Sulla and the Politics of Authoritarianism in the Roman Republic

Will Szymanski

Brasenose College

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Abstract

This thesis re-evaluates the politics of Lucius Cornelius Sulla, from his consulship until his death (88-78 BC). I argue that scholarship has understood his rise to power and his dictatorship (c.82-80 BC) poorly. The result is a picture of his politics that cannot make sense of all the ancient evidence. This thesis aims to improve the situation.

In chapter 1, I discuss previous approaches to Sulla's politics, which can be conceived as two coherent traditions. There are 'optimate' approaches, which treat Sulla as a champion and representative of the Roman elite, and 'tyrant' approaches, which treat Sulla as an autocrat who ruled by force. In chapter 2, I survey the exercise of Sulla's power as dictator, which was extraordinary, and perceived as such by his contemporaries. It cannot be convincingly explained by previous approaches. I engage with comparative politics scholarship on the sources of authoritarian power, to provide a better framework for understanding Sulla's.

In chapter 3, I begin to look at the sources of Sulla's power with an examination of how he tried to legitimise himself. I argue that this was an important aspect of his power, despite its disconnection from the 'tyrant' approach. In chapter 4, I discuss how Sulla negotiated for political support with the Roman elite, his army, and Italian communities. I show that Sulla's relationship with the elite looks very different to analyses under the 'optimate' approach. In chapter 5, I cover Sulla's repression and its justifications, including a fresh look at the proscriptions and how they aided his construction of power.

I conclude with thoughts on how this reading of Sulla's power can help us better understand the rise of authoritarianism in Rome in the first century BC, and the power of the emperors.

List of abbreviations

I have used the abbreviations and conventions of the *Oxford Classical Dictionary*[4] (https://oxfordre.com/classics/fileasset/images/ORECLA/OCD.ABBREVIATIONS.pdf), as well as the following:

OLD = Oxford Latin Dictionary.

RG = Res Gestae divi Augusti (ed. Cooley 2009).

SCPP = Senatus consultum de Cn. Pisone patre (ed. Cooley 2023).

RS = Roman Statutes (Crawford 1996).

I have used the following scholarly editions:

Sallust = Reynolds 1991.

Granius Licinianus = Criniti 1981.

Exuperantius = Zorzetti 1982.

All citations of fragmentary Roman historians are given as F# (with author name if unclear), and are taken from *FRHist*.

All dates are BC unless otherwise mentioned.

Introduction

In the first half of the nineteenth century, the German scholar Wilhelm Drumann could not make sense of the Roman dictator L. Cornelius Sulla. His voluntary retirement from the highest power in the state baffled him. He wrote in his monumental *Geschichte Roms* that Sulla 'ist dadurch ein Rätsel für alle Zeiten, eine unerklärliche Erscheinung geworden'.[1]

Ancient history has progressed, in many respects, over the almost two hundred years that separate us from Drumann. But Sulla still has the potential to baffle us. The 'enigma' of Sulla has become a trope, deriving from his supposed moral transformation after his civil war victory.[2] His politics are no less inscrutable. Nearly all agree that Sulla was an important figure – one of the protagonists in the 'fall of the Roman Republic' – but assessing the role that he played in that development is not easy. The evidence, which is better than for many periods of Roman history, though only modestly served by the bounty of the Ciceronian age, has permitted very different conclusions. For some, he accelerated the decline;[3] for others, he made a valiant effort to halt it.[4] It has also been said that the reforms he passed as dictator reveal 'a coherent vision for the Roman state'.[5] What that vision was, however, eludes consensus.[6]

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[1] Drumann 1902: 422 (originally published between 1834 and 1844), ultimately drawing on App. *BCiv*. 1.103.482.
[2] See Hinard 1984a: 81: 'L'énigme, ce sont les contradictions flagrantes qu'il y aurait entre le Sylla d'avant la victoire, modéré, sensible et généreux et le dictateur capricieux, arrogant, inhumain'.
[3] See Steel 2013a: 227: 'a major argument of this book is that Sulla's dictatorship marks a profound and unhealed break in Roman political life; and on this reading, the curiosity of this period of history is not the end of Republican government in 49, or 43, or 27, but its continuation, in any form, after the battle of the Colline Gate'.
[4] See Keaveney 1982a: 227: 'The last republican, who had both the will and the means, could not, for all his striving, save the Roman republic'.
[5] Rosenblitt 2019a: 5.
[6] I delineate the competing views in chapter 1.

If there were an uncontroversial adjective for Sulla, it might be ‘powerful’. Indeed, some have written that he had ‘unlimited power as dictator’.[7] There has been pushback against exaggerations of Sulla’s power,[8] but, even so, few would deny that he had considerable ‘ability to pursue and attain goals through mastery of [his] environment’.[9] Sulla’s power seems to follow so self-evidently from his dictatorship that much of the discussion on his politics has concerned which goals he had, and why; his ability to pursue and attain them is taken for granted.

This has difficult implications for Roman politics because, we are told, ‘the Roman constitution developed as a power-sharing oligarchy’.[10] The rise of powerful individuals over the course of the first century BC proved fatal to that constitution. It is clear that Sulla, one of the first in this line of dynasts, exercised his power in a way that reverberated through Erich Gruen’s ‘last generation of the Roman Republic’. For that reason, understanding how Sulla’s power worked ought to be a priority for historians.

In my view, however, the self-evidence of his power has worked against us. Even as, over the course of the last two generations, we have radically re-thought how Republican politics worked, and how political power was managed and distributed in Rome before the emperors, we have made little progress on Sulla’s. This is not for want of interest in Sulla. In fact, he has experienced something of a renaissance, and many significant contributions have been made on a range of subtopics.[11] But we lack a compelling explanation of the mechanics of his dictatorship. The contradictions and analytical shortcomings of earlier

[7] Stein-Hölkeskamp 2015: 214.
[8] See especially Thein 2006.
[9] Mann 1986: 6. My analysis does not insist on a strict definition of power.
[10] Hopkins and Burton 1983: 113.
[11] See, for example, Santangelo 2007, Flower 2010a, Morstein-Marx 2011, Assenmaker 2014, Steel 2014a, 2014b, Eckert 2016b, Bispham 2018, Vervaet 2018, Rosenblitt 2019a.

scholarship still show up routinely. As a recent volume noted, ‘there is potential for rethinking politics under Sulla’.[12]

This thesis aims to do exactly that. Chapter 1 charts the historiography, of how Sullan politics has been approached so far. Chapter 2, in an exposition of how Sulla’s power worked in practice, brings out the inadequacy of those approaches, and at the end, proposes a new way of moving forward. By borrowing a model from comparative politics scholarship, I break down Sulla’s power into three sources: legitimation (the attempt to acquire normative approval), co-optation (negotiation for support with elite groups), and repression (the exclusion of threats). Chapters 3, 4, and 5 analyse these concepts in turn. I then conclude with some thoughts on the results of this analysis, and the lessons we can draw from it.

I argue that this approach can both reconcile the often confusing ancient evidence on Sulla, and offer a better way of understanding his role in the political developments of the first century BC. In chapter 2, I describe his politics as ‘authoritarian’, as it restricted pluralism, and concentrated power in his hands. This thesis, by examining how Sulla’s ‘authoritarianism’ worked, provides a fresh perspective on both his regime and its influence on later Roman history.

[12] Eckert and Thein 2019: 10.

Chapter 1: Sulla's historiography

Most Sullan scholarship approaches his politics in one of two ways.[13] One tradition considers him a leader of elites, the other a solitary strongman. For ease of reference, I have labelled the first the 'optimate' approach, and the second the 'tyrant' approach. They are neither mutually exclusive nor collectively exhaustive. There are significant nuances within them. Nor are the labels inherently meaningful; I do not wish to reify either concept more than is necessary. They are simply useful shorthands. As we will see, however, they capture a sense of how the vast majority of scholars have tackled Sullan politics. Most of the debate has been conducted within the *mentalités* they encourage, and in my view, this has stifled progress on our understanding of how Sulla's power worked. In order to appreciate this, we need to see the approaches laid out in full.

1.i: 'Optimate'

The 'optimate' tradition ultimately derives from Cicero's contemporary description of the civil war in the *Pro Roscio Amerino*. There he represented Sulla as the leader of the nobility personified, in the *victoria nobilitatis*.[14] Many scholars in the early twentieth century stayed close to Cicero's words. Matthias Gelzer, for example, wrote that Sulla 'seinen Sieg als Vorkämpfer der Nobilität gewonnen hatte',[15] and oversaw the 'Wiedergewinnung des Staates

[13] Over fifty years ago Gruen (1968: 251) claimed that, on 'the motives and aims of Sulla the dictator', 'modern scholarship has offered two avenues of approach': namely 'Sulla as champion of orthodoxy and oligarchy', and Sulla who 'felt no loyalty to the establishment' and 'exercised the powers of a monarch in fact, if not in name'. These two avenues are similar to those described here, but they of course cannot capture the significant developments in Sullan scholarship after Gruen wrote.

[14] See Cic. *Rosc. Am*. 16, 135, 142.

[15] Gelzer 1921: 23. See also Taylor 1949: 18: 'leader of the nobility', Valgiglio 1956: 228: 'paladino della nobilità', and Shackleton Bailey 1960: 253: 'for a *nobilis*, as such, Sulla was the only leader'. On his personal 'fidélité adamantine aux idéals de la noblesse romaine', see Biscardi 1951: 172.

durch die Nobilität'.[16] Ronald Syme thought that he guaranteed this nobility political power: 'after Sulla's ordinances, a restored oligarchy of the *nobiles* held office in Rome'.[17] It was therefore true that 'Sulla stood for the "causa nobilium"'.[18] There has been a lively debate about who these *nobiles* were. Some have seen *nobilitas* as a technical category, consisting of either the descendants of the highest magistrates, or from those who had held any curule office.[19] The intricacies need not concern us here. What matters is that, in this approach, Sulla represented and championed 'men of standing',[20] from the very highest echelons of Rome's socio-political elite. Prosopographers have noticed the prominence of the *nobiles* in the consular Fasti after Sulla, with Friedrich Münzer arguing that 'die Zusammensetzung der Regierungskollegien in den Jahren 80-77 zeigt, daß Sulla bestrebt war, dem alten Adel seine frühere Bedeutung zurückzugeben'.[21]

Though the *victoria nobilitatis* need only denote the high status of Sulla's allies, scholars have long been tempted to think of it as having a political agenda. After all, why would his elite allies follow him, if they did not approve of the direction in which he led? This is the root of Sulla as an 'optimate'. The label was seldom attached to him in antiquity,[22] but it is abundant in modern scholarship. Even more than *nobiles*, the meaning of 'optimates' is not straightforward. Cicero notoriously defined them in a subjective and

[16] Gelzer 1912: 114 n.1.
[17] Syme 1939: 7.
[18] Syme 1964: 183. See Paterson 1985: 24: 'in truth Sulla's was the *causa nobilitatis*' and Wiseman 2009a: 67: 'the best possible contemporary evidence proves that in 80 BC it was taken for granted that Sulla's victory was the victory of the *nobilitas*'. On the 'Sullan nobility', see Taylor 1941: 117, 1957: 14; Twyman 1972: 834, Hellegouarc'h 1972: 437, Malitz 1972: 372, Morstein-Marx 2021: 46, Mouritsen 2023: 241.
[19] For the former view, see Gelzer 1912, Shackleton Bailey 1986, and Burckhardt 1990; for the latter, see Mommsen 1887: 3.469 and Brunt 1982. I prefer the less formalistic approach of Bleicken 1981: 239, who stresses that 'die spätrepublikanischen Quellen somit keine scharfe gruppenspezifische Definition von *nobilitas*'.
[20] Rice Holmes 1923: 56.
[21] Münzer 1920: 319. See also 424: 'Immerhin trieb die römische Aristokratie ihrem Untergange zu, als ihr in Sulla ein Retter erstand'. For the consular dominance of the *nobiles* after Sulla, see also Badian 1958: 252, 1990: 412; Gruen 1974: 38, Steel 2013a: 112, 2018: 233; Mouritsen 2023: 226.
[22] Suetonius describes Sulla's supporters as *optimates* twice (Suet. *Iul.* 1 and 45), in the same highly rhetorical context, where the prescient Sulla warns the *optimates* about the future rise of Caesar. Cicero never called Sulla an *optimas*, and Sallust never used the word at all.

partisan way.[23] But the Latin usage could be very broad: at its core, *optimas* simply 'identifies a member of the senatorial aristocracy'.[24] In modern scholarship, the term more narrowly refers to a conservative elite and their supporters, who agreed about what the *res publica* should look like, and even, according to Valentina Arena, adopted 'a consistent pattern of political behaviour'.[25] Their priorities included supporting the senate,[26] defending property rights,[27] and resisting change,[28] which in practice meant 'opposition to the granting of extraordinary powers and to land distribution'.[29] This political programme was central to their identity.[30] Thus, for Lily Ross Taylor, they were 'the sound conservatives bent on upholding the status quo, the rights of private property, and most particularly the prestige of the senate';[31] for Gruen, they were defined by 'opposition to extraordinary military commands, to popular legislation, to the rising tide of new families within the ruling class, and to excessive influence in politics by individuals'.[32]

The political goals of the 'optimates' were centred around the primacy of the Roman elite. This is how many have understood Sulla's movement. Theodor Mommsen called Sulla's forces 'the army of the Optimates', and their victory 'the last victory of the oligarchy'.[33] He saw Sulla as the custodian of the elite's interests, who selflessly furthered their cause like a 'temporary business-manager who faithfully complies with his

[23] See Cic. *Sest*. 97.
[24] Robb 2010: 65. See *OLD* s.v: 'of or belonging to the best or noblest in a state, aristocratic'. The term could easily refer to non-Roman aristocracies; see Cic. *Flacc*. 54 and *Brut*. 306.
[25] Arena 2012: 170.
[26] See Morstein-Marx 2004: 204: those who were 'upholding the special custodial and leadership role of the Senate, implicitly against the efforts of some *popularis* or other'.
[27] See Gelzer 1960: 12: 'Verteidiger der überlieferten Adelsherrschaft und des befestigten Besitzes'.
[28] See Clemente 2018a: 221 and Hellegouarc'h 1972: 501: 'les tenants du conservatisme et de la tradition'. This was fundamentally self-interested: 'ce qu'ils souhaitent surtout, c'est la consolidation et la conservation des privilèges d'une caste' (505). See also Achard 1981: 6: 'ils défendent leur rang, leurs biens'.
[29] Arena 2012: 170.
[30] Hermann Strasburger was reluctant to attribute much of a programme to what he considered simply 'der herrschenden Schicht in Rom' (1939: 773), but he conceded that they looked out for 'Adelsinteresses' (788).
[31] Taylor 1949: 1.
[32] Gruen 1969: 73.
[33] Mommsen 1894: 83 and 100.

instructions'.[34] Mommsen loathed the Roman aristocracy, but respected Sulla's efforts on their behalf.[35] His Sulla was genuinely committed to the politics of the 'optimates'. In the same vein, Peter Brunt wrote that Sulla 'was and ever remained an optimate, devoted to the supremacy of the Senate'.[36] Syme thought that he was, at least for a time, successful: he 'restored the government of the Optimates'.[37] As Giuseppe Zecchini says:

> 'Tradizionalmente si ritiene Silla uomo del senato o, comunque, esponente degli ottimati e quindi della *pars senatoria*, che egli avrebbe difeso e tutelato dagli "eccessi" dei tribuni della plebe e dei loro seguaci, i *populares*'.[38]

There were several strands to his 'régime oligarchique'.[39] Firstly, Sulla aimed at 'die Stärkung des Senats'.[40] He has been described as 'the fervent champion of the Senate',[41] someone who wanted to 'restore senatorial government'.[42] Secondly, and relatedly, he tried to 'annuler la plupart des initiatives <<populaires>> réalisées depuis les Gracques'.[43] That he

[34] Mommsen 1894: 146.
[35] Mommsen 1894: 147: 'what a man of conservative views could do to save the old constitution, Sulla did; and he himself had a foreboding that, while he might doubtless erect a fortress, he would be unable to create garrison, and that the utter worthlessness of the oligarchs would render any attempt to save the oligarchy in vain'. See Syme 2016a: 78: 'the most austere critic, the bitterest enemy of the oligarchs, cannot but concede that Sulla did his best for them'.
[36] Brunt 1971a: 105. See also Stockton 1966: 265: 'a pro-noble optimate' and Desrosiers 1969: 2: 'a genuine adherent to the ideals of the optimate nobility'.
[37] Syme 1964: 125. See also Rawson 1991: 168: 'Sulla, of course, re-established optimate control as firmly as possible', Kunkel and Wittmann 1995: 658 and 709 on Sulla establishing 'Optimatenherrschaft', and Morgan 1997: 35 n.77 on Sulla's 'restored Optimate *res publica*'.
[38] Zecchini 2018: 256.
[39] Nicolet 1982: 77. See Blaive 1988: 812 for the reception that 'Sylla n'a eu pour but que la restauration de l'oligarchie'.
[40] Eder 1997: 189.
[41] Scullard 1982: 80; see also Meyer 1898: 652: 'der Mann, der unbedenklich zum Schwert gegriffen hatte, um gegen die Aspirationen der Ritterschaft und die Gesetze eines revolutionären Tribunen dem Senat die Herrschaft zu rettern', Bleicken 1975: 426: 'Restaurator der "Senatspartei"', Kolb 1995: 251: 'Repräsentant der senatorischen Oligarchie', and Scholz 2003: 191: 'Retter des Senatsregimes'.
[42] Levick 1982a: 59. See also Gruen 1974: 8: 'that Sulla placed the governing process in the hands of the senatorial class is unquestionably true' and Hölkeskamp 2000a: 215: 'Dabei ging es um ein einziges Ziel, die Absicherung des Senats als konkurrenzlosem Zentrum der gesamten Ordnung', as well as Last and Gardner 1932: 298, Lanzani 1936: 258, Wirszubski 1950: 43, Ehrenberg 1953: 118, Sherwin-White 1956: 8, Taylor 1957: 12, Adcock 1959: 63, Gabba 1976: 117, Wittmann 1984: 568, Vanderbroeck 1987: 27, Brunt 1988: 72, Yakobson 1999: 205, Christ 2002: 123, Keaveney 2007: 46, Akar 2013: 201, Harris 2016: 93, Thommen 2017: 549, Vervaet 2023: 251.
[43] Hurlet 2010: 112. Wiseman 1994a: 87 calls this a 'right-wing reaction'. See also Hantos 1988: 17 on the reception that 'das politische Werk Sullas eine Abwehr popularer Bestrebungen der späten Republik darstellte'.

was 'deeply hostile to *popularis* behaviour'[44] was most clearly evinced by his anti-tribunate reforms, which earned the praise of Quintus Cicero, 'the optimate spokesman'[45] of the *De Legibus*. Sulla's political vision was completely aligned with the 'optimates';[46] according to Miriam Griffin, his could be said to have defined theirs.[47] Their ideological closeness overcame any concerns they might have had about his method.[48] This notion has been reinforced by his reception as 'an object of popular revulsion and hatred'.[49] Thus he was vulnerable to 'la tradition *popularis* antisyllanienne',[50] and, according to Umberto Laffi's influential[51] article on the 'myth' of Sulla, on the other side of the 'optimates vs. populares' binary to Caesar.[52]

Altogether, then, we consistently hear that Sulla had 'a strong optimate stance'.[53] Henrik Mouritsen called him, in the eyes of many scholars, 'the archetypal "optimas"'.[54] For Federico Santangelo, the group could be defined by its relationship to Sulla:

> 'The *optimates*, the conservative faction of the senate. They were the members of the *nobilitas* that joined and supported Sulla in the Civil War'.[55]

[44] Steel 2019: 30.
[45] Yakobson 1995: 428 on Cic. *Leg*. 3.22. See also Nicolet 1964: 219: 'le pointe de vue le plus conservateur'.
[46] See Wirszubski 1950: 51: 'The tribunate was looked upon as a revolutionary magistracy, and the Optimates imputed to it all the troubles of civil strife. It was, therefore, naturally an essential part of Sulla's settlement to render the tribunate harmless' and Gabba 1972: 802: 'la volontà di rafforzamento del governo senatorio è manifesta nel modo più esplicito nelle misure prese per contenere e limitare i poteri del tribunato'.
[47] Griffin 1988: 86: 'it was, in essence, Sulla's view of the proper balance of the constitution that became the bulwark of the Optimates'. See also Sordi 1993: 86: 'il progetto di riforma costituzionale attuato da Silla restò un ideale per la cultura ottimate dell'ultima repubblicana', and Bleicken 1975: 323 on Sulla as 'der konsequenteste aristokratische Politiker'.
[48] See Brunt 1988: 463: 'many who had fought for him surely condemned his cruelty and contempt for process of law, but in the end he must have contented them by restoring the old system with new safeguards for control by the senate'.
[49] Morstein-Marx 2004: 111.
[50] Zecchini 2002: 45.
[51] See Eckert and Thein 2016: 814: 'a cornerstone of the modern scholarship on Sulla's reception in antiquity'.
[52] Laffi 1967: 257 argued that Caesar, as a populist and anti-Sullan, saw to it that 'la tradizione ostile a Silla ha prevalso nettamente su quella favorevole'. After 49, according to Laffi, and slightly later according to Hinard 1984a, Sulla's nuanced reception (in which many considered him an elite-friendly 'optimate') gave way to the completely negative 'myth' that was ubiquitous under the *principate*.
[53] Kelly 2006: 100. See also von Ungern-Sternberg 2005: 84: 'self-nominated leader of the *optimates*' and Sandberg 2018: 168: 'leader of the *optimates*'. Hölscher 2004: 89 saw him as such from the beginning, an 'aufstrebender Vertreter der Optimaten'.
[54] Mouritsen 2017: 135. See also Robb 2010: 155.
[55] Santangelo 2008: 601.

There have been several similar formulations.[56] Scholars have been fond of shorthands like 'Sullan *optimates*',[57] 'Sullan oligarchy',[58] or 'Sullan aristocracy'.[59] To a considerable extent, therefore, Sulla's elite-centred politics have been taken for granted.

This approach renders Sulla a conservative, because he was committed to the traditional dominance of the elite in the *res publica*.[60] He has been described as 'a true conservative and follower of tradition',[61] with 'conservative sympathies',[62] and the introducer of reforms that were 'conservative and solidifying'.[63] The 'conservatives' knew whom to support.[64] It is fair to say that this was the dominant paradigm of analysing Sulla's politics throughout the twentieth century. In the 1980s, the biographies of Arthur Keaveney and François Hinard, and the latter's monograph on the proscriptions, went even further. Keaveney, whose treatment of Sulla was almost hagiographic,[65] was so committed to his traditionalism that he tried to reconcile it with his extraordinary dictatorship. He claimed that 'this, then, is the true state of affairs: Sulla is a Roman magistrate legally elected who

[56] See Earl 1967: 54: 'the Optimates are in some ways the more easily approachable. They at least have shape and form. In the main they were Sulla's oligarchy and its descendants', and Mouritsen 2017: 130: 'it is Sulla's actions as dictator that have defined the preceding conflict – and indeed the concept of "optimates" as a whole'. On Sulla as the defining figure of the 'optimates', see also Syme 1939: 22, Sherwin-White 1956: 6, Lacey 1970: 5, Rawson 1979: 330, Marshall 1984: 201, 1987: 101; Brunt 1988: 470, Steel 2013a: 237.
[57] See Marshall and Beness 1987: 365, Burton 2014: 409, Mouritsen 2017: 127 (without endorsement).
[58] See Syme 1939: 20, Gruen 1966: 385, 1969: 75, 1971a: 2; Badian 1970a: 30, Wiseman 1970: 79, 2000: 113; Twyman 1972: 821, Morstein-Marx 2004: 216, Linderski 2013: 69, Yakobson 2014: 297, Steel 2018: 235.
[59] See Taylor 1941: 119, Paterson 1985: 27, Marshall and Beness 1987: 362, Wiseman 1994b: 338, Sumi 1997: 81, Arena 2011: 300, Akar 2013: 210, Kleinman 2016: 58, Mouritsen 2023: 318.
[60] See Wirszubski 1950: 119: 'The Optimates interpreted republicanism and *libertas* as meaning government by the Senate'. Santangelo 2007: 102 claims that his elite-dominated political vision was not limited to Rome: 'he viewed the primacy of the elites as a central feature of the empire, at all levels'.
[61] Hill 1932: 177. See also Heuß 2016: 223: 'Sulla war konservativ bis in die Knochen'.
[62] Shackleton Bailey 1978: 8. See also Taylor 1942: 4 ('leader of the conservatives'), Wistrand 1987: 41 ('Sulla was after all a conservative'), Seager 1994: 203 ('like any good Roman conservative'), Riggsby 1999: 64, Bispham 2007: 9 ('conservative reformer'), Kondratieff 2009: 324 ('political conservatism'), Capogrossi Colognesi 2014: 200 ('a brilliant exponent of the conservative cause'), Eckert and Thein 2019: 5: ('the champion of conservative political interests'), Wilson 2021: 4 ('a conservative maverick').
[63] Gruen 1974: 383. See also Lanzani 1936: 284: 'la sua politica aristocratica di restauratore e di conservatore delle buone tradizioni', and Volkmann 1969: 65: 'er die *res publica* in der althergebrachten Form wiederherstellte und damit der Ideologie der Nobilität entsprach'.
[64] See Strasburger 1939: 786: 'der Kern der konservativen Aristokratie auf Seiten Sullas befand'.
[65] See Keaveney 1982a: 156 ('this charming and attractive man') and 89 ('our picture of him as a fundamentally decent person'). Reviewers strongly criticised this slant (see Stockton 1984, Briscoe 1985), but the book (second edn. 2005) remains widely cited.

exercises his powers in accordance with the constraints his office places on him'.[66] All he did was 'take a magistracy which was traditional and archaic, and mould and adapt it to meet a completely new set of circumstances'.[67] Hinard agreed: Sulla's dictatorship 'lui paraissait – et paraissait sans doute aussi à ceux auxquels il la fit – dans la droite ligne du *mos maiorum*, de la tradition ancestrale'.[68] For Keaveney and Hinard, Sulla's conservatism, and thus adherence to the norms of the *res publica*, was enough to render him a 'republican'.[69] Many have followed the title of Keaveney's book. Frédéric Hurlet said that 'il faut voir en Sylla un républicain au sens romain du terme';[70] Zecchini that 'il était encore tout à fait républicain';[71] Frederik Vervaet that he was 'unquestionably a staunch and somewhat reactionary "republican"'.[72] Sulla's republicanism has never been fully accepted, but it is a coherent part of the scholarly approach that has considered his politics conservative and elite-focused.[73]

If Sulla was a republican, his sole power presents difficulties, because the Roman Republic was 'a political system founded upon principles fundamentally opposed to monarchy'.[74] Scholarship in the 'optimate' approach that has stopped short of accepting the

[66] Keaveney 1983a: 195. See also 1982b: 125 n.68: for Sulla's 'scrupulous reverence for the Roman constitution' and Wittmann 1984: 581 on his office being 'im Rahmen der tradierten Verfassung hält'.
[67] Keaveney 1982a: 165. See also Smith 1955: 107: 'Sulla, with understanding and respect, chose an extra-Republican office to accomplish an extra-Republican task, namely to "redraft the constitution"'.
[68] Hinard 1985b: 274. Hinard 2008: 57 made the heterodox argument that the dictatorship only lasted six months, the 'durée traditionnelle de la magistrature'. On Sulla's traditionalism, see also Hurlet 1993: 172: 'en somme, politiquement et idéologiquement, Sylla était non seulement un conservateur – cela, les ouvrages de A. Keaveney et Fr. Hinard l'ont déjà clairement montré – mais aussi et surtout un traditionaliste'.
[69] Keaveney 1982a. According to Hinard 1985b: 269 as well, Sulla was 'le dernier représentant d'une aristocratie très attachée aux valeurs traditionnelles'. For this perspective in earlier scholarship, see Levi 1924: 161 on Sulla as a 'legislatore repubblicano', Lanzani 1936: xii on 'il grande repubblicano', and Valgiglio 1956: 204: 'per comprendere Silla bisogna vedere in lui quello che realmente fu, uno schietto e ardente repubblicano, al servizio dell' oligarchia senatoria'.
[70] Hurlet 1993: 9. See also 2010: 112: 'il était un républicain sincère'.
[71] Zecchini 2002: 46.
[72] Vervaet 2004: 77. See also Ramage 1991: 93 (he had 'belief in the aristocratic Republican system of government'); Eder 1997: 188, Wyetzner 2002: 19 ('he has been portrayed as a restorer of the traditional republican constitution'); Ver Eecke 2008: 123 (on the 'caractère républicain de sa dictature'); Mann 2008: 541 ('seiner konservativen Attitüde fest in der Tradition der römischen Republik wurzelt'); Humm 2018: 127 ('Sylla se présentait finalement comme un dirigeant fondamentalement <<républicain>>').
[73] It partly derives from the fact that 'for most of the twentieth century, the 'elitist' tradition of Roman Republican history has also predisposed us to view the Senate, or the consulars in the Senate, as the sole repository and marker of republican legitimacy' Morstein-Marx 2009: 135.
[74] Beard and Crawford 1985: 1.

tendentious traditionalism of the dictatorship has had to address the irregularities of his position, which has usually been considered completely different to that of the early Roman dictators.[75] It has been justified, and reconciled with elite politics, by appeal to its brevity, in much the same way as Tacitus brushes off pre-Augustan *dominationes*.[76] Abdication, 'the crucial fact of Sulla's career',[77] was proof that he 'was not a would-be monarch'.[78] He never wanted to enjoy lasting power.[79] 'He had no intention of making his *regnum* permanent',[80] according to Ernst Badian. Syme thought that his abdication was self-evident, because he 'had all the ambition of a Roman noble: but it was not his ambition to seize power through civil strife and hold it, supreme and alone. His work done, the Dictator resigned'.[81] Barbara Levick thought that autocracy never occurred to 'a child of the second century BC'.[82] Robin Seager expressed a similar view in his chapter in the *Cambridge Ancient History*,[83] and Emilio Gabba said that 'one should see in Sulla a man who put into effect the programme of the moderate oligarchs and who, once his task was done, renounced the dictatorship of his own free will'.[84] His retirement reflected his 'republikanischem Geist'.[85] According to

[75] Mommsen 1887: 2.151 n.1 considered the dictatorships of Sulla and Caesar to be 'qualitativ verschiedenen' to the earlier institution, and analysed them separately as part of 'die ausserordentlichen constituirenden Gewalten'. Carl Schmitt (1921) made an influential, and similarly stark, distinction between the 'kommissarische Diktatur' of early Rome and the 'souveräne Diktatur' of the first century (for its influence on twentieth century political thought, see Tuori 2016). Cornell 2015: 124 has recently argued that even this distinction did not go far enough. For significant differences between the two offices, see Wosnik 1963: 105, Bellen 1975: 556, Scullard 1982: 79, Nicolet 1982: 76, 1988: 27; Seager 1994: 199, Lintott 1999a: 113, Hölkeskamp 2000a: 215, Vervaet 2004: 70, Mackay 2009: 185, Giovannini 2015: 142, Steel 2018: 225. For disagreement, in addition to Keaveney and Hinard, see Lanzani 1936: 66, Wilcken 1940: 9, Hurlet 1993: 169 ('pas d'un nouveau type de pouvoir, mais d'une magistrature qui avait un long passé prestigieux'), and Wilson 2021: 301.

[76] Tac. *Ann*. 1.1: non Cinnae, non Sullae longa dominatio.

[77] Miączewska 2013: 192.

[78] Eckert and Thein 2019: 2.

[79] See Ver Eecke 2008: 144: 'Sylla n'a jamais cherché à monopoliser le pouvoir'.

[80] Badian 1958: 249. See also Evola Marino 1974: 66: 'Silla doveva tenere il potere finchè lo esigesse la situazione politica e non oltre', and Giardina 2010: 31: 'Silla aveva usato la dittatura come uno strumento temporaneo'.

[81] Syme 1939: 47. See also Keaveney 1982a: 202: 'Sulla's outlook, firmly rooted in republican tradition, had little in common with that of the emperors'.

[82] Levick 1982a: 59. See also Volkmann 1969: 84: 'Für Sulla und seine Zeitgenossen war eine Monarchie nicht denkbar'.

[83] Seager 1994: 199: 'it was taken for granted that when Sulla had completed that mission according to his lights he would lay down his dictatorship'. See also Brunt 1988: 53: 'the only optimate who attained personal dominance was Sulla, and he laid it down when he had re-established and fortified the authority of his order'.

[84] Gabba 1976: 141. See also Scholz 2003: 193.

[85] Thommen 2006: 1.

Brunt, it followed that the 'dictatorship was probably accepted as a temporary necessity'.[86] His brutal means were excused by his legitimate ends. Therefore he 'was, in the final analysis, a friend of reconstruction and stability',[87] which is why 'it was commonly thought and said that Sulla had restored the *res publica*'.[88]

1.ii: 'Tyrant'

As we have seen, the 'optimate' approach to Sulla begins with the contemporary evidence for his leadership of an elite coalition. This can lead to an appreciation of his politics as elite-friendly, and therefore conservative, and therefore republican. Jérôme Carcopino challenged this picture in 1931, by arguing that Sulla's cause had nothing to do with the Roman elite. In his view, 'l'idée que Sylla ne s'est alors saisi de la dictature que pour restaurer l'oligarchie est étrangère à l'antiquité'.[89] Carcopino's Sulla was 'un déclassé', who looked at the recently successful in the *nobilitas* as 'des parvenus et des usurpateurs'.[90] His aim, so far from restoring the 'optimates', was to establish 'l'autocratie des grandes monarchies orientales'[91] for himself, and it took an elite coalition, centred around the Metelli, the consuls of 79, and Pompey, to stop him. They forced him into early retirement. Carcopino's thesis won precious little support, not least because it relied on a great deal of conjecture in the face of sparse, and mostly contradictory, evidence.[92] Syme called it 'a sore strain on belief',[93] Badian a 'brilliant fantasy'.[94] It rarely shows up wholesale in modern accounts, except to summarily

[86] Brunt 1988: 463.
[87] Gruen 1968: 277. This was, in the eyes of many scholars, despite some serious twists and turns; see Syme 2016a: 78: 'in Sulla's career and acts a perplexing ambiguity is discovered - ruthless ambition, cynical cruelty, faith only in luck or the absurd, yet at the end loyal service to the Empire of Rome and the rule of the aristocracy'.
[88] Morgan 1997: 38. See also Shackleton Bailey 1978: 8: 'to people of traditional outlook he was the restorer of the Republic'.
[89] Carcopino 1931: 37.
[90] Carcopino 1931: 21.
[91] Carcopino 1931: 43. For 'la coalition des nobles et de Pompée', see 148 and 221.
[92] See Gelzer 1932: 606: 'kann sich aber C. selbst nicht verhehlen, daß er damit genaue Gegenteil von dem behauptet, was unsere einzigen ausführlichen antiken Quellen'. The re-dating of the *Pro Roscio* to 79 (Carcopino 1931: 169) was particularly tenuous.
[93] Syme 2016a: 69. See also Twyman 1972: 833: 'extreme theory'.
[94] Badian 1962a: 230. See also 1970b: 8.

dismiss it.[95] Carcopino's ideas have had some influence on scholarship on Sulla's image, from his flirtations with 'une théologie de la Victoire',[96] to his appearance as 'a unique and charismatic leader',[97] but we no longer hear about Sulla the monarch.

Christian Meier did not accept Carcopino's thesis, based as it was, he thought, on 'eindeutig falschen Argumenten'.[98] However, he gave him great credit for the idea that Sulla and the *nobilitas* were not the natural bed-fellows that many have assumed.[99] Meier emphasised the 'groundswell of resentment'[100] that Sulla had earned from his march on Rome in 88, and then the non-pluralistic politics of the dictatorship. His Sulla did not cooperate with the elite; 'er hat diese zunächst weitgehend aus der Politik ausgeschaltet und ihnen seine Verfassung oktroyiert'.[101] Though Meier did not dissent from the view that Sulla 'wanted to establish a consistent senatorial regime',[102] he thought that he achieved it with such a novel and traumatic political method that the standard reception could not stand.[103] Leonhard Burckhardt agreed, claiming that 'seine Methode der Machterringung und der Machtsicherung war für die Optimaten nicht zu billigene'.[104] Several other scholars have

[95] See Hurlet 2010: 111 n.12: 'elle n'est plus défendue aujourd'hui'. An exception is Worthington 1992: 190. Thein 2019: 87 has engaged with Carcopino's perspective on the 'internal opposition to Sulla'. Blasi 2018 has revived some of his thinking on Sulla's abortive *consecratio* and allusions to kingly precedents (see also Ver Eecke 2008), but in 'un sense charismatique, augural et républicain' (70); he rejects Sulla's monarchic ambitions.
[96] Gagé 1933: 3. See Ramage 1991: 106 on Sulla as 'the true creator of the imperial theology of victory', and Volkmann 1969: 41, Fears 1981a: 796, 1981b: 878; Ver Eecke 2008: 127.
[97] Flower 2010a: 132. See also Kragelund 2001: 92, Sumi 2002: 414, Müller 2009: 209, Assenmaker 2014: 20, Zoumbaki 2018: 353.
[98] Meier 1966: 247.
[99] Meier 1966: 247: 'aber Carcopino scheint doch insofern etwas sehr Wesentliches gesehen zu haben, als er die Gegensätze zwischen Sulla und der Nobilität betont und annimmt'.
[100] Meier 1996: 81. See also Hantos 1988: 167: 'die sullanische *res publica constituta* war ein in jeder Hinsicht modernisierter aristokratisch geprägter Staat'.
[101] Meier 1966: 251. See also 261: 'hat er sie gedemütigt, in Schrecken versetzt und müßige Zuschauer eines höchst eigenwilligen Werkes sein lassen, das sie doch später selbst verantworten sollten'.
[102] Meier 1996: 94.
[103] See Meier 1996: 79: 'it is now customary to describe Sulla as conservative. This either tells us nothing or is wrong' and 1966: 261 on his restoration of the oligarchy 'trotz der Oligarchen'.
[104] Burckhardt 1988: 19

picked up the notion that there was 'diffidenza e ostilità'[105] between the elite and Sulla, which has complicated, even if it has not replaced, the 'optimate' approach.

Badian made stronger arguments than Meier against Sulla the 'optimate' or the 'republican'. He thought that he proved his true colours in 88, as a 'rebel who had led a private army of proletarians against Rome'.[106] Thus, 'in a truer sense (perhaps) than even Caesar or Octavian, Sulla stood against the Republic'.[107] 'The hostility of the propertied classes'[108] manifested itself in the *comitia centuriata* for 87, in which Sulla's candidates were defeated, and Cinna won the consulship.[109] Badian proceeded to rehabilitate Cinna. Building (to some extent)[110] on Harold Bennett's 1923 dissertation, and fiercely repudiating the reception exemplified by Hugh Last and R. Gardner's chapter in the *Cambridge Ancient History*,[111] he argued that the Cinnans were 'the lawful government of Rome'.[112] The cooperation of eminent aristocrats, such as Scaevola the Pontifex, and the censors L. Philippus and M. Perperna, 'made the constitutional position clear beyond doubt'.[113] Sulla, on the other hand, was a 'contumacious fugitive from justice'.[114] In Badian's view, the *victoria nobilitatis* only took shape after the tide had turned in the civil war,[115] when the

[105] Gabba 1972: 800. See Levick 1982b: 503: 'one trump card that his critics have always played against Sulla is the distaste felt for him by the very class he claimed to be championing, the senatorial order', and Ridley 2000: 219.
[106] Badian 1970a: 18.
[107] Badian 1962b: 55. See also Hölkeskamp 2000a: 199: 'ein bis dahin unerhörter Einbruch militärischer Gewalt in den politisch-zivilen Raum der *res publica*, der alle traditionellen, niemals zuvor in Frage gestellten Regeln und Prinzipien brutal verletzte'.
[108] Badian 1970a: 17 n.44.
[109] See Plut. *Sull*. 10. For elite hostility to Sulla in 88, see also Gruen 1968: 236, Katz 1976a: 328, Gabba 1976: 135, Hölkeskamp 2000a: 211, Tatum 2022: 563.
[110] Badian went much further than Bennett on Cinna's constitutionality and legitimacy (see Bennett 1923: 63: 'autocracy was undoubtedly Cinna's ultimate aim').
[111] See Last and Gardner 1932: 271: 'the disreputable government of the Marians commanded no respect'.
[112] Badian 1968a: 37.
[113] Badian 1962b: 52. Frank 1933: 56 had already appreciated elite attempts to work with Cinna.
[114] Badian 1962b: 56. See also 1958: 242. In this vein, see Katz 1976b: 497: 'Sulla was no respecter of the *res publica*'; Woolliscroft 1988: 36: 'Sulla was a rebel'; and Brennan 2000: 379 on his 'open rebellion in 84'.
[115] See Badian 1962b: 59: 'Cinna's death was the turning-point' and 'this sudden disintegration of government is as dramatic as anything in history'.

nobility, like rats,[116] went over to Sulla, and a literary tradition dependent on Sulla's own *Memoirs* and 'lo storico filosillano Sisenna'[117] pretended it has always been thus. Badian's Sulla was therefore no 'optimate', but a 'ruthless adventurer and sinister tyrant, transformed by success into a revered statesman'.[118] Badian did not win over everyone – J.P.V.D. Balsdon said that he had been provoked into 'extremism'[119] – but he has been deeply influential. Scholars are now readier to acknowledge the bias of 'our philo-Sullan sources',[120] and Cinna has received far more favourable press. Following Badian, Bennett, and Christoph Bulst's 1964 article, his regime has been described as a 'noble experiment',[121] and Michael Lovano recast him in his 2002 monograph as a 'competent military strategist and an astute politician'.[122] In contrast, Sulla's reputation took a serious blow. Badian did not completely sever his politics from the elite, but argued that they only followed him because of their shameless bandwagoning, and so the post-Sullan oligarchy 'governed with a guilty conscience'.[123] They had none of the legitimacy that earlier scholars had been happy to attribute to the 'republican' or 'optimate' cause.

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[116] Badian 1962b: 61: 'perhaps the victorious nobility invites comparison with a larger species of rodent', alluding to the sub-heading of Last and Gardner 1932 on the *tempus Cinnanum* as 'The Mice at Play'. Before victory Badian claimed that Sulla entirely relied on his military officers, who were 'not a glorious lot' (1962b: 55). Gruen 1968: 236 and Keaveney 1984: 124 disagreed on their aristocratic credentials.

[117] Gabba 1972: 801 (and Candiloro 1963: 215). See Badian 1962b on the historiography of Sisenna and Sulla, and 1968a: 46 n.65 for the notion that 'accounts favourable to Sulla have … practically monopolized the tradition'.

[118] Badian 1970a: 3.

[119] Balsdon 1965: 232. See also Levick 1982b: 504: 'his favorable estimate of the Cinnan regime, which makes the followers of Sulla look less respectable by comparison, has not won universal acceptance' and Rawson 1991: 21: 'famous but controversial paper'.

[120] Arena 2011: 299. They have been described as 'saturated' (Seager 1994: 248) with, or 'infected' (Gruen 1968: 248) or 'contaminated' (Hodgson 2017b: 166) by pro-Sullan claims. On Badian's influence, see Gómez-Pantoja 1991: 76.

[121] Gruen 1968: 244. See also Carney 1961a: 66: 'all of Cinna's career shows him to be a moderate, a respecter of the constitution and a compromiser', and Bulst 1964: 328: 'Cinna was far more of a statesman than Sulla'.

[122] Lovano 2002: 11.

[123] Badian 1970: 30a. See also Konrad 2006: 184: 'the nobles who had survived, by abandoning the Republic and joining the usurper, lacked all credibility in professing to uphold collective government by the Senate'.

Harriet Flower mounted a further challenge by taking aim at Sulla's alleged conservatism. In her view, he was a Roman Solon,[124] who created a 'constitution based on laws',[125] that was fundamentally different to the political culture of the earlier *res publica*. His was a 'New Republic',[126] and an unstable one; 'it was the lack of tradition, of the societal restraints produced by inherited behavior patterns, and of true conservative principles that doomed Sulla's republic, virtually from the start'.[127] Whereas Meier and Badian emphasised the novelty and transgressiveness of Sulla's means, Flower extended this to his ends. She characterised his time as dictator as a 'violent break in Roman political life',[128] which was not friendly to the old elite. He would 'refuse to restore the *nobiles* to power'.[129] Catherine Steel similarly problematised Sulla's senate reforms, by arguing that 'there was a tension between the reality of an enlarged Senate, divorced from its traditional relationship with the Roman people through office-holding, and the presentation of Sulla's victory as that of the *nobilitas*'.[130] Sulla's elitist politics have thus been received with much less certainty in the twenty-first century than in the twentieth.

Recently, Sullan scholarship has brought to the fore his 'numerous acts of spectacular violence'.[131] Alexandra Eckert employed the concept of 'cultural trauma' to assess Sulla's impact on Roman society.[132] According to her, 'Sulla had violated the *salus rei publicae* in a

[124] Flower 2010a: 133: 'the paradigm of Athens' most famous lawgiver makes perfect sense of Sulla's decision and of how he would most probably have presented it to his fellow citizens'. See Mommsen 1887: 2.680 on 'die analogen Institutionen der Griechen', including Solon in Athens, to Rome's 'constituirenden Magistratur' (which included Sulla), and David 2018: 92, who has taken Flower's ideas much further.
[125] Flower 2010a: 129. Thus '*lex* was to replace *mos maiorum*'.
[126] Flower 2010a: 22. See also 2006: 96 and 2010b: 79.
[127] Flower 2010a: 95.
[128] Flower 2010b: 79. See also Steel 2013a: 227: 'a profound and unhealed break'.
[129] Flower 2010a: 131.
[130] Steel 2014a: 666. On the anti-aristocratic nature of 'allargare la classe dirigente anche con una massiccia inserzione di cavalieri e di neo-cittadini delle classi alte', see Gabba 1972: 804, and Hawthorn 1962: 55. On the weakening of the senate, see Meier 1966: 265: 'vor allem war der Senat innerlich schwächer als je'.
[131] Osgood 2015: 1684.
[132] Eckert 2016a: 137; see also 2014, 2016b, 2018, and 2020. Hinard 2008: 71 claimed that the violence of the proscriptions 'ont marqué durablement la société romaine'. For earlier, similar arguments, see Spann 1987a: xiii ('psychological damage'), Griffin 1988: 83 ('moral scars'), Diehl 1988: 148 (Cicero's 'traumatische Angst'), Thein 2002: 97, Steed 2008: 5.

way hitherto unknown in Roman history',[133] because of his 'transgressive cruelty'[134] and the 'enormous death toll'[135] of his violence. He imposed 'einer enormen psychischen Belastung für die Römer'.[136] This built on Flower's perspective, who had already argued that Sulla's 'violence was much more corrosive of republican political values and practices than has usually been admitted'.[137] The repressive nature of Sulla's regime has never been absent from scholarship,[138] but as the priorities of Roman historians have become less narrowly focused on the powerful, so has there been a move towards taking Sulla's victims more seriously. Steel and Alison Rosenblitt have adopted Eckert's 'trauma'[139] in their work, and there is much more appreciation of the 'appalling cruelty and ruthlessness shown by Sulla'.[140] The apologias of Keaveney and Hinard for his killings have fallen firmly out of fashion.[141]

As we have seen, the views under this sub-heading substantially differ from each other. They are far more heterogeneous than the 'optimate' approach. The common ground, and the reason why I believe it is useful to group them together under a label like 'tyrant', is that they all reject the notion that Sulla's politics were consensual. Whether he perceived himself as a monarch (Carcopino), relied on violence (Eckert), imposed a new constitution (Flower) or a no less high-handed restoration (Meier), or corrupted a venal elite to his illegitimate cause (Badian), all these approaches treat Sulla's power as ultimately deriving from force. His capacity to impose his will on Roman society came from his army and his

[133] Eckert 2018: 287.
[134] Eckert 2019: 160.
[135] Eckert 2016a: 135.
[136] Eckert 2016b: 150.
[137] Flower 2010a: 82.
[138] See, for example, Syme 1939: 17: 'L. Cornelius Sulla prevailed and settled order at Rome again through violence and bloodshed'.
[139] See Steel 2023: 203 ('collectively the experience of his rule was traumatic') and Rosenblitt 2019a: 144 ('the trauma which he inflicted on Rome')
[140] Cornell 2015: 122.
[141] See Keaveney 1982a: 157: 'the ancient world was not a gentle place and those vanquished in war could expect to suffer at the hands of their conqueror. It is certainly difficult to imagine that the Cinnans would have behaved any differently from Sulla if they had carried the day', and Hinard 1985b: 218, as well as Dowling 2000: 340.

civil war victory,[142] not from any agreement with what he was trying to do. Recent scholars have seen Sulla's capacity as extreme. We hear that he 'was in control of the Roman state after his victory at the Colline Gate',[143] and that he had 'power over life, death, family status, property, and memory'.[144] His was an 'absolute dictatorship'[145]; he had 'unlimited power as dictator',[146] or 'near absolute powers',[147] or 'unrivalled supremacy'.[148] Such power, exercised without regard for the opinions of his fellow citizens, is easily considered as tyrannical. In Rosenblitt's view, 'Sulla was a tyrant. Like many tyrants, he believed in control through oppression'.[149] Oppression is key to this vision of Sulla, because if he could not rely on the consent of the 'optimates', then the 'homo a populi causa remotissimus'[150] and the butcher of the *equites*[151] had nowhere else to turn for support. Force was his only option. Sulla is thus a lonely[152] figure in the 'tyrannical' approach to his politics. He had some noble henchmen,[153] and a loyal army, but no lasting foundation to his 'detestable regime'.[154] Therefore after his

[142] See Meier 1966: 246: 'Der eigenmächtige Proconsul, dessen ganz außerordentliches persönliches Format und dessen Armee allein den Sieg hatten herbeiführen können, hatte alles in seiner Hand', Flower 2006: 98: 'this new "consensus" of Sulla was based on force', and Hodgson 2017a: 89: 'Sulla's resurrection of the dictatorship served to legitimize an irregular, illegal position based solely on overwhelming force'.
[143] Eckert and Thein 2019: 7.
[144] Flower 2006: 91. For similar formulations, see Mackay 2000: 196, Vasaly 2002: 79; Santangelo 2007: 9; Gaughan 2010: 133.
[145] Vervaet 2018: 66. See also Volkmann 1969: 73 and Hölkeskamp 2000a: 216: 'allmächtiger Dictator'.
[146] Stein-Hölkeskamp 2015: 214; see Nicolet 1959: 220: 'sa toute-puissance'.
[147] Eckert and Thein 2019: 7.
[148] Santangelo 2014: 22.
[149] Rosenblitt 2019a: 5. On Sulla's 'tyranny', see also Wiseman 2009a: 11, Cornell 2015: 120, Ramsey 2016: 310. There has always been the potential to consider Sulla 'akin to the tyrants of Greece' (Last and Gardner 1932: 284), or even 'an ancient Hitler' (Woodley 1947: 416), but it has become far more common in approaches that distance him from the 'optimates', especially as 'c'est d'ordinaire aux *populares* que le désir de *regnum* est imputé' (Hellegouarc'h 1972: 560).
[150] Cic. *Cluent*. 151.
[151] See Cic. *Cluent*. 151, Asc. 89C, *Comm. Pet*. 9, Val. Max. 3.1.2. The 'Topos von der Ritterfeindlichkeit Sullas' (Hantos 1988: 54) was a commonplace in his reception (see Last and Gardner 1932: 276), but it has been mollified by Brunt 1956, Gabba 1956, and Nicolet 1966: 577, arguing against excessive proscription of the *equites* and stressing their improved representation in the Senate. It is therefore no longer usually considered a 'special hatred' (Seager 1994: 198).
[152] See Luraghi 2015: 72 on the general loneliness of tyrannical politics.
[153] Elites, so much as they followed Sulla under this approach, did so out of compulsion (Meier 1996: 94: 'the oligarchs could not be used to restore the oligarchy: it had to be imposed on them'), or a willingness to share in his tyranny and its rewards (Badian 1970a: 32: 'the vast majority of the ruling class flocked to acclaim the victorious rebel as a saviour, and it became clear that the Republic, for them, was merely a pretext for their own privilege'). This characterisation is similar to the *satellites* of Sall. *Hist*. 1.55.2. It is fundamentally different from the idea of Sulla as an 'optimate' politician in the paradigm of 'republican' politics.
[154] Lewis 1991: 667.

death, when he could no longer apply force, the 'widely coherent feelings of hatred'[155] towards him resulted in an anti-Sullan backlash. His unpopularity was de-stabilising.[156]

1.iii: New approaches

Not all Sullan scholarship is reducible to the 'optimate' or the 'tyrant' approach. As Edward Bispham said, 'many scholars in the last generation have seen Sulla's behaviour, even at its most extreme, as rational and calculated'.[157] Santangelo has offered the most impactful analysis, from which his Sulla emerges as an efficient administrator, and a relationship builder with non-Roman elites. As such,

> 'The widely held stereotype that portrays Sulla as a bloodthirsty and greedy general, exclusively interested in eliminating his enemies and in building personal power, is decisively undermined. Of course he was driven to create a personal supremacy in Rome, but overemphasising this factor is a reductive way to consider his role in the history of the late Republic'.[158]

Zecchini has similarly argued that:

> 'La ricostruzione di una nuova immagine di Silla dovrebbe allora partire non tanto dall'idea che egli voleva affermare il proprio potere personale o voleva riaffermare il potere della *nobilitas*, ma che egli voleva e credeva di aver realizzato una nuova unità di tutti gli elementi constitutivi del popolo romano: coerente con questa volontà è l'ampliamento / ridimensionamento del senato, la centralità della *potestas* dei magistrati elettivi, la legislazione sul debito, l'attenzione alle esigenze dei militari attraversola fondazione di colonie, il mantenimento dell'immissione degli Italici nelle 35 tribù'.[159]

[155] Eckert 2016a: 144.
[156] See Steed 2017: 418: 'Sulla quickly became a public relations nightmare for those who supported his settlement' and Osgood and Niederwieser 2020: 171: 'widespread bitterness against Sulla and his policies'.
[157] Bispham 2018: 36.
[158] Santangelo 2007: 193.
[159] Zecchini 2018: 259.

I disagree with these perspectives, which favour moving on from Sulla's 'personal supremacy' or 'potere personale', in order to pursue other angles on Sullan studies. They are unsatisfactory because Sulla's historical importance rests on his power. It allowed him to impact the Italian peninsula and its collective memory in extraordinary ways. And, as I will show, we do not currently understand it. Both the approaches that I have laid out in this chapter are seriously deficient. I argue that we cannot progress our understanding of Sulla until we have a better way of conceptualising his power. Without this, we have no hope of explaining how the politics of the dictatorship worked, and we will fail to grasp the political significance of his 'example'.

Chapter 2: Sulla's authoritarianism

In order to understand why previous approaches have failed to understand Sulla's power, it will be helpful to set out how extraordinary it was. After all, if his dictatorship was routine, and his politics conducted in a traditional, 'republican' manner, his power might not even need an explanation. It could be satisfactorily analysed within a more comprehensive account of late Republican politics. But, as we shall see, this was not the case.

2.i: The establishment of Sulla's power

Sulla's rise to power began with civil war. After his consulship, and during his campaign against Mithridates, he had no capacity in Rome whatsoever. He could not even protect his family or property.[160] The necessary first step to power was defeating his domestic enemies in civil war, which he achieved by force of arms. The contemporary Cicero said that the *nobilitas*, led by Sulla, 'armis atque ferro rem publicam reciperavit'.[161] Sallust[162] and Plutarch[163] agreed. The ancients never lost sight of the importance of Sulla's victory, which could be held responsible for a fundamental change in his character. Velleius Paterculus, for example, thought that he was a 'vir qui neque ad finem victoriae satis laudari neque post victoriam abunde vituperari potest'.[164] This view has had some modern adherents too.[165] But what did being 'il capo di un esercito, il vincitore di una guerra civile'[166] mean for Sulla's politics? Appian thought that his reliance on the loyalty of his army, about which he boasted in a letter to the senate in 84 (στρατὸν ἔχων εὔνουν), meant that he was always aiming for tyranny (τὴν τυραννίδα ἤδη διανοούμενος).[167] Appian may be guilty of teleological thinking, but Sulla's mounting victories did put him in a dominant position. When he entered an abandoned Rome before fighting in Clusium, he confiscated and sold the property of his enemies, and said in a *contio* that despite the regrettable necessity of his actions, the state would soon be functioning as it should.[168] And after the battle of the Colline Gate, there was no more serious resistance in Italy. The Praenestines correctly saw that the entire peninsula was under Sulla's control.[169] This control was likened by several ancient authors to a foreign

[160] See App. *BCiv*. 1.73.340, 1.77.351, and Plut. *Sull*. 22.
[161] Cic. *Rosc. Am*. 141.
[162] Sall. *Cat*. 11: L. Sulla armis recepta re publica.
[163] Plut. *Comp. Lys. Sull*. 2: δι᾽ ὅπλων and *Pomp*. 30: ὁ Σύλλας ὅπλοις καὶ πολέμῳ τῆς πόλεως κρατήσας.
[164] Vell. Pat. 2.17. See also Sall. *Iug*. 95, Cic. *Off*. 2.27, Val. Max. 9.2.1, Cass. Dio 30-35.109.2.
[165] See Keaveney 1982a: 159: 'The proscriptions will remain forever as a blot on a character and a career so admirable in many other ways'.
[166] Laffi 1967: 261.
[167] App. *BCiv*. 1.79.361.
[168] App. *BCiv*. 1.89.407.
[169] App. *BCiv*. 1.94.434: Πραινέστιοι δὲ καὶ τάδε θεώμενοι καὶ τὸν Κάρβωνος στρατὸν ἀπολωλέναι πάντα πυνθανόμενοι αὐτόν τε Νωρβανὸν ἤδη φυγεῖν ἐξ Ἰταλίας καὶ τὴν ἄλλην Ἰταλίαν καὶ Ῥώμην ἐπ᾽ αὐτῇ Σύλλαν ἐκτενῶς κεχειρῶσθαι.

conquest; Sallust's Lepidus said that Sulla held everything in his hands 'quasi ab externis rapta'.[170] Sulla's victory, as nearly all scholars have recognised, gave him enormous discretion to intervene in Roman politics.[171]

Shortly after the Colline Gate, Sulla communicated his dominance to the Roman people at a *contio*. He boasted about his achievements (πολλὰ ἐμεγαληγόρησεν ἐφ᾽ ἑαυτῷ) and tried to terrify his audience (φοβερὰ ἐς κατάπληξιν εἶπεν ἕτερα καὶ ἐπήνεγκεν).[172] That 'Rome was under the heel of Sulla'[173] was now so obvious, according to Plutarch, that not even the stupidest person in the city could fail to see it.[174] But there was also a political vacuum. Sulla held no domestic office,[175] and the consuls of 82 were either dead or in exile. As such, an *interrex* was chosen. Appian tells us that the senate appointed L. Valerius Flaccus with the unambiguous expectation of consular elections being held (ἐλπίσασα ὑπάτων προτεθήσεσθαι χειροτονίαν). Sulla frustrated this expectation by writing his infamous letter to Flaccus, in which he ordered him to propose the creation of a dictatorship to the people:

> ὁ δὲ Σύλλας ἐπέστελλε τῷ Φλάκκῳ γνώμην ἐς τὸν δῆμον ἐσενεγκεῖν, ὅτι χρήσιμον ἡγοῖτο Σύλλας ἐν τῷ παρόντι ἔσεσθαι τῇ πόλει τὴν ἀρχήν, οὓς ἐκάλουν δικτάτορας.[176]

The office, as Sulla envisioned it, would not be held *ad tempus certum* (οὐκ ἐς χρόνον ῥητόν), but until Rome, Italy, and the whole empire were stable again (μέχρι τὴν πόλιν καὶ

[170] Sall. *Hist*. 1.55.5. See also App. *BCiv.* 1.82.374 (and 2.140.586) for Sulla marching on his own fatherland δόξαν ἔχον πολεμίου, and Cass. Dio 30-35.109.3 for Sulla treating his fellow citizens even more harshly than he did foreign enemies.
[171] See, for example, Heftner 2006: 46: 'verfügte der siegreiche Imperator über alle Machtmittel'.
[172] App. *BCiv*. 1.95.441. See Steel 2019: 28 on this *contio* and 32 for his use of public speech 'to reconfigure the Roman people into an obedient audience of instruction from magistrates'.
[173] Lacey 1970: 7.
[174] Plut. *Sull*. 30: τοῦτο καὶ τῷ βραδυτάτῳ Ῥωμαίων νοῆσαι παρέστησεν ὡς ἀλλαγὴ τὸ χρῆμα τυραννίδος, οὐκ ἀπαλλαγὴ γέγονε. See also Val. Max. 2.8.7 for his 'consummata atque constructa potentia', and App. *BCiv.* 1.97.451 for the great deal of fear in Rome.
[175] See Eckert 2016b: 144: 'im rechtsfreien Raum'.
[176] App. *BCiv*. 1.98.459. For the provenance of this letter, see Bellen 1975: 556, who argued that it came to Appian via Sulla's memoirs. See Jahn 1970: 161 on the *interregnum*.

τὴν Ἰταλίαν καὶ τὴν ἀρχὴν ὅλην στάσεσι καὶ πολέμοις σεσαλευμένην στηρίσειεν).[177] He also, according to Appian, made it clear that he was the man for the job. Though the people were unwilling (οὐχ ἑκόντες), they did not feel that they had any choice in the matter (οὐδ᾽ ἐπὶ σφίσιν ἡγούμενοι τὸ ἔργον ὅλως),[178] and so Sulla was duly made dictator by this ὑπόκρισις τῆς χειροτονίας. Cicero specifies that Flaccus nominated him as *interrex*, having been empowered to do so by the vote to which Appian refers.[179]

2.ii: The extent of Sulla's power

The *de iure* nature of Sulla's dictatorship has been much discussed. Appian called it a δικτάτορα ἐπὶ θέσει νόμων…καὶ καταστάσει τῆς πολιτείας,[180] from which there is a 'convinzione generale che Silla sia stato "indicato" non semplicemente dittatore, ma *dictator legibus scribendis et rei publicae constituendae*'.[181] But the phrase, which one could consider its 'semi-official extension',[182] has no other basis than Appian's testimony. Its second component (καταστάσει τῆς πολιτείας) was similar enough to the bilingual *Monumentum Ancyranum*'s καταστάσει τῶν δ[η]μοσίων πραγμάτ[ων][183] for Mommsen to consider it the same title as the triumvirs' *rei publicae constituendae*.[184] Most have accepted this suggestion. *Legibus scribendis*, on the other hand, is more uncertain,[185] and, because the *Fasti Capitolini* do not have a large enough lacuna for the full title, Attilio Degrassi proposed just:

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[177] App. *BCiv.* 1.98.460. Vervaet 2014: 215 considers this power to be the *summum imperium auspiciumque*.
[178] App. *BCiv.* 1.99.461.
[179] Cic. *Att.* 9.15.2: Sulla potuit efficere ab interrege ut dictator diceretur.
[180] App. *BCiv*. 1.99.462.
[181] Baroni 2007: 778.
[182] Vervaet 2004: 41. See Mommsen 1887: 2.663 n.2: 'zu der eigentlichen Titulatur hat die Zweckbezeichnung bei der Dictatur nicht gehört'.
[183] *RG* 1.
[184] Mommsen 1887: 2.663 n.2. Their Latin title is widely attested; see Suet. *Aug*. 27, Livy *Per*. 120, *Inscr. Ital*. 13.1.274, *RRC* 518/2 (for example), and Ando 2013: 931. Many have thought that they deliberately recalled Sulla; see App. *BCiv.* 4.10.39 and Fadinger 1969: 32 n.1, Bellen 1975: 564, Sordi 1993: 88, Vervaet 2020: 23.
[185] Some have suggested minor changes to the Latin; see Keaveney 1983a: 192 (*legibus faciendis*) and Baroni 2007: 791 (*legum ferendarum*).

> L. Cornelius L. f. P. n. Sulla Felix [dict(ator) rei publ(icae) constit(uendae) caussa].[186]

Other scholars have believed that Sulla's legislative capacity as dictator requires us to follow Appian in full.[187] Regardless, it seems clear that the extent of the powers entrusted to Sulla made it a 'besonders geartete Diktatur',[188] that 'in terms of public law…can indeed hardly be compared to the dictatorship as it occasionally appeared until 202'.[189] Precedents have been offered, including the first dictator Titus Larcius,[190] Sempronius Atratinus in 482,[191] the decemvirs,[192] Camillus,[193] and Scipio Aemilianus,[194] but they are, at most, allusions. Sulla's office was *sui generis*.

In order to analyse Sulla's power as dictator, I will focus on what he actually did. Previous constitutionalist approaches, despite yielding some useful results, have failed to describe it adequately.[195] *De facto* power often rests outside the constitution, and this is never more true than in civil war, as Caesar is supposed to have taught the plucky tribune L. Caecilius Metellus in 49.[196] There are many examples of Sulla behaving in a similar way.

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[186] Degrassi 1954: 74-5. See also Kunkel and Wittmann 1995: 703 and Hinard 2008: 54.
[187] See, for example, Ehrenberg 1953: 126, Gabba 1967: 270, Hantos 1988: 69, Hurlet 1993: 95, Cloud 1994: 496, Vervaet 2004: 41, 2023: 211; Hinard 2011a: 49, Moatti 2018: 136, David 2018: 91, Konrad 2022: 135 n.80, Eckert 2023: 174.
[188] Bellen 1975: 556.
[189] Vervaet 2004: 37.
[190] See Ver Eecke 2008: 138, Humm 2018: 126, Blasi 2018: 62.
[191] See Hinard 2008: 55, based on Dion. Hal. *Ant. Rom*. 8.90.3.
[192] This is the most common suggestion; see Mommsen 1887: 2.695, Volkmann 1969: 70, Evola Marino 1974: 68, Bellen 1975: 562, Kunkel and Wittmann 1995: 703, Vervaet 2004: 69, 2023: 212.
[193] See Täubler 1912: 222 (a specious, propagandist precedent created *post hoc*) and Oakley 1999: 387, Keaveney 2005a: 158, Gaertner 2008: 32.
[194] Nicolet 1964: 230 argues that Sulla inherited the idea from Scipio Aemilianus, who had supposedly considered the office in 129, on the basis of Cicero's phrase (*Rep*. 6.12: dictator rem publicam constituas oportet) being authentic to the dialogue's setting. Rawson 1991: 142 n.54 agrees.
[195] See, for example, Kunkel and Wittmann 1995: 706: 'Die Machtinstrumente Sullas, mit deren Hilfe er als Diktator *rei publicae constituendae causa* die Verfassungskrise der Republik zu beheben und die ins Wanken geratene Senatsherrschaft wiederherzustellen versuchte, waren das unabhängige Rogationsrecht, das Recht, die Wahlkomitien abzuhalten und das Recht, auf die Zusammensetzung des Senats Einfluß zu nehmen'. I do not believe that Sulla's power can be coherently reduced to these prerogatives, or that they were his real 'Machtinstrumente'.
[196] Plut. *Caes*. 35: οὐκ ἔφη τὸν αὐτὸν ὅπλων καὶ νόμων καιρὸν εἶναι. On the differences between constitutions and political practice, the ignorance of which he called 'the constitutional-law trap', see Finley 1983: 56.

What is more, Sulla's mandate *rei publicae constituendae* has often been seen as a 'constituent power',[197] or one which 'determines the nature of the institutional arrangement of political unity'.[198] Constituent powers remake the constitution. Sulla, as we shall see, did the same in Rome. It is therefore a category error to approach his power from the perspective of the public law which he was in the process of changing. I will describe Sulla's power as he used it in practice. He could do so much that, for ease of analysis, I will break it down into two elements. First I will look at his power to govern, or make policy, and then at his power to coerce,[199] or wield force. These two aspects of his power will show his extraordinary control over Roman society.

2.ii.a: Sulla's 'power to govern'

One of Sulla's most important means of governing Rome was through his legislation, which he passed 'con una frequenza per la quale non sono possibili paragoni'.[200] The only exception would be Gaius Gracchus.[201] Many scholars have even believed that Sulla, as *dictator legibus scribendis*, was entitled to legislate by fiat.[202] The authority for this unprecedented prerogative rests on three passages in Cicero,[203] and one from the Gronovian scholiast,[204] which can only with difficulty bear its weight. Cicero's words can be read in different ways,[205] and the scholiast's account is riddled with errors. There is also no clear evidence of this hypothetical capacity ever being used. Sulla 'in pratica fece largo uso dei

[197] See Mommsen 1887: 2.662 ('constituirenden'), Alonso-Núñez 2004-5: 106, Hinard 2011a, Straumann 2016: 83, David 2018: 99.
[198] Loughlin 2014: 224.
[199] I use this in a much broader sense than a magistrate's *coercitio*, to include all of Sulla's violent power.
[200] Baroni 2007: 791. See also Moatti 2018: 135: 'premier grand projet romain de législation'.
[201] See Cic. *Phil*. 1.18 for a comparison between the *leges Semproniae* and *Corneliae*.
[202] On this 'völlig unbeschränkte Form der Gesetzgebungskompetenz' (Eckert 2016b: 180), see Keaveney 1983a: 192: 'every decree of his was to be automatically law', and Nicolet 1964: 215, Bellen 1975: 567, Seager 1994: 199, Vervaet 2004: 42, Steel 2014b: 324, Morrell 2023a: 264.
[203] Cic. *Rosc. Am.* 125, *Leg. Agr*. 3.5, *Verr*. 2.3.82. Mommsen 1887: 2.682 n.1 and 2.683 n.1 argued that the first two prove that Sulla was entitled to pass *leges datae*. See, however, Frederiksen 1965: 189 on his general distinction between *leges datae* and *rogatae* being 'rather poorly reflected in the imperfect world of facts'.
[204] See Stangl 1964: 314 on *Rosc. Am*. 125. On the same chapter, the scholiast comments that Flaccus was a praetor under Sulla. It is in no way reliable evidence.
[205] See Kinsey 1968 on the difficulties of Cicero's meaning. There is not space here for a full discussion.

comizi per la propria legislazione'.[206] He presided over the *comitia centuriata* to disenfranchise the people of Volaterrae,[207] and his quaestorship law was passed by the tribes.[208] The sources consistently imply that he proposed bills to the Roman people in the traditional manner.[209] But the mechanism by which Sulla's laws were passed matters less, in a consideration of his power, than the fact that he was consistently able to translate his political will into a remarkable number of *leges Corneliae*.[210] There is ample justification to see Sulla, as many have, as a Roman lawgiver.[211]

Sulla's lawgiving transformed the conduct of Roman politics. Hinard has even claimed that he was 'l'auteur de la seule constitution écrite que la République romaine ait jamais eue'.[212] There is not space here for a full coverage of Sulla's 'comprehensive constitutional reform'.[213] I will briefly look at the changes he made to the magistracies, the senate, and the courts, in order to demonstrate his power over institutions. This can most easily be perceived with respect to the tribunate. The provisions of Sulla's law on the office are disputed. It certainly barred tribunes from standing for higher magistracies later in their careers (until this was repealed in 75);[214] it either removed their right to legislate or

[206] Gabba 1967: 270.
[207] Cic. *Dom*. 79: populus Romanus L. Sulla dictatore ferente comitiis centuriatis municipiis civitatem ademit.
[208] See *RS* 14 and Lintott 1999a: 210.
[209] See Gell. *NA.* 2.24.11: 'L. Sulla dictator…legem ad populum tulit' (sumptuary law). For the verb *fero*, see also Cic. *Caec*. 95 (on the *civitas* of Volaterrae and Arretium, where it is implied that Sulla's statute had the same form as all other laws) and 102, Asc. 67C (on the tribunate), Macrob. *Sat*. 3.17.11 (sumptuary law). The same language is used in a fragment about a consular law of Sulla's (Sall. *Hist*. 2.21), but it could be referring to his first consulship, not his second; see Badian 1955: 111. On Sulla's dictatorial use of the *comitia*, see Wittmann 1984: 569, and especially Straumann 2016: 80.
[210] See Greenidge and Clay 1960: 211-22.
[211] See, for example, Keaveney 1982a: 163, Flower 2010a: 133, Brennan 2014: 35, David 2018: 91.
[212] Hinard 1985b: 7. Cic. *Leg. Agr*. 3.4 describes the post-Sullan state as 'hunc statum rei publicae', and Livy *Per*. 89 says 'rei pub. statum confirmavit'. Though *status* does not translate easily to 'constitution', it does imply that Sulla made significant changes to how things were done; on this μεταβολή, see also Plut. *Sull*. 34, *Cic*. 10, and App. *BCiv*. 1.83.378. This was clearly not a 'written constitution', though.
[213] Gotter 2008: 214, and Wittmann 1984: 568: 'umfassenden Verfassungsreform im Wege der Gesetzgebung'.
[214] See Asc. 67C, 78C, and Sall. *Hist*. 3.48.8.

subordinated it to the will of the senate;[215] and it may have affected their right to veto.[216] The tangible impact of the law is much clearer. All extant observers of post-Sullan politics saw a decisive change in the magistracy and a decline of its standing in the *res publica*.[217] According to Cicero, tribunician oratory ceased to the extent that the *rostra* could be described as deserted: 'rostra iam diu vacua locumque illum post adventum L. Sullae a tribunicia voce desertum'.[218] This was misleading. Tribunes had begun campaigning against the law before L. Quinctius' office in 74 (when Cicero said *contiones* resumed).[219] But the movement of the 70s was about demanding the return of tribunician agency, which, everyone seems to have agreed, had been taken from them. The consuls of 70 eventually restored that which the Roman people 'tanto studio requisivit'.[220] Until then, Sulla's momentous[221] intervention on the Republican constitution stood, and his ability to make it is a sure sign of his political power.

Sulla also made his mark on the other magistracies. He increased the numbers of quaestors to twenty.[222] The praetors, whose numbers were also increased,[223] presided over a mass of new *quaestiones perpetuae*, which became the 'Fundament der

[215] For the former possibility, confidently asserted by Livy *Per*. 89, see Meyer 1898: 653, Niccolini 1932: 147, Nicolet 1959: 218, Syme 1963: 58, Ferrary 1985: 441, Cloud 1994: 497 n.23, Keaveney 2005a: 140, Coudry 2018: 83; for the latter, attested for the programme of 88 by App. *BCiv.* 1.59.266 and potentially alluded to by Sall. *Hist.* 3.48.15, see Mommsen 1887: 2.287, Biscardi 1951: 169, Béranger 1966, Bleicken 1975: 323, Gabba 1976: 274, Hantos 1988: 36, 74; Thommen 1989: 131, 2006; Kunkel and Wittmann 1995: 655. There are no securely dated tribunician laws during the period that Sulla's law was in force; see Ferrary 1985 and Mattingly 1997 for the debate on the *lex Antonia de Termessibus*.

[216] Caesar's emphatic assertion of Sulla leaving the *intercessio libera* (*BCiv*. 1.7, and 1.5) cannot be overlooked. The restriction attested by Cic. *Verr*. 2.1.155 must have been partial. Lintott 1978: 127 suggests that Cicero's passage concerns an attempted veto in a *quaestio*, and that tribunes were still free to veto in other contexts; Thommen 2017: 553 that Sulla prevented vetos only against his own laws.

[217] See Caes. *BCiv.* 1.7: nudata omnibus rebus tribunicia potestate; Sall. *Hist*. 3.48.3: inani specie magistratus; Asc. 81C: infractam tribuniciam potestatem.

[218] Cic. *Cluent*. 110.

[219] See Sall. *Hist*. 3.48.8 on L. Sicinius in 76; I discuss this in more detail in chapter 5.

[220] Cic. *Verr*. 1.44.

[221] See Gruen 1974: 24: 'curtailment of the office violated constitutional precedent and the *mos maiorum*'.

[222] See Tac. *Ann*. 11.22, *RS* 14, and Pina Polo and Díaz Fernández 2019: 51.

[223] See Cloud 1988: 70 on the difficult evidence, and Brennan 2000: 391 for the general consensus of an increase from six to eight. Pittia 2018: 152 argued that the increase caused 'une dimunition du prestige de la magistrature'.

Kriminalgerichtsbarkeit'[224] in Rome. Sulla created these courts by passing a revolutionary[225] volume of criminal law statutes. The function of the consulship changed too, albeit somewhat inscrutably. Mommsen thought that Sulla prohibited incumbent consuls from going to their provinces during their year in office, and postulated the *lex Cornelia de provinciis ordinandis* which regulated this.[226] The historicity of the statute cannot stand.[227] But it does seem true that consuls after Sulla remained in the city for much more of their term than they had done before him.[228] The emasculation of the tribunate must have contributed to this change. Tribunes were Rome's primary legislators for the majority of its Republican history,[229] and when their capacity to promulgate laws had either been limited, or eliminated, there was an obvious hole to be filled. The consuls did so. Consular legislation, rare before Sulla, exploded in the seventies, and remained common even after the restoration of the *tribunicia potestas*.[230] This goes some way towards explaining why they spent more of their magistracy in Rome; they 'were playing new roles in the political arena'.[231] One should not overlook the implication of this for Sulla's power. His constitutional innovation was so far-reaching that one of its side-effects was a significant change in the practice of Rome's chief executives.

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[224] Hantos 1988: 68.

[225] See Cloud 1994: 496: 'Sulla came closer than any other legislator, except perhaps Augustus, to producing for Rome a code of criminal law'.

[226] Mommsen 1857: 32 was unsure about the procedure ('In welcher Weise Sulla die Neuerung formulirt hat, ist nicht überliefert, wie er denn auch als Urheber der Massregel nirgends ausdrücklich genannt wird'), but that did not stop the *lex Cornelia* becoming enshrined as fact; see Rotondi 1966: 353.

[227] For decisive arguments against it, see Balsdon 1939: 63, Valgilgio 1956: 135, and Giovannini 1983: 77.

[228] At least 17 of the 62 consuls between 80 and 50 remained in Rome for their entire consulship (Pina Polo 2011: 243), and many others went to their province late in the year; see Giovannini 1983: 90 and Rafferty 2019: 102.

[229] See especially Sandberg 2001, who argues that, post-367, consuls only legislated in the *comitia centuriata*, on a small number of defined topics, and thus domestically, 'it was not the consuls, but the tribunes, who were the leading magistrates of the pre-Sullan Republic' (116). This is a provocative rendition of a fundamentally correct view, that tribunes did the lion's share of lawmaking; see Bleicken 1955: 51: ('beherrschten sie die staatliche Gesetzgebung' in the 3rd and 2nd centuries) and Williamson 2005: 16, Pina Polo 2011: 101, Russell 2022: 266.

[230] See Rotondi 1966: 364-9 for the laws of the 70s. See Sandberg 2004: 159 on the lack of consular legislation in the middle Republic, and 2018: 185 for a change after Sulla.

[231] Sandberg 2018: 172. Hantos 1988: 73 called the post-Sullan consulship a 'städtischen Amt'. See Millar 1995: 239 on this 'vast change as against the earlier and middle Republic', and Beck et al. 2011: 8.

Though Sulla was not a censor, and did not appoint any, some scholars have thought that he exercised part of the *potestas censoria*[232] in his revision of the senate. He enrolled three hundred new senators, to make up for the depletion in numbers due to the Social and civil wars.[233] This has usually been interpreted in line with Sulla's putative wish to empower the senate,[234] who were also given back control of the juries. That was a serious imposition. Cicero, not disinterestedly, said that the *populi Romani potestas* had been *sublata*.[235] But it has also been argued that Sulla's measures weakened the senate. Theodora Hantos claimed that 'der Senate wurde durch die Vermassung seiner Mitglieder schwerfälliger',[236] and in Steel's view, it became a '*consilium* for magistrates',[237] with little power of its own. For our purposes, the salient point is that 'the recruitment of new members to the Senate is one of a range of ways in which Sulla demonstrated his capacity to reshape Roman society'.[238] Scholars remind us of the extent of Sulla's power every time they mention the 'Sullan senate'.[239]

Sulla's 'power to govern' thus covered almost all domestic political institutions.[240] William Harris said that he attempted 'the most radically reactionary shift in power the Roman Republic had ever seen'.[241] He made a similarly remarkable impact in Italy. Plutarch

[232] Vervaet 2004: 47. See also Taylor 1960: 119 'he seems to have exercised censorial functions' and Cloud 1994: 497: 'he had used his dictatorship as a kind of super-censorship'.
[233] See App. *BCiv*. 1.100.468 and especially Santangelo 2006: 11. For M. Fabius Buteo as a precedent, see Steel 2014a: 663 n.40, 2018: 232 n.34 and Barber 2020: 335, and Livy 23.23.2 on his controversial *vis censoria*.
[234] See, for example, Flower 2006: 98 on this 'new, mighty senate that was expected to wield unprecedented power and absolute authority'.
[235] Cic. *Verr*. 1.38. The evidence for jury composition before Sulla has been called 'one of the most confused chapters of Roman history' (Balsdon 1938: 98), but it is clear that Sulla established senatorial juries; see Cic. *Verr*. 1.37, Vell. Pat. 2.32, and Tac. *Ann*. 11.22. Tacitus implies the expansion of the senate had the purpose of filling the juries, on which see Hantos 1988: 28 and Steel 2014a: 666.
[236] Hantos 1988: 164. See also Meier 1966: 258.
[237] Steel 2014a: 667; see also Beck 2009: 67 on the empowerment of magistrates. For the continued influence of the post-Sullan senate, however, see Coudry 2018: 84, Vervaet 2023: 222.
[238] Steel 2014b: 326.
[239] See Hardy 1916a: 59, Last and Gardner 1932: 287, Sherwin-White 1956: 6, Sherk 1969: 111, Evans 1983: 527, Eder 1997: 189 ('"seinen" Senat'), Steel 2013a: 131, and especially 2018: 233: 'it is perhaps not excessive to say that the post-Sullan senate is a new kind of body'.
[240] There is not space here for discussion of Sulla's laws on priesthoods, but it is an important aspect of the same phenomenon; see Hantos 1988: 120 and Rosillo-López 2019: 58.
[241] Harris 2016: 93.

said that he had ἐξουσία κληρουχιῶν,[242] which he exercised 'without reference to the Senate'.[243] Santangelo has considered Sulla's colonisation to be his 'main contribution to the administrative history of Roman Italy'.[244] He also intervened 'into municipal matters'[245] in other ways. He gave Brundisium a tax exemption,[246] disenfranchised entire communities,[247] and drafted a new constitution for Puteoli shortly before his death.[248] Oppianicus claimed, according to Cicero, that he and three others had been installed as *quattuorviri* in Larinum with nothing other than Sulla's backing ('quattuorviros quos municipes fecerant sustulit; se a Sulla et alios praeterea tris factos esse dixit').[249] The details may not be reliable, but that the story was deemed 'evidently plausible'[250] in a Roman court shows how much power Sulla was thought to have had in Italy. This situation was, in a sense, a continuation from the civil war, during which he struck treaties in the manner of an independent warlord.[251] After victory, he imposed, he did not negotiate; but the right to deal with other communities still fell under Sulla's own prerogative.

