

CAESAR STRABO'S STRUGGLE FOR THE CONSULSHIP – AND MORE

I

The effort of the *aedilicius* C. Iulius Caesar Strabo Vopiscus to gain a consulship has been controversial as well as insufficiently understood¹). First, the date. Did Caesar Strabo, in fact, make his attempt in 89 or in 88 (for a consulship of the following year)? Although some still favor 88, I believe that Prof. Badian has decisively established 89 as the correct year²).

More recently, however, Lintott has reasserted the claims of 88³). Let us briefly re-examine the two passages at issue. First, Diodorus 37. 2. 12–13⁴). The initial clause of Diodorus,

1) Concerning Caesar's *cognomina*, see E. Bickel, "C. Caesar L. f.", *RbM* 100 (1957), 4–15. Unfortunately, Bickel has very little to say about Strabo's political career. The ancient name *Vopiscus*, restricted to the Gens Iulia (A. Alföldi, "Les Cognomina des Magistrates de la République Romaine", *Mélanges d'Arch. et d'Hist. offerts à A. Piganiol*, II [Paris, 1966], 713), may well demonstrate an attempt to assert the antiquity of a reviving *gens*. Cf. *ILS* 8770, the censor L. Caesar's tax exemption for the land of Ilium, legendary "mother country" of his *gens*; and the same Caesar's placing of Venus on his coinage in 103 (M. H. Crawford, *Roman Republican Coinage* [= *RRC*], I [Cambridge, Eng., 1974], p. 325, No. 320).

2) E. Badian, "Quaestiones Variac", *Historia* 18 (1969), 481 ff. T. J. Luce, "Marius and the Mithridatic Command", *Historia* 19 (1970), 190–192, especially 191, n. 128, independently reached the same conclusion. G. V. Sumner, *The Orators in Cicero's "Brutus": Prosopography and Chronology* (Toronto, 1973), 105–106, appears to concur. J. O. Lenaghan, *A Commentary on Cicero's Oration "De Haruspicum Responso"* (The Hague, 1969), 167, appears undecided.

3) A. W. Lintott, "The Tribunate of P. Sulpicius Rufus", *CQ* 21 (1971), 446–449, though see 449, n. 3, for an admission of the logic in Badian's presentation.

4) "Διὸ καὶ τοῦ Μαρσικοῦ πολέμου σχεδὸν ἤδη διαλυομένου, πάλιν αἱ προοργενημένοι στάσεις ἐμφύλιοι κατὰ τὴν Ῥώμην κινήσεις ἐλάμβανον, ἀντιποιοιυμένων πολλῶν ἐνδόξων τυχεῖν τῆς κατὰ Μιθριδάτου στρατηγίας διὰ τὸ μέγεθος τῶν ἐπάθλων· Γαίος τε γὰρ Ἰούλιος καὶ Γάιος Μάριος ὁ ἐξάνικς ὑπατεύσας ἀντεφιλονεῖκον, καὶ τὸ πλῆθος ἦν ἐκατέροις σνμμεριζόμενον ταῖς γνώμαις. σπνέβησαν δὲ καὶ ἕτεροι ταραχαί. 13. ὁ μέντοι Σύλλας ὑπατος ὢν, χωρισθεὶς τῆς Ῥώμης πρὸς τὰς περὶ Νῶλαν ἡθροισμένας παρεγένετο δυνάμεις, καὶ πολλοὺς τῶν πλησιοχώρων καταπληξάμενος ἠγάγκασε παραδοῦναι σφᾶς αὐτοὺς καὶ τὰς πόλεις". (Diodorus 37. 2. 12–13).

“Since the Marsic War was ending about that time [*σχεδὸν ἤδη*]”, is surely rather vague and, *pace* Badian⁵), could apply to 88 as well as to 89, for the Marsic (i.e., Social) War continued into 87 (cf., e.g., Gran. Licin. pp. 20–21 Fl.)⁶). Badian’s additional argument in favor of 89 (*op. cit.*, 483), that Diodorus mentions Sulla *as consul* only *after* the rivalry between Caesar and Marius over the Mithridatic command, is not only rather weak to start, but is further weakened by Lintott’s counter-argument that lacunae are frequent in Photius’s surviving excerpts of Diodorus (*op. cit.*, 447, n. 2). In short, I must agree with Lintott that the Diodorus passage, by itself, is “too imprecise to date Caesar’s candidature” (*ibid.*, 447)⁷), though Diodorus is certainly in accord with a date in late 89.

What of the second passage, Cic., *Har. Resp.* 43?⁸) Lintott himself, after arguing that “Sulpicium ab optima causa profectum” means that S had *left* the optimate harbor (*op. cit.*, 447), soon virtually accepts the translation “starting from the cause of the *boni*” (*ibid.*, 448, n. 2). Lintott’s last ditch argument is that, since Cicero, in his discussion of earlier demagogues, mentions in each case “the specific incident which led them away from the *boni*”, S’s opposition to Caesar is *not* cited as evidence of “loyalty to the *boni*”.

Lintott, I believe, misunderstands. As Asconius 25 Cl. clearly states⁹), Sulpicius first opposed Caesar “*iure*”, “*postea nimia contentione ad ferrum et ad arma processit*”. In fact, Asconius and Cicero concur. They both emphasize that S’s resistance to Strabo was *initially* an *optima causa*.

An additional argument of Lintott (*op. cit.*, 448–449) against 89 as the year in question is that there was not sufficient time for a tribune who entered office on 10 December 89 to

5) *Historia*, 1969, 483.

6) So, essentially, and correctly, Lintott, *CQ*, 1971, 447.

7) While I must reject some minor arguments of Badian concerning Diodorus, that scholar’s criticism of E. Gruen’s brief discussion of the passage (“The Lex Varia”, *JRS* 55 [1965], 72 and n. 161) remains valid.

8) “Sulpicium ab optima causa profectum Gaioque Iulio consulatum contra leges petenti resistentem longius quam voluit popularis aura prorexit” (Cic., *Har. Resp.* 43).

9) “...Gaius [i.e., Strabo] aedilicius quidem occisus est, sed tantum in civitate potuit ut causa belli civilis contentio eius cum Sulpicio tr. fuerit. Nam et sperabat et id agebat Caesar ut omnia praetura consul fieret: cui cum primis temporibus *iure* Sulpicius resisteret, postea nimia contentione ad ferrum et ad arma processit” (italics added, Asconius 25 Cl.).

introduce and secure passage of a plebiscite legalizing Strabo's candidacy; i.e., observance of the *promulgatio trinundinum* as well as of the *Leges Aelia et Fufia* would have prevented his candidature. Why, however, assume that a *new* tribune introduced the measure? Why could it not have been introduced previously, by a tribune of 89? Then, too, in view of Strabo's influential backing (discussed below), a *SC* need not have been beyond hope¹⁰). Thus, Lintott's assault on Badian's date of 89 for Caesar Strabo's attempted candidacy fails.

