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CONCEPTS OF LIBERTAS IN SALLUST

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

Lawrence Edward Gaichas, H.A.B., M.A.

* * * * *

The Ohio State University
1972

Approved by

[Signature]

Adviser

Department of Classics
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L.E.G.
1964. H.A.B., Xavier University, Cincinnati, Ohio
1966-1968. Teaching Assistant, Department of Classics, The Ohio State University, Columbus, Ohio
1968. M.A., The Ohio State University, Columbus, Ohio
1968-1970. NDEA Fellow, Department of Classics, The Ohio State University, Columbus, Ohio

FIELDS OF STUDY
Major Field: Roman Republican Historiography
Studies in Sallust. Professor Mark P. O. Morford
Studies in Tacitus. Professor Clarence A. Forbes
Studies in Cicero. Professor Kenneth M. Abbott
Studies in Roman History. Professor William McDonald
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INTRODUCTION

In The Roman Revolution Sir Ronald Syme makes the following remarks in a chapter titled "Political Catchwords":

The purpose of propaganda was threefold—to win an appearance of legality for measures of violence, to seduce the supporters of a rival party and to stampede the neutral or non-political elements.... At Rome all men paid homage to libertas...a vague and negative notion--freedom from the rule of a tyrant or a faction. It follows that libertas...is a convenient term of political fraud. Libertas was most commonly invoked in defence of the existing order by individuals or classes in enjoyment of power and wealth.... Yet, even so, it could not be monopolized by the oligarchy--or any party in power. It was open to their opponents to claim and demonstrate that a gang (factio), in control for the moment of the legitimate government, was oppressing the Republic and exploiting the constitution in its own interests. Hence the appeal to liberty.¹

The opinion of Syme is echoed by others who cite passages from Sallust to exemplify their point. Thus Wirszubski, after noting the remarks from Hist. 1.55.9-10,25-6 M and B.J. 31.2 says:

...during the Late Republican period libertas as a political watchword meant in the first place republicanism....During the closing period of the Republic, however, republicanism and personal freedom were no longer allied in the same sense as they were before. Republicanism came more and more to mean a wild competition for power, a

pursuit of dignitas with complete disregard for other people's rights.¹

This same feeling is held to be true for expressions which include libertas:

..."vindicatio in libertatem" (in a political sense) was used to denote opposite extremes. During the Late Republic it was much used political catchword and became as vague as libertas itself.² Wirszubski cites B.J. 42.1 and Hist. 3.48.22 M to document his statement. D. C. Earl echoes these scholars strongly when he says, "Libertas, in fact, became a political catchword, employed especially by the populares in assailing the dignitas of the optimates."³ His citations from B.J. 41.5-8 and B.C. 20.6-8 are supposed to indicate the propensity of Sallust to write as a popular propagandizer—although he is never strictly called one. Later, after having noted that Sallust is capable of using libertas to excuse the desire to seize power, or to hold it once obtained, Earl repeats his popular notion.⁴ In a comparison of the thought of Sallust and that of some of his characters, Earl notes that:

He (Sallust) makes frequent use of formulations and phraseology which feature prominently in popularist propaganda. Moreover, there are close resemblances of thought and phrase between

¹Ch. Wirszubski, Libertas as a Political Idea at Rome during the Late Republic and Early Principate (Cambridge: University Press, 1950), p. 95.
²Wirszubski, p. 104.
⁴Earl, p. 107.
Sallust's own references to such matters as the Gracchan intervention, the control of the state by the nobility and the oppression of libertas and those in the admittedly popularist speeches of Memmius and Marius. Indeed, this aspect of Sallust's work is closely similar to the summary of methods of popularist propaganda in the treatise *Rhetorica ad Herennium* (1.5.8).1

Having suggested that Sallust used the term libertas with the ambiguous expediency of a popularist of the day, Earl elsewhere says that Sallust was unconscious of the fact that the meanings of words change with time:2

Sallust, on the other hand, projected into the past a concept which was valid only within the particular social and political situation of the declining Republic. He constantly represented his own idea of virtus as being that by which the Romans had become great and through which Rome had always lived. This may be no more than the natural tendency to believe that words have always the same meaning. His concept of virtus is basically that of the novi and the populares, and in representing it as the original Roman notion he may again reflect their thought.