The situation outside of Italy was hardly different. Sulla had exceptional latitude in war-making,[252] and is said to have been able to confiscate and bestow kingdoms at his pleasure.[253] This encroached upon the power of the senate, who had traditionally directed foreign policy. Indeed, it was Tiberius Gracchus' attempt to circumvent that body about

[242] Plut. *Sull*. 33. See also Livy *Per* 89.
[243] Broadhead 2007: 159. See also Brunt 1962: 79: 'his personal policy, not that of the senate', on App. *BCiv.* 1.96.448, 1.100.470, and 1.104.489.
[244] Santangelo 2007: 134. See also Spadavecchia 2018: 179: 'grande impatto sul volto dell'Italia'.
[245] Santangelo 2012a: 429. There are abundant mentions of Sullan initiatives in the *Libri Coloniarum*; see Campbell 2000: 180-7 and Brunet et al. 2008: 8-11.
[246] App. *BCiv*. 1.79.364.
[247] See Cic. *Dom*. 79, *Caec*. 97, 101; Sall. *Hist*. 1.55.12, 1.77.14.
[248] Plut. *Sull*. 37.
[249] Cic. *Cluent*. 25. See Crawford 1998: 33 for the impact of this on the *municipium*.
[250] Brunt 1971b: 302. Though Hinard (1983 and 1985a: 56) is convinced, I agree with Santangelo 2012a: 425 on the indirect statement: 'the aim is to introduce a note of scepticism'.
[251] See Livy *Per*. 86.
[252] Cic. *Rosc*. *Am*. 22: et pacis constituendae rationem et belli gerendi potestatem solus habeat.
[253] See Plut. *Sull*. 34 and Dion. Hal. *Ant. Rom*. 5.77. See Plut. *Comp. Lys. Sull*. 3 for Sulla selling off the independence of allied states (a tyrannical charge also levelled at Antony: Cic. *Phil*. 3.10).

Attalus III's legacy that caused the most offence (ἐκ τούτου μάλιστα προσέκρουσε τῇ βουλῇ), and stoked the fear that he intended to make himself king (ὡς μέλλοντι βασιλεύειν ἐν Ῥώμῃ).[254] Sulla went much further. He installed a new king in Alexandria, hoping to gain financially from his appointment (ἐλπίσας χρηματιεῖσθαι πολλὰ ἐκ βασιλείας πολυχρύσου).[255] He unilaterally made peace with Mithridates as proconsul – a deal sweetened by a gift of eighty triremes and three thousand talents[256] – and continued to interact with him personally as dictator. The Pontic king complained to both the senate, and Sulla specifically, about Murena's belligerent conduct in Asia (πρός τε τὴν βουλὴν καὶ πρὸς Σύλλαν).[257] When it came to recall Murena, the decision, Cicero implies, was Sulla's alone: 'Murenam Sulla revocavit'.[258] The epigraphic record confirms Sulla's agency abroad. The senate or people might ratify, but he drove the agenda.[259] And for the state-sanctioned wars that were fought against his civil war enemies, who were treated summarily as *hostes*,[260] he chose the commanders himself, and instructed them via letters from Rome.[261] He liberally gave out the citizenship to Spaniards and Gauls.[262] In all these respects, his control over Roman policy was remarkable.

2.ii.b: Sulla's 'power to coerce'

[254] Plut. *TG*. 14.
[255] App. *BCiv*. 1.102.476. See Santangelo 2005: 325 on his intervention 'd'une manière sans précédent'.
[256] Memnon *FGrH* 434.25: παρασχεῖν δ' ἰδίως Σύλλαι τριήρεις π¯ καὶ τάλαντα τρισχίλια πρὸς τὴν ἰδίαν ἐπὶ τὴν Ῥώμην κάθοδον; see Sherwin White 1983: 143. According to Plut. *Sull*. 22, however, Sulla was expected to have the treaty ratified (ψηφίζεσθαι).
[257] App. *Mith*. 65.271. See Vervaet 2004: 57.
[258] Cic. *Leg. Man*. 8. See also App. *Mith*. 66.279.
[259] See, for example, the *SC de Stratonicensibus*, where Sulla decided (*RDGE* 18: 103-4: Λεύκιος Κορνήλι[ος Σύλ]λας Ἐπαφρόδιτος δικτάτ[ωρ, ἐὰν αὐτῶι] | [φα]ίνηται) which communities owed revenues to Stratonicea, and made his decision binding on οἵτινες ἄν ποτε ἀεὶ Ἀσίαν την τε Ἑλλάδα ἐ[παρχείας] | [δια]κατέχωσιν (110-1). Sulla also personally (*RDGE* 49: 4: Ἐγὼ and 10: ὑπ' ἐμου δεδομένα) approved the request of the Dionysiac artists to erect a stele in Cos concerning their privileges. See also Sulla exempting (with a senatorial decree) cities from taxation at Cic. *Off*. 3.87 and Exuperantius 34.
[260] See Sherwin-White 1956: 6: 'for ten years Pompeius commissioned by Sulla or the Sullan Senate had been slaughtering the leaders and other ranks of the *populares*, in Sicily and Africa, in Cisalpine Gaul and in Spain'.
[261] For Sulla choosing commanders, see App. *BCiv*. 1.80.368, 1.97.450, Plut. *Sert.* 7, 9; for personal instructions from Rome, see Plut. *Pomp*. 11, 13.
[262] See Cic. *Arch.* 25; the story implies that, unlike Archias ('hunc petentem'), they were not seeking it.

Sulla's power went far beyond policy, however. He also inflicted a huge amount of violence on Roman citizens. The violence started during the civil war, at the end of which thousands were massacred on his orders at Praeneste and the Villa Publica,[263] and a wave of anarchic killing broke out across Italy.[264] But it took on a very different form with the proscriptions. As victor, Sulla posted death lists in the Forum. Those named were able to be killed without penalty, and their forfeited property was sold at auction. The proscriptions lasted officially from the end of the war in November 82 until the Kalends of June 81; unofficially, the violence must have persisted for some time after that. The ancients were clear that Sulla was personally responsible for these 'months of terror',[265] in a capacity that may have derived from the *lex Valeria*.[266] He created the lists, after supposedly having been entreated to do so in order to limit 'the indiscriminate carnage'[267] that followed the Colline Gate. In one version of the story, the numbers of the proscribed were only limited by his memory. He would add more later, as he saw fit.[268] Suddenly, the lives of Roman citizens were at the mercy of Sulla's whim. No one who was outside his circle was safe, according to Cassius Dio.[269] Cicero claims that Sulla's nephew Publius had to beg for innocents to be spared,[270] and a young Julius Caesar is said to have survived only thanks to his 'deprecantibus amicissimis et ornatissimis viris'.[271] As Cicero put it, shortly after witnessing Sulla's power firsthand:

> hic tantum potuit ut nemo illo invito nec bona nec patriam nec vitam retinere posset.[272]

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[263] See chapter 5 for a full discussion.
[264] See Plut. *Sull*. 31, Cass. Dio 30-35.109.9, Flor. 2.9.25, August. *De civ. D.* 3.28, Oros. 5.21, and Keaveney 1982a: 149, Heftner 2006: 48, Thein 2017, Berdowski 2020: 22. Hinard 1985a: 107 doubted this violence, but unconvincingly; see Seager 1987: 248 and Thein 2017: 141.
[265] Eckert 2020: 86.
[266] Cic. *Leg*. 1.42 states that Flaccus' law provided 'ut dictator quem vellet civium vel indicta causa impune posset occidere'.
[267] Flower 2006: 91.
[268] Plut. *Sull*. 31: εἶπεν ὅσους μεμνημένος τυγχάνοι προγράφειν, τοὺς δὲ νῦν διαλανθάνοντας αὖθις προγράψειν.
[269] Cass. Dio 30-35.109.15: καὶ ἦν οὐδενὶ ἔξω τῶν ἐκ τῆς ἑταιρείας ἀσφαλὲς οὐδέν.
[270] Cic. *Sull*. 72: quam multorum hic vitam est a L. Sulla deprecatus!
[271] Suet. *Iul*. 1. See also Plut. *Caes*. 1 and Cass. Dio 43.43.4.
[272] Cic. *Verr*. 2.3.81.

The first item of Cicero's tricolon, 'bona', attests to Sulla's power over property. The proscriptions caused 'a major redistribution of wealth in Roman Italy'.[273] This was no accident; the wealthy were deliberately targeted. The most notorious victim was a certain Q. Aurelius, who exclaimed upon seeing his name on the list that he was being assailed by his Alban farm,[274] but there were many others who succumbed to the avarice of the proscribers.[275] Sulla was not the only beneficiary. He is said to have wanted to involve as many as possible in his crimes.[276] But his control over the distribution of land was striking. Cicero said that he gave out whatever he wanted, to whomever he wanted,[277] and that he considered the property of the proscribed to be his *praeda*:

> est enim ausus dicere hasta posita, cum bona in foro venderet et bonorum virorum et locupletium et certe civium, praedam se suam vendere.[278]

This was 'transgressive language',[279] as the verb *audeo* makes clear. It was not how Roman citizens ought to have been treated. It seems to have had some basis in reality, though. Sulla, after composing the lists, presided over the sales personally,[280] and is reported – in not an especially polemical context – to have spontaneously gifted part of an estate to a bad poet, on the condition that he stop writing.[281] This discretion was soon proverbial. Cicero predicted in a letter to Atticus that if Caesar won his civil war, he would be 'nec moderatiorem quam Sulla in pecuniis locupletum'.[282] As Sofia Piacentin has argued, Sulla's precedent was 'an irreparable break in the protection of private property'.[283] And his rapacity was not confined

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[273] Santangelo 2007: 98; see Canfora 1980: 428 on 'l'assalto alla ricchezza'.
[274] Plut. *Sull*. 31: "οἴμοι τάλας," εἶπε, "διώκει με τὸ ἐν Ἀλβανῷ χωρίον".
[275] See Sall. *Cat*. 51.33 for the greedy securing the proscription of anyone whose property they coveted.
[276] See Plut. *Crass*. 2: βουλόμενος ὅτι πλείστοις καὶ κρατίστοις προσομόρξασθαι τὸ ἄγος.
[277] Cic. *Leg. Agr*. 2.81: L. Sulla qui omnia sine ulla religione quibus voluit est dilargitus.
[278] Cic. *Off*. 2.27. He repeated this at *Verr*. 2.3.81 and *Leg. Agr*. 2.56.
[279] Rosenblitt 2019a: 127. See also van der Blom 2017: 188: 'the persistent recurrence of Sulla's phrase shows that it most probably stuck in Cicero's mind'.
[280] See Cic. *Quinct*. 76, Plut. *Sull*. 33, Livy *Per*. 89.
[281] Cic. *Arch*. 25: statim ex eis rebus quas tunc vendebat iubere ei praemium tribui, sed ea condicione, ne quid postea scriberet. See also Plut. *Comp. Lys. Sull*. 3 for his expectation of controlling the bids at his auctions.
[282] Cic. *Att*. 7.7.7.
[283] Piacentin 2021: 148.

to individuals. He confiscated the lands of Volaterrae and Arretium.[284] Entire *municipia* are said to have been sold *sub hasta*.[285] Cicero's depiction of the wretchedness of the Amerians in the *Pro Roscio* and the Larinates in the *Pro Cluentio* drives home the terrifying extent of Sulla's coercion across Italy.[286] When the citizens of Ameria sought restitution for Sex. Roscius the elder's property and protection for his son, they sent an embassy directly to Sulla ('decurionum decretum statim fit, ut decem primi proficiscantur ad L. Sullam').[287] It was clear enough that power resided in Sulla's person, not any institution of the *res publica*.

Though the proscriptions were legalised,[288] they were conducted, as we have seen, in an arbitrary fashion.[289] The same arbitrariness can be seen in other actions of Sulla as dictator. He compelled Pompey to divorce, tyrannically,[290] and married him to his own step-daughter Aemilia, who had been wrested, while pregnant, from her previous husband.[291] When Caesar would not divorce Cornelia on his orders, he confiscated her dowry.[292] The most shocking anecdote, however, concerns Q. Lucretius Afella.[293] Afella was a favourite of Sulla's, and the victor at Praeneste. He canvassed for the consulship, even though he did not have the dictator's blessing. For this contumacy, Sulla had him killed in the Forum.[294] He then summoned a *contio* to boast about what he had done.[295] Sulla's power to coerce seems so capricious, and so transgressive, because it was not subject to any of the institutions were

[284] See Cic. *Dom.* 79, *Att.* 1.19.4.
[285] Flor. 2.9.27. See also Cic. *Phil*. 5.43: tot municipiorum maximae calamitates, *Parad*. *Stoic*. 46: caedes municipiorum, and August. *De civ. D.* 3.28.
[286] See Cic. *Cluent*. 25: proscriptionis et mortis metu, *Rosc. Am*. 24: quod Amerinis usque eo visum est indignum, ut urbe tota fletus gemitusque fierete, and App. *BCiv.* 1.96.445 for Sulla's retribution in Italy.
[287] Cic. *Rosc. Am*. 25; see also the verb 'orent', used to emphasise their helplessness. Later (110) Cicero argues that justice was thwarted because Capito and Chrysogonus conspired to prevent the embassy's 'aditus ad Sullam'.
[288] See *RS* 49 and Hinard 1985a: 67.
[289] See Rosenblitt 2019a: 113: 'life and death had become a question of Sulla's unknown intentions'.
[290] Plut. *Pomp*. 9: ἦν οὖν τυραννικὰ τὰ τὸν γάμου καὶ τοῖς Σύλλα καιροῖς μᾶλλον ἢ τοῖς Πομπηΐου τρόποις πρέποντα.
[291] Plut. *Sull*. 33.
[292] See Plut. *Caes*. 1 and Suet. *Iul*. 1.
[293] For the preferability of Afella to Ofella, based on the Latin manuscripts, see Badian 1967: 227, Rawson 1987: 172 n.60, and Keaveney 2003: 84.
[294] See App. *BCiv*. 1.101.471, Plut. *Sull*. 33, Livy *Per*. 89, Asc. 91C.
[295] Livy *Per*. 89: cum hoc indigne ferret populus R., contione aduocata se iussisse dixit.

supposed to protect the bodily integrity of Roman citizens. Firstly, as Cicero lamented in the 50s, the proscribed had no right to a trial:

> proscriptionis miserrimum nomen illud et omnis acerbitas Sullani temporis quid habet quod maxime sit insigne ad memoriam crudelitatis? opinor, poenam in civis Romanos nominatim sine iudicio constitutam.[296]

This was not 'proprium liberae civitatis'.[297] Nor did their descendants, who faced their own sanctions for what their parents had done. The injustice of this was frequently commented upon.[298] Secondly, Sulla seems to have been 'provocationsfreien',[299] as his lictors bore axes within the *pomerium*.[300] There has been some debate as to whether Roman dictators were ever subject to *provocatio*,[301] but by the first century BC, it had become 'an established republican trope that liberty consisted first and foremost in the right of appeal'.[302] Pomponius later wrote that it was introduced so that the power of the consuls would not be kingly: 'qui tamen ne per omnia regiam potestatem sibi vindicarent, lege lata factum est, ut ab eis provocatio esset neve possent in caput civis Romani animadvertere iniussu populi'.[303] Sulla, on the other hand, punished by edict.[304] His victims had no recourse whatsoever. Thirdly, even those convicted of capital charges in the late Republic 'hardly ever lost their lives'.[305]

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[296] Cic. *Dom*. 43. On the importance of bodily integrity to *libertas*, see Clarke 2014: 227.
[297] Cic. *Dom*. 33.
[298] See Quint. *Inst*. 11.1.85: 'quid enim crudelius?' and chapter 5 for full treatment.
[299] Mommsen 1899: 938.
[300] See App. *BCiv.* 1.104.484 and 1.105.495. I also discuss this in chapter 5.
[301] Most have thought they were originally free from it (and subjected to it later); see Mommsen 1887: 2.146, Ehrenberg 1953: 123, Staveley 1955: 428, Humbert 1988: 488, Kunkel and Wittmann 1995: 673, Cloud 1998: 45. Drogula 2007: 445 argued that dictators had their unusual repressive capacity not from a *provocatio* exemption, but because they alone had *imperium domi*. Recently it has been argued that the early dictatorship *sine provocatione* is a post-Sullan fabrication; see Cornell 2015: 122, Straumann 2016: 71, Vervaet 2022.
[302] Straumann 2016: 70. Cicero (*De Or*. 2.199) called it the *vindex libertatis*, and characterised Verres' summary punishment of P. Gavius as an attack on the 'nomen dulce libertatis' (*Verr*. 2.5.163). Livy, with rhetoric that may anticipate Sulla, said M. Fabius appealed to *provocatio* against the dictator Papirius Cursor's execution of his son, calling it a *iudex* 'qui certe unus plus quam tua dictatura potest polletque' (8.33.8, see Lintott 1972: 236). See also Martin 1970: 95, Brunt 1988: 331, Mackie 1992: 67, Cloud 1994: 493, Pina Polo 2006: 92, Arena 2012: 50.
[303] *Dig*. 1.2.2.16.
[304] See Cic. *Cluent.* 123 for Cicero warning the court against giving censors *regia potestas* by treating their *subscriptiones* as binding, which would recall 'illa acerbissima proscriptio'.
[305] Cloud 1994: 513, and n.104 for the exceptions of Publicius Malleolus in 101 and Q. Varius Hybrida in 89. For the custom of allowing exile, see Polyb. 6.14.7, Sall. *Cat*. 51.22 and 41, Cic. *Caec*. 100.

Elite citizens generally went into exile, rather than facing execution, which had acquired an unsavoury reputation.[306] Sulla's victims, on the other hand, were publicly decapitated, and those who managed to flee were pursued outside of Italy.[307] In all these respects, Sulla's power to coerce was extraordinary.[308]

2.iii: Judgements of Sulla's power

The extraordinariness of Sulla's power is perhaps easier for us to perceive, at a safe remove, when it is laid out neatly on a page. Our imperial sources too, writing in full knowledge of how late Republican politics would play out, had no difficulty in judging Sulla an autocrat.[309] But it is important to be clear that his power also seemed extraordinary at the time. Cicero, only a few years after experiencing it himself, said that he had been uniquely entrusted with the entire *res publica*:

> unus adhuc fuit post Romam conditam – di immortales faxint, ne sit alter! – cui res publica totam se traderet temporibus et malis coacta domesticis, L. Sulla.[310]

The extent of his control of the state was kingly. Cicero said to the senate in 56 that 'sine dubio habuit regalem potestatem'.[311] He later used *Sullanum regnum* as a paradigm for Pompey's ambitions in the next civil war.[312] Indeed, Sulla's *regnum* was an established concept in 63, as Lentulus, the Catilinarian conspirator, claimed that the Sibylline books and the *haruspices* had foretold the same thing for him.[313] Of course, *regnum* was a term of abuse

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[306] See, for example, Cic. *Rab. Perd.* 11, 13, 16; *Lig.* 11, *Phil.* 3.10.
[307] See chapter 5.
[308] Lucan (2.145-6) captures its extra-legal nature: 'tunc data libertas odiis, resolutaque legum / frenis iura ruit'.
[309] The most explicit example is Dion. Hal. *Ant. Rom.* 5.77. See also App. *BCiv.* 1.3.9, Plut. *Comp. Lys. Sull.* 1, Cass. Dio 30-35.108.1, and Hahn 1974-5: 116, Candau Morón 2000: 454, Urso 2016: 22.
[310] Cic. *Verr*. 2.3.81. In the same chapter, he described Sulla as 'cui concesserat omnia', in a similar fashion to how he later, privately, described Caesar: 'omnia enim delata ad unum' (*Fam*. 4.9.2).
[311] Cic. *Har*. *Resp.* 54. See also Cic. *Phil*. 5.44: 'Sulla regnavit'.
[312] Cic. *Att*. 8.11.2, 9.7.3, 10.7.1.
[313] Cic. *Cat*. 3.9 and Sall. *Cat*. 47. Quint. *Inst*. 5.10.30 calls it a *dominatio*; see also App. *BCiv*. 2.4.15 and Plut. *Cic*. 17.

in the late Republic,[314] and sometimes these judgements on Sulla's regime can be interpreted as partisan or personal attacks on the dictator. It is not surprising that his opponents, like Sallust's popular speakers, charged him with tyranny,[315] nor is it decisive that someone like Cicero came to express such bitter views on him in the 40s.[316] I hope to have shown, however, that Sulla's control of the *res publica* was an obvious enough fact for a sober commentator like Asconius to write 'rem publicam tenuerat'.[317] And, most importantly, Cicero acknowledged it even in his positive, and contemporary, *Pro Roscio Amerino*. He said that 'unus omnia gubernet'; that 'unus omnia poterat'.[318] In an astonishing simile, he compared Sulla's power to that of Jupiter Optimus Maximus, 'cuius nutu et arbitrio caelum terra mariaque reguntur'.[319] The normative judgement of Sulla's power was very different to Lepidus' or Macer's, but the recognition of its extent was not. As Alexander Thein has said, 'there was a general acceptance at all periods in antiquity that Sulla's powers had been exceptional'.[320]

In an important sense, this was anathema to the politics of the Roman Republic. The *res publica*, as Malcolm Schofield has shown, could be understood as a 'property metaphor'.[321] Cicero famously called it the *res populi*,[322] with the implication being that 'in any legitimate form of government the *populus* should own its own *res*'.[323] When the *res* of a

[314] See, for example, Baraz 2018: 46.
[315] See Sall. *Hist.* 1.55.1, 5-8, 13, 22, 24, 27; 3.48.1, 9, and Cicero from the *rostra*: *Leg. Agr*. 1.21, 2.81, 3.5. Sallust appears to agree with his speakers about Sulla's *dominatio* at *Cat*. 5 and 28.
[316] See Cic. *Fin*. 3.75, *Phil*. 2.108, 5.17, 44; *Off*. 2.51, and Desrosiers 1969: 177, Ridley 1975: 107, Lanciotti 1977: 129, Diehl 1988: 160.
[317] Asc. 73C.
[318] Cic. *Rosc. Am*. 22 and 139. See also 91: 'qui summam rerum administrabat'. See Bell 1997: 8 n.45 on this being 'indicative of autocracy'.
[319] Cic. *Rosc. Am*. 131. Sulla was similarly omnipotent: 'cum solus rem publicam regeret orbemque terrarum gubernaret'. See Flower 2008: 83 on the comparison and the burning of the Capitoline temple in 83. There is certainly scope for interpreting the simile as criticism, as Gildenhard 2010: 357, among others, does. But there is no way around the conclusion that Sulla's extreme power would have been obvious to his audience.
[320] Thein 2006: 240. See also Nicolet 1988: 39 and Rosenblitt 2019a: 10: 'there is ample evidence that his power was experienced as autocratic by contemporaries'.
[321] Schofield 1999: 164.
[322] Cic. *Rep*. 1.39. On the relation between *publicus* and *populus*, see Geuss 2001: 35 and Russell 2016: 26.
[323] Arena 2016: 74. On the metaphor, see Schofield 1999: 163: 'the idea is presumably not that *res publica* is literally speaking property, but rather that the affairs and interests of the people may be conceived

community came to be dominated by a tyrant, a faction, or a mob – anything that was not a *populus* – the *res publica* ceased to be: 'dicendum est plane nullam esse rem publicam'.[324] This relates to Sulla on two accounts. Firstly, he acquired the sort of control over the commonwealth that could easily be considered a domination. As Valerius Maximus put it, the prize of his civil war victory was the *res publica* itself.[325] Sulla had so much power after the Colline Gate that the *populus* could hardly be said to direct its own affairs. Our sources claim almost unanimously that he controlled everything.[326] He, along with Cinna and Caesar, 'plus potuerunt quam universa res publica'.[327] This degraded the agency of the Roman people. They were previously the 'gentium moderator',[328] but no longer. And secondly, he wielded his power in such an arbitrary way that *libertas*, defined minimalistically as the ability to not 'live at anyone else's mercy',[329] scarcely existed in Sulla's Rome. The 'matrix of civic and political rights'[330] that guaranteed Roman freedom was dealt a serious blow during his dictatorship. *Provocatio* was abandoned, trials were not held, property rights were trampled upon, the tribunes lost their powers.[331] Sulla's power could be conceptualised as so distant from legitimate, Republican authority that it was paternal: Sallust's Lepidus said that

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metaphorically as its property'. On the importance of the genitive of possession, see Atkins 2013: 132, and in general, Asmis 2004: 575, Grilli 2005: 125, Atkins 2018: 26.

[324] Cic. *Rep*. 3.43. Asmis 2004: 588 calls this a 'transfer of control'.

[325] Val. Max. 7.6.4: praemium res erat publica. See also Sall. *Hist*. 1.55.5, and the idea of *res publica reciperata* in Cic. *Rosc. Am.* 141, *Dom.* 79, *Har. Resp*. 54, *Brut*. 311, and Sall. *Cat*. 11 (*recepta*). The same phrase is used (hypothetically) about Pompey recovering the *res publica* in the 40s (Cic. *Att*. 8.3.2, 8.3.4) and elsewhere in the Ciceronian corpus (e.g. Cic. *Phil*. 5.11, 11.31, 14.38; *Att*. 14.4, 15.13.7). Sometimes *recipero* has the sense of restoration (see Cic. *Brut*. 311), but it more naturally means 'regain possession' (see *OLD* s.v.).

[326] See Sall. *Hist*. 1.55.13: leges, iudicia, aerarium, provinciae, reges penes unum (and 24: ius iudicium omnium rerum penes se, quod populi Romani fuit). Vervaet 2004: 76 interprets this to mean 'the Valerian Law conferred a well-defined series of extraordinary powers upon Sulla', but it is better understood as a Sallustian trope to describe excessive power: similar lists are found, describing the *nobiles* and the *pauci*, at *Iug*. 41 and *Hist*. 3.48.6.

[327] Cic. *Phil*. 5.17.

[328] Sall. *Hist.* 1.55.11. Lepidus' words are rhetorical, but the tribune law did reduce popular power. See also the difference between Sulla's demand for obedience (App. *BCiv*. 1.95.441, with Rosenblitt 2016: 679) and what Hölkeskamp 2013: 20 has called 'the rhetoric of inclusion', often used to address the people, or Jehne's (2000: 214) 'Jovialität'. This cannot be pressed too far, however; there are other examples of haughty elite speech (see Hölkeskamp 2000b: 223).

[329] Arena 2012: 45.

[330] Arena 2016: 75.

[331] All were vital to the Roman Republican concept of *libertas*. For *provocatio*, see Cic. *Leg. Agr*. 2.34, *Rep*. 3.44; trials, Cic. *Dom*. 33; property rights, Cic. *Off*. 2.73; tribunes' powers, Livy 3.37.5.

he had 'necis civium et vitae licentia'.[332] This sits far outside Roman understandings of how their *res publica* ought to be.[333] It is also incongruent with many modern understandings of republicanism.[334] In my view, therefore, the idea of Sulla as 'the last Republican' makes very little sense.

Hurlet, on the other hand, has argued that 'l'abdication de Sylla n'était rien d'autre qu'une preuve du caractère républicain – et par conséquent de la légalité – de son pouvoir dictatorial'.[335] In his view, if Sulla was not a 'republican', and had really sought the kind of monarchy that Carcopino thought he did, 'l'abdication perd sa signification traditionelle et devient proprement incompréhensible'.[336] As I showed in chapter 1, Sulla's abdication is a vital part of the approach to his politics that considers him an 'optimate'. He took on the dictatorship to restore the Republic, and laid it down once he had done so. Therefore 'between Sulla the despot and Sulla the *nobilis* there subsists no clash or inconsistency other than that which can so often be observed between means and ends'.[337] But this view does the evidence on his abdication, meagre even by the standards of ancient history, no justice. The date on which he gave up the dictatorship has eluded any consensus. Some posit that he did so in the middle of 81,[338] or at the end of 81 or the start of 80:[339] that is, before his second consulship. Others, believing Appian's statement that he held both offices at the same time,

[332] Sall. *Hist*. 1.55.13. *Licentia* is even more arbitrary than the *ius* or *potestas* of the *paterfamilias* (see Cic. *Dom*. 77), which could still be considered extraordinary; see Gai. *Inst*. 1.55 and Crook 1967: 1, Rabello 1979: 118, Saller 1986: 7, Harris 1986. As I shall discuss later, the restored exiles at Sulla's triumph are said to have called him πατήρ (Plut. *Sull*. 34).
[333] See Cic. *Phil*. 6.19: aliae nationes servitutem pati possunt, populi Romani est propria libertas.
[334] See Pettit 1997: 51 for an influential take on 'republicanism' being characterised by 'freedom as non-domination', as well as Skinner 2012: 22 and Arena 2018: 642.
[335] Hurlet 1993: 168. See also Humm 2018: 127.
[336] Hurlet 2010: 112. This was an argument used in later *suasoriae*; see Quint. *Inst*. 3.8.53, 5.10.72 (non dominationis causa Sullam arma sumpsisse, argumentum est dictatura deposita) and Juv. 1.15-7. Sen. *Cons. Marc*. 12.6 admits that 'etiam inimici fatebuntur bene illum arma sumpsisse, bene posuisse'. Sulla's reputation became closely tied to his retirement; see Sen. *Clem*. 1.12.2 (where it counts against his tyranny) and Mart. 9.43.10, 11.5.10.
[337] Syme 2016a: 64.
[338] See Keaveney 2005b: 439, Hinard 2011b: 60, Humm 2018: 127.
[339] See Badian 1970b: 11, Hurlet 1992: 224, Worthington 1992: 189.

have claimed the middle of 80,[340] or the end,[341] or the start of 79,[342] or the middle.[343] There has been an argument for 'todas las ocasiones posibles'.[344] This uncertainty makes confident reconstructions of his motives dubious. Scholars have been rightfully sceptical about Carcopino's thesis that he was forced out; the idea that he abdicated to 'restore the Republic' should not be taken for granted either. We do not know how significant his declining health was.[345] Moreover, Sulla's tenure was limited only by his own wishes. He had 'full freedom to terminate his dictatorship whenever he liked'.[346] His contemporaries had no way of knowing when he intended to do so, and this was the cause of considerable apprehension.[347] Most fundamentally, however, I agree with Steel: 'the fact that Sulla resigned his power should not distract us from the extraordinary and unprecedented nature of his autocracy'.[348] A brief *regnum* or *dominatio* still sat outside the norms of the *res publica*.[349] The very aspiration to such a thing was deemed by some Romans to be assassination-worthy.[350] Its realisation under Sulla, even for only a few years, demands explanation.

2.iv: Approaching Sulla's power

It will be clear by now that I do not find the 'optimate' approach to Sulla's politics convincing. He was a radical, not a conservative, and his position was manifestly

[340] See Sumner 1964: 44, Twyman 1976: 294.
[341] See Valgiglio 1956: 200, Gabba 1967: 282.
[342] See Mommsen 1894: 138, Valgiglio 1956: 200, Jenkins 1994: 132, Syme 2016a: 56, Vervaet 2018: 44.
[343] See Carcopino 1931: 208 n.2. See Eckert 2016b: 191 and Vervaet 2018 for a full analysis.
[344] Gómez-Pantoja 1991: 108. I agree with Rosenblitt 2019a: 17, that the importance of 'the resignation of the dictatorship per se' has been seriously overrated by modern scholars; it is the retreat from public life altogether, after the consulship of 80, that matters. Even then, 'we do not really know how powerful Sulla was after his retirement' (Yakobson 1999: 162).
[345] Some have considered it an important factor; see Worthington 1992: 190, Jenkins 1994: 142, Santangelo 2007: 10, Noble 2014: 212 n.1. For discussions on his condition, see Carney 1961b, Keaveney and Madden 1982, Schamp 1991, Cilliers and Retief 2000, and Walters 2019 on the literary description of it.
[346] Ehrenberg 1953: 125. Only he could decide when his mandate was completed; see Vervaet 2018: 35.
[347] See especially Rosenblitt 2019a: 29, and Eckert 2016b: 196.
[348] Steel 2017: 459.
[349] See Cic. *Amic*. 41 on Tiberius Gracchus: 'regnavit is quidem paucos menses'. Appian (*BCiv.* 1.3.9: ἐπὶ πλεῖστον) did not think Sulla's domination was short, as Tacitus (*Ann.* 1.1) did.
[350] The bibliography on *regnum* seekers in the early Republic is considerable, but on this simple point, see Vigourt 2001: 274: 'les expression utilisées, *regnum appetere*, *spem regni concepere*, *cupiditas regni*, *adfectatio regni*, révèlent que le crime était dans l'intention, dans le désir'.

unrepublican. I will focus on his relationship with the Roman elite in Chapter 4, but it is already paradoxical in the extreme that he could be conceived of as an 'optimate', given 'the oligarchic craving for equality among the ruling class',[351] from which he was far removed. The 'tyrant' approach seems *prima facie* more promising. Romans could, and did, perceive his dictatorship that way,[352] and he exhibited some classically tyrannical vices, such as arbitrariness,[353] cruelty, greed, and luxury.[354] Cicero seems to have thought that the power to kill, in the Sullan mould, was the defining characteristic of tyranny.[355] One problem, however, is that 'tyrant' is unavoidably a value judgement. We use the word to criticise power;[356] it lends itself less easily to understanding it. It is no accident that scholars who have approached Sulla's power in that way have treated it as being fundamentally, if not exclusively, reliant on force.[357] As I shall argue, this leaves too much out of the picture. A more neutral adjective like 'autocratic', as some scholars have used,[358] or 'authoritarian', as I shall, describes Sulla's power accurately enough. I do not use the word with much precision, following the practice of comparative politics scholarship, where it is little more than a synonym for 'non-democracy'.[359] Nevertheless, the pedestrian meaning helps. Sulla's Rome shared two basic characteristics of authoritarian politics: the restriction of pluralism, and the

[351] Brunt 1968: 230. See also Hölkeskamp 2010: 106 on the importance of elite 'consensus about the rules of competition', for the sake of their own *dignitas* – rules which Sulla ostentatiously broke. Badian did not address the tension in his published opinions that Sulla was a 'sinister tyrant' (1970a: 3) whom 'the vast majority of the ruling class flocked to acclaim…as a saviour' (1970a: 32), even though 'the Roman aristocrats' feeling against tyrants was in any case not a rational objection: it was a deeply emotional one, tinged with religion' (1972: 725).
[352] See Cic. *Leg. Agr*. 3.5 on the *lex Valeria*: 'hic [Flaccus] rei publicae tyrannum lege constituit', and Sall. *Hist*. 1.55.1 on the *tyrannis L. Sullae*.
[353] See Sall. *Iug*. 31.26: nam impune quae lubet facere, id est regem esse.
[354] See especially Cic. *Fin*. 3.75.
[355] See Cic. *Rep*. 3.23: sunt enim omnes, qui in populum vitae necisque potestatem habent, tyranni.
[356] So did the ancients; see Cic. *Rep*. 2.49: hoc nomen Graeci regis iniusti esse voluerunt, and Polyb. 2.59.6: αὐτὸ γὰρ τοὔνομα περιέχει τὴν ἀσεβεστάτην ἔμφασιν καὶ πάσας περιείληφε τὰς ἐν ἀνθρώποις ἀδικίας καὶ παρανομίας.
[357] See, most explicitly, Rosenblitt 2019a: 5: 'Sulla was a tyrant. Like many tyrants, he believed in control through oppression' (quoted earlier).
[358] See Stockton 1966: 262, Badian 1968a: 27 ('autocratic control'), Brunt 1986: 28, 1988: 470 ('temporary autocracy'), Scholz 2003: 192 ('autokratische Stellung'), Gildenhard 2010: 358 ('autocratic power'), Steel 2013a: 253, 2017: 459; Smith 2021: 31 ('apparent autocracy').
[359] See Barros 2016: 953 n.1: 'as is conventional, for stylistic reasons I ignore conceptual differences and use interchangeably "dictatorship", "autocracy", "authoritarianism", and "nondemocratic regime"", and Frantz 2018: 12 for a similar disclaimer.

concentration of power.[360] But the right label only does so much. It does not answer the important questions lurking beneath the superficial. How did Sulla's authoritarian politics work?

Acquiring the sort of power that could be considered 'authoritarian' is no easy feat. There are serious dangers. A population could reject an authoritarian's right to rule, and rebel en masse against them: Milan Svolik has called this the 'problem of authoritarian control'. Another possibility is that dissatisfied elites within the ruling coalition launch a coup against the leader: this is Svolik's 'problem of authoritarian power-sharing'.[361] Because they have to constantly navigate these threats, the authoritarian's position is never secure. This is the lesson from the 'sword of Damocles'. Authoritarian power has to be assiduously constructed and maintained. In order to approach how Sulla might have done so, we can compare with a better documented Roman example – the genesis of Augustus' principate, according to Tacitus:

> postquam Bruto et Cassio caesis nulla iam publica arma, Pompeius apud Siciliam oppressus exutoque Lepido, interfecto Antonio ne Iulianis quidem partibus nisi Caesar dux reliquus, posito triumviri nomine consulem se ferens et ad tuendam plebem tribunicio iure contentum, ubi militem donis, populum annona, cunctos dulcedine otii pellexit, insurgere paulatim, munia senatus magistratuum legum in se trahere, nullo adversante, cum ferocissimi per acies aut proscriptione cecidissent, ceteri nobilium, quanto quis servitio promptior, opibus et honoribus extollerentur ac novis ex rebus aucti tuta et praesentia

[360] Linz 1964: 297 offered the classic definition (in contrast to both democracies and totalitarian regimes): 'political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones'; see Linz 2000: 161 on the definitional importance of restricted pluralism ('the most distinctive feature'). On the concentration of power, see now Gerschewski 2023: 3 on autocracy as 'organised certainty' and 27: 'the nature of autocracies is that they want to be in control'.
[361] Svolik 2012: 2.

> quam vetera et periculosa mallent. neque provinciae illum rerum statum abnuebant, suspecto senatus populique imperio ob certamina potentium et avaritiam magistratuum, invalido legum auxilio quae vi ambitu postremo pecunia turbabantur.[362]

To be sure, this was a different regime in a different context. But Tacitus brings up pertinent themes. Augustus' rise to power began, as did Sulla's, with victory in civil war. Some of his enemies (here Brutus, Cassius, Sextus Pompey, Lepidus, and Mark Antony) could not co-exist with him in the same *res publica*. Thus the 'ferocissimi' had to be defeated, in battle or by proscription ('per acies aut proscriptione'). More tractable elites were won over 'opibus et honoribus'. The people, on the other hand, were enticed by the food supply ('annona'), and the army by largesse ('donis'). Augustus also managed to provide the sweetness of peace ('dulcedine otii'), welcome after years of civil strife, and fair administration for the long-suffering provinces. In his generosity, he did not neglect to secure for himself the benefits and protections of political office. He swapped his triumviral position for the consulship and *tribunicia potestas* ('positio triumviri nomine consulem se ferens et ad tuendam plebem tribunicio iure contentum'). These institutions were both palatable and conducive to him accumulating more power ('munia senatus magistratuum legum in se trahere').

The stability of Augustus' principate, according to Tacitus, was built on all these factors. Repression played a role, in the exclusion of political threats, but so too did providing for the people and the army, offering something to the *nobiles*, and presenting his power in an acceptable way. Augustus would not have got very far if he had not won the civil wars, but according to Tacitus at least, his politicking did not stop there. Building an authoritarian regime is not easy. They usually require more than one pillar of support. Writing some time after Tacitus, Johannes Gerschewski has proposed three conceptual pillars

[362] Tac. *Ann*. 1.2.

of autocracies: legitimation, co-optation, and repression. He claims that these pillars can explain authoritarian longevity while 'remaining parsimonious enough to be applicable to all autocratic regimes'.[363] Of course, legitimation, co-optation, and repression do not look the same in every context, and different rulers will use different strategies to remain in power. Nevertheless, those who cannot convince the population of their legitimacy, keep allies onside, or coerce opponents when necessary are unlikely to last long, in any context. I will argue that Gerschewski's framework offers a useful way in to understanding Sulla's politics.[364] There is evidence for Sulla attempting to garner support with strategies that fall under all three umbrellas. I will therefore use these 'pillars' as starting points, to examine how Sulla constructed his extraordinary power.

[363] Gerschewski 2013: 14.

[364] I do not make any argument for the theoretical supremacy of Gerschewski's pillars. It is very similar to John Galbraith's division of power (compensatory, condign, and conditioned; see Galbraith 1983), and could easily be reconciled with Michael Mann's famous IEMP model (ideological, economic, military, and political power; see Mann 1986: 2). It is also not far from Keith Hopkins' critique of Fergus Millar for not considering power from either 'the coercive approach' or the 'symbolic approach' (see Hopkins 1978b: 180). I use Gerschewski's framework because it is elegantly simple.

Chapter 3: Sulla's legitimation

I begin with legitimation, which can simply be understood as 'the process of gaining legitimacy'.[365] Legitimacy has a long history as a concept in sociology and political philosophy. I use it here, as many others have, to denote belief in the righteousness of authority. Thus 'a government is legitimate to the extent that its rules are considered rightful'.[366] Legitimacy 'provides a vision for how rule should look'.[367] Many scholars, across a range of disciplines, have considered it important to the exercise of political power.[368] Indeed, it has often been considered indispensable,[369] because no regime can hope to control its subjects indefinitely against their will. As Rousseau put it, 'the strongest is never strong enough to always be master, unless he transforms strength into right, and obedience into duty'.[370] For those who seek to be masters, then, this transformation is crucial. Max Weber, whose work on the concept still casts a long shadow, claimed that all rulers 'seek to arouse and foster belief in their "legitimacy"'.[371] This process may be called legitimation. Though some have considered legitimacy proper only to democracies, Weber

[365] Gerschewski 2018: 655 (and 2013: 18). See also Barker 2001: 24. The seminal work is Beetham 2013.
[366] Hechter 2009: 280. This perspective on legitimacy is often called 'descriptive legitimacy' (see Applbaum 2019: 13) and ultimately derives from Weber's 'Legitimitätsglaube'.
[367] Dukalskis and Gerschewski 2017: 252.
[368] See, for example, Alfonso and Escalona 2003: xi: 'the paramount attribute of every political authority'.
[369] See Omelicheva 2016: 481: 'every political system must attain a certain degree of legitimacy to ensure its persistence in the long run'.
[370] Rousseau 2012: 12. Charlesworth 1937: 5 articulated a similar view on the Roman principate: 'no power, no empire, can hope to exist for long unless it wins the assent and trust of the majority of its subjects'.
[371] Weber 2019: 339.

himself used the term non-normatively, and its acquisition is a boon for any form of government.[372] Different contexts will require it to be built in different ways. Sulla, in the distinctive political culture of the late Roman Republic, had to legitimate his power in a manner that would be compelling for his contemporaries.[373]

Aspects of Sulla's legitimacy have been widely studied. Scholars have engaged a great deal with his public image, not only in general,[374] but also specifically on his *felicitas*,[375] his relationship with the gods,[376] his lawgiving,[377] his monuments and building work,[378] his 'propaganda' on returning from the East,[379] his coinage,[380] his use of epigraphy,[381] and his *Memoirs*.[382] His preoccupation with his own image has never been doubted. Almost all recognise that he 'was intensely interested in and concerned with managing the ways in which he was perceived both by his contemporaries and by posterity'.[383] It has even been said that 'with Sulla, the art of self-representation reached a new peak'.[384] But legitimacy

[372] See Geddes 1999: 138: 'authoritarian governments need some support and a good deal of acquiescence to remain in power'. For the idea that 'political legitimacy requires democracy', see Buchanan 2002: 719, and Christiano 2004. It is manifestly not helpful to explaining the exercise of power in the ancient world.
[373] On legitimacy in the Republic, see Mackie 1992: 52, Schofield 1999: 155, Christian 2008, Morstein-Marx 2009: 137, 2011: 276; Straumann 2016: 63, Rosenblitt 2019a: 141, Rafferty 2019: 27, and, problematically, Hatscher 2000 (see Flaig 2004: 529). For the unimpeachable legitimacy of the Republic itself, see Meier 1966: 1. The legitimacy and legitimation of the emperor have been much more widely studied; see, for example, Charlesworth 1937, Veyne 1976: 576, Wallace-Hadrill 1981: 298, Zanker 1988: 4, Ando 2000: 25, de Blois et al. 2003, Noreña 2011: 301, Christoforou 2023: 102. For rejections of the concept(s) in Rome, see Mommsen 1887: 2.791, Bleicken 1972: 89, Finley 1983: 131, 1985: 99; Lendon 2006. There is not space here for a systematic defence of Roman legitimacy; I make the case for its usefulness throughout this chapter.
[374] Ramage 1991, Behr 1993, Sumi 2002, Thein 2002, Gisborne 2005.
[375] Ericsson 1943, Balsdon 1951, Mazzoli 1977, Levi 1980, Keaveney 1983b, Castagnetti 1996, Fadinger 2002, Eckert 2018.
[376] Lanzani 1927, Carcopino 1931: 94, Keaveney 1983b, Marinoni 1987, Santangelo 2007: 219, Mann 2008, Müller 2009a: 215 and 2009b, Flower 2015a, Blasi 2018.
[377] Flower 2010a: 133, David 2018. For the idea of refounding, see Santangelo 2007: 214.
[378] MacKendrick 1960: 241, Sehlmeyer 1999: 204, Mackay 2000, Giardina 2012, Stein-Hölkeskamp 2015, Davies 2017: 185 and 2018: 479, Bustany-Leca 2019.
[379] Salmon 1964 and especially Frier 1967 and 1971.
[380] Alföldi 1956: 82, 1975: 165, 1976; Crawford 1964, Frier 1967, Luce 1968, Keaveney 1982c, Martin 1989, Worthington 1992, Morawiecki 1996, Assenmaker 2013a and 2014, Yarrow 2021: 147.
[381] Mayer 2008.
[382] Vitelli 1898, Calabi 1951, Bates 1983: 226, Lewis 1991, Chassignet 2003: 71, Scholz 2003, Alonso-Nuñez 2004-5, Smith 2009, Thein 2009, Wiseman 2009, Tatum 2011: 163, *FRHist* 1.282, Flower 2014: 28 and 2015b, Noble 2014, Lange and Vervaet 2019.
[383] Noble 2014: i.
[384] Smith 2009: 65.

extends far beyond self-representation. Sulla justified his power in many different ways, including those less narrowly focused on his image. His claims to legality, vengeance, and reconstruction are all relevant here.[385] I cannot hope for a comprehensive treatment within the confines of this thesis. Instead, I will analyse Sulla's most important legitimating claims by breaking them down into three categories: those concerning his person, which he claimed was skilled in war and beloved by the gods; those concerning his civil war cause, which he claimed was reasonable and superior to his opponents'; and those concerning his dictatorship, which he claimed was necessary, legal, and advantageous for Rome. I will reconstruct how Sulla made these arguments from the extant evidence, and demonstrate how they contributed to his power. The arguments themselves are not enough. In order 'to be a pillar of stability of an authoritarian regime, the discourses of legitimacy must resonate with citizens' beliefs'.[386] Not all legitimation efforts are successful, and ineffective legitimation will not stabilise a regime. Measuring legitimacy, concerned as it is with the general beliefs of an entire population, is notoriously difficult. It is scarcely possible for the ancient world. It must be admitted that our evidence is too poor to allow us to fully grasp how Sulla's legitimation was received. Nevertheless, some discourse does survive, and we cannot tackle Sullan politics without confronting it. Sulla's legitimacy was keenly debated, and among the fault lines of its reception, there is progress to be made on how his power worked.

3.i: Legitimation of Sulla's person

As I discussed in chapter 2, Sulla's power was institutionalised into a dictatorship. His power clearly did not derive from the dictatorship; he issued a thinly veiled order to Flaccus to make him dictator. In the letter to Flaccus, as Appian has it, Sulla made a case not just for the

[385] I do not confine myself to Weber's three types of legitimate 'Herrschaft', which have been fairly criticised (see Beetham 1991), and, as Lendon 2006: 54 has said, were always intended as 'transcendental categories'.
[386] Omelicheva 2016: 485.

office, but also his fitness for it. He wrote that he would be χρήσιμος for Rome.[387] I argue that he was justifying his claim to power by reference to his own abilities. He ought to rule, because he could help Rome – presumably more so than anyone else. This is more explicit in his *Memoirs*, where he related a prophecy that he had heard during the Social War:

> εἰπεῖν δὴ καὶ τοὺς μάντεις ὡς ἀνὴρ ἀγαθὸς ὄψει διάφορος καὶ περιττὸς ἄρξας ἀπαλλάξει τῇ πόλει ταραχὰς τὰς παρούσας, τοῦτον δὲ αὐτὸν εἶναι φησιν ὁ Σύλλας: τῆς μὲν γὰρ ὄψεως ἴδιον εἶναι τὸ περὶ τὴν κόμην χρυσωπόν, ἀρετὴν δὲ οὐκ αἰσχύνεσθαι μαρτυρῶν ἑαυτῷ μετὰ πράξεις καλὰς οὕτω καὶ μεγάλας.[388]

Here the serviceability of Sulla's power is closely focused on him: his goodness (ἀγαθὸς) and appearance (ὄψει διάφορος)[389] were mentioned by the soothsayers, and he identified himself as the one they were talking about. In this sense, I consider Sulla (in this story, in his own opinion) to be 'personally legitimate'. His claim to power derived from himself, not from any institution or procedure, such as a vote of the *populus* or decree of the senate. He ought to rule, because of who he was, and what he could do for the *res publica*.[390] This was a strident claim to make. Sulla expended great energy in order to make it. He legitimated his person by stressing two of his most important traits: that he was a great military man, and that he was blessed with *felicitas*. These traits, I argue, were deliberately propagated in the contemporary discourse, in order to justify his power.

3.i.a: ***Fortis***

In the passage above, Sulla was proud of his ἀρετή and πράξεις καλὰς καὶ μεγάλας. They must refer to his military accomplishments; Plutarch thought that there was not a good Latin

[387] App. *BCiv*. 1.98.460.
[388] Plut. *Sull*. 6 (F15).
[389] Sulla's appearance was supposedly extraordinary (see Plut. *Sull*. 2); Thein 2006: 239 has compared the reputation of his 'piercing gaze' to Mussolini's (see Bosworth 2003: 77 and 84). See also the prophecy from a Chaldaean on Sulla's future greatness, based on his physiognomy: Plut. *Sull*. 5 and Vell. Pat. 2.24.
[390] See Guidetti 2015: 105 on Sulla's self-depiction here as 'il futuro salvatore della *res publica*'.

equivalent for ἀρετή, and that its word for virtue, *virtus*, simply meant valour.[391] Most have agreed with Plutarch's conclusion from this linguistic oddity, that the Romans were obsessed with war, and the cachet that came from it.[392] Cicero was motivated to say 'summa dignitas est in eis qui militari laude antecellunt',[393] but is hard to imagine many of his contemporaries disagreeing. Throughout the Roman Republic, 'military success at all times represented an abundant source of prestige and political strength',[394] and it continued to do so into the early empire.[395] Sulla recognised this. He thought that his military success and right to rule were closely related. As he pursued the latter, he consistently articulated the former. I will show how his martial prowess, his claim to be *fortis*, was a cornerstone of his personal legitimacy.

Our best guide to his rhetoric are the fragments of the *Memoirs*, which are 'as close as it is now possible to get to Sulla's propaganda in his own words'.[396] It seems that 'military narrative…dominated'[397] them. Of the twenty-six entries in the *Fragments of the Roman Historians*,[398] at least fifteen concern Sulla in war. His good generalship leaps off the page. In one passage, Sulla burnishes his credentials as a master of the *scientia rei militaris*, as he identifies the geographic advantages of the terrain in which he has chosen to fight.[399] In another, he touches on his bravery in the Social War, when he was awarded the *corona graminea* by his army, a scene he saw fit to have painted in one of his villas.[400] In a third, he describes the extraordinary enthusiasm he was able to arouse in his men, whom he did not

[391] Plut. *Cor*. 1: τὴν ἀρετὴν ὑπ' αὐτῶν ἐνὶ τῷ τῆς ἀνδρείας ὀνόματι προσαγορεύεσθαι, καὶ τὸ τοῦ γένους ὄνομα κοινὸν ὑπάρχειν ᾧ τὴν ἀνδρείαν ἰδίᾳ καλοῦσιν. See McDonnell 2006: 41 and Balmaceda 2017: 19.
[392] See especially Harris 1979, as well as Hopkins 1978a: 25, and overviews at Rosenstein 2006, 2007, 2022.
[393] Cic. *Mur*. 24. See also, for example, the pre-eminence of martial success in the Metellan funeral oration (Plin. *HN*. 7.139) and on the epitaphs of the tombs of the Scipios (see recently Hölkeskamp 2020: 206).
[394] Rosenstein 1990: 6. See also Long 2006: 310 on Cic. *Off*. 1.74.
[395] See Harris 2016: 306: 'military prestige remained indispensable to anyone who claimed to rule, at least down to the time of Tiberius'.
[396] Noble 2014: 19.
[397] Tatum 2011: 167.
[398] The fragments have been broken down in different ways; *HRR*, Chassignet 2004 and Scholz and Walter 2013 have 23, and *FRHist* includes a 27th doubtful fragment, accepted by *HRR* and Chassignet, but rejected by Noble 2014: 237 and Assenmaker 2013b: 812, who proposed a new one (Flor. 1.40.10).
[399] Plut. *Sull*. 16 (F21).
[400] Plin. *HN*. 22.12 (F16). See Moore 1973: 14 on Pliny's doubt of Sulla's claim.

even have to draw up in formation to inflict a crushing defeat on Marius' son and Norbanus.[401] Sulla's skill meant that he was able to win battles while only suffering the barest casualties. He claimed that he lost fourteen soldiers at Chaeronea[402] (two of whom miraculously reappeared later) and twenty-three at Sacriportus.[403] Brunt remarked that 'Sulla evidently had a penchant for keeping his own losses within two figures',[404] but the implausibility only highlights the extent of the self-image that Sulla was trying to create. The scope of the work also implies that it prioritised Sulla's military achievements. We have fragments for almost all of Sulla's service: not for the Jugurthine War (though he probably did touch on this),[405] but three for the Cimbric War,[406] two for the Social War,[407] and several for the Mithridatic and civil wars, referenced above. Though we cannot be sure that these fragments faithfully represent the whole, it is likely, especially given the lack of evidence on Sulla engaging in other activities,[408] that 'the bulk of the autobiography was… military in nature'.[409] Conversely, the dictatorship might not have been covered at all. Even though he is supposed to have continued writing almost until his death,[410] a fragment from the penultimate book describes an impending catastrophe for the Republic,[411] which many have taken to be referring to the battle of the Colline Gate.[412] If that is correct, 'Sylla n'aurait donc

[401] Plut. *Sull*. 27 (F24).
[402] Plut. *Sull*. 19 (F22). App. *Mith.* 45.174 claims fifteen.
[403] Plut. *Sull*. 28 (F25).
[404] Brunt 1971b: 697. See Brizzi 2018: 58 on this as one of the 'eccessi così frequenti nelle Memorie di Silla'; Syme 1964: 155 characterised the whole work as 'cynical at times in its bold mendacity'.
[405] Many have thought Sallust used Sulla (or a tradition influenced by him) as a source for the *Bellum Iugurthinum*, because his depiction of him there is so much more positive ('overwhelmingly favourable' Brennan 1992: 112) than elsewhere. See Calabi 1951: 253, Bates 1983: 270, Cagniart 1986: 4, Dijkstra and Parker 2007: 160.
[406] Plut. *Sull*. 4 (F7), Plut. *Mar*. 25 (F8) and 26 (F9).
[407] Cic. *Div.* 1.72 (F17) and Plin. *HN*. 22.6.12 (F16). The setting of F17 is contested between 89, during the Social war, and 88, shortly before Sulla's march on Rome.
[408] There is no evidence that Sulla ever spoke forensically; see Steel 2019: 20.
[409] Smith 2009: 71. See Chassignet 2003: 75 on his military image as 'un leit-motiv incontestable'.
[410] Plut. *Sull*. 37 (F6).
[411] F5: ad summam perniciem rem publicam perventurum esse.
[412] See Lewis 1991: 518, and Smith 2009: 68, Thein 2009: 100, *FRHist*. 3.291. Carcopino 1931: 234 argued that it refers to the genesis of the dictatorship, leading him to the same conclusion, that all events after late 82 had to be 'condensées en un livre unique'.

pas eu le temps de traiter sa dictature'[413] in any detail. In Sulla's own words, then, his military reputation was paramount. Though the *Memoirs* must have been published *after* he achieved power, they reflect how he portrayed himself before, and the parading of his war deeds, I argue, was a deliberate attempt to influence opinion about his authority.

Indeed, Sulla publicly celebrated his military achievements long before sole power was in reach. One example was his signet ring, ostentatiously engraved with an image of himself receiving Jugurtha from Bocchus at the climax of the Jugurthine war.[414] Bocchus monumentalised this scene on the Capitoline,[415] and we can infer its character from a coin struck by Faustus in 56.[416] Sulla's role in Rome's victory was exalted. He sat loftily, 'un personaggio quasi regale' above the suppliant Bocchus, 'un umile cliente'.[417] This was a provocative move from a quaestor. In the zero-sum competition for prestige, Sulla could not but detract from Marius, his commanding officer. His eagerness to build his reputation required him to pursue even the slightest morsel of glory: 'ne minimum quidem gloriae vestigium contempsit'.[418] Even then, this had political implications. He mistakenly thought that his ἀπὸ τῶν πολεμικῶν δόξα would secure him the praetorship.[419] Of course, this was nothing unusual in late Republican politics. Roman aristocrats competed fiercely for honours, often on the basis of their military reputations, as Cicero argues in the *Pro Murena*.[420] Doing well in battle deservedly led to power. I argue that Sulla was trying to

[413] Chassignet 2004: cii. This is by no means certain (Bardon 1952: 154 called Carcopino's a 'fragile théorie'), but there is also no evidence that Sulla did discuss the dictatorship. We have no fragments, Plutarch's account turns rather negative, and Velleius, who does not quote Sulla but is very sympathetic to him during the civil war (especially 2.24-5), omits the dictatorship entirely; see Chassignet 2004: 71 and Tatum 2011: 165.
[414] Plut. *Sull*. 3. Plutarch concluded that he was φύσει μεγάλαυχος. On the ring, see also Plut. *Mar*. 10, Val. Max. 8.14.4, Plin. *HN*. 37.9.
[415] Plut. *Sull*. 6, *Mar*. 32. See also Sen. *Dial*. 10.13.6 on Bocchus contributing to Sulla's games as praetor, which added to his prestige. I pass over the Sant'Omobono relief, as there is no strong evidence (see Santangelo 2007: 2) or even likelihood (see Kuttner 2013: 254) that this was part of Bocchus' monument.
[416] *RRC* 426/1.
[417] Giardina 2012: 334.
[418] Val. Max. 8.14.4. See Hölscher 2004: 89 on the 'eklatanter Affront gegen Marius'.
[419] Plut. *Sull*. 5. See also Val. Max. 7.5.5.
[420] See especially Cic. *Mur*. 38. As Wiseman 1985: 11 says, 'the Roman Republic was an aristocratic society in which the motivation of the *principes* could be expressed without absurdity in Homeric terms'.

capitalise on this normative link as he began to construct his extraordinary power in the civil war. When he represented himself in a letter to the senate, he began with his military record. He recounted all of it, not just his most recent victories against Mithridates:

> Σύλλας δ᾽ ἐπὶ φρονήματος ἐπέστέλλε τῇ βουλῇ περί τε αὐτοῦ καταλέγων, ὅσα περὶ Λιβύην ἐς Ἰογόρθαν τὸν Νομάδα ἔτι ταμιεύων ἢ ἐπὶ τοῖς Κιμβρικοῖς πρεσβεύων ἢ Κιλικίας ἡγούμενος ἢ ἐν τοῖς συμμαχικοῖς ἢ ὑπατεύων ἔπραξε, τὰ δ᾽ ἔναγχος ἐς Μιθριδάτην ὑπερεπαίρων τε μάλιστα καὶ καταλογιζόμενος αὐτοῖς ἀθρόως ἔθνη πολλά, ὅσα Μιθριδάτου γενόμενα Ῥωμαιοις ἀναλάβοι.[421]

Sulla was making the case, as Caesar later would, that he had performed exemplary service to the Republic, from the beginning of his time in public life. He therefore deserved respect, not the outrageous treatment his opponents had meted unto him.[422] The coinage he struck on his return home also emphasised what he had done on Rome's behalf. An *aureus*, typically dated to 84-83,[423] proclaims him *imperator iterum* from its reverse legend. This 'innovation sans précédent dans l'épigraphie'[424] surrounded a jug and *lituus*, and two trophies, which almost certainly refer to Sulla's twin victories at Chaeronea and Orchomenus.[425] Another civil war *aureus* depicts Sulla as a *triumphator* in a *quadriga*, being crowned by flying Victory.[426] His highly original coinage presented him as a celebrated military hero, and the conqueror of Rome's most terrifying enemy.

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[421] App. *BCiv*. 1.77.350. See Lange 2021: 229 on the novelty of the 'comprehensive *res gestae* of his victories'.
[422] See Morstein-Marx 2007: 177 on Caesar being rejected 'the *honor* a victorious Roman commander would customarily expect', and 2009 for its importance to his civil war cause.
[423] *RRC* 359/1. For discussion on the date, see Assenmaker 2013a: 258.
[424] Assenmaker 2013a: 253. See Martin 1989: 25 and Assenmaker 2014: 161 on Sulla being the first to strike an *imperator* legend on a Roman coin (followed by Pompey with *RRC* 402). Yarrow 2021: 149 suggests it 'may reflect a desire to compete with Marius' multiple honours'. It was surely also a personal claim to the authority and prestige of the *imperator*, not so far from Octavian's *praenomen*; see Syme 1958a: 182 and Fadinger 2002: 187.
[425] See Carbone and Yarrow 2020: 313 on the issues being 'struck at the moment of Sulla's arrival in Italy and their types were meant to remind everybody of his victory over Mithridates'.
[426] *RRC* 367/2 and 367/4. See Hölscher 1967: 142 on this 'enge Bindung zwischen Sulla und seiner Siegesgöttin', and Hölkeskamp 2009: 6 n.17 on its 'Transgression'.

When Sulla took control of Rome, he did not leave the people to infer his successes from the iconography of his coinage, or the contents of his letter to the senate. He summoned a *contio* and boasted about them.[427] Plutarch records the same story as Appian, though his chronology is different. He placed the *contio* at the conclusion of Sulla's triumph, which probably made more of an impact than the boastful rhetoric. Triumphing was 'the most outstanding honour a Roman general could hope for',[428] and a highly important 'medium for negotiating status and prestige'.[429] Sulla's iteration is said to have been particularly magnificent.[430] The procession included extravagant royal spoils (ὁ μέντοι θρίαμβος αὐτοῦ τῇ πολυτελείᾳ καὶ καινότητι τῶν βασιλικῶν λαφύρων σοβαρὸς)[431] and, according to Pliny, extraordinary quantities of precious metals, conveyed over two days.[432] But Plutarch thought that its greatest ornament was the human component. He says that the restored exiles, some of the most eminent citizens (οἱ γὰρ ἐνδοξότατοι καὶ δυνατώτατοι), followed the *triumphator*, and acclaimed him their saviour and father (σωτῆρα καί πατέρα τὸν Σύλλαν ἀποκαλοῦντες).[433] This was a remarkable demonstration: living proof that Sulla had fulfilled the prophecy to deliver Rome from its troubles.[434] And in Appian's narrative, Sulla also brought to Rome all the athletes and spectacles (except the *stadion*)[435] from Olympia, in order to celebrate his Mithridatic and civil war victories.[436] This was ostensibly (the πρόφασις) to

[427] App. *BCiv*. 1.95.441: ὁ Σύλλας Ῥωμαίους ἐς ἐκκλησίαν συναγαγὼν πολλὰ ἐμεγαληγόρησεν ἐφ᾽ ἑαυτῷ.
[428] Beard 2007: 1.
[429] Lange 2016: 71. The triumph literature is enormous; on this point, see, for example, Versnel 1970: 56, Östenberg 2003: 4, Beard 2003: 27, Itgenshorst 2005: 11.
[430] See Eutr. 5.9: de Mithridate ingenti gloria triumphavit. See Badian 1968b: 34 for a (very negative reading) of the purpose of this legitimation: 'to surround his usurpation with the aura of glory that, by impressing the populace, might help to erase his past and dazzle the eyes of those who disliked the armed present'.
[431] Plut. *Sull*. 34. The novelty (καινότης) was evidently noteworthy.
[432] Plin. *HN*. 33.16. Brennan 2000: 388 has argued that the length of Sulla's triumph evoked the three day affairs that both Flamininus and Aemilius Paullus celebrated.
[433] Plut. *Sull*. 34.
[434] See Plut. *Sull*. 6 (F15). He also supplanted Marius as the *conservator patriae* (Cic. *Sest*. 37). Father is a striking articulation of deference; Lendon 2006: 56 has argued, for the imperial period, that 'patrimonial administration could never become legitimate, because the ruling classes loathed appearing in a patrimonial relationship to anyone'.
[435] See Matthews 1979: 240.
[436] App. *BCiv*. 1.99.464. Sulla included some civil war elements in his triumph, such as the exiles and the gold that Marius' son had taken to Praeneste (Plin. *HN*. 33.16), but Val. Max. 2.8.7 insists 'civium Romanorum nullum oppidum vexit'. This ambiguity has been much discussed; see Sumi 2005: 31, Lange 2013: 73, Östenberg 2013: 822, Havener 2014: 167, Eckert 2016b: 80.

soothe and entertain the people after all they had suffered. Sulla thus linked his achievements to the glory and wellbeing of the Roman people.

Sulla's triumph, though impressive, was not unprecedented. Many Republican generals had enjoyed the same honour with comparable splendour. But for most, it was the acme of their commemoration. Sulla went further. He immortalised his victory at the Colline Gate with his *ludi Victoriae*, which were celebrated every year on the anniversary of Telesinus' defeat. Velleius tells us that they retained Sulla's name even until his own time:

> felicitatem diei, quo Samnitium Telesinique pulsus est exercitus, Sulla perpetua ludorum circensium honoravit memoria, qui sub eius nomine Sullanae Victoriae celebrantur.[437]

Thein has thought this honour likened its honorand to a Greek oecist,[438] and it has been seen as 'part of a strategy of self-celebration that aimed to portray him as a saviour and second founder'.[439] Sulla was representing himself as a general who had done so much for Rome that acknowledgement of his glory could not be confined to a single triumph; it had to be re-celebrated every year.[440] He made another eternal claim to glory, by deigning to extend the *pomerium*. The *pomerium* was 'Rome's sacred boundary',[441] beyond which it was forbidden to take the *auspicia urbana*.[442] There was a tradition that generals who had extended Roman territory were entitled to extend it. According to Tacitus, however, only Sulla and Augustus had actually done so.[443] Sulla, always eager for honours ('qui proferundi pomerii titulum

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[437] Vell. Pat. 2.27. See the reconstruction of the Fasti Fratrum Arvalium at *Inscr. Ital*. 13.2.39: *Ludi victoriae Sul[lan(ae)]*. Mommsen (*CIL* 1.1.333) thought they only bore Sulla's name later, 'ut distinguantur ita a ludis Victoriae divi Caesaris'; this cannot be ruled out. Bernstein 1998: 322 argued that Sulla aimed for 'eine Wiederherstellung der kollektiven Herrschaft', and thus 'haben die Spiele schon aus diesem Grund keinesfalls *ludi Victoriae Sullanae* heißen können'. As I hope to show throughout this thesis, that is specious reasoning.
[438] Thein 2002: 328.
[439] Santangelo 2007: 216; see also Bernstein 1998: 323 and Rosenblitt 2019b: 140.
[440] See Assenmaker 2014: 305: 'les *ludi Victoriae* devaient chaque année rappeler aux Romains que Sylla avait été – était – un général vainqueur', and Sumi 2005: 27. On the personalisation of victory, see Latte 1960: 235.
[441] Drogula 2007: 435.
[442] Varro *Ling*. 5.143. See Gargola 2017: 130.
[443] Tac. *Ann*. 12.23. Many have rejected Augustus' extension; see Griffin 1962: 109 and Boatwright 1986: 13.

quaesivit'),[444] was making a brazen claim about what he had accomplished. Seneca stated that extending the *pomerium* was a reward for conquering in Italy, not abroad.[445] If this is true, Sulla's action may have referred specifically to his victory over Telesinus (as the date of his games did), and thus the '(re)conquest of Samnium, which had ceased to become a Roman ally and reverted to its traditional status of *hostis*'.[446] Sulla could be seen to have reunited Italy, and banished the spectre of the Social War. Alternatively, he could have been making good his breach of the integrity of the *pomerium* in 88,[447] or alluding to his expansion of the citizen body.[448] Whatever the case, his action made a claim to refoundation in a similar manner to his *ludi*. Taken together, the measures meant that 'Rome was now, temporally and spatially, a Sullan city'.[449]

As we have seen, Sulla emphasised his *virtus* throughout his entire career, from his quaestorship until his death. In one sense this was traditional. But his claims to glory would eventually transgress all convention,[450] and one of their purposes, in my view, was to legitimate his extraordinary power. His greatness on Rome's behalf made credible his attempt to cure its ills, as he said himself in his *Memoirs*. He had proven, through his public services, that he was the right person to lead. Tellingly, his opponents were allowed no glory whatsoever: Marius' monuments were banished from the city.[451] Victory, the stature that came from it, and power were all Sulla's.

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[444] Gell. *NA*. 13.14.4.
[445] Sen. *Dial*. 10.13.8: Sullam ultimum Romanorum protulisse pomoerium, quod numquam provinciali, sed Italico agro adquisito proferre moris apud antiquos fuit.
[446] Bispham 2018: 33.
[447] See Luke 2014: 47; Russell 2023: 120 has cast doubt by demonstrating that the ancient sources do not show anything like the interest of modern scholars in the *pomerium* breach (per se) in 88.
[448] See Maccari 2016: 178. Mommsen 1894: 122 n.1 thought Sulla's claim derived from his provincial creation of Gallia Cisalpina; Hardy 1916b: 68 (and others, see Bispham 2007: 173 n.58 and Rafferty 2017 for discussion) dated that act earlier, though he (and Griffin 1962: 110 n.73) thought that the *pomerium* extension could be reconciled with Sulla having changed the province's boundaries.
[449] Steel 2014a: 663.
[450] See Zanker 1988: 6, Schmuhl 2008: 126 ('entscheidende Neuerungen'), and especially Stein-Hölkeskamp 2015.
[451] See Suet. *Iul*. 11, Plut. *Caes*. 6, and Stein-Hölkeskamp 2015: 230 on 'the total elimination of his rival's memorial presence', as well as Mackay 2000: 162.

3.i.b: *Felix*

The other major strand of Sulla's personal legitimacy was his *felicitas*. He assumed the name 'Felix' after the death of Marius the younger at Praeneste[452] and it became a crucial part of his identity. The complex meaning of *felicitas* has been widely studied. Sulla's 'superbum cognomen'[453] had a range of connotations, from his good fortune, to his charisma, his closeness to the gods, and his provision of prosperity and abundance. It was closely linked to the military reputation I have already discussed, as '*felicitas* was a divine blessing attached to the person of a successful general'.[454] Again, the discussion here cannot be comprehensive. My object is to consider the most important ways in which Sulla made the claim that he was Felix, how that claim was received, and, most importantly, how it contributed to his power.

The political relevance of Sulla's *felicitas* has been duly acknowledged.[455] Sulla insisted on it in a public context. Plutarch tells us that he ordered the people to address him as such, and that he assumed the name 'Epaphroditus' in his Greek correspondence.[456] Appian says that he saw a decree of the senate with Sulla being styled in that way.[457] This is consistent with the epigraphic record. The extant Latin inscriptions from Italy concerning Sulla all address him as *Felici*,[458] and in the Greek East, he both called himself and was addressed as Ἐπαφρόδιτος.[459] The most prominent 'Felix' inscription, that does not survive, would have been that on his gilded equestrian statue in Rome:

[452] Vell. Pat. 2.27: occiso enim demum eo Felicis nomen adsumpsit. See also [Aur. Vict.] *De vir. ill.* 75.9.
[453] Plin. *HN*. 22.12.
[454] Thein 2009: 88. See Cic. *Leg. Man*. 28 on it being one of the four essential attributes of the *summus imperator*, and *Fin*. 4.22 and Livy 38.14.14 on *felicitate* and *feliciter* in the language of *supplicationes* preceding triumphs (on which, see Wagenvoort 1980: 67).
[455] See Mayer 2008: 81: 'el cognomen *Felix* fue seguramente visto como un arma política formidable desde la misma antigüedad'.
[456] See Plut. *Sull*. 34, and *Mor*. 318d.
[457] App. *BCiv*. 1.97.452.
[458] *ILS* 870 (Suessa Aurunca), 871-2 (Rome), 873 (Clusium), 874 (Alba Fucens), *ILLRP* 354 (Sutrium), *AE* 1975.219 (Larinum). *Felix* also appears on the Fasti: Degrassi 1954: 74, 76, 108. See Ramage 1991: 110 and Mayer 2008: 87.
[459] See, for example, *OGIS* 441 and *IG* 7.264, and Ramage and Mayer above.

> εἰκόνα τε αὐτοῦ ἐπίχρυσον ἐπὶ ἵππου πρὸ τῶν ἐμβόλων ἀνέθεσαν καὶ ὑπέγραψαν "Κορνηλίου Σύλλα ἡγεμόνος Εὐτυχοῦς".[460]

The honour of an equestrian statue was exceedingly rare,[461] and its position on the *rostra* enhanced it: 'nullus locus est ad statuam quidem rostris clarior'.[462] These 'hommages extravagants'[463] – the statue and its base – were an imposing political statement. Rosenblitt has argued that 'the location expresses dominance over public speech and the discourse of the *contio*'.[464] Cicero implies that it was seen as immoderate, as his friend Servius Sulpicius, preferring the 'maiorum continentiam' to the 'huius saeculi insolentiam',[465] would have opted for a brazen, pedestrian one. Though Sulla's does not still stand, we can appreciate its iconography from an aureus struck by an A. Manlius in 80. The statue appears on the reverse, with Sulla on horseback, dressed in a toga,[466] and gesturing with one hand as in an *adlocutio*. Robert Morstein-Marx has considered this flattering civilian pose an 'attempt to reinvent a man deeply stained with the blood of citizens'.[467] The statue was clearly an attempt to influence public opinion,[468] and *felicitas*, proudly advertised on its base, was central to the way Sulla wanted to be perceived.

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[460] App. *BCiv*. 1.97.451.
[461] Cic. *Phil*. 9.13 claimed it was the first of its kind ('inaurata equestris, qualis L. Sullae primum statuta est'; see also Vell. Pat. 2.61). There were other gilded (Livy 40.35.4) statues, and equestrian (Plin. *HN*. 34.28), and by the *rostra* (Cic. *Phil*. 9.4); what made it novel was 'die Verbindung dieser außergewöhnlichen Charakteristika' (Sehlmeyer 1999: 206, see also Bustany-Leca 2019).
[462] Cic. *Deiot*. 34. See also Plin. *HN*. 34.24. Appian says 'before the *rostra*' (πρὸ τῶν ἐμβόλων), but as Morstein-Marx 2004: 57 n.81 has argued, the 'in rostris' of Velleius and *Phil*. 9.10 (about Servius' prospective statue, but in comparison to what Sulla had at 9.13) is to be preferred.
[463] Carcopino 1931: 115.
[464] Rosenblitt 2019a: 5. See also Bergemann 1990: 34: 'die Statue machte Sullas übermächtigen Stellung im Staate für jedermann sichtbar', and Stein-Hölkeskamp 2015: 219: 'an act of ostentation in every respect'.
[465] Cic. *Phil*. 9.13.
[466] *RRC* 381/1. Crawford and Ramage 1991: 104 claim that Sulla was wearing a *sagum*, but the folds in the garment from the left shoulder to the right side clearly depict a toga, and the horse with stationary front legs is 'friedlich' (Sehlmeyer 1999: 208). Bustany-Leca 2019 has brought out well the differences between this and the overtly martial equestrian statue of M. Nonius Balbus in Herculaneum (see Cooley and Cooley 2014: 189). See also Bergemann 1990: 6 ('Sulla war demnach auf seiner Reiterstatue in der Toga dargestellt'), Papi *LTUR* 2.227 ('un cavaliere togato'), and Schmuhl 2008: 124 ('er trägt eine Toga').
[467] Morstein-Marx 2004: 57. Cic. *Off*. 1.61 says that Roman 'studium bellicae gloriae' often led to statues in *ornatus militaris*; given Sulla's *studium*, that I have just described, the togate choice is striking.
[468] Zanker 1988: 38 on Octavian's gilded equestrian statue: 'the insistence on trying to legitimize his rule is clear'.