II

Unlike the date, the political support and ultimate purpose of Caesar Strabo's attempted candidacy have not received much attention¹¹), or, at least, clarification¹²). The issue was not merely a consulship of 88, but, much more, the command against Mithridates which was likely to fall to (i.e., to be appropriated by) the dominant consul¹³). The fact that the Mithridatic command, viewed as a succulent and ripe plum to be picked, not as a difficult and/or dangerous war to be won¹⁴), was the primary goal of those aiming for the consulship in 89, including Caesar Strabo, requires emphasis, in the wake of Luce's explicit denial of the latter's seeking this command¹⁵).

10) Lintott's further claim that Caesar Strabo would not have "profited from an *interregnum*,...since an *interrex* was unlikely to prefer him to Sulla or Pompeius Rufus" (449), is also dubious, in view of Caesar's senatorial backing.

11) Cf. Badian, *Historia*, 1969, 481-484; and Lintott, *CQ*, 1971, 446-449.

12) Cf. Lintott, *CQ*, 1971, 446-459; and Luce, *Historia*, 1970, 190-192.

13) As the *prudentes* surely divined, the division of consular *provinciae* for 88 would not really be at the mercy of chance as expressed by the lot. Note the suggestion (for once, probably correct) of J. Carcopino, *Sulla ou la monarchie manquée* (Paris, 1931), 27-28, that Sulla had "neutralized" his fellow consular candidate Pompeius Rufus by granting his own daughter in marriage to P's son. Concerning this marriage, see also n. 18, below. As for the rigging of lots, see E. Badian, *Titus Quinctius Flaminius: Philhellenism and Realpolitik. Semplice Lectures* (Cincinnati, 1970), 30-32, especially 31, n. 18.

14) Cf., e.g., Appian, *B. C.* 1. 55. 241-242: "πόλεμον εὐχεσθῆ τε καὶ πολύχρυσον ἠγνούμενος εἶναι" (242). Though this text refers to 88 B.C., the war would scarcely have appeared *less* lucrative or *less* manageable in late 89.

15) *Historia*, 1970, 191-192.

First, Diodorus 37. 2. 12 explicitly states that Caesar sought this command. Second, the exceptional case of an *aedilicius*'s seeking the consulship strongly suggests, surely, an equally exceptional prize; the Mithridatic command constituted precisely such a pot of gold. Third, Luce's claim that the *aedilicius* could not "reasonably... want the command" (*ibid.*, 192) is most unsound¹⁶). The potential gains, economic, political, and social, were vast and speak for themselves. The risk? This was late 89, before the huge Mithridatic armies engulfed their enemies in 88. Marius's friend M'. Aquillius, an experienced, if not terribly bright, soldier, had no fear of the king, though only limited Roman forces were available¹⁷). Caesar Strabo, too, surely, had no fear of barbarian kings, or lack of confidence in his ability to conquer them with ease.

Competition for the office, however, was to be fierce. First, no doubt as political allies¹⁸), Sulla and Q. Pompeius Rufus sought the office. They represented a powerful, though somewhat depleted group¹⁹), which may be called, in regard to this period for want of a better name, the "Metellan *factio*"²⁰).

16) I shall deal at length below with Luce's claim that Caesar could not "reasonably expect" the command (*ibid.*, 192).

17) Appian, *Mith.* 11 ff. See, e.g., D. Magie, *Roman Rule in Asia Minor* [= *RRAM*], I (Princeton, 1950), 208 ff. Aquillius was not only an old associate of Marius and in his political debt (cf. Badian, *Studies in Greek and Roman History* [Oxford, 1964], 45-46), but also, probably, the son of the organizer of the province (Asia). Cf. text and n. 22, below.

18) Sulla's daughter was already the wife of Pompeius Rufus's son by spring, 88 (Appian, *B. C.* 1. 56. 247), though, perhaps, she had not been so for long; see Badian, *Lucius Sulla: The Deadly Reformer, Seventh Todd Memorial Lecture* (Sydney, 1969), 13 and n. 37. This factor, plus Sulla's political link with Pompeius (see n. 13, above), added to Pompeius's long-standing connection with the Caecilii Metelli (cf. *MRR* 2. 2 and n. 5 on p. 3), and Sulla's marriage to the Caecilia Metella widowed by the demise of M. Aemilius Scaurus, establish a clear picture of political alliance cemented by intermarriages which date, approximately, to the end of 89.

19) E. Gabba, "Mario e Silla", in *Aufstieg und Niedergang der römischen Welt* [= *ANRW*], I, 1, Ed. H. Temporini (Berlin/New York, 1972), 792 f., persists in designating this group "reformist", even when (in 88) it was *opposed* to "reform"! The *factio* was, in general, far more concerned with political power than political justice. Regarding the *factio*'s depletion, see below.

20) Although the factional interpretation of Roman Republican political history in general and the concept of a Metellan *factio* in particular have come under heavy scholarly assault (Luce, *Historia*, 1970, 174 ff., following the approach of Meier and Brunt, has recently borne this banner), retreat is not required. See B. Twyman, "The Metelli, Pompeius and

Next, Marius, undaunted by the diminution of his influence in the nineties or by his recent, probably compulsory, retirement from the Social War²¹), was most desirous of the Mithridatic command as of his prophesied seventh consulship²²). Indeed, Marius saw Sulla, his former political adherent and long-time *inimicus*²³), amidst preparations to set out for “his” war. He recalled his own decline in peacetime politics and felt the acute pain of being supplanted in 89, especially by another *inimicus* and a poor military figure at that, the consul of 89, L. Porcius Cato²⁴). In short, the old campaigner, realizing that, at his age

Prosopography”, in *ANRW*, I, 1, pp. 827ff., with a staunch defense of what I consider a thoroughly sound approach. Cf., e.g., Badian, “Tiberius Gracchus and the Beginning of the Roman Revolution”, in *ANRW*, I, 1, pp. 669, 674 with n. 16, 676, and 693; and E. Gabba, “Mario e Silla”, in *ANRW*, I, 1, p. 783, n. 118.

