

## THE SELECTION OF L. CORNELIUS MERULA

87 B.C. was an extremely troubled year. Following Sulla's military coup in mid-88, opposition to his measures smoldered. The consuls elected for 87 soon split. Octavius, a none too able arch-optimatus in the tradition of his family<sup>1</sup>), staunchly defended the Sullan system. Cinna, however, perceived the political harvest to be reaped from reviving the Sulpician bill to redistribute the *novi cives* among all the tribes instead of confining them to a small number of tribes voting last. He also favored recalling the exiles, including Marius, for their influential friends made potent political allies (Appian, *B. C.* 1.63.282).

Political conflict degenerated into bloody *stasis*. Cinna failed to secure passage of his legislation; his violent supporters met *more* violent opponents. The consul fled the city. Thereupon, Octavius took the unprecedented and illegal step of having the *Senate* depose his colleague from office<sup>2</sup>).

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1) For this Cn. Octavius and his family background, see J.G. Schovánek, "The Date of M. Octavius and His *Lex Frumentaria*", *Historia* 21 (1972), 235-243 (not entirely satisfactory); and G.V. Sumner, *The Orators in Cicero's "Brutus": Prosopography and Chronology* (Toronto, 1973), 105 and 114-116. B.R. Katz, "Studies on the Period of Cinna and Sulla", Section Four: The Consuls, *AC* 45 (1976), 527-538, also discusses this Octavius and his political roots.

2) Appian, *B. C.* 1.65.296, 298-299; Vell. 2.20.3; and, perhaps, Cic., *ad Att.* 9.10.3 (Shackleton Bailey No. 177). *Contra*, E. Gabba, *Appiani Bellorum Civilium Liber Primus*<sup>2</sup> (Florence, 1967; First Ed., 1958), p. 184, Comm. to 1.65.296, followed by F. Sartori, "Cinna e gli Schiavi", in *Actes du Colloque 1971 sur l'Esclavage*, Univ. Besançon. *Annales Littéraires* vol. 140 (1972), 155. R.A. Bauman, "The *Hcstis* Declarations of 88 and 87 B.C.", *Athenaeum* 61 (1973), 285-287, discussed this issue, though not without a certain misunderstanding of the convictions held by Octavius and Merula. For example, Bauman's mention (p. 286) of Merula as an "obvious member of their [i.e., "Cinna's enemies"] camp" is unsupported and most probably inaccurate. First, contrary to the implication of the statement, there were more than two "camps" in Rome. As I argue in "Studies on the Period of Cinna and Sulla", *AC* 45 (1976), 521-523, many, if not most senators were neither *Sullani* (or *Octaviani*) nor *Mariani* (or *Cinnani*), but simply concerned to protect their own interests, which, in this case, meant maintaining the status quo. Second, one need not have been an ardent supporter

The now vacant consulship was duly filled by the *flamen dialis*, L. Cornelius Merula. The *method* of appointment no doubt observed all requisite formalities. The source tradition is unclear; probability is the decisive consideration<sup>3</sup>). The choice was strange, however. Why select an unambitious man, in particular, a priest so surrounded by taboos as to prevent his effective participation in military activities<sup>4</sup>)? Curiously, the *reason* for choosing Merula has tended to be neglected or misunderstood<sup>5</sup>).

Bulst argued, first, that the mere appointment of a suffect

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of Sulla or Octavius to help in defending the city against military attack, the success of which would almost inevitably entail bloodshed and disorder. See also n. 9, below.