But for Sulla's *felicitas* to support his regime and foster belief in the righteousness of his authority, it could not just be insisted on by him. It had to resonate with the broader population. He felt the need to prove it. According to Plutarch, he asked to be called 'Felix' only after he had relayed to the people concrete examples of his εὐτυχία.[469] He was so eager for his good fortune to be acknowledged that he consistently ascribed his successes to it.[470] This rhetoric is conspicuous in the *Memoirs*. Throughout, Sulla appeared as 'the devout and enthusiastic instrument of the gods'.[471] In one comment on the work, Plutarch says that he cast himself as the pawn of Τύχη (ὅλως ἑαυτὸν τοῦ δαίμονος ποιεῖν), and instructed Lucullus in the dedication to always trust in his divinely inspired dreams.[472] For Sulla, there was plenty to trust. Five different dreams are extant[473] – from a fragmentary work – as well as a host of favourable omens, prodigies, and oracles.[474] The effect of this has been not been lost on historians: 'constant mention of *prodigia* at decisive junctures in Sulla's life makes it very difficult for the reader to avoid forming the impression that Sulla's career followed a plan sanctioned by the gods'.[475] He portrayed himself as a 'fated and fateful leader'.[476] He had such intimacy with the divine, and their plans, that he wrote that he could foresee his own death.[477] And crucially, the gods supported him in civil war. In 88, he dreamt that Ma, in 'the earliest datable Roman contact with this Cappadocian goddess',[478] bid him to smite his enemies with a thunderbolt that she had given him.[479] In 83, he received a prophecy from a

[469] Plut. *Sull*. 34, thinking that this was the nearest translation: τοῦτο γὰρ ὁ Φῆλιξ μάλιστα βούλεται δηλοῦν.
[470] See Plut. *Sull*. 6 and *Mor*. 542F.
[471] Tatum 2011: 170. See Cic. *De or*. 2.347 and Castagnetti 1996: 48 on *felicitas* being 'un dono degli dei'.
[472] Plut. *Sull*. 6. See also Plut. *Mor*. 318D on Sulla, quoting Oedipus, calling himself the son of Τύχη. See Erkell 1952: 75 and Welch 2008: 194 on the difficulty of the Greek, which could refer to either *Felicitas* or *Fortuna*.
[473] See Flower 2015a: 316 n.53, and in chronological order: Plut. *Sull*. 9, App. *BCiv*. 1.97, Plut. *Sull*. 28, 37; App. *BCiv*. 1.105.492 (on the difference between the last two, see Giardina 2008: 64).
[474] There are too many to list comprehensively here; there are five in just Plut. *Sull*. 27.
[475] Candau Morón 2000: 463. See Alföldi 1956: 81: 'ad nauseam'. For the striking difference to Caesar's dry narrative, see Grillo 2012: 154 and Gotter 2023: 192.
[476] Flower 2015a: 298.
[477] See Plut. *Sull*. 37, App. *BCiv*. 1.105.492, Plin. *HN*. 7.138, and Thein 2006: 242 on his prescience.
[478] Flower 2015a: 309 n.35, and 310 for the use of this dream as a justification for violence.
[479] Plut. *Sull*. 9. This dream has often dubiously been thought to be represented on a coin of L. Aemilius Buca in 44; see Fears 1975b: 37. Palmer 1975: 657 speculated that Sulla built a temple to Ma-Bellona by the Colline Gate.

divinely inspired (θεοφόρητος) servant of Pontius the Samnite, that Ma-Bellona again was bringing him κράτος πολέμου καὶ νίκην.[480] When Sulla proved them right by winning, his *felicitas* became that much harder to doubt.[481]

Sulla had an extraordinary 'diversité des patronages divins',[482] whose support he broadcasted in a range of media. Ma-Bellona's appearance in the *Memoirs* has already been mentioned. At Chaeronea, he inscribed his gratitude to the triad Ares, Aphrodite, and Nike on his trophy.[483] Plutarch preserves another story, probably from the *Memoirs*, in which Sulla exhorted his personal statuette of Apollo to not abandon him at the Colline Gate.[484] He offered a tithe of his spoils to Hercules,[485] who was represented on another statuette.[486] According to Ovid, he was responsible (in some capacity) for the temple of Hercules Custos.[487] He recorded his gratitude to Diana after defeating Norbanus near Mount Tifata, a region sacred to her.[488] But Venus was his most prominent benefactress, 'vor allen anderen Gottheiten'.[489] She informed his Greek style 'Epaphroditus',[490] and she occupied the obverse of aureus struck in 84/83.[491] Appian tells us that Sulla offered a gold crown and an axe to her,

[480] Plut. *Sull*. 27. See Orlin 2010: 199 on these prophecies.
[481] See Scholz 2003: 183: 'der Rekurs auf Prodigien von Sulla als Mittel der politischen Legitimierung eingesetzt wurde'.
[482] Assenmaker 2014: 216.
[483] See Plut. *Sull*. 19. See *ILLRP* 224 for a dedication to Mars alone, found in Sicyon: *L. Cornelius L.f. Sulla imper(ator) Martei*.
[484] Plut. *Sull*. 29. See also Val. Max. 1.2.3, Frontin. *Str*. 1.11.11, and Faraone 2021: 46 on its use as 'a personal oracle to predict or guide the success of his military campaigns'.
[485] Plut. *Sull*. 35: ἀποθύων δὲ τῆς οὐσίας ἁπάσης ὁ Σύλλας τῷ Ἡρακλεῖ δεκάτην. Wiseman 2000: 112 speculated that Sulla established games of Hercules (see also Keaveney 2005c: 223). For their relationship generally, see Rawson 1970: 31. Hercules also appeared on Faustus' coins of 56 (*RRC* 426/2 and 4); see Lenaghan 1964: 147.
[486] See Stat. *Silv*. 4.6.86 and Mart. 9.43.10.
[487] Ov. *Fast*. 212: si titulum quaeris, Sulla probavit opus. The Regionary Catalogues also mention a 'Hercules Sullanus', which is otherwise obscure; see Palombi *LTUR* 3.21 and Davies 2017: 185.
[488] Vell. Pat. 2.25.
[489] Ericsson 1943: 81.
[490] The link between Sulla's two epithets is enigmatic. Venus and fortune were hardly unconnected (see, most evocatively, the best throw of the die as the *iactus Veneris*: Robinson 1946: 209 and Purcell 1995: 10 n.28), but they are not Greek/Latin equivalents either; see Balsdon 1951: 5 and Santangelo 2007: 207.
[491] *RRC* 359/1. See also Chioffi *LTUR* 5.116 on a temple to Venus Felix, for which, however, there is no evidence of a connection to Sulla, beyond its name. See Balsdon 1951: 5.

because he had seen her in a dream, arranging his troops and fighting on his behalf. It was inscribed with this 'vividly personal'[492] epigram:

> τόνδε σοι αὐτοκράτωρ Σύλλας ἀνέθηκ᾽, Ἀφροδίτη,
> ᾧ σ᾽ εἶδον κατ᾽ ὄνειρον ἀνὰ στρατιὴν διέπουσαν
> τεύχεσι τοῖς Ἄρεος μαρναμένην ἔνοπλον.[493]

As there is 'nulle trace d'une Venus *armata* dans la littérature et l'iconographie romaines avant l'époque syllanienne',[494] Sulla's influence on the Venus Victrix of Pompey and Caesar seems unmistakeable.[495] It is Sulla's personal relationship with Venus,[496] and so many other gods, that I wish to emphasise. He told these stories, and made these dedications, in order to make *felicitas* 'an inalienable aspect of his personality',[497] that he even managed to pass on to his children, who were tendentiously[498] named Faustus and Fausta. Most extremely, it could be thought of as 'infectious'.[499] His future wife Valeria is said to have passed him at the games, rested her hand on him, and plucked off some fabric from his clothing, in order to partake in his good fortune.[500]

We have seen how Sulla publicly claimed *felicitas*, and how he justified his claim to it. Why did he go to the effort? His inscrutable personal beliefs notwithstanding,[501] the attribute had political advantages. Firstly, divine favour communicated to potential

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[492] Flower 2015a: 307.
[493] App. *BCiv*. 1.97.455.
[494] Assenmaker 2014: 277. On Sulla's innovation, see Budin 2010: 106 and Flower 2015a: 308.
[495] See Carcopino 1931: 111, Alföldi 1956: 83, Volkmann 1969: 40, Beard 1994: 753, Castagnetti 1996: 50, Davies 2018: 495. See also Palombi *LTUR* 2.242 on the cult of Fausta Felicitas and the link with Venus Victrix.
[496] For the allusion to Aeneas, especially with his *lusus Troiae* (Plut. *Cat. Min*. 3), see Weinstock 1955: 187, 1971: 88; Behr 1993: 140, Orlin 2010: 201, Wallensten 2010: 270, Humm 2018: 122.
[497] Fears 1981a: 794. See also Passerini 1935: 92: 'questo è infatti la Fortuna di Silla: un *quid* che è in lui stesso'.
[498] See Schilling 1982: 277: 'un bien transmissible par héritage', and on the highly unusual *praenomina*, especially the feminine, Kajava 1994: 142.
[499] Balsdon 1951: 7. See also Wagenvoort 1980: 82.
[500] Plut. *Sull*. 35: βούλομαι τῆς σῆς κἀγὼ μικρὸν εὐτυχίας μεταλαβεῖν.
[501] Keaveney 1983b has emphasised this angle.

belligerents in the civil war that he was very likely to win it.[502] The Ma-Bellona prophecy was clear; if it could be made to have traction, only the foolish would oppose Sulla. Secondly, as he returned from the East, and still being a *hostis*, 'privé de la légitimité normalement conféréé par les institutions humaines',[503] *felicitas* lent his cause an added lustre. It was easier to defend what one was fighting for if it was also defended by Venus, Apollo, Diana, and Hercules.[504] Romans, who could be said to have been distinguished from all other peoples by 'hac una sapientia, quod deorum numine omnia regi gubernarique perspeximus',[505] may have been impressed by all the *numina* behind Sulla. And thirdly, his closeness to the gods made the case that the power he was after would be advantageous for Rome. *Felicitas* brought manifold blessings. Many of the same connotations are bound up in *Augustus*, whose *Memoirs*, it seems from Suetonius, also contained a great number of omens and prodigies. They were a sign of his 'perpetua felicitas'.[506] This is not surprising; many authoritarians throughout history have sought legitimacy from divine approval.[507] I argue that Sulla *Felix* should be interpreted in the same way.

3.i.c: Reception

I now turn to the reception of Sulla's claims to personal legitimacy. Few disputed his military reputation. Cicero introduced him in the *Pro Roscio*, albeit formulaically, as a 'vir fortissimus et clarissimus', and later mentioned his 'eximia virtus'.[508] This *virtus* recurs

[502] Alföldi 1976: 145 called it 'eine Siegesgarantie', based on the attribute's importance to a general. See Cic. *Leg. Man*. 48, and *Off*. 2.45 on Pompey not having enough *felicitas* in his civil war.
[503] Assenmaker 2014: 159.
[504] As Cicero in a fragmentary letter to Cornelius Nepos (Amm. Marc. 21.16.13) defined it ('felicitas est Fortuna adiutrix consiliorum bonorum'), *felicitas* was closely linked to a good cause. This resulted in his negative judgement on Caesar's *felicitas* at *Phil*. 2.64: 'qui rei publicae sit infelix, felix esse nemo potest', on which see Eckert 2018: 295. See Santangelo 2023 for the importance of piety in civil war.
[505] Cic. *Har*. *Resp*. 19.
[506] Suet. *Aug*. 94. See also Vell. Pat. 2.91 on Augustus' regime as *hic felicissimus status*, and the senatorial decree on the month of August (Macrob. *Sat*. 1.12.35 = *FIRA* 1.280-1 (*SC* 42)) as *hic mensis felicissimus*. For discussion of Augustus' *felicitas*, see Erkell 1952, Wistrand 1987: 44, Flory 1992, Fadinger 2002: 158.
[507] Plin. *Pan*. 88.5 suggests that *Felix* was an option, albeit one not taken, for Trajan.
[508] Cic. *Rosc*. *Am*. 6 (on the formula, see Whitehead 2005: 179) and 127.

throughout the Ciceronian corpus. Sulla was recalled as *belli gerendi peritissimus*,[509] a *fortissimus vir et summus imperator*,[510] a 'pugnax et acer et non rudis imperator',[511] and a 'consul nobilissimus et fortissimus'.[512] Cicero also praised his skill as a general in the *de Divinatione*.[513] The multiplicity of audiences and genres suggest that it was not a controversial description. Indeed, our sources continue to consider him a 'vir armis optimus'[514] long after the Republican period. Valerius Maximus, in a highly critical passage, said that Sulla's character changed for the worse after victory, but his military reputation did not suffer. Before victory he was a Scipio; afterwards, he was a Hannibal.[515] The transmission of Sulla as *fortis* was facilitated by the unusual influence of his *Memoirs*. Most works of that genre, which had been established in the generation prior by Aemilius Scaurus, Rutilius Rufus, and the elder Catulus, had a rather 'short shelf life'.[516] Cicero says that 'nemo legit'[517] Scaurus' *de vita sua*. Sulla's *Memoirs*, on the other hand, made a serious impact. Nearly all agree that his 'account was widely read and very influential'.[518] The clearest legacy of this can be found in Plutarch, who depended on the *Memoirs* more than anyone and provided most of our fragments.[519] He must have found Sulla's paean to his military record convincing, for he claimed in the synkrisis of Sulla's *Life* with Lysander's that in matters of war, Sulla was beyond compare:

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[509] Cic. *Font*. 43.
[510] Cic. *Leg. Man*. 8. See Diod. Sic. 37.25 on his great military reputation after the Social War.
[511] Cic. *Mur*. 32.
[512] Cic. *Har. Resp*. 54.
[513] Cic. *Div*. 2.65: eoque die rem praeclare esse gestam non haruspicis consilio, sed imperatoris.
[514] Flor. 1.40.9. See also Livy *Per*. 75, Vell. Pat. 2.15, Val. Max. 6.9.6, Sen. *Dial.* 6.12.6, Cass. Dio 30-35.109.1, Eutr. 4.27.
[515] Val. Max. 9.2.1: dum quaerit victorias, Scipionem se populo Romano, dum exercet, Hannibalem repraesentavit. According to Hdn. 4.8.5, Caracalla celebrated Sulla and Hannibal for their generalship, together.
[516] Tatum 2011: 163. This should not be taken too far; Plutarch evidently used Rutilius and Catulus in his *Marius*.
[517] Cic. *Brut*. 112, but see Pelling 2009: 43 on this as 'Ciceronian agenda'.
[518] Flower 2015a: 298. See also 2023: 161: they 'reshaped the field of first-person accounts in Latin', and Lewis 1991: 509, Brennan 1992: 107, Tatum 2011: 163. Balsdon 1951: 2 is one of the few dissenters, claiming they 'never achieved great popularity'.
[519] Valgiglio 1975: 276 estimated that one half to two thirds of the *Sulla* derived from the *Memoirs*; but see Russo 2002: 283 and Noble 2014: 37 on the dubiousness of his methodology.

> πολέμων δὲ ἀγῶσι καὶ στρατηγικαῖς πράξεσι καὶ πλήθει τροπαίων καὶ μεγέθει κινδύνων ἀσύγκριτος ὁ Σύλλας.[520]

Given the success of Sulla's campaigns, impugning his record would not have been easy. Nevertheless, it is interesting that the charge he finished the Mithridatic War too quickly ('de Mithridate triumphare cito quam vere maluisset')[521] did not cause too much damage. I argue that it points to Sulla's legitimation having the effect it intended to.

The reception of Sulla as *Felix* has been more contested in modern scholarship. Eckert has claimed that 'the Romans perceived Sulla's claim to *felicitas* … as an outrageous offence against ideas at the heart of Roman society', and that:

> 'A detailed analysis of ancient sources from the Late Republic to the early Imperial period illustrates that the Romans did not accept Sulla's violation of the *salus rei publicae*. Hence they disputed his claim to be called "the Fortunate."'[522]

Her argument is built on the traumatic legacy of his violence, and finds support among imperial authors who claimed that Sulla 'usurpasset'[523] or 'rapuit'[524] the name *Felix*. Pliny said that Sulla's assumption of the name was a 'prava interpretatio',[525] because he was responsible for the deaths of so many Roman citizens. But this is not the whole picture. Some thought that Sulla deserved his epithet, because of his success. Diodorus wrote that it was justified by the defeat of his enemies and his natural death.[526] Appian agreed, on the

[520] Plut. *Comp. Lys. Sull*. 4. See Brizzi 2018: 69.
[521] Flor. 1.40.11. See also M. Cotta describing the war as οὐ πεπαῦσθαι, ἀλλ᾽ ἀναπεπαῦσθαι (Plut. *Luc*. 5). Sulla's defence of the Peace of Dardanus (Plut. *Sull*. 24), probably from the *Memoirs*, implies that it needed defending.
[522] Eckert 2018: 284. See also Reggiani 1994: 218.
[523] Vell. Pat. 2.27.
[524] Val. Max. 6.4.4.
[525] Plin. *HN*. 7.137. See also Val. Max. 9.2.1, Sen. *Dial*. 1.3.8, Luc. 2.221. See Ericsson 1943: 86: 'Die Benennung *Felix* ist also unvereinbar mit der Grausamkeit; man stellt moralische Ansprüche an ihren Träger'
[526] Diod. Sic. 38/39.15: Ἐπαφρόδιτόν τε ὀνομάσας ἑαυτὸν οὐκ ἐψεύσθη τῆς ἀλαζονείας· κρατῶν γὰρ τοῖς πολέμοις ἰδίῳ ἀπεβίω θανάτῳ. See also Vell. Pat. 2.25 on Sulla defeating Scipio and Norbanus *felici eventu*.

basis that he achieved everything he wanted to.[527] And Plutarch, describing the rain holding off at Sulla's cremation, said that it was a sign of his good fortune lasting until the very end.[528] Of course, it is difficult to judge to what extent, if at all, these later judgements reflected wider beliefs at the time. There were plenty of Sullan detractors, not least Cicero, who conceded the dictator's *felicitas* in the *Pro Roscio*,[529] but never mentioned it again after his death.[530] He would pointedly state in the *Pro Lege Manilia* that it was not an attribute that anyone ought to attribute to themselves.[531] However, what we can tell from the ancient evidence is that Sulla was never dissociated from his moniker. Faustus struck a coin in the 50s with *Felix* on the reverse legend;[532] the triumvirs used it as a metonym in their proscription edict;[533] later authors, such as Asconius, carried on using it as a straightforward epithet.[534] The transmission of Sulla as *Felix* in his well-read *Memoirs*, in other literary texts, in speech,[535] on coins and statue bases, on graffiti,[536] on Fasti[537] and other inscriptions, and even in the names of his children, was considerable. Eckert has rightly called attention to the dissent, which, to a great degree, hinged upon the trope of his character transformation after the Colline Gate.[538] But there are also plenty of signs that '*felicitas* became a Sullan

[527] App. *BCiv*. 1.105.492: εὐτυχέστατος δ' ἀνδρῶν ἔς τε τὸ τέλος αὐτὸ καὶ ἐς τἆλλα πάντα, ὥσπερ καὶ ὠνομάζετο, γενέσθαι δοκῶν, εἰ δή τις εὐτυχίαν ἡγοῖτο τυχεῖν ὅσων ἂν ἐθέλῃ, and 1.106.499. Sall. *Hist*. 1.55.20, though highly negative, also implies that *Felix* was about taking what he wanted: 'raptum ire licet et quam audeat, tam videri Felicem'. Sen. *Dial*. 6.12.6 appears to accept that Sulla was accurately, though unjustly, considered *felicissimus*; the poem at Suet. *Tib*. 59 ('felicem sibi, non tibi, Romule, Sullam') criticises Sulla in the same way. It is not that Sulla was not *Felix*, but that it is unfair that someone so immoral could be so successful.

[528] Plut. *Sull*. 38: ὥστε τὴν τύχην αὐτοῦ δοκεῖν τὸ σῶμα συνθάπτειν παραμένουσαν. Plin. *HN*. 2.138 also records in his discussion of augury by thunderbolts that Sulla the dictator, alone, was portended *summa felicitas*.

[529] See Cic. *Rosc. Am*. 22, 136. This is most easily understood in context as prudent simulation; he was hardly in a position to deny it.

[530] See Desrosiers 1969: 198.

[531] Cic. *Leg. Man*. 47. But Eckert 2016b: 62 has overestimated the speech's antipathy to Sulla, in my view; see the complimentary ch. 8.

[532] *RRC* 426/1. See Eckert 2016b: 48: 'Wie die Münzen zeigen, war mehr als zwanzig Jahre nach Sullas Tod im Jahr 78 v. Chr. immer noch eindeutig, wer mit dem Beinamen *Felix*, der Glückliche, gemeint war'.

[533] App. *BCiv*. 4.10.39: ὃν Εὐτυχῆ προσείπατε δι' εὐπραξίαν. Note the emphasis again on success.

[534] See Asc. 20C; see also Plin. *HN*. 18.33.

[535] See App. *BCiv*. 1.97.452 and Livy 30.45.6 on his flatterers using the name.

[536] Among the many graffiti in Pompeii that mention Sulla, *CIL* 4.9099 has been read: *Sul(l)a. F(e)lix? Infelix!* Of course, the meaning is opaque, but it seems to attest to a (disputed) transmission; see Clark 2007: 310.

[537] See Degrassi 1954: 74, 76, 108; the title is also used in dating by Gell. *NA*. 15.28.3 and Asc. 64C.

[538] On the universal agreement of his *felicitas* before then, see Sall. *Iug*. 95, Cass. Dio 30-35.109.1, Plut. *Sull*. 6.

attribute'.[539] Therefore the record is much too ambivalent to accept her view that his claim to be *Felix* was wholeheartedly rejected by Roman society.

In my view, Sulla made some headway in his efforts to be perceived as *fortis* and *Felix*. I should stress that, even though these attributes had different connotations, they overlapped significantly. A good general was necessarily *fortis*, but he also needed *felicitas*. In Sulla's case, according to Sallust, it was not clear which ought to be privileged: 'multique dubitavere, fortior an felicior esset'.[540] Both qualities conspired to make him, in Sallust's words, a *tantus vir*, embodying what we might express in English as charisma. Indeed, many scholars have taken Sulla to be a 'charismatic leader'.[541] I have shown how he tried to build this persona, by using, as Elke Stein-Hölkeskamp says, 'all the media that he and his peers had at their disposal to conserve the memory of their glorious deeds in the service of the *res publica*'.[542] But how did this persona relate to his political power? I argue that legitimacy in the Roman Republic, or belief in the righteousness of authority, was significantly affected by beliefs about the personal qualities of those who claimed authority. This may seem heterodox to those who have prioritised orthopraxy in Roman public life. Mouritsen, for example, claimed in his introduction to Republican politics that 'the overriding concern among Roman politicians was the observance of correct procedure'.[543] From that perspective, my concept of 'personal legitimacy' is anathema. It was 'the mass of accumulated rules and conventions' that 'served to regulate who could claim legitimacy'.[544] But Mouritsen's claim

[539] Thein 2009: 88. See Ericsson 1943: 85 on his 'seiner sagenumsponnenen *felicitas*', which Plutarch contrasted paradigmatically to Marius; see Richard 1965: 83 and Avery 1967: 329.
[540] Sall. *Iug*. 95 (before final victory). Val. Max. 6.9.6 agreed: 'dicerem Fortem, nisi ipse Felicem appellari maluisset'. See also F8 (Plut. *Sull*. 6) on Sulla prioritising *felicitas*, if he had to choose.
[541] Flower 2010a: 132. See also Hölkeskamp 2000: 212: 'charismatischer Führer', and Volkmann 1969: 16, Morawiecki 1996: 45, Kragelund 2001: 92, Sumi 2002: 414, Müller 2009a: 209, Zoumbaki 2018: 353.
[542] Stein-Hölkeskamp 2015: 214. On the ability of *monumenta* to influence opinion, see Hölkeskamp 1996: 305, Meadows and Williams 2001: 41, Roller 2004: 5.
[543] Mouritsen 2017: 3. See also Morrell 2023a: 271 on 'the Roman fixation on formal legality'.
[544] Mouritsen 2017: 3. This has been criticised; see Harris 2019: 529 on it being 'one of the most rule-centred books about republican politics since Mommsen'.

struggles with a great deal of evidence. Scipio Aemilianus was famously elected consul in 148 with a certain contempt for procedure (παρανόμου δ' ὄντος).[545] Gaius Blossius thought that he ought to follow any order Tiberius Gracchus gave ('ut quidquid ille vellet sibi faciendum putaret'); including, if it came to it, setting fire to the Capitolium.[546] When Marius was upbraided for illegally enfranchising two cohorts from Camerinum on the battlefield, he replied that he could not hear the law 'inter armorum strepitum'.[547] Pompey, when Sulla himself protested that his triumph would be procedurally dubious, is said to have shot back with the irreverent quip: more people worshipped a rising than setting sun.[548] These stories suggest that political disagreements in Rome, about whose authority was legitimate, and who ought to be able to do what, came down to far more than just procedure. In Roman trials too, the legal arguments were often subordinate to invocations of the worthiness, or unworthiness, of the people involved. At the extreme ends of the spectrum, Scipio Africanus said that no one should listen to his accuser, because he owed to Scipio his very ability to speak; and Cicero said that even if Milo had killed Clodius, it would not be a crime.[549] This all makes little sense, if Romans were as obsessed with procedure as Mouritsen says they were. I am not making a maximalist argument, that personal claims to authority were necessarily supreme, or that procedure was irrelevant, or that *mos maiorum* had no valency. I am simply saying that, when it came to assessing the legitimacy of a person's claim to power in Rome, the stature of that person mattered.[550]

This was especially true in civil war, when legitimacy was fiercely contested. As Morstein-Marx has argued, recourse to the law could hardly determine, by itself, whose

[545] App. *Pun*. 112.531. See also Livy *Per*. 50: legibus solutus.
[546] Cic. *Amic*. 37. See also Plut. *TG*. 20 and Val. Max. 4.7.1.
[547] Val. Max. 5.2.8. See also Plut. *Mar*. 28, *Mor*. 202D; Cic. *Balb.* 46.
[548] Plut. *Pomp*. 14.
[549] See Polyb. 23.14 and Cic. *Mil*. 80. It does not matter that these arguments were not decisive; that they were advanced indicates that they were (reasonably) thought to have weight, even if they could not carry the day.
[550] See Cooley 2019 for a compelling treatment of the personal nature of Augustus' *statio*.

authority ought to be followed.[551] It would not be much of a civil war if it could. In this context, extra-legal claims could have serious traction. One of the clearest examples of this worked against Sulla, in an anecdote told by Valerius Maximus. He says that Scaevola the Augur refused to judge Marius a *hostis* in 88, because he had saved Italy:

> "licet" inquit "mihi agmina militum, quibus curiam circumsedisti, ostentes, licet mortem identidem miniteris, numquam tamen efficies ut propter exiguum senilemque sanguinem meum Marium, a quo urbs et Italia conservata est, hostem iudicem."[552]

In this story, Sulla's intimidation mattered as little as any consideration of the issue at hand: whether or not Marius ought to be considered a *hostis*. Marius' glorious actions – resulting in what I would call 'personal legitimacy' – precluded the question even being asked, according to Scaevola.[553] That those actions were more than a decade older than Marius' supposed transgressions in 88 was besides the point. We can see a similar perspective in Caesar's self-defence to his soldiers in 49:

> hortatur, cuius imperatoris ductu VIIII annis rem publicam felicissime gesserint plurimaque proelia secunda fecerint, omnem Galliam Germaniamque pacaverint, ut eius existimationem dignitatemque ab inimicis defendant.[554]

Again, I ought to stress that this was not Caesar's only argument. He had just complained, in the preceding chapter, about his enemies' flouting of procedure. But that did not stop him also making the claim that his *existimatio* and *dignitas* ought to be defended, because of what he had achieved in battle for the *res publica*. His legitimacy could not be disentangled from his personal stature. The latter contributed to the former. If Caesar had been a terrible general, his argument would have been significantly weaker. I argue that Sulla's legitimation

[551] See Morstein-Marx 2011: 275 n.72 on 'the sterility of the legalistic approach', and 2009: 135 on the need to move beyond the 'Rechtsfrage' in 49 to 'the deeper question of legitimacy'.
[552] Val. Max. 3.8.5.
[553] See Stone 2002: 211 on the depiction of Marius 'as saviour and *ipso facto* not an enemy'.
[554] Caes. *BCiv.* 1.7. See Murphy 1986: 308 on Caesar's *felicitas* here.

should be understood along the same lines. He no doubt would have approved of Caesar's superlative adverb ('felicissime'). He put so much energy into constructing his image because, in no small part, it helped him on the road to power. He had a better chance of acquiring the 'willing obedience'[555] of the Roman population if they could be made to believe that he was both *fortis* and *Felix*.[556]

3.ii: Legitimation of Sulla's cause

But legitimacy in Rome was about more than just personal characteristics. It also depended on reasonable action. Marius' example is again instructive. He had a spectacular military record, as we can see from Scaevola's speech, but it was not enough to overcome the disrepute caused by his violent return in 87. Hence Velleius' aphorism: 'quantum bello optimus, tantum pace pessimus'.[557] In times of conflict, legitimacy was significantly affected by the justifiability of one's cause. Being seen as the aggressor could be disastrous; Cicero considered anyone who chose civil war a *detestabilis civis rei publicae*.[558] For this reason, Sulla legitimated his actions, as well as his person. He made several distinct arguments. He claimed that the Mithridatic command was rightfully his and unlawfully obstructed; that while in the East he was wronged by his enemies in Rome; that he returned peacefully and did not start the civil war; and that Italy needed to be liberated from his illegitimate opponents. I argue that this discourse was advanced to make Sulla's cause seem reasonable, and, as a result, his future power more acceptable.

3.ii.a: 88

[555] See Weber 2019: 338 on this as a corollary of legitimacy.
[556] Some scholars, like Alföldi 1956: 87 on Sulla laying 'new foundations for the theory of monarchical rule *dei gratia*', have taken this concept too far, in my view. Divine support was just one element that supported Sulla's power, and had Republican precedents, as Alföldi himself recognised; see Walbank 1967 on Scipio Africanus.
[557] Vell. Pat. 2.11. See also Diod. Sic. 37.29 and Val. Max. 9.12.4.
[558] Cic. *Phil*. 13.1. See Raaflaub 2010: 162: 'to begin a civil war was no minor matter', and Havener 2023: 18.

Sulla's claim to the Mithridatic command was initially uncontroversial: it had been given to him by lot.[559] The dispute in 88 boiled down to the legitimacy of Sulpicius' attempt to remove him from it. Sulpicius' reputation, as we shall see, was seriously tarnished by this attempt, in no small part due to Sulla's own rhetoric. Cicero preserves a sample in the *Philippics*: 'Sulla cum Sulpicio de iure legum, quas per vim Sulla latas esse dicebat [contentionem rei publicae causa faciebat]'.[560] Sulla elaborated on this *vis* in his *Memoirs*. The fragment concerns what took place after Sulla and his colleague Pompeius declared some kind of suspension of public business,[561] in response to the violent agitation for Sulpicius' laws. Sulla claimed to have withdrew into Marius' house to discuss what Sulpicius was trying to force through (βουλευσόμενος ὑπὲρ ὧν Σουλπίκιος ἠνάγκαζεν αὐτὸν ἄκοντα ψηφίσασθαι). He described himself as being compelled at swordpoint (περισχὼν ἐν κύκλῳ ξίφεσι γυμνοῖς).[562] He then rescinded the suspension and left the city. When he reached the army at Nola, having learnt that the command had been transferred to Marius, he told his soldiers that he had suffered a ὕβρις.[563] Appian offers no more details, but Morstein-Marx has convincingly argued that we should understand Sulla's rhetoric as a rally against 'an assault on the *dignitas* of the consuls – and thus, indirectly, of…the Roman people who had elected them'.[564] Sulla had been chosen in the *comitia centuriata* to lead the Republic's armies in war; Sulpicius' unprecedented attempt to strip him of that right could easily be portrayed as an outrage. So too could the general violence: Pompeius' son (Sulla's son-in-law) had been killed in the chaos caused by Sulpicius' gang.[565] There were grounds for arguing that legitimate politics had been corrupted. Thus Sulla told the envoys who met him

[559] See App. *Mith*. 22.84 and Vell. Pat. 2.18.
[560] Cic. *Phil*. 8.7. See Dahlheim 1993: 101.
[561] See Lintott 1971: 444 n.4 for a discussion of the possible *feriae* or *iustitium*; the Greek of Plutarch and Appian permits no certainty.
[562] Plut. *Mar*. 35 (F18). See also Plut. *Sull*. 8 and App. *BCiv*. 1.56.247.
[563] App. *BCiv*. 1.57.251.
[564] Morstein-Marx 2011: 264; see also his constructive comparison with Cinna's rhetoric the following year. Dahlheim 1993: 101 called it 'einen singulären Eingriff der Volksversammlung in die Exekutive hinaus'.
[565] See Stone 2002: 191 on his ἀντισύγκλητος.

on the road to Rome that he came to free the city from tyrants (ἐλευθερώσων αὐτὴν ἀπὸ τῶν τυραννούντων).[566] This classic justification of political violence would be advanced several more times in the first century BC.[567] As Sulla saw it, however, he had simply undertaken 'eine Polizeiaktion'[568] against a reckless demagogue. He and Pompeius had not wanted to take Rome by force, but they had acted out of necessity (αὐτοὶ τάδε πράξαντες ὑπ᾽ ἀνάγκης), as he said at a *contio*.[569] The pronouncement of Marius, Sulpicius, and their accomplices as *hostes* should be seen in this light. They were still Sulla's personal enemies,[570] but they were also cast as traitors who were destroying the *res publica* from the inside.[571] He, on the other hand, was 'a consul resuming his rightful place from which he had been driven by violence',[572] and had executed the most important duty of the consulship: protecting the community.[573]

3.ii.b: In the East

After Sulla reinstated his command, Plutarch says that he required Cinna and Octavius, his consular successors, to vow to uphold his acts.[574] He then left Italy to prosecute the Mithridatic War. He eventually returned in 83. The intervening period, consisting of the *bellum Octavianum* and the *dominatio Cinnae*, has been called 'a sordid story'.[575] It is beyond the scope of this thesis to offer a full account of the politics of Cinna's regime, a

[566] App. *BCiv*. 1.57.254. See Steel 2013a: 941 on Appian's claim that these envoys were agents of Marius and Sulpicius (1.57.255), which 'presumably goes back to Sulla's own account in his *Memoirs*'.
[567] See Börm 2023: 314 on the 'very Hellenistic fashion' of the justification, which recurs with Caesar (*BCiv*. 1.22) and Augustus (*RG* 1). As Santangelo 2018: 197 notes, however, the appeal to *libertas* also invoked the 'tema conduttore di tutto il discorso ideologico repubblicano'.
[568] Meier 1966: 224. Thus, according to App. *BCiv*. 1.59.264, Sulla disciplined his troops in the city very strictly.
[569] App. *BCiv*. 1.59.266. See Syme 1939: 47: 'not of his own choosing'.
[570] See the dream of Ma-Bellona at Plut. *Sull*. 9: ταύτην ὁ Σύλλας ἔδοξεν ἐπιστᾶσαν ἐγχειρίσαι κεραυνὸν αὑτῷ, καὶ τῶν ἐχθρῶν ἕκαστον ὀνομάζουσαν τῶν ἐκείνου βάλλειν κελεῦσαι.
[571] See Zucchetti 2022: 75 on the performative nature of the *hostis* declaration.
[572] Keaveney 1982a: 67.
[573] This is famously stated by Cic. *Leg*. 3.8, and implied by the wording of the 'senatus consultum ultimum' as related by Sall. *Cat*. 29: senatus decrevit darent operam consules ne quid res publica detrimenti caperet.
[574] Plut. *Sull*. 10. See also Cass. Dio 30-35.102.1, and Weinstock 1971: 222 on Sulla's temerity.
[575] Last and Gardner 1932: 261.

challenge that some have taken up, despite the difficulty of the evidence.[576] But the conduct of Sulla's opponents in Rome, while he was in the East, had a major role to play in his legitimation. In his rhetoric, as far as we can reconstruct it, the violence of Cinna and Marius in 87 loomed large. Sulla is said to have told Crassus in 83 that he was avenging the murderers of his family (μετέρχομαι τοὺς φονεῖς), whose deaths had been both illegal and unjust (παρανόμως καὶ ἀδίκως ἀναιρεθέντων).[577] He noted their transgressive practice of not allowing burial, according to Appian, and said that he would not follow it with Fimbria's corpse.[578] And he made much of the exiles that the regime had produced. He wrote to the senate that he was proud of providing sanctuary for all the eminent Romans who had been ἐξελαθέντας ἐκ Ῥώμης ὑπὸ Κίννα.[579] There were so many it was as if a σχῆμα βουλῆς had joined him in Greece.[580] Most scholars, following Badian, consider Sulla to have been tendentious here, but he was far from the first authoritarian to have defended himself in a tendentious way. The portrayal of his camp as a refuge amidst the insanity of the *tempus Cinnanum* played an important role in justifying his invasion of Italy. According to his narrative, the regime he was fighting against had already been exposed as illegitimate by all those who had fled from it. Meanwhile, he had been the 'legittimo rappresentante della repubblica in Oriente'.[581] He was entirely focused on the war at hand. He continued to send the customary dispatches to the senate,[582] even when his domestic opponents had sent out a new expedition to attack him.[583] Most provocatively, he alluded to the notion of Fimbria

[576] See Bennett 1923, Badian 1962b, Bulst 1964, Katz 1976b, Seager 1994, Lovano 2002, Heredia Chimeno 2019a and 2019b, Smith 2021.
[577] Plut. *Crass*. 6.
[578] App. *Mith*. 60.248: καὶ αὐτὸν ὁ Σύλλας ἐφῆκε τοῖς ἀπελευθέροις θάψαι, καὶ ἐπεῖπεν οὐ μιμεῖσθαι Κίνναν καὶ Μάριον ἐν Ῥώμῃ θάνατόν τε πολλῶν καὶ ἀταφίαν ἐπὶ τῷ θανάτῳ καταγνόντας.
[579] App. *BCiv*. 1.77.350.
[580] Plut. *Sull*. 22. See also Vell. Pat. 2.23. I discuss this phenomenon in more detail in the next chapter.
[581] Marinoni 1987: 234.
[582] App. *Mith.* 60.249: τῇ τε βουλῇ περὶ πάντων ἐπέστελλεν, οὐχ ὑποκρινόμενος ἐψηφίσθαι πολέμιος. See Urso 2010: 161 on his speech to the senate after returning (Cass. Dio 30-35.109.5): 'il suo è il comportamento tipico del comandante vittorioso che presenta al senato il regolare rendiconto del suo operato, rimanendo nella legalità'.
[583] Plut. *Sull*. 20: πυνθανόμενος Φλάκκον ἀπὸ τῆς ἐναντίας στάσεως ὕπατον ἠρημένον διαπερᾶν τὸν Ἰόνιον μετὰ δυνάμεως, λόγῳ μὲν ἐπὶ Μιθριδάτην, ἔργῳ δὲ ἐπ᾽ ἐκεῖνον αὐτόν. For Sulla calling Fimbria's command παρανόμως, see App. *Mith*. 59.241.

joining forces with Mithridates[584] – the scourge of the eastern provinces, and Rome's deadliest threat since Hannibal. It would be hard to imagine a more potent charge of treason, if it could be made to stick.

As in 88, Sulla's charge of treason against his opponents sat alongside his claim to have received a personal injury. He underlined his *virtus*, as I have already discussed, by detailing his entire military career in a letter to the senate. That had a rhetorical impact of its own. But in return for all his services, Appian claims he wrote, he had suffered unspeakable injustices:

> ἀνθ᾽ ὧν ἔφη τοὺς ἐχθροὺς πολέμιον αὐτὸν ἀναγράψαι καὶ τὴν οἰκίαν ἀνασκάψαι καὶ τοὺς φίλους ἀνελεῖν, τὴν δὲ γυναῖκα καὶ τέκνα μόλις πρὸς ἑαυτὸν διαφυγεῖν.[585]

Sulla was invoking a dark irony by remonstrating against himself being declared a *hostis*: the Cinnans were so wicked that, in their perspective on the clash between Sulla and Mithridates, they could not even identify the correct enemy of Rome. The destruction of Sulla's house was also provocative. It was a Roman punishment traditionally used against serious miscreants, 'kingship-aspirants first and foremost'.[586] Sulla in the eighties, just like Cicero in the fifties, would have argued that weaponising it against a *civis optime de re publica meritus* was a gross miscarriage of justice.[587] In fact, Sulla's case was harsher, because his wife and children were expelled too.[588] His mention of their fate in his letter added to the pathos of his

[584] See Plut. *Sull*. 24 on Sulla's defence of the peace of Dardanus: ἀπελογεῖτο πρὸς αὐτοὺς ὡς οὐκ ἂν ἅμα Φιμβρίᾳ καὶ Μιθριδάτῃ πολεμεῖν, εἰ συνέστησαν ἀμφότεροι κατ᾽ αὐτοῦ, δυνηθείς. Memnon *FGrH* 434.25 has quite a different story, with Flaccus and Fimbria being told to co-operate with Sulla if possible.
[585] App. *BCiv*. 1.77.351. See 1.73.340 for the same injustices in the narrative proper.
[586] Roller 2010: 171. See also Mustakallio 1994, Saller 1994: 93, Bodel 1997: 7, Flower 2006: 50, Piacentin 2021: 126. At least, Roman thought often associated the punishment with would-be tyrants; see Poplicola's law at Livy 2.8.2.
[587] Cic. *Dom*. 131; see also 101-2.
[588] On Cicero's family remaining in Rome during his exile, see Treggiari 2007: 59; thus Roller 2010: 139 on the principle that house destruction should not 'entail or accompany a wider practical assault on the owner's family'.

cause. Finally, in his next letter to the senate, he brought up his confiscated priesthood, and demanded its restitution.[589] Though the identity of the priesthood has proved controversial,[590] its function within Sulla's legitimation is not. He was attacking his opponents as cruel and irreligious; so much so that they respected neither the sanctity of one's home nor the offices of the state cult.[591] His own claim to legitimacy was bound up in his exposition of the illegitimacy of the alternative. In his demand for 'die Anerkennung oder Wiedergewinnung seines sozialen Ranges',[592] he highlighted the gulf between what a victorious *imperator* ought to expect, and how he had actually been treated by the clique in power in Rome.[593] This went some way towards justifying his role in the civil war. Who could think it unreasonable that Sulla would not reconcile with his enemies,[594] given what they had done to him?

3.ii.c: Return to Rome

But Sulla's intractability was only reserved for a few. Towards everyone else, he adopted a 'conciliatory stance',[595] even a 'propagandistic stance of "moderation"'.[596] He approached Italy in such an eirenic way that Velleius considered him an *auctor pacis*.[597] His soldiers swore an oath before crossing the Adriatic that they would not plunder of their own accord (μηδὲν ἑκουσίως κακουργήσειν τὴν Ἰταλίαν).[598] And Velleius, who was probably following the *Memoirs*, thought they were true to their word as Sulla marched them through Calabria

[589] App. *BCiv*. 1.79.362.
[590] Some think it was the augurate, alluded to by the *lituus* of *RRC* 359/1; others think he could not have been augur at this point, because Scipio Asiagenus (a Cornelius) was an augur, and there was a law against two members of the same *gens* being augurs at the same time. See Drummond 2008 for a recent survey of the debate.
[591] On religious transgressions against the *domus*, see for example Cic. *Dom.* 108, *Phil*. 2.68, and Saller 1984: 89, Treggiari 2002: 79, Bodel 2008: 252, Roller 2010: 141. With Sulla returning to Italy from Dardanus, and needing to re-establish his household gods, he would have had the opportunity to compare himself to Aeneas.
[592] Volkmann 1969: 51.
[593] There is very similar rhetoric at Caes. *BCiv.* 1.22 and 1.32.
[594] See App. *BCiv*. 1.79.360 for his rhetoric (αὐτὸς μὲν οὔποτε ἀνδράσι τοιάδε ἐργασαμένοις ἔσεσθαι φίλος) and 1.82.371 for the recognition that he would not compromise, because of what had been done to him.
[595] Bispham 2018: 20.
[596] Frier 1971: 603. See also Keaveney 1982c: 156 and Santangelo 2007: 78.
[597] Vell. Pat. 2.25.
[598] Plut. *Sull*. 27. Some have considered this part of fragment of the *Memoirs*; see F24 and Thein 2016: 452.

and Apulia ‘tanta cum quiete’.[599] Moreover, the negotiations that had started in Greece continued. Sulla had already offered assurances to the guiltless and to the citizens newly enfranchised after the Social War,[600] and made reasonable demands to the envoys sent by the senate. He said that he would yield to the authority of that body (‘futurum se in potestate senatus respondit’), if only those exiled by Cinna could be restored (‘si cives, qui pulsi a Cinna ad se confugerant, restituerentur’).[601] Sulla continued his pose as a friend to the new citizens and a respecter of the senate in Italy. According to Cicero, he met the consul Scipio between Cales and Teanum, and held a conference ‘de auctoritate senatus, de suffragiis populi, de iure civitatis leges’.[602] He also struck a treaty with the *populi Italici*, in which promised not to revoke the franchise ‘nuper datum’.[603] Sulla’s good faith here was far from obvious. Plutarch thought that his strategy included ἀπάτη, as well as δύναμις, and recorded Carbo’s comment that Sulla was part lion, part fox.[604] Unfortunately, we cannot recover Sulla’s mental processes. But the legitimation of his cause is quite clear, even at our great distance from the events. He portrayed himself, honestly or not, as a slighted, but forgiving, *imperator*, who was willing to negotiate and compromise for the good of the community.

However, the end of the war was marked by Sulla’s merciless violence, not by negotiation or compromise. It is not just that his actions failed to live up to his rhetoric; his rhetoric also changed. As Bispham has argued, the failed conference with Scipio ought to be seen as a turning-point. When Sertorius violated the ceasefire that had been agreed with

[599] Vell. Pat. 2.25. App. *BCiv.* 1.81.371 said he advanced with a very strong, but concealed, hatred (βαρυτάτῃ καὶ ἀφανεῖ ἔχθρᾳ); this may be a negative spin on the same information.
[600] App. *BCiv*. 1.77.352: τοῖς δ’ ἄλλοις πολίταις τε καὶ νεοπολίταις προύλεγεν οὐδενὶ μέμψεσθαι περὶ οὐδενός.
[601] Livy *Per*. 84. The epitomator overlooked Sulla’s demand for restitution (App. *BCiv*. 1.79.362), which must have been one of his conditions; see Bispham 2018: 16 on it as ‘an extreme but positive editing of Appian’s letter’. Even so, there is scope to claim, as Frier 1967: 114 does, that ‘Sulla’s position seems quite reasonable’.
[602] Cic. *Phil*. 12.27. App. *BCiv*. 1.85.384 says it was impossible to know what was discussed.
[603] Livy *Per*. 86.
[604] Plut. *Sull*. 28. See also Cic. *Phil*. 13.2: ‘pacem cum Scipione Sulla sive faciebat sive simulabat’, and Caesar’s speech at Cass. Dio 43.15.3, where he says that Marius, Cinna, and Sulla all did and said πολλὰ καὶ φιλάνθρωπα at the beginning of their conflicts, before showing their true colours later.

Scipio, and talks irretrievably broke down, that 'gave Sulla the excuse in the longer term to justify his own later intractable severity on the basis of his enemies' perfidy'.[605] He made this explicit at the *contio* to which Appian attests before the proscriptions: everybody hostile after that date would be punished.[606] The treacheries had mounted too high to be forgiven.[607] Sulla could also claim that the remnants of his opponents in 82, led by Carbo and Marius' son,[608] did not deserve negotiation. The last days of their regime are thoroughly discredited in our sources. The praetor Damasippus is said to have carried out a slaughter of all the remaining nobles in city: 'omnem quae in urbe erat nobilitatem trucidavit'.[609] Cicero thought that the murder of Scaevola the Pontifex in particular was the most shameful thing the Roman people had ever seen.[610] As Badian saw, this violence – surely exaggerated beyond plausibility in Damasippus' case – 'was a godsend to many, looking for *ex post facto* justification'.[611] It allowed Sulla to credibly pose as a liberator. He wrote in the *Memoirs* that he had cleansed Italy of civil war: τῶν ἐμφυλίων πολέμων τὴν Ἰταλίαν καθήρας.[612] Cicero unsurprisingly credited Pompey for this in the *Pro Lege Manilia*. But what might surprise is that he ventriloquised Sulla into making his case,[613] when the *rostra* in the 60s was hardly a happy hunting ground for the dictator's legacy. It suggests that Sulla's claim, that Italy needed liberation, had serious purchase. And the framing of the Colline Gate was his *coup de grâce*. The final battle of his civil war was made to double as the end of the Social War, in which

[605] Bispham 2018: 22. See Diod. Sic. 38/39.16 on Scipio scorning Sulla's ἐπιείκεια and returning to fight him.
[606] App. *BCiv*. 1.95.441: μεθ' ἣν ἡμέραν Σκιπίων ὁ ὕπατος οὐκ ἐνέμεινε τοῖς πρὸς αὐτὸν ὡμολογημένοις.
[607] We can count at least three instances of deceit (not to mention more general malfeasance): Cinna's breaking of his oath to maintain Sulla's acts at the start of his first consulship (Plut. *Sull*. 10); Cinna and Carbo preparing for war during negotiations between Sulla and the senate via envoys (Livy *Per*. 83-4); and this ceasefire.
[608] Plut. *Sert*. 6 says he held the consulship παρὰ τοὺς νόμους.
[609] Livy *Per*. 86.
[610] Cic. *Rosc. Am*. 33. For its effect on Cicero, see Harries 2006: 17, Lintott 2008: 427, Zetzel 2013: 429.
[611] Badian 1962b: 60.
[612] F26 (Plut. *Mor*. 786D). See Lange and Vervaet 2019: 22 for the idea that Sulla introduced the phrase *bellum civile* into Latin, and Arena 2020: 104.
[613] Cic. *Leg. Man*. 30: testis est Italia, quam ille ipse victor L. Sulla huius virtute et subsidio confessus est liberata. Morstein-Marx 2004: 112 n.198 calls it 'somewhat surprising'. See also Sall. *Hist*. 2.98.1 on (Sallust's) Pompey claiming to have provided *salus* for the senate in this civil war.

Sulla provided 'la vittoria definitiva sugli insorti Italici'.[614] He played up the danger of the Samnite contingent,[615] and, according to Strabo, justified his repression of them by saying that no Roman could ever know peace as long as they held together as a people.[616] This was central to the legitimacy of his cause. His civil war conduct could hardly be reproached, if he had delivered Rome from the Samnite threat,[617] and brought peace to Italy after a decade of chaos and conflict.

3.ii.d: Reception

As we have seen, Sulla's legitimation consisted of many different arguments. And as we might expect, their persuasiveness varied, leading to a complex picture of Sulla's legitimacy. In 88, there probably was disagreement about who deserved the Mithridatic command. Plutarch, even though he wrote in his *Sulla* that Marius was a delusional old fool for desiring it, records in his *Marius* that popular opinion was split: ὁ δῆμος διέστη, τῶν μὲν αἱρουμένων τὰ Μαρίου, τῶν δὲ Σύλλαν καλούντων.[618] It would be rash to write off the credentials of Rome's *custos*, third founder, and six-time consul,[619] with all of Sulpicius' eloquence behind him.[620] But what about the attempt to remove Sulla from what he had already been given by lot?[621] Morstein-Marx, in his recent treatment of the problem, came down firmly against

[614] Maccari 2016: 163 n.10. On the fuzziness between the conflicts, see Oros. 5.22.2 ('hoc fine conclusa sunt duo bella funestissima, sociale Italicum et civile Sullanum'), Diod. Sic. 37.2.14, perhaps Tac. *Ann*. 6.12 ('sociali' may be a mistake, according to Woodman 2017: 143), and Pobjoy 2000: 203, Bispham 2011: 20 on Vell. Pat. 2.27 using Sulla for his speech of Telesinus, with a very clear Social War flavour.
[615] See Lewis 1991: 518 on the context of F5, and also the date of his victory games, on which see Salmon 1964: 79: 'the curious spectacle of Romans thus celebrating a victory over one element in their state for so long is some measure of the success of Sulla *redux* in transforming his own faction fight into a national struggle'.
[616] Strabo 5.4.11: πρὸς δὲ τοὺς αἰτιωμένους τὴν ἐπὶ τοσοῦτον ὀργὴν ἔφη καταμαθεῖν ἐκ τῆς πείρας ὡς οὐδέποτ᾽ ἂν εἰρήνην ἀγάγοι Ῥωμαίων οὐδὲ εἷς ἕως ἂν συμμένωσι καθ᾽ ἑαυτοὺς Σαυνῖται.
[617] See Calabi 1951: 299 on his 'liberazione definitiva dal pericolo sannita', and Salmon 1967: 384 for the emphasis on perception: 'in 83 he still had to win over public opinion. A convenient means to this end was the Samnite bogey' (also 1964: 77: 'Sulla could pose as the great Roman paladin').
[618] Plut. *Mar*. 34.
[619] On Marius' stature, see Cic. *Cat*. 3.24 and Santangelo 2016a: 2: 'at several points in his life Marius achieved a level of power and influence that was virtually unprecedented'.
[620] See Cic. *Har*. *Resp*. 41 on his powers of persuasion.
[621] I follow the reconstruction of Lintott 1971: 452, that Sulpicius' law was only proposed after the political violence and Sulla leaving the city, when Marius' prospects for the consulship of 87 looked poor.

Sulpicius' 'depriving a consul of the Roman people of his duly assigned province'.[622] As I mentioned earlier, Morstein-Marx's reading of Sulla's rhetoric is compelling, and, as his article mostly concerns the opinions of the army, I shall discuss his views in more detail in the next chapter. What remains to be said here is that his pro-Sullan angle flattens the dispute about legitimacy in 88. Sulla evidently had a reasonable case to make: a consul had been outraged, and politics had been subverted by violence.[623] But could not Sulpicius have also been making a reasonable case, that the Roman people had the power to decide who commanded what? Morstein-Marx argues that they had already made that decision in the *comitia centuriata*, in favour of 'their duly and deservedly elected consul',[624] and throughout the article, and in its title, he identifies the consulship as the '*locus* of legitimacy in late Republican Rome'. But there is no good reason to privilege the electoral votes of the *populus Romanus* over their legislative ones, nor to deny them the ability to change their mind.[625] It is also hard to reconcile his view with another expressed just two years later, when he included Sulpicius' law as a possible example of his concept of 'successful assertions of popular sovereignty'.[626] Jonathan Powell has interestingly speculated that Sulpicius' oratory for Marius' command influenced Cicero's for Pompey's.[627] The legitimacy of both those exercises was defensible; in the former case, much more so than Morstein-Marx concedes. Of course, Sulpicius and his *perniciosae leges*[628] were denounced by a later tradition, but that need not have reflected opinion in 88.

The bigger issue at the time must have been Sulla's decision to march on Rome. It may be too much to consider it 'a revolutionary and dynastic action which threatened the

[622] Morstein-Marx 2011: 272.
[623] See Cic. *Sest*. 86 on the duty to respond with force: 'si leges non valerent, iudicia non essent, si res publica vi consensuque audacium armis oppressa teneretur, praesidio et copiis defendi vitam et libertatem necesse esse'.
[624] Morstein-Marx 2011: 272.
[625] On the notion that 'all expressions of popular will are taxonomically equivalent', see Ando 2013: 925.
[626] Morstein-Marx 2013: 35.
[627] Powell 1990: 458. See Chapman 1979: 72 for Cicero's surprisingly 'sympathetic treatment' of Sulpicius.
[628] Livy *Per*. 77. See Plut. *Sull*. 8 for the harshest interpretation.

very foundations of the *res publica*',[629] and it was not beyond the bounds of justification,[630] but there was surely at least some transgression involved. Appian's statement that he was perceived as a foreign invader (ὁ Σύλλας ἐς τὴν πόλιν ἐχώρει δόξῃ καὶ ἔργῳ πολεμίου)[631] seems to be borne out, if not by the desertion of his officers,[632] then by the city population pelting his soldiers with missiles from their rooftops.[633] Levick also correctly argued that, the righteousness of Sulla's victory in 88 notwithstanding, 'the way he used it was unforgivably vindictive'.[634] His treatment of Marius was seen as unfair; his violation of Sulpicius' sacrosanctity probably sacrilegious.[635] The setback he suffered at the next elections showed the 'hostility of the propertied classes'.[636] I argue that Sulla suffered from a lack of legitimacy in 88, which can help explain 'die Schwäche der damaligen Position'.[637] After his second march on Rome, he had the extraordinary power that I described in chapter 2. But after his first, he was concerned for his own safety, and guarded by his friends around the clock.[638] The situation was, of course, entirely different, but I think at least part of his political weakness in 88 can be attributed to the fact that his actions could only be very tenuously justified.

However, the events of 88 were soon overshadowed by the new political violence of 87, and the new reality of Cinna's dominance. I argued that Sulla portrayed himself at the

[629] Mitchell 1979: 75, critiquing the legion holders of this view.
[630] See Asc. 65C: ipse Sulpicius consulum armis iure oppressus esse visus est, as well as Cic. *Att*. 9.10.3, *Leg*. 3.20, and Morstein-Marx 2011: 261.
[631] App. *BCiv*. 1.58.258.
[632] See App. *BCiv*. 1.57.253 on the ἄρχοντες τοῦ στρατοῦ. Morstein-Marx 2011: 273 defends Sulla by claiming Appian exaggerated, and these officers may not have been representative, but this is not completely successful.
[633] See App. *BCiv*. 1.58.258, Plut. *Sull*. 9, and Zucchetti 2022: 65.
[634] Levick 1982b: 508.
[635] See Scaevola's speech (Val. Max. 3.8.5) on indignation on behalf of Marius, and *Rhet. Her*. 1.25 and 4.31 on the transgression against Sulpicius; the former won Sulla δυσμένεια, according to Plut. *Sull*. 10.
[636] Badian 1970a: 17 n.44; see Plut. *Sull*. 10 on the adverse results. Cass. Dio 30-35.102 claims, contradicting Plutarch, that Cinna owed his election to Sulla's support and only became hostile later.
[637] Meier 1966: 225.
[638] App. *BCiv*. 1.64.286: ὁ Σύλλας περιδεὴς ἐφ᾽ ἑαυτῷ γενόμενος τοὺς φίλους περιήγετο πανταχοῦ καὶ νυκτὸς ἀμφ᾽ αὐτὸν εἶχεν.

time as a legitimate *imperator*, duly focused on the war at hand, while Cinna and Marius behaved tyrannically in Rome. Velleius, for one, could not have been more convinced:

> vix quidquam in Sullae operibus clarius duxerim, quam quod cum per triennium Cinnanae Marianaeque partes Italiam obsiderent, neque inlaturum se bellum iis dissimulavit nec quod erat in manibus omisit, existimavitque ante frangendum hostem quam ulciscendum civem, repulsoque externo metu, ubi quod alienum esset vicisset, superaret quod erat domesticum.[639]

There are historiographical signs that Sulla's account of his war with Mithridates was authoritative.[640] And as I showed earlier in this chapter, his military prowess was uncontroversially acknowledged. But the reception of the *dominatio Cinnae* has divided scholars. Following Badian's polemic against Sulla, detailed in chapter 1, the pendulum has swung towards the view that 'the Cinnan regime…was accepted by those in Rome as legitimate government'.[641] In my view, this is seriously problematic. Badian thought that the litmus test of 'responsible opinion' being in favour of Cinna's 'government' was the fact that 'the surviving consulars stayed in Rome and co-operated'.[642] Even if it were true that legitimacy in the Roman Republic was reducible to elite opinion, and even if we grant that the four consulars remaining after the *bellum Octavianum* were an adequate proxy for this,[643] Badian violently misinterprets Cicero's evidence on their thoughts about remaining. Badian says, regarding Scaevola, that 'by the very fact that he stayed in Rome and attended the Senate – a fact that Cicero, in a somewhat similar position, later tried to explain and to claim

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[639] Vell. Pat. 2.24.
[640] Tatum 2011: 174 calls it 'an essential narrative', which we can infer from the citations in Plutarch, and possibly also from the largely favourable treatment in Appian's *Mithridatic Wars*.
[641] Rosenblitt 2019a: 59. See Badian 1962b: 55 ('lawful government'), Bulst 1964: 324, Salmon 1964: 66, Gruen 1968: 246, Luce 1968: 37, Frier 1971: 588, Sherwin-White 1983: 142, Spann 1987a: 34, Woolliscroft 1988: 37, Brennan 2000: 379, Lovano 2002: 55, Mackay 2004: 127, Harris 2016: 92, Coates 2023: 238, Mitchell 2023: 43.
[642] Badian 1962b: 52.
[643] Badian 1962b: 52 places the most weight on the consulars ('the *auctores publici consilii* and interpreters of *mos maiorum*') Flaccus, Philippus, M. Perperna, and Scaevola Pontifex, but also argues (almost exclusively from silence) that other elites remained too, concluding that 'no one doubted the constitutional position in 86' (54).

as a precedent (*Att.* VIII, 3, 6) – the eminent lawyer and Pontifex Maximus, the one man whose *auctoritas* in such matters even his peers would probably have accepted as superior to anyone else's, made the constitutional position clear beyond doubt both to contemporaries and to posterity'.[644] Cicero, on the other hand, says this:

> at si restitero et fuerit nobis in hac parte locus, idem fecero quod in Cinnae dominatione <L.> Philippus, quod L. Flaccus, quod Q. Mucius, quoquo modo ea res huic quidem cecidit; qui tamen ita dicere solebat, se id fore videre quod factum est sed malle quam armatum ad patriae moenia accedere.[645]

The only 'constitutional position' Scaevola took was against marching on Rome. There is no suggestion whatsoever that he accepted the legitimacy of what Cicero here calls a *dominatio*. It may have been expedient for Philippus to 'servire tempori', as Cicero goes on to say, but the entire tone of the letter (and the rest of the civil war correspondence to Atticus) condemns Caesar's claim to authority, and Cinna's by comparison to it.[646] This is important evidence, because at this time Cicero can hardly be accused of Sullan apologia.[647] The idea of elite cooperation with a regime necessarily implying their agreement with it is ill-conceived, because we cannot know, without further evidence, the attitude behind their actions.[648] This can be demonstrated by a simple thought experiment. Imagine Caesar had been struck by lightning on the 14th March. Up until that point, Brutus and Cassius had attended his senate, acted as his magistrates; in Badian's words, 'more than passively accepted the authority of

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[644] Badian 1962b: 52.
[645] Cic. *Att*. 8.3.6.
[646] See Brunt 1986: 13 n.3: 'he recalled, *without endorsing*, the example of L. Marcius Philippus' (my emphasis).
[647] Cicero repeatedly condemned Sulla's violence and excessive power in these letters; I discuss in more detail in chapter 5.
[648] The logical errors that pervade Badian's argument, and most who have accepted it, result from two assumptions, that one of Cinna and Sulla had to be legitimate (and not both); and that if Cinna had been illegitimate, elites would have joined Sulla earlier (see 1962b: 54 on Metellus 'he conspicuously refused to join Sulla: he went to Africa' and Crassus 'he had no thought of joining Sulla for years'). Neither is valid.

the government'.[649] But what could that tell us about their opinion on the 'constitutional position' of Caesar's dictatorship, given that they plotted to kill him?

In fact, as others have stressed, the evidence is too lacunose and partial to give a meaningful account of Cinna's legitimacy at the time.[650] One point well taken from Badian's article is that we should not simply believe Sulla's narrative, because he won the civil war. Indeed, it was quite the civil war he had to fight. His opponents mobilised an enormous force, many constituents of which remained in arms long after the tide had turned against them.[651] I will discuss what these Italian communities were fighting for in the next chapter. But it is important to recognise here that Sulla's legitimacy on his return to the peninsula was by no means self-evident. There was a real contest, as Cornelius Nepos says: 'alii Sullanis, alii Cinnanis faverent partibus'.[652] It is also true that Sulla's ability to recruit elite Romans, for non-normative reasons, played a role in re-writing the narrative of his legitimacy after the fact.[653] They helped 'blacken'[654] the reputation of the *dominatio Cinnae* in various ways; Catulus was apparently fond of saying publicly that it was the only time in the history of Rome to have had two wicked consuls.[655] This should be acknowledged as nothing more than a hyper-partisan statement. So was Cicero's celebration of Sulla's victory in the *Pro Roscio*.[656] However, we also need to ask why Sulla's *pulcherrima victoria*[657] became so historiographically dominant. Sulla's influence on the narrative mattered, but in my view it has been over-emphasised, because he clearly could not control the whole narrative. It is not

[649] Badian 1962b: 52.
[650] See Flower 2006: 97: 'it is now impossible to write a history of Cinna in any detail'.
[651] See App. *BCiv*. 1.82.374 for the εὔνοια τῶν ἀνδρῶν with the consuls of 82, and against Sulla, not out of any great belief in their cause, but because Sulla seemed like an enemy.
[652] Nep. *Att*. 2.
[653] See Badian 1962b: 51: 'that he represented the *causa nobilitatis* against every kind of riffraff was bound to be said by everyone after his victory'.
[654] Mackay 2009: 142.
[655] Cic. *Red. sen*. 9: audieram ex sapientissimo homine atque optimo civi et viro, Q. Catulo, non saepe unum consulem improbum, duo vero numquam post Romam conditam excepto illo Cinnano tempore fuisse.
[656] See the posturing at Cic. *Rosc. Am*. 136: sciunt ei qui me norunt me pro mea tenui infirmaque parte, postea quam id quod maxime volui fieri non potuit, ut componeretur, id maxime defendisse ut ei vincerent qui vicerunt.
[657] Livy *Per*. 88.

hard to find condemnation of Sulla in the ancient record. And yet, crucially, this never extended to the righteousness of his civil war victory. Even his most trenchant critics appreciated that. Sallust's Lepidus, for example, said:

> nam praeter satellites commaculatos quis eadem volt aut quis non omnia mutata praeter victoriam?[658]

Sallust's Caesar said about his initial purge:

> nostra memoria victor Sulla cum Damasippum et alios eius modi, qui malo rei publicae creverant, iugulari iussit, quis non factum eius laudabat?[659]

Cicero did not waver from his view, in the otherwise very hostile *de Officiis*, that Sulla had an *honesta causa*.[660] He claimed, from the *rostra* in 66, that the personified *res publica* itself called Sulla home from Asia.[661] He does not appear to have prompted by any interest to say in the *Brutus* that 'inter profectionem reditumque L. Sullae sine iure fuit et sine ulla dignitate res publica'.[662] And he portrayed Sulla as a liberator in the *Philippics*:

> rursus cum Mario et Carbone Sulla, ne dominarentur indigni, et ut clarissimorum hominum crudelissimam poeniretur necem.[663]

Therefore it seems that there was something credible about Sulla's claim that Cinna's regime needed displacement, if those who disagreed with him about everything else were prepared to accept it. After all, his enemies supplied him with plenty of material. Their rule was bookended by two massacres, the offensiveness of which is perfectly clear[664] – though it

[658] Sall. *Hist*. 1.55.21.
[659] Sall. *Cat*. 51.32. See ch.11 for Sallust's own opinion on Sulla's *bona initia*.
[660] Cic. *Off*. 2.27.
[661] Cic. *Leg. Man*. 8: ab eo bello Sullam in Italiam res publica…revocavit. This closely mirrored how he described the righteousness of his own return in 44, at *Fam.* 10.1.1: rei p. sum voce revocatus. See also Pliny's later judgement on Pompey fighting for Sulla at *HN*. 7.96: unde primum Sullanus in reip. causa.
[662] Cic. *Brut*. 227. Badian 1962b: 57 overlooked this by saying '*mos* and *ius* conspicuously flourished' with Cinna.
[663] Cic. *Phil*. 8.7. See also 14.23, and *Leg. Man.* 30, *Cat.* 3.24, *Nat. D.* 3.81, as well as Cato's reported rhetoric to Pompey's son at Caes. *BAfr*. 22. These are the references to Sulla rightfully ending Cinna's *dominatio*; there are countless more to just the *dominatio*.
[664] There were egregious exaggerations, such as Cic. *Red. sen*. 38 on Marius ('reditu suo senatum cunctum paene delevit') and Sallust's Philippus on the 'scelerum Cinnae, cuius in urbem reditu decus ordinis huius interiit'

has not, unfortunately, stopped several scholars from defending them.[665] Whether or not the Romans acknowledged Sulla as the avenger he proclaimed himself to be,[666] there was certainly something to avenge. Cinna and Carbo's repeated consulships were also questionable.[667] Badian's excusatory comparison to the military emergency of the Cimbric War does not work, because nobody would have seen Cinna and Carbo as remotely similar generals to Marius; the former was killed by his own soldiers. I agree with Bispham, that the Cinnans lacked, and 'were aware that they lacked legitimacy'.[668] Hence their reliance on the threat of force, and, with Damasippus, the application of it.[669] We should not overlook the fact that their legacies were never rehabilitated.[670] This does not make Sulla legitimate either, per se. His own power still needed to be justified. But he was in a much better position to do so if, at the time of the political vacuum following the Colline Gate, he was perceived as a great man who had fought for a worthwhile cause, on behalf of the *res publica*.[671] Fighting against fellow Romans was such an ethically fraught endeavour[672] that it would be very hard for positive beliefs to be held about someone's authority if they were believed to have done so for the wrong reasons. Put differently, defensible civil war conduct was not sufficient for legitimacy, but it probably was necessary. Augustus realised this. He justified his own in a

(*Hist*. 1.77.19). But that the smoke has been exaggerated should not lead us to doubt the well-attested fire.

[665] Badian (1962b: 55 and 1964a: 153) tried to exculpate Cinna specifically (which would require us to ignore a great deal of evidence, such as Cic. *Vat.* 23, *Phil.* 1.34, *Att*. 7.7.7, 8.9.4, *Tusc*. 5.55, *Nat. D.* 3.80) and Lovano 2002: 45 doubted the extent of the violence in general, which Butler 2003: 415 rightly criticised.

[666] Cicero does make him the subject of *ulciscor* in the hardly pro-Sullan contexts of Cic. *Cat.* 3.24 and *Phil.* 14.23 (see also Luc. 2.139). But Pompey is the avenger at *Leg. Man*. 30 and Vell. Pat. 2.29.

[667] See Steel 2013a: 124: 'without the circulation of the highest offices, there was no recognisable Roman elite'.

[668] Bispham 2018: 15.

[669] See Meier 1966: 230: 'so übten die Cinnaner doch eine letzten Endes auf Gewalt beruhende Herrschaft über Rom aus'.

[670] With the arguable exception of Marius, whose extraordinary reputation before 88 was nevertheless diminished. Osgood and Niederwieser 2020: 173 have argued that the funeral of Caesar's wife Cornelia (Suet. *Iul*. 6) was 'a step in the rehabilitation' of her father Cinna; this does not follow, in my view.

[671] See Val. Max. 2.8.7 on the possibility of a general performing 'praeclaras res maximeque utiles rei publicae civili bello', which would not allow them to triumph, but would, I argue, play a role in justifying their authority.

[672] This notion pervades the *Philippics*; see 2.37: mihi enim omnis pax cum civibus bello civili utilior videbatur; and 13.14: quid autem turpius aut foedius aut quod minus deceat quam contra senatum, contra civis, contra patriam exercitum ducere?

rather Sullan way: ‘rem publicam a dominatione factionis oppressam in libertatem vindicavi’.[673]

3.iii: Legitimation of Sulla’s regime

Sulla’s personal qualities and justifiable cause helped legitimate his authority. But, as I discussed in chapter 2, his authority became so extensive, and expressed in such a novel way, that it too needed to be justified. I argue that we can detect three strands of legitimation for the dictatorship: Sulla presented it as necessary, legal, and beneficial to Rome.

3.iii.a: Necessary

Necessity was a consistent theme of Sulla’s civil war rhetoric. Rome needed to be delivered from Cinna and Carbo, and he said at a *contio* shortly before the battle of Clusium that the war, though regrettable, was driven by ἀνάγκη.[674] He also alluded to necessity in his letter to Flaccus in late 82. Sulla wrote that his proposed dictatorship would be useful (χρήσιμος), because Rome, Italy, and the empire had faced so much upheaval (στάσεσι καὶ πολέμοις σεσαλευμένην).[675] As he saw it, the situation called for an autocrat because it was so dire. The consuls were absent or dead, the other magistracies and the senate depleted, and the validity of all public acts since 88 in question: ‘c’était donc tout l’appareil d’État qui se trouvait désorganisé’.[676] Sulla offered reconstruction. I will discuss this more fully later, as Sulla’s political reforms went beyond this, and could be justified on a different level. But he

[673] *RG* 1. On the similarity to App. *BCiv*. 1.57.253, see Lange 2013: 78 and Vervaet 2023: 129. See also Hodgson 2014: 255 on the legitimating challenge acting *privato consilio* posed to Augustus; this was not nearly as pointed for Sulla, as proconsul.
[674] App. *BCiv*. 1.89.407. See Steel 2019: 28 on Sulla trying ‘to demonstrate that his conduct was justified’. The same rhetoric was used in 88 (App. *BCiv*. 1.59.266) and with Augustus, who was driven to civil war, according to Tac. *Ann*. 1.9, ‘necessitudine rei publicae’ (see also Livy *Per*. 128).
[675] App. *BCiv*. 1.98.459.
[676] Hinard 2011c: 65. See also Lanzani 1936: 63: ‘se mai vi fu situazione in cui l’opera organizzatrice e pacificatrice di un dittatore si manifestò come un’urgente necessità, fu precisamente questa’, and Hurlet 1993: 94.

also seems to have conveyed a sense of necessity in what he was doing, that Rome could not get back to normal without him. Cicero picked this up in the *Pro Roscio*:

> dum necesse erat resque ipsa cogebat, unus omnia poterat; qui postea quam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta.[677]

The notion of a dictatorship required by crisis was central to the Republican understanding of the institution, and some have argued that Sulla's dictatorship should therefore be understood as traditional.[678] In my view, this perspective undermines how unusual Sulla's dictatorship was, and neglects all the other factors that legitimated it. But that does not mean that tradition played no role in the office Sulla chose. He made it clear in his letter to Flaccus that Rome was facing an anomalous state of emergency, and in that context, the dictatorship may have provided the most acceptable trappings of the power he was after.[679]

The key to Sulla's dictatorship being necessary was his claim to provide peace, without which no reconstruction, nor anything else, was possible. As I mentioned above, civil war could be a legitimating challenge. But it could also be an opportunity. Fighting a civil war allowed one to end it, and in so doing, make a towering argument in favour of one's authority, if it was thought that peace had been delivered by that person. This argument was essential to the justification of the principate. The *senatus consultum de Cn. Pisone patre* boasts:

> iam pridem numine divi Aug(usti) virtutibusq(ue) Ti. Caesaris Aug(usti) omnibus civilis belli sepultis.[680]

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[677] Cic. *Rosc. Am*. 139.
[678] See chapter 1.
[679] Cornell 2015: 124 recently argued that the early dictatorship was in fact a relatively routine office, but concedes that it did have an emergency function in 'the artificial and ultimately unsuccessful revival of the office in the crisis of the Second Punic War'.
[680] *SCPP* ll.46-7. See also *RG* 34: bella civilia exstinxeram.

It is telling that this was thought to have rhetorical force 'iam pridem', almost fifty years after Octavian's civil wars had actually ended.[681] For Tacitus too, peace from civil war was the *sine qua non* in the normative foundation of the new monarchy: 'omnem potentiam ad unum conferri pacis interfuit'.[682] Sulla, just like Augustus, claimed to have ended civil war in his *Memoirs*.[683] He depicted himself on the reverse of one of his civil war issues as a *triumphator* holding a *caduceus*, which Lucia Carbone and Liv Mariah Yarrow have interpreted as 'a statement that Sulla has brought peace and order with his return'.[684] And, if Lepidus' speech in Sallust is a reliable guide,[685] Sulla continued to implicitly justify his dictatorship in this way. Lepidus says that he was attacked by Sulla for threatening to bring back civil strife:

> verum ego seditiosus, uti Sulla ait, qui praemia turbarum queror, et bellum cupiens, qui iura pacis repeto.[686]

Later, he scorned Sulla's *species concordiae et pacis*, and said that he fraudulently posed as the sole bulwark against the return of civil war:

> neque aliter rem publicam et belli finem ait, nisi maneat expulsa agris plebes, praeda civilis acerbissuma, ius iudiciumque omnium rerum penes se, quod populi Romani fuit.[687]

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[681] See Cooley 2023: 179, and especially Gowing 2010: 257 on Tiberius and Roman thought on the return of civil war, which is reflected in the writings of his contemporaries, Velleius Paterculus and Valerius Maximus.
[682] Tac. *Hist*. 1.1. See also *Ann*. 1.2 on Augustus: 'cunctos dulcedine otii pellexit'. I cannot do justice to the enormous bibliography on this topic here; see Cornwell 2017: 81 for a recent discussion.
[683] F26 (Plut. *Mor*. 786DE).
[684] Carbone and Yarrow 2020: 314. See my earlier discussion of Sulla's peaceful return, and Cornwell 2017: 35 on the symbolism of the *caduceus*.
[685] I agree with Rosenblitt 2016: 682 that 'he has not invented a political discourse *ex nihilo*'.
[686] Sall. *Hist*. 1.55.16. See Wirszubski 1961: 21 on *seditiosus* here.
[687] Sall. *Hist*. 1.55.24. See Schettino 2018: 219 on the implication for Sulla's rhetoric: 'nelu suo discorso, dunque, Silla avrebbe invocato la pace e la concordia e giustificato con tali fini le espropriazioni e una dittatura finalizzata alla riforma della repubblica'. See also Luc. 2.221 on Sulla portraying himself as *salus rerum*, certainly to his restored exiles at Plut. *Sull*. 34, and Weinstock 1971: 168, Sumi 2002: 422.

Needless to say, Lepidus and Sallust were hardly convinced by Sulla's claim to be the guarantor of peace. But they nevertheless attest that he made it, and we should not overlook it as part of his legitimating strategy.[688]

3.iii.b: Legal

Sulla's legitimation included a claim to legality. I have already argued that a constitutional approach to Sulla is not helpful, and that the importance of procedure has sometimes been over-emphasised in Republican political history. I would not afford the same weight others have to Sulla's 'legalistic scruples'.[689] However, the *lex Valeria* was still an exercise in procedure, even if it was subordinate to compulsion, as Appian says.[690] Indeed, he thought that Sulla was quite concerned with appearances.[691] And Cicero reports that Caesar was too, in a similar situation in 49.[692] Elections show up so frequently under Roman 'experiments in autocracy'[693] that it would be unreasonable to deny their normativity. They could be said to fall under two of Weber's categories of legitimacy: they rationally conferred the approval of the *populus Romanus* on the elected, and they appealed to the tradition of Republican *potestas* always having been conferred in that way. As 'the people were recognised as the foundation of the Roman state and the ultimate source of political legitimacy',[694] ignoring them made little sense for any aspirant to power. But whether or not the votes of the *populus Romanus* actually conferred legitimacy – in the Weberian sense of belief in the rightfulness of authority – surely depends on how the voting was conducted. We should not lump all

[688] See Rosenblitt 2019a: 99 on Sulla, Caesar, Augustus and stability as 'essential justification of their autocracy'.
[689] Vervaet 2004: 75 claimed the dictatorship 'responded to legalistic scruples and the need of public legitimacy' (without differentiating the two); see also Lanzani 1936: 73 ('un potere eccezionale, è vero, ma tradizionalmente riconosciuto e legalmente costituito'), Hurlet 1993: 91 ('son respect des règles coutumières'), Hinard 2011c: 70 ('le sens d'un strict respect par Sylla des règles institutionnelles').
[690] App. *BCiv*. 1.3.10: ὁ δὲ Σύλλας βίᾳ μὲν καὶ ἀνάγκῃ, λόγῳ δ' αἱρετός, ἐς αἰεὶ δικτάτωρ γενόμενος.
[691] App. *BCiv*. 1.98.456: δεόμενος δ' ἄρα καὶ τοῦ προσποιήματος αἱρετὸς εἶναι δοκεῖν, and 1.99.462 on εὐπρέπεια.
[692] Cic. *Att*. 9.15.2, on which see Mouritsen 2017: 1.
[693] Steel's (2013a: 124) term for Sulla and Cinna, but the same could also be said for Caesar and Augustus.
[694] Mouritsen 2001: 9.

elections together. Timothy Smith has argued that, contrary to the strange assertion of Livy's epitomator, the consuls under the *dominatio Cinnae* were elected, but that this happened with an 'intolerable lack of competition'[695] left the door open to the charge of illegitimacy. It seems likely that the same was true for Sulla's ὑπόκρισις τῆς χειροτονίας.[696] The blanket sanctioning of everything he had done was not particularly impressive.[697] Therefore the *lex Valeria*, in and of itself, would have been an extremely flimsy basis for Sulla's rule. For that reason, there were many other bases. He undoubtedly would have wanted to broadcast the consent of the people in both his dictatorship and his laws, as his use of the *comitia* implies, and as an opaque fragment of Sisenna seems to assert.[698] Failing to hold a vote could have detracted from his claim to legitimacy.[699] But there is no need or reason to privilege his artless legalism above all the other elements to that claim. Kit Morrell is right to say on the *lex Valeria* that 'even the thinnest veneer of legality counted for something'.[700] We should not overrate that 'something', though, especially when the veneer was very thin indeed. As I argued above, Sulla's power could be justified on the different grounds of necessity,[701] and as I will argue now, he also justified it with his claim to benefit Rome.

3.iii.c: Beneficial

[695] Smith 2021: 45.
[696] App. *BCiv*. 1.99.461. See also 1.103.478 on the ὑπόκρισις καὶ σχῆμα δημοκρατικῆς ἀρχῆς of his second consulship.
[697] See Cic. *Leg. Agr*. 3.5 for trenchant criticism of the clause 'ut omnia quaecumque ille fecisset essent rata'. Walter 2017: 538 has argued that the form of *lex* added to the legitimacy of controversial projects, short of those passed *per vim*, 'for it guaranteed an accepted procedure behind them'. But the acceptability of procedure was hardly binary (*per vim* or not), nor can it have been 'guaranteed'. We need to consider the modalities of each *comitia*, and ask *how* acceptable the procedure was.
[698] F135: multi populi plurimae contionis dictaturam omnibus animis et studiis suffragauerunt; see Gabba 1967: 341 on its strong contrast to Appian.
[699] See Cicero attacking Rullus' proposal in this way at Cic. *Leg. Agr*. 2.29, with Manuwald 2018: 253.
[700] Morrell 2023a: 270.
[701] It could be argued that *mos maiorum* required abandoning procedure when necessary; see Cic. *Leg. Man*. 60 (semper ad novos casus temporum novorom consiliorum rationes adcommodasse), Fabius Buteo's irregular dictatorship for replenishing the senate, justified by 'tempus ac necessitas' (Livy 23.23.2), and Lintott 1999: 5.

Sulla wrote to Flaccus that both he, and his dictatorship, would be χρήσιμος.[702] Autocracies are frequently justified by 'performance based legitimacy claims',[703] and in Rome too, those in power were expected to provide for those over whom they were empowered. There was a great tradition of Republican provision that can be understood as a precursor to Juvenal's 'panem et circenses'.[704] Hence Sulla's claim to benefit Rome is not unexpected, even though, as Appian's report of the letter is exiguous, and the extant fragments of the *Memoirs* do not cover the dictatorship, the detail behind it is hard to parse. I argue that we can observe two of its aspects: political and religious reconstruction, which, taken together, projected a broader image of refoundation.