In the following chapters, I shall attempt to show that Sallust was quite aware of the fact that the word libertas does not "have always the same meaning." I shall demonstrate that the works of Sallust are not merely further examples wherein libertas is used as a political catchword. Rather, in and by his works Sallust himself is one of the first Roman literary men to cite and expose the phenomenon of its use as a political slogan. Sallust,

---

1Earl, p. 118.
2Earl, p. 115.
having noted the simultaneous use of the term as a political slogan by the opposing sides of the Catilinarian conspiracy, traces the development of the term in his later writings. He describes the application and misuse of the term from its origin, as a rallying cry once limited to members of the popular faction in the time of the Jugurthine War, down through its full development during the post-Sullan period of faction and civil strife. In the course of the two monographs and the Historiae, Sallust sharpens his focus on the concept of libertas. In the end, the act of his writing the Historiae, as well as the content of that work, marks the conscious development of Sallust's concept of libertas from essentially a political idea into a philosophic (ethical) concept for individual activity which transcends politics.

In scope this investigation of Sallust's concept of libertas is limited to the three works of Sallust which are not disputed in terms of authorship. The disputed works are discussed in Appendix A. Each occurrence of libertas will be analyzed primarily within the context of the passage and compared with other significant passages. The three subsequent chapters will show how in each work Sallust cites and portrays the historical phenomenon of certain men distorting the political idea of libertas into an emotive propaganda slogan to justify their personal goals. The last chapter will show that Sallust's own concept of libertas develops further with
each of his works, until it transcends the political sense and becomes a philosophical concept which both justifies and dictates historiography. A basic assumption for this investigation is that Sallust's use of language is deliberate, consistent, and significant—if not historically accurate or traditional.
CHAPTER I
BELLUM CATILINAE

As is evident from this remark, the existence of political catchwords was quite obvious to Sallust. A particular favorite was the term 

as distorters and abusers of the term. Then the speech of Cato demonstrates a use of the term *libertas* which reflects Sallust's own idea of it and approaches a more absolute, unselfish definition of *libertas*.

Sallust's expressed interest in the novelty of the conspiracy suggests that the distorters of the word be treated first. Since Sallust is equally concerned to show the person who employed the term as well as the way in which it was used, he explains the character of Catiline, the main figure of the monograph. This character sketch is evoked by Sallust's thematic statement:

*Igitur de Catilinae coniuratione quam verissume potero paucis absolvam; nam id facinus in primis ego memorabile existumo sceleris atque periculi novitate (4.3).*

It becomes apparent from the placement of the characterization immediately following this passage that Sallust's amazement is not so much due to any ignorance on his part of crime and civil conflict as it is to the rank and character of the man behind the plot. The characterization of Catiline at this point of the monograph serves also to alert the reader's mind to be wary of all future statements which Catiline makes. In quick strokes Sallust reveals his Catiline:

*L. Catilina, nobili genere natus, fuit magna vi et animi et corporis, sed ingenio malo pravoque. Huic ab adolescencia bella intestina caedes rapinae discordia civilis grata*
fuere, ibique iuventutem suam exercuit. corpus patiens inediae algoris vigiliae, supra quam cuiquam credibile est. animus audax subdolus varius, cuius rei lubet simulator ac dissimulator: alieni adipetens, sui profusus, ardens in cupiditatibus; satis eloquentiae, sapientiae parum: vastus animus inmoderata incredibilia nimis alta semper cupiebat. hunc post dominationem L. Sullae lubido maxuma invaserat rei publicae capiundae, neque id quibus modis adsequerentur, dum sibi regnum pararet, qui quam pensi habebat. agitabatur magis magisque in dies animus ferox inopia rei familiaris et conscientia Scelerum, quae utraque eis artibus auxerat, quas supra memoravi (5.1-7).