3) Diodorus 38/39.3 does not mention procedure. Plut., *Marius* 41.2, states that Octavius “κατέστησεν ... Κορνήλιον Μερούλλαν ἕπατον”, but this phraseology need not mean more than that Octavius, as consul, presided at the election. The summary nature of the first two sections of Plutarch’s Chapter Forty-One is also pertinent. Appian. *B. C.* 1.65.296 – “*Ἡ μὲν δὴ βουλή τὸν Κίωνα ... ἐψηφίσατο μήτε ἕπατον μήτε πόλιτην ἐτι εἶναι Λεύκιον Μερούλλαν ἐχειροτόνησαν ἀντ’ αὐτοῦ, τὸν ἱερέα τοῦ Διός*” – reports that “they elected Merula in Cinna’s place” (italics added). J. Baron Ungern-Sternberg von Pürkel, *Untersuchungen zum spätrepublikanischen Notstandsrecht: Senatus consultum ultimum und Hostis-Erklärung* (Munich, 1970), 77, and, especially, n. 110, suggests that Appian’s ἐχειροτόνησαν, a plural verb, is not governed by ἡ βουλή. The latter would then govern only ἐψηφίσατο, a singular. In other words, in a rather muddled fashion, Appian *appears* to be reporting that the people, not the Senate, elected Merula. Unfortunately, the passage is not so clearcut, for, as Prof. G. W. Bowersock has pointed out to me, the plural verb may well depend upon ἡ βουλή in the sense of “the senators”. Cf., e.g., H. W. Smyth, *Greek Grammar*, Rev. G. M. Messing (Cambridge, Mass., 1963), Sect. 950. Interestingly, T. J. Luce, *Appian’s Exposition of the Roman Republican Constitution* (Diss. Princeton, 1958), 118, cited this passage as an error due to “careless epitomizing ... and personal ignorance”. Luce apparently believed that Appian is incorrectly reporting that “the Senate elected ... Merula” (p. 118). Cf. C. M. Bulst, “‘Cinnanum Tempus’: A Reassessment of the ‘Dominatio Cinnae’”, *Historia* 13 (1964), 312. Whichever interpretation of the Greek is preferred, the *historical* interpretation, in my judgment, remains the same. Cf. Bauman, *Athenaeum*, 1973, 286, n. 91 (on p. 287).

4) For the ancient taboos surrounding the *flamen dialis*, see, e.g., K. Latte, *Römische Religionsgeschichte, Handbuch d. Altertumswissenschaft*, V. 4 (Munich, 1960), 402, with sources cited. Concerning Merula, see Diod. 38/39.3 and Appian, *B. C.* 1.74.341.

5) Harold Bennett, *Cinna and His Times* (Diss. U. of Chicago, Menasha, Wis., 1923), 9, ignored the question, as did C. Lanzani, *Mario e Silla* (Catania, 1915), 49–50. Bulst, *Historia*, 1964, 312, *did* consider it, but not satisfactorily. For comments on the apparent view of Bauman, *Athenaeum*, 1973, 286, inaccurate not to say rather inadequate, see n. 2, above.

consul reveals an attempt by Octavius to avoid appearing as the "beneficiary" of Cinna's ouster; second, that the Senate too may not have been eager to leave Octavius as sole consul. Both assertions have an apparent plausibility, but, in view of the colleague selected, neither was probably the decisive consideration. The particular choice, after all, accords ill with either purpose. Bulst also maintained that Octavius desired "unchallenged supreme command". Neither the source cited, Cic. *Har. Resp.* 25.54<sup>6</sup>), nor what is known of Octavius's character supports the view that he sought *personal* dominance<sup>7</sup>).

I consider it more likely that Merula was chosen largely in order to prevent someone else from securing election. With the Sullan system threatened, many Romans might tend to look with more favor upon a *Sullanus* such as P. Servilius Vatia, the recently defeated candidate for the consulship. Servilius, a *triumphator* (in 88) and capable military man, would have been a logical choice, especially in view of Octavius's *lack* of military credentials.

However, the anti-new citizen, anti-Marian, yet non-Sullan grouping (actually, this description would apply to a substantial portion of the senatorial class) which, I believe, had supported Octavius's election, did not wish to see a *Sullanus* (such as Servilius Vatia) gain power. They preferred to place politics – and, it should be noted, respect for *mos maiorum* as evidenced by disapproval of Sulla's march – ahead of military expediency. On the other hand, Merula may have been selected before many people realized Cinna's intentions or, at least, the extent of his success in executing them. Continued *invidia* toward Sulla and *Sullani* might have seemed more pressing than any threat from Cinna<sup>8</sup>).