Appian's letter alluded to reconstruction with the verb στηρίζω. On a basic level, this meant restoring what had lapsed of Republican government. But as I discussed in chapter 2, Sulla also made a myriad of changes. As Appian put it, νόμους τε ἐξέλυε καὶ ἑτέρους ἐτίθετο.[705] He seems to have various goals in mind. Firstly, he strengthened institutions, or, as the epitomator says, the entire constitution: 'legibus novis rei pub. statum confirmavit'.[706] He replenished the senate; both its human component, with three hundred new members,[707] and its physical, with the new *curia Cornelia*.[708] His changes to the magistracies were highly controversial, but they may also have been intended to be seen as a constitutional improvement. At any rate, that is how Quintus perceived them in the *de Legibus*.[709] Perhaps

[702] App. *BCiv*. 1.98.459 and 460.
[703] von Soest and Grauvogel 2017: 289.
[704] Juv. 10.81.
[705] App. *BCiv*. 1.100.466. For the *leges Corneliae* as a package, see Cic. *Verr*. 2.2.77, *Leg. Agr*. 3.8, *Phil*. 1.18.
[706] Livy *Per*. 89. See also Cic. *Rosc. Am*. 131: imperiique maiestatem, quam armis receperat, legibus confirmaret.
[707] See Evans 1983: 528 on the dearth of numbers, especially at the top, of the senate in the late 80s; 'the mortality rate among the consuls is higher than for any similar period with the possible exception of the Second Punic War'.
[708] See Plin. *HN*. 34.26, Cass. Dio 40.50.3. Cicero judged the enlargement negatively at *Fin*. 5.2: 'curiam nostram (Hostiliam dico, non hanc novam, quae minor mihi esse videtur posteaquam est maior)'. See Coarelli *LTUR* 1.331. I leave out the notion (for example, Coarelli 1985: 135) that Sulla also paved the *comitium*, because the material evidence is much too uncertain; see Carafa 1998: 154, and the conclusion of Morstein-Marx 2004: 48 and Kondratieff 2009: 324, that we should limit our interpretation of Sulla's work to the *curia*.
[709] Cic. Leg. 3.22: vehementer Sullam probo.

the clearest instance of Sulla's attempt to improve public life in Rome was his judicial legislation, 'avec la redéfinitions des crimes publics'.[710] We know from Cicero that many of these laws were tralatitious ('Cornelia testamentaria, nummaria, ceterae complures, in quibus non ius aliquod novum populo constituitur'), but they nevertheless provided a new means of dealing with their transgressions ('sed sancitur ut, quod semper malum facinus fuerit, eius quaestio ad populum pertineat ex certo tempore').[711] Sulla was making Rome a safer place. His *lex de sicariis et veneficiis* in particular communicated that the violence and chaos of the eighties was ending.[712] I will discuss this in more detail in chapter 5, as much of the violence and chaos was directly caused by Sulla's own repression. But the law, and its resulting *quaestio*, still had legitimating potential. They could make Romans believe, as Cicero seems to have in the *Brutus*, that their commonwealth was functioning again: 'leges et iudicia constituta, recuperata res publica'.[713] And by passing so many laws, Sulla was tapping into the charisma of the lawgiver. Flower, who has shaped this reception of Sulla more than anyone, doubted its political efficacy. In her view, 'the Romans did not accept Sulla, partly because the figure of the lawgiver was simply not a part of their political tradition'.[714] In a maximalist sense, this is true: there was no Roman Solon or Lycurgus.[715] But there were the *exempla* of the legislating kings, especially Romulus and Servius Tullius,[716] whom many have thought Sulla channelled 'pour y trouver une légitimité rétrospective'.[717] There were also Republican precedents; not just the problematic decemvirs, but any statesman who had carried any law that benefitted the Roman people, whose efforts 'engraved on bronze, could

[710] Moatti 2018: 140.
[711] Cic. *Verr*. 2.1.108.
[712] See Steel 2017: 454 on this 'moment of transition' that Cicero made much of in the *Pro Roscio*.
[713] Cic. *Brut*. 311. See similar rhetoric on *iudicia* and *leges* at Cic. *Marc*. 23 and Vell. Pat. 2.89.
[714] Flower 2010a: 134.
[715] See Polyb. 6.10.12-4, Cic. *Rep*. 2.2, and Arena 2021: 588.
[716] See, for example, Livy 1.8.1 and Tac. *Ann*. 3.26.
[717] Humm 2018: 107. For Sulla and Romulus, see Gabba 1960: 214, 1991: 163; Poucet 1984: 6, Martin 1994: 283, Ver Eecke 2008: 171, David 2018: 102. For Sulla and Servius, see Marastoni 2009, Maccari 2016: 178, Humm 2018: 120; but nearly all these scholars have interpreted Sulla as invoking both.

serve as literal monuments to an individual's career'.[718] Cicero said that Caesar would have considered the laws he passed his finest domestic accomplishment.[719] Augustus was evidently proud of his, which he portrayed as having a Sullan-like archaizing flavour:

> legibus novi[s] m[e auctore l]atis m[ulta e]xempla maiorum exolescentia iam ex nostro [saecul]o red[uxi et ipse] multarum rer[um exe]mpla imitanda pos[teris tradidi].[720]

A recently discovered Augustan *aureus* declares on its reverse legend: *leges et iura p.R. restituit*.[721] Most have thought that this refers to the annulment of the laws of the triumvirate, for which there is a potential Sullan parallel, with his annulment of Marius and Cinna's acts.[722] But more broadly, it indicates that bettering the community with laws, especially after a period of domestic upheaval, could play a role in justifying political authority.[723]

I argue that Sulla probably presented his political reconstruction, through legislation, as a service to the *res publica*. What is more, the return to political normality made it possible for the *populus Romanus* to enjoy other services as well. It is in this context that we ought to understand Sulla's euergetism. This has seldom received pride of place, no doubt thanks to the pervasiveness of the 'optimate' reception, and the ancient testimony that he was a 'homo a populi causa remotissimus'.[724] It is worth noting that he was not always depicted

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[718] Morrell 2023b: 53. See Ferrary 1996: 219 on the 'statut privilégié' of being the *princeps legis* of a law promulgated by more than one person, and Walter 2017: 537 on legislation being one of the few opportunities for magistrates 'to leave their mark beyond a short year in office'.

[719] Cic. *Phil*. 1.18: de Caesare ipso si quaereres quidnam egisset in urbe et in toga, leges multas responderet se et praeclaras tulisse. There must be some exaggeration, of course, in service of his attack on Antony. But see Cass. Dio 43.50.1 for Caesar's similarity to Sulla in this respect: ταῦτά τε ἐποίει καὶ νόμους ἐσέφερε τό τε πωμήριον ἐπὶ πλεῖον ἐπεξήγαγε. καὶ ἐν μὲν τούτοις ἄλλοις τέ τισιν ὅμοια τῷ Σύλλᾳ πρᾶξαι ἔδοξεν.

[720] *RG* 8. See Suet. *Aug*. 28 (and Flower 2010a: 137 n.4) for his wish to be considered 'optimi status auctor', and Hor. *Epist*. 2.1-3 for a perception of his role: 'cum tot sustineas et tanta negotia solus, / res Italas armis tuteris, moribus ornes, / legibus emendes, in publica commoda peccem'.

[721] See Rich and Williams 1999: 169, and Rich 2012b: 89, Cowan 2019: 29 for discussion.

[722] See Vell. Pat. 2.43 for Sulla (omnia ab iis acta fecerat irrita) and Tac. *Ann*. 3.28, Cass. Dio 53.2.5 for Augustus.

[723] See Cic. *Marc*. 23 on Caesar's duty after his civil war: omnia, quae dilapsa iam diffluxerunt, severis legibus vincienda sunt.

[724] Cic. *Cluent*. 151.

as stern as that epithet might suggest. Elsewhere he is said to have been personable with the humble ('ioca atque seria cum humillimis agere'),[725] to have enjoyed the company of entertainers,[726] and even to have earned a reputation for singing ('L. Sulla, vir tanti nominis, optime cantasse dicatur').[727] Plutarch thought that he initially seemed δημωφελής.[728] More importantly, we should not overlook his provision for the people as dictator. As I have mentioned, Appian thought that he brought the Olympic athletes to Rome in order comfort and win the affection of the multitude: πρόφασις δ' ἦν ἀναπνεῦσαι καὶ ψυχαγωγῆσαι τὸ πλῆθος ἐκ καμάτων.[729] His munificence with games can be traced back to his praetorship, when he introduced lions for the first time to a Roman audience,[730] and he continued with his *ludi Victoriae* as dictator. Nicholas Purcell has argued that his precedent 'made the giving of great public entertainments axiomatic for a *princeps*'.[731] He also feasted the people lavishly:

> ἑστιάσεις ἐποιεῖτο τῷ δήμῳ πολυτελεῖς: καὶ τοσοῦτον περιττὴ ἦν ἡ παρασκευὴ τῆς χρείας ὥστε παμπληθῆ καθ' ἑκάστην ἡμέραν εἰς τὸν ποταμὸν ὄψα ῥιπτεῖσθαι, πίνεσθαι δὲ οἶνον ἐτῶν τεσσαράκοντα καὶ παλαιότερον.[732]

This provision of food can perhaps be linked to Sulla's coinage. Two of his issues have *cornucopiae* on their reverses,[733] which communicated an abundance well within the keeping of his *felicitas*, a concept that 'encompassed agricultural fertility'.[734] We know from later civil wars that there was very little legitimacy to be had when the people were hungry.[735] The problem was acute in the late 80s, with Appian telling us that the inhabitants of the city

[725] Sall. *Iug*. 96.
[726] See Plut. *Sull*. 2 and Val. Max. 6.9.6.
[727] Macrob. *Sat*. 3.14.11
[728] Plut. *Sull*. 30. This was before his infamous, and rhetorical, change in character; one cannot read into this evidence too much.
[729] App. *BCiv*. 1.99.464.
[730] See Plin. *HN*. 7.53, Sen. *Dial*. 10.13.6, as well as F10 (Plut. *Sull*. 5) on the fanfare around his games.
[731] Purcell 1994: 682. See Wiseman 2017: 26 on the political importance of the *ludi Victoriae*. Veyne 1975: 92 has speculated that Sulla also instituted the games at Praeneste, mentioned by Cic. *Planc*. 63 and *Att*. 12.2.1.
[732] Plut. *Sull*. 35. See Wyetzner 2002: 31 on this use of 'extravagance to seek popular favour'.
[733] *RRC* 375/1 (double *cornucopiae*) and *RRC* 376/1 (single); for the allusion to abundance, see Alföldi 1976: 157, Müller 2009: 214, Kluczek 2013: 152. Badian 1973: 124 has interpreted the Ceres on an issue of a C. Marius Capito, dated to 81 (*RRC* 378/1), in the same way, 'proclaiming the return of peace and plenty'.
[734] Eckert 2018: 97.
[735] See App. *BCiv.* 5.25.101; this may be considered a truism of human history.

opened the gates to Sulla's army because they were ὑπό τε λιμοῦ πιεζούμενοι.[736] Celebrating the return of food security, then, made perfect sense for the dictator who had promised to be χρήσιμος.

Sulla's reconstruction had implications for the religious sphere as well. This was closely tied to the legitimation of his person, as he was 'Felix', and his cause, as his opponents had presided over disaster and sacrilege. In his *Memoirs*, Sulla played up the displeasure of the gods towards Marius from as far back as Vercellae,[737] and the *prodigia* in his civil war narrative had a very clear purpose. The crimes of his enemies required serious expiation. Damasippus' massacre in 82 saw the blood of Scaevola the Pontifex spatter the cult image of Vesta,[738] and amidst the violence of Marius and Cinna in 87, the *flamen Dialis* Merula opened his veins in the temple of Jupiter Capitolinus. Velleius says that Merula called for an *execratio* upon the Cinnans.[739] Only four years later, the Capitoline temple itself burned down.[740] The enormity of this religious trauma was an opportunity for Sulla. He pre-empted the burning of the temple in his *Memoirs*, with the prophecy from Pontius's servant warning that it would happen if he did not reach Rome quickly enough. He may have been distancing himself from the rumour that one of his agents had caused the fire.[741] But, though he could not save the temple, he could rebuild it, and in doing so legitimate his power by the notion that he was atoning for everything that had happened during his absence. If 'the *area Capitolina* was polluted',[742] Sulla was the one to fix it, and he did so with urgency. He stole

[736] App. *BCiv*. 1.88.406.
[737] F9 (Plut. *Mar*. 26): γενομένης δὲ τῆς ἐφόδου πρᾶγμα νεμεσητὸν παθεῖν τὸν Μάριον οἱ περὶ Σύλλαν ἱστοροῦσι.
[738] Cic. *De or*. 3.10: pontificis maximi sanguine simulacrum Vestae respersum esse.
[739] Vell. Pat. 2.22. See also the murder of Q. Ancharius on the Capitoline in 87 (App. *BCiv*. 1.73.337), lightning striking the temples of Luna and Ceres in 84 (App. *BCiv*. 1.78.359), the multitude of portents in 83 (App. *BCiv*. 1.83.377); and Várhelyi 2012: 131, Lennon 2013: 99 on the pollution.
[740] See Plut. *Sull*. 27 for the date of 6th July 83, and Greenidge and Clay 1960: 194 for the sources.
[741] For the prophecy, see F24 (Plut. *Sull*. 27); for the rumour, see App. *BCiv*. 1.86.391: καὶ τὸ ἔργον τινὲς ἐλογοποίουν Κάρβωνος ἢ τῶν ὑπάτων ἢ Σύλλα πέμψαντος εἶναι, and Noble 2014: 199.
[742] Davies 2017: 188.

marble columns for the new temple from the temple of Olympian Zeus at Athens.[743] He demanded financing from the people of Puteoli, and he was supposedly roused to a fatal anger because they were slow to pay.[744] The task was so important to him that he said the only deficiency in his famous *felicitas* was that he would not live to see the temple dedicated.[745] Its ideological importance to Sulla can be seen in a controversial passage from the *Pro Roscio*, where Cicero compared him directly to Jupiter Optimus Maximus, with his 'specifically Capitoline cult title'.[746] Jupiter's power – though not without negative side effects – was a force for good, and the new temple had the potential to associate Sulla with that kind of beneficence.[747] This point cannot be insisted upon, but the general message behind Sulla's religious building work point in that direction.[748] He also expanded the numbers of *pontifices* and augurs,[749] and reintroduced co-option as their means of recruitment.[750] His dictatorship was thus presented as a time for religious regeneration, for redeeming the offences of the previous regime, for 'refreshing the physical fabric of the city'[751] and fortifying the priesthoods. The similarities with Augustus are apparent. I argue that Sulla saw that his power would be more easily accepted if it was believed to have had the approval of the gods, and that he made significant efforts to influence beliefs on that topic.

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[743] Plin. *HN*. 36.45: Athenis templum Iovis Olympii, ex quo Sulla Capitolinis aedibus advexerat columnas.
[744] Val. Max. 9.3.8.
[745] Tac. *Hist*. 3.72: hoc solum felicitati eius negatum. See also Plut. *Publ*. 15, Plin. *HN*. 7.138, and Beard 1994: 737, Russell 2016: 110, and Davies 2018: 484. Coarelli 2010 has speculated that the structure commonly known as the Tabularium was in fact the base of a new temple complex of the 'Sullan Capitoline triad' (129; that is Venus Victrix, the Genius publicus *populi Romani*, and Fausta Felicitas). This is no more than possible, and the structure has been identified very differently; see Purcell 1993 (Atrium Libertatis) and Tucci 2005 (temple of Juno Moneta).
[746] Flower 2008: 83 on Cic. *Rosc. Am*. 131. See also Weinstock 1971: 302 on the allusion to Hom. *Il*. 1.528, and the valency of Jupiter comparisons in Rome.
[747] Many have thought Cicero sarcastic here (see Gruen 1968: 268, Gabba 1976: 318, Berry 2004: 84), but if so, he may still have been using Sulla's rhetoric against him, as Sall. *Hist*. 1.55.5 (perhaps) with *scaevos iste Romulus*.
[748] See Davies 2017: 187: 'Sulla's initiatives in religious construction suggest a deliberate self-fashioning in the interests of, first, promoting his rise, and then buttressing his regime'.
[749] See Livy *Per*. 89, [Aur. Vict.] *de Vir. ill.* 75.11, Serv. *ad Aen*. 6.73.
[750] Cass. Dio 37.37.1. See Beard 1994: 747.
[751] Davies 2018: 483.

In summary, Sulla communicated that his dictatorship provided peace, constitutional progress, the return of a competent judiciary, provision for the people, and religious regeneration. Many scholars have interpreted this as a programme of refoundation.[752] I agree with Santangelo, that it is 'in this light that the extension of *pomerium*, the sacred boundary of the city, must be explained'.[753] As I discussed earlier, Sulla's extension can be understood as an outlandish claim to glory, or a public celebration of his military achievements. But it did more than just that. By ritually re-defining the extent of the city, perhaps even by re-ploughing the *sulcus primigenius*,[754] Sulla was appropriating for himself the positive characteristics of a founder. It was thanks to him that Romans could enjoy a functioning *res publica* again.[755] He revived this model from the kings,[756] and provided a new one for the emperors, as we can see from the *lex de imperio Vespasiani*:

> utique ei fines pomerii proferre promouere, cum ex re publica / censebit esse, liceat ita, uti licuit Ti. Claudio Caesari Aug(usto) / Germanico.[757]

I argue that Sulla's pose as a founder encapsulated all the benefits he claimed to provide Rome, and that later authoritarians saw some value in this pose. We should therefore take its legitimating potential seriously.

3.iii.d: Reception

But what difference did this potential make? As Rosenblitt said, 'most tyrants and transgressors present arguments about their own legitimacy'.[758] In order to contribute to

[752] As Weinstock 1971: 178 put it, he 'created the feeling of a new beginning'.
[753] Santangelo 2007: 222. See also Sordi 1987: 208, Hinard 1994: 235, Carlà 2015: 627.
[754] On its ritualistic nature, including (perhaps) the re-ploughing of the *sulcus primigenius*, see Thein 2002: 351 and Davies 2018: 485.
[755] This was especially true for Sulla's returning exiles, as they said themselves after acclaiming him saviour and father at Plut. *Sull*. 34: δι᾽ ἐκεῖνον εἰς τὴν πατρίδα κατιόντες καὶ κομιζόμενοι παῖδας καὶ γυναῖκας.
[756] See Hölkeskamp 2000a: 217 ('wie ein altrömischer König'), and Martin 1994: 284, Gisborne 2005: 120, Humm 2018: 118. Kunkel and Wittman 1995: 711, unconvincingly in my view, argued against the regal allusion.
[757] *RS* 39 ll.14-6; see Tac. *Ann*. 12.23 for Sulla's *exemplum* for Augustus and Claudius.
[758] Rosenblitt 2019a: 141.

Sulla's power, his legitimation had to be credibly received. And the reception of his dictatorship has been fiercely contested in modern scholarship. He has been understood as an illegal tyrant, who inspired 'widely coherent feelings of hatred'[759] and 'achieved little besides adding to the sum of human misery',[760] as well as an 'abile uomo politico',[761] who provided 'la restauration des valeurs traditionnelles qui avaient fait la grandeur de Rome'.[762] I argue that much of this confusion derives from attempting to analyse the legitimacy of the dictatorship as a monolith, when Sulla's argument in its favour consisted of several different strands, that were received differently. The claim that the dictatorship was necessary, for example, had some credence. The evidence of *Pro Roscio* is hardly reliable, but Sulla's claim recurs several more times in Cicero's work. He wrote in the *Verrines* that:

> unus adhuc fuit post Romam conditam,—di immortales faxint, ne sit alter!—cui res publica totam se traderet temporibus et malis coacta domesticis, L. Sulla.[763]

This passage is no eulogy of Sulla. Cicero clearly did not want his example to be repeated, and he went on to criticise how Sulla exercised his power. However, the compulsion behind that power is important. The *res publica* was *coacta*; there was no feasible way to avoid entrusting Sulla with that much authority, because of the *temporibus et malis domesticis*. Cicero was saying that the dictatorship was called for, or made necessary by, the dire situation.[764] He repeated this point in perhaps his most anti-Sullan setting, when he was arguing against Rullus' agrarian law from the *rostra*. He attacked the *lex Valeria* as an *invidiosa lex*, but nevertheless offered a defence: 'habet excusationem; non enim videtur hominis lex esse, sed temporis'.[765] The *tempus* excusing the law, to be sure, is a milder claim

[759] Eckert 2016a: 144.
[760] Brunt 1971a: 111.
[761] Evola Marino 1974: 1.
[762] Hinard 1985b: 9.
[763] Cic. *Verr*. 2.3.81.
[764] This is where the legitimacy of one's cause is vital, lest one be held responsible for the dire situation.
[765] Cic. *Leg. Agr*. 3.5.

than saying it required it, and there must have been those who were not interested in offering Sulla any sort of *excusatio*. But that the stimulus behind the dictatorship was defensible at all, a long time after Sulla's death and in a hostile context, surely indicates that his legitimation had some traction. This does not mean that the modalities of his power were not objectionable, nor that no alternative was ever conceived.[766] I only argue that an authority as extensive as the Sullan dictatorship may have seemed reasonable to many Romans in the chaotic aftermath of the civil war.

However, the *lex Valeria* itself had a dubious reputation. Cicero only brought up the understandability of its context so that he could use it as a low benchmark from which to condemn Rullus' *impudentior* bill. He said that Flaccus' law was unjust and utterly dissimilar to all others: 'omnium legum iniquissimam dissimillimamque legis esse arbitror eam quam L. Flaccus interrex de Sulla tulit'.[767] This referred specifically to the ratification of all Sulla's acts ('ut omnia quaecumque ille fecisset essent rata'). In the *de Legibus*, Cicero attacked another of its provisions, 'ut dictator quem vellet civium vel indicta causa impune posset occidere'.[768] The power to kill uncondemned citizens was neither necessary nor just. It illustrated a broader point for Cicero, that only a fool would consider something *iustus* – we might say 'legitimate'[769] – simply because it had been passed by statute:

> iam vero illud stultissimum, existimare omnia iusta esse quae scita sint in populorum institutis aut legibus.

This was not just a philosophical musing. There were two instances where what Sulla had legalised did not hold up in a Roman court. Firstly, some of those who had killed during the proscriptions were tried in the *quaestio inter sicariis* in 64 and convicted, 'quamquam

[766] See App. *BCiv*. 1.98.459 on the expectation of consular elections during Flaccus' *interregnum*.
[767] Cic. *Leg. Agr*. 3.5. On the ratification, see also App. *BCiv*. 1.97.451 and Plut. *Sull*. 33.
[768] Cic. *Leg*. 1.42. See especially Straumann 2016: 82.
[769] See *OLD* s.v.

exceptos Corneliis legibus'.[770] Secondly, Sulla's law depriving certain Italian communities of the citizenship was held to be invalid, even while he was still alive ('Sulla vivo').[771] We should therefore not think of Sulla's power as straightforwardly 'legal', as some have insisted. Hurlet makes much of the fact that Cicero 'jamais il ne déclara que le pouvoir de Sylla était contraire aux règles du droit public romain'.[772] In my view, this misses the point. Sulla may have been able to effect the 'questionable ceremony of having himself elected dictator under the auspices of an *interrex*',[773] and therefore legalise his position, but it is more than questionable how much normative force the coerced[774] voting actually had. Many authoritarians in the modern world have had their power recognised by law, but describing them as 'legal' only serves to illustrate how unhelpful a concept legality is in that paradigm.[775] I argue that Sulla derived very little legitimacy from legality. Cicero probably spoke for many Romans when he cut through the transparency of the procedure, declaring that Flaccus, through the *lex Valeria*, 'rei publicae tyrannum lege constituit'.[776]

Sulla's claim to have benefitted Rome with his power was received more ambivalently. The afterlife of his legislation is especially difficult. Most scholars have moved on from the interpretation of 70 as a counter-revolution, expressed by A.N. Sherwin-White in 1956 as 'Pompeius under threat of civil war takes an illegal consulship and overthrows the constitution of Sulla'.[777] Santangelo in particular has shown how much more complex the picture is.[778] Sulla's laws on the courts and the tribunate were contentious, and

[770] Suet. *Iul*. 11. See also Cass. Dio 37.10.2, Asc. 91C, Plut. *Cat. Min*. 17.
[771] Cic. *Caec*. 97; see also *Dom*. 79: Populus Romanus L. Sulla dictatore ferente comitiis centuriatis municipiis civitatem ademit: ademit eisdem agros. De agris ratum est; fuit enim populi potestas; de civitate ne tam diu quidem valuit quam diu illa Sullani temporis arma valuerunt.
[772] Hurlet 1993: 16.
[773] Badian 1955: 113. See also Crawford 1992: 151 on his 'concerns for legal forms in the midst of illegality' and Fadinger 2002: 156: 'mit dem Mantel einer Scheinlegalität umhüllt'.
[774] See App. *BCiv*. 1.99.461 on the people believing they had no choice.
[775] See Morrell 2023a: 269 on the notion of 'rule by law' being a screen for autocracy.
[776] Cic. *Leg. Agr*. 3.5.
[777] Sherwin-White 1956: 5, who began the pushback against the unanimity ('I know of no voice that dissents from this view'). It still has adherents; see recently Vervaet 2009: 432.
[778] He (2014: 5 n.5) is right to call the 'desullanization' of Vanderbroeck 1987: 35 'entirely misleading'.

there is scope to doubt their legitimacy.[779] That is certainly the picture one gets from reading Macer's speech in Sallust. But the story of the 70s is one of political debate over Sulla's impact on the tribunate; not any widespread recognition that what he had done was fundamentally illegitimate.[780] The debate progressed incrementally, with Cotta's law in 75 on the future careers of the tribunes perhaps representing a compromise.[781] Sallust's popular speakers took part in that debate vociferously, but there is no need to consider their rhetoric to be emblematic of society as a whole, any more than we should think that everyone agreed with Cicero's invective against Clodius. Besides, Lepidus is supposed to have started the debate in 78 by saying that it would not be *utile* to restore the *tribunicia potestas*.[782] There were also plenty of defenders of Sulla's acts, as Cicero wrote in the Verrines:

> eius omnis res gestas non solum obtinemus, verum etiam propter maiorum incommodorum et calamitatum metum publica auctoritate defendimus.[783]

This point could be put more positively. According to Quintilian, Cicero argued in 63 that Sulla's laws held the state together: 'ita legibus Sullae cohaerere statum civitatis adfirmat'.[784] He wrote to Atticus in 47 that the *res Sullana* was generally *praeclarissima* – at least in comparison to Caesar – despite its lack of moderation.[785] Much later, Tacitus thought that Sulla provided *otium* after years of demagogic antagonism.[786] Plutarch says that most people eventually accepted his measure as stabilising:

[779] See Rosenblitt 2019a: 85 on Sulla's settlement and the 'popular perception of its lack of legitimacy', as well as Steed 2008: 38, Flower 2010: 30, and Eckert 2018: 168. I agree with Eckert 2016b: 183 that the *praeclarae leges Corneliae* of Cic. *Verr*. 2.2.77 is sarcastic.

[780] Cic. *Verr*. 2.5.175 describes his legislation on the courts in very negative terms, but concedes that it was necessary, for a while: 'tulit haec civitas quoad potuit, quoad necesse fuit, regiam istam vestram dominationem in iudiciis et in omni re publica, tulit'.

[781] See Asc. 78C on its moderation: 'paulum tribunis non potestatis sed dignitatis addidit' (Cicero was denying any compromise here, but that might simply be due to his attack on the *nobiles* and their intractability).

[782] Gran. Licin. 36.33.

[783] Cic. *Verr*. 2.3.81. Cass. Dio 52.13.5 makes Agrippa say to Augustus that despite some repeal of Sulla's laws, τά γε πλείω καὶ μείζω διαμένει. See also Christ 2002: 154: 'Trotz all dieser Abstriche und Relativierung sollte indessen nicht übersehen werden, daß sich zentrale Elemente, Formen und Regelungen von Sullas komplexem verfassungsrechtlichem System lange Zeit behauptet hatten', and Santangelo 2014: 5.

[784] Quint. *Inst*. 11.1.85. As Heftner 2013: 244 points out, however, this was a tenuous argument after the reversals of some of his most important legislation in 70.

[785] Cic. *Att*. 11.21.3. See Brunt 1986: 30 n.88.

[786] Tac. *Ann*. 3.27: donec L. Sulla dictator abolitis vel conversis prioribus, cum plura addidisset, otium eius rei haud in longum paravit. See also Quintus' praise at Cic. *Leg*. 3.22.

> τῆς ὑπὸ Σύλλα γενομένης μεταβολῆς περὶ τὴν πολιτείαν ἐν ἀρχῇ μὲν ἀτόπου φανείσης, τότε δὲ τοῖς πολλοῖς ὑπὸ χρόνου καὶ συνηθείας ἤδη τινὰ κατάστασιν ἔχειν οὐ φαύλην δοκούσης.[787]

It must be admitted that we cannot hope to confidently reconstruct public opinion, given the state of the sources. The result of his attempt to be perceived as 'a friend of reconstruction and stability'[788] remains uncertain. It would be rash to claim that his legitimation was a success, and some of his acts were unpopular, but equally, the ambivalent evidence speaks against the notion that 'Sulla's settlement was outrageous'.[789]

The evidence is much clearer on Sulla's claim to have provided for the Roman people. The celebration of food security made no discernible impact; Sallust's Lepidus said that Sulla had starved the *populus Romanus*, not even leaving them slave rations ('ne servilia quidem alimenta reliqua habet').[790] The rhetoric of the *de Lege Agraria* suggests that he was understood as a popular bogeyman. Cicero claimed that Rullus omitted any reference to the dictator in his law, because 'si enim Sullam dictatorem nominasset, perspicuum fore et invidiosum arbitratus est'.[791] Throughout the third speech, Cicero desperately tried to avoid 'l'accusation de <<syllanisme>>',[792] and made every effort to tar Rullus with that brush instead. This is hard to understand unless the judgement of the *Pro Cluentio* was widely shared, that Sulla was a 'homo a populi causa remotissimus'.[793] It would therefore be misleading to make too much of the contrasting evidence on his reception amongst the

[787] Plut. *Cic*. 10.
[788] Gruen 1968: 277.
[789] Rosenblitt 2019a: 72. It could of course be portrayed as such, but it is unlikely that everyone agreed.
[790] Sall. *Hist*. 1.55.11. Sulla is often said to have abolished grain distributions, but as Santangelo 2014: 11 has pointed out, the evidence is flimsy, consisting only of this statement and Lepidus passing a new law in 78, without one seemingly in force (Gran. Licin. 36.34). Rosenblitt 2019a: 63 and Pina Polo 2021: 144 n.75 maintain Sulla's abolition.
[791] Cic. *Leg. Agr*. 3.6.
[792] Hinard 1984a: 83. See especially Cic. *Leg. Agr*. 3.7: 'quid ergo ait Marianus tribunus plebis, qui nos Sullanos in invidiam rapit?' and 3.10: 'tacerem, modo ipse se Sullanum esse confiteretur'.
[793] Cic. *Cluent*. 151.

people, from the statue base from the *vicus Laci Fundani*,[794] to the notion of the δῆμος wanting him to be consul again in 79,[795] to the apparently genuine grief displayed by some at his funeral, attended 'magna populi frequentia'.[796] There would never have been unanimity, as we can tell from the fact that Faustus felt comfortable enough to celebrate his father's legacy with games for the people in 60.[797] But it is hard to believe that Sulla ever managed to derive meaningful legitimacy from his benefaction. Zvi Yavetz, in his discussion of popular heroes, correctly concluded: 'this Sulla never succeeded in becoming'.[798]

Finally, on the reception of Sulla's general claim to renewal, the evidence permits few conclusions. Lepidus' taunt shows that it was not above mockery: 'scaevos iste Romulus'.[799] However, there is a strand of the narrative in our later sources that took Sulla's restoration seriously. Appian, for example, thought that he had temporarily ended civil strife: ὧδε μὲν ἐπὶ βραχὺ ἔληξαν αἱ στάσεις ἐπὶ Σύλλα.[800] In the Livian tradition, the post-Sullan *res publica* is portrayed as peaceful and ordered, until Lepidus disturbed it again: 'M. Aemilio Lepido Q. Catulo consulibus, cum Sulla rem publicam conposuisset, bella nova exarserunt'.[801] It is interesting that these opinions show up in authors who were highly critical of Sulla. Appian denounced him repeatedly, but he still wondered if no one called him to account after the abdication because it was believed that his regime had been for the good: ἢ ἄλλη

[794] *ILS* 872: *L(ucio) Cornelio L(ucii) f(ilio) / Sullae Felici / dictatori / vicus Laci Fund(ani)*. Ramage 1991: 110 speculated, somewhat rashly, that all *vici* did the same; Cic. *Off*. 3.80 attests to statues 'omnibus vicis' to Marius Gratidianus, which were overthrown when Sulla returned (Plin. *HN*. 34.27; on Gratidianus' 'grande popolarità', see Lo Cascio 2018: 142 and especially Simón and Pina Polo 2000: 156). Eck 2010: 90 called the *vicus*' statue to Sulla 'a direct sign of his overall political influence', but we cannot conclude much about his popularity; as Flower 2017: 237 says, it may have been 'a gesture of self-defense'.
[795] App. *BCiv*. 1.103.480.
[796] Gran. Licin. 36.29, and App. *BCiv*. 1.106.499: ὁ δῆμος, οἱ μὲν τῷ ὄντι τὸν Σύλλαν ἐπιποθοῦντες.
[797] Cass. Dio 37.51.4: τῷ αὐτῷ τούτῳ χρόνῳ Φαῦστος ὁ τοῦ Σύλλου παῖς ἀγῶνά τε μονομαχίας ἐπὶ τῷ πατρὶ ἐποίησε, καὶ τὸν δῆμον λαμπρῶς εἱστίασε, τά τε λουτρὰ καὶ τὸ ἔλαιον προῖκα αὐτοῖς παρέσχεν.
[798] Yavetz 1988: 49.
[799] Sall. *Hist*. 1.55.5. See Reggiani 1994: 216.
[800] App. *BCiv*. 1.4.12.
[801] Eutr. 6.1. See also Tac. *Ann*. 3.27 on Sulla's legislation providing *otium*.

φιλανθρωπία καὶ λογισμὸς ἐπὶ συμφέροντι τὴν τυραννίδα γενέσθαι.[802] Dionysius of Halicarnassus, in a passage devoted to the censure of Sulla's tyranny, also preserved what he considered to be a reasonable question, of whether or not it had been necessary or beneficial to Rome: εἰ μὲν οὖν ἀναγκαίως ἢ συμφερόντως τῷ κοινῷ πάντα ταῦτ᾽ ἔπραξεν, οὐχ ὁ παρὼν καιρὸς ἐξετάζειν.[803] These statements are not good evidence for contemporary beliefs. But they do, I argue, transmit clear vestiges of Sulla's own legitimation, and their survival into the imperial era – when most scholars believe Sulla's reputation was tarnished[804] – is noteworthy. It hints that part of his narrative was compelling.

3.iv: Conclusions

This chapter has been an account of Sulla's legitimation: how he made the case for his legitimacy, and how that case was received. The object has been to determine to how much legitimacy he was able to construct, and how it contributed to his power. Of course, belief in the rightfulness of Sulla's authority was affected by more than just his own legitimation, and I have left out here the biggest factor that detracted from it: his violence. That is such an important aspect of Sulla's power that I discuss it fully in chapter 5. I mention it here only to underscore the limitations of legitimation. Authoritarian power is not determined solely by discourse. But it can be wielded more easily and effectively if it is not struggling against pervasive beliefs in its illegitimacy.[805] Cicero said in the *de Officiis* that no power was able to withstand the hatred of the many: 'multorum autem odiis nullas opes posse obsistere'.[806]

[802] App. *BCiv*. 1.3.11; see also 1.106.499 for the spectators at his funeral perceiving that he had been εὐτυχέστατος *ἐκείνοις*.
[803] Dion. Hal. *Ant. Rom*. 5.77.
[804] According to the 'myth of Sulla' (on which, see chapter 1), Sulla 'by then had become one of the stock tyrants' (Keaveney 1983a: 196)
[805] Egon Flaig (see 2010: 278, 2015) has proposed the concept of 'acceptance' of the emperor, in explicit contrast to Weberian legitimacy (2015: 82), but conceded at 1992: 187 n.33 that they are essentially the same thing ('Der hier verwendete Begriff "Akzeptanz" ist konvertibel in den Weberschen Begriff der Legitimität'). Using Flaig's terminology, Sulla's power would have been difficult, or implausible, if he lost (or never acquired) acceptance.
[806] Cic. *Off*. 2.23.

Legitimation, in many respects, is an exercise in trying to manage this risk. In my view, there is no convincing way to read the evidence that concludes that Sulla was broadly legitimate.[807] There is far too much negative material. However, there is a corresponding problem with scholars who have approached him as a tyrant, and not been willing to grant him any legitimacy at all. Gruen wrote that:

> 'Sulla the dictator has left an adverse imprint on the historical record. The ancients remembered him as the purveyor of civil war, the author of proscription and murder, the architect of a repressive regime.'[808]

This picture is not false, but incomplete, and as such, misleading. As I have demonstrated, Sulla could also be perceived and remembered in very different ways. At the start of this chapter, I sketched out his personal reputation, as *felix* and *fortis*. He had some success in propagating these traits, and they made him, as a *tantus vir*, seem a worthier holder of power. He also made the case that his civil war cause was justified. Though his own conduct in 88 was transgressive, he managed to impugn the *tempus Cinnanum* effectively enough for his role in the fighting to be defensible. His enemies had their own problems with legitimacy, and Sulla exploited them to make his pose as an avenger credible. Finally, I discussed the legitimation of Sulla's dictatorship. This was a difficult endeavour, and it had mixed results. The procedure of the *lex Valeria* was suspect. His euergetism made little impact on his reputation. Some of his legislation survived, but some of its most significant aspects were repealed, and it is hard to detect much consensus behind it. The evidence does not cover how Romans reacted to his religious reconstruction. The Sullan dictatorship was not an unassailable institution, but it was probably not as unjustifiable as some have claimed.[809]

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[807] As Hurlet 1993: 170 concludes from his unhelpfully legalistic perspective: 'en exerçant la dictature dans les formes légales, Sylla légitimait aux yeux des sénateurs et du peuple son pouvoir exceptionnel'.
[808] Gruen 1974: 6. For a similarly unsatisfactory two-dimensional view, see Eckert 2023: 176: 'the Romans perceived Sulla and Sulla's dictatorship highly negatively'.
[809] See, for example, Rosenblitt 2019a: 141, Eckert 2023: 177.

The similarities with the offices Caesar and the triumvirs chose for themselves would be hard to understand, if it was.

The middling results of Sulla's legitimation should be considered in perspective. As I touched on in chapter 2, and will cover fully in chapter 5, Sulla wielded his power in an extraordinarily bloody and arbitrary way. One might have thought, *a priori*, that he would be completely condemned by posterity. Surely the author of the proscriptions, the killer of citizens without trial, and the enslaver of the Roman people[810] ought to have been thrown into the Tiber. Indeed, he is said to have been worried about the fate of his corpse.[811] But that is not what happened. Sulla enjoyed a public funeral of 'unprecedented magnificence',[812] in which the entire citizen body took part in a public celebration of his life and legacy. It was not uncontroversial, but it was still held, thanks to the influence of Pompey, Catulus, and the Σύλλειοι,[813] and many have considered it 'un precedente fundamental para comprender los funerales imperiales'.[814] According to Granius Licinianus, the *matronae* mourned for an entire year, the same honour that L. Brutus, the founder of the Republic, was thought to have received.[815] After death, his ostentatious statue stood unmolested for thirty years;[816] his likeness was recalled on coins;[817] his games continued to be celebrated;[818] he could be talked

[810] See Sall. *Hist*. 1.55.6, 3.48.1.
[811] See Cic. *Leg.* 2.57 (with uncertainty: 'quod haud scio') and Plin. *HN*. 7.187. Gran. Licin. 36.26 attributes the concern to Philippus.
[812] Cagniart 1986: 2.
[813] On the controversy, see App. *BCiv*. 1.105.493 (στάσις), Plut. *Sull*. 38, *Pomp.* 15. Sulla also received a public tomb in the Campus Martius (Livy *Per*. 90, Gran. Licin. 36.28). Cic. *Phil*. 9.14 calls the former the *maximus honos* that can be given to the dead; see Weinstock 1971: 348 on the novelty of Sulla's ceremony.
[814] Arce 1988: 17; see also Richard 1978: 1122, Fadinger 2002: 157.
[815] Gran. Licin. 36.27; see Livy 2.7.4 and Weinstock 1971: 349 n.8; also Plut. *Publ*. 23 for Poplicola as well.
[816] Morstein-Marx 2004: 113 argued that 'the attitude of the Roman plebs towards the memory of the dictator can be inferred from the burning of the Cornelian Senate-house in 52 and the destruction, after Pharsalus, of the gilded equestrian statue of the dictator'. His assumption that Sulla was the 'target of an angry mob', which he admits is surprising so long after the fact, is unnecessary. No source suggests that Sulla was on the mind of the arsonists in 52, and as Kondratieff 2009: 324 has pointed out, they burned the tribune's benches too, which would be a very mixed political metaphor. Suet. *Iul*. 75 and Cass. Dio 42.18.2 both state that the statues of Sulla and Pompey were destroyed together, implying it is their famous connection, not any ire particular to Sulla, that motivated. Plut. *Cic*. 40 and *Caes*. 57 only mention Pompey's statue. And Caesar, the great *popularis*, restored both. See Hinard 2008: 138.
[817] *RRC* 426/1 and 434/1.
[818] Cic. *Verr*. 1.31; Vell. Pat. 2.27.

about respectfully in public life;[819] and his senate house was rebuilt by his son, who was chosen so that the name of the *curia Cornelia* might endure.[820] I argue that the extent of the power Sulla enjoyed during his life, the lack of threat he faced near his death, and the surprisingly mixed reputation[821] he enjoyed after it, all indicate that his legitimation had some effect. It did not make his power, which also drew on the sources I discuss next, entirely legitimate. But his attempt to influence the discourse helped. Caesar appears to have recognised this in the 40s. He wrote in a letter to Oppius and Balbus that Sulla was the only civil war victor who was able to avoid *odium* and enjoy a lasting victory, despite his cruelty:

> temptemus hoc modo si possimus omnium voluntates reciperare et diuturna victoria uti, quoniam reliqui crudelitate odium effugere non potuerunt neque victoriam diutius tenere praeter unum L. Sullam quem imitaturus non sum.[822]

Sulla was still not a respectable enough example for Caesar to imitate him. Nevertheless, that he was able to escape *odium* at all, given the extent of his *crudelitas*, and that that was a factor in maintaining his victory *diutius*, both suggest that his legitimation materially contributed to his power.[823]

[819] Cic. *Leg.* Man. 8, *Har. Resp*. 54.
[820] Cass. Dio 40.50.3. See Russell 2023: 127: 'the dictator had impressive success in winning the battle for spaces of memory in Rome'.
[821] For this reason, statements like 'Sullas Name wurde vielmehr zum Inbegriff von Grausamkeit und Inhumanität' (Christ 2002: 9) and 'Sulla was defined by his atrocities' (Eckert 2019: 171) are seriously exaggerated.
[822] Cic. *Att*. 9.7C.1.
[823] Caesar's concern with the *voluntates omnium* is the same concept I have been exploring in this chapter.

Chapter 4: Sulla's co-optation

I now turn to Sulla's co-optation, a phenomenon defined by Gerschewski as 'the capacity to tie strategically-relevant actors (or a group of actors) to the regime elite'.[824] Like legitimation, it is a non-repressive means of gaining support, and some scholars have interpreted it as its sub-category.[825] The value of considering co-optation directly is that elites, or strategically-relevant actors, play important roles in authoritarian politics. The image of a lonely tyrant is misleading. Elites are indispensable to the seizure of power, as 'individuals lack the resources to overthrow or transform existing governments'.[826] And once individuals are in power, they continue to need their allies, even if only for administration.[827] The relationship between a ruler and their allies is fundamental to a regime's performance. This is all the more noticeable when it turns sour: 'intra-elite conflict is one of the main causes of authoritarian breakdown'.[828] Authoritarian leaders must build and maintain

[824] Gerschewski 2013: 22.
[825] Josua 2016: 37. Others have considered legitimation a sub-category of co-optation: see Stacher 2012: 120 and Svolik 2012: 10. Wintrobe 1998: 33 labelled non-repressive strategies as 'loyalty'.
[826] Geddes, Wright, and Franz 2018: 26.
[827] See Svolik 2012: 79: 'even established autocrats – like Machiavelli's Turk – depend on their ministers and officials for governing'.
[828] Geddes, Wright, and Franz 2018: 162.

alliances to support their rule, and manage intra-elite relationships to prevent coups. Their strategies of doing so can be considered under this umbrella term, 'co-optation'. Needless to say, not all elites in all regimes are co-opted in same way. The important feature of co-optation is it requires bi-lateral negotiation. Because authoritarian leaders need strategically relevant actors as allies, they have to make concessions to keep them onside. This means sharing resources, and 'profiteers of authoritarian rule perpetually rival over the spoils of office'.[829] But if the leader gives too much away, their position will be less secure. The difficulty in negotiating co-optation is compounded by the fact that 'dictatorships inherently lack an independent authority with the power to enforce agreements'.[830] Authoritarians and their allies usually have self-interested, competing goals, and they can never fully trust each other.

In this chapter I will investigate Sulla's relationships with three important groups: the Roman political elite, his army, and Italy. All three were fundamental to his victory in the civil war. I will discuss how Sulla negotiated with them for their support, how those negotiations changed after the war was over, and how they impacted the power he was able to exercise as dictator.

4.i: Sulla and the Roman elite

The Roman elite has often been considered Sulla's most important constituency, and their association is widely attested in the literary evidence. The contemporary *Pro Roscio*, for example, describes his civil war victory as the victory of the *nobiles*, or of the *nobilitas*.[831] Cicero said that the majority of the state fought on behalf of this *nobilitas*,[832] and that the

[829] Tanneberg 2020: 29.
[830] Svolik 2012: 2.
[831] *Nobilium*: Cic. *Rosc. Am*. 142; *nobilitatis*: 16, 135.
[832] Cic. *Rosc. Am*. 149: pro hac nobilitate pars maxima civitatis in armis fuit.

personified *nobilitas* had won back the *res publica* with arms.[833] He later used the *nobilitas* as a metonym for Sulla's side in the *Verrines*, saying that Verres defected from Carbo 'ad nobilitatem'.[834] In a similar vein, Valerius Maximus refers to Sulla's civil war activity as a defence of the nobility's *auctoritas*,[835] and Tacitus calls Sulla the 'nobilium saevissimus'.[836] Sometimes substitutes for *nobilitas* are used.[837] Sallust's Lepidus refers to Sulla's *satellites* as 'homines maxumi nominis optumis maiorum exemplis'.[838] Suetonius claims that Sulla agreed to spare the young Julius Caesar because he yielded to the pleas of *ornatissimi viri*.[839] As well as these general descriptions, there is a prominent strand in our civil war narratives that the nobility rejected Sulla's opponents and joined his cause *en masse*. Plutarch tells us that Cinna and Carbo alienated οἱ ἐπιφανέστατοι ἄνδρες, so many of whom defected to Sulla in Greece that it was as if he had a σχῆμα βουλῆς with him.[840] Velleius claims that 'maior pars nobilitatis'[841] came to Sulla in Greece; Eutropius says 'universus reliquus senatus', and Orosius 'residui senatorum'.[842] Other sources place these movements in Italy. Thus Livy's epitomator says that Pompey came to Sulla after he had landed on the peninsula, at the same time as the entire *nobilitas* was: 'ad Sullam venerat, ad quem se nobilitas omnis conferebat'.[843] Plutarch says the same in Pompey's *Life*.[844] In Velleius, Sulla's army was growing daily, with the most eminent flocking towards him ('confluentibus ad eum optimo quoque et sanissimo').[845] Appian says that he had φίλοι πολλοί τῶν ἐπιφανῶν with him;[846]

[833] Cic. *Rosc. Am*. 141: nobilitas armis atque ferro rem publicam reciperavit.
[834] Cic. *Verr*. 2.1.35.
[835] Val. Max. 9.2.1: egregie namque auctoritate nobilitatis defensa.
[836] Tac. *Hist*. 2.38.
[837] See Coates 2023: 55 on the centrality of *nobilitas* in Sulla's discourse.
[838] Sall. *Hist*. 1.55.2. See Syme 2016b: 107 on this speech: 'Sulla was the personification of the oligarchy'.
[839] Suet. *Iul*. 1.
[840] Plut. *Sull*. 22. See App. *BCiv*. 1.77.350 on Sulla writing about this to the senate.
[841] Vell. Pat. 2.23.
[842] Eutr. 5.7, Oros. 5.20.1.
[843] Livy *Per*. 85.
[844] Plut. *Pomp*. 6: ὁρῶν δὲ τοὺς ἐπιφανεστάτους καὶ βελτίστους τῶν πολιτῶν ἀπολείποντας τὰ οἰκεῖα καὶ πανταχόθεν εἰς τὸ Σύλλα στρατόπεδον ὥσπερ εἰς λιμένα καταθέοντας.
[845] Vell. Pat. 2.25.
[846] App. *BCiv*. 1.81.370.

Cicero that he attended the conference with Scipio accompanied by the *flos nobilitatis*.[847] After victory, οἱ γὰρ ἐνδοξότατοι καὶ δυνατώτατοι τῶν πολιτῶν took part in Sulla's triumph.[848] According to Asconius, *quidam nobiles homines*, including C. Antonius, were charioteers in his games.[849] Altogether, then, our sources clearly identify Sulla as the 'leader of the nobility',[850] at least when it came to the composition of his civil war faction.

It is possible that our sources' insistence on Sulla's allegiance with the *nobilitas* was rhetorical. The large scale flight to Sulla as described by Plutarch, Velleius and others 'may be exaggerated or anachronistic'.[851] Badian argued that Sulla's *Memoirs* skewed the historical narrative in that direction, and that 'the exodus of senators to Greece' was 'clearly over-emphasized to gain a shadow of legality for his conduct'.[852] But the *victoria nobilitatis* – as Badian himself saw[853] – eventually did come to fruition. A great number of *nobiles* fought with Sulla in the civil war: Pompey (Plut. *Pomp*. 8), Crassus (Plut. *Crass*. 6), and Q. Caecilius Metellus Pius (App. *BCiv*. 1.80.365), L. Marcius Philippus (Livy *Per*. 86), M. Terentius Varro Lucullus (Plut. *Sull*. 27), Catiline (App. *BCiv*. 2.2.4), L. Manlius Torquatus (Plut. *Sull*. 29), an Ap. Claudius (Plut. *Sull*. 29), an Octavius Balbus (Plut. *Sull*. 29), either M. or Mam. Aemilius Lepidus (App. *BCiv*. 1.94.439), an unspecified Dolabella (Plut. *Sull*. 28),[854] two Servilii (Vell. Pat. 2.28),[855] Q. Lucretius Afella (App. *BCiv*. 1.88.402), C. Verres (Cic. *Verr*. 2.1.37), C. Papirius Carbo (Gran. Licin. 36.8), and P. Cornelius Cethegus (App. *BCiv*. 1.80.369). After victory, the *princeps senatus* L. Valerius Flaccus served as his

[847] Cic. *Phil*. 12.27.
[848] Plut. *Sull*. 34.
[849] Asc. 93C; see also 88C for *honesti homines*. Lewis 2006: 297 dismisses this, rashly in my view, as 'probably Cicero's invention or exaggeration'.
[850] Taylor 1949: 19.
[851] Frier 1971: 589. See also Hinard 1985a: 115 n.50: 'sans doute peut-on penser que ce sont là des affirmations quelque peu excessives'.
[852] Badian 1962b: 49.
[853] See Badian 1962b: 61.
[854] See Gruen 1966: 386 and Thein 2019: 74.
[855] *MRR* 2.72 postulates they were M. Servilius and P. Servilius Vatia Isauricus.

magister equitum (Degrassi 1954: 74) and Metellus Pius as his co-consul for 80 (Plut. *Sull*. 6). Sulla also had relationships with D. Junius Brutus and Mam. Aemilius Lepidus,[856] Q. Lutatius Catulus, 'the standard-bearer of Sullan orthodoxy',[857] and L. Licinius Lucullus, who did not participate in the civil war, but was the dedicatee of Sulla's *Memoirs* and the guardian of his son.[858] This brief exercise in prosopography does not remove the rhetoric behind the *victoria nobilitatis*. After all, some aristocrats fought against Sulla too.[859] But the slogan had some basis in reality. Sulla was able to marshal a high level of elite collective action, which had a significant impact on his war effort and the politics of his regime. It is worth asking how he did so.

4.i.a: Beyond 'optimates'

The classic interpretation of Sulla as an 'optimate', as discussed in chapter 1, renders this question moot. There is no difficulty in explaining why senatorial elites would follow 'the acknowledged champion of the senate'.[860] But the idea behind this notion, that Sulla was 'celebrated as the champion of conservative political interests',[861] is built on shaky foundations. Firstly, there is not much of a grand political alliance – of the kind that would stand up for these 'conservative political interests' – in the ancient evidence. As Mouritsen has shown, in the Republican sources 'the Sullan faction was defined not according to ideological, political or institutional criteria but in purely social terms as the most prominent part of the aristocracy'.[862] The *Pro Roscio* portrays the *causa nobilitatis* as far more concerned with the return of their own *honos* and *dignitas* than any programme that might be

[856] Sall. *Hist*. 1.55.3, see McGushin 1992: 114.
[857] Burton 2014: 409. See Sall. *Hist*. 1.55.3, 3.48.9, App. *BCiv*. 1.105.491.
[858] Plut. *Luc*. 4.
[859] For example: L. Cornelius Scipio Asiagenus, from Rome's most famous line; Cn. Papirius Carbo, son of a consul; and Cn. Domitius Ahenobarbus, described by Val. Max. 6.2.8 as 'summo genere natus'.
[860] Keaveney 2007: 46.
[861] Eckert and Thein 2019: 1.
[862] Mouritsen 2017: 132.

called ‘conservative’.[863] And in Sallust, the elite are simply minions in a kleptocracy. Lepidus described Sulla’s *satellites* as ‘qui dominationis in vos servitium suum mercedem dant’.[864]

Secondly, it is hard to reconcile ‘optimate’ politics, however they are reconstructed, with what Sulla did in power. In Arena’s somewhat maximalist definition, the ‘“optimate” tradition’ was ‘a consistent pattern of political behaviour, namely the opposition to the granting of extraordinary powers and to land distribution’.[865] If we use these criteria to evaluate Sulla’s regime, we are left with more questions than answers. Cicero, for example, scorned extraordinary commands as *popularis* and un-senatorial: ‘nam extraordinarium imperium populare atque ventosum est, minime nostrae gravitatis, minime huius ordinis’.[866] His partiality notwithstanding, he brought up a trope of elite politics, which we can see in action against the *lex Manilia*. Hortensius and Catulus are said to have opposed it because it would have given Pompey too much power. It was not right for one man to be entrusted with everything: ‘ad unum tamen omnia deferri non oportere’.[867] Here ‘the pillars of the Sullan oligarchy’[868] are arguing against a power that was ‘contra exempla atque instituta maiorum’[869] and still, as Plutarch said, less massive than Sulla’s.[870] This kind of opposition, as Arena has argued, is central to our conception of the ‘optimates’; we frequently hear that ‘it had ever been the way of the Roman oligarchy to prune the tallest poppies’.[871] That is, supposedly, what the *res publica* meant to them.[872] When the dictatorship itself was rumoured to be

[863] See especially Cic. *Rosc. Am*. 136-7, as well as *Verr*. 2.1.37: ‘ut honos et dignitas nobilitati restitueretur’.
[864] Sall. *Hist*. 1.55.2. Of course, this is highly rhetorical; see Rosenblitt 2013: 457.
[865] Arena 2012: 170.
[866] Cic. *Phil*. 11.17.
[867] Cic. *Leg. Man*. 52. See *Fam*. 4.9.2 for Cicero’s complaint to Marcellus about Caesar, that ‘omnia enim delata ad unum sunt’.
[868] Morstein-Marx 2004: 216.
[869] Cic. *Leg. Man*. 60.
[870] Plut. *Pomp*. 30: κύριος ἀποδέδεικτο μὴ παρὼν ὁ Πομπήϊος ἁπάντων σχεδὸν ὧν ὁ Σύλλας ὅπλοις καὶ πολέμῳ τῆς πόλεως κρατήσας. Cic. *Verr*. 2.3.81 describes Sulla as ‘cui concesserat omnia’.
[871] Sherwin-White 1956: 6.
[872] See Baraz 2008: 380: ‘a political system that is designed to prevent the accumulation of excessive power in the hands of one member of the elite to the detriment of the class as a whole’, Tan 2022: 2: ‘terrified that one

returning in the 50s, it was met with resolute elite opposition.[873] In 52, the 'optimates' preferred Pompey to assume the consulship *sine collega*.[874] If 'the dictatorship cannot have been an office in which the members of the political establishment were prepared to put their trust',[875] the notion of Sulla as the champion of that political establishment deserves far more scrutiny than it has received.[876]

The second priority of Arena's 'optimates', opposition to land distribution, is also hard to reconcile with Sulla's politics. Few would disagree with the priority. 'Optimates désigne normalement ceux qui appartiennent à la classe des riches',[877] and the rich were natural enemies of disturbing property rights, especially when 'in Rome, property gave access to social status and prestige, in a word *dignitas*'.[878] Cicero argued that it was the first duty of every statesman to uphold them: 'in primis autem videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat neque de bonis privatorum publice deminutio fiat'.[879] Unsurprisingly, agrarian legislation 'entrenched elite opposition to an unprecedented degree'.[880] The 'optimates' strove against Tiberius Gracchus' bill,[881] and Livy says that ever since the *patres* opposed Sp. Cassius, as far back as 486, those sorts of laws had always been divisive.[882] Land reformers in the late Republic never enjoyed broad elite support. It was a

aristocrat might gain power over his peers, the elite operated within a defensive constitutional structure that sought to limit individuals' power at all times', and Atkins 2000: 483 on aristocratic *libertas*: 'it consisted primarily in preventing the individual dominance of one of their number'.

[873] Cic. *Qfr*. 3.8.3 (in 54): rumor dictatoris iniucundus bonis. See Wiseman 1994c: 374: 'senatorial opinion evidently feared a dictatorship like Sulla's'.

[874] Asc. 35C: visum est optimatibus tutius esse eum consulem sine collega creari. See also Plut. *Pomp*. 54, *Caes*. 28, *Cat. Min*. 47, App. *BCiv*. 2.23.84, Cass. Dio 40.50.4.

[875] Ramsey 2016: 310. See also Drummond 1978: 570: 'an office already unpopular with the Roman aristocracy before Sulla', and Ferrary 1988: 97: 'Le mot de dictature fait peur, moins au peuple, semble-t-il, qu'aux *boni* et aux sénateurs les plus influents'.

[876] Wirszubski 1950: 64 notices the problem, without attempting to resolve it: 'it appears that throughout the Late Republic, with the exception of Sulla's dictatorship, the Optimates were opposed to the establishment of the *extraordinariae potestates* which were championed with popular support by the Populares'.

[877] Hellegouarc'h 1972: 500.

[878] Garnsey 2007: 114.

[879] Cic. *Off*. 2.73. On these 'pre-political property rights', see Straumann 2016: 185, and Brunt 1962: 80, de Ste Croix 1981: 426, Wood 1988: 130, Long 2006: 328, Atkins 2018: 43.

[880] Mouritsen 2017: 165.

[881] Cic. *Sest*. 103: nitebantur contra optimates.

[882] Livy 2.41.3: numquam deinde usque ad hanc memoriam sine maximis motibus rerum agitata.

'motif populaire par excellence'.[883] But Sulla's actions went far beyond any *popularis* proposal. Through the proscriptions, he oversaw 'a major redistribution of wealth in Roman Italy',[884] in which he could be said to have given out whatever he wanted, to whomever he wanted.[885] Our sources insist that the *locupletes*[886] and the *boni viri*[887] were targeted. Sallust's Lepidus speaks of 'cruciatus virorum illustrium'.[888] In addition to the proscriptions, Sulla gave out land to his soldiers.[889] This is impossible to fit into an 'optimate' political movement.[890] In the *de Lege Agraria*, Cicero directly compares the largesse of the 'dominatio Sullae' to that of the 'Gracchorum benignitas'.[891] Some scholars have observed the incongruence, that 'Sulla, despite proposing and carrying through both agrarian and colonial laws, was never considered a *popularis*, but rather quite the opposite'.[892]

In addition to their stance on extraordinary powers and land distribution, 'optimates' are often described as 'les tenants du conservatisme et de la tradition'.[893] This is why they 'resisted new reforming measures',[894] to the extent of having 'la répugnance à toute réforme'.[895] Guido Clemente has argued that the *optimi* were defined by their devotion to custom, and that their 'legitimacy to rule was rooted in their observance of the *mores*

[883] Ver Eecke 2008: 154. See also Kaplow 2012: 103.
[884] Santangelo 2007: 98.
[885] Cic. *Leg. Agr*. 2.81: L. Sulla qui omnia sine ulla religione quibus voluit est dilargitus.
[886] Cic. *Parad. Stoic*. 46: proscriptiones locupletium. See also Cic. *Att*. 7.7.7, Sall. *Hist*. 1.55.17, Plut. *Sull*. 31, Cass. Dio 47.5.2.
[887] Cic. *Off*. 2.27: bona in foro venderet et bonorum virorum et locupletium. See also Cic. *Sull*. 72: summi homines et ornatissimi et nostri et equestris ordinis.
[888] Sall. *Hist*. 1.55.17. See Jal 1961: 499: 'les proscriptions de Sylla, bien que le nouveau vainqueur fût le chef d'un parti aristocratique, n'en décimèrent pas moins, elles aussi; les rangs de la haute société romaine', and, for widespread agreement, Mouritsen 2017: 131, Bispham 2018: 35, Steel 2018: 230, Eckert 2023: 176. As Brunt 1956: 23 emphasised, that the *equites* suffered does not speak against this; 'so did his enemies in the senate'.
[889] App. *BCiv*. 2.140.586 claims that veterans did not receive proscribed land; see Brunt 1971b: 303.
[890] See Brunt 1962: 79: 'for troops discharged in Italy, it is plain that they had little or no chance of securing land allotments there from the voluntary action of the Senate'.
[891] Cic. *Leg. Agr*. 2.81. See Hermon 1992: 104.
[892] Duplá 2011: 282; see also Yavetz 1988: 48 and Mouritsen 2017: 114. On the similarity of his 'fiscal programme' to the *populares*, see Williams 1998: 176, and on his social legislation, see Wyetzner 2002: 20.
[893] Hellegouarc'h 1972: 501.
[894] Arena 2012: 8.
[895] Ferrary 1997: 231.

maiorum'.[896] The wisdom of the elite's ancestors was evident in the strength of the constitution that they had handed down, which was demonstrably superior to those crafted by a single lawgiver.[897] Yet Sulla took up the task of re-making this constitution. He enacted reform through a massive legislative programme, aspects of which 'marked a striking break with the past'.[898] He expanded the senate by adding to that august body 'a great mass of municipal men'.[899] Gabba argued that this contradicts Sulla's 'optimate' reception: 'inoltre non si vede come possa essere considerato aristocratico il regime di Silla che favorì i cavalieri e le classi italiche, anche a scapito della tradizionale *nobilitas* romana'.[900] Recently, Steel has expanded on the 'tension between the reality of an enlarged Senate…and the presentation of Sulla's victory as that of the *nobilitas*'.[901]

These contradictions mean that it makes little sense to understand Sulla's politics as 'optimate'. Indeed, the value of the term itself is up for debate. Mouritsen concluded after a brief analysis of Sulla's politics that 'the archetypal "optimate" vanishes along with the category the dictator has come to personify'.[902] Flower has argued that Sulla's regime was so antithetical to the mid-Republican norms of collaboration and consensus-building that his politics should not be understood as elite-friendly at all. After victory, he would 'refuse to restore the *nobiles* to power'.[903] But these solutions beget their own problems. As a reviewer

[896] Clemente 2018a: 203. See also Lintott 1999a: 7: 'custom tended to become a conservative catchword in so far as it was used to describe actions in opposition to *populares*', and Brennan 2014: 20 on 'the innately conservative Roman governing class'.
[897] Cic. *Rep*. 2.2: nostra autem res publica non unius esset ingenio sed multorum, nec una hominis vita sed aliquot constituta saeculis et aetatibus.
[898] Steel 2013a: 108. Flower 2010a: 28 perhaps overstates the case by saying that 'Sulla's system was fundamentally different from what had come before', but not by much.
[899] Syme 1938: 30.
[900] Gabba 1972: 804.
[901] Steel 2014a: 666. Yakobson 1999: 204 has argued that Sulla's expansion of the quaestorship 'might seem to contradict his basic *optimate* tendency' because it 'considerably increased the influence of the more democratic tribal assembly on the composition of the senate, through elections'. On the automatic entry of quaestors into the senate as *popularis*, see Cic. *Leg*. 3.27: ex iis autem qui magistratum ceperunt quod senatus efficitur, populare sane neminem in summum locum nisi per populum venire, sublata cooptatione censoria.
[902] Mouritsen 2017: 147.
[903] Flower 2010a: 130.

noted, Flower simply ignores Cicero's testimony of a *victoria nobilitatis*.[904] And even if we abandon the 'optimate' label, as Mouritsen suggests, we are still left with the task of explaining the elite collective action behind Sulla's movement.[905] The 'tyrant' approach to Sullan politics has little more interest in this question than the 'optimate'. For those who have thought that 'terror and fear overshadowed Roman society',[906] and that 'there had been no room for dissent since the Colline Gate',[907] elite support barely mattered, because no opposition was possible. A recent volume has observed that 'the tendency has been to assume that politics – defined as the activities of people trying to obtain an advantage within a group – was absent in the period of Sulla's sole rule'.[908] This is patently unsatisfactory. Elite support mattered to Sulla, and though our evidence is not abundant,[909] we can still recreate some of his strategy to build it. I will first look at the evidence for bandwagoning in the civil war, and then the distribution of spoils after victory. I argue that these two factors, far more than any 'optimate' programme, can best explain the elite collective action that empowered Sulla.

4.i.b: Bandwagoning

Badian argued that 'Sulla's faction, during the crucial three years, was his personal creation'.[910] Sulla's camp included some eminent Romans, including the future

[904] Rich 2012: 307: 'it is surprising too to be told that Sulla had refused 'to restore the *nobiles* to power' (130) without reference to Cicero's contemporary identification of his cause with that of the *nobilitas*'.
[905] Mouritsen 2017: 131 ('the conflict can be seen as one between an inner circle of old aristocratic families and those outside it, particularly the *equites*'), as well as Stone 2005: 80 and Coates 2023, have interpreted the civil war in purely social terms. In my view, this has little explanatory power; in their conference of 83, Scipio Asiagenus, great-grandson of the victor at Magnesia and great-great nephew of Africanus, and Sulla, who was not thought worthy of marrying Metella (Plut. *Sull*. 6), would seem to be on the wrong sides.
[906] Eckert 2018: 288.
[907] Santangelo 2014: 1. See also Steel 2014a: 663: 'Sulla's relentless assertion of his own power must surely have deterred any waverers from expressing even modest hesitation about the changes which were taking place'.
[908] Eckert and Thein 2019: 10.
[909] This is due not just to the general state of the evidence, but also the authoritarian nature of the dictatorship. See Gandhi, Noble, and Svolik 2020: 8: 'one of the central features of authoritarian regimes is the secrecy that typically surrounds their politics'. The same point is made about Augustan Rome by Cass. Dio 53.19.
[910] Badian 1962b: 55, and Gruen 1974: 48.

triumphatores Murena and Lucullus.[911] However, as Badian emphasised,[912] many more either remained in Rome or took refuge elsewhere. The latter group was more straightforward for Sulla to co-opt, as they had few other prospects of returning to Rome. And as we have seen, Sulla portrayed himself as a champion of exiles in his civil war rhetoric. He laboured his reception of them in his letters to the senate, no doubt exaggerating his σχῆμα βουλῆς; their 'names at any rate largely escape us'.[913] Velleius mentions the associates of Sex. Lucilius,[914] but they hardly constituted an entire senate, and we cannot assume they played any significant role in Sulla's war effort. But the refugees, no matter their number, were vital to his messaging. According to the Livian epitomator, their restitution was his only prerequisite to making peace.[915] This had broad legitimating potential, as 'by welcoming senatorial refugees he had shown his respect for the dignity of that body'.[916] However, there must also have been an appeal to all those who had not come directly to him. Metellus Pius, who had been in Africa since leaving Rome in despair during the *bellum Octavianum*,[917] no doubt sensed the opportunity that Sulla *redux* provided. So did Crassus, who is said to have waited for Cinna's death in Spain,[918] and Ap. Claudius Pulcher, who was exiled after he refused to stand trial 'propter iniquitatem illius Cinnani temporis',[919] before returning with Sulla to fight against Telesinus at the Colline Gate.[920] C. Aurelius Cotta, a Varian exile,[921] also returned

[911] The best attested officers are Murena, Lucullus, A. Gabinius, L. Hortensius, C. Scribonius Curio, Ser. Sulpicius Galba, C. Antonius Hybrida, and L. Minucius Basilicus; see *MRR* for the years 87-84.
[912] See Badian 1962b: 54. Plut. *Sull*. 14 attests to senators with him in Athens, but this may simply be the influence of the *Memoirs*; see Vervaet 2023: 187.
[913] Frier 1971: 589.
[914] Vell. Pat. 2.24: ad Sullam profugissent. This is omitted by Livy *Per*. 80 and Plut. *Mar*. 45; see Kelly 2006: 186.
[915] Livy *Per*. 84: Sylla legatis, qui a senatu missi erant, futurum se in potestate senatus respondit, si cives, qui pulsi a Cinna ad se confugerant, restituerentur. See also the emphasis of App. *BCiv*. 1.77.350: καὶ οὐδενὸς ἧττον.
[916] Bispham 2018: 14.
[917] Plut. *Mar*. 42: ἀπογνοὺς τὴν πόλιν, and App. *BCiv*. 1.80.365.
[918] Plut. *Crass*. 4 and 6.
[919] Cic. *Dom*. 83.
[920] Plut. *Sull*. 29.
[921] App. *BCiv*. 1.37.169.

with Sulla.[922] These are the restorations we know about.[923] However, the case of Rutilius Rufus suggests that Sulla may have been thinking more universally. Several sources state that Rutilius spurned Sulla's personal offer.[924] Seneca was taken aback by this boldness, thinking that no one was in the habit of denying Sulla anything.[925] But he also mentions that someone told Rutilius that his exile would be short, because the civil war would result in the return of all exiles: 'Rutilius noster animosius, cum quidam illum consolaretur et diceret instare arma civilia, brevi futurum, ut omnes exules reverterentur'.[926] Similarly, in Valerius Maximus, it is not Sulla who invites Rutilius to return, it is Sulla's victory that allows him to: 'cum ei reditum in patriam Sullana victoria praestaret'.[927] The implication seems to be that Sulla's victory would allow everyone to return. Furthermore, Cicero told Atticus in March of 49 that Caesar accused Sulla of bringing back traitors to their country: 'ab illo patriae proditores de exsilio reductos esse'.[928] The identity of these *proditores* is elusive, but the word implies that Sulla did not discriminate much in his recruitment.[929] He gladly received exiles of all stripes, and offered them restoration, advancement, and 'the opportunity to get back into public life'.[930] Metellus, Crassus, Ap. Claudius, and Cotta all went on to become consuls. In return, they fought for Sulla, and in the case of Metellus and Crassus, added to his manpower significantly.[931] This *quid pro quo* was celebrated in Sulla's triumph, in which the exiles played a starring role. There his co-optation was on full display.

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[922] Cic. *Brut*. 311: reditus Cottae Curionis Crassi Lentulorum Pompei.
[923] Others fled Rome, including M. Caecilius Cornutus (Plut. *Mar*. 43), and two unknown στρατηγοί banished by Marius' son (Cass. Dio 30-35.102.12), but we do not know whether they joined Sulla.
[924] Quint. *Inst*. 11.1.12: revocante eum Sulla manere in exilio maluit.
[925] Sen. *Ep*. 24.4: alter reditum suum Sullae negavit, cui nihil tunc negabatur. See also Sen. *Dial*. 1.3.7: Sullae dictatori solus aliquid negauit.
[926] Sen. *Ben.* 6.37.2.
[927] Val. Max. 6.4.4.
[928] Cic. *Att*. 9.14.2.
[929] Shackleton Bailey 1968: 388 suggests they were exiled either under the *lex Mamilia* of 109, or the *lex Varia* of 90 (see also Kelly 2006: 99 on the latter).
[930] Paterson 1985: 23.
[931] See Plut. *Crass*. 6.

Sulla's coalition eventually encompassed those who stayed too. Sulla's future *magister equitum*, L. Valerius Flaccus, had been *princeps senatus* under Cinna,[932] and the consulars L. Marcius Philippus and M. Perperna served as censors in 86.[933] Afella, if Velleius is correct, was a praetor in the *partes Marianae*.[934] Some defected to Sulla after starting to fight against him. Pompey had been in Cinna's camp,[935] P. Albinovanus had served under Norbanus,[936] and Verres as Carbo's quaestor.[937] P. Cornelius Cethegus joined Sulla at the start of the war, even though he had been his enemy since 88.[938] There have been conjectures about other turncoats.[939] How did Sulla attract these people, who, unlike those in exile, were not his natural allies? I argue that the biggest factors were his legitimation, his stronger position, and his leniency. Firstly, as I discussed in the previous chapter, not all those who remained in Rome were implacably opposed to Sulla. His enemies had legitimacy problems of their own, and many have argued for a relatively independent senate during the *tempus Cinnanum*.[940] There must have been some who preferred Sulla's cause. We know there was impetus for peace from Flaccus (and 'eos qui concordiae studebant'), as he spoke in favour of it in the senate, and effected a decree to send envoys to Sulla.[941] According to Livy's epitomator, the senate approved of Sulla's reply, and might have accepted his terms of restoring the exiles, had Carbo's faction not intervened.[942] They, on the other hand, were

[932] Livy *Per*. 83.
[933] Cic. *Verr*. 2.1.143.
[934] Vell. Pat. 2.27. This is contradicted by App. *BCiv*. 1.101.471, but as Brennan 2000: 384 notes on Afella's *contiones*, attested by Cic. *Brut*. 178, Cicero 'certainly implies Afella reached a magistracy of some sort'. Sumner 1973: 107 also thinks we should doubt Appian.
[935] Plut. *Pomp*. 5.
[936] App. *BCiv*. 1.91.421.
[937] Cic. *Verr*. 2.1.34.
[938] App. *BCiv*. 1.80.369.
[939] Gruen 1966 argues for Cn. Cornelius Dolabella (pr. 81); Keaveney 1984 for M. Lepidus, L. Fabius Hispaniensis, M. Junius Brutus, C. Papirius Carbo, and Catiline.
[940] See Bispham 2007: 194: 'the Senate thus sought to maintain its own dignity and independence in the face of two hostile factions', and Bulst 1964: 323, Frier 1971: 595, Paterson 1985: 24, Seager 1994: 180, Steel 2013a: 104.
[941] Livy *Per*. 83.
[942] Livy *Per*. 84: quae condicio cum iusta senatui uideretur, per Carbonem factionemque eius, cui bellum uidebatur utilius, ne conueniret effectum est. This may not be reliable information; Badian 1962b: 59 considered it Sisenna's posturing.

ordered to cease recruiting until Sulla had replied to the senate,[943] and Carbo's attempt to demand hostages from Italian communities was 'consensu senatus prohibitus est'.[944] Cicero tells us that M. Pupius Piso honourably refused to serve as quaestor in the consul Scipio's army.[945] Sulla, then, was not co-opting the intractable, but many who were open to giving him an audience. Sulla's arguments for his own legitimacy may have swayed some of them. There was also a snowball effect from his earlier recruitment; Cassius Dio claimed that οὐκ ὀλίγοι were persuaded by Metellus joining Sulla that his cause concerned τά τε δικαιότερα καὶ τὰ τῇ πατρίδι συμφορώτερα.[946]

A more important consideration, in my view, was Sulla's likelihood of winning the war. After a successful Eastern campaign and recruitment in Greece and Macedonia,[947] Sulla's military position was formidable. Appian tells us that he landed in Italy with 40,000 men.[948] At this point, according to Seager, 'no sane man could have any doubts as to the eventual result of the civil war'.[949] Though Sulla's enemies were able to field very large armies, as I shall discuss later, they were lacking in discipline and leadership. Cinna was killed by his soldiers in 84,[950] after which his side suffered due to the τὰ μὲν ἀνανδρίᾳ καὶ μαλακίᾳ τῶν στρατηγῶν.[951] Scipio and Norbanus, the consuls of 83, had difficulty securing the loyalties of their troops,[952] whose combat effectiveness was also lacking. The army of Marius and Norbanus was so easily defeated in Campania that Sulla did not even have to arrange his forces properly. It was 'a chilling demonstration of the superiority of his smaller

[943] App. *BCiv*. 1.77.353: τοῖς δ᾽ ἀμφὶ τὸν Κίνναν εἴρητο μὴ στρατολογεῖν, ἔστε ἐκεῖνον ἀποκρίνασθαι.
[944] Livy *Per*. 84.
[945] Cic. *Verr*. 2.1.37.
[946] Cass. Dio 30-35.106. See Badian 1962b: 59 on him delivering 'the seal of approval by the *boni*'.
[947] App. *BCiv*. 1.79.363: ἄλλους τέ τινας ἐκ Πελοποννήσου καὶ Μακεδονίας προσλαβών.
[948] App. *BCiv*. 1.79.363. This does not include Metellus' army or those whom Sulla recruited in Italy.
[949] Seager 1979: 8. I think the truth lies between this view and that of Frier 1967: 115, that 'there were serious doubts that he could have won Italy if Cinna had lived'.
[950] See App. *BCiv*. 1.78.357, Livy *Per* 83, Vell. Pat. 2.24.
[951] Plut. *Sert*. 6. See Strisino 2002: 40 and Brice 2019: 261; Jung 2017: 312 calls their forces 'denkbar schlecht vorbereitet'.
[952] See App. *BCiv*. 1.85.386 and 1.92.

force'.[953] The fiscal disparity was even starker. Sulla's opponents, apparently dealing with a deficient treasury,[954] relied on extraordinary means of funding their armies. They sought contributions from across Italy,[955] and temple ornaments were melted down for their precious metals.[956] According to Pliny, Marius' son had brought to Praeneste 14,000 pounds of gold and 6,000 pounds of silver, which he had saved from the Capitoline fire.[957] Sulla, on the other hand, who 'could exploit the resources of Asia',[958] had access to far more bullion. The same passage from Pliny says that he paraded at his triumph 15,000 more pounds of gold, and 115,000 more pounds of silver, 'ex reliqua omni victoria'. He evidently did not need the loan that his soldiers offered him,[959] and instead of asking the Italians for money, like his opponents, he could give it to them in return for more men.[960] With the balance of power thus, it is not surprising that many elites were interested in joining the stronger side.[961]

This bandwagoning – defined in international relations terms as weaker actors joining stronger actors 'for the purpose of offsetting a balance of power'[962] – has been widely acknowledged in Sullan scholarship. As Gruen put it, once he looked like winning, 'neutrals and waverers suddenly found Sulla's credentials impeccable and his appeal irresistible'.[963] Badian considered it shameless, and proof that Sulla's elite allies were 'a class of proved

[953] Bispham 2018: 20. See Plut. *Sull*. 27.
[954] For the collapse of credit at this time, resulting in the *lex Valeria de aere alieno* of 86, see Vell. Pat. 2.23, Sall. *Cat*. 33, and Barlow 1980: 207, Williams 1998: 177, Kay 2014: 243, Collins and Walsh 2015: 148.
[955] App. *BCiv*. 1.81.372: ἔς τε τὴν Ἰταλίαν περιπέμποντες στρατιὰν καὶ τροφὰς καὶ χρήματα συνῆγου.
[956] Val. Max. 7.6.4: senatus consulto aurea atque argentea templorum ornamenta, ne militibus stipendia deessent, conflata sunt.
[957] Plin. *HN*. 33.16.
[958] Barlow 1980: 209. For Sulla raising money in Asia, both from taxation and a personal gift from Mithridates, see Brunt 1956: 17, Sherwin-White 1983: 143, Yarrow 2006: 250, Santangelo 2007: 112. On the 'strong possibility' of the bullion for his civil war coinage coming from Asia, see Carbone and Yarrow 2020: 314, and Crawford 2000: 124.
[959] See Plut. *Sull*. 27.
[960] App. *BCiv*. 1.86.393: περιπέμπων ἐς ὅσα δύναιτο τῆς Ἰταλίας, φιλίᾳ τε καὶ φόβῳ καὶ χρήμασι καὶ ἐλπίσιν ἀγείρων.
[961] Cicero (*Fam*. 7.3.2) said that he regretted joining Pompey in part because he had 'neque magnas copias neque bellicosas'.
[962] Brown, McLean, and McMillan 2018 s.v.
[963] Gruen 1968: 249. See also Bulst 1964: 324, Scullard 1982: 77, Brunt 1988: 462.

cowards and open self-seekers'.[964] This position depends on his tendentiously positive view of Cinna's regime. If the *cruor Cinnanus*[965] did not enjoy the legitimacy that Badian thought it did, defecting from it would not be worthy of censure. Indeed, Cicero imagines Verres as being proud of his defection:

> video quid egerim: erigit se, sperat sibi auram posse aliquam adflari in hoc crimine voluntatis adsensionisque eorum quibus Cn. Carbonis mortui nomen odio sit, quibus illam relictionem proditionemque consulis sui gratam sperat fore.[966]

Cicero goes on to attack Verres, because he did the right thing for the wrong reasons,[967] but it is a rather tortured argument. In the *Pro Lege Manilia*, Cicero praised Pompey's role on Sulla's side of this civil war, with nothing bad to say about his defection.[968] Likewise, in later civil wars, defecting could be considered a heroic act,[969] and failure to do so the height of stupidity.[970] It was hardly indefensible under Roman ethics. The most striking thing about turncoats in Sulla's civil war was his eagerness to receive them. He 'took his help from where he could get it'[971] – not just from neutrals or minor players, but even those like Cethegus, who had been violently hostile towards him (χαλεπώτατος ἀντιστασιώτης).[972] Albinovanus, another of the twelve *hostes* that Sulla banished in 88,[973] and a commander of legion of Lucanians against him in the later civil war, had the nerve to ask for a pardon (ἄδεια). Sulla granted it, εἴ τι πράξειεν ἀξιόλογον, and Albinovanus promptly murdered

[964] Badian 1970a: 32.
[965] Cic. *Vat*. 23.
[966] Cic. *Verr*. 2.1.35.
[967] Cic. *Verr*. 2.1.37: eo Sullanus repente factus est, non ut honos et dignitas nobilitati restitueretur. Cicero also attacked Naevius for changing sides in the *Pro Quinctio* (see Hinard 1975: 97 on *Quinct*. 70, 93), but only half-heartedly, and in response to Naevius trying to weaponise Quinctius' associate Alfenus being a Marian.
[968] See Cic. *Leg. Man*. 30. Helvius Mancia's abuse at Val. Max. 6.2.8 does show that Pompey's faithlessness could be used against him.
[969] Cic. *Att*. 7.13.1: Labienum ἥρωα iudico.
[970] Cic. *Att*. 10.9A.2: nunc te contra victorem Caesarem facere, quem dubiis rebus laedere noluisti, et ad eos fugatos accedere, quos resistentis sequi nolueris, summae stultitiae est.
[971] Brennan 2000: 382.
[972] App. *BCiv*. 1.80.369.
[973] App. *BCiv*. 1.60.271. On Sulla's leniency, see Hinard 1985a: 123.

