Tyre.<sup>28)</sup> And we must start, as we have already seen when considering Alexander II in this connection, by asking how the money came to be there.

Which brings us back, inevitably, to Alexander I and his fleet. Of all places accessible to him after his flight and suitable for building or manning a fleet, none was more obvious than Phoenicia. That country, after the decline of Seleucid authority, had maintained its old naval tradition by turning to piracy.<sup>29)</sup> Pirates made excellent naval mercenaries – as Mithridates and others also found. But a fleet cost a great deal of money. Where was the King, exiled and dispossessed (he had escaped “with his bare life”),<sup>30)</sup> to find it? To anyone familiar with the history of the age, the answer is not difficult. Finance, by then, was largely in the hands of Roman *negotiatores*. And Roman financiers were willing to invest in a gamble that might bring fantastic gains. Whatever may be said against them, they were not unwilling to take great risks – at a price: C. Rabirius Postumus and his friends, financiers to an exiled Ptolemy, are relevant. Moreover, we must remember that conditions in the East at that time were unusual. By the end of 88, Mithridates was in control of much of Asia Minor.<sup>31)</sup> What Roman capital had been saved – and, obviously, Mithridates had not been able to seize it all – could not be invested in the usual area and was, at best, lying idle and subject to the chance of war. Its owners would be all the more ready for even a highly speculative venture that held out hope of great profits. However, security there had to be; and the exiled king had nothing but his bare life and his hopes – and, of course, his legitimate kingship, undoubtedly recognised by Rome during the 26 years that he had been on the throne.<sup>32)</sup>

It was thus that long experience found a remedy. Two Ptolemies, so far, had made testaments in favour of the Roman

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28) The MSS reading (‘Alexa mortuo legatos Tyrum misimus qui ab illo pecuniam depositam nostris recuperarent’) is irresponsibly altered in the OCT. There is very little wrong with it. Possibly ‘sepositam’ should be read: Schol. Bob. *ad Cic. reg. Alex.* fr. 3 (p. 92 St.), who uses this word, had clearly drawn his information, at least in part, from our passage. As for sense, there is little difference. There is no need to emend ‘nostris’, which is quite intelligible. (Thus also Jonkers, l.c. (n. 3).)

29) See (conveniently) *RE*, s.v. ‘Tyros’.

30) Porphyry, l.c. (n. 15), in Karst’s translation (*ap.* Jacoby).

31) Reinach, *Mithr. Eup.* 147f.

32) Samuel, *op. cit.* (n. 2) 150–2.

People: one (Apion in Cyrene) had in fact left no other heirs; the other, Ptolemy Euergetes "Physon" (who had set the fashion seventy years earlier), had used the will as an insurance against plots by his enemies. In the end, the course of events had voided it. But he had found that it made his survival worth his enemies' while and enabled him to gain at least a compromise. Alexander I was the son of this man: he would not need much encouragement to follow his father's example.<sup>33</sup>)

The testament of Ptolemy Alexander thus finds its natural explanation: not as that of a king going home to rule by universal request (and finally dying through his own inhumanity, unbearable even to his hardened subjects),<sup>34</sup>) but as an exile's political weapon, of a tried and formidable sort. Not only political, but also financial: a will was adequate security for a loan, and the patrimony of a Ptolemy recognised as lawful king was better than most. If he should die unsuccessful – as indeed it turned out – the creditors (Roman *equites* and probably, indirectly, even senators) could be sure of their ability to persuade the Senate to collect either the *hereditas* as a whole or at least what was owing to them. The will itself, as well as the money left at Tyre, can no longer be thought puzzling.

When Ptolemy Alexander died in the attempt to regain his kingdom – it is to be noted that he died in battle, probably to the embarrassment of his domestic enemies – the will was duly brought before the Senate and duly attested as genuine: even in 63, Cicero tells us, there was someone ready to vouch for this – someone (he implies) who claimed to have been there when it was made.<sup>35</sup>) We should like to know precisely what happened next; but that cannot be recovered. However, the time is reasonably certain. It could hardly be during the *bellum Octavianum*, one would think: the Senate was busy with far more urgent matters. So it must have been a little later, after the victory of Cinna and Marius. This – late 87 or early 86 – seems the most suitable time. Marius was to lead an eastern war, and eastern affairs would be much in his mind; and, of course, the

33) On Ptolemy 'Physon', see Otto, 6. *Ptol.* 97f; Luzzatto, *op. cit.* (n. 2) 259f; cf. my *For. Client.* 108f. On Apion of Cyrene, see *RE*, s.v. 'Ptolemaios', col. 1738.