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6) "Cum Octavio collega Cinna discedit: utrique horum secunda fortuna regnum est largita, adversa mortem". This passage, of course, says nothing about Octavius's *desires*. Moreover, Cicero, in my view, is exaggerating the facts by using the term *regnum* in order to make his rhetorical point, that either despotism or universal disaster is the result of conflict between men of influence.

7) Personal domination as Octavius's goal and as his purpose in securing the selection of Merula as colleague was the explicit view of E. Badian, *Foreign Clientelae (264–70 B. C.)* (Oxford, 1958), 236. Bulst, *Historia*, 1964, 312, may also have had this in mind. Cf. also n. 1, above.

8) It is also possible that only the report of Cinna's activities, his collecting men and money among the *novi cives*, triggered his deposition and

Merula's very innocuousness helps to explain his selection; he was a candidate chosen by, or at least designed to appeal to, a broad grouping, hence, naturally enough, a man with a minimum of *inimici*, one to whom few could reasonably object. (Recent American experience provides a *partial* parallel.) He was not really intended to do very much; indeed, his priesthood and conscientiousness forbade effective leadership. Rather, by occupying the now vacant consulship, he would keep the potentially dangerous from the seat of power.

Of course, the mere fact that this conscientious and unobjectionable priest agreed to assume a suffect consulship constituted (or so it would have appeared) a seal of approval upon the dubious deposition of Cinna at Octavius's behest<sup>9</sup>). We have good reason to believe that, at approximately the same time, Octavius, through the Decemviral College which supervised the Sibylline Books, was using religious sleight-of-hand to legitimize the action taken against Cinna<sup>10</sup>). This *Religionspolitik* of Octavius may well have induced him to turn to the unwilling Merula (see n. 9, above)<sup>11</sup>). In itself, however, such a motivation is not adequate to explain the election, for which broad-based support would appear needed.

In short, the prime (though not necessarily *sole*) motivation for his selection was probably *not* a desire for *regnum* by Octavius, but *invidia* toward Sulla and his *amici* felt by the upper class.

Merula's election. Such reports would have reached Rome, I should think, in very short order. Then, in turn, Cinna's deposition by the Senate gave him just the propaganda tool he needed to recruit the force at Nola which had, no doubt, been embittered by being left behind by Sulla, while their comrades were looking forward to rich spoils in the east.

9) Note, e.g., Appian, *B.C.* 1.74.341, for Cinna's wrath at Merula (Vell. 2.22.2, Merula's cursing "Cinnae partiumque eius" *at his own death*, does not establish the priest's general partisanship); and, in particular, Diod. 38/39.3 - Merula "ἄκων ... ἡρημένος ἕπατος ...". (Admittedly, this was apparently his own assertion when he had little choice but to renounce the office of consul. Still, there is little or no reason to doubt the claim.)

10) Gran. Licin. p. 15 Fl. Cf. Bennet, *Cinna*, 8; and B.R.Katz, *AC*, 1976, 502-504.

11) The sources (Plut., *Marius* 42.7-9; Appian, *B.C.* 1.71.326; and Val. Max. 1.6.10) probably exaggerate Octavius's superstition or, at least, its enervating aspects, for rhetorical and/or moralistic effect. It deserves emphasis that Octavius's *Religionspolitik* is consistent with sincere religious belief in an aristocratic Roman context.

I believe that this aspect of Merula's selection deserves more emphasis than the positive result, namely the (effective) sole consulship of Octavius which is usually stressed<sup>12</sup>).

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12) As, e. g., by Badian, "The Family and Early Career of T. Quinctius Flamininus", *JRS* 61 (1971), 105, n. 19. The *bare* possibility also exists that Merula, like Cinna a Cornelius, was a relative of the latter (the *Gens Cornelia* had numerous *stirpes*, however) and was chosen in order to demonstrate that only Cinna's change of alignment after election to a pro-new citizen, pro-recall of Marius posture, i. e., principle not factional politics was at issue. This possibility totally lacks explicit source support.