21) T. F. Carney, “The Death of Marius”, *Acta Classica* 1 (1958), 120ff., although he does not himself deal with Livy, *Per.* 74, “C. Marius cum Marsis dubio eventu pugnavit”, nevertheless does, I believe, adequately dispose of “poor health” as a ground for retirement. As for the argument, cited by Carney, pp. 120–121, from A. Passerini, “Caio Mario come uomo politico”, *Athenaeum* 12 (1934), 360–361 = *Studi su Caio Mario* (Milan, 1971), 171–172, that, since Marius “could not gain sole credit for final victory”, he was “not interested” in retaining his command, this argument, though ingenious, is very far from convincing in view of the *gloria*, not to mention personal satisfaction, one could achieve, as Marius well knew, from any military victory. No better way to “intrigue for command”, p. 121, than to win in the field. See Luce, *Historia*, 1970, 184–185.

22) Indeed, Marius may not only have welcomed, but also helped to cause the First Mithridatic War; note Plut., *Marius* 31, and, e.g., Badian, *Foreign Clientelae* (264–70 B. C.) (Oxford, 1958), 230 and 287, a view later (in my judgment, erroneously) altered in *Roman Imperialism in the Late Republic*² (Ithaca, N. Y., 1968), 58–59. Luce, *Historia*, 1970, 186–190, persuasively reasserts Badian’s old view. I emphatically disagree with Badian’s claim, *Roman Imp.*², 32, that Marius (apropos of his earlier *bon mot* to Mithridates, Plut., *Marius* 31. 5) was “a man who preferred peace (with honor for Rome) to an unnecessary war”. Marius’s long career in particular, as well as Roman aristocratic values in general, gainsay this evaluation.

23) The suggestion that Sulla, quaestor in 107, entered politics as Marius’s man derives from Badian, *Lucius Sulla*, 7–8. Cf. Badian, *Studies*, 218 (from *JRS*, 1962); and E. Gruen, *Roman Politics and the Criminal Courts 149–78 B. C.* (Cambridge, Mass., 1968), 197. Note also the tentative suggestion of Badian, *Lucius Sulla*, 8, n. 17, that the two men were distantly related; cf. F. Münzer, *RE* 19. 892, s.v. “Julia” No. 542 (1917).

24) The tale in Oros. 5. 18. 24 – “Porcius Cato consul Marianas copias habens cum aliquanta strenue gessisset, gloriatu est C. Marium non maiora fecisse, et ob hoc, cum ad lacum Fucinum contra Marsos bellum gereret, a filio C. Marii in tumultu belli quasi ab incerto auctore prostratus

(late sixties), this war was his last chance²⁵), must have been *extremely* desirous of command and consulship.

Finally, the noted orator, wit, and, significantly, recent successful prosecutor of Q. Varius²⁶), Caesar Strabo also sought this double prize. C. 104 Caesar had successfully competed with Pompeius Strabo for the opportunity to prosecute the latter's former commander, T. Albucius. This item is significant in the light of the tentative suggestion of Chr. Meier²⁷), that Caesar Strabo sought the consulship "in stillem Einverständnis" with Pompeius Strabo. He advances in support of this hypothesis the observation that a tribune (Sulpicius) had to prevent Caesar's illegal candidacy in spite of the fact that Pompeius Strabo, a strong consul, conducted the elections.

Pompeius, however, was apparently not in Rome until after he celebrated his triumph on December 25²⁸); he was clearly still at Asculum on November 17.²⁹) Caesar's activities had probably begun some time before. Sulpicius and Antistius were tribunes-elect for months before December 10, 89, and may have been logical spearheads for the opposition to Caesar, since they would be in office by the time that matters came to a head.

Next, as already noted, Caesar had bested Pompeius in judicial competition, admittedly some fifteen years earlier³⁰).

est". — while anti-Marian propaganda not to be accepted at face value, does reveal the attitude of Marius toward his successor, and vice-versa.

25) Cf. L. Homo, "Sulla", in *Hommes d'État*, I (Paris, 1936), 231-232.

26) So, tentatively, Gruen, *Roman Politics*, 217, 220, and 226, based upon Val. Max. 9. 2. 2. Much the same point was made by Harold Bennett, *Cinna and His Times* (Diss. Univ. of Chicago, Menasha, Wisconsin, 1923), 25-26; so, too, T. Mommsen, *The History of Rome*, IV, New Ed., Trans. W. P. Dickson (London, 1895), 67. Note the discussion and concurrence of Carney, "The Picture of Marius in Valerius Maximus", *RhM* 105 (1962), 312 and n. 75; see also p. 326, n. 83. The analogy noted by Carney, p. 328, between Marius's mutilation of Caesar at Varius's tomb and Sulla's dismemberment of Marius Gratidianus at that of Catulus (Val. Max. 9. 2. 1) — two atrocities cited by Valerius Maximus in the same chapter, "De Crudelitate", — provides further support for the view cited.

27) *Res Publica Amissa* (Wiesbaden, 1966), 220, n. 86, and 238, n. 187.

28) *Inscr. Ital.* 13, 1, p. 85.

29) N. Criniti, *L'Epigrafe di Asculum di Gn. Pompeo Strabone* (Milan, 1970), 57ff.

30) On this case, see E. Gruen, "Politics and the Courts in 104 B.C.", *TAPA* 95 (1964), 100-101; R. J. Rowland, "The Date of Pompeius Strabo's Quaestorship", *CP* 63 (1968), 213-214; L. (loyd) A. Thomson, "The Relationship between Provincial Quaestors and Their Commander-in-chief", *Historia* 11 (1962), 354; Thomson, "Pompeius Strabo and

Pompeius, I contend, would not have taken kindly to this judicial defeat, at the hands of a man somewhat younger at that: Caesar was born *c.* 131; Pompeius, *c.* 135–132³¹). Note, too, that Caesar “*magnam laudem hac causa consecutus esse videtur*”³²). This case plus the fact that by 90 B.C. Pompeius Strabo and Caesar Strabo's brother, L. Caesar, also the half-brother of the latter two, Catulus, were on opposite sides politically³³), strongly suggest that the two Strabones were, at the very least, far from friends in 89.

Moreover, it was presumably not an illegal candidacy as such, but an attempt to secure an exemption from the *Lex Villia Annalis* (as discussed in Section IV, below) that was at issue. Oratorical and legal expertise were required. In short, Meier's suggestion should be rejected.

Not long after his juridical success, Caesar Strabo held the post of *decemvir agris dandis attribuendis iudicandis*³⁴), apparently under the terms of Saturninus's laws, *c.* 103³⁵). Such service could not only have enhanced Strabo's popularity, but also, significantly, implies some association with and/or support from Saturninus's ally, Marius (a political powerhouse at the time as *cos.* II in 104 and *cos.* III in 103), Strabo's own distant *adfinis* (C. Julius Caesar, father of the later Dictator and brother-in-law of Marius, held the same post³⁶) and the political patron of Q. Catulus³⁷), *cos.* 102 and half-brother of Strabo.

the Trial of Albucius”, *Latomus* 28 (1969), 1036–1039; and Gruen, *Roman Politics*, 171–172.