Norbanus' remaining lieutenants at a banquet, before joining him.[974] Sulla also reached out to Perperna, albeit unsuccessfully, to discuss defection.[975] In addition to this leniency, turncoats could even expect generosity. Cicero was determined to deny Verres any credit for joining the *victoria nobilitatis*, and says that Sulla ordered him to remain at Beneventum, 'ubi iste summae rei causaeque nocere nihil posset'. Nevertheless, he is forced to admit that Sulla lavishly rewarded him after the war.[976] Sulla's unwillingness to give Verres a command may have had more to do with his generalship than his faithlessness, as he had no such scruple with other turncoats. Philippus was his legate in Sardinia,[977] Afella the victor at Praeneste,[978] and Pompey was hailed *imperator*, a remarkable sign of the future dictator's respect to the youth who had so recently been in Cinna's camp.[979] Corey Brennan noted that his most prominent commanders were 'recent volunteers'[980] to his cause. Joining Sulla was thus not only possible, but profitable,[981] and probably safer than staying put. Sulla's willingness to coordinate and reward this bandwagoning was fundamental to his co-optation of elites. It is worth noting how far removed this is from the reputation he tried to effect with his self-written epitaph, that no one ever treated their enemies more harshly.[982] The exigencies of civil war seem to have demanded an entirely different approach, as we can see from the fates of Cethegus and Albinovanus.[983]

[974] App. *BCiv*. 1.91.421.
[975] Diod. Sic. 38.14: διαπεμπομένου πρὸς αὐτὸν Σύλλα καὶ παρακαλοῦντος μετ᾽ αὐτοῦ τάττεσθαι.
[976] Cic. *Verr*. 2.1.38: ei postea praemia tamen liberaliter tribuit.
[977] Livy *Per*. 86.
[978] App. *BCiv*. 1.94.434. Cethegus was also at Praeneste, according to Val. Max. 9.2.1.
[979] See Plut. *Crass*. 6, *Pomp*. 8; Val. Max. 5.2.9. Badian 1957: 340 therefore exaggerates by saying 'when Sulla arrived, Pompey had to work hard to live down his Cinnan connections'; it does not seem to have been too hard.
[980] Brennan 2000: 381.
[981] See Gruen 1968: 250: 'many of the turncoats were to reap the largest benefits from Sulla's victory'.
[982] Plut. *Sull*. 38: ὡς οὔτε τῶν φίλων τις αὐτὸν εὖ ποιῶν οὔτε τῶν ἐχθρῶν κακῶς ὑπερεβάλετο. See La Rocca *LTUR* 4.286 on Sulla's tomb.
[983] Thus Keaveney (1984: 144: 'Sulla had proscribed and murdered all who had opposed him') entirely misses the mark.

Sulla's civil war group has fairly been called a 'heterogeneous' faction.[984] By posing as a champion of exiles, a legitimate proconsul, a likely winner, and a forgiving chief, he managed to coordinate a significant level of elite collective action, which helped him win the war. But victory brought fresh challenges. How did Sulla manage the Roman political elite during his dictatorship? As I argued earlier, we look in vain for an 'optimate' programme in Sulla's politics. Nevertheless, his aristocratic allies did not desert him, despite his *regalis potestas*.[985] His dictatorship was proposed to the people by Flaccus, the *princeps senatus*, whose participation in the regime as *magister equitum* has often been thought to have 'lent it an added lustre'.[986] The blue-blooded Metellus Pius served as his consular colleague in 80. Sulla so appreciated their ὁμόνοια in office that he considered it further proof of his *felicitas*.[987] Other allies included Lucullus, the guardian of his son and dedicatee of his *Memoirs*,[988] Catulus, whom Sulla hailed ὁ πάντων ἄριστος when he campaigned for his consulship,[989] and Pompey, who married his stepdaughter and secured his funeral.[990] Indeed, the Republican evidence insists on elite Sullan allies during the dictatorship. In the *Pro Roscio*, the *nobilitas* are entrusted with the *res publica* again after their victory.[991] Sallust's popular speakers bitterly testify to Sulla's aristocratic *satellites*[992] and the *pauci* who maintained his settlement.[993] Plutarch even suggests that they rivalled for his affection. He

[984] See Eckert and Thein 2019: 10.
[985] Cic. *Har. Resp*. 54. Cicero said this to a senatorial audience, while still considering Sulla a 'consul nobilissimus et fortissimus'. The curious absence of elite opposition to Sulla is implied by Lowrie 2010: 181: 'while Sulla and Caesar used the dictatorship to put pressure on the constitution, the senate fought back against the Gracchi, Catiline, and Caesar with the *senatus consultum ultimum*'.
[986] Keaveney 1982a: 161; see also 1984: 145, Wittmann 1984: 568, Hurlet 1993: 85, Vervaet 2004: 51. Syme 2016a: 58 considered him 'decorative perhaps but of no weight or substance'.
[987] Plut. *Sull*. 6.
[988] Plut. *Luc*. 4.
[989] Plut. *Sull*. 34.
[990] Plut. *Pomp*. 9 and 15. Q. Hortensius Hortalus has often been labelled a close ally, even 'the spokesman for the Sullan establishment' (Marshall and Beness 1987: 368; see also Gruen 1966: 388, 1969: 75; Keaveney 1984: 148), but the only evidence for their connection is the statement of Plut. *Sull*. 35, that Sulla married his sister Valeria. To make sense of her name, Münzer 1891: 52 n.4 thought she was either Hortensius' niece, or sister-in-law (Syme 1955: 158 and Zmeskal 2009: 279 both opt for the former).
[991] Cic. *Rosc. Am*. 141.
[992] Sall. *Hist*. 1.55.2; see Syme 2016c.
[993] Sall. *Hist*. 3.48.6 and 9. *Pauci* is pejorative and rhetorical, it does not mean Sulla had few elite supporters. See Asc. 78C on the *nobiles* maintaining his acts, and Cic. *Verr*. 2.3.81 on everyone doing so.

claims that the enmities between both Lucullus and Pompey, and Pompey and Crassus, arose from the favour that Sulla showed to one of them.[994] After death, his funeral was secured by an elite faction that Appian calls οἱ Σύλλειοι,[995] and the dictator's connections outlived him, as his son Faustus was blessed with 'maximis opibus, cognatis, adfinibus, necessariis, clientibus plurimis'.[996]

4.i.c: Rewards

If 'optimate' politics cannot explain these elite alliances, what can? I argue that Sulla's most important means of co-optation was the financial and political rewards he could offer. These are enduring themes of Sullan scholarship. Sulla began confiscating land before he had even finished his victory,[997] and the *pecuniarum translatio*[998] of the proscriptions was so extensive that he could be said to have overseen 'a massive redistribution of wealth'[999] across Italy. This should not be understood as a social revolution. In many cases, the rich simply got richer.[1000] According to Plutarch, Sulla's explicit aim was to enrich his generals:

> ἐπεὶ τοίνυν ἐκράτησε τῆς Ἰταλίας ὁ Σύλλας καὶ δικτάτωρ ἀνηγορεύθη, τοὺς μὲν ἄλλους ἡγεμόνας καὶ στρατηγοὺς ἠμείβετο πλουσίους ποιῶν καὶ προάγων ἐπὶ ἀρχὰς καὶ χαριζόμενος ἀφθόνως καὶ προθύμως ὧν ἕκαστος ἐδεῖτο.[1001]

One mechanism to achieve this was through gift-giving. In his *Life of Sulla*, Plutarch states that his δωρεαί came from proscription sales.[1002] Sallust's Lepidus complains that the property of defeated citizens was treated as Cimbric booty, 'venum aut dono datam',[1003] and

[994] See Plut. *Luc*. 4 and *Crass*. 6.
[995] App. *BCiv*. 1.105.494; see Santangelo 2012b: 190.
[996] Cic. *Cluent*. 94; see Gruen 1971b: 57 and Marshall 1984: 219.
[997] App. *BCiv*. 1.89.407.
[998] Cic. *Off*. 1.43.
[999] Santangelo 2007: 102; see also Frank 1933: 57: he 'intended to redistribute the property of Italy at his pleasure'.
[1000] See Shatzman 1975: 40: 'many of Sulla's supporters had been persons of substantial means even before and the proscriptions enabled them to create larger estates', and Harvey 1975: 54, Jaczynowska 1962: 488, Hinard 1985a: 198.
[1001] Plut. *Pomp*. 9.
[1002] Plut. *Sull*. 33. See also Plut. *Comp. Lys. Sull*. 3 on his extravagant generosity.
[1003] Sall. *Hist*. 1.55.17. See also 1.49: venditis proscriptorum bonis aut dilargitis.

his Caesar says that there was no end to the slaughter 'quam Sulla omnis suos divitiis explevit'.[1004] Cicero uses the word *praemia* to describe Sulla's enrichment of Verres,[1005] as well as *liberalitas, gratificatio,* and the verb *dilargior* to refer to his general programme.[1006] Asconius considered him a very generous victor.[1007]

Sulla also encouraged his allies to take a more active role in the proscriptions. Again, Plutarch tells us that he wanted to enrich the elite, but this time less altruistically. He wanted to implicate others in his deeds. Crassus, for one, never tired of taking the bait.[1008] Lepidus alludes to the same phenomenon in his speech, claiming that taking part in the auctions was the only way to be safe in Sulla's Rome ('non me neque quemquam omnium satis tutum fuisse, si recte faceremus').[1009] Less nobly, there were bargains on offer. Cicero says that Chrysogonus bought Sex. Roscius senior's property from Sulla for two hundred thousand sesterces, when it was worth six million.[1010] Marius' villa at Baiae was sold to a Cornelia – probably Sulla's daughter from an earlier marriage[1011] – for seventy five thousand drachmas, and then, some time later, to Lucullus for two and a half million.[1012] Prices were likely depressed due to the upheaval, a fact that Cicero possibly alludes to in the *Pro Roscio Comoedo*.[1013] But Sulla also sweetened the deals personally. According to an anecdote in

[1004] Sall. *Cat*. 51.34.
[1005] Cic. *Verr*. 2.1.38. See also Sall. *Hist*. 1.55.16 on *praemia*.
[1006] Cic. *Off*. 1.43, *Mur*. 42, *Leg. Agr*. 2.81. *Leg. Agr*. 3.7 uses the verb *dare* too (as well as many others). Thus Thein 2018: 'for Sulla the logic of proscription was to cement his power by rewarding his friends and exacting vengeance on his enemies'.
[1007] Asc. 18C: munifico in socios victoriae. He presents Scaurus as unusual because he neither bought anything (neque ab hasta emerit), nor wanted anything to be given to him (nihil neque donari sibi voluerit).
[1008] Plut. *Crass*. 2: Ὅτε γὰρ Σύλλας ἑλὼν τὴν πόλιν ἐπώλει τὰς οὐσίας τῶν ἀνηρημένων ὑπ᾽ αὐτοῦ, λάφυρα καὶ νομίζων καὶ ὀνομάζων, καὶ βουλόμενος ὅτι πλείστοις καὶ κρατίστοις προσομόρξασθαι τὸ ἄγος, οὔτε λαμβάνων οὔτ᾽ ὠνούμενος ἀπεῖπε. See also ch.6 for Crassus' eager participation.
[1009] Sall. *Hist*. 1.55.18. Both Sulla, ventriloquised in that chapter, and Philippus (Sall. *Hist*. 1.77.15) accuse Lepidus of hypocrisy and greed (see also Plin. *HN*. 36.109 on him having the finest house in Rome), suggesting that Sulla's strategy of implicating others was plausible. See Crawford 1992: 151 and Santangelo 2007: 93.
[1010] Cic. *Rosc*. *Am*. 6. See also Plut. *Crass.* 6 on these 'prix dérisoires' (Hinard 1985a: 199).
[1011] See D'Arms 1968: 187 and Badian 1973: 121; on her *avaritia*, see Val. Max. 4.2.7.
[1012] Plut. *Mar*. 34.
[1013] Cic. *Rosc. Com*. 33 claims that prices were low ('cum iacerent pretia praediorum') at a time when land ownership was uncertain due to public upheaval ('tum enim propter rei publicae calamitates omnium possessiones erant incertae'). This seems to describe Sulla's era, which Cicero repeatedly describes as a *calamitas* (*Rosc. Am*. 14, *Caec*. 95, *Verr*. 2.1.43, *Font*. 42, *Cluent*. 161 (for a *proscriptus* specifically), *Mur*. 49,

Plutarch's synkrisis of the *Lives* of Sulla and Lysander, he tried to sell a large property to one of his friends at a knock-down price, and was angered by a surprise bidder frustrating him.[1014] There is also evidence that Sulla exempted his buyers from some payments. Though reconstruction is difficult, both Cicero and Sallust attest that there were sums owed to the treasury from individuals connected to Sulla (*emptores* in Sallust) that he forgave, and were subsequently reclaimed by a *senatus consultum*, and perhaps a law promulgated by Cn. Lentulus Clodianus.[1015] It seems as though proscription buyers did not even need to pay their discounted price in full.[1016] With all this wealth on offer, it is not surprising that 'the sources reveal again and again the figure of the enriched Sullan'.[1017]

Not all these figures were *nobiles.* Among the nouveau riche we find the infamous Chrysogonus, a freedman who lived like a king on the Palatine,[1018] Tarula and Scirtus, described by Sallust as *pessumi servorum*,[1019] and the centurion L. Luscius, who had killed some of the proscribed and was 'divesque e victoria factus'.[1020] However, the proscriptions were also an opportunity for Sulla to reward his elite civil war allies. Crassus, as we have seen, was an eager recipient. Curio, who had served with Sulla in Asia,[1021] may have bought up another of Marius' villas in Campania.[1022] Catiline, Sulla's φίλος τε καὶ στασιώτης καὶ ζηλωτὴς, took part in the proscriptions, though our sources suggest he revelled more in the

Cat. 3.24, *Fam*. 13.5.2).
[1014] Plut. *Comp. Lys. Sull*. 3.
[1015] See Cic. *Verr*. 2.3.81 for the *consultum*; Sall. *Hist*. 4.1 for the *lex*.
[1016] See Jaczynowska 1962: 487, Brunt 1971b: 303, Hinard 1985a: 187, Drummond 2000: 128.
[1017] Steel 2014b: 325.
[1018] Cic. *Rosc. Am*. 133. On lower status profiteers, see Tobin 2020: 65.
[1019] Sall. *Hist*. 1.55.21. See Syme 2016c: 114.
[1020] Asc. 90C.
[1021] Plut. *Sull.* 14.
[1022] In the fragmentary *in P. Clodium et Curionem*, Cicero alleges that Curio had desired a fellow Arpinate's baths in Baiae (fr. 20: Crawford 1994: 248), and a scholiast (see Stangl 1964: 89) alleges that this was a proscription sale: 'C. Curionem qui de proscribtione Syllana fundum emerat in Campania; qui C. Marii nuper fuerat'. See D'Arms 1968: 186, but as Badian 1973: 131 argues, the scholiast's testimony is hardly authoritative.

violence than the enrichment.[1023] In an interesting passage, Pliny says that the freedmen of Catulus, Lucullus, and Pompey, some of Sulla's closest allies, acquired wealth 'sanguine Quiritum et proscriptionum licentia'.[1024] They could well have been acting as buyers for their patrons, taking their own cut in the process. Other aristocrats outside the initial coalition also prospered, such as L. Domitius Ahenobarbus,[1025] P. Sulla,[1026] and the dictator's stepson M. Aemilius Scaurus, whose mother was labelled a *proscriptionum sectrix*.[1027] And despite the massive scale, some felt constrained by the formal procedure. Crassus, Catiline, and Rullus' father-in-law Valgus were all charged with adding fraudulent names to the lists, or to have used the chaos to steal land.[1028] Sulla's victory created a situation in which property rights were flexible. Vast tracts of land could and did change hands. As I argued earlier, this is incongruous with classic ideas of 'optimate' politics. Sulla's dictatorship fundamentally differed from the Republican political contexts that came before and after it. It was a time when an authoritarian and his allies could enjoy the literal spoils[1029] of victory. Sulla's eagerness to share these spoils both gratified and implicated the socio-political elite, who now had 'a tangible commitment to the maintenance of the new order'.[1030] This was vital to the elite collective action that supported the dictatorship.

Land was not the only spoil of victory, however. The political rewards that Sulla could offer his supporters were just as significant. Appian claims that he appointed 300 new senators.[1031] Santangelo has shown that, due to the wastage of the Social and civil wars, this

[1023] See App. *BCiv*. 2.2.4 and Asc. 84C. But as Cic. *Rosc. Am*. 80 says, violence and enrichment went hand in hand: 'nescimus per ista tempora eosdem fere sectores fuisse collorum et bonorum'.
[1024] Plin. *HN*. 35.200. See Santangelo 2007: 90, Mouritsen 2011: 101. Using a freedperson as an agent may have been a technique to avoid reputational risks; Cicero employed Philotimus in the auction for Milo's property, and Cic. *Att*. 5.8.3 says his own *fama* was a concern; see Lintott 1974: 78 and García Morcillo 2021: 74.
[1025] Cass. Dio 41.11.1: τῶν τε γὰρ Συλλείων ἐγεγόνει καὶ πολλὴν ἐκ τῆς δυναστείας ἐκείνης ἐκέκτητό.
[1026] Cic. *Off*. 2.29.
[1027] Plin. *HN*. 36.116.
[1028] See Plut. *Crass*. 6, *Sull*. 32, *Cic*. 10; Cic. *Leg. Agr*. 3.14, and Thein 2017: 236 on the 'the criminal profiteering of men from the highest ranks of the Sullan elite'.
[1029] I discuss Sulla's *praeda* in the next chapter.
[1030] Steel 2018: 229.
[1031] App. *BCiv*. 1.100.468.

probably meant a new membership of around 450.[1032] Our sources differ widely on the social status of Sulla's appointees. In one tradition, senators were appointed 'ex gregariis militibus',[1033] with the most noteworthy example being the 'unspeakable' Fufidius.[1034] Certainly there were some meteoric rises: Ateius Capito's grandfather had been a Sullan centurion, according to Tacitus, but his son became a praetor.[1035] On the other hand, there is a tradition that Sulla promoted the best of the equestrians (τοὺς τριακοσίους ἐκ τῶν ἀρίστων ἱππέων).[1036] There is not enough evidence left for us to judge between them.[1037] As has been generally recognised, the scale of Sulla's task in remaking the senate facilitated his patronage of the Roman elite. Of the new senators, 'none is likely to have been drawn from among his opponents',[1038] and, given the paucity of old senators, in the post-Sullan incarnation 'the majority would owe their position and allegiance to the dictator'.[1039] This allowed him to reward junior partisans. The condemnation from moralising ancient authors on these figures, which we also see with Caesar's equivalents,[1040] does not vitiate their importance to either Sulla's victory or his regime.

However, in the eyes of some scholars, it complicates the *causa nobilitatis*. As I mentioned earlier, there has been a struggle between the classic reception of Sulla and the idea that he 'democratizzò il Senato con l'immissione di cittadini di qualsiasi ceto'.[1041] According to Thein, 'the old senators will have resented this loss of exclusivity and

[1032] Santangelo 2006: 8. For the numbers of senatorial deaths in the 80s, see Eutr. 5.9 and Oros. 5.22.4.
[1033] Sall. *Cat*. 37. See also Dion. Hal. *Ant. Rom*. 5.77: βουλήν τε γὰρ ἐκ τῶν ἐπιτυχόντων ἀνθρώπων συνέστησε.
[1034] Syme 1939: 249 on Sall. *Hist*. 1.55.22; see also Oros. 5.21.3, where he is L. Fursidius, and a *primipilaris*. The MSS give various versions of his name, and it is unclear if he is related to, or the same person as, the ἄρχων of Baetica (Plut. *Sert*. 12) or the dedicatee of Aemilius Scaurus' memoirs (Cic. *Brut*. 112). For discussion, see Wiseman 1971: 232, Spann 1987b: 307, Konrad 1989: 122, Syme 2016d.
[1035] Tac. *Ann*. 3.75: sed avo centurione Sullano, patre praetorio.
[1036] App. *BCiv*. 1.100.468. See also 1.59.268 and Livy *Per*. 89: senatum ex equestri ordine supplevit.
[1037] See Santangelo 2006: 15 and 2014: 3 on the futility of prosopographic approaches to this problem.
[1038] Steel 2013a: 128.
[1039] Scullard 1982: 81.
[1040] See Syme 1938 and 1939: 78 for the evidence on his 'ghastly and disgusting rabble'.
[1041] Evola Marino 1974: 164,

prestige'.[1042] Some of those committed to the 'optimate' view have simply disbelieved Sulla's low status senators.[1043] But the problem is almost entirely caused by this 'optimate' lens. Sulla was motivated to expand the senate to reward the broad base of his supporters. And for his more aristocratic allies, there were better prizes on offer. An expanded senate could be seen to have *increased* the relative status of the magistrates at the very top of it. Steel has convincingly argued that 'the Sullan Senate bifurcated, with a prestigious inner circle of those who held or would hold high office, and a penumbra of those who did not'.[1044] Many have noticed that the highest magistrates after Sulla were more likely to be *nobiles*, with a 'remarkable resurgence of patrician consuls'[1045] and a lower 'proportion of *novi*'.[1046] No less well represented are Sulla's civil war allies: Dolabella in 81, Metellus in 80, Ap. Claudius and Servilius Vatia[1047] in 79, Catulus in 78, Mam. Lepidus in 77, Curio in 76, Cotta in 75, L. Lucullus in 74 and M. Lucullus in 73, and Crassus and Pompey together in 70. This was the *victoria nobilitatis*, and it paid a serious political dividend. Most of these consulships come after Sulla's death, but while he was alive he eagerly supported Catulus for 78, and was ostentatiously grateful for Metellus' cooperation as a colleague in 80.[1048] If Sulla's allies could expect his support in securing the prestigious magistracies, they could have found it easier to hold their noses at a larger senate. Sulla also allowed others to triumph during the dictatorship. Murena,[1049] C. Flaccus,[1050] and, Pompey[1051] were all celebrated in 'a renewal of

[1042] Thein 2002: 174. See also Hawthorn 1962: 55 ('there is almost nothing you can do to an exclusive and aristocratic body which is worse than flooding it with new members') and Steel 2014a: 666.
[1043] Hill 1932: 171: 'it is almost universally agreed that he intended the Senate to be the governing body of the state. If so he would hardly allow it to be polluted by the addition of unworthy members'. The *lectio* of 70, in which sixty four senators were removed from the roll (Livy *Per*. 98) is often cited as evidence for these 'unworthy members' (see Twyman 1972: 861, Thein 2002: 175, Steel 2014b: 336). However, the exclusion of those senators need not be related to their social status at all. Even very high status senators, like the patrician P. Cornelius Lentulus Sura, could be expelled for misbehaviour (Plut. *Cic*. 17).
[1044] Steel 2014b: 328. Hillard 2019: 324 has called the senate of 70 'seriously wanting in *auctoritas*'.
[1045] Badian 1990: 412.
[1046] Brunt 1982: 9.
[1047] Assuming he is one of the Servilii mentioned by Vell. Pat. 2.28, which is uncertain.
[1048] Plut. *Sull*. 34 and 6.
[1049] Cic. *Leg. Man*. 8; Badian 1968b: 33 called it 'totally undeserved'.
[1050] Gran. Licin. 36.5.
[1051] Plut. *Pomp*. 14.

Rome's conquering tradition'.[1052] This was a sizeable carrot that the regime could offer supporters. I argue that, though the manner of distributing these honours changed under Sulla's dictatorship, their importance to the Roman elite did not. Consulships and triumphs continued to be valued, and they were potent options in Sulla's toolkit of co-optation.[1053]

4.i.d: Costs of co-optation

Sulla's elite allies, though they should not be imagined as an 'optimate' collective, were real enough. Thus 'it is not entirely illegitimate to speak of *Sullanus* and *Sullani* in discussions of political history'.[1054] This 'heterogeneous group'[1055] allowed Sulla the resources, above all the soldiers and the political capital, to start his regime. In return, Sulla had to offer them something. I have called this *quid pro quo* co-optation, and argued that Sulla's most important bargaining chips were restoration and reconciliation before victory, and rewards after. Some scholars[1056] have recognised this bilateral negotiation of power, but, as Thein notes, 'it is still the norm to assume that all were united during Sulla's dictatorship, and to think that this was a period in which Sulla acted as an all-powerful autocrat'.[1057] This is inconsistent with his documented need for allies, and the ways in which they strengthened his standing. But elite co-optation was not costless for Sulla. A fragment from Cassius Dio reveals some of the downsides. He says that Sulla entrusted an unproven general with an army, despite having more capable subordinates to hand, because in his hour of victory he

[1052] Thein 2002: 222.
[1053] We can observe this in Caesar's dictatorship, in the tradition that Brutus and Cassius rivalled over the urban praetorship: Plut. *Brut.* 7.
[1054] Santangelo 2012b: 191. His supporters might have been identified with terms similar to 'optimates' (see Cic. *Leg. Agr*. 3.13 attacking Valgus as a Sullan and a 'vir multum bonus'), and may even have identified themselves as such (though there is no evidence), but the concept, as contemporary historians use it, cannot help us understand their politics.
[1055] Thein 2019: 86.
[1056] See Paterson 1985: 25: 'what Sulla realised, but Caesar did not, was that the men who joined him did so not for his benefit but for their own' and Hinard 2008: 60: 'on ne peut pas raisonner comme s'il avait exercé réellement un pouvoir absolu: il lui était nécessaire de composer aussi bien avec ses propres partisans qu'avec ceux qu'il désirait se rallier'.
[1057] Thein 2019: 86.

preferred to trust in οἱ κακίστοι. This was because they would be more servile, whereas virtuous men would challenge his plans and expect rewards for their service:

> αἴτιον δὲ ὅτι τοὺς μὲν τοιούτους πρὸς πάντα αὐτῷ καὶ τὰ χείριστα ἑτοίμους ὄντας ὑπουργεῖν ἑώρα, καὶ χάριν τε ἑαυτῷ πλείστην κἂν ἐλαχίστου τινὸς τύχωσιν ὀφειλήσειν, καὶ μήθ᾽ ὑπερφρονήσειν ποτὲ μήτε τῶν ἔργων ἢ τῶν βουλευμάτων ἀντιποιήσεσθαι ἐνόμιζεν, τὸ δ᾽ ἀρετὴν ἔχον οὔτε συγκακουργεῖν οἱ ἐθελήσειν, ἀλλὰ καὶ ἑαυτῷ ἐπιτιμήσειν, καὶ τὰ γέρα τῶν εὐεργετημάτων κατ᾽ ἀξίαν ἀπαιτήσειν, καὶ μηδεμίαν χάριν ἐπ᾽ αὐτοῖς ἅτε καὶ ὀφειλόμενά σφισι ἀπολαμβάνοντας ἕξειν, τάς τε πράξεις καὶ τὰς συμβουλίας ὡς καὶ ἑαυτῶν οὔσας προσποιήσεσθαι.[1058]

We should not accept Dio's editorialising here. As I have shown, Sulla was willing to reward his supporters, and not just with ἐλάχιστος τις. He did not ignore the experienced (οἱ ἔχων καὶ ἐμπειρίᾳ καὶ πράξει προφέροντας) after victory. Metellus and Flaccus, two of the most eminent elites left in Rome, were important players in the dictatorship. But we should take seriously the notion that allies would demand rewards according to their value (τὰ γέρα τῶν εὐεργετημάτων κατ᾽ ἀξίαν ἀπαιτήσειν).

We see this most clearly with Pompey. The young 'Sullan "optimas"'[1059] was a boon to the war effort. He came to Sulla with three legions of volunteers that he had recruited in Picenum.[1060] According to Plutarch, he did not deign to come empty handed, but brought soldiers with him so that he might earn χάρις.[1061] He was manifestly successful. The sources agree that Pompey's generalship and troops were vital to Sulla's eventual victory. Cicero

[1058] Cass. Dio 30-35.108.2.
[1059] Mouritsen 2017: 127 (without endorsement); see also Gruen 1969: 77, Twyman 1972: 826, Seager 1979: 13, Marshall 1984: 201, Hillman 1990: 454, Hurlet 2010: 112.
[1060] See Livy *Per*. 85.
[1061] Plut. *Pomp*. 6. App. *BCiv*. 1.80.366 offers an alternative explanation, that Pompey came with soldiers to prove his goodwill, as his father Pompeius Strabo had been believed to be hostile to Sulla.

said this in both the *Pro Lege Manilia* and the fifth Philippic, albeit with vastly different assessments of the worthiness of Pompey's cause:

> testis est Italia, quam ille ipse victor L. Sulla huius virtute et subsidio confessus est liberata.
>
> et Pompeius ad L. Sullae maximum imperium victoremque exercitum accessit … illius opibus Sulla regnavit.[1062]

The former passage, in which Sulla hails Pompey as liberator of Italy, is consistent with many other occasions when the dictator extravagantly praised his protégé. Pompey was supposedly beloved by Sulla.[1063] He treated him as a second-in-command,[1064] honoured him by standing to greet him and descending from his horse,[1065] and unexpectedly saluted him as *imperator*.[1066] There is a tradition in Plutarch that Sulla was so eager to honour Pompey that he was the first to address him as *Magnus*.[1067] According to Valerius Maximus, Sulla as dictator spoke at a *contio* where he justified his treatment of the young man:

> dictator enim privato etiam Pompeio et caput adaperuit et sella adsurrexit et equo descendit eaque se libenter facere in contione praedicavit, memor ab eo duo de xx annos nato partes suas exercitu paterno adiutas. multa insignia Pompeio, sed nescio an hoc quicquam admirabilius contigerit, quod magnitudine beneficii sui oblivisci Sullam coegit.[1068]

The anecdote highlights just how important allies could be in Sullan politics. Sulla sought to strengthen this alliance (βουλόμενος οἰκειώσασθαι) by marrying Pompey to his stepdaughter

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[1062] Cic. *Leg. Man*. 30 and *Phil*. 5.44.
[1063] [Aur. Vict.] *De vir. ill.* 77.1: ab eo maxime diligeretur.
[1064] Eutr. 5.8: secundus a Sulla haberetur.
[1065] See App. *BCiv*. 1.80.367, Plut. *Pomp*. 8, Val. Max. 5.2.9.
[1066] Plut. *Pomp*. 8.
[1067] See Plut. *Pomp*. 13, *Sert*. 18. The same chapter of the *Pompey* mentions the other tradition, that the army first called him this in Africa.
[1068] Val. Max. 5.2.9.

Aemilia.[1069] Plutarch thought that the marriage was indicative of Sulla's tyranny,[1070] but it was more of a sign of how much he needed Pompey, rather than the other way around. There are hints of other arranged marriage attempts as well, suggesting that Sulla may have used it as a mechanism to gain support.[1071] In return for these compliments and honours, Pompey was a loyal associate. Indeed, Sulla's pupil[1072] was often seen as too loyal. He was condemned for his willingness to murder Carbo under orders,[1073] and, in a poetic flourish, Lucan's Caesar accused him of licking Sulla's sword: 'Sullanum solito tibi lambere ferrum'.[1074]

But Pompey was not just an obedient pupil. He was a charismatic victor in his own right, who had a significant degree of power with respect to Sulla. We can see this in the negotiation for Pompey's triumph. In Plutarch's version of the story, Pompey had been fighting in Africa against Cn. Domitius Ahenobarbus. Sulla ordered him to remain there until his successor arrived, and to send his troops home. His mutinous troops told him not to trust the tyrant (οὐδὲ εἴων πιστεύειν τῷ τυράννῳ), and they returned home together.[1075] According to Plutarch, the soldiers forced his hand, but the episode has often been seen an instance of Pompey's infamous *dissimulatio*.[1076] Shortly after his return, he asked for, and received, a triumph. It was a remarkable honour. Our sources cannot agree on Pompey's age,[1077] but he was very young – beardless according to Plutarch[1078] – and not even a senator. Cicero says

[1069] Plut. *Sull*. 33.
[1070] Plut. *Pomp*. 9: ἦν οὖν τυραννικὰ τὰ τὸν γάμου καὶ τοῖς Σύλλα καιροῖς μᾶλλον ἢ τοῖς Πομπηΐου τρόποις πρέποντα.
[1071] Vell. Pat. 2.41 claims that M. Piso divorced Annia, Cinna's widow, for the sake of Sulla' *gratia*, and Ridley 2000: 219 has speculated that Sulla wanted Caesar to divorce Cornelia (Plut. *Caes*. 1, Suet. *Iul*. 1) so that he might marry him to one of his relatives.
[1072] Plut. *Sert*. 18: τὸν Σύλλα μαθητὴν. See also Luc. 1.326.
[1073] Val. Max. 5.3.5: tam ingrato facto plus L. Sullae viribus quam propriae indulsisti verecundiae.
[1074] Luc. 1.330.
[1075] Plut. *Pomp*. 13. See Hillman 1997.
[1076] Badian 1955: 115: 'the famous comedy in which Pompey is "forced" by his army into defying Sulla'. For his *dissimulatio* more generally, see Plut. *Pomp*. 30 and Vervaet 2010.
[1077] For discussion, see Badian 1955, 1961; Smith 1960: 2, Twyman 1979, Keaveney 1982b: 131.
[1078] Plut. *Sert*. 18: οὔπω γενειῶν ἔτυχεν.

this was unheard of: 'quid vero tam inauditum quam equitem Romanum triumphare?'[1079] It was so extraordinary that Sulla initially refused the request, citing the law, Scipio's precedent, and, perhaps most importantly, the reputation of Sulla's ἀρχή.[1080] Sulla promised to oppose Pompey if he did not heed his rebuke (ἐνστησόμενος αὐτῷ καὶ κωλύσων τὸ φιλόνεικον ἀπειθοῦντος), but the dictator eventually backed down, supposedly after Pompey reminded him that more people worshipped a rising than a setting sun (ἐννοεῖν ἐκέλευσε τὸν Σύλλαν ὅτι τὸν ἥλιον ἀνατέλλοντα πλείονες ἢ δυόμενον προσκυνοῦσιν).[1081] This melodrama, it must be said, only appears in Plutarch. In Appian, Sulla grants the triumph apparently willingly,[1082] and the historians in the Livian tradition only mention Pompey's unusual age.[1083] Nevertheless, I argue that, regardless of its historicity, it touches on power dynamics that were germane to Sulla's dictatorship. Pompey's rejoinder to Sulla illustrates the fact that those who materially contributed to the genesis of the regime retained leverage to extract spoils from it.[1084] We should not forget that there was more than one sun in Roman politics at this time. Sulla was said to have been irked by Pompey's ascendancy, but was too ashamed to do anything about it.[1085]

There is more evidence for 'internal dissent and opposition to Sulla'.[1086] Murena, like Pompey, had his heart set on a triumph (ἐπιθυμία θριάμβου),[1087] and he ignored Sulla's orders

[1079] Cic. *Leg. Man*. 61.
[1080] Plut. *Pomp*. 14.
[1081] Plut. *Pomp*. 14.
[1082] App. *BCiv*. 1.80.368.
[1083] Livy *Per*. 89, Eutr. 5.9, Gran. Licin. 36.2, [Aur. Vict.] *De vir. ill.* 77. Most have accepted, however, that 'Sulla was undoubtedly angry at having to concede Pompey a triumph' Keaveney 2003: 92; see also Twyman 1979: 188, Hölscher 2004: 83, Thein 2019: 85.
[1084] See Cic. *Fam*. 4.9.3: multa enim victori eorum arbitrio, per quos vicit, etiam invito facienda sunt; and Cicero's highly tendentious, but not wholly unrealistic, reconstruction of Antony's thoughts about Caesar at *Phil*. 2.72: 'an sine me ille vicit?... quorum facinus est commune, cur non sit eorum praeda communis?'
[1085] Plut. *Pomp*. 15: Σύλλας δὲ ἠνιᾶτο μὲν ὁρῶν εἰς ὅσον δόξης πρόεισι καί δυνάμεως, αἰσχυνόμενος δὲ κωλύειν ἡσυχίαν ἦγε.
[1086] Thein 2019: 87.
[1087] App. *Mith*. 64.265.

to continue the settling of Asia and to respect the treaty of Dardanus.[1088] This disobedience did not cost Murena; he triumphed anyway.[1089] Lentulus earned his additional *cognomen* by showing his calf (*sura*) to Sulla, in an ostentatious refusal to account for his wayward public spending.[1090] There is no mention of the irreverent young quaestor being punished at all. This is not our familiar image of Sulla's 'unlimited power as dictator'.[1091] Though I have described Sulla's position as authoritarian, it was not so absolute that he could ignore the wishes of his elite allies, or be able to always use his vast coercive powers against them. Sometimes he retaliated, such as when he reduced the number of Pompey's soldiers,[1092] cut ties with Crassus for abusing the proscription process,[1093] or tried to (but seemingly could not) restrict Dolabella's naval command.[1094] And at other times, he repressed extremely harshly, as we can see from the 'dramatically orchestrated destruction of Ofella'.[1095] But this stick should not obscure all the evidence for carrots. There were political and financial rewards to be negotiated for, and in several different negotiations, Sulla backed down. This fact should guide us to a more balanced interpretation of Sulla's relationship with his allies, and consequently his political standing. A despotic, quasi-totalitarian Sulla has appeared in recent scholarship, whose 'near absolute powers'[1096] were guaranteed by a 'permanent atmosphere of terror and fear'.[1097] This view does not sufficiently account for the agency of other stakeholders in Sulla's regime, who, as I have tried to show, needed to be co-opted, not just repressed. Sulla could not simply dictate terms to Pompey, Metellus, or others with considerable levels of influence. His power was by no means absolute.

[1088] See App. *Mith*. 64.269 and Sherwin-White 1983: 151: 'his own man showed a notable disregard for Sulla's policy'.
[1089] Cic. *Leg*. *Man*. 8.
[1090] Plut. *Cic*. 17.
[1091] Stein-Hölkeskamp 2015: 214.
[1092] Plut. *Comp*. *Lys*. *Sull*. 2: Σύλλας δὲ καὶ Πομπηΐου περιέκοψε τὸ στρατιωτικὸν φθονήσας.
[1093] Plut. *Crass*. 6: δι᾽ ὃ καὶ Σύλλαν καταγνόντα πρὸς μηθὲν ἔτι χρῆσθαι δημόσιον αὐτῷ.
[1094] Plut. *Comp*. *Lys*. *Sull*. 2: Δολοβέλλα τὴν ναυαρχίαν ἐπεχείρησε δοὺς ἀφελέσθαι. For reconstruction of which Dolabella, and which naval command, see Gruen 1966, Brennan 2000: 572, and Thein 2019.
[1095] Vervaet 2018: 76.
[1096] Eckert and Thein 2019: 7.
[1097] Eckert 2016a: 137.

The corresponding Charybdis to avoid is Carcopino's thesis that Sulla had so little power that he could be removed by a faction of elites.[1098] More recently, Thein argued that he should be considered a 'weak tyrant'. His article focuses on the obstacles that Sulla faced as dictator. In my opinion, he significantly overstates the case by saying that 'the politics of the Sullan period did not revolve around Sulla'.[1099] Sulla's regime, which was established by a comprehensive civil war victory, oversaw widespread constitutional reform, and allowed personal discretion over colonisation, foreign policy, and the lives and possessions of Roman citizens, did not, as Thein claims, 'entail politics as usual'.[1100] Cicero makes clear that it was a very different situation indeed.[1101] But, as has been observed in so many authoritarian regimes, 'nobody is powerful enough to rule without backing from a coalition'.[1102] Sulla's relationship with his coalition was complex. Plutarch tells us that he had a reputation for fawning over those he needed, and acting superior to those he did not.[1103] He could also have them killed – an aspect to which I shall turn fully in the next chapter. However, Sulla managed to coordinate a significant degree of elite collective action without resorting to violence. He attracted supporters by restoring exiles, promising reconciliation, and welcoming turncoats. He rewarded allies with gifts and cheap sales of land, and supported the distribution of magistracies and triumphs. On occasion, elites tried to negotiate for more rewards than Sulla had initially allocated, and we can see this tension with the stories of

[1098] See chapter 1.
[1099] Thein 2006: 247.
[1100] Thein 2006: 247. Afzelius 1942: 215 similarly distorts the level of influence Sulla's elite allies had: 'Die Optimaten konnten eine Regierung ohne Sulla bilden; Sulla dagegen konnte ohne die Optimaten nich regieren'.
[1101] Cic. *Verr*. 2.3.81: unus adhuc fuit post Romam conditam – di immortales faxint, ne sit alter! – cui res publica totam se traderet temporibus et malis coacta domesticis, L. Sulla.
[1102] Tanneberg 2020: 12. Roman historians in the twentieth century focused on these elite groupings to a fault, but Syme 1939: 7 was still right to say 'however talented and powerful in himself, the Roman statesman cannot stand alone, without allies, without a following'. The problem with the prosopographical approach lies in the unwarranted assumptions about how that following worked.
[1103] Plut. *Sull*. 6: θεραπεύειν ὧν δέοιτο, θρύπτεσθαι πρὸς τοὺς δεομένους.

Afella and Pompey. But the broad stability of Sulla's regime, his peaceful retirement, and legitimising funeral, all indicate that his elite co-optation was mostly successful.

4.ii: Sulla and his army

Sulla's elite allies would have been impotent without the soldiers who followed them. Sulla knew this, and did not shrink from writing to the senate that he had a well-disposed army (στρατὸν ἔχων εὔνουν).[1104] This phenomenon has traditionally been considered a watershed in the history of the first century BC. Starting in 88, 'Sulla politicised the army',[1105] as it was 'pour la première fois, l'armée qui devient l'instrument qui permet de conquérir le pouvoir'.[1106] This precedent was ruinous for Republican political culture, the breakdown of which meant that 'soldiers replaced citizens as the arbiters of power'.[1107] In conventional narratives, Marius opened the door by recruiting the *capite censi*. Sulla then offered these indigent troops rewards in return for their unquestioning loyalty.[1108] Loyalty to their commander, not the state, made the sacrilege of marching on Rome possible. Sulla is supposed to have capitalised on the fact that 'the soldiers came now from classes which did not entertain sincere and clearly defined political views'[1109] – the presence of which might have obstructed the aforementioned sacrilege. Thus, in Levick's words, 'he is unanimously admitted by ancients and moderns alike to be the first master of the client army'.[1110] The schematism of this picture has been challenged. Such a decisive extent of proletarianisation within the army no longer seems tenable.[1111] But our understanding of Sulla's troops and

[1104] App. *BCiv*. 1.79.361. See also *Mith*. 51.204: τὸν στρατὸν ἔχων εὐπειθῆ καὶ πρόθυμον.
[1105] Keaveney 2007: 54.
[1106] Nicolet 1982: 77.
[1107] Steel 2013a: 122. See also Brunt 1971a: 8: 'the course of the revolution in which the Republic fell was decided by the soldiers'.
[1108] See Santangelo 2007: 134: 'rewarding the soldiers with land was an inevitable consequence of the proletarisation of the army that had become an established reality since the end of the second century BC'.
[1109] Gabba 1976: 33. See also von Premerstein 1937: 25: 'bei den ihnen folgenden Massen war die Rücksichtnahme auf die alte *res publica* völlig abhanden gekommen'.
[1110] Levick 1982: 505. See also Badian 1962a: 228, Volkmann 1969: 14, Spann 1987a: 28, Burckhardt 1988: 19, Morstein-Marx 2011: 260, Eckert and Thein 2019: 1, Brice 2019: 265.
[1111] See, definitively, Cadiou 2018. As Rich 1983: 328 argues, recruiting for the Social and civil wars must have used *proletarii*, but not to the degree, nor to the effect, that the conventional narrative supposed.

their loyalty to their commander has not progressed much beyond the client army analysis. We still hear that 'greed was the main motivation for his legionaries'.[1112] They committed to Sulla in 88 in order to 'enrich themselves in the gorgeous East',[1113] or 'la richesse légendaire de l'Asie'.[1114] Though this is the main thrust of scholarship, Morstein-Marx has recently argued that Sulla's army was also motivated by the outrage he claimed to have suffered at the hands of Marius and Sulpicius. This view puts legitimacy back on to the table, as it is possible that 'the average centurion and the men under his command could have convinced themselves that Sulla's cause was in fact the legitimate one'.[1115] Although this interpretation is not without its own problems, it has the virtue of treating Sulla's soldiers as agents to be persuaded,[1116] not just pawns to be mobilised, who had 'nothing to hope for but booty'.[1117] Indeed, the simplicity of the motivations attributed to client armies has rightly fallen out of favour in more recent work, where it is argued that 'the Roman armies in the late Republic were complex organizations, consisting of men with material interests, individual convictions, overlapping collective loyalties, and a diverse set of agendas'.[1118] Soldiers need not always obey, and they can hardly be compelled to do so, because they are the agents of compulsion. As David Hume put it:

> 'The soldan of Egypt, or the emperor of Rome, might drive his harmless subjects, like brute beasts, against their sentiments and inclination: But he must, at least, have led his mamalukes, or praetorian bands, like men, by their opinion'.[1119]

[1112] Cagniart 2007: 82.
[1113] de Blois 2007: 171.
[1114] Hinard 1985b: 65.
[1115] Morstein-Marx 2011: 272.
[1116] See also de Blois 2007: 172: 'Sulla's army was not a slavishly obedient retinue. Sulla had to persuade them'.
[1117] Badian 1970a: 15.
[1118] Santangelo 2016a: 79.
[1119] Hume 1994: 16.

The opinion of Sulla's soldiers is the focus of this section. I will look at his means of securing their loyalty from 88 until his death, focusing on his personal relationship with his troops, the rewards he could offer them, and his discourse on his own legitimacy.

4.ii.a: Personal relationship

Sulla's early life is shrouded in mystery; he first appears in our sources as Marius' quaestor in Africa. He is introduced by Sallust as the consummate military man:

> igitur Sulla, uti supra dictum est, postquam in Africam atque in castra Mari cum equitatu venit, rudis antea et ignarus belli, sollertissumus omnium in paucis tempestatibus factus est. Ad hoc milites benigne appellare, multis rogantibus, aliis per se ipse dare beneficia, invitus accipere, sed ea properantius quam aes mutuum reddere, ipse ab nullo repetere, magis id laborare, ut illi quam plurimi deberent, ioca atque seria cum humillimis agere, in operibus, in agmine atque ad vigilias multus adesse, neque interim, quod prava ambitio solet, consulis aut cuiusquam boni famam laedere, tantummodo neque consilio neque manu priorem alium pati, plerosque antevenire. Quibus rebus et artibus brevi Mario militibusque carissimus factus.[1120]

This rhetorical portrait may well be indebted to Sulla's *Memoirs*, and the plausibility of his previous inexperience ('rudis antea et ignarus belli') has been doubted.[1121] But the passage, even if it is embellished, is still useful. It shows how Sulla might have crafted a pose as a favourite of the soldiers ('militibusque carissimus'), which, I argue, was important for securing their loyalty. The elements of the pose here – being a good soldier ('sollertissumus omnium'), treating the rank and file kindly ('milites benigne appellare'), giving favours but not receiving them ('aliis per se ipse dare beneficia, invitus accipere'), sharing in communal

[1120] Sall. *Iug*. 96. On this passage, see Scholz 2003: 184 and Santangelo 2019: 112.
[1121] See especially Ridley 2010.

labours ('in operibus, in agmine atque ad vigilias multus adesse') – also appear in the rest of our evidence. Taking his own soldiery first, he distinguished himself several times in battle. He routed the enemy at Cirta,[1122] fought in the thick of it at Vercellae,[1123] and rallied his men in 88 with his own bravery.[1124] When he saw his infantry giving way at Orchomenus, he descended from his horse, seized a standard for himself, and charged towards the enemy, shaming his men into following him.[1125] Most famously, he won the *corona graminea* during the Social War, and had the scene painted for his villa.[1126] The importance of the honour can be seen in Sulla's extravagant advertisement of it. It was the only military award, according to Pliny, that the soldiers gave to the general, rather than the other way around: 'ceteras imperatores dedere, hanc solam miles imperatori'. The entire army[1127] exalted Sulla for saving their lives. The charismatic nature of his actions and their recognition show how Sulla's skill as a soldier helped build his relationship with his troops. I argue that this relationship contributed to his ability to secure the 'personal loyalty of the soldiers'[1128] – a truism that scholarship has observed, albeit with too narrow a focus on the mercenary motivations at play. The quality of leadership mattered too. Plutarch tells us that Octavius' troops tried to abandon him in 87 for Metellus Pius for exactly this reason, that the latter was στρατηγικώτερος.[1129] We should imagine that Sulla was easier to follow, in constitutionally difficult situations, because of his reputation as a brave soldier and a good general.[1130]

[1122] Sall. *Iug*. 101.
[1123] Plut. *Mar*. 26.
[1124] App. *BCiv*. 1.58.260.
[1125] Plut. *Sull*. 21; See also App. *Mith*. 49.195.
[1126] Plin. *HN*. 22.12: scripsit et Sulla dictator ab exercitu se quoque donatum apud Nolam legatum bello Marsico, idque etiam in villa sua Tusculana, quae fuit postea Ciceronis, pinxit.
[1127] Plin. *HN*. 22.7: ab universo exercitu. See Maxfield 1981: 69, and Morstein-Marx 2011: 272, Assenmaker 2014: 191 on its importance to Sulla's image.
[1128] Brunt 1971b: 301.
[1129] Plut. *Mar*. 42. On this phenomenon more generally, see Brice 2019: 261.
[1130] See chapter 3 for Sulla aggrandising his generalship and being *fortis*.

Sallust also tells us that Sulla spoke kindly to his troops: ‘ad hoc milites benigne appellare’. Plutarch goes further, using the verb θεραπεύω to describe how he treated his Social War army, after refusing to punish them for killing his legate A. Postumius Albinus.[1131] Our sources are full of examples of Sulla ingratiating himself with his soldiers by treating them well, and enforcing lax discipline. He singled out individuals for honour, such as the military tribune Basillus who was the first to breach Archelaus’ camp after Orchomenus,[1132] and M. Ateius, mentioned in the *Memoirs*, who was the first to scale the wall of Athens.[1133] He patiently defended the peace of Dardanus to his indignant men,[1134] and listened to them at Sacriportus when they said they were too weary to fight.[1135] He shared in their labours, as Sallust noted (‘in operibus, in agmine atque ad vigilias multus adesse’), during the siege of Piraeus, when Appian tells us he was constantly relieving and encouraging those who were battering down the walls.[1136] He was generous, but unwilling to receive favours (‘aliis per se ipse dare beneficia, invitus accipere’) when he landed in Italy, where he refused their offer of money (οὐ μὴν ἐδέξατο τὴν ἀπαρχὴν ὁ Σύλλας).[1137] But he was most indulgent when it came to pardoning their offences. In addition to Albinus in 89, mentioned above, his soldiers stoned to death the military tribunes that Sulpicius had sent to Nola in 88.[1138] Shortly after, when Sulla had taken back control of the army, his soldiers again assaulted the praetors, M. Iunius Brutus and an unknown Servilius, who had been sent to check Sulla’s advance.[1139] Sulla did nothing again. This was the third instance of violent insubordination from his soldiers, in less than a year, that was met with impunity. In

[1131] Plut. *Sull*. 6: ἐθεράπευε τὴν ὑφ᾽ ἑαυτῷ στρατιάν. For Albinus’ fate, see also Livy *Per*. 75, Val. Max. 9.8.3, Oros. 5.18.22, Polyaen. *Strat*. 8.9.1. See Chrissanthos 2004: 350, Brice 2019: 253.
[1132] App. *Mith*. 51.203.
[1133] Plut. *Sull*. 14. For similar praise, see Caesar on L. Vorenus and T. Pullo at Caes. *BCiv*. 5.44.
[1134] Plut. *Sull*. 24; see Kallet-Marx 1995: 262.
[1135] Plut. *Sull*. 28.
[1136] App. *Mith*. 40.154: ὁρμῇ δ᾽ ἀπαύστῳ καὶ στρατοῦ μεταβολῇ πυκνῇ χρώμενος, καὶ περιθέων αὐτούς, καὶ παρακαλῶν ἐπὶ τὸ ἔργον ὡς ἐν τῷδε ἔτι λοιπῷ τῆς ὅλης ἐλπίδος καὶ κέρδους τῶν προπεπονημένων ὄντος.
[1137] Plut. *Sull*. 27.
[1138] Plut. *Sull*. 9: καὶ τῶν στρατιωτῶν, ὡς ἐπύθοντο ταῦτα, καταλευσάντων τοὺς χιλιάρχους. See also Plut. *Mar*. 35. Val. Max. 9.7.mil.rom.1 identifies a Gratidius, not a tribune but a *legatus*, who suffered this fate.
[1139] Plut. *Sull*. 9.

Levick's words, he was allowing them 'literally to get away with murder if only he could secure their loyalty to himself'.[1140] He 'pampered his army'.[1141] His actions befitted his predicament. He had been stripped of his command by Sulpicius' law, and, during his absence in 87, was declared a *hostis*.[1142] The legality of Sulla's *imperium*, or his right to expect the obedience of his soldiers, was challenged, and those soldiers received instruction from other agents of the Roman state. As we have seen, they did not recognise the validity of that instruction, when they enthusiastically and violently expressed their support for Sulla. But their defection was always on the table. It thus made no sense for Sulla to treat them badly, or punish them harshly.[1143] The laxity of Sulla's discipline, which appears striking when we consider how frequently his soldiers dispensed their own rough justice, contributed to his image of affability that made it easier for him to command the loyalty of his troops.

4.ii.b: Rewards

The obedience of Sulla's soldiers, I have argued, was facilitated by his good relationship with them. He built up a persona as a great general, brave warrior, kind superior, and lenient disciplinarian. These traits helped inspire men to follow him, even when they were ordered not to. This relationship has been underappreciated in scholarship that has prioritised the 'mercenary' motivations of Sulla's soldiers, as described by Appian on the events of 88:

> καὶ τόνδε τῆς ἐπὶ τὸν Μιθριδάτην στρατείας ὀρεγόμενόν τε ὡς ἐπικερδοῦς καὶ νομίζοντα Μάριον ἐς αὐτὴν ἑτέρους καταλέξειν ἀνθ' ἑαυτῶν.[1144]

Though this is not the whole picture, however, it is clearly a significant part. The Mithridatic War was ἐπικερδής, and following Sulla could be lucrative. As a general, he was notoriously

[1140] Levick 1982: 505.
[1141] Bispham 2018: 18.
[1142] App. *BCiv*. 1.73.340.
[1143] Sulla's forgiving nature also included his removal of the ἀτιμία of a group of his soldiers when they withstood Archelaus' attack, during the siege of Piraeus; see App. *Mith*. 32.129.
[1144] App. *BCiv*. 1.57.250.

liberal with plunder, which was the primary means for soldiers to enrich themselves. He looted Aeclanum during the Social War in 89, even though the inhabitants had surrendered, excusing his conduct by saying that the surrender was not willing, but forced.[1145] In the East, he let his soldiers plunder Athens,[1146] and in some down time (τὴν ἐν τοσῷδε ἀργίαν διατιθέμενος) before meeting Mithridates at Dardanus, he ravaged the lands bordering Macedonia, with the aim of exercising and, crucially, enriching, his troops: καὶ τὸν στρατὸν ἐγύμναζε, καὶ ἐχρηματίζετο ὁμοῦ.[1147] When he came to settle the affairs of Asia, he distributed his army among the communities he was not rewarding (ἐς δὲ τὰ λοιπὰ πάντα στρατιὰν περιέπεμπεν) with an order to return those who had been freed by Mithridates to their previous enslavement. According to Appian, many cities did not obey, and they were plundered accordingly: καὶ συχνὰ τῆς Ἀσίας ἠνδραποδίζετο καὶ διηρπάζετο.[1148] Sulla's generosity towards his troops has been frequently acknowledged.[1149] Indeed, it was so proverbial among the ancients that it has been described as 'the crucial factor in the onset of unbridled *luxuria* and moral decline in Late Republican Rome'.[1150] We owe this trope primarily to Sallust: 'L. Sulla exercitum, quem in Asia ductaverat, quo sibi fidum faceret, contra morem maiorum luxuriose nimisque liberaliter habuerat'.[1151] Greek authors viewed him even more harshly. Diodorus condemned him for robbing Greek temples, and his vulgar joke that the gods themselves had financed his war chest.[1152] Plutarch contrasted him unfavourably to moderate Roman generals, such as Flamininus, Glabrio, and Aemilius

[1145] App. *BCiv*. 1.51.223: τήνδε μὲν ὁ Σύλλας διήρπαζεν ὡς οὐκ εὐνοίᾳ προσελθοῦσαν, ἀλλ᾽ ὑπ᾽ ἀνάγκης; see Brunt 1962: 78 on this episode.
[1146] App. *Mith*. 38:148.
[1147] App. *Mith*. 55.224; see also Plut. *Sull*. 23.
[1148] App. *Mith*. 61.251. See also Plut. *Sull*. 25, and Brunt 1962: 78, on Sulla quartering his troops in Asia and compelling their hosts to pay them four tetradrachms a day, alongside other comforts.
[1149] See Keaveney 2005d: 298: 'Sulla saw to it that his troops were well rewarded – at the expense of the people of Asia'.
[1150] Santangelo 2019: 110.
[1151] Sall. *Cat*. 11. See also Plut. *Sull*. 12: ὧν οὐχ ἥκιστα Σύλλας ἐνέδωκεν ἀρχάς, ἐπὶ τῷ διαφθείρειν καὶ μετακαλεῖν τούς ὑπ᾽ ἄλλοις ταττομένους καταχορηγῶν εἰς τούς ὑφ᾽ αὑτῷ καὶ δαπανώμενος.
[1152] Diod. Sic. 38/39.7: εὐτραπελευόμενος δὲ ἀπεφαίνετο κρατεῖν τῷ πολέμῳ πάντως διὰ τὸ τοὺς θεοὺς αὐτῷ συνεργεῖν, εἰσενηνοχότας χρημάτων πολύ τι πλῆθος αὐτῷ. Plut. *Sull*. 12 records another joke of his, that the noise of a lyre playing at Delphi when his agent was taking the treasure meant that the god was happy to give it to Sulla.

Paullus, who did not need to bribe their armies to control them.[1153] Despite all the rhetoric, these criticisms had some basis in reality. Antonius Hybrida, for example, was prosecuted by Caesar in 76 on behalf of the Greek communities he had pillaged while serving under Sulla.[1154] There must have been a lot of plundering going on. Sulla himself had become seriously rich, as had his soldiers, as we can see from a telling anecdote in Plutarch. When they landed in Italy, they realised that the civil war effort needed funds, and they offered to collectively contribute. Sulla refused, in a display of his benevolence towards his men that I have already discussed. He did not need the money. But, as several scholars have noted, their offer meant that neither did they. 'Sulla's army returned to Italy laden with booty',[1155] and the fact that he had furnished so many opportunities for them to enrich themselves, to the extent that they were willing to give him their spare cash, played a significant part in their continuing loyalty to Sulla.

Plundering the provinces, however, was quite different to plundering at home. We might have expected Sulla's army to have shown more restraint in Italy, as they initially swore, according to Plutarch, to do no harm in their own country, of their own accord.[1156] As we have seen, Velleius was impressed by the peaceability of Sulla's advance through the peninsula.[1157] But Thein has recently shown that the rest of the evidence tells a different story. Though the civil war began mildly,[1158] Sulla ravaged Italy after Sertorius' treachery and the desertion of Scipio's army: Σύλλας ἐχώρει πρόσω τὰ πολέμια πάντα δῃῶν.[1159] So did his lieutenants. Crassus plundered the city of Tuder in Umbria, supposedly keeping most of

[1153] Plut. *Sull*. 12.
[1154] See Asc. 84C and Plut. *Caes*. 4.
[1155] Thein 2016: 450.
[1156] Plut. *Sull*. 27: μηδὲν ἑκουσίως κακουργήσειν τὴν Ἰταλίαν.
[1157] Vell. Pat. 2.25.
[1158] Thein 2016: 452 argues, however, on Plutarch and Velleius that 'this testimony derives from Sulla's *Memoirs* and eulogizes the discipline of the army which returned to Italy from the war with Mithridates'.
[1159] App. *BCiv*. 1.86.389. On the change in nature of the war at this point, see Bispham 2018: 22.

the spoils for himself,[1160] and Pompey plundered Sena Gallica.[1161] Indeed, Plutarch tells us that Pompey would not even heed Sulla's summons until he had first won spoils for his army: καὶ Σύλλα καλοῦντος οὐκ ἔφη δίχα λαφύρων οὐδὲ ἀναίμακτον ἐπιδείξειν τῷ αὐτοκράτορι τὴν δύναμιν.[1162] This went on throughout the civil war as Ariminum[1163] and Praeneste, which was πολυχρήματος,[1164] were plundered too. Thein has argued that the sale of Italian towns *sub hasta*, mentioned by Florus and Augustine, refers to the sale of booty after a sack, rather than sales under the proscriptions or other punitive measures, as the passages have been traditionally interpreted.[1165] It is worth noting that plundering in civil war was not peculiarly Sullan. Norbanus,[1166] the Samnite leaders Lamponius and Telesinus,[1167] and Marius during the *bellum Octavianum*[1168] are all alleged to have plundered Italy.

Sulla's soldiers could therefore be seen to have been following a trend.[1169] His willingness to keep rewarding his soldiers in Italy, or to allow them to keep rewarding themselves, was part of his appeal to their loyalty. As Keaveney put it, 'the Roman soldier expected, as he always had, substantial rewards from those who led him'.[1170] Our literary sources tell us that the hope of booty inspired enlistments in a great many Roman wars, from the Punic, to the Macedonian, to the Jugurthine.[1171] Civil war generals in the first century realised the importance of this motivation, and they consistently allowed their soldiers to

[1160] Plut. *Crass*. 6: καὶ γὰρ πόλιν Ὀμβρικὴν Τουδερτίαν ἑλών ἔδοξε πλεῖστα τῶν χρημάτων σφετερίσασθαι.
[1161] App. *BCiv*. 1.88.401: Πομπήιός τε Μάρκιον ἑνίκα περὶ πόλιν Σήνας καὶ τὴν πόλιν διήρπαζεν.
[1162] Plut. *Mor*. 203C.
[1163] Cic. *Verr*. 2.1.36: oppidum sibi elegit Ariminum quod tum, cum iste rationes referebat, oppressum direptumque erat.
[1164] App. *BCiv*. 1.94.438; 439 claims that the burning of Norba resulted in no booty (see also Flor. 2.9.28 on the destruction of Sulmo).
[1165] Flor. 2.9.27 and August. *De civ. D.* 3.28; see Thein 2016: 454.
[1166] App. *BCiv*. 1.86.389
[1167] Flor. 2.9.22.
[1168] For Ostia, see App. *BCiv*. 1.67.308, Plut. *Mar*. 42, Livy *Per*. 79, Flor. 2.9.12, Oros. 5.19.17; for Antium and Aricia, see Oros. 5.19.19.
[1169] See Thein 2016: 466: 'it is clear that both factions viewed small-town Italy as a legitimate source of booty in the civil wars of the 80s: soldiers expected or demanded the spoils of war, and their generals gave them cities or farms to plunder'.
[1170] Keaveney 2007: 48.
[1171] See, for example, Polyb. 1.11.2, Livy 42.32.6, Sall. *Iug*. 84, and Harris 1979: 102.

plunder in order to keep them happy.[1172] Fimbria was shameless enough to have them plunder allied territories;[1173] Metellus Scipio overcame his soldiers' aversion to fighting a civil war by offering donatives and the land around Pergamum for plunder;[1174] even the virtuous Brutus promised Thessalonica and Sparta to his men as a reward, if they fought well.[1175] There is a trope at play here, espoused by Cornelius Nepos in his discussion of Alexander's phalanx, that his soldiers, much like the Roman soldiers of Nepos' day, no longer obeyed their generals, but commanded them.[1176] But it would be perverse to deny that soldiers appreciated profiting from their labours. The general's facilitation of this profit impacted the relationship between him and his men. We see this most clearly with Lucullus, in a very similar context to Sulla's. His soldiers complained that he did not sack enough cities,[1177] and when he did, that he kept too much of the booty for himself. According to Plutarch, they cast their empty purses at his feet when he begged them, in vain, to fight for him: οἱ δ᾽ ἀπετρίβοντο τὰς δεξιώσεις καὶ κενὰ προσερρίπτουν βαλάντια, καὶ μόνον μάχεσθαι τοῖς πολεμίοις ἐκέλευον, ἀφ᾽ ὧν μόνος ἠπίστατο πλουτεῖν.[1178] As we have seen, Sulla did not have this problem. He plundered ruthlessly in both Asia and Italy, and allowed his soldiers to accumulate a great deal of wealth. This was partly why he had a loyal and high-morale army (τὸν στρατὸν ἔχων εὐπειθῆ καὶ πρόθυμον).[1179]

[1172] See Brunt 1962: 8: 'desire for plunder made the soldiers readier to follow their generals in civil wars, irrespective of the cause they professed to represent', and Luc. 5.246-7: 'praemia miles / dum maiora petit, damnat causamque ducemque'.
[1173] Diod. Sic. 38/39.8.
[1174] Caes. *BCiv*. 3.31.
[1175] Plut. *Brut*. 46.
[1176] Nep. *Eum*. 8.2: non parere se ducibus, sed imperare postulabat, ut nunc veterani faciunt nostri.
[1177] Plut. *Luc*. 14: ᾐτιῶντο τὸν Λούκουλλον, ὅτι πάσας προσάγεται τὰς πόλεις, κατὰ κράτος δὲ οὐδεμίαν ἥρηκεν οὐδὲ παρέσχηκεν αὐτοῖς ὠφεληθῆναι διαρπάσασιν.
[1178] Plut. *Luc*. 35. Brunt 1962: 77 emphasised that he 'did not fail to enrich his troops' (on the plunder of Tigranocerta, see Plut. *Luc*. 29 and App. *Mith*. 86.391), but still, 'he could not convince them that he had a genuine concern in their welfare', nor 'inspire affection'. See Chrissanthos 2004: 362 on their other complaints besides the lack of plunder, about harsh discipline and spending winters encamped.
[1179] App. *Mith*. 51.204. Though our sources do not mention it, Sulla must have paid wages punctually as well, and 'seemed likely to be a solvent general' Carbone and Yarrow 2020: 310.

Sulla also rewarded his army with land after his final victory, in a number of colonies[1180] that have been widely studied.[1181] But despite the vast numbers of settlers attested by Appian – 23 legions and 120,000 men[1182] – the colonies themselves have been very difficult to find. There is agreement on those attested at Pompeii,[1183] Urbana,[1184] Praeneste,[1185] Faesulae,[1186] Arretium,[1187] and Aleria.[1188] Beyond that, however, 'die Colonien Sullas sind sehr unvollständig bekannt'.[1189] Scholars have been forced to rely on passing literary references and the difficult evidence of the *Libri Coloniarum* in their reconstructions, as we have no Sullan epigraphic colonial titulatures, except Pompeii, and very few relevant epitaphs[1190] or *cippi*. This puzzle has led some, like Thein, to conclude that 'the general lack of evidence is hard to reconcile with the consensus that Sulla found land for 80–120,000 of his veterans'.[1191] Sulla's actions are further complicated by the opacity of his motives. Following Appian,[1192] many have seen his settlements as garrisons, through which he coerced the Italian peninsula. They 'remained in effect on active duty in their new homes'.[1193] More defensively and legitimately, 'the soldiers were intended to provide a source of manpower upon which the Senate would be able to call in the event of an attempted coup d'état'.[1194] They even safeguarded his retirement plans in Campania.[1195] The other interpretation of

[1180] Thein 2011: 81 argues that Plut. *Sull*. 33 also attests to viritane allotments, but this is uncertain.
[1181] See, for example, Mommsen 1883: 163, Badian 1957: 346, Krawczuk 1960, Brunt 1971b: 300, Harris 1971: 261, Gabba 1976: 44, Schneider 1977: 126, Santangelo 2007: 147, Thein 2011, Spadavecchia 2018.
[1182] See App. *BCiv*. 1.100.470 and 1.104.489; for the preferability of these figures over Livy *Per*. 89, see Santangelo 2007: 148 n.4.
[1183] *CIL* X.787, Cic. *Sull*. 60, Plin. *HN*. 2.137.
[1184] Plin. *HN*. 14.62.
[1185] Cic. *Cat*. 1.8, *Leg. Agr*. 2.78; Strabo 5.3.11.
[1186] Cic. *Cat*. 2.20, 3.14, *Mur*. 49; Gran Licin. 36.36.
[1187] Cic. *Mur*. 49, *Att*. 1.19.4; Sall. *Cat*. 36.
[1188] Sen. *Helv*. 7.9, Plin. *HN*. 3.80. This is the only attested colony outside Italy.
[1189] Mommsen 1883: 163.
[1190] See Keppie 1983: 45.
[1191] Thein 2011: 89. See also Spadavecchia 2018: 183 on the 'scarsissimi resti materiali'.
[1192] App. *BCiv*. 1.96.448: ταῖς δὲ πλείοσι τοὺς ἑαυτῷ στρατευσαμένους ἐπῴκιζεν ὡς ἕξων φρούρια κατὰ τῆς Ἰταλίας τήν τε γῆν αὐτῶν; see also 1.100.470, 1.104.489, 2.140.586, 2.141.589.
[1193] Broadhead 2007: 159; see also Badian 1958: 245, Syme 1964: 185, Schneider 1977: 134.
[1194] Keaveney 1982a: 186; see also 1982d: 543.
[1195] Santangelo 2007: 167: 'when he chose the resort where he would spend his last years, Sulla surely took into account the presence of thousands of loyal soldiers'.

Sulla's colonisation, as Thein delineated,[1196] is that he was responding to the imperative of keeping his soldiers happy. He was concerned that his 'dominance built on the personal loyalty of the soldiers might have crumbled, if they had been left dissatisfied'.[1197] Thus 'the rationale of his veteran policy was the provision of land as a reward for past loyalty, not as a *quid pro quo* for continued service in garrison colonies'.[1198] Santangelo has pointed out that these two objectives, garrisoning Italy and rewarding his soldiers, need not have been contradictory.[1199] And although we are too far removed to really grasp what Sulla was aiming at, his soldiers presumably appreciated their new lands. Both Cicero[1200] and Sallust[1201] claim that some colonists had been living like kings. Whatever one makes of the 'garrisons' in the ancient evidence, which may well be rhetorical,[1202] giving out land could hardly not be interpreted as a reward. It continued to be so throughout the first century; Sulla's distributions were 'a crucial precedent for the subsequent initiatives of Caesar and the triumvirs'.[1203]

But it is hard to maintain that the potential of this reward played a major role in ensuring military loyalty to Sulla. Firstly, the soldiers do not appear to have expected or demanded it. According to Plutarch, Sulla was concerned not that they would press him for land, but rather that they would simply go home: καὶ δεδιότος μὴ τῆς Ἰταλίας ἐπιλαβόμενοι κατὰ πόλεις ἕκαστοι διαρρυῶσι.[1204] There is no evidence of him promising land in return for

[1196] Thein 2011: 80 on the 'garrison theory' and the 'agriculture theory'.
[1197] Brunt 1971b: 301.
[1198] Thein 2011: 96.
[1199] Santangelo 2012a: 418: 'this polarisation is hardly helpful; both concerns will have certainly been present to Sulla, and they are, at any rate, not incompatible'.
[1200] Cic. *Cat*. 2.20: tamen ii sunt coloni, qui se in insperatis ac repentinis pecuniis sumptuosius insolentiusque iactarunt.
[1201] Sall. *Cat*. 28: nonnullos ex Sullanis coloniis, quibus lubido atque luxuria ex magnis rapinis nihil reliqui fecerat.
[1202] See, for example, Cicero's labelling of Rullus' proposed colonies as *praesidia* at Cic. *Leg*. *Agr*. 1.16 and 2.74.
[1203] Santangelo 2007: 158.
[1204] Plut. *Sull*. 27.

service.[1205] Secondly, even if it had been promised, Sulla does not seem to have followed through very fully. The underwhelming material record of the colonisation leaves open the possibility that the literary sources exaggerated its scale. Perhaps Sulla did not finish his programme; Cicero mentions that he confiscated land from the people of Volaterrae and Arretium but did not distribute it.[1206] If this was intended for his soldiers, it suggests that actually giving it to them was not an important enough priority to delay his retirement. For those who did receive land, some found it to be a poisoned chalice. The phrase of Sallust's Lepidus, that the soldiers were 'relegati in paludes et silvas',[1207] has led scholars to believe that they were 'fobbed off'[1208] with land 'of dubious fertility'.[1209] We have more secure evidence, from the violence at Faesulae,[1210] tensions at Pompeii,[1211] and repeatedly unfavourable mentions in our texts,[1212] that 'Sulla's veterans were hated'.[1213] The notorious appeal of Catiline's conspiracy to these veterans suggests that, for whatever reason, their settlements had not been a success, and that 'many of them had become considerably poorer in less than two decades after the Sullan colonisation'.[1214] Many sold up, even though that was forbidden by the *lex Cornelia*, as the whole *ager Praenestinus* came to be 'a paucis possideri'.[1215] I argue that Sulla's distributions were rewards, and may have enticed some soldiers; but the limited evidence for either the colonies themselves or their role in ensuring military loyalty means that we cannot rely on them to explain Sulla's co-optation. It was a factor, but hardly the decisive one.

[1205] App. *BCiv*. 1.86.393 says that Sulla recruited with ἐλπίδες, which might refer to land, but we cannot know.
[1206] Cic. *Att*. 1.19.4: Volaterranos et Arretinos, quorum agrum Sulla publicarat neque diviserat.
[1207] Sall. *Hist*. 1.55.23.
[1208] Keaveney 1982d: 538; see also Brunt 1962: 83 for the same phrase.
[1209] Harvey 1975: 54. See also Keaveney 2019.
[1210] Gran. Licin. 36.36 and Cic. *Mur*. 49.
[1211] Cic. *Sull*. 60-2. See Bispham 2007: 447, Santangelo 2007: 158, 2012a: 419.
[1212] See, for example, Sall. *Cat*. 16, Plut. *Cic*. 14, App. *BCiv*. 2.2.7, 2.94.395. As Drummond 2000: 132 has argued, the Sullan *possessores* who had acquired *invidia* at Cic. *Leg. Agr*. 2.69 and 3.3 are those 'who enjoyed unauthorised occupation of confiscated land', not colonists.
[1213] Hayne 1972: 664.
[1214] Santangelo 2007: 184.
[1215] Cic. *Leg. Agr*. 2.78.

4.ii.c: Legitimacy

Morstein-Marx has offered a different interpretation of how Sulla co-opted his soldiers in 88. Instead of the 'mercenary' motivations adduced by Appian, about the booty to be won in Asia, he prioritises Sulla's argument for his legitimacy. As I discussed in chapter 3, Sulla claimed that Sulpicius' law on Marius' command had been passed *per vim*,[1216] and that the deposition of an elected consul was a ὕβρις.[1217] Thus, according to Morstein-Marx, it is 'virtually certain that Sulla's soldiers understood him to have recounted not a merely personal affront to their commander's honor but a gross violation of republican norms'.[1218] He also argues that Sulla's claim to be the aggrieved party had some traction, as Cicero appears to concede when he wrote to Atticus that Sulla acted 'recte, immo iure fortasse'.[1219] This was why his soldiers marched with him to Rome: because they believed it was the right thing to do. Despite the claim that Cicero's 'nuanced point of view is a far cry from the nearly unanimous chorus of disapproval raised in modern scholarship against these men's decisions to take up arms against what is frequently, but tendentiously, referred to as "the state"',[1220] many scholars, including Brunt,[1221] Keaveney,[1222] Lukas de Blois,[1223] Steel,[1224] Santangelo,[1225] and Jeffrey Tatum[1226] have recognised that Sulla's legitimacy mattered to his soldiers. The question is how much it can be relied upon to explain their actions, in

[1216] Cic. *Phil*. 8.7.
[1217] App. *BCiv*. 1.57.251
[1218] Morstein-Marx 2011: 268. He connects this 'civic' angle of legitimation towards the soldiers (2011: 271) to Cinna's speech to the army in 87, in which he addressed them as πολῖται (App. *BCiv*. 1.65.298), and 'made the claim that his deposition violated the popular sovereignty' (Brunt 1962: 76).
[1219] Cic. *Att*. 9.10.3. See Morstein-Marx 2011: 263, and chapter 3.
[1220] Morstein-Marx 2011: 260.
[1221] Brunt 1988: 259: 'appeals to the citizen's sense of duty to the commonwealth and to the public good may then have had some effect on the soldiers; how much we can hardly estimate'.
[1222] Keaveney 2005d: 301: 'Sulla's troops appear to have believed him when he had said he had come to free Rome from tyrants'; see also 1982a: 65.
[1223] de Blois 2007: 171: 'Sulla had the charisma of military fame, and a *good cause*' (my emphasis).
[1224] Steel 2013a: 93: 'Sulla persuaded his troops to support his position as consul'.
[1225] Santangelo 2016a: 79: 'the army, however, stood by the consul, who also had, after all, a plausible political and constitutional argument to offer on his entitlement to the command'.
[1226] Tatum 2022: 562: 'the legions who marched behind Sulla almost certainly believed that they did so not exclusively out of self-interest but also on account of their loyalty to the Republic and in obedience to their legitimate commander'. Morstein-Marx also underplays previous recognition that civic ideals mattered to soldiers; see Momigliano 1940: 79: 'there was no substantial difference of mind between soldiers and civilian', and Chrissanthos 2004: 341 on the Roman soldier being 'first and foremost a Roman citizen'.

comparison to their 'attested and quite plausible material interest'.[1227] Sulla's soldiers had a choice, whether to continue to obey Sulla or not, and it is worth considering the choices of other armies in the 80s about their commanders to think about how they might have made it.

Some simply followed the balance of power. Appian tells us that the defeated left wing of Marius the Younger at Sacriportus, and a legion of Lucanians who had heard about the defeat at Faventia, defected in despair to Sulla and Metellus respectively.[1228] When Sulla surrounded Fimbria's army, many soldiers deserted, and those who remained would not fight.[1229] As Cicero recognised in a later civil war, soldiers could hardly be expected to sign up to a cause without hope: 'deficit enim non voluntas sed spes'.[1230] It was also necessary to treat your soldiers well. The notorious *Fimbriani* were originally inclined to betray Flaccus, their legitimately appointed commander, because he was a harsh punisher and greedy (and so ungenerous in distributing booty).[1231] The same troops, as we have seen, chose not to obey their later, also legitimately appointed, commander Lucullus because of the same miserliness. Thus would-be generals were inclined to bribe. Cinna is said to have seduced the army at Nola 'spe largitionis',[1232] and Sulla's men brought about the defection of Scipio's army with the offer of, amongst other things, ἀργύριον.[1233] The latter army also, according to Appian, longed for peace (ποθοῦντος εἰρήνην).[1234] The idea that many soldiers did not want to fight a civil war aligns with Cicero's comments on the difficulty of the levies in 49,[1235] and the

[1227] Morstein-Marx 2011: 275.
[1228] App. *BCiv*. 1.87.395, 1.91.419. Another defection to Metellus, after an unnamed battle, is attested at 1.88.401.
[1229] App. *Mith*. 59.241-2.
[1230] Cic. *Att*. 7.21.2.
[1231] App. *Mith*. 51.206: μοχθηρὸν δ᾽ ὄντα τὸν Φλάκκον καὶ σκαιὸν ἐν ταῖς κολάσεσι καὶ φιλοκερδῆ ὁ στρατὸς ἅπας ἀπεστρέφετο; see also Livy *Per*. 82 and Cass. Dio 30-35.104.2.
[1232] Vell. Pat. 2.20.
[1233] Plut. *Sull*. 28. For the 'corruption' of Scipio's army, see also Plut. *Sert*. 6, Diod. Sic. 38/39.16, [Aur.] *De vir. Ill*. 75.8.
[1234] App. *BCiv*. 1.85.383; see also Flor. 2.9.19.
[1235] Cic. *Att*. 7.13.2: nam dilectus adhuc quidem invitorum est et a pugnando abhorrentium; see also 7.14.2, 7.21.2, 7.23.2.

exasperation of the triumviral armies when conflicts between their leaders arose.[1236] Endless internecine strife was not attractive to anyone. Therefore the general who seemed to have a better chance of securing peace in Rome may well have had a superior claim to the loyalties of undecided soldiers. Sulla, as I discussed in chapter 3, certainly made that claim about himself.