Sallust indulges in a series of striking contrasts. He has already attributed the conspiracy to Catiline, now he emphasizes his membership in the highest political class. Next Sallust employs a motif characteristic of much of his writing: animus-corpus. The details listed under these two headings yield a portrayal and a judgment of the person described. Here what would normally be positive aspects become ultimately negative. Sallust elaborates on the various qualities of the animus and corpus; repeatedly the potential for good is contrasted with an evil reality. Sallust's ideal hierarchy of animus over corpus is reflected even in this essentially negative characterization, for there are four specific references to animus as against two to corpus. Yet although Catiline exhibits what Sallust has established in the first four chapters as the proper relationship of mind over body, the excessive tendencies of Catiline's animus are what make him particularly dangerous
to the Republic: ...ingenio malo pravoque ... animus audax 
subdolus varius ... vastus ... feror.

Thus, in characterizing Catiline, Sallust has clearly portrayed him as the reverse of what might be expected of a noble; consequently the reader is forewarned that his words and speeches are likewise reversed in their meaning and motivation. It is noteworthy that the other main speakers—Caesar and Cato—are characterized after they speak, not before. Thus, the reader tends to be influenced by the speeches first; then Sallust's evaluations serve to reinforce the original impressions. Sallust's characterization of Catiline is confirmed by his speeches, particularly those containing the term libertas.

The speeches of Catiline to his conspirators are perhaps most responsible for Earl's description of libertas as a "political catchword."\(^1\) The first speech of Catiline begins with an affirmation of his men's virtus and loyalty (cf. 20). He strengthens the bond between himself and them by noting that they are friends as well as conspirators: quia vobis eadem quae mihi bona malaque esse intellexi: nam idem velle atque nolle, ea demum firma amicitia est.\(^2\) Next he moves into the emotive heart of his speech:

\(^1\) Earl, pp. 54ff.

\(^2\) Amicitia as a political term among Romans means, not necessarily mutual affection or sentiment, but a principle of political organization which obliges amici to act in concert for common goals. Its opposite is inimicitia (cf. Hist. 2. 47. 4 M). Cf. Hellegouarch, p. 53.
Sed ego quae agitavi, omnes iam antea divorsi audistis. Ceterum mihi in dies magis animus accenditur, cum considero quae conditio vitae futura sit nisi nosmet ipsi vindicamus in libertatem. (20.5-6).

This bold theme is then fleshed out with particular indictments. The nobilitas has effected a monopoly of the courts and government: res publica in paucorum potentium ius atque dicionem concessit. The result is that all wealth goes to them in the form of tribute and taxes, while Catiline feels helpless: sine gratia sine auctoritate, eis obnoxii. The disparity is stated a second time as the prelude to Catiline asking his men how long they will endure such things. Next, after implying that it were better to die than to continue living under these conditions, he cites the conspirators' advantages. The basic motif for comparison of the conflicting forces is animus-corpus: (sc. nobis) viget aetas, animus valet; contra illis annis atque divitiis omnia consenerunt. Sallust has Catiline emphasize the point by both chiasmus and alliteration. The antithesis is further elaborated by mention of the factors which have corroded the nobility's animus corpusque: time and excessive prosperity. Having told his forces that victory is in manu nobis, Catiline reiterates that no "man" will see the wealthy squander their money while the commons lack the bare necessities for life: denique quid reliqui habemus praeter miseram animam?
This virtual peroration leads Catiline to the actual end of his speech and to another citation of *libertas*, including a definition of what Catiline has meant by the term in this speech. Here is the true peroration:

*Quin igitur expergiscimini? In illa, illa quam saepe optastis, libertas, praeterea divitiae decus gloria, in oculis sita sunt; fortuna omnia ea victoribus praemia posuit. Res tempus pericula egestas, belli spolia magnifica magis quam oratio mea vos hortantur, vel imperatore vel milite me utimini: neque animus neque corpus a vobis aberit. Haec ipsa ut spero vobiscum una consul agam, nisi forte me animus fallit et vos servire magis quam imperare parati estis (20. 14-17).*

Sallust has composed an excellent speech for Catiline. It is unified by the appeal to *libertas* at both the beginning and end. It is balanced by the antithesis of the excesses of the nobility and the sufferings of the commons. It is moving in its appeal to "men" to live a worthwhile life or leave a worthless one. It shows Catiline as willing to lead but ready to be a follower as well. The final mention of the motif of *animus-corpus* complements Catiline's previous general remarks with a specific example and echoes the powerful qualities of Catiline cited earlier in Sallust's character sketch. On the first reading, one feels that the persuasiveness of the arguments was intended by Sallust to solicit sympathy for the point of view which Catiline represented. Yet a closer examination will show that this is not the case.
Catiline begins with an appeal to the virtus of his followers and their qualities as fortis fidosque. To underline the irony of this appeal, Sallust makes Catiline describe his plan as maxumum atque pulcherrumum facinuus.¹ Sallust continues his ironical treatment of the speech by digressing into the definition of true friendship. By a curious coincidence, Catiline comes up with definition for friendship similar to that used by Cicero in De amicitia, 15. The next reference to the conspirators' virtus (20.9) begins with the familiar sound of the opening remarks of Cicero's In Catilinam I. The words quae quousque tandem patiemini, fortissumi viri? are a clear and deliberate echo of Quousque tandem abutere, Catilina, patientia nostra? Apart from the irony, perhaps the most telling evidence of the clear distinction between Sallust's view of libertas and its use as a slogan by Catiline is seen in the explanations of the term which Catiline mouths. After having mentioned that the number of actual hearers was limited and that they met in a small, sequestered site, Sallust makes Catiline say nisi nosmet ipsi vindicamus in libertatem. The prominent feature of this remark is its exclusiveness. Catiline shows no intention of freeing the

¹While the noun facinus can be used alone to mean "deed, action, etc.," even then it is frequently qualified by adjectives such as nefarium to connote its usual meaning. Much more common for the word is the sense of "misdeed, crime, or villainy." Sallust demonstrates facinus as a general term for scelus in 4.3.
total populace from this domination for he is concerned merely for himself and his followers. This aspect of self-interest is again apparent although he describes their lack of power in the state as *volgus fuimus sine gratia sine auctoritate eis obnoxii quibus si res publica valeret formidini essemus*. Because Catiline manifests a desire to switch roles with the *pauci potentes* and not to abolish the situation completely, he does not really represent the *volgus* as he claims. His feelings of being left out are strengthened in his remarks that the spoils of those in power *apud illos sunt aut ubi illi volunt*. So Catiline is angered at his exclusion from the group, not at its position and power. 

*Libertas* for Catiline is what the other side currently possesses: *Omnis gratia potentia honos divitiae* and, by negative statement, *auctoritas* (20. 7,8). The second occurrence of *libertas* carries with it another set of equivalent terms: *libertas, praeterea divitiae decus gloria*. While Catiline does say "*praeterea,*" his general tone appears to equate the last three terms with the first. The subsequent phrases, such as *victoribus praemia* and *belli spolia magnifica*, shed more light upon his meaning of the word. Finally, Catiline's speech closes with a last *animus-corpus* image which both unifies and defines his opening and closing uses of *libertas*. In his final remark, Catiline says, *...nisi forte me animus fallit et vos servire magis quam imperare*
parati estis. This sarcastic statement equates vos servire with the corpus aspect of the animus–corpus motif based on the Sallustian notion that was expressed in the prologue—animi imperio, corporis servitio magis utimur (1.2). The other half—animus—is seen in the use of the term itself and, more revealingly, in the verb form imperare. It is this idea which equals libertas for Catiline, imperium is really the liberty quam saepe optastis. It is not, however, a surprising statement. The speech is no more than a dramatic portrayal of the character Sallust has drawn in the sketch of 5. 1-7. Catiline's entire speech exemplifies his delight in bella intestina...discordia civilis. His indignation at the pauci potentes corresponds to alieni adpetens just as divitiae...victoribus praemia...belli spolia magnifica explains more fully sui profusus. The desire to dominate—imperare—is the necessary extension of the animus which is drawn in the words vastus...inmoderata incredibilia nimis alta semper cupiebat. Catiline's final remark is the verbalization of lubido...rei publicae capiundae and dum sibi regnum pararet. The speech to the conspirators is the first example of Sallust's citing and exposing the abuse of libertas as a political catchword. Sallust makes clear that the real meaning of nosmet ipsi vindicamus in libertatem was earlier and more accurately expressed as spes magna,
dominatio in manibus.