31) See now G. V. Sumner, *The Orators*, 104–106.

32) H. Malcovati, *ORF*³, p. 273.

33) Badian, *Studies*, 52–56.

34) *Inscr. Ital.* 13, 3, No. 6.

35) See now Sumner, *The Orators*, 105–106, for a valuable synopsis of Strabo's career. Cf. *MRR* 1, 577 and n. 6 on p. 578; A. Passerini, *Studi su Caio Mario*, 213, = *Athenaeum* N.S. 17 (1939), 67; T. R. S. Broughton, “The Elogia of Julius Caesar's Father”, *AJA* 52 (1948), 323 and 326–327; and Badian, *Studies*, 38.

36) *Inscr. Ital.* 13, 3, 7. Note that L. Caesar (*cos.* 90), brother of Strabo, shared his relatives' early association with Marius, as indicated by his moneyership in 103 (for which, see Crawford, *RRC*, I, p. 325, No. 320. Interestingly, the “L. Iuli” moneyer in 101 was “probably not a Iulius Caesar” (*RRC*, p. 327, No. 323).

37) Badian persuasively argued that Marius, *cos.* 107 and 104–100, resurrected Catulus from the political graveyard into which his three *repulsae* in seeking the consulship had cast him (“Caepio and Norbanus”, *Studies*, 37–38, from *Historia* 6 [1957]). Recently, R. G. Lewis, “Catulus and the Cimbri, 102 B.C.”, *Hermes* 102 (1974), 107 and n. 58, has contested this widely held view.

Strabo was a man of application and intelligence; as curule aedile (and thus already well launched toward an eventual consulship³⁸) in 90, “cotidie fere accuratas contiones habebat”³⁹). It is even very possible that he had clashed with Sulla before (Plut., *Sulla* 5. 5: a “Caesar” in 97 with a biting wit⁴⁰). His motive was probably typical: personal ambition. What was unusual was his rank. Although he had twice been military tribune⁴¹), and had been a pontifex since 99 at least⁴²), he was still an *aedilicius*. That Strabo, seemingly a junior associate of the Metellan *factio*⁴³), should make such an attempt and should

38) Gaining the office was a major achievement; cf. Plut., *Aem. Paul.* 3. 1. There were four aedileships annually, but only the two curule aedileships, in alternate years, were, originally at least, open to (actually limited to) patricians. It appears that this system of patrician-plebeian alternation was no longer in effect during the early First Century B.C. (and, perhaps, the late Second). In any case, the old rule (Livy 7. 1. 6) of plebeians holding the curule aedileship in even, and patricians in odd, numbered years, clearly encounters difficulty in the case of Caesar Strabo, a patrician and *aed. cur.* in 90. Strabo, in fact, appears to be only the second *sure* instance of a break with that rule (following the plebeian M. Claudius Marcellus, *aed. cur.* 91). Thus, whether the rule lapsed, suffered repeal, or, perhaps, several exemptions were granted (under pressure from the Social War?) is uncertain. Cf., e.g., T. Mommsen, *Römische Forschungen*, I (Berlin, 1864), 97–102; J. Seidel, *Fasti Aedilicii...* (Diss. Breslau, 1908), 3, 40–43, and 47–48; F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart, 1920, repr. 1963), 30, 187, and 264 with n. 1; and Sumner, *The Orators*, 10, n. 3.

39) Cic., *Brutus* 305. Cf. Cic., *De Off.* 1. 108 and 133.

40) Caesar Strabo held the quaestorship about this time. Broughton, *MRR* 2. 10 and n. 6 on p. 11, tentatively suggests 96. Sumner, *The Orators*, 105, favors “between 100 and 96”.

41) *Inscr. Ital.* 13. 3. 6. See J. Suolahti, *The Junior Officers of the Roman Army in the Republican Period: A Study on Social Structure* (Helsinki, 1955), 31, 46–47, and 50–52, for important observations on the military tribunate in general. The plausible dates for holding this office (c. 102–101) would seem to imply service under his half-brother Catulus, though circular reasoning might be charged. Suolahti’s dating of Strabo’s military tribunate to “a. [= ante] 90” is correct, but rather imprecise. Cf. *MRR* 2. 574 and *Suppl.* p. 32; and, especially, Sumner, *The Orators*, 105.

42) Dichl, *RE* 19. 429, s.v. “Iulius” No. 135 (1917); and G. J. Szemler, *The Priests of the Roman Republic: A Study of Interactions between Priesthoods and Magistracies*, *Collection Latomus* 127 (Brussels, 1972), 125.

43) Cic., *De Orat.* 2. 12–13 and 16, shows that in 91, P. Sulpicius Rufus, then a staunch supporter of the Metellan group and of its current spokesman, the *tr. pl.* M. Livius Drusus, and Caesar Strabo were good friends. In short, I accept Badian’s view that, like other *nobiles*, Strabo accepted Marius’s bounty, but subsequently left his ambit for other, more aristocratic associations (which were never entirely lacking). Cf. Badian, *Studies*, 51 ff.

even have a real chance of success⁴⁴), may well be evidence not only of Strabo's ability and ambition, but also of an unwillingness on the part of some members of the *factio* (not to mention other senators) to accept Sulla as a virtual successor to the recently departed *Princeps Senatus* M. Aemilius Scaurus⁴⁵), the most influential man of his generation. The Metellan *factio*, it should be noted, by now lacked (apparently) a consular Metellus, had lost the powerful orator L. Licinius Crassus and the influential tribune M. Livius Drusus in late 91, as well as C. Aurelius Cotta in 90 (by exile). In short, there were opportunities for the ambitious.

More explicit is the report of Plut., *Sulla* 6. 19 that "regarding this [marriage] οἱ δημοτικοὶ sang many verses against him [Sulla], while many τῶν πρώτων were angry, for they considered him unworthy of the woman although they judged him worthy of the consulship, as Livy says". The "leading men" recognized the significance of the marriage of Caecilia Metella, Scaurus's widow, to Sulla: Sulla was to be a new Scaurus⁴⁶). The added

44) As inferred from Ascon. 25 Cl. (quoted in n. 9, above). Cf. Cic., *Phil.* 11. 11: "Alter Caesar Vopiscus ille summo ingenio, summa potentia, qui ex aeditate consulatum petit, solvatur legibus; quamquam leges cum non tenent propter eximiam, credo, dignitatem".