I agree with Morstein-Marx that Sulla's claim to legitimacy affected his soldiers, and it has been unduly under-emphasised in some modern works.[1237] It is unlikely that they saw themselves as renegades when they followed him to Rome in 88. However, that does not mean that Sulla's rhetoric, his appeal to 'the reverence of Roman citizens, and perhaps especially soldiers, for the consul and the consulship',[1238] suffices as the primary explanation for his soldiers' continuing loyalty.[1239] Soldiers were happy to abandon consular commanders on other occasions. Scipio and Norbanus, the consuls of 83, raised an enormous army to fight against Sulla,[1240] apparently with great belief in their legitimacy,[1241] but that did not stop the entire force abandoning Scipio when it suited them. Octavius, the duly elected consul of 87, could not hold on to his troops, because they wanted to fight for Metellus Pius instead.[1242] When Flaccus, the consul of 86, faced desertions in Asia, it was his *legatus* Fimbria who prevented them (temporarily), because the soldiers considered him to be a better and kinder

[1236] See, for example, App. *BCiv*. 3.42.170, 5.124.512, and Chrissanthos 1999: 157, Brice 2019: 259.
[1237] Thus Gabba 1976: 27: 'A characteristic example of the soldier's indifference to questions which could have brought about a revival of patriotic sentiment can perhaps be provided by the ease with which Sulla in 88 BC could persuade the legions to challenge, for the first time in Roman history, the state's authority and to march on Rome'.
[1238] Morstein-Marx 2011: 277.
[1239] Morstein-Marx does not deal with the view of Brunt 1962: 76 that 'political issues and slogans were thus not a wholly negligible factor in determining the attitude of the soldiers, yet they were rarely, if ever, decisive'.
[1240] App. *BCiv*. 1.82.373: σπείραις ἐκ πεντακοσίων ἀνδρῶν διακοσίαις τότε πρῶτον: ὕστερον γὰρ καὶ πλέοσι τούτων. See Bispham 2018: 38: 'the level of mobilization is striking'.
[1241] App. *BCiv*. 1.82.374: ἡ γὰρ εὔνοια τῶν ἀνδρῶν ἐς τοὺς ὑπάτους παρὰ πολὺ ἐποίει, ὡς τὸ μὲν ἔργον τὸ Σύλλα, χωροῦντος ἐπὶ τὴν πατρίδα, δόξαν ἔχον πολεμίου, τὸ δὲ τῶν ὑπάτων, εἰ καὶ περὶ σφῶν ἔπραττον, πρόσχημα τῆς πατρίδος.
[1242] Plut. *Mar*. 42. Livy *Per*. 80 claims they did not want to fight at all.

general than Flaccus.[1243] Considering the number of consuls who were unable to maintain the loyalty of their soldiers, it is far-fetched to think that Sulla's army followed him to Rome in 88 primarily because they 'convinced themselves that Sulla's cause was in fact the legitimate one'.[1244] Sulla had a plausible argument, but, as Morstein-Marx does not sufficiently acknowledge, so did the other side. He is apparently convinced by Sulla's legitimacy, to an extent that is as problematic as the 'common interpretation of Sulla's army as essentially treasonous'.[1245] The transferral of the Mithridatic command may have been 'a procedure for which there was no precedent at the time', but that does not mean that the sovereign people were not entitled to set that precedent. The 'illegality' of the move is a partisan contention that rests on the fallible opinion of Diodorus.[1246] The Roman civil wars were not a time when political legitimacy was open and shut. Sulla and Fimbria made light of this in their exchange, with both claiming that the other was illegal:

> Σύλλας δὲ Φιμβρίου δύο σταδίους ἀποσχὼν ἐκέλευε παραδοῦναί οἱ τὸν στρατόν, οὗ παρανόμως ἄρχοι. ὁ δ᾽ ἀντεπέσκωπτε μὲν ὡς οὐδ᾽ ἐκεῖνος ἐννόμως ἔτι ἄρχοι.[1247]

Amidst competing claims of legitimacy, it is reasonable to suppose that most actors would strongly consider their self-interest. Justifying oneself to one's soldiers was important, but it could not be expected to carry the day. Cicero realised this in the 40s. He claimed in the tenth *Philippic* that all legions belong to the *res publica*, and ought to obey its commands: 'omnes legiones, omnes copiae, quae ubique sunt, rei publicae sunt'.[1248] He also wanted to reward Octavian's veterans with land and exemption from military service for them and their

[1243] App. *Mith*. 51.207: τοὺς δὲ ὑπολοίπους ὁ Φιμβρίας, στρατηγικώτερος τοῦ Φλάκκου φαινόμενος αὐτοῖς καὶ φιλανθρωπότερος κατεῖχε μὴ μεταθέσθαι.
[1244] Morstein-Marx 2011: 272.
[1245] Morstein-Marx 2011: 273. See 272: 'it does not actually seem surprising that Marius' military tribunes were stoned when they arrived to take the army away from the consul'.
[1246] Morstein-Marx 2011: 263. See Diod. Sic. 37.29: παρανόμως.
[1247] App. *Mith*. 59.241.
[1248] Cic. *Phil*. 10.12.

children.[1249] Moreover, as I have tried to show, both here and in chapter 3, legitimacy comes down to more than just a lawful right to command. Though Morstein-Marx claims to deal with political legitimacy and its capacity to engender 'willing obedience', moving beyond 'the sterility of the legalistic approach',[1250] he still centres his analysis on the lawfulness of Sulla's initial mandate and the unlawfulness of Sulpicius' attempt to remove it.[1251] But as we have seen, soldiers in the late Republic had other expectations from their commanders. They expected competent leadership, a reasonable chance of success, not excessively harsh treatment, and opportunities to plunder.[1252] When commanders, such as Octavius, Scipio, Flaccus, and Lucullus failed to provide these, they lost the willing obedience of their soldiers. Morstein-Marx's analysis of Sulla's legitimacy therefore neglects too many of its components to fully account for why his army acted in the way it did.[1253]

I have argued that Sulla's co-optation of his army was a complex phenomenon that relied on several different factors. He treated his soldiers in an endearing fashion, by sharing in their labours, listening to them, and enforcing lax discipline. He rewarded them with opportunities for plunder and, albeit more tenuously, land distributions. He also constructed a compelling argument for the righteousness of his cause, which helped his soldiers justify their own actions in following it. I have not emphasised the latter factor as much as Morstein-Marx, despite my previous arguments on the importance of Sulla's legitimacy, because Sulla's soldiers were in a different position from the rest of the population. Sulla needed more than their general acceptance, or non-opposition. They were the *sine qua non* of his victory. Without their active support, his regime would never have got off the ground.

[1249] Cic. *Phil*. 5.53.
[1250] Morstein-Marx 2011: 275 n.72.
[1251] See Frolov 2019: 450 for a similar criticism of his perspective on Cinna's position.
[1252] These expectations were important, because, as has been recently emphasised, 'the Roman Republican soldier was not always unquestioningly obedient to his commander' (Chrissanthos 2004: 341).
[1253] Morstein-Marx 2011: 272 does mention Sulla's grass crown and his strong relationship with his troops, but they play a small role in his analysis.

Their power with respect to Sulla meant that he could not simply rely on legitimating arguments, no matter how convincing they were. He needed to offer them something. As I have argued, he offered both tangible rewards and a charismatic leader to follow. This last point deserves emphasis, because only the victor in a civil war would be able to distribute the rewards he had promised. Scholars who have focused on the rewards themselves have sometimes neglected this fact, even though our sources are full of examples of generals unsuccessfully bidding for the support of soldiers with rewards that they could not deliver. Marius offered freedom to slaves who would fight for him in 88,[1254] and Fimbria, after he had been surrounded by Sulla, begged those in his camp to not desert, calling in favours and offering money.[1255] They both did so in vain, because, like Richard III and his offer of a kingdom for a horse, their ability to follow through on their promises was not credible. Sulla's self-image, notably his *felicitas*, conveyed a great deal of confidence to his troops. He consistently attributed his good fortune in war to the favour of the gods, and he wrote in his *Memoirs* that a legionary had approached him with an oracle foreseeing great success in Italy.[1256] He cherished his divine patronage in front of his soldiers.[1257] Before the civil war was even over, he told *litigatores* to await his judgement in Rome, while it was still held by his enemies.[1258] The coins he struck between 84 and 82 portrayed a *triumphator* crowned by a flying Victory on their reverses.[1259] This confidence is likely to have had an effect.[1260] It is another strand to the complex but potent appeal that Sulla inspired in his soldiers.

[1254] App. *BCiv*. 1.58.262, Plut. *Mar*. 35.
[1255] App. *Mith*. 59.242.
[1256] Plut. *Sull*. 17 (F4).
[1257] Val. Max. 1.2.3 and Frontin. *Str*. 1.11.11 say he embraced his statuette of Apollo before battle 'in conspectu militum'. See Balsdon 1951: 2: 'it is not surprising that in the Roman army, whatever the trained officers may have thought, the morale of troops should have been stimulated by the belief that their general had an uncanny knack of winning his battles, and that he owed this success to some supernatural agency with which he was privileged to be in very particular and intimate contact'.
[1258] Livy *Per*. 86: ex fiducia iam certae uictoriae.
[1259] *RRC* 367. I follow the dating of Carbone and Yarrow 2020: 314, but see the discussion at Martin 1989: 32 and Assenmaker 2013a.
[1260] See Sommer 2011: 173: 'the soldiers had taken Sulla's orders not only because they shared common material interests with the general; they had followed him in the first place because they believed in the man, his heroism and his genius'.

4.iii: Sulla and Italy

Beyond the Roman elite and the army, Sulla tried to co-opt Italian communities during the civil war. He had a long way to march from Brundisium to Rome; at the very least, he needed to secure their non-aggression in order 'to avoid a guerilla war'.[1261] There was also a bidding war for Italian soldiers. Diodorus describes the fierce competition between recruiters across Italy:

> τῶν γὰρ ἀντιπολεμούντων οἱ πρὸς τὴν στρατολογίαν ἀποδεδειγμένοι καὶ κατὰ πρόσωπον παρόντες καὶ πρὸς ἀλλήλους διαφιλοτιμούμενοι τοῖς ἀκριβεστάτοις ἐλέγχοις φανερὰν ἐποίουν τὴν τῶν πόλεων κρίσιν.[1262]

Sulla was competing from a difficult position. In 88, he had opposed Sulpicius' attempt to distribute the new Italian citizens among the existing voting tribes,[1263] and his obstruction of their political influence may have counted against him. The memory of this was why, Harris claims, 'most Italians opposed Sulla's seizure of power on his return in 83'.[1264] His opponents were not dealing with the same baggage. Cinna had taken up Sulpicius' cause on behalf of the new citizens,[1265] and, after being expelled from the city amidst the violence, he found support in central Italy.[1266] Velleius claims that he recruited 'trecentas amplius cohortes'.[1267] Bispham argues that these troops mostly came from new citizens in Latium and northern Campania who had not rebelled, and thus felt aggrieved that they had not been proportionately rewarded for their loyalty.[1268] To this force the recalled Marius added six

[1261] Bulst 1964: 325. See also Hinard 1985b: 159: 'il ne souciait pas de débarquer dans un pays où la guérilla se serait généralisée'.
[1262] Diod. Sic. 38/39.13.
[1263] App. *BCiv*. 1.55.244.
[1264] Harris 1971: 254; see also Salmon 1964: 66: 'Sulla had undoubtedly revealed himself as no friend of the Social War insurgents'.
[1265] App. *BCiv*. 1.64.287, Vell. Pat. 2.20, Cic. *Phil*. 8.7. Bispham 2018: 11 infers that, because the tribal distribution issue never recurs after Cinna was victorious in the *bellum Octavianum*, he successfully passed the bill in 87.
[1266] App. *BCiv*. 1.65.294.
[1267] Vell. Pat. 2.20; see also Plut. *Sert*. 4 and *Mar*. 41.
[1268] Bispham 2018: 6.

thousand men from Etruria (συνήγαγε Τυρρηνῶν ἑξακισχιλίους καὶ ἐς Κίνναν διῆλθεν).[1269] The magnetism of the great general's name was still strong: 'ad nomen tanti viri late concurritur'.[1270] He also secured the allegiance of the Samnites when they could not agree terms with Metellus.[1271] Cinna and Marius' victory therefore owed much to their Italian allies. Their regime may have represented itself as a protector of Italian interests,[1272] and, according to Velleius, their authority in the peninsula was not challenged while Sulla was in the East: 'per triennium Cinnanae Marianaeque partes Italiam obsiderent'.[1273] Mobilisation resumed when Sulla began his return home. Cinna and Carbo sent messengers ἐς ὅλην τὴν Ἰταλιαν[1274] demanding troops. Even though there is a strand of our evidence that asserts that the senate forbade this recruitment and Carbo's call for hostages 'ab omnibus Italiae oppidis coloniisque'[1275] – which Badian traced back to the supposedly neutral Sisenna[1276] – Sulla's opponents still successfully drew upon the Italians' 'enormous source of manpower'.[1277] In the course of the civil war that followed, 'troops from all over Italy fought against Sulla', including 'Samnites, Lucanians, Praenestines, Campanians, and men from Cisalpine Gaul'.[1278] Cicero describes the consul Scipio's army as being made up of *socii belli*.[1279] And it was not just a few Italians involved. The size of their armies was enormous. Velleius tells us that they numbered two hundred thousand in all,[1280] consisting of eight legions and five hundred cohorts, according to Florus.[1281] The situation was bleak for Sulla when he returned

[1269] App. *BCiv*. 1.67.306. See Carney 1961a: 117 and Brunt 1962: 73: 'the heart of the Marian country'.
[1270] Flor. 2.9.11.
[1271] See App. *BCiv*. 1.68.309, Livy *Per*. 80, Cass. Dio 30-35.102.7, Gran. Licin. 35.30. Bispham 2018: 10 caveats that 'it is not anywhere said that the Samnites actually sent troops to help the Marian assault on Rome'.
[1272] For their coinage, see Rowland 1966: 418; for *libertas Italica* as a watchword, see Bispham 2018: 11.
[1273] Vell. Pat. 2.24. See Keaveney 1982d: 507: 'by 84 Cinna had ensured the loyalty of Italy'.
[1274] App. *BCiv*. 1.76.348
[1275] Livy *Per*. 84; see also App. *BCiv*. 1.77.353.
[1276] Badian 1962b: 59, and 1964b for his insistence that Sisenna remained in Rome under Cinna (doubted by Candiloro 1963: 215).
[1277] Keaveney 1982d: 500.
[1278] Harris 1971: 255. Samnites: Livy *Per*. 88; Lucanians: App. *BCiv*. 1.91.420; Capuans: App. *BCiv*. 1.90.416; Praenestines: App. *BCiv*. 1.87.399; Cisalpine Gaul: App. *BCiv*. 1.86.393.
[1279] Cic. *Phil*. 12.27.
[1280] Vell. Pat. 2.24.
[1281] Flor. 2.9.18. Plut. *Sull*. 27 claims four hundred and fifty cohorts. App. *BCiv*. 1.82.373 says that they started with two hundred cohorts, before adding more later (ὕστερον γὰρ καὶ πλέοσι τούτων). See Brunt 1971b: 442, Thein 2011: 94, Bispham 2018: 38.

in 83, to find 'much of the peninsula ill-disposed to him'.[1282] His need to co-opt, or 'woo Italian support',[1283] was obvious.

4.iii.a: Diplomacy

How did he do so? I argue that his promises of good conduct during the war, privileges for the communities that supported him, and approval of Italian enfranchisement helped turn the tide, especially in the south. In addition, he used the networks of his elite allies to recruit across Italy. These factors, combined with his consistent victories, chipped away at Cinna and Carbo's support, and enabled him to co-opt enough Italian communities to win the war. Taking his conduct first, he made it clear before he had even landed in Italy that he had no quarrel with the new citizens. Appian reports this as part of his letter to the senate: 'τοῖς δ᾽ ἄλλοις πολίταις τε καὶ νεοπολίταις προύλεγεν οὐδενὶ μέμψεσθαι περὶ οὐδενός'.[1284] Bruce Frier claimed that this provoked Cinna's soldiers to murder their commander.[1285] There is no evidence of a causal link, but Sulla's pronouncement could have 'undermined Cinna and Carbo's position'.[1286] His other rhetoric also focused on his peaceability. According to Appian, Sulla's invasion caused a great deal of unrest in Italy. He says that Scipio and Norbanus, the consuls of 83, were able to raise a large army because everyone (correctly) believed that the vengeance of a victorious Sulla would be catastrophic.[1287] This could be exaggeration, or anachronism. However, I think it is likely that Sulla had already cultivated much of his reputation as a harsh punisher at this point. The proscriptions were yet to come, but Italians could remember his sack of surrendered Aeculanum,[1288] the treatment of

[1282] Osgood 2015: 1685. See also Keaveney 1982a: 132: 'much of Italy was still hostile or at best uncommitted'.
[1283] Badian 1958: 244.
[1284] App. *BCiv*. 1.77.352.
[1285] Frier 1971: 593: 'the soldiers did not want to fight Sulla, perhaps did not wish to fight at all. Sulla's pretense of moderation towards the Italians had brought its first, unexpected reward'. For the unwillingness to fight in Cinna's expedition to Liburnia, see App. *BCiv*. 1.77.355, Livy *Per*. 83.
[1286] Bispham 2018: 14.
[1287] App. *BCiv*. 1.82.375.
[1288] App. *BCiv*. 1.51.223.

his personal enemies in 88, and perhaps had heard about his brutality in Athens.[1289] Moreover, in his letter to the senate, the promise of cooperation with the new citizens sat right alongside his vow to take revenge upon those who had wronged him.[1290] Some foreboding, even about collateral damage in the upcoming war, was to be expected. It manifested itself in a great number of terrifying portents that erupted all over Italy:

> δείματά τε γὰρ ἄλογα πολλοῖς καὶ ἰδίᾳ καὶ κατὰ πλῆθος ἐνέπιπτε περὶ ὅλην τὴν Ἰταλίαν, καὶ μαντευμάτων παλαιῶν ἐπιφοβωτέρων ἐμνημόνευον, τέρατά τε πολλὰ ἐγίνοντο.[1291]

As we have seen, Plutarch records that Sulla's soldiers undertook to not plunder Italy of their own accord, and Velleius considered their commander an *auctor pacis*, as he marched courteously up through Campania. This rhetoric likely derives from Sulla's own during the civil war, and ought to be read as an attempt to comfort those who were afraid of him.

And to some communities, he offered more than peace. Brundisium, after welcoming Sulla into Italy, was rewarded with a tax exemption,[1292] which Santangelo argues 'determined an economic expansion for the territory'.[1293] He also dedicated some of the *ager Campanus* around Mount Tifata to the sanctuary of Diana there, a sign of 'extraordinary favour'[1294] to the inhabitants. These specific measures no doubt won Sulla some goodwill, but they cannot have had as widespread significance as his stance on Italian voting rights. The situation had changed since 88; all new citizens had received *suffragium* by 84 at the latest.[1295] Opposing

[1289] Plut. *Sull*. 14, App. *Mith*. 38.148, Paus. 1.20.6.
[1290] App. *BCiv*. 1.77.352: ἀλλ' αὐτίκα καὶ τοῖσδε καὶ τῇ πόλει πάσῃ τιμωρὸς ἥξειν ἐπὶ τοὺς εἰργασμένους. For the apparentness of Sulla's desire for revenge, see also Vell. Pat. 2.24.
[1291] App. *BCiv*. 1.83.377.
[1292] The ἀτέλεια of App. *BCiv*. 1.79.364 has usually been understood as an exemption from the *portorium* (port duty): see Henderson 1897: 253, Gabba 1967: 212, Santangelo 2007: 73, Bispham 2018: 18. Crawford 1998: 36, however, has seen it as a much broader immunity.
[1293] Santangelo 2007: 75.
[1294] Santangelo 2007: 135 on Vell. Pat. 2.25.
[1295] Livy *Per*. 84: novis civibus S. C. suffragium datum est.

their distribution into the existing rural tribes was a 'political impossibility'.[1296] Sulla, evidently recognising this, 'gave reassurances on his intentions'.[1297] The matter was discussed at his conference with Scipio in 83,[1298] and later that year Livy's epitomator tells us that he formally promised, in a treaty, not to disturb the *civitas* or the *ius suffragii* of the Italians: 'Sylla cum Italicis populis, ne timeretur ab his uelut erepturus ciuitatem et suffragii ius nuper datum, foedus percussit'.[1299] Sulla's change of heart was perhaps not sufficient, but almost certainly necessary, to his goal of recruiting Italians to his cause, and drawing them away from his opponents. Many have praised his diplomacy in this regard.[1300] Thus, with some success, he tried to undermine two damaging narratives that may have been circulating about him: that he would ravage Italian lands upon his return, and that he would not defend their hard-won political rights.

Sulla's self-representation as peaceful, compromising, and a friend of the new citizens put him in a more legitimate position from which to ask for Italian support. The promise of gain helped too: Appian tells us that he sought troops from around Italy with φιλίᾳ τε καὶ φόβῳ καὶ χρήμασι καὶ ἐλπίσιν.[1301] He was also not his only recruiter. As Frier observed, the elites whom he had already co-opted were key actors in the drive for Italian soldiers.[1302] Metellus and Crassus both brought with them armies, raised in Africa and Spain respectively.[1303] Plutarch also states that Crassus asked to recruit in Italy, among the Marsi.[1304] Though he was successful (δύναμίν τε συχνὴν ἤθροισε), he could not compare to

[1296] Bispham 2018: 36. Exuperantius 47 claims that Etruscans did fear what Sulla would do ('timentes…ne beneficium tantae dignitatis a Marianis acceptum Sylla revocaret'), and for that reason joined Sertorius with forty cohorts.
[1297] Santangelo 2016b: 129.
[1298] Cic. *Phil*. 12.27: de auctoritate senatus, de suffragiis populi, de iure civitatis agentes inter se condiciones contulerunt.
[1299] Livy *Per*. 86.
[1300] See Gabba 1972: 799: 'Silla molto abilmente strinse subito accordi con le popolazioni italiche', and Keaveney 1982d: 508, Santangelo 2007: 75, 2016b: 129; Bispham 2018: 39.
[1301] App. *BCiv*. 1.86.393
[1302] Frier 1971: 597: 'the deserting nobility brought with it enormous resources of patronage'.
[1303] Plut. *Crass*. 6.
[1304] Plut. *Crass*. 6: ἀποστελλόμενος εἰς Μαρσοὺς ἐπὶ στρατιὰν ὁ Κράσσος.

his arch-rival Pompey. He recruited three legions from Picenum, where, thanks to the esteem in which his family was held,[1305] Carbo's agents could do little.[1306] Almost all of our sources mention Pompey's enthusiastic recruitment and Sulla's gratitude for it.[1307] According to Diodorus, Pompey's performance was so outstanding that Sulla berated others for falling so short of his example:

> θαυμάζειν γὰρ ἔφησεν εἰ νέος μὲν παντελῶς τηλικοῦτον στράτευμα τῶν πολεμίων ἀφήρπακεν, οἱ δὲ τῇ τε ἡλικίᾳ καὶ τοῖς ἀξιώμασι πολὺ προέχοντες οὐδὲ τοὺς ἰδίους οἰκέτας εἰς συμμαχίαν γνησίαν δεδύνηνται παρέχεσθαι.[1308]

Valerius Maximus records a similar story, but in a later context, in which Sulla extolled Pompey in a dictatorial *contio* for having brought an entire *exercitus* with him.[1309] Moreover, the gist of the passage from Diodorus, and Sulla's indignation at Crassus asking for an escort for his mission,[1310] is that his elite allies were routinely expected to recruit. Pompey's efforts were mentioned so often because they were remarkable, as was his future career. Many others presumably did the same. Sulla's co-optation of Italy was by no means always direct. Roman elites helped him negotiate with communities across the peninsula.

4.iii.b: Conquest

Keaveney, in his paper discussing Sulla's relationship with Italy, claimed that 'many Italians were unwilling to fight Sulla since they had nothing to gain by so doing'.[1311] This view places much weight on the treaty struck confirming the *ius suffragii*, which, to be sure, did remove a significant barrier to Sulla's co-optation. In addition, as the war progressed,

[1305] Vell. Pat. 2.29: ex agro Piceno, qui totus paternis eius clientelis refertus erat, contraxit exercitum. Brunt 1962: 71 argued that 'many of the clients who rallied to Pompey in 83 may have been his tenants'.
[1306] Plut. *Pomp*. 6: οἱ δὲ ὑπήκουον αὐτῷ προθύμως καὶ τοῖς παρὰ Κάρβωνος ἤκουσιν οὐ προσεῖχον.
[1307] See App. *BCiv*. 1.80.367, Livy *Per*. 85, Cass. Dio 30-35.107.
[1308] Diod. Sic. 38/39.10.
[1309] Val. Max. 5.2.9: partes suas exercitu paterno adiutas.
[1310] Plut. *Crass*. 6.
[1311] Keaveney 1982d: 509.

communities such as Ariminum and those in Cisalpine Gaul defected to Sulla,[1312] perhaps reckoning that it would be foolhardy to oppose the victor, who had in any case promised to uphold their rights. The problem, however, is that very many Italians *were* willing to fight against Sulla, and continued to do so for a long time. Carbo's recruitment was not seamless, as the memorable anecdote about M. Castricius of Placentia shows, when he refused to give the hostages that had been demanded of the Placentines.[1313] But he could still field huge armies. According to Appian, most of Italy was still loyal to Sulla's opponents after his conference with Scipio (τῆς πλέονος Ἰταλιας ἔτι τοῖς ὑπάτοις συνισταμένης), and the consular armies swelled with fresh troops from across the peninsula.[1314] According to Diodorus, even the humiliated Scipio returned with a considerable force.[1315] And many communities remained intransigent towards Sulla until the bitter end. The Praenestines received Marius the younger after his crushing defeat at Sacriportus, and shut out Sulla from their gates. They only surrendered when the situation was truly hopeless.[1316] Volaterrae resisted into 79: thus 'for three years, possibly until Sulla's abdication from the dictatorship, an important Etruscan city was still held by a contingent of rebels'.[1317] Strabo tells us that Populonia faced a similarly long siege.[1318] Nola[1319] and Norba[1320] both fell after the Colline Gate. The Samnites were so willing to fight Sulla that their belligerence outlasted Carbo's. After he had fled to Africa following defeat at Clusium, they marched on Rome, where their resistance finally perished on the battle field. In this light, Sulla's co-optation in Italy can only be judged a very limited success. There were some diplomatic victories in the south,

[1312] App. *BCiv*. 1.91.422, 1.92.42; see Diod. Sic. 37.2.14 on survivors joining Sulla in the end.
[1313] Val. Max. 6.2.10.
[1314] App. *BCiv*. 1.86.393.
[1315] Diod. Sic. 38/39.16: εἶτα τὰ τῆς ἀρχῆς ἀνακτησάμενος κόσμια πάλιν δυνάμεως ἱκανῆς ἀφηγεῖτο.
[1316] App. *BCiv*. 1.87.399 and 1.94.434; see also Plut. *Sull*. 32, Vell. Pat. 2.27, Livy *Per*. 88, Diod. Sic. 38/39.15.
[1317] Santangelo 2007: 173. For the date, see Gran. Licin. 36.32: consulibus Claudio et Servilio; and Cic. *Dom*. 79, Livy *Per*. 89, Val. Max. 9.7m.3.
[1318] Strabo 5.2.6.
[1319] Livy *Per*. 89, Gran. Licin. 36.10.
[1320] App. *BCiv*. 1.94.439. Keaveney and Strachan 1981: 366 have, on the basis of Sall. *Hist*. 1.55.46 and a textual reconstruction of Livy *Per*. 89, speculatively argued that Aesernia was another town to fall to Sulla, via his legate Catiline, in 80.

where his rhetoric may have made possible the tranquil march through Calabria, Apulia, and Campania that Velleius describes. He and his lieutenants did manage to recruit a significant number of Italian soldiers. But in northern Campania, Latium, Etruria, and Umbria, not to mention Samnium, Sulla faced enduring hostility. It was the force of his Mithridatic veterans' arms that won the day in those regions, and their communities were not co-opted; they had victory imposed upon them. As Bispham put it, 'Italy north of the Monte Massico suffered heavily'.[1321]

Italian suffering has not always been emphasised enough in recent scholarship. Though we have seen more focus on the violence and oppressive atmosphere in the city of Rome,[1322] there has been a simultaneous move towards viewing Sulla's relationship with Italy as fundamentally co-operative. According to Santangelo's influential thesis, Sulla won the civil war in no small part due to his 'skilful management of his relations with Italian elites'.[1323] After victory, he relied on them to govern, just like in his administration in Asia,[1324] and thus 'the Italian elites would play a more significant role in Roman politics'.[1325] This co-operation meant that, for Santangelo, 'the widely held stereotype that portrays Sulla as a bloodthirsty general, exclusively interested in eliminating his enemies and in building personal power, is decisively undermined'.[1326] Similarly, in Thein's study of Sulla's settlements, we hear that 'the latent military force of his veteran colonists was largely redundant and that he depended above all on the support of the senatorial and Italian elites'. Therefore 'patronage not coercion is the key to understanding Sullan Italy'.[1327] This

[1321] Bispham 2018: 37.
[1322] Rosenblitt 2019a: 6: 'Sulla's presence in the forum was a source of fear and the physical space of the forum was dominated by the display of his personal and arbitrary power'. See also Eckert 2016a: 137, García Morcillo 2016: 113, Kristensen 2016: 342, Vervaet 2018: 76, Lange 2020: 195, Berdowski 2020: 22.
[1323] Santangelo 2007: 68.
[1324] Santangelo 2007: 102: 'he viewed the primacy of the elites as a central feature of the empire, at all levels'.
[1325] Santangelo 2007: 134.
[1326] Santangelo 2007: 193.
[1327] Thein 2011: 82. See also Steel 2018: 234: 'the Sullan *res publica* was grounded in a broad coalition of those across Italy who had supported Sulla and benefitted from his success'.

perspective places too much weight on the agency of Italian elites in the new regime, and too little on the brutality to which their communities were subjected. As I discussed earlier, both Sulla and his allies plundered Italy. We know that Tuder, Sena Gallica, Ariminum, and Praeneste all suffered that fate. Sulmo and Norba were not plundered, but destroyed; the former on the explicit order of Sulla, according to Florus.[1328] There are archaeological hints of sacks at Populonia, Telamon, Saturnia, and Arretium, all of which may have been Sullan, and a remarkable concentration of four coin hoards, all datable to the late 80s, have been found in Etruria, testifying to the disruption at the time.[1329] Appian justifiably claims that the war was ruinous for Italy.[1330] The end of the war brought little respite. Surrendered combatants were massacred at Praeneste, as were the Samnites, both after Sacriportus and at the Villa Publica in Rome, after the Colline Gate.[1331] Sulla is supposed to have considered the Samnite people τὰ ἔχθιστα τῇ Ῥώμῃ.[1332] According to Strabo, he sought to wipe them out of Italy.[1333] He cites Bovianum, Aesernia, Panna, and Telesia among the cities which either vanished or became κῶμαι thanks to Sulla's intervention. Santangelo has argued that Strabo 'often exaggerates his statements about the impact of wars on a community or a people', and that 'there is no evidence that [Sulla] ever envisaged, or carried out any retaliation on the Samnites as an ethnic group'.[1334] With the absence of any contradictory sources, this seems unduly skeptical.[1335]

[1328] Flor. 2.9.28: sic damnatam civitatem iussit Sulla deleri; see App. *BCiv*. 1.94.439 for the destruction of the latter. Both are included on a list of destroyed towns in Latium in Plin. *HN*. 3.68; more may have been Sullan.
[1329] See especially Santangelo 2007: 173.
[1330] App. *BCiv*. 1.95.440: ἠνυσμένων δὲ τῶν ἀμφὶ τὴν Ἰταλίαν πολέμοις καὶ πυρὶ καὶ φόνῳ πολλῷ.
[1331] I discuss these in detail in chapter 5.
[1332] Plut. *Sull*. 29.
[1333] Strabo 5.4.11: προγραφάς τε ποιούμενος οὐκ ἐπαύσατο πρὶν ἢ πάντας τοὺς ἐν ὀνόματι Σαυνιτῶν διέφθειρεν ἢ ἐκ τῆς Ἰταλίας ἐξέβαλε.
[1334] Santangelo 2007: 143.
[1335] See Bispham 2018: 33: 'Strabo is unlikely to have made up his evidence (which may well here derive from Poseidonios), or to have misunderstood the systematic decline of urban settlement across a region'. See also Salmon 1964: 79 and 1967: 387, Jung 2017: 320.

Moreover, even if the Samnites did not face attempted genocide, and suffered on the same level as other Italian communities, that does not mean they got away lightly. The scale of violence across the peninsula was remarkable. It began, according to Dio, with a wave of spontaneous massacres erupting after the Colline Gate ἐν τῷ ἄστει καὶ ἐν τῇ χώρᾳ ταῖς τε πόλεσι ταῖς ἐν τῇ Ἰταλίᾳ πάσαις.[1336] After this came the proscriptions, which resulted, according to Cicero, in 'caedes municipiorum'.[1337] Both Plutarch[1338] and Livy's epitomator[1339] emphasise that they engulfed all of Italy. Hinard argued that they only applied to elite Roman citizens, and thus 'les habitants de l'Italie, ceux qui n'appartenaient pas à l'élite sociale romaine, quel que fût leur statut dans leur cité d'origine, sont restés étrangers à la proscription'.[1340] Despite the fate of Cn. Decidius the Samnite,[1341] and his dismissal of Crassus' proscription of a man from Bruttium as a 'bavure',[1342] his argument that the process, because of its focus on property and publicity in the city of Rome, 'ne concernait que les sénateurs et les chevaliers',[1343] is plausible. Those are certainly the *ordines* on which both Appian and Florus focus.[1344] However, here as elsewhere, Hinard gives an entirely misleading characterisation of the post-civil war violence by focusing on its formal procedures.[1345] He insists on the 'caractère sélectif' of the proscriptions in order to separate them from whatever else was going on.[1346] This is unsatisfactory, even when it comes to the

[1336] Cass. Dio 30-35.109.9.
[1337] Cic. *Parad. Stoic*. 46. See also Val. Max. 3.1.2: municipia…trucidantem.
[1338] Plut. *Sull*. 31: προεγράφοντο δὲ οὐκ ἐν Ῥώμῃ μόνον, ἀλλὰ καὶ ἐν πάσῃ πόλει τῆς Ἰταλίας.
[1339] Livy *Per*. 88: urbem ac totam Italiam caedibus replevit.
[1340] Hinard 1983.
[1341] Cic. *Cluent*. 161: Cn. Decidio Samniti, ei, qui proscriptus est. For prosopographic discussion, see Hinard 1985a: 348, but nothing else is known about him. If he is the same as Decius the Samnite, defended by Caesar (Tac. *Dial*. 21.6), he may have had influential friends in Rome. However, this is doubtful, given Caesar's own dislocation during Sulla's dictatorship.
[1342] Hinard 1983. See Plut. *Crass*. 6.
[1343] Hinard 1983; see also 1984b: 299. But the contemporary evidence for this is poor. As Brunt 1971b: 302 noted, Cicero never called Sex. Roscius an *eques Romanus*.
[1344] App. *BCiv*. 1.95.442 and Flor. 2.9.25.
[1345] See Thein 2017: 26 on Hinard's 'sanitised portrait of the end of the Sullan civil war'.
[1346] Hinard 1983: 'Cela ne signifie évidemment pas qu'il ne s'est pas produit, dans ces milieux, des épurations et que des populations entières n'ont pas été anéanties ; simplement la procédure suivie pour cet anéantissement n'a rien à voir avec la proscription, même si les historiens modernes les ont, le plus souvent, amalgamées, comme pour amplifier l'horreur de ce qu'on a appelé, par un passage expressif au pluriel, *les proscriptions*'.

proscriptions themselves. They were manifestly not 'une épuration très contrôlée'.[1347] Our sources are clear that the 'identity of victims was fluid',[1348] and that it was easy enough for the unscrupulous to procure the proscription of whomever they wanted.[1349] Sulla created a culture of fear, as the threat of proscription hung over everyone. Though Dio and Diodorus attest to the terror of reading the physical list in Rome,[1350] the same atmosphere afflicted Italy too. We can see this in Cicero's portrait of Larinum. The poor inhabitants were gripped by fear of proscription and death ('proscriptionis et mortis metu tenebantur') when Oppianicus returned, ostensibly on Sulla's orders, to become a *quattuorvir* and dispose of four of his personal enemies ('proscribendos interficiendosque curaret').[1351] In Ameria, the people were not so much scared, but outraged and wretched, when they saw Ti. Roscius seize the property of Sex. Roscius' father: 'quod Amerinis usque eo visum est indignum, ut urbe tota fletus gemitusque fieret'.[1352] The only recourse of the *decuriones* was to send an embassy to Sulla, which could not even get an audience with the dictator.[1353] In this light, the proscriptions emasculated Italian elites. They were at the mercy of an arbitrary procedure, decided in Rome,[1354] and also of a lawless state of affairs around Italy, in which 'shameless local time-servers and carpet-baggers'[1355] exerted themselves however they could. Bispham has correctly argued that 'the most striking manifestation of his engagement with élites in Italy is not that he engaged with a part, or had a systematic plan to destroy another part, but that he simply allowed sections of the élite to use his victory to impose themselves in whatever unpleasant ways they saw fit'.[1356] This is to say nothing of the Roman allies of Sulla, such as

[1347] Hinard 1985a: 111.
[1348] Steel 2018: 228.
[1349] I discuss this in detail in chapter 5.
[1350] Cass. Dio 30-35.109.14 and Diod. Sic. 38/39.19.
[1351] Cic. *Cluent*. 25.
[1352] Cic. *Rosc. Am*. 24.
[1353] Cic. *Rosc. Am*. 25, 110.
[1354] See the importance of being at Rome during the proscriptions, with the repeated 'Romae', at Cic. *Rosc. Am*. 92, and Cicero's emphasis throughout the speech that Roscius junior was away; see Thein 2017: 242.
[1355] Bispham 2018: 37.
[1356] Bispham 2018: 39.

Chrysogonus, Verres,[1357] or Rullus' father-in-law Valgius,[1358] who acquired the lands of Italians under the cover of all the disruption. In my view, Santangelo's picture of co-operation and patronage is hard to square with the Italian experience of the proscriptions.

There was also punishment beyond the proscriptions. Appian describes trials across Italy for suspected opponents of Sulla.[1359] Cicero's anecdote about Sthenius of Thermae, who was accused of hostility towards the *res publica* because of his connection to Marius ('propter C. Mari familiaritatem et hospitium contra rem publicam sensisse'),[1360] appears to be an example of this. Unfortunately, the evidence for these trials is slight, and we do not know why the elites who were charged were not simply proscribed.[1361] According to Appian, it was another way that Sulla could punish individuals, and when he ran out of those, he turned his attention to entire communities.[1362] Collective punishment is attested in Sulla's plundering in Italy, and the confiscation of land for his colonies. Cicero tells us that the latter was ratified by the *comitia centuriata*. Sulla also put before that body an attempt to remove the *civitas* of the people of Volaterrae and Arretium. According to Cicero, he did so unsuccessfully: 'L. Sulla victor re publica reciperata comitiis centuriatis civitatem eripere non potuit'.[1363] The bill, however, did not fail the vote; by 'non potuit', Cicero refers to his challenge of the law's legality in his defence of a woman from Arretium, while Sulla was still alive, probably in 79 or 78.[1364] Cicero could not have challenged it if it had not been passed

[1357] Cic. *Verr*. 2.1.38: bona quaedam proscriptorum in agro Beneventano diripienda concessit.
[1358] Cic. *Leg. Agr*. 3.14: eos fundos quos in agro Casinati optimos fructuosissimosque continuavit, cum usque eo vicinos proscriberet quoad angulos conformando ex multis praediis unam fundi regionem normamque perfecerit.
[1359] App. *BCiv*. 1.96.446: κρίσεις τε ἦσαν ἐπὶ τούτοις ἀνὰ τὴν Ἰταλίαν ὅλην πικραὶ καὶ ἐγκλήματα ποικίλα, στρατηγίας ἢ στρατείας ἢ ἐσφορᾶς χρημάτων ἢ ἄλλης ὑπηρεσίας ἢ βουλεύσεως ὅλως κατὰ Σύλλα.
[1360] Cic. *Verr*. 2.2.113. See also Plut. *Pomp*. 10 and Hinard 1983.
[1361] Plut. *Pomp*. 10 states that elites were targeted: Πομπήϊος δὲ τοὺς μὲν ἐν δόξῃ μάλιστα τῶν Σύλλα πολεμίων καὶ φανερῶς ἀλισκομένους ἀναγκαίως ἐκόλαζε, and App. *BCiv*. 1.96.447 agrees: καὶ ταῦτ᾽ ἤκμαζε μάλιστα κατὰ τῶν πλουσίων. Sthenius was a δημαγωγὸς, according to Plutarch, and 'tantum auctoritate apud suos civis potuit', according to Cicero. He would seem to have been visible enough in Rome to have been proscribed, at least as much as the *quattuorviri* at Larinum.
[1362] App. *BCiv*. 1.96.447.
[1363] Cic. *Dom*. 79.
[1364] See Cic. *Caec*. 97.

in the first place.[1365] But its stipulations were highly controversial: 'a debate certainly took place among Roman lawyers and politicians'[1366] on whether Sulla was allowed to unilaterally disenfranchise Italian communities. Sallust's Lepidus suggests that it could be seen as outrageous in Rome: 'sociorum et Lati magna vis civitate pro multis et egregiis factis a vobis data per unum prohibentur'.[1367] I argue that it is another sign of Sulla's domineering attitude towards Italy.

4.iii.c: Domination

In my view, Sulla's attitude reflected the extreme subordination of Italian elites and their communities under his dictatorship. In his triumph, which included in its procession the gold that Marius the younger had taken to Praeneste;[1368] in his athletic shows, which celebrated both his Italic and Mithridatic victories;[1369] and in his victory games, which celebrated the anniversary of the Samnites' defeat,[1370] Italy was treated as an emasculated enemy. Sulla himself was granted by the *lex Valeria* authority over τὴν πόλιν καὶ τὴν Ἰταλίαν καὶ τὴν ἀρχὴν ὅλην.[1371] This *de iure* position befitted his military dominance of the peninsula, with garrisons in hostile cities in the immediate aftermath of the war,[1372] and then, later, veteran colonies that some have taken to be garrisons as well. He used this position to 'selectively make an impact on a number of local and regional contexts'.[1373] An extreme example of this occurred in Puteoli, where he rewrote their constitution only ten days before

[1365] Rosillo-López 2019: 67 overlooks this.
[1366] Santangelo 2007: 176. As Frier 1985: 101 argues, Cicero's triumphalism in the *de domo sua* was tendentious: 'Cicero asserts that no one thereafter doubted the legal rights of those affected by Sulla's law (*Caec*. 97); but more probably he just hoped that the law would slip into desuetude through non-enforcement'.
[1367] Sall. *Hist*. 1.55.12.
[1368] Plin. *HN*. 33.16.
[1369] App. *BCiv*. 1.99.464.
[1370] Vell. Pat. 2.27.
[1371] App. *BCiv*. 1.98.459.
[1372] App. *BCiv*. 1.95.440: οἱ μὲν τοῦ Σύλλα στρατηγοὶ τὰς πόλεις ἐπιόντες τὰ ὕποπτα ἐφρούρουν.
[1373] Santangelo 2012a: 430.

he died.[1374] He had a local magistrate strangled for his disobedience.[1375] The *Libri Coloniarum* mention more prosaic interventions, with *leges Sullanae* fortifying, founding, or affecting borders in Aricia, Bovillae, Capitulum, Capua, Castrimoenium, Gabii, Nola, Suessula, and Tusculum.[1376] Sulla's most important action in Italy as dictator, however, is the one that he did not make: 'his decision not to perform the census in 81'.[1377] By not doing so, Sulla chose to hinder the development of Italian enfranchisement. Those not registered in the census of 86/85 would have to continue to wait to be assigned their *classes*, and thus to participate in the *comitia centuriata*,[1378] where magistrates were elected and, after Sulla's probable reform, laws were passed.[1379] In this light, Sulla, by not cancelling Cinna's more equitable tribal distribution,[1380] may not have reneged on his pledge to guarantee the Italians' *ius suffragii*. But, given the political disputes over the *value* of their votes in 88 and 87,[1381] he hardly fulfilled it either.

The subaltern status of Italian communities in Sulla's dictatorship is best evinced by their lack of recourse to this marginalisation and repression. For political representation, they would have to wait until 70 for another census.[1382] And Italian elites had little protection for the violence waged against them. The leading citizens of Ameria, for example, sent *decem primi* to Sulla, in order to complain that Sextus Roscius, a *homo florentissimus*, had been killed and his property seized.[1383] But 'ad Sullam legati non adierunt'. They returned to

[1374] Plut. *Sull*. 37: δέκα μὲν γὰρ ἡμέραις ἔμπροσθεν τῆς τελευτῆς τοὺς ἐν Δικαιαρχείᾳ στασιάζοντας διαλλάξας νόμον ἔγραψεν αὐτοῖς καθ᾽ ὃν πολιτεύσονται.
[1375] Plut. *Sull*. 37. Val. Max. 9.3.8 mentions Sulla's threats, but does not corroborate the execution.
[1376] See *Lib. colon*. 1.X.8, 17, 20-1, 26-7, 38, 43, 53, 62 (Campbell 2000: 180-7, Brunet et al. 2008: 8-11).
[1377] Santangelo 2007: 67.
[1378] See Bispham 2018: 36, and Taylor 1960: 24, Wiseman 1969: 60 on the need for a census.
[1379] See App. *BCiv*. 1.59.266, and Cic. *Dom*. 79 for an example. But the extent of the reform remains uncertain, as his law on the quaestors was passed by the tribes (see *RS* 14).
[1380] See Bispham 2018: 11 for the inference that, after restoration, 'Cinna re-introduced the bill which had been vetoed at the start of 87'.
[1381] See App. *BCiv*. 1.55.242 (μειονεκτοῦντας ἐπὶ ταῖς χειροτονίαις) and 1.64.287 (ἄκυροι). This concept could be described in Latin as the *potestas suffragiorum*; see Asc. 78C (on the ballot laws).
[1382] See Crawford 1996a: 415 on the shortcomings of that census.
[1383] Cic. *Rosc. Am*. 24-5.

Ameria ‘re inorata’.[1384] That ‘they do not even get to see the dictator’,[1385] that they had been fobbed off by his freedman Chrysogonus, tells us much about their powerlessness. They could not negotiate with Sulla; they had to beg him.[1386] Even Cicero, when defending Roscius’ son from prosecution, did not feel comfortable arguing for his right to his father’s possessions. He merely asked for his life to be spared.[1387] Cicero was more forceful in speaking up for the rights of the people of Volaterrae and Arretium, in his speeches for Caecina and the unnamed *mulier Arretina*. He defended Caecina’s right to inherit, and the woman’s right to *libertas*, because Sulla’s removal of their communities’ *civitas* was unlawful. But the fact that their most basic civic rights were up for debate in a Roman court, and depended on the eloquence of a Roman lawyer to defend them, is another testament to the extreme power imbalance in Sulla’s Italy.

In this light, Italian elites more closely resemble impotent provincials than partners in the new, post-Social War *res publica*. As I said earlier, Santangelo has argued that ‘retaliation only affected his staunchest enemies’,[1388] and that Sulla’s attitude towards Italian elites was far more co-operative than the one I have sketched here. Though his account is learned, and fundamental to this study, I believe that the evidence points in a significantly different direction. Sulla may have especially targeted his civil war opponents, and rewarded some Italian elites, perhaps by promotion to the senate. But his repression throughout the peninsula destabilised all communities, and evidence is lacking for the notion that he

[1384] Cic. *Rosc. Am*. 110 and 26.
[1385] Santangelo 2012a: 427.
[1386] Cic. *Rosc. Am*. 25: itaque decurinoum decretum statim fit, ut decem primi proficiscantur ad L. Sullam doceantque eum, qui vir Sex. Roscius fuerit, conquerantur de istorum scelere et iniuriis, orent, ut et illius mortui famam et filii innocentis fortunas conservatas velit (note the verb *orent*). Though the speech is tendentious in many places, as Santangelo 2012a: 427 argues, ‘this section must be broadly accurate, since Cicero had the decree of the decurions read out during his speech’.
[1387] Cic. *Rosc. Am*. 7: primum a Chrysogono peto, ut pecunia fortunisque nostris contentus sit, sanguinem et vitam ne petat.
[1388] Santangelo 2007: 78.

'contributed to make the political role of the Italian elites more significant'.[1389] In my view, Sulla's Italian co-optation can best be explained by his and their negotiating positions. At the start of the civil war, when Sulla landed in southern Italy, hundreds of miles from Rome and with his enemies still fielding enormous armies, he was compelled to make concessions. These included a tax exemption for Brundisium and recognition of Cinna's tribal distribution. But after the Colline Gate, the situation was entirely different. Pockets of resistance remained, but Sulla's dominance of the peninsula was obvious. Thus spoke the Praenestines, according to Appian: τὴν ἄλλην Ἰταλίαν καὶ Ῥώμην ἐπ᾽ αὐτῇ Σύλλαν ἐκτενῶς κεχειρῶσθαι.[1390] Now, Sulla did not have to concede anything. His negotiating partners had no leverage from which to negotiate. They could not hinder him from winning a war that had already been won. Therefore they were in no position to either assert their voting power in Rome, in *comitia* from which they were largely excluded, or even to protect their own leaders from the violence of the proscriptions, as the Amerians and Larinates would discover. In order to defend their citizenship, they had to depend on Roman lawyers; to defend their territories, they had no hope whatsoever.[1391] The people of Faesulae, no doubt aware of this, resorted to violence against Sulla's colonists.[1392] If this violence had been on a larger scale, and been co-ordinated by elite collective action across Italy, Italian communities would have been in a better position to make demands of Sulla. But the threat of Italian force against Rome was no longer credible. They had rebelled once, and so shortly afterwards, in the aftermath of Sulla's decisive victories, they could hardly do so again. Thus Sulla had little need to co-opt Italy as dictator.[1393]

[1389] Santangelo 2007: 134.
[1390] App. *BCiv*. 1.94.434.
[1391] Cic. *Dom.* 79 makes clear that this was entirely within the right of the Roman people in the *comitia centuriata*, presided over by Sulla: 'populus Romanus L. Sulla dictatore ferente comitiis centuriatis municipiis civitatem ademit: ademit eisdem agros. De agris ratum est; fuit enim populi potestas'.
[1392] Gran. Licin. 36.36: F‹a›esulani in[ru]peru*n*t i*n* castella ‹vete›[ra]norum Sullano*r*u‹m.
[1393] See Dahlheim 1993: 115 on the domination to which Italy was subjected, and Momigliano 1940: 78: 'the upper classes of Italy and the provinces, still breathless after Sullan and post-Sullan blows'.

Chapter 5: Sulla's repression

Finally, repression can be most simply understood as encompassing 'all actions that raise the costs of collective action'[1394] against a regime. This can be divided into two sub-categories: civil liberties restrictions, and 'personal integrity violations', or violence.[1395] Anyone who has come across an authoritarian regime will be immediately familiar with what has been called their 'core feature'.[1396] Repression is fundamental to them 'because they refuse to anchor political order to the consent of the sovereign people'.[1397] As I have discussed, sometimes obedience can be effected by widespread acceptance (legitimation), or intra-elite negotiation (co-optation). But there will invariably be cases in which those strategies fall

[1394] Tanneberg 2020: 14; a definition much indebted to Tilly 1978: 100.
[1395] Davenport 2007: 487.
[1396] Art 2012: 353. See Svolik 2012: 10: 'no dictatorship can do away with repression'.
[1397] Tanneberg 2020: 9.

short. If authoritarians are to have any hope of longevity, they must be able to coerce the intransigent. Human history is not short of examples. However, despite the importance, indeed ubiquity, of this pillar of stability, it is also true that 'repressing opposition is a costly endeavour'.[1398] There are two major problems. Firstly, the use of force against one's own population can 'weaken the legitimation function',[1399] as violence is seldom endearing. Repression can backfire, provoke more opposition, and worsen the problem for which it was intended a solution. Secondly, 'administering terror involves a host of organizational decisions and processes'.[1400] Amongst a population of any size, an authoritarian needs to use agents to effect their repression. Giving them the capacity to do so leads to a principal-agent problem, in which 'the very resources that enable a regime's repressive agents to suppress its opposition also empower it to act against the regime itself'.[1401] Soldiers, paramilitaries, and the police can be difficult to control, and if they are not controlled, they are 'likely candidates for coup attempts'.[1402] Because of these costs, many political scientists have concluded that 'relying on repression alone is too costly as a means of sustaining authoritarian rule'.[1403] An oft-cited phrase, attributed to figures as diverse as Talleyrand and Boris Yeltsin, has it thus: 'you can build a throne with bayonets, but it's difficult to sit on it'.[1404] Acknowledging the costliness of repression encourages us to look for other sources of stability in authoritarian regimes, which as we have seen with Sulla's legitimation and co-optation, were crucial to his power. But this should never lead us to overlook the violence of his dictatorship. Its brutality is obvious in almost every source that describes it. There was no prospect of Sulla avoiding the costs of repression; they could only be managed. In this chapter, I examine how Sulla's repression worked. I look at how it contributed to regime stability, and how its costs

[1398] Gerschewski 2018: 652.
[1399] Gerschewski 2013: 28.
[1400] Art 2012: 369.
[1401] Svolik 2012: 10. See also Geddes, Wright, and Franz 2018: 155. The same problem exists in democracies; on the 'civil-military problematique', see Feaver 1999: 214.
[1402] Art 2012: 370.
[1403] von Soest and Grauvogel 2017: 288.
[1404] Murray 1995: 8; see also Pakulski 1986: 38, Gerschewski 2013: 38, Tanneberg 2020: 2.

detracted from it. Finally, I discuss how Sulla managed the costs of repression, and how this contributed to the power he exercised.

5.i: The mechanics of Sulla's repression

I break down my discussion of Sulla's repression into three of its component parts: the violence he deployed during the civil war; the proscriptions he unleashed afterwards; and the coercive institutions he relied upon in Rome. After doing so, I look at the cumulative impact of his intimidation.

5.i.a: Civil war

Violence, as Carsten Lange has said, 'is a conspicuous part of civil war', with a 'distinct logic': 'the elimination of personal enemies and the securing of power'.[1405] Tacitus knew this too, noting that Augustus' most defiant enemies, the *ferocissimi*, 'per acies aut proscriptione cecidissent'.[1406] In Sulla's case, taking the *acies* first, he made it clear in his first letter to the senate, recorded by Appian, that he was coming to avenge those who had wronged him.[1407] In his second letter he said that he could never be a friend to those men (οὔποτε ἀνδράσι τοιάδε ἐργασαμένοις ἔσεσθαι φίλος), and, even though he would be forgiving if Rome pardoned them (τῇ πόλει δ᾽ οὐ φθονήσειν χαριζομένῃ τὴν σωτηρίαν αὐτοῖς), he hastened to remind his audience that he was coming with a loyal army (στρατὸν ἔχων εὔνουν).[1408] Although, as I argued earlier, Sulla was open to negotiation with many members of the Roman elite, and Italian communities with which he 'foedus percussit',[1409] this did not extend

[1405] Lange 2018: 97. On this logic, see especially Kalyvas 2006.
[1406] Tac. *Ann*. 1.2.
[1407] App. *BCiv*. 1.77.352: τιμωρὸς ἥξειν ἐπὶ τοὺς εἰργασμένους.
[1408] App. *BCiv*. 1.79.361.
[1409] Livy *Per*. 86.

to everyone.[1410] Cicero said that what he himself truly wanted, peace ('ut componeretur'),[1411] turned out to be impossible, and Velleius claims that Sulla never pretended otherwise: 'neque inlaturum se bellum iis dissimulavit'.[1412] This apparently helped the consuls mobilise against Sulla, because no middle ground between victory and defeat was conceivable.[1413] This kind of total war furnished Sulla the opportunity to rid the state of his enemies. He did not waste it. The numbers in the ancient sources on the casualties are by no means reliable, but they at least give a sense of the scale. Between 15,000 and 25,000 men are reported to have died at Sacriportus;[1414] around 50,000 at the Colline Gate;[1415] and approximately 100,000 across the whole war.[1416] This was the culmination of an extraordinarily bloody decade, in which, from the Social and civil wars combined, Orosius reckoned that 150,000 Romans died, and 'innumeris totius Italiae populis'.[1417] In this light, Santangelo estimated that the surviving senators at the end of 82 numbered only 150.[1418] The extent of elite death[1419] before Sulla's dictatorship meant that he had fewer potential opponents to deal with during it, and his determination to make war upon his enemies should be seen as part of his broader attempts to

[1410] See the debate between Frier 1967: 115 ('perhaps Sulla was willing to compromise, and if his demands had been granted the civil war would have ended') and Badian 1968: 40 ('nothing in that career of violence, treason and intrigue…gives us any solid reason to believe this'). Neither extreme is helpful: Sulla, as I showed in chapter 4, reconciled with many 'Cinnans', but this invariably meant them joining him to fight against Carbo and the younger Marius.
[1411] Cic. *Rosc. Am*. 136.
[1412] Vell. Pat. 2.24. This was strikingly different to Caesar's rhetoric in 49, when he constantly sued for peace (see Caes. *BCiv*. 1.9, 1.26, 1.32, and Gotter 2023: 190), and reminded his troops before Pharsalus 'quanto studio pacem petisset' (3.90). Sulla, after the destruction of his house, expulsion of his family, and declaration as a *hostis*, had greater scope to claim that vengeance, not peace, was necessary.
[1413] App. *BCiv*. 1.81.372: οὐδὲν σφίσι νίκης ἢ πανωλεθρίας μέσον εἶναι νομίζοντες.
[1414] See Eutr. 5.8.1 (15,000), Plut. *Sull*. 28 (20,000 (Sulla F25)), Oros. 5.20.6 (25,000 (Claudius Quadrigarius F88)).
[1415] See App. *BCiv*. 1.93.432 (50,000 on both sides); Vell. Pat. 2.27 (40,000 in Telesinus' army): Flor. 2.9.24 (70,000 combined between Sacriportus and Colline Gate).
[1416] App. *BCiv*. 1.103.482, Diod. Sic. 37.29.5; see Eckert 2020: 86.
[1417] Oros. 5.22.4.
[1418] Santangelo 2006: 8.
[1419] Cic. *Font*. 42 claims this was partly responsible for a later dearth of generals ('partim civitatis discordiis ac rei publicae calamitate consumptis'). M. Perperna, censor in 86, died in 49 having outlived all but seven of the senators he had enrolled (Val. Max. 8.13.4, Plin. *HN*. 7.156, Cass. Dio 41.14.5); a testament not only to his extreme age, but also to the numbers of young senators who must have died in Sulla's civil war. See also Meier 1966: 243, Evans 1983: 527, Hopkins and Burton 1983: 70, Lovano 2002: 56.

repress Roman society. His victories, and the elimination of his opponents that they entailed, helped construct his power through violence.

There were two instances of Sulla eliminating his enemies during the civil war, but outside pitched battles: the massacres at the Villa Publica and at Praeneste. The Villa Publica episode in particular captured the imagination, and disgust, of the ancients. Almost every author records a different figure for those killed, which suggests a mountain of source material.[1420] Despite this, there is general agreement about the events: a mass of people, mostly those who had surrendered after the Battle of the Colline Gate, were gathered in the Villa Publica[1421] and summarily executed, on Sulla's orders.[1422] The senators had been assembled in earshot at the temple of Bellona, and Plutarch, Cassius Dio, and Seneca emphasise the terror to which they were subjected. But what about the victims of the killing itself? They were not just 'quattuor legiones contrariae partis';[1423] mixed in were some townspeople from Antemnae, and even, according to Dio, some Romans.[1424] As always, 'civil war is messy'.[1425] The defeated force does seem to have been 'mainly composed of Samnites and Lucanians',[1426] as in Plutarch's account, Sulla's subordinates Dolabella and Torquatus sharply contrast them with the Roman enemies they had faced.[1427] Appian tells us that this is why they were massacred, because they were mostly Samnites: ὅτι Σαυνῖται τὸ

[1420] Val. Max. 9.2.1: four legions; Oros. 5.21.1: 3,000; Flor. 2.9.24: 4,000; Strabo 5.4.11: 3 or 4,000; Plut. *Sull*. 30: 6,000; Sen. *Clem*. 1.12.2 and Aug. *De civ. D.* 3.28: 7,000; Livy *Per*. 88 and App. *BCiv*. 1.93.432: 8,000; [Aur. Vict.] *de vir. ill*. 75.10: 9,000. See Russell 2023: 128 n.56: 'this was a story widely remembered'. Eckert 2016b: 141 tries to reconcile these figures.
[1421] Plut. *Sull*. 30 alone says it was the ἱππόδρομος.
[1422] Strabo 5.4.11 specifies what is usually implict, that he ordered his soldiers to carry out this killing: ἐπιπέμψας στρατιώτας ἅπαντας ἀπέσφαξε.
[1423] Val. Max. 9.2.1.
[1424] Antemnae: Plut. *Sull*. 30. Rome: Cass. Dio 30-35.109.3 (καὶ πολλοὶ τῶν ἐκ τῆς πόλεως ἀνθρώπων ἀναμιχθέντες σφίσι παραπώλοντο).
[1425] Thein 2020: 274.
[1426] Bispham 2018: 30.
[1427] Plut. *Sull*. 29: οὐ γὰρ Κάρβωνα καὶ Μάριον, ἀλλὰ Σαυνίτας καὶ Λευκανούς, τὰ ἔχθιστα τῇ Ῥώμῃ καὶ τὰ πολεμικώτατα φῦλα, συμφέρεσθαι. For the notion of only the Samnites still fighting Sulla at this time, see Livy *Per*. 88, Strabo 5.4.11, Cass. Dio 30-35.109.3.

πλέον ἦν.[1428] But he clearly means that not all were. Earlier, he stated that Telesinus' force of Samnites had been joined by ὅσοι τε ἄλλοι στρατηγοὶ τῆς Καρβωνείου στάσεως, some of whom were uncomplicatedly Roman, like Damasippus and C. Marcius Censorinus.[1429] The latter two were executed the next day, after the bulk of the slaughter had been completed, but, nevertheless, their Romanness did not spare them: οὐδὲ τῶνδε φειδόμενος οἷα Ῥωμαίων ἔκτεινεν ἄμφω.[1430] Seneca and Florus inherited a rather different story, that all the victims were Roman citizens.[1431] Seneca, claiming to quote Sulla's insouciant remark to the terrified senators, reports the words 'seditiosi pauculi meo iussu occiduntur',[1432] implying that Sulla cast these enemies as domestic ones.[1433] This confusion complicates our understanding of how Sulla framed this repression. On the one hand, he was neutering a foreign antagonist, with whom Rome could never exist in peace;[1434] on the other, he was 'asserting his control over Rome and over the boundaries of its citizen body'.[1435] Regardless of this nuance, however, he destroyed a significant source of hostile manpower, and communicated his resolve to ruthlessly punish any further opposition.[1436] The costs of collective action against Sulla had unmistakably risen.

5.i.b: Proscriptions

Sulla's most infamous means of repression, the proscriptions, have an opaque history that preceded him. Our best evidence for the pre-Sullan procedure comes from the *Pro Quinctio*,

[1428] App. *BCiv*. 1.93.432. See also App. *BCiv*. 1.87.400 on his execution of Samnites after Sacriportus, and 1.94.438 on the Samnites and Praenestines after the fall of Praeneste.
[1429] App. *BCiv*. 1.92.427.
[1430] App. *BCiv*. 1.93.433.
[1431] Sen. *Clem*. 1.12.2: septem milia civium Romanorum. Flor. 2.9.24: quattuor milia deditorum inermium civium.
[1432] Plut. *Sull*. 30 renders this phrase in Greek: νουθετεῖσθαι γὰρ αὐτοῦ κελεύσαντος ἐνίους τῶν πονηρῶν.
[1433] Cic. *Rep*. 6.1 defines *seditio* as 'dissensio civium'; see Lavan 2017: 23: 'the *mot propre* for disruption arising from within the Roman citizen body'.
[1434] Strabo 5.4.11: οὐδέποτ᾽ ἂν εἰρήνην ἀγάγοι Ῥωμαίων οὐδὲ εἷς, ἕως ἂν συμμένωσι καθ᾽ ἑαυτοὺς Σαυνῖται. I agree with Bispham 2018: 24 that Sulla would have disregarded the Samnites' agreement with Marius for their citizenship (see Cass. Dio 30-35.102.7 for their terms, and App. *BCiv*. 1.68.310 for Marius' agreement).
[1435] Santangelo 2016b: 129. See Cic. *Rosc. Am*. 137 on the *populus Romanus* as *recreatus* and *restitutus* (though not, Cicero argues, if Chrysogonus continued to have his way).
[1436] See Tanneberg 2020: 22: 'violence communicates a public statement of government resolve'.

in which the verb *proscribere* can simply refer to Cicero's client Quinctius voluntarily advertising his property to be sold at auction, in order to repay his debts.[1437] Thus, on one level, it signified 'l'annonce d'une vente'.[1438] However, when Quinctius was suspected to be insolvent, his creditor Naevius applied to the praetor for the right to take possession of his estate ('ut ex edicto bona possidere liceat').[1439] Naevius took possession for 30 days (30), ordered it to be advertised ('iussit bona proscribi eius' (25)) on *libelli* (27, 61), 'in celeberrimis locis' (50), before it was to be eventually sold at auction. Cicero refers to this process as *proscriptio bonorum* (56), which can therefore be understood as 'a forced sale following a sequestration or confiscation of goods in consequence of a bankruptcy, a default, or a fine'.[1440] The noun phrase crops up several more times in our late Republican evidence: Cicero characterises some of Catiline's accomplices as 'proscriptione bonorum defetigati',[1441] and accuses Gabinius of being able to escape this fate ('bonorum proscriptionem effugere potuisset')[1442] only by becoming tribune. The *Tabula Heracleensis* attests to the stigma that *proscriptio*, ordered by the edict of the praetor, carried, as those who suffered it were banned from local magistracies.[1443]

[1437] See Cic. *Quinct*. 15, 16, 20 and *OLD* s.v.: 'to announce publicly in writing'.
[1438] Hinard 1985a: 21.
[1439] Cic. *Quinct*. 25.
[1440] Welch 2019: 242. See also Balsdon 1963: 247, Frederiksen 1966: 128, Lintott 1974: 77, Hinard 1985a: 21, Rauh 1989: 459, García Morcillo 2005: 80, 2008: 155, 2016: 118, 2021: 65; Piacentin 2021: 141.
[1441] Cic. *Cat*. 2.21.
[1442] Cic. *Red. sen*. 11.
[1443] *RS* 24 ll.115-7: 'quoiusue bona ex edicto eius, qu<ei> i(ure) d(eicundo) praefuit praefuerit…possessa proscriptaue sunt erunt'. However, because *proscribere* could simply mean advertise, and because Romans voluntarily held auctions on their property (as Quinctius tried to), it can be unclear in context whether the word refers to a forced sale following the praetor's edict, or not. See the description of Antonius at *Comm. Pet*. 8: 'bona proscripta vidimus'. Tatum 2018: 191 assumes a forced sale and calls it 'hyperbole, if not complete falsehood'; Welch 2019: 242 also calls him a 'bankrupt'. But it could easily refer to a voluntary sale (and this is a more natural reading of Asc. 87C). The ambiguity between the different denotations of 'proscription' is encapsulated by Cicero's joke, reported by Plut. *Cic*. 27: ἐπεὶ δὲ Φαῦστος ὁ Σύλλα τοῦ μοναρχήσαντος ἐν Ῥώμῃ καὶ πολλοὺς ἐπὶ θανάτῳ προγράψαντος ἐν δανείοις γενόμενος καὶ πολλὰ τῆς οὐσίας διασπαθήσας ἀπάρτιον προέγραψε, ταύτην ἔφη μᾶλλον αὐτῷ τὴν προγραφὴν ἀρέσκειν ἢ τὴν πατρῴαν. For Cicero playing on this 'ambiguïté' in the *Pro Quinctio*, see Hinard 1975: 102, and Rauh 1989: 459, García Morcillo 2016: 119.

When Sulla proscribed his enemies after his civil war victory, however, he did not publicise their property ('bona'), but their names. He 'proscribed *people*'.[1444] Cicero, when he was describing his own exile, but comparing himself to the victims of Sulla, could distinguish between *proscriptio* 'de bonis' and 'de capite civis'.[1445] Thus, even though 'la *proscriptio*… dissimule même son caractère d'exception derrière une similitude de dénomination',[1446] our sources are quite clear that Sulla's procedure was different, and innovative. Indeed, 'la tradition est…quasi-unanime à ce sujet'.[1447] According to Velleius, 'primus ille, et utinam ultimus, exemplum proscriptionis invenit'.[1448] It is worth setting out in full what we can reconstruct of Sulla's *exemplum*, so that we can appreciate both its role in his repression and regime-building, and its afterlife in the first century BC.[1449]

There are two versions of the genesis of the proscriptions in the ancient evidence. One attests to a wave of uncontrollable violence that erupted on a mass scale (οὔτε ἀριθμὸν οὔτε ὅρον)[1450] across Italy, as if prompted by a signal (φρυκτωρία),[1451] after the Villa Publica massacre.[1452] No one was safe amidst this anarchy,[1453] as the violence was so unconnected to the civil war, and conducted κατ᾽ ἰδίας ἔχθρας,[1454] that even Sullan partisans were being killed.[1455] Sulla was then pressured, by an intercessor whose identity is disputed, to step

[1444] Welch 2019: 242. See Cic. *Rosc. Am*. 16: 'cum proscriberentur homines', and 125, 130; *Cluent*. 125, 161; *Verr*. 2.1.123; Sall. *Hist*. 1.55.17, *Cat*. 21.
[1445] Cic. *Sest*. 65, *Pis*. 30. For the latter, see also Cic. *Prov. Cons.* 45, *Red. Sen.* 4.
[1446] Hinard 1985a: 30. See also Seager 1987: 248, Butler 2002: 7, Santangelo 2007: 80, van der Blom 2017: 182.
[1447] Hinard 1985a: 31.
[1448] Vell. Pat. 2.28. See also App. *BCiv*. 1.95.442, 4.1.2; Cass. Dio 30-35.109.12, Flor. 2.9.25, Sen. *Ben*. 5.16.3, [Aur. Vict.] *De vir. ill.* 75.9.
[1449] As I shall argue, there are serious problems with Hinard 1985a, often cited as the standard account.
[1450] Plut. *Sull*. 31. See also Flor. 2.9.25, Aug. *De civ. D.* 3.28, Oros. 5.21.1.
[1451] Cass. Dio 30-35.109.9.
[1452] This took place shortly after the Battle of the Colline Gate, on the Kalends of November 82: Vell. Pat. 2.27.
[1453] Cass. Dio 30-35.109.10: καὶ ἀσφάλεια οὐδεμία οὐδενὶ πρὸς τοὺς ἐν κράτει τινὶ ἀδικεῖν βουλομένους εὑρίσκετο.
[1454] Plut. *Sull*. 31.
[1455] Oros. 5.21.1: etiam ipsius Sullanae partis occisi sunt. Thein 2017: 241 has argued that Cic. *Rosc. Am*. 81 refers to this anarchy. See also Keaveney 1982a: 149, Seager 1994: 197, Berdowski 2020: 22, Eckert 2020: 90.

in.[1456] He introduced the proscriptions to give some structure to the violence. In Appian's account, however, there is no mention of such an antecedent; Sulla began proscribing immediately after a *contio* in which he had talked about taking vengeance upon his enemies.[1457] There is not much to go on to choose between these 'zwei unterschiedlichen Traditionssträngen'.[1458] Hinard rejected the early violence altogether, in favour of Sulla's strict and self-motivated desire to shape 'les contours d'une épuration qui n'avait pas encore vraiment commencé',[1459] along Appian's lines. This argument has found little favour, because the decentralised killing is both widely attested and 'durchaus glaubwürdig'.[1460] But the tradition of someone like C. Metellus prevailing upon Sulla to divulge the names of those whom he intended to punish (δήλωσον οὓς μέλλεις κολάζειν)[1461] is hardly reliable history. Fufidius too belongs to the 'Bereich des Obskuren'.[1462] In my view, the existence of the pre-proscription violence must stand, but the anecdotes about the pressure exerted on Sulla to regulate it cannot help us reconstruct the events of late 82.

When Sulla did begin proscribing, he published lists of names on a whitened board (λελευκωμένος πίναξ)[1463] in the Forum.[1464] Our sources cannot agree on how long, or how many, these lists were. Appian says that there two, the first with 40 senators and 1,600 *equites*, the second with more senators. Plutarch has three lists, with 80, then 220, then another 220 victims, with the promise of more as soon as he could remember them (τοὺς δὲ

[1456] Plutarch says it was an obscure C. Metellus, but reports another tradition that it was Fufidius. Florus says Fufidius; Orosius that it was Fufidius who invented the proscriptions, but Catulus who reprimanded Sulla. Augustine does not name the intercessor.
[1457] App. *BCiv*. 1.95.442: αὐτίκα. There is also no prelude in Vell. Pat. 2.28.
[1458] Heftner 2006: 37.
[1459] Hinard 1985a: 107.
[1460] Heftner 2006: 48. See Thein 2017: 241: 'Hinard misreads and sanitises the evidence', and Seager 1987: 248. On the unreliability of Appian's chronology, see Gabba 1967: 254.
[1461] Plut. *Sull*. 31.
[1462] Heftner 2006: 51.
[1463] Cass. Dio 30-35.109.12. Cic. *Rosc. Am*. 21, 26 refer to the lists as *tabulae*; on the vagueness of this term, see Butler 2002: 19.
[1464] Plut. *Sull*. 31, Diod. Sic. 39.19. Cass. Dio 30-35.109.21 implies that the lists were not by the rostra, where the heads of victims were taken. On the uncertainty of the topography, see Hinard 1985a: 33.

νῦν διαλανθάνοντας αὖθις προγράψειν). Orosius has a first list of 80, then a second of 500. Dio gives no numbers but implies that, unlike the triumvirs, Sulla had more than two lists.[1465] We can do little with these 'chiffres inconciliables et parfois aberrants'.[1466] What does seem clear, however, is that the number of postings did not much matter, because, following Plutarch, 'le liste rimasero aperte'.[1467] The danger of being proscribed was an ongoing one. The lists were read again and again;[1468] Sextus Roscius senior was in the Forum daily ('erat ille Romae frequens atque in foro et in ore omnium cotidie versabatur') during the proscriptions with no fear, which was plausible for others, that he would succumb to them ('ne quid ex ea calamitatis sibi accideret');[1469] the Larinates were terrified *after* the proscription of their *quattuorviri* that the same fate awaited them.[1470] Sallust's Caesar is one of many voices who claims that it was possible to procure the proscription of someone whose property you desired.[1471] As Shane Butler has observed, 'most Romans escaped death but not fear during the proscriptions'.[1472] In many cases this fear refers to the potential of finding one's name on the list in the future. The proscriptions, then, must, have been an iterative process; to talk about 'une liste exhaustive'[1473] renders most of our evidence nonsensical.

What did it mean to find your name on the list? There were a number of different sanctions[1474] that amounted to 'rechtsgültige Todesurtheile'.[1475] The proscribed were

[1465] App. *BCiv*. 1.95.442-3, Plut. *Sull*. 31, Oros. 5.21.3-4, Cass. Dio 47.3.2. On the total number of victims, see Val. Max. 9.2.1, Flor. 2.9.25, Aug. *De civ. D.* 3.28, and Canfora 1980: 426.
[1466] Hinard 1985a: 116. See Lintott 1987: 196 on the 'good deal of conjecture' in Hinard's prosopography of the proscribed.
[1467] Gabba 1967: 255.
[1468] Cass. Dio 30-35.109.14: συνέθεον ἐπ᾽ αὐτὰ πάντες οἱ ἀεὶ παριόντες σπουδῇ.
[1469] Cic. *Rosc. Am*. 16. See Dyck 2010: 82.
[1470] Cic. *Cluent*. 25: illis crudelissime interfectis non mediocri ab eo ceteri proscriptionis et mortis metu tenebantur.
[1471] Sall. *Cat*. 51.33: dabat operam ut is in proscriptorum numero esset. See also Vell. Pat. 2.22, Cass. Dio 30-35.109.13, Oros. 5.21.5. For Crassus doing this, see Plut. *Crass*. 6; for Catiline, see Plut. *Sull*. 32, *Cic*. 10.
[1472] Butler 2002: 7.
[1473] Hinard 1985a: 141.
[1474] It is unclear how these were conveyed. Val. Max. 9.2.1 and Flor. 2.9.25 refer to an *edictum*, but there was also at least one *lex de proscriptione*: Cic. *Rosc. Am*. 125, and *Verr*. 2.1.123, Suet. *Iul*. 11. Hinard's (1985a: 52) suggestion that an initial edict spelled out the immediate sanctions, and the later law dealt with 'les conséquences à plus long terme' is plausible, but we cannot be sure.
[1475] Mommsen 1899: 938.

outlawed, to the extent that their killers enjoyed ἄδεια, or *impunitas*.[1476] Sulla even encouraged killers with the reward[1477] of two talents, or 12,000 drachmas.[1478] His *lex Cornelia* also forbade anyone to help the proscribed: 'proscriptum iuvari vetaret'.[1479] This outlawry extended far beyond exile, as its victims were mercilessly tracked down outside of Italy. Norbanus was pursued to Rhodes,[1480] for example, and Pompey was sent to Sicily against ὅσοι τὰς προγραφὰς ἔφθησαν ἀποδράντες.[1481] Proscription thus meant 'the death of the proscript without due process',[1482] and it seems that the modality of killing that was called for was decapitation. Suetonius describes the proscription killers as 'qui proscriptione ob relata civium Romanorum capita pecunias ex aerario acceperant',[1483] which implies that 'payment of the reward depended on production of the severed head'.[1484] This is also suggested by Cicero's dark observation that the *sectores bonorum*, the buyers of estates at auction, were the same people as the *sectores collorum*, the cutters of necks.[1485] There was a precedent for this, as Septumuleius of Anagnia, Gaius Gracchus' killer, was said to have been paid in gold for his head.[1486] In Sulla's case, the bounties were paid out of the treasury,[1487] a fact that was publicly recorded and, to the misfortune of the recipients, made them easily identifiable for future retribution.[1488] After death, the heads of the victims were displayed all

[1476] Cass. Dio 30-35.109.13, Sen. *Ben*. 5.16.3; see Suet. *Iul*. 11 for its unsuccessful application.
[1477] Cic. *Lig*. 12: praemiis inuitabat, and App. *BCiv*. 1.95.442, 4.1.3; Vell. Pat. 2.28, Sen. *Ben*. 5.16.3, Luc. 2.151.
[1478] Plut. *Sull*. 31, *Cat. Min*. 17.
[1479] Cic. *Verr*. 2.1.123; see also App. *BCiv*. 1.95.442, 4.1.3; Plut. *Sull*. 31. Plut. *Sull*. 1 says Sulla precipitated a freedman from the Tarpeian rock for harbouring one of the proscribed. See Calore 1989 for discussion.
[1480] Livy *Per*. 89: C. Norbanus consularis proscriptus, in urbe Rhodo cum comprehenderetur, ipse se occidit. See also App. *BCiv*. 1.91.422, and Plin. *HN*. 22.12: obsessis in toto orbe proscriptis.
[1481] Plut. *Pomp*. 10; see also App. *BCiv*. 1.95.440.
[1482] Welch 2019: 242.
[1483] Suet. *Iul*. 11. The *Tabula Heracleensis* has a similar clause (*RS* 24 l.122: queiue ob caput c(iuis) R(omanei) referundum pecuniam praemium aliudue quid cepit ceperit), which seems to refer to Sulla's proscription (Brunt 1971b: 521, Hinard 1985a: 39, Crawford 1996b: 387; Giovannini 2008: 49 argues against this, unconvincingly).
[1484] Bauman 2000: 113. For the same process in the triumviral proscriptions, see App. *BCiv*. 4.15.58.
[1485] Cic. *Rosc. Am*. 80. The author of *Comm. Pet*. 9 also alleges that Catiline and his band of Gauls 'capita deme- <te>bant' during the proscriptions. See Hinard 1984b: 300, 1985a: 41.
[1486] Cic. *De or*. 2.269: pro C. Gracchi capite erat aurum repensum. See Hinard 1985a: 38.
[1487] See Suet. *Iul*. 11 (ex aerario), Plut. *Cat. Min*. 17 (δημόσιον ἀργύριον), Vell. Pat. 2.28 (publice constitueretur auctoramentum), Sen. *Dial*. 1.3.8 (pretium caedis per quaestorem).
[1488] App. *BCiv*. 4.11.44 and Cass. Dio 47.6.4 claim that rewards for killers in the triumviral proscriptions were not recorded, for this reason.

over the city. They are attested on the *rostra*, at the Lacus Servilius, at the Temple of Apollo, in Sulla's presence, wherever he was, and in the atrium of his house.[1489]

The agents of Sulla's killing were diverse. Friends, family members, and perhaps even slaves are said to have betrayed their intimates in order to realise the reward that Sulla was offering.[1490] In the sources there are also examples of random, opportunistic killers; 'strangers motivated solely by the bounty'.[1491] Hinard has postulated that some of these killers were quasi-professional, and were denoted in antiquity by their 'terme officiel',[1492] *percussores*, which meant 'chasseurs de têtes'. As Thein has shown, Hinard's definition 'is without basis'.[1493] There was no technical term for Sulla's bounty hunters.[1494] Cicero claimed that *percussor* was a *levius nomen* for *sicarius*, a gangster, and he used it to refer to violent criminals in Rome in the aftermath of Sulla's victory, many of whom were not operating under the aegis of the proscriptions.[1495] However, there were some, like the notorious killer L. Luscius ('notus centurio Sullanus'), who became rich from Sulla's victory ('divesque e victoria factus').[1496] Though there were many avenues for enrichment during this period, Asconius describes Luscius' wealth in the context of his later trial for killing three of the proscribed, and it is therefore most easily understood as deriving from the bounties he had earned. Velleius says that there was competition to earn as much as possible.[1497] In this

[1489] Rostra: Cass. Dio 30-35.109.21; Lacus Servilius: Cic. *Rosc. Am*. 89, Sen. *Dial*. 1.3.7; Temple of Apollo: Asc. 90C; Sulla's presence: App. *BCiv*. 1.95.443, Val. Max. 9.2.1; Sulla's house: Val. Max. 3.1.2, Plut. *Cat. Min*. 3. There was also a gruesome display of heads at Praeneste: App. *BCiv*. 1.93.433, Vell. Pat. 2.27, Cass. Dio 30-35.109.4, Oros. 5.21.8.

[1490] Friends: Cass. Dio 30-35.109.19. Brothers: Luc. 2.151. Plut. *Sull*. 31 states that slaves could receive the bounty, and even though 'the sources provide no examples' (Thein 2015: 182), it is very plausible that they did, as is widely attested for the triumviral proscriptions. For the possibility of the 10,000 Cornelii receiving their freedom for collaborating with Sulla against their masters, see Thein 2013: 164 and Luciani 2020: 377.