34) See n. 15 (above). It should be incidentally noted that he had left Rome not many months after witnessing Sulla's proscriptions.

35) *Cic. leg. agr.* ii 41: 'uideo qui testamentum factum esse confirmet' – as distinct from the *senatus auctoritas* vouched for (also 'confirmavit') by Philippus. We cannot guess who it was.

money would be very much needed. Moreover, the matter was urgent and delay inadvisable: in the winter of 87/6 Sulla – that very unreliable proconsul, clearly not friendly towards the government in the city – had sent young L. Lucullus on a mission to the East, to collect ships and money. He spent some time in Crete and Alexandria, fortunately; but he was bound to get to Tyre in the end.<sup>36)</sup> What is more, the Senate's indecisive and ambiguous action finds a ready explanation: in the circumstances it would be lunacy to accept the will and proclaim the annexation of Egypt, inane and undignified to decline it. The money, on the other hand, was needed. And so the money was sent for, without too much consideration for the implications of the action: these could be left to work out as they might, when the situation became clearer. It is obvious that, many years later, there was no unanimity on what they in fact were.

The existence of the will – which must have been known to the parties concerned – adds a further touch of comedy to the meeting of L. Lucullus and Ptolemy Soter II at Alexandria early in 86 and helps to explain (probably better than fear of Mithridates, who was not all that formidable, seen from Alexandria) the overwhelming hospitality and political caution with which the king uncertain of his throne received the envoy of the proconsul uncertain of his status.<sup>37)</sup> Lucullus, of course, by implication offered recognition in return for aid: he treated Ptolemy as a *socius*. But Ptolemy could not afford to accept Sulla's alliance, since Sulla's future was not by any means assured; and he had to convey this without giving serious offence, in case Sulla came to terms with the Roman government and resumed his influential status in Rome. Lucullus, on the other hand, needed Egypt's good will for the accomplishment of the rest of his mission and – as Plutarch makes clear – even for his personal safety.

In the end Lucullus left, escorted by Ptolemy's ships and with a rich present from the cautious monarch; and he proceeded to call on other cities in the Levant. But at Tyre he seems

36) Sources *MRR* ii 55f. Lucullus set out after the beginning of winter and spent some time in Crete. He will have got to Cyrene early in 86 and to Egypt some time later. Plutarch is vague on the timetable, as usual; Appian omits half the itinerary. But Appian's account confirms the winter sailing (*Mithr.* 33), specifying the winter before the capture of Athens (i.e. 87/6).

37) For the story (told, as usual, with no knowledge of the political background) see Plut. *Luc.* 2f.

to have come too late: the money deposited by Alexander had already left for Rome, where – if we may believe the scholiast<sup>38</sup>) – it arrived safely.

The scholiast is probably not a very trustworthy source: he may have no real knowledge and may be embroidering, adding what he did not find attested. But perhaps there is a pointer that enables us to conjecture that, whether or not he knew, he was in fact speaking the truth. The money concerned had most probably (as we have seen) been lent to Alexander by Roman businessmen. Reclaimed after his death, it did not belong to the Roman People. But, having got this windfall at a time of crisis, the Cinnan government was not likely to let it go: we may be sure that repayment of the loan was at least postponed, as had been done in other critical times. But it is interesting to find, later in 86 and before his departure to the East, a law of the consul suffect L. Valerius Flaccus, remitting three quarters of all debts – a wicked law, as a shocked historian tells us, for which his death at Fimbria's hands was only the well-merited divine punishment.<sup>39</sup>) It is tempting to suppose that this act, highly unusual in Roman annals (which are, on the whole, those of a propertied class), relieved the harassed Treasury of a debt it could ill have afforded to pay with the usual interest.