45) Cf. Gruen, *Roman Politics*, 226. Concerning Scaurus's career, see Sumner, *The Orators*, 69. Regarding the actual date of Scaurus's death, the evidence consists of three passages: Plut., *Sulla* 6. 18 (the crucial passage) and 6. 21; and *ILS* 9338. 4, containing priestly *fasti* in which Scaurus is succeeded by L. Scipio "Asiagenes" (cos. 83), as recently discussed by Badian, "Sulla's Augurate", *Arethusa* 1 (1968), 29–31, with notes. See also B. W. Frier, "Sulla's Priesthood", *Arethusa* 2 (1969), 187ff., with Badian's "A Reply", *Arethusa*, 1969, 199ff. The marriage of Sulla to Caecilia Metella, Scaurus's widow, is closely associated with Sulla's election, at the end of 89, to the consulship of 88. Scaurus apparently died in 89. Might the widespread displeasure (on which, see text, below) at Sulla's marriage to Metella imply a very recent demise of old Scaurus, perhaps in late 89? The common and plausible (even if based on an *argumentum ex silentio*) assumption that the censors of 89 renamed Scaurus *Princeps Senatus* would accord with this view. C. Nicolet, "Arpinum, Aemilius Scaurus, et les Tullii Cicrones", *Revue des Études Latines* 45 (1967), in spite of an explicit recognition of the evidence for the date of Scaurus's death, p. 301, n. 1, nevertheless, twice (p. 278 and 301) inexplicably states that Scaurus died in "88 or 87". Acceptance of the Plutarchean passage makes the first date most unlikely, and the second, utterly impossible.

46) Cf. Badian, *Lucius Sulla*, 12, n. 32, who observes that Scaurus's death could be foreseen in 91; see Ascon. 22 Cl. on this point. Also note the statement of Gruen, *Roman Politics*, 197, in reference to Sulla's Capadocian assignment in 96–95, that "the oligarchy could already see him [Sulla] as another M. Scaurus, ...". This seems somewhat premature. J.

prize of the Mithridatic command might well give Sulla much of the great *auctoritas* which the old *Princeps Senatus* had gained in other ways⁴⁷).

Some of the *principes*, I contend, demurred. But what alternative? Surely not Marius. He might regain his former ascendancy. Rather, a third choice, one not so likely to prove dangerous⁴⁸), Caesar Strabo. Strabo might well appear a lesser evil, perhaps precisely because of his lack of prior military success. A great victory abroad could have undesirable effects upon domestic politics through inordinate growth of *auctoritas*. Shrewd political calculation (or *invidia*) might dictate a competent, but not excessively eminent commander.

Furthermore, as I have been reminded, the Iulii Caesares had a certain influence in Asia. C. Julius Caesar, father of the future Dictator and land commissioner, as was Strabo, had recently governed the province, perhaps from 92 to 91⁴⁹). The action that same year of 89 by the censor L. Caesar, brother of Strabo, granting tax exemption to Ilium (see n. 1), not only helped establish the renown of the *gens* in the east, but also may suggest some prior connection more substantial than the mythical claim of ancestral origin.

Carcopino, *Sylla*, 28, n. 3; and E. Valgiglio, *Plutarco: Vita di Silla*² (Turin, 1967), 33, both recognize that the Plutarch passage demonstrates the political significance of the marriage, but neither pursues the matter as far as one ought. Cf. T. P. Wiseman, "The Last of the Metelli", *Latomus* 24 (1965), 52.

47) Note, however, the tentative suggestion of P. Bicknell, "Marius, the Metelli, and the *Lex Maria Tabellaria*", *Latomus* 28 (1969), 343, and, especially, n. 2, that Scaurus's *military* ability was a factor in his initial acceptance by the Metelli. Surely, though, *political* ability was his major asset. Observe also the dramatic, though apt, assertion of R. Andreotti, *Caius Mario* (Gubbio, 1940), 128, that "Nessun partito, nessun uomo sarebbe ormai da tanto, per resistere al futuro trionfatore di Mitridate".

48) Note the vast command conferred upon the praetor M. Antonius in 74 (as discussed by D. Magie, *RRAM*, I, 292, with reference to Vell. 2. 31. 4), a case somewhat analogous in the possible desire to establish a counterpoise to an already successful military leader (Pompey), in the ancestral *clientelae* involved (see text below), and in the all too Roman concern for domestic politics, at the expense of provincial affairs. Cf. Badian's argument (*Foreign Clientelae*, 227) concerning the opposition to Marius in 90 and the consular elections in that year; and R. Andreotti, *Caius Mario*, 125.

49) Cf. the old dating ("98-?") of W. F. Jashemski, *The Origins and History of the Proconsular and the Propratorian Imperium to 27 B. C.* (Chicago, 1950), 136; and the newer version ("92?-91?") of Badian, *Studies*, 87 and 97.

Perhaps Sulla, in spite of his recent military successes, *could* be denied the consulship⁵⁰), or, at least, the Mithridatic command⁵¹). Sulla's *adfinis* Pompeius Rufus (I believe that by late 89 the marriage bond linking the two had either been forged or could be anticipated, in the wake of a Sullan electoral victory) was far more of a politician than a soldier. Sulla could still, *conceivably*, be denied the great prize. It was the only chance left. This scenario would explain the apparent strength of Strabo's attempted candidature, not to mention the attempt itself.

III

Concerning the *principes* who are likely to have supported Strabo's bid to secure the consulship and (one reasonably believes) the Mithridatic command (Plutarch's "leading men"), one can make certain suggestions. If *any princeps* backed Strabo, surely his own brother did⁵²); L. Caesar, consul in 90 and censor in 89, was, surely, a senator of no mean *auctoritas*. An obscure item may be of significance: the *lustrum* of the censors L. Caesar and P. Crassus, one of Caesar's legates in 90 and, no doubt, a political ally⁵³), was *parum felix* because of a clash with the augurs (Festus p. 366 L.). Marius was an augur and was probably in Rome at this time. Politics were probably involved⁵⁴).

50) After all, the report of Livy, *Per.* 75 – "L. Sylla... quantisque raro quisquam alius ante consulatum rebus gestis ad petitionem consulatus Romam est profectus." – need not be accepted at face value, with all its (political) implications. If Sulla's *Memoirs* can, as they surely do, have such a baneful impact upon the historiographical environment in so many other cases, it is certainly reasonable to detect some of their pollution in *this* instance, their hero's own election. Exaggeration is obvious.

51) As I have been reminded, Sulla and Caesar Strabo, as two *patricians*, probably could not both, by law, gain election to the consulship. I say "probably" in view of the plausible suggestion of T. J. Cadoux (*MRR Suppl.* p. 19), in reference to the joint consulship of the patricians L. Cinna and L. Flaccus in 86 (though the latter was *suffect* consul), that the old law requiring at least one plebeian consul had experienced either repeal or obsolescence.

52) *Contra*, tentatively and unconvincingly, C. M. Bulst, "'Cinnanum Tempus': a Reassessment of the 'Dominatio Cinnae'", *Historia* 13 (1964), 316.