[1491] Thein 2013: 174. See the killing of Q. Aurelius at Plut. *Sull*. 31.

[1492] Hinard 1985a: 106.

[1493] Thein 2017: 235.

[1494] See the periphrastic at Suet. *Iul*. 11. Hinard's argument (198a5: 83) that the *lex Cornelia de proscriptione* referred to *percussores* is completely unfounded.

[1495] Cic. *Rosc. Am*. 93. For *percussor* as a generic word, see Adams 1973: 290 n.69, Thein 2017: 239. For *sicarius* as a gangster, see Cloud 1969: 273, Ferrary 1991: 421, Lintott 2008: 426.

[1496] Asc. 90C. See also Sall. *Cat*. 37.

[1497] Vell. Pat. 2.28: plurimumque haberet, qui plurimos interemisset, neque occisi hostis quam civis uberius foret praemium fieretque quisque merces mortis suae.

context, Seneca's bands of roaming assassins ('passim vagantis per urbem percussorum greges')[1498] is plausible. There was plenty of money and death to go around. Sulla's incentives allowed him to mobilise a large number of agents to perform his killing.

The sanctions on Sulla's enemies did not end at death. The property of both the proscribed and those who died fighting against him ('qui in adversariorum praesidiis occisi sunt')[1499] was sold at auction, with Sulla personally conducting the sales ('L. Sulla dictatore vendente').[1500] According to Cicero, he referred to the property he was selling as his *praeda* ('se praedam suam diceret vendere').[1501] The buyers at these auctions were known as *sectores*,[1502] shady figures[1503] who would often hold their own private auctions later, which both realised their profit and divided up the patrimonies of the proscribed amongst more buyers.[1504] The children and grandchildren[1505] of the proscribed, in addition to losing their inheritance, faced sanctions of their own: Sulla precluded them from joining the senate or becoming a magistrate.[1506]

Having surveyed the basic meaning and practice of Sulla's proscriptions, we are in a better opinion to assess their repressive potential. What was he trying to achieve by them? Firstly, they can be understood as part of his broader civil war strategy to establish control

[1498] Sen. *Dial*. 1.3.7. See Thein 2017: 248.
[1499] Cic. *Rosc. Am*. 126.
[1500] Cic. *Quinct*. 76; see also *Arch*. 25, Plut. *Sull*. 33, Livy *Per*. 89.
[1501] Cic. *Leg. Agr*. 2.56. See also Cic. *Verr*. 2.3.81, *Off*. 2.27; Plut. *Comp. Lys. Sull*. 3, *Crass*. 2.
[1502] See Gai. *Inst*. 4.146: qui publice bona mercantur. The word is often translated as 'broker' (see Freese 1930: 207, Ramsey 2004b: 308, Berry 2008: 33, Tobin 2020: 27), which is misleading, as *sectores* did not facilitate a transaction between two other parties as an intermediary, but bought the assets themselves, and sold them on later.
[1503] Cicero consistently insinuates that the *sectores* were *sicarii*, violent urban criminals: *Rosc. Am*. 80, 103, 151-2. *Quinct*. 51 refers to 'bonorum emptores' as 'carnifices'. See *Phil*. 2.65 and Lintott 1974: 78 on their 'evil name'.
[1504] Hence the etymology of their name: Buongiorno 2016: 642. Cic. *Cluent*. 162 describes Cluentius buying the wife of Ceius the Samnite, whom he believed to have been enslaved, 'a sectoribus'.
[1505] Plut. *Sull*. 31: τῶν γὰρ προγεγραμμένων ἠτίμωσε καὶ υἱοὺς καὶ υἱωνούς.
[1506] Livy *Per*. 89, Dion. Hal. *Ant. Rom*. 8.80.2, Cass. Dio 37.25.3. Vell. Pat. 2.28 says that sons of senators had to 'onera ordinis sustinerent', despite losing their privileges. See Seager 1987: 249 and Lintott 1987: 197 on Hinard's unconvincing claim (1985a: 98) that they were exiled from Rome, and restored by the *lex Plotia* of 70.

over Rome and Italy. The peninsula had been very hostile to Sulla on his return, and even though many of his enemies had been defeated or co-opted by late 82, there were plenty who had not been. Fighting continued in Italy for some time. According to Appian's report of Sulla's *contio* on the brink of the proscriptions, he claimed that he would focus his vengeance on the military officers who had continued to oppose him after Scipio had broken terms.[1507] Cicero also understood the proscriptions to have been directed against those who had taken up arms ('facta est in eos, qui arma capere potuerunt').[1508] There were of course many victims of the proscriptions who had not, and, as I will show later, Sulla's discourse on the proscriptions does not necessarily map on to their practice. But they did provide him a means to remove personal enemies, and their descendants,[1509] from the *res publica*, and it would be hard to deny that this was part of their intended function. It has been observed in the modern world that 'the worst human rights abuses often happen during the first years of dictatorship, when the ruling group is unsure of its grip over the country and riven by internal power struggles'.[1510] In much the same way, Sulla used violence to tighten his grip over Rome. A second, but related, purpose of the proscriptions was to instil fear. Part of the 'logic to the violence',[1511] according to Lange, was the psychological impact, which had a role in 'deterring potential adversaries'.[1512] No one has doubted 'la terreur des proscriptions',[1513] and, to return to Appian's *contio*, this was completely intentional.[1514] Thirdly, the 'proscriptio locupletium'[1515] had the potential to enrich Sulla and his partisans. There is broad agreement across our sources that the proscriptions targeted the wealthy, even if they had never been

[1507] App. *BCiv*. 1.95.441.
[1508] Cic. *Rosc. Am*. 153.
[1509] See Santangelo 2007: 98: 'Sulla needed to prevent the possibility of the emergence of a new opposition for many years to come'.
[1510] Geddes, Wright, and Franz 2018: 154. See Kinsey 1980: 185: 'Sulla's acts of violence were confined to the earlier part of his dictatorship'.
[1511] Lange 2020: 195.
[1512] Lange 2018: 80.
[1513] Carcopino 1931: 1. See Nicolet 1982: 75: 'il faut insister sur la terreur', and Badian 1970a: 2, Keaveney 1982a: 151, Heftner 2006: 51, Eckert 2016a: 137, Rosenblitt 2019a: 5.
[1514] App. *BCiv*. 1.95.441: αὐτὸς δὲ ὁ Σύλλας Ῥωμαίους ἐς ἐκκλησίαν συναγαγὼν πολλὰ ἐμεγαληγόρησεν ἐφ᾽ ἑαυτῷ καὶ φοβερὰ ἐς κατάπληξιν εἶπεν ἕτερα καὶ ἐπήνεγκεν.
[1515] Cic. *Parad. Stoic*. 46; see also *Off*. 2.27, *Att*. 7.7.7.

opposed to Sulla.[1516] Plutarch relates a pitiable anecdote about a certain Quintus Aurelius, who was pursued for no other reason than his Alban farm.[1517] Sallust's Caesar says that this sort of thing happened every time someone coveted someone else's *domus* or *villa*.[1518] The mechanism for this enrichment – beyond simple theft – was Sulla's control of the auctions, which he conducted, according to Plutarch, ὑπερηφάνως καὶ δεσποτικῶς.[1519] As I mentioned earlier, he considered them to be sales of his own *praeda*, to be disposed of as he saw fit. We can see this attitude in his petulant reply to an unexpected bid,[1520] and his off-the-cuff gift to a poet from the estate he was in the middle of selling ('ex iis rebus, quas tum vendebat, iubere ei praemium tribui').[1521] Sulla used this control to give his favourites extraordinary discounts. Chrysogonus, for example, bought Sextus Roscius senior's estate, valued at 6,000,000 sestertii, for 2,000.[1522] Cicero thus claimed that Sulla (as well as Caesar) had overseen 'pecuniarum translatio a iustis dominis ad alienos'.[1523] By enriching these buyers, however, he did not neglect to seize plenty for himself.[1524] 'He died a very wealthy man',[1525] and left a considerable inheritance for Faustus.[1526]

Indeed, the theme of enrichment is so prominent in our sources on both sets of proscriptions that Syme considered them 'in purpose and essence a peculiar levy on capital'.[1527] In my view, the removal of Sulla's enemies from public life was a more pressing

[1516] See Sall. *Hist*. 1.55.17: proscriptionem innoxiorum ob divitias, and Val. Max. 9.2.1: propter pecuniae magnitudinem.
[1517] Plut. *Sull*. 31: "οἴμοι τάλας," εἶπε, "διώκει με τὸ ἐν Ἀλβανῷ χωρίον". See Marzano 2007: 253 on the popularity of the *ager Albanus*.
[1518] Sall. *Cat*. 51.33. See App. *BCiv*. 1.96.446 and Cass. Dio 47.5.1 on threats to the wealthy.
[1519] Plut. *Sull*. 33.
[1520] Plut. *Comp. Lys. Sull*. 3: "δεινά γε, ὦ φίλοι πολῖται, καὶ τυραννικὰ πάσχω," φάμενος, "εἰ τὰ ἐμά μοι λάφυρα διαθέσθαι μὴ ἔξεστιν ὡς βούλομαι".
[1521] Cic. *Arch*. 25.
[1522] Cic. *Rosc. Am*. 6. See also Plut. *Crass*. 6. For this 'corrupt but friendly association between Sulla and his buyers', see Tobin 2020: 62.
[1523] Cic. *Off*. 1.43.
[1524] Livy *Per*. 89: bona eorum vendidit, ex quibus plurima primo rapuit.
[1525] Barlow 1980: 211. See Plin. *HN*. 33.134, Val. Max. 7.5.5, and Volkmann 1969: 19: 'zum reichsten Manne Roms'.
[1526] See Cic. *Cluent*. 94, Asc. 73C, and Shatzman 1975: 335, Tobin 2020: 278.
[1527] Syme 1939: 195.

concern, as his determination to pursue them out of Italy indicates. However, the scale of the proscriptions was so large that the wealth of the victims must have played a significant role in motivating Sulla and his partisans. In previous instances of Roman repression, there were often economic consequences: Gaius Gracchus' house was looted, and the property of followers sold;[1528] Saturninus and his followers had theirs confiscated;[1529] Marius' house in 88 was looted, and when he returned with Cinna in 87, they confiscated the property of their enemies.[1530] But with Sulla, if we take James Tan's estimate, that (based on Hinard's numbers) 300 senators and 220 *equites* were proscribed, all holding only what would become the minimum wealth requirement for those *ordines* (1,000,000 and 400,000 sestertii respectively),[1531] that means that 388 million sestertii worth of property was suddenly forfeit.[1532] This was such an enormous opportunity for enrichment that it can hardly be viewed as just a by-product of the process. Sulla must have had it at the front of his mind.[1533] As I argued in chapter 4, the confiscated wealth had a significant role to play in the politics of Sulla's regime, because he could use it to reward his allies. The proscriptions were no less an exercise in co-optation than in repression.

In quite a different vein, Hinard has argued that the proscriptions were primarily 'une limitation du massacre imposée par Sylla'[1534] – a 'limitation qui a pris la forme d'une réglementation précise'.[1535] This view deserves attention, because Hinard's account of the proscriptions is the most comprehensive and influential, and because it seriously distorts our

[1528] App. *BCiv*. 1.26.119, Plut. *CG*. 17.
[1529] Oros. 5.17.10.
[1530] Cic. *Red. pop.* 20, App. *BCiv*. 1.73.339. Mithridates also seized the property of those killed in the Vespers: App. *Mith*. 22.85.
[1531] The history of these requirements is thorny; see Gauthier 2019 for a recent discussion.
[1532] Tan 2017: 11. This is close to the claim of Livy *Per*. 89 that the proceeds of the sales amounted to 350 million sestertii. However, because Hinard's numbers of the proscribed are low, and the wealth of many of them must have been higher than the requirement, this is likely a significant underestimate. Shatzman 1975: 475 estimated 470 million denarii. On the 'liquid wealth' of the slaves of the proscribed, see Tobin 2020: 17.
[1533] Sulla also wasted no time in confiscating and selling the property of his enemies; App. *BCiv*. 1.89.407 says that he began doing so when he entered Rome before the Battle of Clusium, long before his final victory.
[1534] Hinard 1984b: 295.
[1535] Hinard 2008: 72. See also Hinard 1985a: 137.

understanding of Sulla's repression. He claimed that Sulla's lists were carefully overseen, resulting in 'une épuration très contrôlée'[1536] that was appreciated by its contemporaries for its moderation.[1537] Sulla chose not to add more names out of a genuine desire to restrict the killing. But the proscriptions were neither controlled, nor moderate. As I argued earlier, the fear that the lists evoked in their readers testifies to the potential of violence that they anticipated; there is no way around the fact that 'the identity of the victims was fluid and evolving during the early months of 81'.[1538] Moreover, it is tendentious to consider Sulla's vengeance limited, or to credit his tolerance, as Keaveney urges,[1539] by choosing the lowest figures for the casualties. Hinard follows Plutarch with 520 proscribed; other sources have figures in the thousands, and Cicero speaks of 'multitudo proscriptorum'.[1540] And to judge from his contemporary testimony of 'caedes indignissimae maximaeque',[1541] the experience of this violence was very far from Hinard's description. It was comparable with the battle of Cannae, 'the proverbial bloodbath of Roman history'.[1542] It touched every temple, hearth, and home in Italy, according to Plutarch.[1543] This is to say nothing of 'how much unofficial violence accompanied the violence of the proscriptions'.[1544] Sulla did not have the capacity to ensure that 'l'épuration resterait strictement limitée',[1545] as Cicero makes clear in the *Pro Roscio*:

[1536] Hinard 1985a: 111.
[1537] Hinard 1985a: 136: 'les contemporains eux-mêmes, du moins dans les débuts, avaient dû considérer que la vengeance de Sylla était, somme toute, limitée'.
[1538] Steel 2018: 228.
[1539] Keaveney 1982a: 157: 'We must give Sulla all due credit (and it is often denied to him) for the amount of tolerance he did actually show'.
[1540] Cic. *Phil*. 5.43. See also Plin. *HN*. 36.113: 'proscriptio tot milium', and the much higher figures of App. *BCiv*. 1.95.442, Val. Max. 9.2.1, Flor. 2.9.25. Even if one opts for 520, it is by no means evident that it was considered a small number. To make his case on the perception of limited violence, Hinard prefers Augustine (Aug. *De civ. D.* 3.28) and Sallust's letter to Caesar (Sall. [*Ad Caes.*] 2.4.1), of dubious authenticity, to the conflicting bulk of the rest of the evidence.
[1541] Cic. *Rosc. Am*. 11.
[1542] Dyck 2010: 155 on Cic. *Rosc. Am*. 89. See also Eckert 2019: 166.
[1543] Plut. *Sull*. 31: προεγράφοντο δὲ οὐκ ἐν Ῥώμῃ μόνον, ἀλλὰ καὶ ἐν πάσῃ πόλει τῆς Ἰταλίας: καὶ φονευομένων οὔτε ναὸς ἦν καθαρὸς θεοῦ οὔτε ἑστία ξένιος οὔτε οἶκος πατρῷος.
[1544] Lintott 2008: 426.
[1545] Hinard 1985a: 136.

> dum is in aliis rebus erat occupatus, qui summam rerum administrabat, erant interea, qui suis vulneribus mederentur; qui, tamquam si offusa rei publicae sempiterna nox esset. ita ruebant in tenebris omniaque miscebant.[1546]

We must therefore reject Hinard's notion that the purpose of the proscriptions was to limit the violence in the aftermath of Sulla's victory. They neither had this effect, nor aimed at it, in any reasonable interpretation of his intentions.[1547] As I shall discuss later, Sulla's limiting of the violence was important to his rhetoric, but we should not confuse this with reality, nor an analysis of what he was trying to do. The proscriptions helped Sulla construct his power, by eliminating his enemies and co-opting his allies with rewards.

5.i.c: Coercive institutions

As we have seen, Sulla's civil war massacres and the proscriptions stimulated fear amongst the Roman population. This fear, with its capacity to dissuade challengers, should be seen as an important aspect of Sulla's power. It was easier for him to do things insofar as people were afraid to oppose him. Fear of Sulla derived not just from his violence, but also from the visibility of the coercive agents he brought into Rome.[1548] The potential of this was already evident in 88, when Sulla, having brought his legions into the city ('legionibus in urbem adductis'),[1549] besieged the senate house with soldiers ('agmina militum, quibus curiam circumsedisti')[1550] in order to compel them to declare Marius a *hostis*. After Sulla's second march, his soldiers carried out the Villa Publica massacre, and thereafter seem to have been

[1546] Cic. *Rosc. Am*. 91. For the lists making no difference to the amount of violence, see Cass. Dio 30-35.109.13: οὐ μέντοι γε ἧττον πάντα ὅσα καὶ πρὶν ἐγίγνετο, οὐδὲ ἐν τῷ ἀσφαλεῖ οἱ μὴ ἐς τὰ λευκώματα ἐγγεγραμμένοι ἦσαν.

[1547] For the incoherence of such a reading of Sulla, see Keaveney 1982: 215 (which preceded Hinard's monograph): 'even in the midst of the proscriptions, when his habitual thirst for vengeance expressed itself in a new and more perverted form, he still took care, as he always had done, that the innocent should not suffer in any way'. Despite criticism of Hinard's perspective (see Santangelo 2007: 80, Thein 2017: 249, 2020: 285; Tobin 2020: 21, Mitchell 2023: 37), his work is still widely cited as the standard reference for the proscriptions.

[1548] For this function, see Geddes, Wright, and Franz 2018: 173: 'coercive institutions in dictatorships maintain the credibility of the dictator's threat to use force against challengers and opponents'.

[1549] Cic. *Phil*. 14.23. See also App. *BCiv*. 1.59.264, Plut. *Sull*. 9.

[1550] Val. Max. 3.8.5. Scaevola the Augur heroically resisted, but no one else did: 'cuius voluntati nullo obviam ire audente solus Scaevola de hac re interrogatus sententiam dicere noluit'.

prominent in public life. If Sallust can be believed, some became senators.[1551] Even if he cannot, they are noticeably visible in the historical record. Over the course of this thesis, we have met the 'unspeakable'[1552] Fufidius, the *notus centurio Sullanus* L. Luscius,[1553] and Ateius Capito's grandfather.[1554] 'Sullan centurions' were a conspicuous category of people. The intimidatory effects of this are apparent.[1555] As we saw in my previous chapter, the ancients could conceive of soldiers as 'garrisons' across Italy, and when they were reunited at Sulla's funeral, Appian tells us that they frightened the assembled citizens.[1556] Even before Sulla, Marius' veterans were said to have had a coercive impact on Rome;[1557] this must have been considerably more pronounced for soldiers whose commander had already, twice, demonstrated his readiness to use their force against fellow citizens. And, as I will discuss shortly, one tradition describes Sulla using one of these soldiers to execute Afella in the Forum.

Sulla was also attended by 24 lictors in the city.[1558] There has been some debate over the constitutional regularity of this, as Livy's epitomator confidently asserted that it was unprecedented: 'quod nemo umquam fecerat'.[1559] He was mistaken, as 24 lictors are attested for previous dictators,[1560] and Sulla's choice has even been considered a reflection of 'son

[1551] Sall. *Cat*. 37: ex gregariis militibus alios senatores videbant. Most have been wary of Sallust's rhetoric; see Hill 1932: 171, Gabba 1956: 134, Wiseman 1971: 76, Santangelo 2006: 14 n.25, Steel 2014a: 664 n.44. There was similar invective against Caesar's appointees: Cass. Dio 43.20.1, 52.42.1.
[1552] Syme 1939: 249.
[1553] Asc. 90C.
[1554] Tac. *Ann*. 3.75.
[1555] Mark Antony is said to have had a personal guard of 6,000, exclusively staffed by centurions (App. *BCiv*. 3.5.14) whom he looked after especially (Cic. *Phil*. 8.26) for the same intimidatory ends. Cicero (*Fam*. 12.23.2) wrote to Q. Cornificius in October 44 that Antony intended to bring the Macedonian legions into the city 'in cervicibus nostris conlocare'.
[1556] App. *BCiv*. 1.106.499: οἱ δὲ δειμαίνοντες αὐτοῦ καὶ τότε τὸν στρατὸν.
[1557] See Plut. *Mar*. 28 and Lintott 1999b: 178.
[1558] App. *BCiv*. 1.100.465.
[1559] Livy *Per*. 89.
[1560] For Cincinnatus, see Dion. Hal. *Ant. Rom*. 10.24.1; for Fabius Maximus, Polyb. 3.87.7 and Plut. *Fab*. 4. Mommsen 1887: 2.669 argued that the epitomator's statement can be salvaged by intepreting Sulla as the first to bring 24 lictors inside the *pomerium* (see also De Sanctis 1929: 1, Gabba 1967: 272, Lintott 1999: 111), but this is contradicted by Plutarch. See Staveley 1963: 469, Seager 1994: 200, Kunkel and Wittman 1995: 120 n.66, Vervaet 2004: 54 on the epitomator's mistake. But there must have been something unusual about Sulla's lictors in Livy; see Bell 1997: 11 n.69.

profond désir de rattacher son pouvoir aux dictatures traditionnelles'.[1561] But the large number of lictors, and the *imperium* they symbolised, had the potential to intimidate the urban population. Cicero thought that Poplicola began the custom of the twelve consular lictors alternating between the consuls every month, to keep the total number of lictors the same as there had been under the kings (twelve), because any more would not befit a *liber populus*.[1562] More importantly, Sulla's lictors carried axes as well as their *fasces* within the *pomerium*. Appian tells us that he gave up the πελέκεις at his retirement in an urban context (καὶ τὰς ῥάβδους καθελόντα καὶ τοὺς πελέκεας),[1563] and that the ones he had used as a ruler were carried in the procession at his funeral (ἠγεῖτο δ᾽ αὐτοῦ σημεῖα καὶ πελέκεις, ὅσοις περιὼν ἔτι καὶ ἄρχων ἐκοσμεῖτο).[1564] The removal of the axes from the *fasces* was conceived as fundamental to the right of *provocatio* within the *pomerium*.[1565] Sulla, by (symbolically at least) not being subject to this check, appears to have enjoyed an 'illimitato diritto di vita e di morte sui cittadini anche entro l'ambito del pomerio'.[1566] As we saw in chapter 2, Plutarch spoke of his ἐξουσία θανάτου; Sallust's Lepidus of his 'necis civium et vitae licentia'.[1567] The lictors of the early Roman dictators are said to have carried axes as well,[1568] to the great fear of the urban population. Sulla's lictors were augmented by what Appian describes as a separate bodyguard,[1569] and we should not discount the impact of the mass of freed Cornelii,

[1561] Hurlet 1993: 91.
[1562] Cic. *Rep*. 2.55. See Brennan 2000: 41. Similarly, the mass of decemviral lictors in the Forum was imagined by later authors to have been oppressive: Livy 3.36.4, Dion. Hal. *Ant. Rom*. 10.59.5. On the importance of Augustus alternating the *fasces*, see Cass. Dio 53.1.1, and Syme 1986: 1, Rowe 2013: 12.
[1563] App. *BCiv*. 1.104.484.
[1564] App. *BCiv*. 1.105.495.
[1565] Cic. *Rep.* 2.55: Publicola lege illa de provocatione perlata statim securis de fascibus demi iussit. See also Plut. *Publ*. 10, Dion. Hal. *Ant. Rom*. 5.19.3, 5.77.2, 10.59.5; Cass. Dio 3.13.2, Val. Max. 4.1.1.
[1566] De Sanctis 1929: 5; see also Vervaet 2004: 56.
[1567] Plut. *Sull*. 33, Sall. *Hist*. 1.55.13 (and Cic. *Leg*. 1.42).
[1568] Livy 2.18.8: creato dictatore primum Romae, postquam praeferri secures viderunt, magnus plebem metus incessit; see also 3.20.8, Dion. Hal. *Ant. Rom*. 5.77.2. Cornell 2015: 120 called this 'an anachronism based on the experience of Sulla's tyranny' (which does not affect my argument). For fear of the axes and lack of *provocatio* under the decemvirs, see Livy 3.36.5, 3.39.9, 3.55.5, Dion. Hal. *Ant. Rom*. 10.59.5, Cic. *Rep*. 2.54, 2.61.
[1569] App. *BCiv*. 1.100.465 (in addition to lictors): καὶ φυλακὴν τοῦ σώματος περιέθετο πολλήν; see also 1.104.484, 2.140.586. Val. Max. 3.1.2 says that Cato's tutor told him that Sulla was guarded 'magno praesidio militum'; for *praesidium* as a private bodyguard, see Nippel 1984: 25 n.66. Cic. *Phil*. 5.17 says Antony had the first bodyguard proper in Rome, but leaves open the possibility that Cinna, Sulla, and Caesar had rudimentary ones: 'non possum adfirmare nullis telis eos stipatos fuisse, hoc dico: nec multis et occultis'.

who amounted to 'thousands of men indebted to Sulla within urban, neighbourhood networks'.[1570]

5.i.d: Intimidation

Sulla's coercive agents and his violence, both during the civil war and after, intimidated Rome, and we can see the effects of this intimidation in our sources. The senate was so terrified[1571] by the massacre at the Villa Publica that they, according to Dio, wished for death themselves, to be put out of their misery.[1572] This could not but affect their political agency. Santangelo, and many others, have argued that 'during Sulla's dictatorship the senate did not stand in the way of the strongman'.[1573] Cicero also claims in the contemporary *Pro Roscio* that free speech was dangerous. Many great and illustrious speakers ('tot summi oratores hominesque nobilissimi' (1)) did not take up that case because they were afraid of people reading into the political implications of their words ('si verbum de re publica fecisset, id quod in hac causa fieri necesse est, multo plura dixisse, quam dixisset, putaretur' (3)). Even the perception of speaking politically and, we must understand, criticising Sulla, was to be avoided. Cicero would later consider his venture a heroic stand against tyranny.[1574] Scholars have been rightly sceptical of this posturing. But Cicero's appeal to the *tanta formido* (5), or *summus timor* (9), if just 'a rhetorical device',[1575] could only be an effective one to the extent that restricted speech was recognised as plausible. It would have sounded silly if everyone

[1570] Rosenblitt 2019a: 39. On their urban nature, see App. *BCiv*. 1.104. 489 (ἕτοιμοι δ᾽ οἱ κατὰ τὸ ἄστυ μύριοι Κορνήλιοι), and the *collegium* attested by Asc. 75C (on which see Treggiari 1969: 171).
[1571] Plut. *Sull*. 30: τῶν συγκλητικῶν ἐκπλαγέντων; see also Sen. *Clem*. 1.12.2: exterrito senatu.
[1572] Cass. Dio 30-35.109.7: καὶ διὰ τοῦτο πολλοί, ἅτε ἐπ᾽ ἀμφοτέροις ἐν ταὐτῷ περιαλγοῦντες, ἐπεθύμουν τῶν ἔξω καὶ αὐτοὶ τῶν ἤδη ἀπολλυμένων εἶναι, ἵνα παύσωνταί ποτε φοβούμενοι.
[1573] Santangelo 2006: 15, and Mackay 2000: 'that the senate should have denied anything to the man who deliberately killed literally thousands of his enemies within the hearing of the senate…this too is beyond belief'. Cic. *Phil.* 5.41 says on the notion of giving a gilded equestrian statue to Lepidus that 'nec vero cuiquam possumus commemorare hunc honorem a senatu tributum iudicio senatus soluto et libero', pointedly implying that the senate had been coerced into giving Sulla the same honour, within his memory (see 5.17: vidi Sullam).
[1574] Cic. *Off*. 2.51: contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus.
[1575] Coates 2022: 600.

knew that you were free to say whatever you wanted at the time.[1576] Moreover, despite the host of different analyses of the speech, nearly all deny that Cicero was able to criticise Sulla freely. Some have argued that the speech is prudently complimentary, or not hostile, towards the dictator;[1577] others that the criticisms discernible in the written speech must have been added later;[1578] others that they were carefully hidden in the words Cicero spoke so as to avoid suspicion.[1579] Even those who have argued that the speech was openly critical of Sulla when it was delivered have considered Cicero brave for delivering it.[1580] Therefore, despite the tendentiousness of Cicero's self-presentation in the *de Officiis*, the *Pro Roscio* still ought to be understood as evidence for the limitations on free speech in Sulla's Rome.[1581] This should not be surprising, given the horrific recent violence,[1582] and the visibility of Sulla's coercive agents, whose effect on speech can perhaps be appreciated by comparison to the *Pro Milone*.[1583]

Free voting was also intimidated during the dictatorship. We have little information for how the consular elections played out, but most have not doubted Appian's description of

[1576] See Rosenblitt 2019a: 6: 'Cicero's *pro Roscio* systematically evokes the unsaid – the unsayable – in the minds of its audience'. This has no effect if nothing was unsayable.
[1577] See Santangelo 2014: 2: 'the speech is strikingly free from explicit criticism of Sulla and his political agenda' and Kinsey 1975: 92, Hinard 1979: 76, Seager 1982: 12, Craig 2010: 84, Coates 2022. For the irrelevance of the speech to Sulla, see Kinsey 1980: 173 and Dyck 2003: 246 ('at most a very minor irritant').
[1578] This is because, at the time of the speech, 'criticism of Sulla and his regime, even if oblique, would unquestionably have been extremely damaging, as would any suggestion of disrespect': Berry 2004: 82. See also Humbert 1925: 103, Gruen 1968: 268, Gabba 1976: 138.
[1579] See Buchheit 1975: 576, Diehl 1988: 85, Gildenhard 2010: 358.
[1580] See Carcopino 1931: 160 (some, like Badian 1958: 249, considered him brave even for attacking someone close to Sulla).
[1581] Tac. *Dial*. 40.1 does attest to speakers criticising Sulla, but in my view the 'contiones assiduae' must refer to Sulpicius' attacks in 88, not any during the dictatorship, which neutered the tribunate and left the *rostra* empty (Cic. *Cluent.* 110: rostra iam diu vacua locumque illum post adventum L. Sullae a tribunicia voce desertum). Santangelo 2014: 2 seems to assume the opposite.
[1582] Cic. *Rosc. Am.* 12 imagines this violence occuring before the praetor's tribunal and the judges' feet, amongst the benches of the court itself, if Roscius is not acquitted: 'verum etiam hic in foro ante tribunal tuum, M. Fanni, ante pedes vestros, iudices, inter ipsa subsellia caedes futurae sint'.
[1583] For the *exercitus in foro* then see Cic. *Opt. Gen.* 10, Asc. 30C, and Cic. *Mil.* 2, Cass. Dio 40.54.2, Plut. *Cic.* 35 on its effects on Cicero's speaking. I do not mean that the presence of soldiers in the court itself in 80 was as prominent as in 52, just that there may have been a broadly similar oppressive atmosphere in both. We also do not know if Sulla was dictator in 80, and thus how many lictors he had.

those in 82 for 81 as a πρόσχημα τῆς πατρίου πολιτείας.[1584] In Syme's words, Sulla 'installed Cn. Cornelius Dolabella, with M. Tullius Decula'.[1585] The next year, Sulla deigned to be elected consul himself, according to Appian, in a similar façade (ἐς ὑπόκρισιν ὅμως καὶ σχῆμα δημοκρατικῆς ἀρχῆς)[1586] that was to be eventually emulated by the emperors. Sulla no doubt would have portrayed it differently; he is said to have humbly considered his ὁμόνοια with his colleague Metellus one of the surest signs of his *felicitas*.[1587] But this has not impressed many modern observers.[1588] After Sulla's second consulship, in the elections in 80 for 79, the people unsuccessfully tried to elect Sulla as consul again.[1589] Appian's talk of the people indulging Sulla (ὁ δῆμος τὸν Σύλλαν θεραπεύων) is hard to square with the rest of the evidence on his popularity. It perhaps speaks to a situation in which they thought they had to do what Sulla wanted, but were in the dark as to what that actually was. Finally, in the elections of 79 for 78 – the last for which Sulla was alive – Lepidus is reported to have stood for the consulship against the express wishes of Sulla (παρὰ γνώμην αὐτοῦ).[1590] Syme doubted even this, and said that 'it staggers belief that any candidate could stand and succeed in 79 against the will of Sulla'.[1591] Because our sources are sparse and unsatisfactory on the *comitia* themselves, positions like Syme's can be hard to ground in the evidence.

[1584] App. *BCiv*. 1.100.465.
[1585] Syme 2016a: 58. See also Gruen 1966: 386 ('obviously with Sulla's blessing'), Kunkel and Wittmann 1995: 709, Vervaet 2004: 41 n.14 (Sulla ensured 'the right men got elected'), Thein 2019: 74. Decula has stood out as a particularly conspicuous 'nonentity' (Keaveney 1984: 149 n.250), but Rosillo-López 2019: 65 is right to be cautious about the conclusions we can draw from this.
[1586] App. *BCiv*. 1.103.478.
[1587] Plut. *Sull*. 6 describes Metellus as ἰσότιμος. See also Plut. *Mor*. 202E.
[1588] See Rosenblitt 2019a: 59: 'it is impossible to believe that the elections of 81 or 80 BC were free in any meaningful sense'.
[1589] App. *BCiv*. 1.103.480.
[1590] Plut. *Sull*. 34, see *Pomp*. 15.
[1591] Syme 1964: 185, and 2016a: 77, Gruen 1968: 276, 1974: 16, Burton 2014: 413. Others have been more willing to see Lepidus as a genuine challenge to Sulla: see Criniti 1969, Rosenblitt 2019a: 8, and Vervaet 2018: 44 on 'genuinely free electoral *comitia*'.

However, there is one tangible, and spectacular, example of Sulla impacting the electoral process: his execution of Afella.[1592] Afella, one of Sulla's τῶν φιλτάτων[1593] and the victor at Praeneste, had decided to canvass for the consulship 'contra voluntatem Sullae'.[1594] Sulla, after trying and failing to stop him,[1595] had him killed in the middle of the Forum.[1596] His order was carried out, according to Plutarch, by a centurion;[1597] Asconius gives his name as L. Bellienus, who Cicero said was Catiline's uncle.[1598] Sulla then summoned a *contio* in which he admitted, or boasted, to the Roman people that he had given the order: 'contione advocata se iussisse dixit'.[1599] Many scholars have focused their interpretations of this incident on the legal matter at hand, Afella's supposed contravention of Sulla's new *lex annalis*. Appian tells us that he was an *eques* who had not achieved any magistracy before the consulship: ὑπατεύειν ἔτι ἱππέα ὄντα, πρὶν ταμιεῦσαι καὶ στρατηγῆσαι.[1600] Thus, in Keaveney's view, Afella had 'attempted to circumvent the law and found it enforced with rigour'.[1601] Hurlet says that Sulla 'ordonna son exécution, en application de la nouvelle *lex Cornelia de magistratibus*'.[1602] But this does not stand up to the most basic scrutiny. It is not even the justification that Appian reports Sulla using in the *contio*, where the transgression is framed as a matter of personal disobedience:

[1592] The year of his candidacy is contested between 82 (for 81) and 81 (for 80); see Vervaet 2018: 74 for a recent treatment. I find 81 (for 80) more convincing, but do not think the earlier date has any serious implications for our analysis.
[1593] Plut. *Comp. Lys. Sull*. 2.
[1594] Asc. 91C.
[1595] Plut. *Sull*. 33: πρῶτον μὲν ἐκώλυεν.
[1596] App. *BCiv*. 1.101.471: ἐν ἀγορᾷ μέσῃ κτεῖναι.
[1597] Plut. *Sull*. 33: πέμψας τινὰ τῶν περὶ αὐτὸν ἑκατονταρχῶν.
[1598] Asc. 91C: quem Cicero ait avunculum esse Catilinae. There has not been much thought on the strangeness of Catiline, a patrician, having a centurion for an uncle (see Konrad 1989: 127; Vervaet 2018: 74 n.108 accepts both traditions as true, without discussion). It may have been invective from Cicero, or Plutarch might have confused his status with the centurion Luscius, who was also convicted *inter sicarios*.
[1599] Livy *Per*. 89.
[1600] App. *BCiv*. 1.101.471. As I mentioned earlier, Vell. Pat. 2.27 and Cic. *Brut*. 178 speak against this.
[1601] Keaveney 2003: 92. See also Wittmann 1984: 577: 'sein rigoroses Vorgehen gegen' Afella.
[1602] Hurlet 1993: 161. For emphasis on Afella's 'illegal candidacy' (Broughton 1991: 27), see also Lanzani 1936: 271 ('proposito insano di violare la legge'), Nicolet 1959: 220 (on Sulla: 'il a fait exécuter ceux qui osaient enfreindre sur ce point la lex Cornelia'), Hantos 1988: 44 ('Sulla dokumentierte seinen Willen zur Durchführung dieses Gesetzes durch den an Q. Lucretius Ofella zu vollstreckenden Exekutionsbhefehl').

> ‘‘ἴστε μέν, ὦ ἄνδρες, καὶ παρ᾽ ἐμοῦ δὲ ἀκούσατε, ὅτι Λουκρήτιον ἐγὼ κατέκανον ἀπειθοῦντά μοι’’.[1603]

More importantly, it makes no sense to conceive of summary execution as ‘enforcing the law’. The *leges annales* were routinely broken throughout the course of the middle and late Republic, without penalty;[1604] there were a number of laws that was supposed to protect Roman citizens from corporal or capital punishment without trial;[1605] and Bellienus was later convicted for his crime.[1606] We are not dealing with law enforcement, but a terrifying instance of illegal repression, that communicated Sulla’s resolve to punish political challengers.[1607] Appian says that he cowed the outraged[1608] crowd into submission.[1609] When political candidates can be murdered in broad daylight, in the most visible part of the city, by an authority brazen enough to claim credit for it, and refuse to justify themselves, elections can in no way be considered free. Sulla’s control over the *res publica* and its political functions must have been strengthened by the fear that this ‘dramatically orchestrated destruction’[1610] generated.

This picture can be corroborated by the legislative voting during Sulla’s dictatorship. As I discussed in chapter 2, Sulla diminished the power of the tribunate by law.[1611] This profoundly impacted the constitutional balance of powers in Rome. The *tribunicia potestas* was seen as the ‘munimentum libertati’[1612] for the Roman plebs, not only for the protection it

[1603] App. *BCiv*. 1.101.472.
[1604] See App. *Pun*. 112.530.
[1605] See Cic. *Rab. Perd.* 12.
[1606] Asc. 91C.
[1607] Afella had a popular following (App. *BCiv*. 1.101.471: τῶν πολιτῶν δεόμενον; Plut. *Sull*. 33: ὑπὸ πολλῶν σπουδαζόμενος) and was accused of being an agitator (Asc. 91C: ‘ad turbandum statum civitatis petentem’).
[1608] Livy *Per*. 89: hoc indigne ferret populus R.
[1609] App. *BCiv*. 1.101.473: Σύλλας μὲν δὴ καὶ τοῖσδε καταπληξάμενος αὐτούς, καθὰ ἐβούλετο, ἦρχε.
[1610] Vervaet 2018: 76. Rosillo-López 2019: 66 has argued that Sulla’s resort to violence attests to his ‘failure to control the elections’. This is doubtful, as I will argue on the legislative *comitia*, and even if he could not control the voting itself, he could nevertheless – harrowingly – control the candidate pool.
[1611] For explicit attestations as a *lex*, see Cic. *Verr*. 2.1.155, *Leg*. 3.22, Asc. 67C and 78C, and Livy *Per*. 89 on its place within Sulla’s legislative programme.
[1612] Livy 3.37.5.

offered,[1613] but also the political agency. Livy described the *lex Valeria Horatia* of 449, which bound the entire citizen body to the *plebiscita* that tribunes passed, as furnishing for them a 'telum acerrimum',[1614] a concept that must have informed Macer's description of the *vis tribunicia* as a 'telum a maioribus libertati paratum'.[1615] *Libertas*, for Macer, meant more than just freedom from arbitrary coercion.[1616] It meant a return to the state of affairs in which the plebs decided things, with 'libera ab auctoribus patriciis suffragia'.[1617] Sulla, inasmuch as he curtailed this agency, or as Syme evocatively put it, 'muzzled the tribunate',[1618] imposed a *servitium* on the Roman people.[1619]

Our evidence does not equivocate on the popularity of this *servitium*. Macer was just one in a 'a procession of agitating tribunes'[1620] who campaigned throughout the next decade for Sulla's law to be repealed, until it was in 70, when the *lex Pompeia* returned the 'graviter desiderata et aliquando reddita plebi Romanae tribunicia potestas'.[1621] His colleagues included Cn. Sicinius in 76 and L. Quinctius in 74,[1622] and Cotta's consular law in 75 on restoring the tribunes to the *cursus honorum* was passed 'magno populi studio'.[1623] In my view, we cannot reasonably doubt the political pressure to undo what Sulla did.[1624] But this

[1613] Livy 3.45.8: tribunicium auxilium et provocationem plebi Romanae, duas arces libertatis tuendae. Cic. *Leg*. 3.22 claims that Sulla left the former power intact ('potestatem…auxilii ferendi reliquerit'), despite the lack of *provocatio*, but there is no indication it was ever used to combat Sulla's violence against citizens.
[1614] Livy 3.55.3. This law is notoriously triplicated in the annalistic tradition, with the very similar *lex Publilia* of 339 (which, by strengthening tribunician political agency, was described as *secundissima plebei*: Livy 8.12.14) and *lex Hortensia* of 287; the historicity of which does not affect my discussion.
[1615] Sall. *Hist*. 3.48.12.
[1616] See Sall. *Hist*. 3.48.26: abunde libertatem rati, <scilicet> quia tergis abstinetur. This idea is close to Cic. *Leg*. 3.22 on the maintenance of the *potestas auxilii ferendi*, which was clearly not sufficient for *libertas*.
[1617] Sall. *Hist*. 3.48.15. See also Clemente 2018b: 95 and Morstein-Marx 2019: 515 on Polyb. 6.16.
[1618] Syme 1939: 17.
[1619] Sall. *Hist*. 3.48.1.
[1620] Tan 2008: 166.
[1621] Cic. *Verr*. 2.5.163, and 1.44: populus Romanus tribuniciam potestatem tanto studio requisivit. See McDermott 1977: 49 on Pompey's sole authorship.
[1622] Sicinius: Sall. *Hist*. 3.48.8; Quinctius: Sall. *Hist*. 3.48.11, Cic. *Cluent*. 110, Plut. *Luc*. 5. A scholiast (see Stangl 194: 189, 220, 255) includes Q. Opimius in 75 and M. Lollius Palicanus in 71. See Rosenblitt 2019a: 66 on Lepidus' initiative in 78, asserted by Sall. *Hist*. 1.77.14, but contradicted by Gran. Licin. 36.33.
[1623] Asc. 67C.
[1624] See Volkmann 1969: 76, Gruen 1974: 23, Marshall and Beness 1987, Millar 1998: 58, Santangelo 2014: 6, Walter 2018: 240. In my view, the notion of Thommen 2017: 559 that the people were apathetic about the restoration of the *tribunicia potestas* is unempirical.

raises the question: how was it done in the first place? Assuming his law was passed in the *comitia*,[1625] the easiest conclusion is that Sulla forced it through by intimidation.[1626] Sallust's Lepidus speaks to his remarkable control over the *comitia* when he says that the *leges* (as well as several other institutions of the *res publica*) were 'penes unum'.[1627] He later referred to Sulla's programme as 'legibus inpositis'.[1628] In the *Pro Caecina*, Cicero, before taking on his opponent's argument that depended on one of Sulla's laws, implied with his *praeteritio* that its passage was irregular:

> at enim Sulla legem tulit. Ut nihil de illo tempore, nihil de calamitate rei publicae querar.[1629]

These hints in the late Republican evidence point in the same direction as Appian's view on the *lex Valeria*: the people did not want to pass the law, but they did not feel like they had the capacity to refuse.[1630] This is extraordinary, because 'at least in principle, laws embodied the direct expression of the people's will'.[1631] That Sulla, a 'homo a populi causa remotissimus',[1632] managed to effect as unpopular a law as his on the tribunes, without any discernible attempt at persuasion,[1633] points towards a seriously repressive political atmosphere.[1634]

[1625] See chapter 2 on the lack of evidence for any *leges datae*.
[1626] See Brunt 1988: 331: 'the legislative innovations of Sulla effected by force' and Flower 2010a: 30: 'a new system…imposed through force by a dictator'.
[1627] Sall. *Hist*. 1.55.12.
[1628] Sall. *Hist*. 1.55.25. See Cic. *Pis*. 30 on Clodius' law: 'imposita per latrocinium'.
[1629] Cic. *Caec*. 95.
[1630] App. *BCiv*. 1.99.461: Ῥωμαῖοι δ᾽ οὐχ ἑκόντες μὲν οὐδὲ κατὰ νόμον ἔτι χειροτονοῦντες οὐδὲν οὐδ᾽ ἐπὶ σφίσιν ἡγούμενοι τὸ ἔργον ὅλως.
[1631] Arena 2012: 62. See Ateius Capito's formulation at Gell. *NA*. 10.20.2: 'lex est generale iussum populi aut plebis, rogante magistratu', an idea that remained even in the high empire; see Gai. *Inst*. 1.3: 'lex est quod populus iubet atque constituit'.
[1632] Cic. *Cluent*. 151.
[1633] Contrast M. Octavius' use of oratory (Cic. *Brut*. 222: tantum auctoritate dicendo) to argue that a reduction of Gaius Gracchus' dole was 'et rei publicae tolerabilis et plebi necessaria' (Cic. *Off*. 2.72), with Sulla regressing the people's interest as 'un magistrato sostanzialmente silente' (Schettino 2018: 208). See also Steel 2019: 32 on his lack of persuasion, and Plut. *Comp. Lys. Sull*. 2, where it is contrasted to Lysander's consensual politics.
[1634] Even the dynasts in the 50s 'could not rely on the assembly's docility' (Blösel 2019: 146), and for Caesar's difficulty in controlling them, see Suet. *Iul*. 80, Cic. *Off*. 2.24, and Yakobson 1995: 436. Many have been surprised that Sulla saw no need to repeal the secret ballot; see Meier 1966: 129 n.400, Brunt 1988: 423, Yakobson 1999: 128, Feig Vishnia 2008: 336, Flower 2010a: 125.

Of course, scholars have not failed to recognise Sulla's intimidation of Rome. Indeed, it has been said that 'fear came to characterize the Sullan age'.[1635] His regime is consistently associated with 'terror'.[1636] It was the very essence of his power, according to Sallust's Lepidus, to be even more criminal than the Roman people feared:

> cum illi spes omnis in scelere atque perfidia sit neque se aliter tutum putet, quam si peior atque intestabilior metu vostro fuerit.[1637]

Later, Lepidus says that his confidence derived from his success, which in turn derived from his dread:

> Quare igitur tanto agmine atque animis incedit? Quia secundae res mire sunt vitiis optentui, quibus labefactis, quam formidatus est, tam contemnetur.[1638]

This survey has mapped out how Sulla's repression caused this fear, and how he used it to bolster his power, or *secundae res*. It was a vital component. But I disagree with those scholars who, like Sallust's Lepidus, consider this fear a satisfactory explanation for how Sulla's power worked in its entirety. As I argued previously, there were other vital components, and as I shall discuss now, repression had its limits.

5.ii: The costs of Sulla's repression

Despite the massive extent of Sulla's repression, we have already seen examples of where it was insufficient. Sulla could not coerce Pompey into forsaking his desire to triumph, or even, so it seems, Lentulus into giving an account of his public spending.[1639] The senate, terrified though they may have been by the Villa Publica massacre, still did not support ('suscipere

[1635] Thein 2002: 322. See Sen. *Ira* 1.20.4: '"oderint, dum metuant." Sullano scias saeculo scriptam', and the reason given to a young Cato at Plut. *Cat. Min*. 3 as to why no one killed the dictator: "φοβοῦνται γὰρ αὐτὸν, ὦ παῖ, μᾶλλον, ἢ μισοῦσι".
[1636] See, for example, Carcopino 1931: 1, Badian 1957: 338, Nicolet 1982: 75, Butler 2002: 22, Heftner 2006: 51, Steel 2013a: 107, Eckert 2014: 263, Osgood 2015: 1687, Rosenblitt 2019a: 5, Berdowski 2020: 15.
[1637] Sall. *Hist*. 1.55.1.
[1638] Sall. *Hist*. 1.55.24. This fear is, to be sure, a Sallustian trope (Lepidus makes himself *metuendus* at *Hist.* 1.77.3), but that does not make it implausible here, and it is well attested elsewhere. See App. *BCiv*. 1.104.484 on fear of calling Sulla to account after retirement, and 1.106.499 on the fear of his corpse.
[1639] See chapter 4.

noluit')[1640] the proscriptions. And beyond the limits of Sulla's repression, there were also costs. One of these was that it made building a coalition harder. Appian says that his harshness during the civil war inspired his enemies to keep fighting against him, because they did not believe he would ever forgive them.[1641] Moreover, even though he claimed that Sulla was fearless in his retirement, he thought this was παράδοξος, because there were so many victims of his repression to fear:

> ὧν τῆς τε περιουσίας δεδημευμένης καὶ πολλῶν ἀτάφων ἐκριφέντων, οὔτε τοὺς οἴκοι ὁ Σύλλας οὔτε τοὺς φεύγοντας καταπλαγεὶς οὐδὲ τὰς πόλεις, ὧν ἀκροπόλεις τε καὶ τείχη καὶ γῆν καὶ χρήματα καὶ ἀτελείας ἀφῄρητο, ἑαυτὸν ἀπέφηνεν ἰδιώτην.[1642]

The proscriptions had not killed all their targets, and there was 'continued pressure exerted by these excluded men',[1643] and their families, and anyone who sympathised with them, against Sulla. Perperna, for example, claimed to have had copies of letters sent to Sertorius from very eminent Romans (ὑπατικῶν ἀνδρῶν καὶ μέγιστον ἐν Ῥώμῃ δυναμένων) who wanted some kind of counter-revolution (μεταβαλεῖν τὴν πολιτείαν).[1644] This is hardly unimpeachable evidence, but it raises an issue that we ought to take seriously – the potential of Sulla's repression in general, and proscriptions in particular, to cause unrest. The children of the proscribed were unsurprisingly ready to join Catiline,[1645] not for any attachment to his cause, but because the sanctions that Sulla had imposed on them were impossible to accept with equanimity. Therefore they were a threat – albeit one that never materialised – to the stability of Sulla's power while he was alive. This can be best appreciated by comparison to

[1640] Cic. *Rosc. Am.* 153, and Hinard 1985b: 188: 'si Sylla avait cherché à terroriser les sénateurs, son plan avait échoué'.
[1641] App. *BCiv*. 1.82.375.
[1642] App. *BCiv*. 1.103.483.
[1643] Rosenblitt 2019a: 12.
[1644] Plut. *Sert*. 27, and *Pomp*. 20.
[1645] Sall. *Cat*. 37: quorum victoria Sullae parentes proscripti bona erepta, ius libertatis imminutum erat, haud sane alio animo belli eventum exspectabant. See also Cic. *Mur*. 49, Plut. *Cic*. 12.

the triumviral proscriptions, which had the unavoidable side effect of augmenting the resources at Sextus Pompey's disposal:

> Πομπήιος γὰρ ἐκ τῶν προγραφῶν καὶ κατοικίσεων τοῦ στρατοῦ καὶ τῆσδε τῆς Λευκίου διαφορᾶς ἐπὶ μέγα δόξης καὶ δυνάμεως ἦρτο. οἱ γὰρ περὶ σφῶν δεδιότες ἢ τὰ ὄντα ἀφαιρούμενοι ἢ τὴν πολιτείαν ὅλως ἀποστρεφόμενοι ἐς αὐτὸν ἐχώρουν μάλιστα.[1646]

As Appian realised, those alienated from the regime (ἀποστρεφόμενοι) included more than just the proscribed and their families. The proscriptions had the potential to damage the perpetrators' general legitimacy. This was also true for Sulla. The danger can be appreciated by establishing two points. Firstly, Sulla's repression was incredibly conspicuous.[1647] The Villa Publica massacre was – excruciatingly – audible for the senators assembled at the temple of Bellona nearby.[1648] The proscription violence was conducted in plain sight, as Cicero emphasises several times in the *Pro Roscio*, by mentioning the 'manifestis maleficiis' and that 'multos caesos…vidimus'.[1649] There was 'a gruesome display of decapitated heads'[1650] in various locations throughout the city, which some have argued 'cruelly inverted the tradition of the aristocratic funeral'.[1651] It is worth highlighting the tradition on Marius Gratidianus' fate, whose limbs were said to have been broken and dismembered; his tongue, nose, and ears cut off; his eyes gouged out; and finally, after decapitation, his 'severed head paraded through the streets of Rome'.[1652] The 'caractère spectaculaire'[1653] of this violence is

[1646] App. *BCiv*. 5.25.98.
[1647] See Eckert 2014: 267 ('enormous visibility'), 2016a: 137, 2016b: 150 n.68 ('der hohen Sichtbarkeit'), 2023: 176; Lange 2020: 193.
[1648] Plut. *Sull*. 30, Cass. Dio 30-35.109.7, Sen. *Clem*. 1.12.2.
[1649] Cic. *Rosc. Am*. 11 and 89. This visibility is key to the disturbing image of *caedes* in the middle of the court itself (12). It is also emphasised in the *peroratio*: 'cum omnibus horis aliquid atrociter fieri videmus aut audimus'. See Vasaly 1993: 73, Lange 2020: 193, Eckert 2023: 176.
[1650] Kristensen 2016: 336.
[1651] Osgood and Niederwieser 2020: 169. See also Davies 2018: 490 and Lange 2020: 197: 'perverted *imagines*', on the high visibility of which, see Flower 1996.
[1652] Thein 2020: 271, with a collection of the evidence.
[1653] Hinard 1985a: 141.

clear enough, and Cicero refers to it as a *spectaculum* in his speech *in Toga Candida*.[1654] Other aspects of Sulla's repression were no less visible. Sulla sold his *praeda* at *contiones* in the Forum,[1655] where he did not fail to meet the eyes of the crowd: 'nec, quorum oculos offendebat, eorum ipsorum conspectum fugere ausus est'.[1656] And as I have discussed, the visibility of Sulla's coercive agents in the city was the essence of their contribution to his repression.

Secondly, many aspects of Sulla's repression were transgressive, even anathema, to Republican society. The extent of the violence would probably be unpalatable in any society. In addition, Roman citizens were thought to have had, and deserved, legal protection from arbitrary coercion.[1657] This protection should also have extended to their property rights, the defence of which was the first duty of every statesman, according to Cicero.[1658] Coercive institutions were problematised by the 'sacred borderline between the spheres *domi et militiae*'.[1659] Soldiers disturbed the 'consuetudinem fori',[1660] and a private bodyguard, like the one Antony had, was symptomatic of foreign tyranny.[1661] And the Roman *res publica* could tolerate only with extreme difficulty intimidation in public life. Thus Syme proclaimed that 'freedom of speech was an essential part of the Republican virtue of *libertas*, to be regretted more than political freedom when both were abolished'.[1662] But political freedom was prized

[1654] Asc. 89C. See Maschek 2023: 282: 'the city of Rome had become a theatre for all sorts of cruel vengeance'. However, Hinard (1984b: 307, 1985a: 46, 1985b: 200, 2008: 82) goes beyond the evidence with his argument that many victims were treated like Gratidianus; see Thein 2020: 286.
[1655] See Cic. *Verr*. 2.3.81, *Arch*. 25, *Off*. 2.27; Plut. *Sull*. 33 (which says he was ἐπὶ βήματος καθεζόμενος), *Comp. Lys. Sull*. 3.
[1656] Cic. *Leg. Agr*. 2.56.
[1657] See, for example, Cic. *Verr*. 2.5.163, *Rab. Perd*. 10.
[1658] See Cic. *Off*. 2.73 and chapter 4.
[1659] Nippel 1984: 20.
[1660] Cic. *Mil*. 1. See also the conflict between *castra* and *res publica* at Cic. *Fam*. 12.23.3.
[1661] Cic. *Phil*. 13.18: qua enim in barbaria quisquam tam taeter, tam crudelis tyrannus quam in hac urbe armis barbarorum stipatus Antonius; and 2.112, 3.9, 5.17. For this illegitimacy in other contexts, see Plut. *Num*. 7 (Numa), App. *BCiv*. 2.109.454, 2.140.586, Plut. *Caes*. 57 (Caesar), and generally Cic. *Rep*. 1.68. On the Greek connection between bodyguards and tyranny, see Arist. *Pol*. 1285a, 1311a, and Luraghi 2018: 17.
[1662] Syme 1939: 152. On the potential illegitimacy of restricted speech see, for example, Livy 3.39.2, Cic. *Att*. 4.6.2, *Fam*. 4.14.1, 10.2.1; *Phil*. 1.27, Suet. *Aug*. 54, and thus Balsdon 1960: 44: 'The whole essence of republicanism lay in free senatorial debate'.

too. The *populus Romanus* was supposed to be the 'gentium moderator'.[1663] Even the *principes* ought to admit that they, and everyone else, had to obey all that it commanded.[1664] Its commands should have come from its own volition too. Appius Claudius, the consul of 471, was imagined to have been hated for his opposition to the *lex Publilia*, because he spoke to the people as if they were not free men, who had the power to decide on the law themselves (οὐ γὰρ ὡς ἐλευθέροις τε καὶ πολίταις ὁ ἀνὴρ διαλεγόμενος, οἳ τοῦ θεῖναι τὸν νόμον ἢ λῦσαι κύριοι ἦσαν).[1665] Herein lies the legitimacy cost of Sulla's repression. If we consider legitimacy to be about the beliefs of a population in the righteousness of the authority they follow – if it 'provides a vision for how rule should look'[1666] – we can easily see how transgressive actions, that are hyper-visible, could undermine this. What if, in the Roman Republic, rule should not have looked as repressive as Sulla's?

In addition to the enemies it made him, and the legitimacy it might have cost him, we should consider the potential for Sulla's repression to create a principal-agent problem. There was every chance for his soldiers to 'metamorphize from obedient agents to political rivals'.[1667] Cicero, only a few decades later, could imagine a situation in which the approval of the veterans determined senate proceedings:

> postremo – erumpat enim aliquando vera et me digna vox – si veteranorum nutu mentes huius ordinis gubernantur omniaque ad eorum voluntatem nostra dicta, facta referuntur, optanda mors est, quae civibus Romanis semper fuit servitute potior.[1668]

What is more, the paradigm *par excellence* of troublesome repressive agents in global history is the Praetorian Guard under the principate. They were a useful force for maintaining

[1663] Sall. *Hist*. 1.55.12.
[1664] Cic. *Leg*. *Man*. 64: isti principes et sibi et ceteris populi Romani universi auctoritati parendum esse fateantur.
[1665] Dion. Hal. *Ant. Rom*. 9.44.6.
[1666] Dukalskis and Gerschewski 2017: 252.
[1667] Svolik 2012: 159.
[1668] Cic. *Phil*. 10.19.

control in the capital, as they 'could always be employed when the emperor believed his position to be challenged'.[1669] But they could also challenge the emperor's position.

These costs of repression are not just creations of modern political science. They were perceived by the Romans as well. According to Cicero, the instability of power built on repression was proven by Caesar, who had dominated the state by force ('quem armis oppressa pertulit civitas'), but nevertheless suffered the same demise as other tyrants ('reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit').[1670] No power was strong enough to rely only on fear, and withstand a complete lack of legitimacy.[1671] Being hated, Cicero admonished Antony and Dolabella, was a weak position, which is why they should have shunned 'opes violentas et populo Romano minime ferendam potentiam'.[1672] Caesar himself, ironically, tried to conduct himself differently from other civil war victors who were hated for their *crudelitas*.[1673] Cicero also discusses the principal-agent problem in his theatrical address to Catiline's conspirators. He scorns the plans of indebted aristocrats to seize autocratic power through violence. How on earth could they maintain this power, he asks, when it could be snatched away from them at any point by a random gladiator?

> Quod si iam sint id quod summo furore cupiunt adepti, num illi in cinere urbis et in sanguine civium, quae mente conscelerata ac nefaria concupiverunt, consules se aut dictatores aut etiam reges sperant futuros? Non vident id se cupere quod, si adepti sint, fugitivo alicui aut gladiatori concedi sit necesse?[1674]

[1669] Nippel 1984: 29.
[1670] Cic. *Off*. 2.23.
[1671] Cic. *Off*. 2.26: nec vero ulla vis imperii tanta est, quae premente metu possit esse diuturna.
[1672] Cic. *Phil*. 1.29, and 1.33.
[1673] Cic. *Att*. 9.7C.1: reliqui crudelitate odium effugere non potuerunt.
[1674] Cic. *Cat*. 2.19.

For these reasons, I find unconvincing the descriptions of Sulla's power, prominent in the work of Rosenblitt and others, that do not get beyond repression.[1675] As I have argued throughout, its basis was much broader than many have allowed for.[1676] But this does not mean that repression was marginal to Sulla. As I have shown in this chapter, it was vital. Its costs had to be borne alongside its benefits.

5.iii: Managing the costs of repression

Authoritarians can try to reduce these costs in several ways. I consider two here: legitimation of the repression, and the subcontraction of its execution to non-state actors.

5.iii.a: Legitimation

It is very common for authoritarians to 'put forward discursive justifications for the use of repression'. Indeed, if these arguments are successful, violence can 'even serve the purpose of creating legitimacy'.[1677] There are examples of this in the Roman Republic. In his first speech against Catiline, Cicero publicly ascribed *virtus* to Nasica, Ahala, Opimius, Marius and Flaccus for their extra-judicial killings.[1678] He expected similar credit for his repression of Catiline and his accomplices.[1679] Many scholars have also considered the stories of Spurius Cassius, Spurius Maelius, and Marcus Manlius in the early Republic to be creations in response to 'the demand for legitimation of emergency measures',[1680] especially those

[1675] See Rosenblitt 2019a: 1: 'Sulla's settlement was unstable because it relied fundamentally on exclusion and marginalization' and 5: 'Sulla was a tyrant. Like many tyrants, he believed in control through oppression'. Eckert in particular (see 2019: 160: 'Sulla's actions constituted a transgression of Roman values hitherto unknown in Roman history, and a majority of Romans perceived him in highly negative terms even during his lifetime') closes the door on any kind of legitimate, or non-repressive, power.
[1676] The limits of Sulla's power are often knowledged in scholarship; see Rosenblitt 2019: 10 ('autocracy is, of course, not omnipotence'), Eckert and Thein 2019: 9 ('there were limits on Sulla's power'), and especially Thein 2006, 2019. But this is not the same as acknowledging it had broader sources, beyond repression.
[1677] Edel and Josua 2018: 882.
[1678] Cic. *Cat*. 1.3: fuit, fuit ista quondam in hac re publica virtus, ut viri fortes acrioribus suppliciis civem perniciosum quam acerbissimum hostem coercerent.
[1679] See, as just two exaggerated examples, Cic. *Cat*. 3.26 and *Sull*. 33. Of course, legitimation attempts are not always successful, and they often fail to reduce the costs of repression.
[1680] Nippel 1995: 60.

against the Gracchi.[1681] Sulla's legitimation efforts were considerable, and they did not fail to cover his repression. Firstly, there is the presentation of his enemies. On one level, he claimed that the Samnites at the Colline Gate were such intractable *hostes* that they were a permanent threat to Rome, so long as they existed. This genocidal logic is familiar to all students of the twentieth century. Its grim conclusion was not so much repression, but extermination.[1682]

The argument could not be used to the same degree against Sulla's proscription victims.[1683] But nevertheless, the concept of *hostis* was relevant to them too. The term should be broadly understood as denoting a 'public enemy of the state',[1684] or those 'cum quibus bellum esset'.[1685] Sulla's decision to have twelve of his enemies in 88 judged *hostes*, being 'le premier homme politique à mettre en place cette procédure',[1686] has been well discussed. Six years later, his rhetoric was not quite so cut and dry. On the one hand, he said in a *contio* on the eve of the proscriptions that he would focus his vengeance on those who had taken up arms against him and, by extension, the legitimate forces of the *res publica*.[1687] This vengeance consisted of executing them by decapitation, a mode 'qui assimilait les victimes à des barbares capturés à la guerre',[1688] and selling their goods as *praeda*, or enemy booty.[1689] *Praeda* can only really be understood as the property of *hostes*; Sulla's use of that word, and its reception,[1690] strongly suggests that he wanted his enemies to be viewed in that

[1681] See Mommsen 1871, Nicolet 1964: 225, and especially Pina Polo 2006, 2017.
[1682] See Jung 2017: 316: 'ganz offensichtlich spielte das Feindbild der Samniten, die Ethnisierung des Konflikts also, eine entscheidende Rolle dabei, diese Gewaltanwendung zu legitimieren'.
[1683] For justifications of the triumviral proscriptions, see Lange 2018: 77 and especially Welch 2019.
[1684] Cornwell 2017: 21.
[1685] Dig. 50.16.234 (as opposed to pirates or brigands: 50.16.118). See also Cic. *Off*. 1.37: 'qui arma contra ferret'.
[1686] Allély 2007: 184. See, for example, Jal 1963: 54, von Ungern-Sternberg 1970: 74, Bauman 1973, Allély 2012: 21, Rosenblitt 2016: 679, 2019a: 123; Zucchetti 2022.
[1687] See App. *BCiv*. 1.95.441.
[1688] Hinard 1985a: 44.
[1689] See Cic. *Verr*. 2.3.81, *Leg. Agr*. 2.56, *Off*. 2.27; Plut. *Crass*. 2, *Comp. Lys. Sull*. 3.
[1690] See Sall. *Hist*. 1.55.17: 'bona civium miserorum quasi Cimbricam praedam venum aut dono datam' and the *Pro Roscio*, which has *praeda* throughout, as well as *spolia* (8), even *manubiae* (108). For this 'imagery of spoils', see Dyck 2010: 168 and Rosenblitt 2016: 666. See also Flor. 2.9.3: iure belli Sulla dictator proscripsisset

light. The *hasta* at the auctions 'evoked the ritualised capitulation of the defeated and the submission of the war booty to the authority of Roman generals'.[1691] Pompey, in the letter ascribed to him by Sallust, leaned into this when he described those whom he fought against 'a prima adulescentia' – that is to say Sulla's enemies – as 'scelestissumi hostes'.[1692] Because *hostes* did not share the 'protection juridique'[1693] against repression that Roman citizens did, this framing had the potential to mitigate the illegitimacy of Sulla's violence against them.

However, Sulla does not seem to have been fully committed to this *hostis* rhetoric. The law on whose property could be sold after victory, directly quoted by Cicero, included those 'QUI IN ADVERSARIORUM PRAESIDIIS OCCISI SUNT'.[1694] *Adversarius*, as is clear enough from the *Philippics*,[1695] was a significantly milder word than *hostis*, and it is striking that it was chosen in Sulla's own law to describe the physical camps of his enemies.[1696] Moreover, as Henriette van der Blom has noted, there is a clash between 'the military context of the term *praeda*', and 'the civil law procedure of *proscriptio*'.[1697] The proscribed called to mind bankrupts, not *hostes*. And, though the pre-Sullan procedure could be highly shameful, as the 'public humiliation of the citizen's *dignitas*',[1698] this is quite different to denying that the citizen was a citizen at all. In my view, Sulla's *proscriptiones* were intended to justify not the killing of his victims, but the sale of their property. As Marta García Morcillo has shown, Cicero in the *de Lege Agraria* criticised Sulla's auctions while

inimicos.

[1691] García Morcillo 2008: 157. However, though the military origin of the *hasta* at booty sales was noted by the Romans (see Livy 2.14.2), it was also used in civic contexts; see Alföldi 1959: 3.

[1692] Sall. *Hist*. 2.98.1.

[1693] Allély 2007: 194. For the crucial evidence on the inapplicability of the *lex Sempronia*, see Cic. *Cat*. 4.10; Moatti 2018: 153 claims that 'le consul Cicéron suivit en 63 la doctrine syllanienne'.

[1694] Cic. *Rosc*. *Am*. 126; see *RS* 49.

[1695] See Cic. *Phil*. 12.17 on Antony: 'ego semper illum appellavi hostem, cum alii adversarium'.

[1696] For speculation, see Crawford 1996b: 747 ('because it was easier to define satisfactorily than the word *hostis*') and Dyck 2010: 182 ('since the senate had declined to declare Sulla's enemies *hostes*'). It is noteworthy that in a very anti-Sullan context, Cic. *Leg. Agr.* 3.6 describes Carbo and Marius the Younger as 'qui adversarii Sullae maxime fuerunt'.

[1697] Van der Blom 2017: 184.

[1698] García Morcillo 2008: 161. The shame is best brought out by Cic. *Quinct*. 49; see Hinard 1985a: 22 on the *infamia*.

maintaining that they still upheld 'the recognised norms of publicity' that served as 'the pillars of the legitimacy for this type of sale'.[1699] This was in express contrast to Rullus' proposal.[1700] Sulla's procedure regularised the masses of auctions he was conducting, by providing 'a recognisable legal framework',[1701] but this conflicted with a different framing of his enemies as *hostes*, and has therefore resulted in a slightly confusing record of his rhetoric. There is no doubt, however, that he cast those who fought against him ('qui contra omni ratione pugnarunt')[1702] as sordid disgraces, whether they were *hostes* or not. They did not even deserve burial.[1703]

The justifications for the proscriptions framed Sulla himself, as well as his enemies. In his letters to the senate, he contrasted his military achievements on Rome's behalf with the outrageous treatment his house, family, and citizenship had received. He told them that he was returning to Rome as a τιμωρὸς.[1704] Vengeance was central to Sulla's self-image, as we can tell from his epitaph,[1705] and it had the potential to make his repression seem a warranted response, not an unjustified innovation. In Appian's pre-proscription *contio*, he repeated that he would avenge (μετελεύσεσθαι) all the military officers who had acted against him *after* Scipio had violated their truce (ὅσοι τι συνέπραξαν ἄλλοι τοῖς πολεμίοις, μεθ᾽ ἣν ἡμέραν Σκιπίων ὁ ὕπατος οὐκ ἐνέμεινε τοῖς πρὸς αὐτὸν ὡμολογημένοις).[1706] The rhetoric of betrayal

[1699] García Morcillo 2021: 64; see also Piacentin 2021: 173.
[1700] See Cic. *Leg. Agr*. 2.56.
[1701] Van der Blom 2017: 182. The reason this procedure was necessary seems to be that, unlike in the usual context of *praeda*, when enemy property could be sold *indiscriminately*, the identity of Sulla's enemies was unclear (see Cic. *Rosc. Am*. 126 claiming a mistake about Sextus Roscius senior: 'dum praesidia ulla fuerunt, in Sullae praesidiis fuit'). Despite the scope for manipulation, the situation would have been unmanageably opaque without some clarification, which lent Sulla's auctions a different character to regular *praeda* sales. His enemies' former, undisputed, citizenship meant that *hostis* rhetoric could only be weaponised so far against them.
[1702] Cic. *Rosc. Am*. 137.
[1703] See App. *BCiv*. 1.103.483, Val. Max. 9.2.1, Cass. Dio 30-35.109.8, 47.3.2; Luc. 2.209-11.
[1704] App. *BCiv*. 1.77.352.
[1705] Plut. *Sull*. 38: οὔτε τῶν φίλων τις αὐτὸν εὖ ποιῶν οὔτε τῶν ἐχθρῶν κακῶς ὑπερεβάλετο. Keaveney 1982a: 152 argues that 'Sulla did not regard himself as wreaking vengeance on private enemies…he saw his task as that of punishing public enemies who had to be rooted out if Rome were to become whole again'; but the sources are clear that, in Sulla's rhetoric, the private wrongs and public misconduct were impossible to disentangle.
[1706] App. *BCiv*. 1.95.441.

is evident. And beyond Sulla's own revenge, he provided the means for his allies to secure theirs. He restored exiles, and offered to bring to justice those who had wronged them. He said to Crassus:

> δίδωμί σοι φύλακας τὸν πατέρα, τὸν ἀδελφόν, τοὺς φίλους, τοὺς συγγενεῖς, ὧν παρανόμως καὶ ἀδίκως ἀναιρεθέντων ἐγὼ μετέρχομαι τοὺς φονεῖς.[1707]

Catulus could be said to have also enjoyed 'a just revenge'[1708] for the death of his father in the *ancien régime*, with the torture and killing of Marius Gratidianus by his family tomb.[1709] In a broader sense, there was communal revenge on behalf of the whole elite for what they had suffered under Marius and Cinna.[1710] This rhetoric recurs in the next round of proscriptions, when the triumvirs claimed that nothing they were doing could be considered unreasonable in light of what both they and Caesar had suffered:

> μὴ δή τις τὸ ἔργον ἄδικον ἢ ὠμὸν ἢ ἄμετρον ἡγείσθω, ἔς τε Γάιον καὶ ἐς ἡμᾶς οἷα πεπόνθαμεν ὁρῶν.[1711]

Octavian's violence could be justified, even praised, by reference to his *pietas erga parentum*, which drove him to civil war that was inherently, and thus to an extent guiltlessly, unsavoury ('ad arma civilia actum quae neque parari possent neque haberi per bonas artis').[1712] If repression could be successfully depicted as vengeance, it seems to have had a greater chance of claiming legitimacy.[1713]

[1707] Plut. *Crass*. 6.
[1708] Marshall 1985: 127. On the identity of the killer, see also Hinard 2011d and Thein 2020: 288
[1709] Val. Max. 9.2.1.
[1710] See for example Cic. *Cat*. 3.24: superavit postea Cinna cum Mario; tum vero clarissimis viris interfectis lumina civitatis extincta sunt. ultus est huius victoriae crudelitatem postea Sulla, and Cic. *Phil*. 8.7: ut clarissimorum hominum crudelissimam poeniretur necem.
[1711] App. *BCiv*. 4.8.34. See also 4.8.32 and Vell. Pat. 2.66 on Antony's and Lepidus' vengeance partly deriving from the fact that they 'hostes iudicati erant', just like Sulla; see Welch 2019: 173.
[1712] Tac. *Ann*. 1.9. Not everyone believed this (see the *pax cruenta* of *Ann*. 1.10), but it must have had some weight as a justification. It was also only part of the legitimation of Augustus' repression, which also drew heavily from the *lex Pedia* and the courts (*RG* 2: 'iudiciis legitimis ultus eorum [fa]cin[us'). This sharply differed from Sulla, who never seems to have contemplated *iudicia* for Cinna, Carbo, or Marius junior.
[1713] On the ethics of Roman revenge, see Epstein 1987, Flaig 2003: 137, and 2009.

Sulla thus justified his repressive actions with respect to its victims – odious traitors – and its perpetrators – dutiful avengers. He also justified the actions themselves. One method of doing so was with the *lex de proscriptione*,[1714] which has been thought to have given the lists 'une couverture légale',[1715] or 'some form of legal recognition'.[1716] As I argued in chapter 3 about the *lex Valeria*, the legitimacy of laws like this cannot be taken for granted. But it was rhetorically important to Sulla, in that it established the Kalends of June 81 as the proscriptions' final day ('quam ad diem proscriptiones venditionesque fiant').[1717] The day itself was religiously significant, as it held the festival of Cardea or Carna, goddess of the hinge, and thus new beginnings.[1718] Cicero relates in the *Pro Roscio* what this new beginning should have looked like: the end of both the lists and the fear they inspired, and the resumption of normal public life ('cum iam proscriptionis mentio nulla fieret, cum etiam qui antea metuerant redirent ac iam defunctos sese periculis arbitrarentur').[1719] Throughout the speech, as Steel has argued, 'Cicero is reminding his audience that they are witnessing a moment of transition',[1720] back into a *res publica* in which *caedes indignissimae maximaeque* are no longer tolerated. Ending the proscriptions communicated that they were limited, and part of a path towards reconstruction. Gruen sums up this angle of Sulla's rhetoric: 'the grisly aspect of Sulla's dictatorship was not so much the product of the man as of the times. And the proscriptions came to an end in 81'.[1721]

[1714] See Cic. *Rosc. Am*. 125 for Cicero's theatrical ignorance on the authorship.
[1715] Hinard 1985a: 140.
[1716] Santangelo 2007: 81. See also Moatti 2018: 143: 'Sylla chercha à donner à ses décisions une allure légale et procédurale'; less positively, Badian 1962a: 230: 'the "legal" cover of an act of indemnity', Hölkeskamp 2000a: 215: 'eine scheinlegale Form', and Vasaly 2002: 72: 'semblance of legality'. Mommsen 1887: 2.692 (and Santangelo 2016a: 92) thought the legal framework distinguished them from the preceding violence: 'insofern unterscheidenen sie sich sehre wesentlich von den Massenmorden zum Beispiel des jüngern Marius'.
[1717] Cic. *Rosc. Am*. 134.
[1718] Ov. *Fast*. 6.102: numine clausa aperit, claudit aperta suo. See Thein 2002: 134.
[1719] Cic. *Rosc. Am*. 21.
[1720] Steel 2017: 454; see also Zetzel 2013: 427.
[1721] Gruen 1968: 253.

The 'transition' of the *Pro Roscio* was partly effected by Sulla's *lex Cornelia de sicariis et veneficiis*.[1722] The law tried to 'assurer l'ordre public à l'intérieur de la Ville'[1723] by targeting *sicarii*, who are best translated as gangsters,[1724] and threats to 'public safety'.[1725] There must have been a law, and a *quaestio*, to deal with these cases before Sulla, as Cicero mentions previous prosecutors 'inter sicarios et de veneficiis'.[1726] However, Sulla's law was much broader in scope: Ferrary claims that he was 'sans doute le premier à réunir en une seule loi tout ce qui concernait la répression du meurtre sous ses différentes formes'.[1727] It would remain 'le fondement de la répression judiciaire en matière d'homicide'[1728] well into the Imperial period. In light of its long-lasting influence, however, its ideological significance in the context of Sulla's dictatorship should not be overlooked. Cicero's contemporary evidence can help us reconstruct this, as Roscius' case was the first to be held after the court's 'reconstitution'.[1729] He tells the praetor Fannius that, following a 'longo intervallo iudicium inter sicarios', everyone hoped that his court would be up to the task of dealing with all the bloodshed:

> omnes hanc quaestionem te praetore manifestis maleficiis cotidianoque sanguine dignissimam sperant futuram.[1730]

Cicero's plea was complicated by the fact that his client was the one on trial. Nevertheless, he reached for the rhetorical mantle of a prosecutor,[1731] and entreated judge and jury to see to

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[1722] On this style, see Cloud 1968: 142. For reconstructions of the law, see Ferrary 1991 and *RS* 50.
[1723] Ferrary 1991: 424. The law focused on Rome; per Ferrary's reconstruction, it only applied within a certain distance ('in urbe Roma propiusve mille passus factum est'). Its application outside Rome has been debated (see Ferrary 1991: 423 for a summary), but it seems clear that it was primarily designed for an urban context.
[1724] See Cloud 1969: 259. In the *Pro Roscio*, a *sicarius*, where it is not just invective, is someone 'in caede versatus' (39), and in a *societas* (93) or a *grex* (94). They are assassins that Roscius could have hired (80) but Cicero assumes they could only come 'ex urbe' (74). Thus they are 'urban bandits' (Cloud 2009: 118).
[1725] Cloud 1968: 140.
[1726] Cic. *Rosc. Am.* 90.
[1727] Ferrary 1991: 434.
[1728] Ferrary 1991: 417.
[1729] Cloud 1969: 274. See Cic. *Cluent.* 151: Sulla…eius rei quaestionem hac ipsa lege constitueret.
[1730] Cic. *Rosc. Am.* 11. Gruen 1968: 236 n.95 is wrong, however, to claim that the *intervallum* refers to the entire *tempus Cinnanum*, as Kinsey 1987: 502 shows; *Rosc. Am.* 89-91 attests to prosecutors during the time, and *Brut.* 308 to (probably) forensic speakers (see Lovano 2002: 67). It most likely refers to just the civil war.
[1731] Cic. *Rosc. Am.* 12: qua vociferatione in ceteris iudiciis accusatores uti consueverunt, ea nos hoc tempore utimur, qui causam dicimus.

it that the 'maleficia' of his opponents be punished 'quam acerrime'. In this case, that simply meant acquitting his client, but he argues that what the people really wanted was the trial of the accusers.[1732] Indeed, there was such a groundswell for justice, according to Cicero, that Roscius' accusers tried to use it for their own ends. They attempted to weaponise public opinion ('tempore ipso pugnarent') by charging Roscius *inter sicarios*, thinking that anyone would be convicted, if only they were brought before the court:

> quod iudicia tam diu facta non essent, condemnari eum oportere, qui primus in iudicium adductus esset.[1733]

Needless to say, Cicero cannot always be taken at his word. We should not trust the motivations attributed to his opponents. But if we analyse these passages as an attempt to persuade, it makes little sense for him to have fabricated or distorted beyond recognition the mood of his audience. This mood, once we have accounted for inevitable exaggeration, should be understood as the backdrop to the *lex Cornelia*, the promulgation of which, 'coming as it did upon the bloody heels of the proscriptions, stated the reestablishment of order'.[1734] Sulla had encouraged and rewarded the *multitudo sicariorum* in Rome,[1735] but now his law expunged them from the body politic. There was more than a little irony in this. Seneca, after describing Sulla's violence in detail, exclaimed: 'haec omnia facit ille, ille qui legem Corneliam tulit!'[1736] Proscription killers, despite their supposed amnesty ('quamquam exceptos Corneliis legibus') were later tried under Caesar's presidency of a court that Sulla himself had re-established ('in exercenda de sicaris quaestione').[1737] But this kind of having

[1732] Cic. *Rosc. Am.* 13: denique accusant ii, quos populus poscit, causam dicit is, qui unus relictus ex illorum nefaria caede restat.
[1733] Cic. *Rosc. Am.* 28.
[1734] Gaughan 2010: 134.
[1735] See Cic. *Rosc. Am.* 80, 81, 93.
[1736] Sen. *Dial.* 1.3.8; see Thein 2017: 248.
[1737] Suet. *Iul.* 11. See Marshall 1977: 127 on Caesar, as ex-aedile, being selected as *iudex quaestionis* or *quaesitor* (and Jones 1972: 58 for this practice when the need arose for more cases to be heard than the praetor could manage). Gruen 1974: 77 n.124 instead argues he was the prosecutor, on the basis of Cic. *Lig.* 12.

one's cake and eating it too is very common in authoritarian regimes.[1738] Violence helped Sulla construct his power, but ending the violence – rhetorically, it must be stressed – with legislation could help protect it from illegitimacy. The courts had a major ideological role to play in Roman society, as 'without a sound judiciary no *vir bonus* could be safe and neither could his property'.[1739] For that reason, it could be seen as the job of the authoritarian to restore them.[1740]

5.iii.b: Subcontraction

Another technique authoritarians use to reduce the costs of violence is to subcontract its execution to others. In the proscriptions, Sulla famously secured 'die Mitwirkung von Privatleuten an dem Verfolgungswerk'.[1741] As we have seen, anybody could claim the rewards. Political scientists have considered this use of non-state actors for repression to be helpful for two reasons. Firstly, they can offer the regime plausible deniability of the illegitimate violence, and secondly, they can help 'lower the transaction costs'[1742] of carrying it out, by not relying on expensive or untrustworthy security services. In Sulla's case, deniability was difficult, because he 'himself compiled the list, and…had a direct role in organising the confiscations'.[1743] Our sources, reliably or not (and it is perception that counts here), portray Sulla as in charge. He was the auctioneer. When Publius Sulla begged for people's lives to be spared, he had to beg the dictator.[1744] However, because the proscriptions required a large number of agents, spread across the peninsula and often with only a dubious

[1738] See Geddes, Wright, and Franz 2018: 191: 'even though nearly all officials engage in corruption and everyone knows that everyone does it, corruption scandals erupt frequently in personalized dictatorships'.
[1739] Mouritsen 2023: 147. This is especially clear in the *Pro Cluentio*, in which criminal statutes generally, and Sulla's *lex de sicariis et veneficiis* in particular, are the 'fundamentum libertatis' (146) and the essence of the *res publica* ('circumspicite omnes rei publicae partes: omnia legum imperio et praescripto fieri videbitis' (147)).
[1740] For Caesar, see Cic. *Marc*. 23: constituenda iudicia; for Augustus, Vell. Pat. 2.89: [restituta] iudiciis auctoritas.
[1741] Heftner 2006: 51.
[1742] Rudbeck, Mukherjee, and Nelson 2016: 148; see also Levitsky and Way 2010: 28.
[1743] Santangelo 2007: 84.
[1744] Cic. *Sull*. 72: quam multorum hic vitam est a L. Sulla deprecatus.

connection to Sulla, he could still distance himself from the worst crimes being carried out in his name. According to Plutarch, Crassus proscribed someone in Bruttium οὐ Σύλλα κελεύσαντος, and for that he was swiftly removed from the inner circle. Sulla's disapproval (καταγνούς)[1745] communicated that his repression was targeted retribution, not plunder. Similarly in the *Pro Roscio*, Cicero is certain that all the crimes of Chrysogonus, Magnus, and Capito were committed without Sulla's knowledge ('haec omnia, iudices, imprudente L. Sulla facta esse certo scio').[1746] He 'carefully dissociated'[1747] the dictator from his minions. He could not be more clear: 'nam Sullam et oratio mea ab initio et ipsius eximia virtus omni tempore purgavit'.[1748] This is most important when it comes to Cicero's description of the horrific, Cannae-like violence in Rome, of which he claims that Sulla was not only *imprudens*, but justifiably so. Just like *imperatores* in the midst of war, Sulla, when he was in complete control of the state ('dum is in aliis rebus occupatus qui summam rerum administrabat'),[1749] could not be expected to know what sort of violence was going on. What is more, everybody knew this: 'nemo est enim qui nesciat propter magnitudinem rerum multa multos partim improbante, partim imprudente L. Sulla commisisse'.[1750] The violence that Sulla had unleashed was too obvious to be denied, but it could, by arguments such as these, be distanced from the disapproving or ignorant dictator.