### III

It would take us too far to follow the “Egyptian question” and the consequences of the testament of Alexander I in post-Sullan Rome; there is more to be said than usually has been.<sup>40</sup>) It is worth noting, however, that Sulla – who could have claimed provocation, first on account of Soter's attitude, and then when his protégé Alexander II was murdered – was against further action. This, of course, accords with his eastern (and indeed foreign) policy as a whole: he stood in the line of Senate tradition, opposed to the expansion of administrative responsibilities; and it must have been clear to him, as it later was to many others, that a proconsul of Egypt would be a danger to the

38) Schol. Bob., p. 92 St. Perhaps we should not (cf. n. 28): his information may be based only on *leg. agr.* ii. But Cicero may (perhaps in a lost part of the speeches against Rullus, or in the *de rege Alex.* itself) have alluded to the matter again, mentioning the arrival of the money in Rome (which he might himself have seen, if it took place).

39) Vell. ii 23.

40) There is not much in Olshausen, *op. cit.* (n. 3).

restored Republic. The problem, however, continued to be discussed in the seventies. L. Philippus, clearly, favoured pressing the Roman claim: hence his insistence on the *pro herede gestio* of 86. Others, as obviously, were opposed.<sup>41)</sup> It is perhaps in the context of this debate that we should see the Senate's action – such as it was – over Cyrene in 75/4: Sallust's brief and mutilated report<sup>42)</sup> suggests a debate on the extension of the empire and the multiplication of *imperia*, in which the traditional (and Sullan) point of view carried the day.

All this is beyond the scope of our present investigation. It remains, however, to ask one final question that should have aroused more curiosity than it appears to have. Why did Cicero quote L. Philippus as his source for the information on the Senate's action over Ptolemy Alexander's will? Admittedly, L. Philippus had outstanding *auctoritas* under the Sullan restoration. Yet, if the action concerned belongs to 80 or 79, this is not a satisfactory answer. There must have been dozens of highly respectable men alive in 63 who would remember it – men who were already high in rank and dignity at the time. We need only mention the one who most obviously comes to mind: P. Servilius Vatia, *cos.* 79 – who in 63 was still active enough to be a candidate for the chief pontificate.<sup>43)</sup> Surely a number of eminent living witnesses should appropriately be named, rather than a dead consular, however honoured in his day. Unless we believe (what there is no good reason to assert) that Philippus was lying, these witnesses would even *expect* to be mentioned.

Not so, however, once we realise that the true date is 86. No man of consular rank in that year was alive in 63, except M. Perperna – the incredible *cos.* 92 and (as Philippus' colleague) censor 86, who vegetated on in obscurity to survive nearly all those whom he had put on the Senate roll.<sup>44)</sup> There were not even many who had then been of praetorian rank: we can only name two (P. Servilius Vatia and L. Gellius Poplicola), and in

41) Though a man of outstanding *auctoritas* in the post-Sullan establishment, and concerned about safe burial for Sulla, L. Philippus yet stands outside the *factio media* of the *Sullani* proper (see now Rossi, *Par. del Pass.* 1965, 133f); as when he championed the sending of young Pompey (whom they, like Sulla himself towards the end of his life, disliked) to Spain *pro consulibus* – with a sneer at the consuls, one of whom was a special protégé of Sulla (see Sumner, *JRS* 1964, 44f); or when he revoked Sulla's concessions of *immunitas* (Cic. *off.* iii 87). Similarly over Egypt, it appears; except that here his *auctoritas* did not prevail.

42) Sall. *hist.* ii 48 M; *JRS* 1965, 119.

43) Plut. *Caes.* 7; cf. Suet. *Jul.* 13.

44) See Pl. *n. b.* vii 156.

the case of one of them we can be fairly certain that he was not in Rome at the time. Even some of the men who later accepted the Cinnan government will have kept out of the way in the days of Marius' terror. But Philippus was there, it seems: it was in 86 that he joined Cn. Carbo (not yet consul) in defending young Cn. Pompeius, and in the same year that, as censor, he advertised his support for law and order as restored by the new government by omitting his uncle Ap. Claudius from the Senate roll.<sup>45)</sup> Philippus was one of only two consulars who succeeded in deserting the losing cause and actively joined the victorious Sulla. The other was L. Valerius Flaccus, *cos.* 100 and *princeps Senatus*, who as *interrex* passed the law giving Sulla his dictatorship and then became his *magister equitum*.<sup>46)</sup> We do not know when either of these men died. Of Philippus, no word or action is known later than the comment on Egypt cited by Cicero. Since Philippus was a man who attracted attention, we may assume that he died in 74 or not long after, by which time he would be in his sixties.<sup>47)</sup> Of Valerius, no more is heard after his assistantship to Sulla. It has been alleged that he lived to be 75, dying some years after 70 B.C.<sup>48)</sup> There is not the slightest support for this, nor is it at all plausible. His death has also been put *c.* 69, when L. Lentulus Niger was inaugurated as *flamen Martialis*;<sup>49)</sup> but though it may be regarded as certain that he