53) Cf., e.g., B. Twyman, *ANRW*, I, 1, p. 860.

54) Cf. R. G. Lewis, "Appian B.C. I, 49, 214, δεκατέοντες: Rome's New Tribes 90–87 B.C.", *Athenaeum* 46 (1968), 281, n. 29. Old Q. Scaevola,

Not to be overlooked was the half-brother of L. and C., Q. Lutatius Catulus, in actual fact a sad specimen as politician and soldier, but, nevertheless, by this time a senior consular and highly respected⁵⁵). He had, it appears, written his *Memoirs* to ensure that the truth did not tarnish his reputation⁵⁶). Sulla, after all, had probably joined his staff in 102 as a minion of Marius⁵⁷), while prudence would have militated against any excessively adverse references to Catulus by Sulla later in his *Memoirs* (for restrained criticism, see Plut., *Sulla* 4. 3, attributed to Sulla⁵⁸). Catulus's homonymous and conservative son apparently joined Sulla in the east during the eighties⁵⁹), but in the light of his father's enforced death under the Mario-Cinnan regime, this is no obstacle; Sulla welcomed *nobilis* supporters. Note, too, that Catulus Jr. in the seventies appears to have joined in opposition to certain of the Metelli⁶⁰).

cos. 117, was both an augur and an *adfnis* of Marius. As such, he might have supported the latter in this instance. He clearly had a high regard for Marius's past achievements (Val. Max. 3. 8. 5).

G. Pieri, *L'Histoire du Cens jusqu'à la Fin de la République Romaine*, *Publ. de L'Inst. de Droit Romain de L'Univ. de Paris* 25 (Paris, 1968), 82-93, especially 92, stresses the need of the *lustrum*, an archaic religious and juridical survival, in order for the census to be considered as complete. As such, the requirement was very suitable for political exploitation by Marius, a legal expert and past master of "Religionspolitik" (so, convincingly, T. F. Carney, *A Biography of C. Marius*, Supplement 1, *PACA* [Assen, Netherlands, 1961], 12, 27, and 62).

55) Cf., e.g., Carney, "Cicero's Picture of Marius", *WS* 73 (1960), 95, with supporting sources; and D. G. Glew, *The Outbreak of the First Mithridatic War* (Diss. Princeton, 1971), 90-91.

56) Even the relatively favorable account of R. G. Lewis, *Hermes*, 1974, 107-109, refers to C's "rationalizations", "scapegoats", and "distortions". Cf. E. Rawson, "Religion and Politics in the Late Second Century B. C. at Rome", *Phoenix* 28 (1974), 199.

57) Badian, *Lucius Sulla*, 8-9; accepted by Gabba, in *ANRW*, I, 1, p. 784 and n. 124. Interestingly, Glew, *The Outbreak of the First Mithridatic War*, 41, n. 76, advanced much the same argument as Badian, though, to judge from his bibliography, he did not know B's presentation. *Some* ill will between Marius and Sulla may well have existed at this time (as Plut., *Sulla* 4, overemphasizes).

58) Cf. Badian, "The Early Historians", in *Latin Historians* (New York, 1966), 37, n. 135. Lewis, *Hermes*, 1974, 91, n. 2, makes the highly dubious claim that "Sulla...took care that his own memoirs should be consistent with Catulus".

59) B. Twyman, in *ANRW*, I, 1, p. 838 and n. 106, though see now Sumner, *The Orators*, 116, for an aedileship "ca. 84".

60) Twyman, *ANRW*, I, 1, pp. 839ff. The pattern which Twyman sees of factions within factions is, of course, pertinent to the suggestions

More noteworthy is that the influential (with L. Crassus dead, he was the greatest orator of the day) *ensorius* M. Antonius may already have betrothed his son to Julia, daughter of L. Caesar (*RE* No. 543)⁶¹). All these men, one should recall, including Strabo and even P. Crassus, were killed in late 87, as soon as Marius was able to sate his thirst for vengeance⁶²). In addition, observe the support of Strabo by a Pomponius (Quint., *Inst.* 6. 3. 75, quoted in n. 65, below), possibly the vigorous Cn. Pomponius, *tr. pl.* 90, though more likely M. Pomponius, aedile in 82 (or some other Pomponius)⁶³). These men need not, of course, have been Strabo's only supporters of note. The fact, nevertheless, that he found himself at the center of a powerful grouping of senators is surely material evidence (cf. the later connections of Cato). The strong recent revival of the Iulii Caesares (*cos.* 91 and 90, *cons.* 89) no doubt further emboldened Strabo and seemed to offer an opportunity to that talented figure for exceptionally rapid advancement.

IV

As to Strabo's use of force, Asconius 25 Cl. (quoted in n. 9, above) indicates that Strabo did not at first – “*primis temporibus*” – employ violence, but only did so after Sulpicius's lawful opposition, in the “later stages” of his effort to be candidate⁶⁴). Strabo, apparently, went further in the heat of

for the support of Caesar Strabo's attempted candidacy. No doubt for every political combination which we can even faintly detect, many more are now, unfortunately, completely lost to sight.

61) Badian, *Studies*, 56 and n. 190.

62) Cf., e.g., Gruen, *Roman Politics*, 232 (regarding Strabo).

63) This Cn. Pomponius had apparently supported Varius then; so, plausibly, Gruen, *Roman Politics*, 217. Concerning the identity of Strabo's “Pomponius”, see Luce, *Historia*, 1970, 191, n. 129; and Lintott, *CQ*, 1971, 448, n. 4. The tribune of 90 had probably been prosecuted under the *Lex Varia* in early 89; Badian, *Historia*, 1969, 465–475 (accepting an old correction in the text of Ascon. 79 Cl.). He need not have been acquitted, as Badian, 475, presumes, in order to be available for execution later by the *Sullani* (Cic., *Brutus* 311), or even in order to be active under the Cinna regime (*Brutus* 308); he could have gone into exile, then returned with, or soon after, Cinna and Marius. Cf. Gabba, in *ANRW*, I, 1, p. 791.

64) This quotation is from the very brief account of R. E. Smith, “The Anatomy of Force in Late Republican Politics”, *Ancient Society and Institutions: Studies Pres. to V. Ehrenberg*, ed. E. Badian (Oxford, 1966),

political strife – “postea nimia contentione” – than he himself had originally intended or than his influential backers may have desired. The parallel with the Ciceronian interpretation of Sulpicius’s tribunate (*Har. Resp.* 43, quoted in n. 8, above) may not be fortuitous; *both* men may have been wafted aloft by an *aura* of one sort or another.