The diverse agency of the proscriptions did not just reduce Sulla's culpability; it imparted it on other people. They 'displaced and diffused responsibility for the slaughter'.[1751]

[1745] Plut. *Crass*. 6.
[1746] Cic. *Rosc. Am*. 21. For *imprudentia* being a subcategory of *purgatio*, absolvement from legal culpability, see *Rhet. Her*. 1.24 and Thein 2002: 269.
[1747] Seager 1982: 12. See also Berry 2004: 81 ('took great care to distinguish') and Syme 2016e: 90 ('studiously dissociated'). Thus Treggiari 1969: 184: 'some of the *odium* of the proscriptions and confiscations could be shifted on to the shoulders of freedmen'.
[1748] Cic. *Rosc. Am*. 127. The appeal to Sulla's *virtus* shows the use of what I have called 'personal legitimacy'.
[1749] Cic. *Rosc. Am*. 91.
[1750] Cic. *Rosc*. *Am*. 130.
[1751] Butler 2002: 7. For this reason, Eckert 2016b: 153 is unnuanced: 'die Verantwortung Sullas für die Vergeltungsmaßnahmen stand außer Frage'.

Others who took part, such as Crassus, Chrysogonus, Lepidus, Luscius, Bellienus, Catiline, and Oppianicus, could all be blamed for what *they* had done. As Rosenblitt says, 'accusations of personal misdeeds dating from the Sullan era are prevalent in subsequent Roman invective'.[1752] This need not have always exculpated Sulla – he could always be added to the list of villains. But it had the effect of muddying the waters. If one could focus on blaming others, attention could be distracted from Sulla. In another sense, the 80s could be seen as a *calamitas rei publicae*,[1753] in which there were so many wrongs that it made no sense to hold anyone personally responsible for what they done. Cicero offers this as an *excusatio* for the *lex Valeria*: an 'invidiosa lex', but one that was more understandable because 'non enim videtur hominis lex esse, sed temporis'.[1754] In Verres' case, this is even more explicit:

> in quibus illud tempus Sullanarum proscriptionum ac rapinarum praetermittam; neque ego istum sibi ex communi calamitate defensionem ullam sinam sumere, suis eum certis propriisque criminibus accusabo.[1755]

It was not reasonable to single out anyone amidst this communal *calamitas*: neither Verres, nor Sulla. This perspective makes Sulla's claim to have ended the violence even stronger. Everyone was killing, everyone was stealing, but it was Sulla, through his laws, who established both the end of the proscriptions and the start of a new *quaestio inter sicarios*. He was the harbinger of peace and security.[1756]

[1752] Rosenblitt 2019: 85.
[1753] See Cic. *Rosc. Am*. 14, *Caec*. 95, *Font.* 42, *Cat*. 3.24, *Mur*. 49, *Fam*. 13.5.2.
[1754] Cic. *Leg. Agr*. 3.5. Steel 2023: 208 argues that Cicero in the *Pro Roscio* 'suggests that responsibility for what happened, if it can indeed be ascribed at all, is communal rather than individual'. I agree with her point in other contexts, but in that speech, responsibility is clearly ascribed to the individuals Chyrsogonus, Magnus, and Capito.
[1755] Cic. *Verr*. 2.1.43.
[1756] See Cic. *Leg*. 3.42 on the urgency of this pose: nihil est enim exitiosius civitatibus, nihil tam contrarium iuri ac legibus, nihil minus et civile est et humanum quam composita et constituta re publica quicquam agi per vim.

Finally, it remains to be said that Sulla's use of non-state actors seems to have avoided the principal-agent problem inherent in directly mandating repression. Sulla's veterans, rewarded imperfectly as I described in an earlier chapter, played only a minor role in the remaining history of the late Republic. As Santangelo has said, 'unlike the veterans of Caesar, they never became a pressure group that fought to secure the survival of their former leader's political legacy'[1757] – or even their own interests. After Sulla's funeral, they dispersed, and their resurgence in 63 was minimal. Sallust's Lepidus seems to have had designs on their help in 78, but he was manifestly unsuccessful.[1758] And the lack of institutionalisation of those who carried out the proscriptions meant that they were no threat to Sulla at all. He had no praetorian guard to fear.

5.iv: The results of Sulla's repression

5.iv.a: Reception of legitimation

Having surveyed Sulla's legitimation attempts, we should now consider the results. What was the reaction to his repression? In many ways, he was unsuccessful at avoiding the legitimacy costs that it imposed on his regime. The state of the evidence makes it impossible to reconstruct this during Sulla's lifetime, but we can approach what people likely thought about his repression from our sources for the next generation. Those associated with the proscriptions were dogged by *invidia*, such as the *possessores Sullanorum agrorum*,[1759] and the killers who faced trials.[1760] The man who 'exemplum proscriptionis invenit'[1761] could

[1757] Santangelo 2014: 2.
[1758] Sall. *Hist.* 1.55.22: itaque maxumam mihi fiduciam parit victor exercitus. See La Penna 1963: 215 and Rosenblitt 2013: 466: 'Lepidus did not win the support of Sulla's veterans'.
[1759] Cic. *Leg. Agr.* 2.68. See Drummond 2000: 134, Keaveney 2019: 92. For the bad reputations of *sectores* who bid at Sulla's auctions, see Cic. *Rosc. Am.* 80, 94, 103, 152, and the attempt of Lepidus to avoid this stigma at Sall. *Hist.* 1.55.18.
[1760] Piacentin 2021: 138 has argued that the clause of the *Tabula Heracleensis* that precluded those who received bounties from municipal magistracies shows 'general revulsion'.
[1761] Vell. Pat. 2.28.

hardly escape all criticism either. The convictions of Luscius and Bellienus, and perhaps others,[1762] are said to have been received joyously as a vicarious punishment for Sulla:

> ἡδομένων πάντων καὶ νομιζόντων συνεξαλείφεσθαι τὴν τότε τυραννίδα καὶ Σύλλαν αὐτὸν ἐφορᾶν κολαζόμενον.[1763]

Cicero later said that Caesar avenged Sulla's cruelty ('crudelitas ab hoc eodem…vindicata est'),[1764] which is most easily understood as referring to his role as the *iudex quaestionis* for these cases in 64. This remark, and Plutarch's, imply that Sulla's repression was perceived as something that needed avenging. Many have therefore interpreted these trials as symptomatic of a strongly anti-Sullan movement in the 60s, built on the lasting illegitimacy of the proscriptions and their perpetrators.[1765]

The victims elicited sympathy too. Hinard convincingly argued that Cicero associated Roscius' father with the proscribed, even though he was not, 'pour but de faire naître le pathétique'.[1766] In the *Pro Cluentio*, Accius accused Cluentius' family of treating outrageously a proscribed Samnite called Cn. Decidius, and Cicero in defence claimed 'ab nullo ille liberalius quam a Cluentio tractatus est'.[1767] Both sides accepted that it was wrong to abuse these victims. Sympathy for Gratidianus can be inferred from the fact that Cicero elaborated on 'the most horrific physical torture'[1768] he suffered in a speech to the senate. These are isolated examples, but it was also possible to condemn the entire process. Cicero said in the *de Domo sua*:

[1762] Plut. *Cat. Min*. 17 and Cass. Dio 47.6.4 both imply that there could have been trials than the three (including Catiline) mentioned by Asc. 90-1C.
[1763] Plut. *Cat. Min*. 17.
[1764] Cic. *Lig*. 12.
[1765] See, for example, Marshall 1985: 129, Eckert 2019: 169, Tobin 2020: 24.
[1766] Hinard 1985a: 150. The allusions are at Cic. *Rosc. Am*. 21 and 32, but at 126, Cicero is unambiguous that he was not proscribed (which is necessary to the case).
[1767] Cic. *Cluent*. 161.
[1768] Wiseman 1985: 9. See Asc. 90C.

> proscriptionis miserrimum nomen illud et omnis acerbitas Sullani temporis quid habet quod maxime sit insigne ad memoriam crudelitatis? opinor, poenam in civis Romanos nominatim sine iudicio constitutam.[1769]

Of course, he was speaking significantly later in 57, with his own interests, not a dispassionate analysis of widespread perceptions of Sulla, at the front of his mind. The state of the evidence forces us to turn to such passages; we must admit that we cannot know what most Romans really thought. But I think it is likely that many would have shared Cicero's perspective. He was voicing an eminently reasonable view in a public setting, that Roman citizens deserved trials. He clearly thought that there was a *memoria crudelitatis*, and that likening Clodius' repression to Sulla's would delegitimise it in the eyes of his audience.[1770] He had previously referred to the proscription victims as *indemnati cives*[1771] in the second *de Lege Agraria* speech. Indeed, throughout the Ciceronian evidence, they, and Sulla's opponents more generally, are consistently referred to as *cives*, not *hostes*. To the above instances we can add the first ('dissensio civium') and third unpublished *Verrine* ('civium Romanorum'); the *Pro Fonteio* ('cives vi dissiderent'); the *in Toga Candida* ('[Catiline] tot civis trucidavit'); the third *Catilinarian* ('quanta deminutione civium') the *de Oratore* ('caedem civium'); the *de Legibus* ('civium'); and the *de Officiis* ('certe civium').[1772] Sallust does the same, in both his own voice and Lepidus', and many later authors do too.[1773] In Lepidus' speech, the defeated are referred to not just as *cives*, but *consules et alii principes*.[1774] There was thus a perception of the civil war that denied Sulla's framing, and

[1769] Cic. *Dom*. 43. See also 33 and *Leg*. 3.44 for the view that capital punishment without trial was completely incompatible with a free *res publica* (though we can doubt Cicero's own attachment to that principle).
[1770] See Piacentin 2021: 164, and Nippel 1995: 67: 'one of the unintended consequences of the Sullan period was revived public awareness of the inalienable civil rights which a Roman citizen ought indisputably to enjoy'.
[1771] Cic. *Leg. Agr*. 2.56. Helvius Mancia asserts at Val. Max. 6.2.8 that Cn. Domitius Ahenobarbus, M. Brutus, Cn. Carbo, and M. Perperna, Sulla's enemies executed by Pompey, were all *indemnati*; see Steel 2013b: 155.
[1772] Cic. *Verr*. 2.1.34, 2.3.81, *Font*. 6, Asc. 84C, Cic. *Cat*. 3.24, *de Or*. 3.12, *Leg.* 1.42, *Off*. 2.27 and 2.83. See also *Comm. Pet.* 9: caede civium.
[1773] Sall. *Cat*. 11, *Hist*. 1.55.17, Vell. Pat. 2.28, Val. Max 9.2.1, Sen. *Clem*. 1.12.2-3, Plin. *HN*. 7.137, Flor. 2.11.3 and 2.9.24, Oros. 5.21.6.
[1774] Sall. *Hist*. 1.55.5.

accepted the citizenship and even the *dignitas* of his opponents.[1775] We cannot know how widely it was shared, but it existed, despite Sulla being the victor and 'most powerful opinion-maker'[1776] in its aftermath. What is more, even if the punishment of those who fought against Sulla could be seen as justified, not everyone accepted that the proscriptions were limited to them. Cicero says that those proscribed were those who were *thought* to have been enemies ('cum proscriberentur homines atque ex omni regione caperentur, qui adversarii fuisse *putabantur*'),[1777] implying that there was a subjectivity, and lack of rigour, to the composition of the lists. He did not, in the difficult context of the *Pro Roscio*, object to some retribution ('quod animadversum est in eos, qui contra omni ratione pugnarunt, non debeo reprehendere'), but he did find unbearable the situation in which freedmen could steal anyone's property ('bona fortunasque nostras vexare possent').[1778] Sallust's Caesar was more damning. He thought that Sulla's repression, though initially praiseworthy, soon degenerated into a disastrous exercise in greed and cruelty ('ea res magnae initium cladis fuit').[1779] These opinions speak to shortcomings in Sulla's justification of the proscriptions and their targets.

Sympathy was also extended to the children of the proscribed. Even in the *Pro Roscio*, Cicero urged the jurors to spurn a proscription 'quae ad eorum liberos atque ad infantium puerorum incunabula pertinet'.[1780] Their treatment was easily considered cruel and unprecedented: Sallust's Lepidus called Sulla the 'solus omnium post memoriam humani

[1775] See Sen. *Dial*. 1.3.8 ('capita consularium virorum'), Diod. Sic. 37.29.5 (οἱ πλεῖστοι γὰρ τῶν συγκλητικῶν καὶ τῶν ἐπιφανῶν ἀνδρῶν ὑπὸ τῶν περὶ τὸν Σύλλαν ἀνῃρέθησαν), Aug. *De civ. D.* 3.28 ('plures iugulavit senatores, quam Gothi vel spoliare potuerunt'), and Asc. 89C, *Comm. Pet*. 9 on the *equites.* For pathetic mention of the high status of some of Sulla's victims, see Val. Max. 6.8.2 (Marius the younger), Livy *Per*. 88 (Gratidianus); Val. Max. 6.2.8 and Plut. *Pomp*. 10 (Carbo, though focused on Pompey's transgressions, not Sulla).
[1776] Flower 2008: 82.
[1777] Cic. *Rosc. Am*. 16.
[1778] Cic. *Rosc. Am*. 137 and 141.
[1779] Sall. *Cat*. 51.33. For Sulla going beyond punishing his enemies, see Vell. Pat. 2.28: 'nec tantum in eos, qui contra arma tulerant, sed in multos insontis saevitum', and Val. Max. 9.2.1: 'nec contentus in eos saevire, qui armis a se dissenserant, etiam quieti animi cives propter pecuniae magnitudinem per nomenclatorem conquisitos proscriptorum numero adiecit' (though see Cass. Dio 47.5.1 to the contrary). No doubt for this reason, the triumvirs promised to be milder at App. *BCiv*. 4.10.39: οὐδ᾽ ὅσους ἕτερος πρὸ ἡμῶν αὐτοκράτωρ ἔκτεινε.
[1780] Cic. *Rosc. Am*. 153.

generis supplicia in post futuros composuit'.[1781] According to Dionysius of Halicarnassus, his breaking of the Roman principle, established in the senatorial debate on Spurius Cassius, that children should not be punished for their parents' actions, was ἐπίφθονόν τε ἀνθρώποις καὶ νεμεσητὸν θεοῖς.[1782] Cicero disapproved in his philosophical works;[1783] more tellingly, he conceded it was cruel even when he argued against their restoration in public.[1784]

Though, as I have stressed, the state of public opinion is difficult to gauge, I think it is more likely than not that there was a reaction against the legitimacy of the proscriptions. The lack of trials did not befit the *res publica*,[1785] the sales were seen as transgressive,[1786] and the entire procedure was described at the time as 'acrius quam more maiorum'.[1787] I disagree with Hinard's view that the 'la constitution même de la liste donnait à l'épuration un caractère systématique qui ne pouvait pas ne pas impressioner les contemporains'.[1788] As we have seen, the proscriptions were more arbitrary than systematic, and I find highly dubious the idea that contemporaries were impressed. In fact, Sulla's role in the killings (ipse iubebat occidi)[1789] became one of the foundations of the negative strand of his image. In the *de Finibus*, Cicero's Cato called him the *magister* of the 'trium pestiferorum vitiorum, luxuriae, avaritiae, crudelitatis'.[1790] Sulla's cruelty in particular, often considered a 'later

[1781] Sall. *Hist*. 1.55.6. See also Vell. Pat. 2.28 (indignissimum) and Plut. *Sull*. 31 (ὃ δὲ πάντων ἀδικώτατον ἔδοξε).
[1782] Dion. Hal. *Ant. Rom*. 8.80. Hinard 1985a: 179 has called this tradition 'pour le moins, suspecte', and claimed that Roman ethics did allow for children to suffer (e.g. Hor. *Carm*. 3.6.1: 'delicta maiorum immeritus lues', and Cic. *Brut*. 1.12.2, 1.15.11 on Lepidus as a *hostis*). But his examples concern the residual effects of punishment *on parents* reaching their children (which Romans did not see fit to prevent); they do not concern *fresh sanctions* on children, which do seem to have been anathema, or at least unprecedented; see Steel 2018: 230.
[1783] See Cic. *ND*. 3.90: ferretne civitas ulla latorem istius modi legis, ut condemnaretur filius aut nepos si pater aut avus deliquisset?
[1784] See Quint. *Inst.* 11.1.85: 'quid enim crudelius?' and Plut. *Cic*. 12 and Sen. *Ira* 2.34.3.
[1785] See Cic. *Rosc. Am*. 91: 'dum civitas erit, iudicia fient', and *Cluent*. 202.
[1786] See Cic. *Off*. 1.43, 2.27, and *Leg. Agr*. 2.56: on the *funesta illa auctio*. Thus Hinard 1985a: 190: 'ce contre quoi s'indigne Cicéron, c'est le fait que Sylla parle de *praeda* alors qu'il s'agit de biens pris à des citoyens romains' and Ridley 1975: 95, Lanciotti 1977: 138, García Morcillo 2016: 115, van der Blom 2017: 188.
[1787] Cic. *Rosc. Am*. 153. See Piacentin 2021: 140: 'despised at the ground level because they went against the most basic principles of *mos maiorum*'.
[1788] Hinard 1985a: 141.
[1789] Cic. *Lig*. 12.
[1790] Cic. *Fin*. 3.75. For the reception of Sulla's *vitia*, alongside his *virtus*, see Tac. *Ann*. 6.46.

historiographic trope',[1791] is conspicuous in our late Republican evidence.[1792] It was a tyrannical[1793] vice that was closely linked to arbitrary and illegitimate violence. Cicero, in his attack on Verres' 'inauditae crudelitatis et paene novae proscriptionis',[1794] shows how it could be weaponised against a political actor. Caesar tried to distance himself from it ('nihil a me abesse longius crudelitate'),[1795] presumably because he knew that the cruel could be hated: 'quae [natio] superbos, quae maleficos, quae crudeles, quae ingratos non aspernatur, non odit?'[1796] The trope of Sulla's *avaritia* also derived from perceptions of the proscriptions. Sallust thought that it was a major factor in the decline of the Republic:

> Sed postquam L. Sulla armis recepta re publica bonis initiis malos eventus habuit, rapere omnes, omnes trahere, domum alius, alius agros cupere, neque modum neque modestiam victores habere, foeda crudeliaque in civis facinora facere.[1797]

For Cicero, Sulla's appetites were proverbial: he said that Rullus 'plus appetat quam ipse Sulla',[1798] and predicted that Caesar would be 'nec moderatiorem quam Sulla in pecuniis locupletum'.[1799] *Avaritia*, like *crudelitas*, was characteristic of a tyrant, as their 'greed for wealth' often 'results in the confiscation of his subjects' property'.[1800] Sulla's confiscations

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[1791] Lange 2020: 204. See especially Laffi 1967 on the 'myth of Sulla', postulating the 'noircissement' (Hinard 1984a: 81) of his image under the Caesar and the principate, when he became 'le prototype du tyran cruel' (Hinard 1985b: 277). But the schematism is completely misleading; it omits both the evident Republican criticism of Sulla, and the positive nuances in the imperial sources.
[1792] See Cic. *Dom*. 43, *Lig*. 12, *Off*. 2.27, *Att.* 9.14.2; Sall. *Hist*. 1.55.5, *Cat*. 11. *vehemens*: Cic. *Phil*. 11.1; *saevus*: Sall. *Hist*. 3.48.9. See Jal 1961: 477.
[1793] Cic. *Att*. 13.28.3 claims that even Alexander, Aristotle's pupil, suffered from it. Cicero could label the Roman kings as cruel (see *Rab. Perd.* 11 on the *regia crudelitas*), but at other times he said that they fell short of *crudelitas*, even when they were unbearable (*Phil*. 3.9; see Erskine 1991: 107). On cruelty and tyranny in Roman thought, see Dunkle 1967: 169, 1971: 19; Lanciotti 1977: 129, Wiseman 2009a: 200, Morstein-Marx 2021: 575.
[1794] Cic. *Verr*. 2.5.153.
[1795] Cic. *Att*. 9.16.2. See also 9.7C.1.
[1796] Cic. *Leg*. 1.32. See Cic. *Fam*. 15.19.2 and Konstan 2005: 340 on *clementia*, as opposed to *crudelitas*, being 'a wholly positive virtue' in the late Republic.
[1797] Sall. *Cat*. 11, and 10 for the destructive nature of *avaritia*.
[1798] Cic. *Leg. Agr*. 3.13.
[1799] Cic. *Att*. 7.7.7.
[1800] Dunkle 1971: 19.

were enormous, and there is every reason to think that they damaged the legitimacy of his regime.[1801]

We ought to take this perception of Sulla's 'extreme transgression of Roman values'[1802] seriously. Eckert has made a good case for his repression producing 'cultural trauma'.[1803] Cicero, for example, could publicly say that even the cattle of Rome would not tolerate any more repression like Sulla's:

> eos hoc moneo, desinant furere ac proscriptiones et dictaturas cogitare. tantus enim illorum temporum dolor inustus est civitati, ut iam ista non modo homines, sed ne pecudes quidem mihi passurae esse videantur.[1804]

However, the picture is more complicated than this. We need to consider the context of the 80s as a whole, because Sulla's violence did not emerge *ex nihilo*, and a careful reading of the evidence repudiates the idea that with it 'Rome crossed a watershed of thinkability'.[1805] For example, it was Censorinus decapitating Octavius in 87 that set the precedent of heads being exposed on the *rostra*.[1806] That 'indignity', at least, 'was by no means an invention of Sulla'.[1807] Appian also thought that he only inherited the practice of not burying one's enemies.[1808] Often it seems to have been difficult, or pointless, to discriminate between Sulla and his rivals. Cicero talked of a 'Sullani Cinnanique temporis extremum paene discrimen'.[1809] He wrote to Atticus that the victories of Sulla, Marius, and Cinna were all

[1801] See Cic. *Off*. 2.77 on *avaritia*: 'nullum igitur vitium taetrius est'. As Desrosiers 1969: 177 noted on Cicero's philosophy, 'Sulla is cited almost exclusively as an example of personal vice'.
[1802] Eckert 2014: 270.
[1803] Eckert 2014, 2016a, 2016b, 2018, 2019, 2020, 2023; see Alexander 2004: 1 on the theoretical background.
[1804] Cic. *Cat*. 2.20.
[1805] Rosenblitt 2019a: 90.
[1806] App. *BCiv*. 1.71.329: τόδε τὸ μύσος, ἀρξάμενόν τε ἀπὸ Ὀκταουίου καὶ ἐς τοὺς ἔπειτα ὑπὸ τῶν ἐχθρῶν ἀναιρουμένους περιόν; see also Cic. *De or*. 3.10, *Tusc*. 5.55; Livy *Per*. 80, Cass. Dio 30-35.102.9. Vell. Pat. 2.19, on the other hand, considers Sulpicius the first such victim. On the transgressive visibility of the violence of the *bellum Octavianum*, from both sides, see Cic. *Cat*. 3.24 and Russell 2023: 125.
[1807] Berdowski 2020: 22.
[1808] App. *BCiv*. 4.16.62: ἐγένετο μὲν οὖν τοιάδε ἕτερα ἐν αὐτῇ κατά τε Σύλλαν καὶ ἔτι πρὸ ἐκείνου Γάιον Μάριον; see also 1.82.404 for Damasippus not burying his victims by a convention (ἐπεπόλαζε γὰρ ἤδη μὴ καταθάπτεσθαι τοὺς ἀναιρουμένους) that had been established before Sulla's victory.
[1809] Cic. *Har. Resp*. 18. See Meier 1966: 253: 'lag die Anwendung von Grausamkeiten anscheinend in der Luft'.

crudelius and *funestius*.[1810] The boundaries between all this violence were so blurred by the time of Valerius Maximus that he thought that Cinna had his own proscriptions.[1811]

This comparability helped Sulla, by making his repression seem less egregious. Sometimes he even came out the better. Cicero on several occasions used the superlative to describe the bloodshed of his rivals. He said that Marius' return to Rome in 87 resulted in the *caedes omnium crudelissima*;[1812] that Catulus, Antonius and C. Caesar 'erant crudelissume interfecti';[1813] that Cinna was 'omnium crudelissimus'.[1814] Of course, these views were not authoritative, and no doubt many believed that Sulla 'went well beyond the bloodshed' of Cinna.[1815] On pure numbers, as Eckert's analysis has shown,[1816] the 'Marian terror' did not come close to killing of the proscriptions. But they nevertheless had a real precedent, and it is possible that, in the eyes of contemporaries, the 80s were perceived as 'une longue série de massacres dont ceux de Sylla n'étaient que les derniers en date'.[1817] This did not automatically make Sulla's repression legitimate, but it probably made it seem more reasonable. It opened the door to Sulla's rhetoric of vengeance, as I discussed in chapter 3. Cicero wrote that Cinna was brought to justice;[1818] Valerius Maximus that Marius reduced the *invidia* of Sulla's cruelty;[1819] Diodorus, most extremely, that Sulla's return was the νέμεσις of Marius and Cinna. He goes as far as saying that this was what most reasonable people thought:

[1810] Cic. *Att*. 9.10.3.
[1811] *Cinnana proscriptio*: Val. Max. 4.3.14, 5.3.3, 6.9.14; see also Diod. Sic. 38/39.4, Eutr. 5.7. Cass. Dio 47.13.4 renders the memory of violence in the 80s as τὴν τοῦ Μαρίου τοῦ τε Σύλλου ὠμότητα.
[1812] Cic. *De or*. 3.8.
[1813] Cic. *Brut*. 307; see also *Phil*. 1.34 on Antonius ('crudelissime est interfectus') and 8.7 on the *crudelissima nex* of *clarissimi homines*.
[1814] Cic. *Nat. D*. 3.81; *Phil*. 11.1 describes Cinna as *crudelis* and Sulla as just *vehemens*.
[1815] Flower 2006: 93. See Vell. Pat. 2.22 and Cass. Dio 30-35.109.3 for this opinion.
[1816] Eckert 2019: 166. Though the different scale is clear, the numbers themselves are hardly trustworthy.
[1817] Hinard 1985a: 152. See Christ 2002: 101: 'Sullas Diktatur lediglich den Schlußakt der Gesamtentwicklung'.
[1818] Cic. *Nat. D*. 3.81: cur omnium crudelissimus tam diu Cinna regnavit? At dedit poenas.
[1819] Val. Max. 9.2.2.

> διὸ καὶ πολλοὶ τῶν μετρίων ἀνδρῶν τὴν τῶν προκαταρξάντων τῆς μιαιφονίας τιμωρίαν εἰς τὴν τῶν θεῶν πρόνοιαν ἀνέπεμπον.[1820]

In a similar way, the killing of Damasippus was said to be welcomed,[1821] and the *equites* who supported Cinna deserved their fates because of the *invidia* their embezzlements had earned.[1822] This evidence needs to be considered alongside that on the offensiveness of the proscriptions. They still imposed a legitimacy cost on Sulla's regime, but this cost, contrary to what we might have expected, was not catastrophic.

5.iv.b: Maintenance of Sulla's repression

One important indication that Sulla mitigated perceptions of his repression is that there was a very limited movement to do anything about it after his death. The late Republican reaction, so much as it existed, has been seriously overrated by modern scholars. For example, it has been said that Lepidus in 78 'fomented the widespread discontent at the Sullan settlement',[1823] because, 'erected on murder and robbery, the Republic of Sulla invited revolution'.[1824] But revolution was not forthcoming. The speech attributed to Lepidus by Sallust certainly deals with Sulla's repression in great detail. The treatment of the proscribed features (Sall. *Hist.* 1.55.6), as does the removal of Italian citizenship (12); Sulla's 'necis civium et vitae licentia' (13) and 'humanas hostias' (14); the proscription rewards (16); the targeting of innocents, the 'cruciatus virorum illustrium', the slaughters in the city and auctions of property (17); the countless outrages (19); the spoils of his minions (21); and his 'praeda civilis acerbissuma' (24). Lepidus' rhetoric was unambiguous, according to Sallust. His political goals, on the other hand, are 'bound to remain enigmatic'[1825] due to the state of the evidence. There are

[1820] Diod. Sic. 38/39.6.
[1821] Sall. *Cat*. 51.32: quis non factum eius laudabat?
[1822] Asc. 89C: equester ordo pro Cinnanis partibus contra Sullam steterat, multique pecunias abstulerant: ex quo sacculariii erant appellati, atque ob eius rei invidiam post Sullanam victoriam erant interfecti.
[1823] Brunt 1971b: 287.
[1824] Syme 2016b: 110. See also Mackay 2009: 193, Osgood 2015: 1686, Rosenblitt 2019a: 11.
[1825] Santangelo 2014: 3. Rosenblitt 2019a is too confident in reconstructing them, in my opinion.

some who have interpreted him as 'certainly populist, but by no means rabidly anti-Sullan'.[1826] This is not completely convincing, because the sources do assert that he promised the restoration of Italian land[1827] and the recall of the proscribed,[1828] which suggest a significant challenge to Sulla's repressive measures. But 'er konnte diese Vorhaben aber nicht durchsetzen'.[1829] The 'grande offensive antisyllanienne'[1830] did not materialise into much. A young Julius Caesar was famously unimpressed by the *occasio*.[1831] Cicero, in one retrospective survey of civil conflicts in Rome, said that Lepidus' demise made less of an impact on the *res publica* than others', and in another, he did not even bother including it.[1832] In my view, there is no evidence to suggest that Lepidus' movement was anything more than marginal, and his election to the consulship by no means indicated that 'the working through of the consequences of the "Sullan crisis" held broad support in Roman society'.[1833]

It has also been said that the trials of the 60s were symptomatic of a political atmosphere in which it was 'thought desirable to redress grievances produced by the Sullan proscriptions'.[1834] There were two categories of trials: Faustus' indictment *de pecuniis residuis*, and the trilogy *inter sicarios* that we have already seen, of Luscius, Bellienus, and Catiline. Faustus was accused in 66 for possessing excess 'pecuniae publicae',[1835] inherited from his father, who had acquired it both as a general and via the proscriptions.[1836] The affair was 'saepe erat agitata',[1837] according to Asconius, but no trial was ever held because of the

[1826] Burton 2014: 413.
[1827] App. *BCiv*. 1.107.501, Gran. Licin. 36.34.
[1828] Sall. *Hist*. 1.77.6, Gran. Licin. 36.34, Flor. 2.11.3.
[1829] Eckert 2016b: 154.
[1830] Hinard 1985b: 265. See also Rosenblitt 2019: 68a on his 'serious agenda'.
[1831] Suet. *Iul*. 3. Meier 1996: 105 called it a 'farce'.
[1832] Cic. *Cat*. 3.24: attulit non tam ipsius interitus rei publicae luctum quam ceterorum, and *Phil*. 8.7.
[1833] Eckert 2020: 94.
[1834] Marshall 1984: 202. See Heftner 2013: 241 on the 'antisullanischen Trends der 60er Jahre'.
[1835] Cic. *Cluent*. 94. See Alexander 1990 n.196.
[1836] Asc. 73C: 'quia Sulla per multos annos quibus exercitibus praefuerat et rem publicam tenuerat sumpserat pecunias ex vectigalibus et ex aerario populi Romani'. The latter part of the phrase concerns the proscriptions, as proceeds from the auctions should have entered the treasury.
[1837] Asc. 73C;. Rullus brought it up again in 63, according to Cic. *Leg. Agr.* 1.12.

'gratiam Sullanarum partium'. Cicero was comfortable enough saying that 'senatui non placere is iudicium de Sullae bonis fieri'. In the *Pro Cluentio*, he justifies this by saying it was unfair for Faustus, despite his considerable support,[1838] to have to contend with the *summa vis* of his tribunician accuser. What to make of this 'aborted skirmish'?[1839] In my view, it does testify to some lasting controversy around Sulla's repression. But equally, it demonstrates that the controversy had limited traction. Faustus managed to escape completely unscathed. The *inter sicarios* trials are more indicative of hostility towards the proscriptions. But even here, we should not exaggerate the situation: we know of only two convictions, one of whom was a centurion and a 'particularly easy target',[1840] out a process in which hundreds must have participated. Catiline was not only acquitted, but went on to become, despite his incontrovertible involvement in Sulla's violence, and reported killing of Gratidianus (who was 'carissimus populo Romano'),[1841] a favourite of the Roman plebs.[1842] This is very hard to understand if we consider his 'Sullan-period crimes'[1843] to be as de-legitimising as some have claimed. Moreover, these 'direct attacks on particular categories of Sullan profiteers'[1844] took place in Sulla's own *quaestio inter sicarios*, or 'within the framework provided by one of the permanent courts created by the dictator'.[1845] They should be viewed as a moderate, not a revolutionary, challenge to the legacy of the proscriptions.

[1838] Cic. *Cluent*. 94: maximis opibus, cognatis, adfinibus, necessariis, clientibus plurimis.
[1839] Tobin 2020: 302.
[1840] Tobin 2020: 39. The other convict, Bellienus, may have been a centurion as well. As Cicero made clear in the *Pro Roscio*, it was possible to attack lowly figures, such as Chrysogonus, without impugning Sulla.
[1841] *Comm. Pet*. 10; see also Asc. 89C.
[1842] Sall. *Cat*. 37: omnino cuncta plebes novarum rerum studio Catilinae incepta probabat. Sallust may be blinded by his disdain for the plebs, but popular support was probably central to Catiline's own image (see Cic. *Mur*. 51), and had some basis in reality.
[1843] Eckert 2019: 170. She admits (2016b: 156) that 'Catilina wurde zwar nicht wegen der Tötung von Proskribierten verurteilt, fiel jedoch im Jahr 63 v.Chr. in der Schlacht', but does not see that this refutes her point. His death had nothing to do with his status as 'einer der berüchtigtsten Kopfgeldjäger Sullas', and consequently tells us nothing about the ongoing reaction to Sulla's repression.
[1844] Drummond 2000: 129.
[1845] Santangelo 2014: 21.

Sulla's land transfers also remained intact for the rest of the late Republic. There was a move in the late 70s, attested by Cicero as a *senatus consultum* and by Sallust as a law passed by Lentulus Clodianus, to recoup moneys owed to the treasury by the buyers at Sulla's auctions, who do not seem to have paid the full price.[1846] But it did nothing to redress the victims of these sales; Hinard has even argued that the purpose of the measures was to 'confirmer la légalité des ventes'.[1847] Sulla's *gratificatio* came up again in 65, in the *quaestio peculatus* under Servius Sulpicius' praetorship. Cicero discusses it in the context of all the unpopularities that the presidency of that court could win you: the repudiation of Sulla's arrangements, he said, would result in 'multi viri fortes et prope pars civitatis offensa est'.[1848] Two years later, in 63, Cicero attacked Rullus' (alleged) covert defence of Sulla, but with the plain admission that revisiting the distributions of the proscriptions was never on the table.[1849] Augustus' father Octavius, as praetor in 61, is said to have been popular ('iucundissimus') for compelling *Sullani homines* to give back 'quae per vim et metum abstulerant'.[1850] But *vis* and *metus* hardly refer to estates purchased at auction; the punished here are those who used the cover of the proscriptions to indulge in criminality. As we saw with Crassus, even Sulla himself could object to this.[1851] Though the description of the transgressors as *Sullani* was not complimentary towards the dictator, Octavius' action does not represent any real pressure to undo what Sulla had done. The next year, in 60, Flavius' agrarian bill must have called into question the 'Sullanorum hominum possessiones',[1852] but it does not seem to have got very far, no doubt in the face of opposition like Cicero's. We must conclude with the plain fact that nearly all those who acquired wealth during the proscriptions held onto it indefinitely,

[1846] Cic. *Verr*. 2.3.81: 'ut, quibus ille de capite dempsisset, ii pecunias in aerarium referrent' and Sall. *Hist*. 4.1: 'de pecunia, quam Sulla emptoribus bonorum remiserat, exigenda'.
[1847] Hinard 1985a: 187.
[1848] Cic. *Mur*. 42. The *multi viri fortes* are probably Sulla's veterans, described similarly by *Cat*. 2.20 as *optimi et fortissimi viri*.
[1849] See Cic. *Leg. Agr*. 3.8: tu vero, Rulle, quid quaeris? quod habent, ut habeant? quis vetat?
[1850] Cic. *Qfr*. 1.1.21. See Suet. *Aug*. 3 for his popularity.
[1851] Plut. *Crass*. 6.
[1852] Cic. *Att*. 1.19.4 reports his own defence of Sulla's assignments ('confirmabam'), and his opinion that the people of Volaterrae and Arretium, whose lands Sulla had not confiscated or assigned, should keep them.

and even Caesar, sometimes described as 'l'anti-Silla',[1853] is said to have wanted the distributions to be upheld, so that his own might be.[1854]

Finally, we ought to consider the fate of the children of the proscribed. There certainly was some pressure to restore them, which came to a head in 63, when, according to Plutarch, some assailed Sulla's tyranny in public.[1855] Cicero, as consul, took up the defence. He later admitted that his stance did win him some *inimicitia*,[1856] but nevertheless, he proudly included the speech in his corpus of consular oratory,[1857] and it seems to have contributed to his sterling reputation. Pliny, in his mini-panegyric, said that he shamed the children of the proscribed for daring to seek the return of their rights: 'te orante proscriptorum liberos honores petere puduit'.[1858] Eventually, they were restored by Caesar in 49.[1859] But we should not overlook the fact that 'per più di 30 anni i discendenti dei proscritti rimasero ai margini della vita politica dove li aveva relegati l'esecrati Silla'. Nor were they 'pochi nè di poco conto',[1860] as Plutarch attests.[1861] I agree with Rosenblitt, that the repression of that many, for that long, is a sure sign that 'majority opinion in Rome was evidently against reinstatement of the proscribed and their descendants throughout the decades following Sulla'.[1862] To me, this points to Sulla's legitimation having some effect.

[1853] Laffi 1967: 274.
[1854] Cic. *Fam*. 13.8.2: sed tamen cum Caesar Sullanas venditiones et adsignationes ratas esse velit, quo firmiores existimentur suae. Thus Steel 2018: 236: 'those of Sulla's followers who thought that the economic consequences of Sullan victory should be modified evidently lost the argument'.
[1855] Plut. *Cic*. 12: πολλὰ τῆς Σύλλα τυραννίδος ἀληθῆ μὲν καὶ δίκαια κατηγοροῦντες; see also Cass. Dio 37.25.3.
[1856] Cic. *Pis*. 4.
[1857] Cic. *Att*. 2.1.3.
[1858] Plin. *HN*. 7.117.
[1859] This is attested by Suet. *Iul*. 41, Plut. *Caes*. 37, Cass. Dio 41.18.2, 44.47.4, but on the details, however, 'nos sources sont muettes' (Hinard 1985a: 219). Some of the restored were successful, as C. Vibius and C. Carrinas became consuls (Cass. Dio 45.17.1, 51.21.6), but they did not recover their patrimony, as Cic. *Fam*. 13.5.2 says in relation to a C. Curtius: amissis omnibus fortunis. See Moreau 2014.
[1860] Laffi 1967: 186.
[1861] Plut. *Cic*. 12: οὔτ᾽ ἀσθενεῖς ὄντες οὔτ᾽ ὀλίγοι. See Suet. *Gram. et rhet.* 13 for Staberius Eros, a *grammaticus* of many elite Romans, including Brutus and Cassius, teaching the children of the proscribed for free.
[1862] Rosenblitt 2019a: 84.

Some excerpts from the arguments used to defend Sulla's repression survive, and they generally confirm this picture. Though there were some grounds for a legal defence,[1863] a stronger argument, which we can trace back to Sulla, was that his repression provided stability. Cicero said as much about the children of the proscribed. They may have been 'adulescentis bonos et fortis', but if they had regain their rights to run for office, they would have thrown the *status rei publicae* into confusion.[1864] As I discussed in chapter 3, Quintilian reconstructed his rhetoric from that speech on broader terms: the *status civitatis* depended upon all of Sulla's laws to stand.[1865] In this light, Sulla's claim to have provided stability seems credible. Some scholars have taken this too far. Reluctance to overturn them is not the same thing as 'continuing approval of Sullan actions',[1866] and Hinard is wrong to say that the *de Lege Agraria* does not 'manifester la moindre désapprobation à l'égard de son œuvre politique'.[1867] It was difficult to defend Sulla's repression directly, as Rullus attacked Cicero for doing ('Sullanas res defendere <me> criminatur').[1868] And some of the moves against Sulla – notably Plutarch's description of the mood around the trials *inter sicarios* – do suggest backlash. I have only argued that we should not overestimate the 'tremendous pressure on the Sullan arrangement from all those who had been marginalised'.[1869] I do not think the pressure was tremendous, and we need to account for the counter-pressure to maintain it. Not all of this came from the normative grounds of legitimacy. Those Sulla co-opted with rewards had a 'financial interest in the preservation of the Sullan system',[1870] or 'a

[1863] See, based on Cic. *Verr*. 2.3.81 and *Leg. Agr*. 2.56, Hinard 1985: 191 ('on ne voit pas bien comment, la vente étant réalisée conformément à la procédure normale, la possession de biens ainsi acquis aurait pu être juridiquement contestée') and García Morcillo 2016: 124 ('the dictator at least used the correct mechanisms').
[1864] Cic. *Pis*. 4: si essent magistratus adepti, rei publicae statum convolsuri viderentur.
[1865] Quint. *Inst*. 11.1.85: sed ita legibus Sullae cohaerere statum civitatis adfirmat ut iis solutis stare ipsa non possit. See also Cic. *Verr*. 2.3.81, where he argued that all of Sulla's acts (*omnes res gestae*) needed to be defended 'propter maiorum incommodorum et calamitatum metum'; thus they were a bulwark, albeit an unsavoury one, against chaos.
[1866] Dowling 2000: 308 n.11.
[1867] Hinard 1984a: 85. See, for example, Cic. *Leg. Agr*. 2.56 ('funesta illa auctione'), 3.5 ('tyrannum'), 3.10 (Rullus negatively as a 'repentinus Sulla'), 3.13 ('plus appetat quam Sulla').
[1868] Cic. *Leg. Agr*. 3.13; see also 3.10.
[1869] Rosenblitt 2019a: 79.
[1870] Crawford 1992: 151.

tangible commitment to the maintenance of the new order'.[1871] However, his repression still needed to be justified to Roman society as a whole. That this was done by some like Cicero, who did not profit from it, suggests that Sulla's rhetoric made a real impact.

5.iv.c: The legacy of Sulla's repression

The purpose of this discussion has been to analyse how much, and in what ways, repression contributed to Sulla's power. In the first half of the chapter, I discussed how it helped him; in the latter half, I have discussed how he tried to stop it hurting him. My conclusion is that Sulla had a surprising amount of success in legitimating his repression, when we consider how illegitimate it could have, or ought to have, been. It is repulsive to modern sensibilities, and often unsavoury for the Romans too. But not always. There were, in fact, a significant number of attempts to emulate it in the rest of the first century BC. References to these are sometimes rhetorical, such as Faustus as a boy promising to proscribe like his father,[1872] or the desires for plunder attributed to Lepidus by Sallust's Philippus.[1873] We probably cannot take Cicero too seriously when he says that, because of the *vis* of Clodius, Gabinius, and Piso, the *equites* were threatened by the spectre of proscription.[1874] With Catiline's conspiracy, however, it seems that repression like Sulla's was seen as quite broadly appealing. Sallust says that 'plerique Sullani milites' were wistful for what they had been able to do after their chief's victory ('rapinarum et victoriae veteris memores'),[1875] and Cicero, frankly addressing their support of Catiline, said that many were so indebted that they needed another Sulla to recover their fortunes.[1876] He warns them to stop thinking about proscriptions and

[1871] Steel 2018: 229.
[1872] Val. Max. 3.1.3: proscriptionem paternam laudantem ipsumque, cum per aetatem potuisset, idem facturum. See also Plut. *Brut*. 9.
[1873] See Sall. *Hist*. 1.77.20.
[1874] Cic. *Dom*. 55: equitibus Romanis mortem proscriptionemque minitarentur. See also *Red. Sen.* 33, *Planc*. 87. Cicero frequently called his own treatment a *proscriptio*: *Red. Sen*. 4, 8; *Dom*. 43, 48, 50, 58; *Prov. Cons*. 45, *Sest*. 46, 65, 133; *Pis*. 30. See Mouritsen 2023: 153.
[1875] Sall. *Cat*. 16. See also Plut. *Cic*. 14.
[1876] Cic. *Cat*. 2.20.

dictatorships (‘desinant furere ac proscriptiones et dictaturas cogitare’), but this only implies that they had been. They had also, allegedly, enticed some of the rural poor (‘non nullos agrestis homines’) with the hope of plunder (‘spem rapinarum’). In much the same way, Sallust claims that the urban population, even ‘cuncta plebes’, supported Catiline because they wanted to experience for themselves the opportunities for enrichment that the proscriptions offered.[1877] Catiline is also said to have promised a *proscriptio locupletium* to his aristocratic followers.[1878] Many of these claims are uncertain, but taken together, I think, there is enough to suggest that Sulla’s repression could be seen as something fit to be imitated.

Proscription rhetoric abounded in the next civil war.[1879] It mostly derived from the Pompeians, whose leader[1880] and partisans[1881] are both said to have desired a *Sullanum regnum*. Cicero was in no doubt that, had they won, they would have engaged in a *crudelis victoria*,[1882] ‘Sullano more’.[1883] Famously, Sulla’s example was brought up frequently in Pompey’s camp: ‘Sulla potuit, ego non potero?’[1884] Seager has argued that this claim is ‘best interpreted on a purely military level’,[1885] regarding the plan to blockade Italy, but this is unconvincing. The sentence before, Cicero shuddered to Atticus about the ‘genus belli crudelissimi’, and he repeatedly attributes to Pompey the desire to proscribe. For Cicero, acting like Sulla and proscribing go hand in hand: thus he coined the words ‘ita sullaturit

[1877] Sall. *Cat*. 37: multi memores Sullanae victoriae, quod ex gregariis militibus alios senatores videbant, alios ita divites, ut regio victu atque cultu aetatem agerent, sibi quisque, si in armis foret, ex victoria talia sperabat.
[1878] Sall. *Cat*. 21. He also ‘admonebat…multos victoriae Sullanae, quibus ea praedae fuerat’.
[1879] See Gagé 1936: 303 n.1 on ‘l’obsession des souvenirs syllaniens en 49’.
[1880] Cic. *Att*. 9.7.3: Gnaeus noster Sullani regni similitudinem concupivit. εἰδώς σοι λέγω. nihil ille umquam minus obscure tulit.
[1881] Cic. *Att*. 8.11.2: genus illud Sullani regni iam pridem appetitur multis qui una sunt cupientibus. See also Caes. *BCiv*. 1.4 for Lentulus Crus aiming to be another Sulla himself, and Cic. *Cat*. 3.9, Sall. *Cat*. 47, Quint. *Inst*. 5.10.30, Plut. *Cic*. 17, App. *BCiv*. 2.4.15 on Lentulus Sura aiming for the same in 63.
[1882] Cic. *Fam*. 4.14.2. See also *Fam*. 4.9, *Att*. 8.16.2, *Marc*. 16.
[1883] Cic. *Att*. 10.7.1.
[1884] Cic. *Att*. 9.10.2.
[1885] Seager 1979: 177. Lintott 1999b: 3 suggests the same.

animus eius et proscripturi<t> iam diu'.[1886] Crassipes reported to Cicero 'sermones minacis' from Pompey at Brundisium, which included 'meras proscriptiones, meros Sullas'.[1887] This putative proscription seems to have been conceived of as even broader than Sulla's: 'non nominatim sed generatim proscriptio esset informata'.[1888] In the same letter, Cicero wrote that Pompey's henchmen had talked openly about seizing the property of their opponents. Fannius had his eyes on Atticus', and L. Lentulus had earmarked Hortensius' *domus* and Caesar's estates at Baiae.[1889] Caesar accused them of the same thing.[1890] Of course, Caesar's testimony is not trustworthy, when it comes to reconstructing the goals of his opponents. But with Cicero's letters, we have intimate, informed evidence from a source that must have wanted to see the Pompeians – the side he had chosen to represent in the civil war – in the best possible light. His repeated assertions that his allies wanted to renew the proscriptions deserve credence.

Cicero was so disillusioned with the civil war that he thought that there would be little difference in the conduct of the victor. He wrote to Atticus that proscription awaited if he was on the losing side ('si victus eris, proscribare'), and predicted that Caesar, if he won, would be no milder than Cinna, nor more restrained than Sulla 'in pecuniis locupletum'.[1891] Caesar's own rhetoric, focused on clemency and an unwillingness to imitate Sulla,[1892] was very different. Some scholars have been impressed by his 'astonishing moderation',[1893] that was supposedly set 'in express antithesis to the brutality of Sulla'.[1894] Kathryn Welch has

[1886] Cic. *Att*. 9.10.6. On the new words, see Quint. *Inst*. 8.3.32 and 8.6.32.
[1887] Cic. *Att*. 9.11.3. See also 8.11.4, 8.16.2, 9.7.4.
[1888] Cic. *Att*. 11.6.2.
[1889] Cic. *Att*. 11.6.6. See also Cic. *Att*. 9.9.4 and D'Arms 1968: 188.
[1890] Caes. *BCiv*. 3.82: alii domos bonaque eorum, qui in castris erant Caesaris, petebant. See Wiseman 2009: 200, Morstein-Marx 2021: 457.
[1891] Cic. *Att*. 7.7.7. See 10.8.2: 'impetum in privatorum pecunias'. Servius said to Cicero in 49 (10.14.1) that both sides would be compelled to seize private wealth, because money was so scarce: 'propter utriusque difficultatem pecuniariam; quae erui nusquam nisi ex privatorum bonis posset'; see Frederiksen 1966: 132.
[1892] See Cic. *Att*. 9.7C.1: 'L. Sullam, quem imitaturus non sum'.
[1893] Morstein-Marx 2021: 413. On Caesar's famous clemency, see Coulter 1931, Treu 1948, Syme 1958b: 414, Dyer 1990: 23, Konstan 2005: 337, Dowling 2006: 20, Zarecki 2014: 115, Morstein-Marx 2021: 413.
[1894] Seager 1987: 249.

discussed 'Caesar's decision to *not* proscribe'.[1895] But though his rhetoric was anti-Sullan, his sale of Pompey's patrimony after his return to Rome in 47 was not. Cicero describes it thus:

> Caesar Alexandria se recepit felix, ut sibi quidem videbatur; mea autem sententia, qui rei publicae sit infelix, felix esse nemo potest. hasta posita pro aede Iovis Statoris bona Cn. Pompei (miserum me! consumptis enim lacrimis tamen infixus haeret animo dolor), bona, inquam, Cn. Pompei Magni voci acerbissimae subiecta praeconis![1896]

The goods of a defeated Roman enemy are once more being sold 'hasta posita', by a civil war victor who considered himself *felix* to boot. The episode served Cicero's rhetorical goal of attacking Antony for being the only *sector* to bid,[1897] and as such, the invective needs to be handled with caution.[1898] But Caesar's sales are widely attested. The 'hastae Caesaris'[1899] included the property of a Plotius, of Scipio, of M. Varro, L. Rubrius, and L. Turselius.[1900] In addition to Antony, we hear of several other buyers, notably Publius Sulla, who had a 'reputation for greed',[1901] and competed at auction with Mindius Marcellus and an otherwise unknown Attius *pigmentarius*.[1902] Publius Sulla's son was also a buyer, as Cassius wrote to Cicero, and his continued participation would cheer up Caesar, despondent though he may have been at the loss of a *sector* when P. Sulla the elder died.[1903] Caesar, like Sulla, must have enriched many of his adherents: Antony[1904] and Servilia[1905] are the two prominent

[1895] Welch 2019: 241.
[1896] Cic. *Phil*. 2.64.
[1897] See also Cic. *Phil*. 2.39, 2.75, Flor 2.18.5 and Ramsey 2004a: 168, Piacentin 2021: 172.
[1898] See Ramsey 2004a: 161 n.3 for us being 'severely handicapped' by Cicero's partiality.
[1899] Cic. *Phil*. 2.104.
[1900] See Cic. *Fam*. 13.8.2, *Att*. 16.11.2, *Phil*. 2.103. It is often hard to tell whether these transfers of property derived from auction sales or theft.
[1901] Tobin 2020: 308. See Cic. *Off*. 2.29.
[1902] Cic. *Fam*. 15.17.2.
[1903] See Cic. *Fam*. 15.17.2 ('Caesarem putabant moleste laturum verentem ne hasta refrixisset') and *Fam*. 15.19.3 (nec tamen Caesar diutius nos eum desiderare patietur, nam habet damnatos, quos pro illo nobis restituat, nec ipse sectorem desiderabit, cum filium viderit'). See also *Fam*. 9.10.3. L. Marcius Censorinus was also a *sector* (Cic. *Phil*. 11.36) and in the later triumviral proscriptions acquired Cicero's house: Vell. Pat. 2.14; see Ramsey 2004: 169.
[1904] See Cic. *Phil*. 2.37: si, ut dixi, meum consilium auctoritasque valuisset, tu hodie egeres, nos liberi essemus.
[1905] See Suet. *Iul*. 50: bello civili super alias donationes amplissima praedia ex auctionibus hastae minimo addixit. See also Cic. *Att*. 14.21.3. For this phenomenon more generally, see Cass. Dio 42.51.2, 43.47.5.

examples. Because of this, we ought not make too much of the 'sharp contrast'[1906] between the two. Caesar was undoubtedly milder than Sulla,[1907] but that does not mean he learned nothing from the example of his dictatorial predecessor.[1908]

Imitation of Sulla did not, much to Cicero's chagrin, end with Caesar's death. His bequest 'ad multos improbos' was *cupiditas*, and the 'hasta Caesaris' brought them *spes et audacia*.[1909] Suetonius reports that even the liberators considered auctioning off the tyrant's property,[1910] and Cicero accuses Antony throughout the *Philippics* of plotting proscriptions.[1911] Cicero lived just long enough to see his accusation materialise, when the triumvirs provided the fullest reincarnation of Sulla's destructive example ('instauratum Sullani exempli malum, proscriptio').[1912] Seneca later wrote that they shared the 'civilis sanguinis Sullana sitis';[1913] Juvenal called them his 'discipuli tres'.[1914] Coverage of those proscriptions is beyond the scope of this dissertation, but they were clearly inspired by Sulla, or, as he was referred to in the triumviral edict, ὃν Εὐτυχῆ προσείπατε.[1915]

What does all this imitation mean? In my view, it is an indication that many in the Roman elite appreciated the effectiveness of Sulla's repression. Some, like Cicero, were horrified by it, but even he could see that Sulla's success in eliminating opponents, instilling

[1906] Morstein-Marx 2021: 443.
[1907] See Cass. Dio 43.50.2 on him restoring the dowries of his opponents' wives, and granting their children a share in the confiscated property.
[1908] See Syme 1939: 76: 'there were to be no proscriptions. But Caesar acquired the right to sell, grant or divide up the estates of his adversaries'. In the *de Officiis*, Cicero wrote that their *pecuniarum translatio* (1.43) and auctions (2.29) were very similar; see especially 2.83: bis iam vidimus, hastam in foro ponere et bona civium voci subicere praeconis. He may not have been fair to Caesar, but this must have been a plausible argument to make.
[1909] Cic. *Off*. 2.28 and *Phil*. 8.9.
[1910] Suet. *Iul*. 82.
[1911] See, for example, Cic. *Phil*. 5.20, 5.32, 8.9, 13.3, and Mouritsen 2023: 261: 'the theme of property confiscations recurs in almost all the *Philippicae*'.
[1912] Vell. Pat. 2.66.
[1913] Sen. *Suas*. 6.3.
[1914] Juv. 2.28.
[1915] App. *BCiv*. 4.10.39.

fear, enriching his party, and legitimating his actions enough for them to be maintained, was a recipe for similarly bad actors to lust after 'infinita hasta'.[1916] I do not use the word 'success' with any normative approval whatsoever; Sulla's repression was abhorrent. I only mean that it was highly conducive to his own ends.[1917] As I discussed in the first half of this chapter, it was a vital component in the construction of his power. And, as I have covered in the second half, he managed to justify it in such a way that it did not prove de-stabilising. He abdicated, left Rome, and died peacefully, in the face of no real threats. Even after his death, his repressive measures were mostly upheld. He influenced this with several arguments: that his enemies deserved harsh treatment, that he and his party deserved retribution, and that the actions he took were reasonable, legal, limited, and in some cases, not attributable to him. This legitimation helped reduced some of the costs of repression. However, in my view, this should be considered supererogatory, because the benefits of repression in any case outweighed the costs. We can see this with Augustus. The triumviral proscriptions were arguably even more offensive than Sulla's, and Welch, in her study of their justifications, concluded that they 'largely failed to convince'.[1918] Tacitus and Suetonius had plenty of negative material to work with.[1919] But this was a problem he clearly managed to get over. The legitimacy of the *principate* was built on many different factors, and the costs of repression did not come close to toppling what proved to be a very stable regime.[1920] I argue that the same is true for Sulla, even if his dictatorship was not nearly as stable or long-lasting.[1921] His violence and intimidation could be criticised, but his power, built on a broad base of legitimation, co-optation, and repression, was strong enough to withstand it.

[1916] Cic. *Phil*. 4.9. See also *Off*. 2.28: 'nec vero umquam bellorum civilium semen et causa deerit, dum homines perditi hastam illam cruentam et meminerint et sperabunt'.
[1917] See Heftner 2006: 51 ('das System der Proskriptionslisten als ein aus der Sicht seines Erfinders höchst geeignetes Instrument erwies') and García Morcillo 2016: 114 ('auctions became effective mechanisms for the oppression of political enemies and for the obtaining of easy cash').
[1918] Welch 2019: 241, and Eckert 2016b: 172. Cass. Dio 47.3-5 thought they were bloodier and more anarchic.
[1919] See, for example, Tac. *Ann*. 1.10 and Suet. *Aug.* 27.
[1920] See Lendon 2006: 63.
[1921] Thus I strongly disagree with Eckert 2023: 176, that 'Sulla's atrocities as dictator against his fellow citizens irrevocably eroded the legitimacy of his dictatorship'.

Conclusion

To begin to conclude, it will be helpful to recap where this study started, and whither it has travelled. Sulla's politics seemed enigmatic. As I charted in chapter 1, they have mostly been approached in one of two ways: understanding him as an 'optimate', or as a 'tyrant'. These approaches, whilst discernible as distinct traditions, often overlap. Thus, for Brunt, 'Sulla was and ever remained an optimate', and yet, 'in all but name he was indeed king'.[1922] This is because both have their roots in the ancient evidence. We know from Cicero's

[1922] Brunt 1971a: 105 and 107.

victoria nobilitatis, and the prosopography of his civil war allies, that Sulla did construct an elite coalition. Many of the paradigmatic 'optimates' of Cicero's generation began their careers as partisans of Sulla.[1923] On the other hand, his extreme, arbitrary, and personal power has always seemed close to tyranny. He unilaterally altered Rome's constitution and condemned untried Roman citizens to death. Peter Wiseman was therefore justified to say that his 'tyranny was described at the time … as the victory of the *nobilitas*'.[1924]

The problem is that these approaches, at least in the way they are traditionally understood, do not cohere. The Roman political elite have almost universally been thought to have been inimical to any one of their members acquiring too much power, because 'oligarchic governments rely on internal unity for their survival'.[1925] For that reason, 'the Greek "tyrannophobia" was shared by the optimates of Rome'.[1926] What is more, Sulla's land distribution and reforming legislation conflict with normal reconstructions of 'optimate' politics. Descriptions of Sulla that follow from that approach – 'conservative' or 'Republican' – only serve to mislead. But analysing Sulla as a 'tyrant' has its own pitfalls. With all the disapproval that it implies, it struggles to account for any perspectives on his legacy that are not negative. We might have expected 'the hated dictator'[1927] to suffer *damnatio memoriae*, not to have his son entrusted with rebuilding the senate house, so that his name would remain on it.[1928] Sulla also looks completely different from most Roman 'tyrants'. *Regnum*-seekers were traditionally cast as proto-populists. From the earliest

[1923] Catulus: Plut. *Sull*. 34; Lucullus: Plut. *Luc*. 1. But Earl 1967: 54 showed the limits of these connections, when he claimed that the 'optimates' were Sulla's oligarchy, 'centring on the family of the Caecilii Metelli, and led in the last age of the Republic by a man who never became consul, the younger M. Porcius Cato'. A neat line of succession seems dubious, given that Cato is said to have wanted to kill Sulla (Plut. *Cat. Min*. 3, Val. Max. 3.1.2).
[1924] Wiseman 2009a: 11.
[1925] Mouritsen 2017: 151. See also Mitchell 1975: 201 on 'the oligarchic mentality, which was inalterably opposed to individual pre-eminence'.
[1926] Duff 1960: 168.
[1927] Welch 2008: 193.
[1928] Cass. Dio 40.50.3.

imaginings of the Republic to the Gracchi, 'to be the champion of the populace is the traditional role of the tyrant'.[1929] Yet Sulla was a 'homo a populi causa remotissimus'.[1930]

In order to move past these contradictions, I looked more closely at the practice of Sulla's power in chapter 2. It was manifestly extraordinary. Cicero said that the entire *res publica* was under his control, and that no one could retain their property, citizenship, or life without his wish.[1931] As I demonstrated about his 'power to govern', and 'power to coerce', Cicero does not seem to have exaggerated too much. Sulla passed sweeping legislation, re-made the tribunate, left his mark on the other magistracies and priesthoods, expanded the senate, and 'entirely remodelled the whole system of courts',[1932] while controlling foreign policy and colonising Italy. He also proscribed his enemies, sentencing them to death and confiscating their property by fiat. This kind of power, which fits the mundane usage of 'authoritarian', demanded explanation. It had never been seen before in the Roman Republic, according to Cicero.[1933] How did it arise under Sulla?

I looked at how Sulla built this power through the framework of Gerschewski's pillars of stability for autocratic regimes. In chapter 3, I examined his legitimation. The concern for normative approval is easy to overlook for 'tyrants', since they are thought to be inherently illegitimate. But Sulla was conspicuously interested in it. He made extensive attempts to influence Roman opinion and memory, on his personal virtues, the righteousness of his actions, and the advantages of his rule. Considering all the disruption to the ancient and venerated constitution that his rule entailed, the costs of not justifying it would have been considerable. I argued that he managed to reduce some of these costs, and that this can

[1929] Glinister 2006: 26.
[1930] Cic. *Cluent*. 151.
[1931] Cic. *Verr*. 2.3.81.
[1932] Jones 1972: 56.
[1933] Cic. *Verr*. 2.3.81: unus adhuc fuit post Romam conditam.

account for some of the surprisingly nuanced perspectives on his power in the ancient evidence.

But Sulla's power, as Appian made clear,[1934] was not freely or willingly granted to him in an ordinary political process. It was accumulated in civil war. I looked at how he did this in chapter 4, by analysing his co-optation of the Roman elite, his soldiers, and Italy. The picture that emerged showed how important his alliance building was, and how it could be explained without resorting to unhelpful concepts like 'optimates' or 'client armies'. Sulla negotiated with his followers. He distributed rewards, and overlooked indiscretions, in return for their support, without which he could never have achieved the power he did. Though Sulla's co-optation was mostly successful, there is evidence of some, like Pompey, using their leverage to assert themselves against Sulla's wishes. I argued that Italian communities, on the other hand, because they retained little leverage after the war, found themselves victimised at the hands of his regime.

Finally in chapter 5, I discussed Sulla's repression. The violent perception of his regime was fully borne out by a close look at the war-time massacres, proscriptions, and intimidation of the city of Rome. But repression, like co-optation, was not costless for Sulla. It damaged the perception of his rule. He tried to mitigate this with several justificatory arguments, and by involving as many as possible in his actions. Though his repression did cost him some legitimacy, that did not prove too destabilising. Not only were his acts mostly maintained over the next generation; they also inspired several imitators.

It is now time to inspect the results. Has this approach to Sulla helped us understand his power, and his politics? In my view, it has several advantages that distinguish it from

[1934] App. *BCiv*. 1.99.461.

either the *aporia* or the partiality that dominated earlier scholarship. To be sure, he is still enigmatic. Even the best attested figures from antiquity are hard to read, and the state of the evidence on the Sullan period makes this problem all the more pressing. Many of his most important acts can only be tentatively explained, and some, like the abdication, elude any attempt whatsoever.[1935] But, for obvious reasons, I cannot agree with Badian's prediction that progress was effectively exhausted in the 1960s.[1936] Disaggregating the sources of Sulla's power gives us a fresh perspective on what seemed bewildering as a monolith. It also allows us to appreciate the breadth of its base. Too much scholarship has rested on myopic analyses of Sulla's dictatorship, as a regime fundamentally built on either elite-driven consensus, or violence. The result tends to make Sulla's politics look easy, with him enjoying 'the unlimited exercise of political free will'[1937] – to the extent that most scholars are far more interested in *what* Sulla tried to do with his power, and *why*, rather than think about *how* he acquired that power in the first place. My analysis tries to put the difficulty back into Sulla's authoritarianism. If we accept that Sulla's power-building was complex, and multifaceted, we are in a much better position to deal with the evidence that does not support a monocausal explanation of it.[1938] Rather than ignore the *victoria nobilitatis*, like Flower, or excuse any inconvenient atrocity, like Keaveney, we can use Gerschewski's model to build a more three-dimensional, and frankly plausible, picture of how Sulla's politics worked.

Understanding how Sulla's politics worked is a *desideratum*, because it has manifold implications for a much bigger story. The rise of autocracy in Rome in the first century BC – what Syme called the 'Roman Revolution' – is one of the enduring preoccupations of our field. Syme focused on the period after Sulla, but famously wrote that the dictator 'could not

[1935] It is therefore highly dubious to rest one's analysis of Sullan politics on that event, as many have.
[1936] Badian 1962a: 229: 'The last word on the "enigma of Sulla" has by no means been spoken. In view of the nature of our evidence, it is doubtful whether much further progress can be expected'.
[1937] Thein 2006: 239 (criticising this perspective).
[1938] See Schneider and Maerz 2017: 215 on Gerschewski's model: 'it is not any single pillar that explains autocratic stability but only combinations of them'.

abolish his own example'.[1939] What, exactly, was that example? That would require another thesis. However, there are several lessons for later Roman history to be learnt from analysing Sulla's power in the way that I have.

The first concerns the normative potential of civil war. Of course, it has escaped no one that all the dynasts of the first century established their autocracies in the wake of at least one such conflict. The opportunity provided for seizing power is obvious. However, it is often thought that doing so was de-legitimating, that civil war victors were hamstrung by their transgressive road to supremacy. In Badian's words,

> 'Despite Sulla's own serious intention, his settlement, imposed by an aristocratic adventurer and his client army upon a conquered country, with the help of minor dynasts and their private armies – this return to an "ancestral constitution", wanted only by a small faction, was a farce and an abortion'.[1940]

Similarly, Rosenblitt has argued that Sulla's conquest made it almost impossible for him to acquire legitimacy:

> 'Agreement about the nature of legitimate power has a cohesive force in society precisely because it facilitates the explicit or implicit arbitration of power within a civic context. In civil war, the only arbiter of legitimacy is the victor. That is a failed state, and it was Sulla who brought Rome to that point'.[1941]

I argue that Sulla's rhetoric in fact indicates the opposite: fighting (and, to be sure, winning) a civil war was a considerable legitimating opportunity. All of his arguments drew from it. His dictatorship was required by the destruction his enemies had wrought on Rome; his vengeance was justified by the appalling treatment he and his family had suffered; even his

[1939] Syme 1939: 17. Keaveney 2009: 3 n.15 called this 'a mantra in modern scholarship'.
[1940] Badian 1958: 268.
[1941] Rosenblitt 2019a: 141.

personal virtues, especially his *felicitas*, were magnified in contrast to the way he presented his opponents. It seems closer to the truth that the traditional political system was so ingrained in the Roman psyche[1942] that authoritarian legitimacy *required* civil war.[1943] How else could such a change be justified? I argued that Sulla was significantly weaker after his first march in 88 than after his second in 82, in no small part because the almost bloodless putsch offered far less normative material to work with than the full scale civil war, and intervening history of the *dominatio Cinnae* (itself established immediately after the *bellum Octavianum*). Dan Slater has addressed this phenomenon in contemporary southeast Asia. He claims that elite support for a would-be authoritarian is often hindered by their 'factionalism and parochialism'.[1944] The most potent exception to this is when conflict erupts, and elites 'perceive the danger to their property, privileges, and persons from contentious politics to be endemic and unmanageable under relatively pluralistic political arrangements'.[1945] In that context, they are far more likely to acquiesce in a 'protection pact', where 'heightened state power and tightened authoritarian controls' are granted 'as institutional bulwarks against continued or renewed mass unrest'.[1946] It is the stick, more than the carrot, that motivates the concentration of power in the hands of the person who can protect them from it. And, Slater argues, the memory of contentious politics can maintain these 'protection pacts' for a long time after the contention has subsided; thus 'politics in ordinary times is profoundly shaped by the legacies of politics in extraordinary times'.[1947] Most Roman historians would probably accept that a similar phenomenon can explain why the *senatus consultum de Cn. Pisone patre* still sees fit to mention Augustus' civil wars, so

[1942] See, classically, Meier 1966, though I do not follow him as far as he takes this argument.
[1943] Gruen 1974: 504 approached this from the opposite perspective with his dictum 'civil war caused the fall of the Republic – not vice versa'. He argues that civil war damaged republicanism; I argue that it strengthened authoritarianism.
[1944] Slater 2010: 10. He uses 'elite' in a much broader sense than the Roman aristocracy I tackled in chapter 4, to include the 'middle classes' (15).
[1945] Slater 2010: 5.
[1946] Slater 2010: 5.
[1947] Slater 2010: 275.

many years after they had ended.[1948] In my view, however, we ought to appreciate the legitimating potential of civil wars from earlier in the first century. Few contexts have needed a 'protection pact' more than the violent chaos of the 80s, and Sulla's claim to provide peace should be seen as vital to the stability of his regime. Such a claim is only truly credible after war.

Another implication of this study comes from Sulla's success at acquiring power. Sulla is often considered a failure, for different reasons: because some of his laws were overturned;[1949] because he was condemned by later moralists;[1950] even because he 'could not, for all his striving, save the Roman Republic'.[1951] But these judgements assess his failure on the basis of quite different criteria to the ones I have discussed here. Focusing on his power prompts us to re-evaluate. As Appian said, during his lifetime, Sulla achieved nearly everything he wanted to.[1952] His *felicitas* became closely associated with a reputation for accomplishing all of his goals, with his dying before dedicating the new Capitoline temple being the exception that proved the rule.[1953] This raises a number of questions for most understandings of Republican politics. Above all, how did Sulla make his power fit into it? Steel, making a similar observation in a perceptive paper, argued that it was mostly a matter of rhetoric: 'so successful was Sulla in framing what he did as compatible with *mos maiorum* that his dictatorship is not always seen as a moment of disjuncture'.[1954] Though I have given plenty of weight to Sulla's legitimation, I think there are more implications for the role of the elite within his system, not least because 'popularis' voices, like Lepidus' and Macer's, were perfectly able to see past his framing and attack his moment of disjuncture. One of the

[1948] *SCPP* ll.46-7.
[1949] See Mommsen 1894: 147.
[1950] See Brunt 1971a: 111.
[1951] Keaveney 1982a: 227.
[1952] App. *BCiv*. 1.105.492: εὐτυχέστατος δ᾽ ἀνδρῶν ἔς τε τὸ τέλος αὐτὸ καὶ ἐς τἆλλα πάντα, ὥσπερ καὶ ὠνομάζετο, γενέσθαι δοκῶν, εἰ δή τις εὐτυχίαν ἡγοῖτο τυχεῖν ὅσων ἂν ἐθέλῃ.
[1953] Tac. *Hist*. 3.72: curam victor Sulla suscepit, neque tamen dedicavit: hoc solum felicitati eius negatum.
[1954] Steel 2018: 226.

central issues of this thesis has been the tension between the idea that Sulla was the champion of the *nobiles*, despite having, as Cicero frankly admitted to the senate, *regalis potestas*,[1955] in the light of Chaim Wirszubski's – very plausible – claim that 'autocracy lay heavily on the Roman nobility because it cut to the heart of their cherished notions and way of life'.[1956] I attempted to account for this with my discussion of Sulla's negotiation with the elite in chapter 4. Nevertheless, there is much more work to be done. In my view, studies on the political culture of the aristocracy in the Roman Republic tend to brush over Sulla's dictatorship, because it seems to contradict everything we observe before and after. Acknowledging this is one of the great virtues of Flower's work.[1957] But excising the *nobiles* from Sulla's politics, as I have tried to show here, is unsatisfactory. A challenge for future research is how we can reconstruct the politics of the *nobiles*, once we have taken the Sullan period properly into account.

There is also potential for progress on the longer-term reception of Sulla. As I briefly mentioned, an influential thesis on the 'myth of Sulla' has been postulated, according to which his reputation degraded over the course of the first century, and had become straightforwardly bad by the dawn of the principate, at the latest.[1958] Eckert recently criticised this 'myth', but from the same unhelpfully partial perspective as her monograph.[1959] Her Sulla, because of the 'cultural trauma' he introduced into Rome, was perceived entirely negatively, even under the Republic. She unconvincingly tries to explain away all the evidence that cannot be reconciled with this first principle. In my view, a more promising route that could follow this work is to trace the reception of Sulla's legitimation beyond

[1955] Cic. *Har. Resp*. 54.
[1956] Wirszubski 1950: 90. There have been many similar formulations; see recently Mouritsen 2023: 285 on Augustus: 'the loss of *libertas* would have been felt directly only by very small sections of society, above all the *nobiles* whose world effectively came to an end'.
[1957] See, for example, Flower 2010a: 22: 'a central contention of my study is that we have tended to underestimate and misrepresent the decisive break that came with the New Republic established by Sulla in 81'.
[1958] See Laffi 1967 and Hinard 1984a.
[1959] Eckert 2019 and 2016b.

Augustus. There are only glimpses in our sources, but even a cursory look at them demonstrates that the picture is much more complex than it is usually understood to be. Tacitus records that the emperor Tiberius once rebuked a young Caligula, who was mocking Sulla, with the quip that 'omnia Sullae vitia et nullam eiusdem virtutem habiturum praedixit'.[1960] The vices are well documented, thanks to extensive scholarly interest. What about his *virtus*?[1961] Hopefully, this study will make that concept easier to track and understand.

Perceptions of Sulla under the principate are important because they could help us better understand the dénouement of the Roman Revolution, when authoritarian power became a fixture of internal politics. Appian compared Sulla to the *princeps*,[1962] but scholars have not usually taken him very seriously. Keaveney said that Appian misinterpreted him as 'some kind of crude forerunner of the Roman emperors',[1963] because he failed to grasp how 'republican' the dictatorship really was, and that the comparison is therefore historically useless. In my view, Keaveney's misinterpretation is much more serious than Appian's. The kind of power that Sulla amassed, and legalised under his dictatorship, was not 'republican' in any meaningful sense. In fact, it bears three striking similarities to that detailed by the *lex de imperio Vespasiani*. Firstly, the emperor was granted the right to make a treaty with whomever he wished.[1964] Sulla, in the same way, made peace with Mithridates unilaterally, and struck a treaty with the *populi Italici* on his own authority.[1965] Secondly, the statute permitted Vespasian to extend the *pomerium*,[1966] as Sulla also did – and as no one before him,

[1960] Tac. *Ann*. 6.46.
[1961] See also Hor. *Sat*. 1.2.70 describing Sulla as *magnus consul* and 72: *magnus pater*.
[1962] App. *BCiv*. 1.103.479.
[1963] Keaveney 1983a: 197. See also Thein 2006: 239, Hurlet 2010: 111.
[1964] *RS* 39 l.1.
[1965] Plut. *Sull*. 22, Memnon *FGrH* 434.25, Livy *Per*. 86.
[1966] *RS* 39 l.13.

in the history of the Republic, had.[1967] Thirdly, in the most controversial clause of all, Vespasian's prior acts were comprehensively ratified:

> utique quae ante hanc legem rogatam acta gesta | decreta imperata ab imperatore Caesare Vespasiano Aug(usto) | iussu mandatuue eius a quoque sunt, ea perinde iusta rataq(ue) | sint, ac si populi plebisue iussu acta essent.[1968]

Here there is a *de iure*, not just a *de facto*, similarity: the *lex Valeria* also granted to Sulla 'ut omnia quaecumque ille fecisset essent rata'.[1969] Cicero thought this meant that the law established a tyranny ('hic [Flaccus] rei publicae tyrannum lege constituit'). Though some have noticed these similarities,[1970] they remain marginal to the general thrust of scholarship on both Sulla and Vespasian.[1971]

This thesis, focused as it has on demonstrating and explaining Sulla's power, cannot hope to offer much on the power of the emperors. However, I do hope to have shown that the methods, and results, of Sulla's acquisition of power need not be considered wholly alien to later examples of Roman autocracy. The contextual differences between his Rome, and that of the Julio-Claudians and Flavians, go without saying, and I do not mean to ride roughshod over the decades of complex history that separate them. I only suggest that, if we can think less institutionally about the emperors,[1972] we might be able to improve our understanding of how they grew and maintained their power, by learning from those who had amassed great power in Rome before them. As Syme saw, Sulla's example has as much to teach us as anyone's.

[1967] Tac. *Ann*. 12.23.
[1968] *RS* 39 ll.29-32.
[1969] Cic. *Leg. Agr*. 3.5.
[1970] See Sordi 1987: 206, 1993: 89; Marastoni 2009: 159.
[1971] At least this is the case in anglophone scholarship. The most influential articles on the *lex de imperio* and the *lex Valeria* are Brunt 1977 and Vervaet 2004 respectively; neither mentions the other law.
[1972] Again, I am indebted here to the perspective of Cooley 2019: 72 on the misleadingly over-reified 'Augustan Principate'.

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