45) Sources *RE*, s.v. 'Marius' 75, col. 1565. Meier (*Res Publica Amissa* 244, n. 235), on the strength of these actions, describes him as 'relativ unabhängig'.

46) *MRR* ii 67f. On these men and some others of their circle, see my *Studies in Greek and Roman History*, 229f. We do not know what Perperna did (see n. 44, with text) – probably nothing except survive.

47) See *RE*, s.v. 'Marcius' 75.

48) Münzer, *RE*, s.v. 'Valerius' 176, col. 25, claiming that Cic. *Rab. perd.* 27 shows that Flaccus had only recently died. It is hard to see on what this judgment is based. The phrases and words used about him exactly and deliberately correspond to those that Cicero uses about Marius, who died in 86.

49) Broughton, *MRR* ii 135; 137, n. 13. (For the inauguration of Niger, see Macr. *Sat.* iii 13, 11.) There can be no doubt that he was *flamen Martialis*: the case is much stronger than Broughton thinks (see Münzer, *RE*, l.c. [last note]). Quintus Cicero's report of a story he heard the *flamen Martialis* tell (Cic. *div.* i 104) cannot refer to the *flamen* of 131 (Broughton says it may): Q. Cicero was only born *c.* 102. But this is quite irrelevant to the date of Valerius' death, since we have no reason whatever to think that he was Niger's immediate predecessor. For what it is worth, in the (not quite complete) list of Macrobius (l.c.) there would be room for him as a pontifex in 73: several Patrician places are vacant. (See *MRR* ii 113f; L.R. Taylor, *AJP* 1942, 391f.) But this is far from positive evidence that

was *flamen Martialis*, there is not a shred of evidence for the hypothesis that he was Lentulus' immediate predecessor. Ten years or more provide ample space for another tenure, even though we do not know the name of the incumbent.

For it is the most reasonable supposition that L. Flaccus died very soon after his last magistracy, perhaps even before Sulla. Sallust, in his first book, refers to L. Philippus as one who "aetate et consilio ceteros anteibat".<sup>50</sup> (This is connected by Maurenbrecher with the speech of Philippus.) The remark surely shows that Valerius (of whom nothing had been heard for four years anyhow) must have been dead. Perperna did not count; but Valerius, *princeps Senatus*, and active in politics in the eighties, can hardly have been overlooked by inadvertence. Yet Valerius was about seven years older than Philippus: he had been consul in 100, Philippus had first stood for the office in 94 for 93.<sup>51</sup> Even without Sallust's statement, Philippus' eminence under the restored Republic implies the disappearance of the only other great survivor of an earlier age. Sallust's phrase makes it almost certain. Nor is there any evidence on the other side: as we have seen, the only passage ever alleged<sup>52</sup>) is not only irrelevant: it puts Valerius precisely on a level with C. Marius, who died in 86.

By the time Cicero entered the Senate, Philippus was the last survivor of the pre-Sullan consulars, except for the insignificant Perperna. He was the only man with the *auctoritas* to vouch for proceedings in the Senate in 86, which had not survived on a written record. This one point, properly attended to, is enough to tell the whole story.<sup>53</sup>)

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he was in fact alive then and does not justify Broughton's statement that 'the date of his death must fall' (*sic*) between 73 and 69.

50) Sall. *hist.* i 75 M (from Servius). Münzer (*RE*, I. c. (n. 47)) quotes the phrase on Philippus, but does not notice the consequences for Valerius.

51) Sources *MRR* ii 9f.

52) Note 48 (above).

53) I should like to thank Professor F. W. Walbank for kindly reading a draft of this article. He is, of course, in no way responsible for the opinions expressed.