Concerning the other two passages which refer to Strabo’s use of force, Quint., *Inst.* 6. 3. 75, and Macr., *Sat.* 1. 11. 32, the first, merely referring to a “Pomponius” who fought on Strabo’s behalf during the *seditio Sulpiciana*⁶⁵), in no way contradicts my arguments. The second text, “somewhat ambiguous” as Luce notes, *may* not even refer to this case at all⁶⁶). In any event, this text merely supplies certain details. Neither passage, in my judgment, need cause hesitation. Luce believes that this use of force is one factor which “suggest[s] that he [i.e., Strabo] was at odds with the senatorial establishment”⁶⁷). To the extent that the core of the Metellan *factio*, such as Sulla, Pompeius Rufus, Metellus Pius, and, still, Sulpicius, represented this “establishment”, I would agree. This does not, however, exclude support of Strabo by other influential senators as a result of the split which I have postulated in the “senatorial establishment”. Furthermore, Luce concludes that “The sources of his [i.e., Strabo’s] support are...not clear...”⁶⁸). My suggestions seek to fill this void of uncertainty.

Another argument concerns the apparent improbability of Strabo’s being supported by the “leading men”, who may well

272, n. 35. Lintott, *CQ*, 1971, 446, is mistaken in asserting that “the violence...is only known to us through one of...Caesar Strabo’s...witticisms” (i.e., Quint., *Inst.* 6. 3. 75, quoted in the following note).

65) Quint., *Inst.* 6. 3. 75: “C. Caesar Pomponio ostendenti vulnus ore exceptum in seditione Sulpiciana, quod is se passum pro Caesare pugnante gloriabatur, ‘Nunquam fugiens respexeris’, inquit”.

66) Luce, *Historia*, 1970, 191, n. 130. The text, Macr., *Sat.* 1. 11. 32, is as follows: “Bello sociali cohortium duodecim ex libertinis conscriptarum opera memorabilis virtutis apparuit. C. Caesarem, cum milites in amissorum locum substitueret, servos quoque ab amicis accepisse et eorum forti opera usum esse comperimus”. The first sentence of sect. 32 (cf. the first sentence of sect. 30 as well) strongly implies that Macrobius thought that Strabo was acting in a proper, official capacity. Luce’s argument that “the word *amicis* suggests private rather than public action” (*ibid.*) lacks force. In sum, L’s assertion that the two sentences of sect. 32 are “evidently not connected circumstantially” (*ibid.*) appears to me dubious.

67) *Ibid.*, 191, n. 129.

68) *Ibid.*, 191, n. 129. Cf. Lintott, *CQ*, 1971, 449: “It is difficult to see why the senate should have supported an irregular candidature then”.

have included, let us remember, his own brother and half-brother. Badian states that “It is difficult to imagine the Optimates as supporting an illegitimate candidature...”⁶⁹). This difficulty, to recapitulate, may be eased by a recognition of the shock to the ruling circles (as evidenced by Plut., *Sulla* 6. 19) at seeing Sulla's *double* promotion, consulship and Metellan marriage alliance, with the likelihood of a further great enhancement of prestige via the Mithridatic command. Then, too, there is a need to find *some* powerful support for Strabo's all too serious venture. This venture, undeniably, was unusual; that the attitude of his supporters was also unusual need not occasion complete surprise.

As an *aedilicius*, Caesar presumably required a special exemption from the *Lex Villia Annalis* in order to be eligible for election to the consulship⁷⁰). Indeed, since he had been curule aedile in 90, he presumably needed an exemption even to become praetor in 88, for between curule aedileship (if held) and praetorship, as between the latter and consulship, a *biennium* out of office seems to have been required before Sulla⁷¹). The absence of reference to violation of this requirement does not, in my view, constitute a sound argument against holding 89 (rather than 88) as the year of Strabo's attempt⁷²).

69) *Historia*, 1969, 482.

70) See, especially, A.E. Astin, *The Lex Annalis Before Sulla*, *Collection Latomus* 32 (Brussels, 1958), 20–22, with convincing interpretation of Cic., *Phil.* 11. 11 (quoted in n. 44, above) as implying precisely this. Cf. A.E. Douglas, *M. Tulli Ciceronis Brutus* (Oxford, 1966), p. 167; and Lintott, *CQ*, 1971, 448–449.

71) See Astin, *The Lex Annalis*, 9ff. and 45–46; H. Chantraine, “Der *Cursus Honorum* des Marius und die *Lex Villia Annalis*”, *Untersuchungen zur römischen Geschichte am Ende des 2. Jahrhunderts v. Chr.* (Kallmünz, 1959), 64, n. 7; Badian, “Caesar's *Cursus* and the Intervals between Offices”, *Studies*, 144ff. (from *JRS* 18 [1959]). Cf. G. Rögler, “Die *Lex Villia Annalis*”, *Studies* 144ff. *Klio* 40 (1962), 77ff.; and now Sumner, *The Orators*, 7–10.

72) Cf. Astin, *The Lex Annalis*, 22, an analogous point in another case: the most shocking aspect (only) was emphasized. Also, observe Sumner's admittedly tentative suggestion that Q. Lucretius Afella was guilty of violating just this *biennium* requirement (in this instance, between praetorship and consulship), though no source mentions *this* violation (*The Orators*, 106–107). I agree with Sumner, 106, that Strabo probably met the age requirement.

V

The tribune Sulpicius Rufus, representing the Metellan *factio*, and Marius cooperated successfully against Strabo. Since it is known that P. Antistius, another tribune, personally joined Sulpicius in opposition to Strabo, one is led to suggest that Antistius was acting on Marius's behalf⁷³). It would not have been the first time, or the last, that Marius employed a tribune's services. Indeed, Antistius's outstanding performance, in the course of which he even outshone Sulpicius – “plura et acutiora dicebat” (Cic., *Brutus* 226) – may, in part, derive from Marius's legal expertise⁷⁴). This hypothesis, plausible in itself, would explain Antistius's surprisingly excellent presentation, following many years of poorly regarded obscurity (*Brutus* 226).

Cicero's report (*Brutus* 226) that Antistius was praised for conducting a “*veram causam*” may seem to indicate that he, like Sulpicius, was acting on behalf of the Metellan group, but in view of the temporary coinciding of Marian and Metellan interests (in opposing Strabo), such need not have been so. Naturally, opposition to allowing an extraordinary candidature would, on the surface, have appeared a “*vera causa*”. The fact that Antistius was (c. 86) entrusted with the important show trial of young Cn. Pompey is a hint of prior service to the Mario-Cinnan elements⁷⁵). Antistius's own marriage to the daughter of the optimate Calpurnius Bestia, *cos.* 111 (Vell. 2. 26 and Plut., *Pompey* 9), may seem to conflict with this hypothesis, but,

73) *Contra*, but without convincing arguments, Carney, *WS*, 1960, 110.

74) Concerning this legal expertise, which belies the picture of Marius as an uneducated soldier, see T.F. Carney, “Two Notes on Roman Republican Law”, *Acta Iuridica*, 1959, 229 and, especially, n. 4; also, Carney, *WS*, 1960, 95–97.

75) Gruen, *Roman Politics*, 244–246, views the affair as, essentially, a show trial; his interpretation appears sound. Cf. Sumner, *The Orators*, 111. The view of W(illiam) S. Anderson, to the effect that Antistius, by acquitting young Pompey, was declaring himself “an enemy of the Marians”, ignores the powerful support P received from leading Cinnans, especially Carbo, and is surely in error (*Pompey, His Friends and the Literature of the First Century B.C.*, *Univ. of Cal. Pub. in Class. Philol.* 19 [1963], 4). Similarly, Allen M. Ward is probably in error when he refers to Antistius as “apparently...a friend of Scaevola [Pontifex]” (“The Early Relationships between Cicero and Pompey until 80 B.C.”, *Phoenix* 24 [1970], 125–126). The mere fact that the two men were killed on the same occasion in 82 or that their respective daughters were, at different times, married to Pompey scarcely establishes that the two men were friends.

occurring no later than, and probably some years earlier than c. 100 (inferred from the marriage of their daughter Antistia to young Pompey just after the trial), this item is no great obstacle.

Two additional, minor points merit mention. Bestia had recently gone into exile due to the Varian Quaestio (Appian, *B.C.* 1. 37. 167), while his link to the *factio* and firm friend, virtually his patron, M. Aemilius Scaurus⁷⁶, had recently passed (or was visibly about to pass [see n. 46, above]) from the scene. Two bonds possibly tying Antistius to the *factio* had been cut.

In summation, this paper has argued that Caesar Strabo sought, in 89, to gain an exemption from the *Lex Villia Annalis* in order to secure a consulship of 88. The recently acquired strength of his *gens* and its influential connections, linked to the attested resentment in senatorial circles at Sulla's swift and awesome political climb, i. e., traditional Roman *invidia*, produced a rare opportunity for Strabo. He just *may* have possessed the multi-faceted talent of his distant relative, the future Dictator. *Inimici*, however, acting through two tribunes, blocked his path. The vision of still greater *gloria* for the Iulii Caesares was lost, for *that* generation⁷⁷).

Baton Rouge, Louisiana

Barry R. Katz

Appendix

Thomas N. Mitchell, "The Volte-Face of P. Sulpicius Rufus in 88 B.C.," *CP* 70 (1975), 197–204, discusses many of the same issues as I, though sometimes with different con-

76) Gruen, *Roman Politics*, 145, with reference to Sall., *B.J.* 28. 4. Note also Sall., *B.J.* 29. 2 and 30. 2, explicit evidence of Bestia's (earlier) dependence upon Scaurus. Concerning Bestia's political background and link with Scaurus, cf. Bicknell, *Latomus*, 1969, 333, n. 3 (on 334), 344, n. 5, and 345. According to Bicknell's analysis (which is open to question), Bestia was not himself associated with the Metellan group. See, too, U. Paananen, *Sallust's Politico-Social Terminology: Its Use and Biographical Significance* (Helsinki, 1972), 67–68, and 87, with n. 1: Bestia was apparently the first of his *familia*, as distinct from his *gens*, to reach the consulship (the implication of Sall., *B.J.* 85. 16, wherein reference is made to the *patres* of Bestia and another, as to well-known *nobiles*, notwithstanding). Cf. Sumner, *The Orators*, 75.

77) I should like to express my gratitude to Prof. T.M. Robinson and his staff for valuable suggestions and often valid criticism of an earlier draft of this paper.

clusions. I should like to make the following (perhaps overly brief) observations:

1. Mitchell's claims that Cic., *Phil.* 11. 11 "clearly indicates" that Caesar received from the Senate an exemption from the *leges annales* (p. 198, n. 5; cf. 199) and that "The remark seems pointless if Caesar's request for a dispensation was refused" (199, n. 7) are not, in my judgment, valid. Cicero is simply indicating (with irony, of course) that Caesar Vopiscus at least sought an exemption, while Bestia is possessed of such outstanding *dignitas* that he is not even bound by the laws. Our source, speaking some forty-five years after the event, does *not* "clearly indicate" the result. His reference would have point so long as Vopiscus had *sought* an exemption. The *attainment* of it is not an essential point. Note that the mere fact of this difference in interpretation implies a lack of crystal clarity in Cicero's reference.

2. Mitchell seems to me overly confident that the Senate was the body which settled the matter. As he notes (199), custom, not law, was the controlling factor. May one not plausibly argue that Caesar's use of armed bands, indeed, the entire uproar caused by his attempt, points to violation of *mos maiorum*, such as seeking an exemption from the *people*? Can we really be certain that Caesar never did so?

3. Mitchell's belief (200) that Caesar lacked strong support among the people is, I believe, somewhat belied by the interpretation of Caesar's candidacy advanced above, though, indeed, with such strong backing in the Senate, Caesar would logically have expected, or at least had some significant hope, that that body would reach a decision favorable to him.

4. Mitchell's arguments as to the dating of the outbreak of the First Mithridatic War (cf. D.G. Glew, *The Outbreak of the First Mithridatic War* [Diss. Princeton, 1971], on which I commented briefly in *Cinna and Sulla: the Politics of Civil War* [Diss. Harvard, 1972], 324ff.) are not, to my mind, convincing. He ignores, e.g., the assertion (admittedly, not proof positive) of Plut., *Sulla* 6. 16-17 (though noting 7. 2), that Sulla already (in 89) intended to secure the Mithridatic command. Then, too, his low estimate of the intensity of Pompeius Strabo's operations at Asculum seems dubious. Overall, I still believe that Badian's chronological framework should be accepted.

5. Mitchell's application of such current political/ideological terms as "liberal" and "conservative" (203; cf. 204: "myopic

conservatism”) to Roman Republican politicians or measures is most questionable. Sulpicius’s motives in favoring full equality for the *novi cives* were, as Appian, *B.C.* 1. 55. 242–4 noted, not above self-interest. Similarly, the senatorial opposition was not so much a matter of “myopic conservatism” as of political expediency. It was not the measure itself, but who would receive the credit for putting it through (i. e., the *clientela*), which often determined how senators would vote. Not ideology then, but factional politics. Cf. D.C. Earl, *Tiberius Gracchus: A Study in Politics*, Collection Latomus 66 (Brussels, 1963), 8. One wishes that such a fundamental point were more widely recognized and that the all too frequent misapplication of modern political labels would pass from the scene.