Thus the superficial sense of libertas for Catiline involves the rejection of servitude. It offers a logical antithesis and represents a reasonable position both politically and in the orator's speech. What makes libertas a clear example of a distorted slogan, however, is the sinister notion that for Catiline libertas will involve dominatio and imperium iniustum over others. In the train of these two ideas will come gratia, divitia, auctoritas, potentia, and honos—all gained as the belli spolia magnifica, the victoribus praemia. Clearly, Sallust did not see this as true libertas. By his portrayal of Catiline and his words, he has shown that the possibility for persuasive political abuse of honorable concepts is extensive. Sallust has put enough ironical and contradictory material into the speech so that no one who reads closely can fail to see that these examples of libertas are catchwords.

The next examples of the use of this term by Catiline are found in the speech to his men just before the pitched battle with the Roman forces commanded by C. Antonius. Catiline's situation—the lack of any future reinforcements from Rome and the presence of two armies enclosing his—forces him to explain to the troops the decision to do battle:
Diutius in his locis esse, si maxume animus ferat, frumenti atque aliarum rerum egestas prohibet. Quocumque ire placet, ferro iter aperiundum est. Quo propter vos moneo uti forti atque parato animo sitis et, cum proelium inibitis, memineritis vos divitiae, decus, gloriām, praeterea libertatem atque patriam in dextris vostris portare. Si vincimus, omnia nobis tuta erunt, commeatus abunde, municipia atque coloniae patēbunt; si metu cesserimus, eadem illa adversa fient, neque locus neque amicus quisquam teget quem arma non texerint. Praeterea militēs non eadem nobis et illis necessitudo impedet; nos pro patria pro libertate pro vita certamus, illis supervacuaneum est pro potentia paucorum pugnare. Quo audacius aggrediamini, memores pristinae virtutis (58. 6-12).

In this segment of the speech, the animus-corpus imagery is prominent. The possibility of remaining is determined, not by strategie decisions, but rather by the simple needs of the corpus—frumenti atque aliarum rerum egestas. The next two sentences are likewise built around the same contrast. Thus while the animus may indicate some new direction to take, that will only be achieved by the action of the corpus—i.e. ferro. And finally Catiline himself says that he tells his men those facts ut forti atque parato animo sitis, where forti suggests not merely the abstract quality of being brave, but also the complementary quality to parato animo—bodily strength. The admonition echoes Sallust's description of Catiline: magna vi animi et corporis (5.1). This standard element of Sallustian-Catilinarian diction echoes Catiline's speech to the conspirators in chapter twenty. There Catiline said:
Here the same promises are present, but the order is changed:

*divitiae decus gloria praeterea libertatem atque patriam in
dextris vostris portare.* His assertions in the previous
speech, as well as his attacks upon the nobility, all sug-
gest that he felt that whoever possessed *divitiae decus
gloria* was in a state of *libertas*. Of course Sallust him-
self would call this *dominatio* rather than *libertas*.

Catiline's next use of *libertas* in this speech is
even more interesting (58.11-12). Prior to this statement
he has expressed all the persuasive reasons for fighting
to victory in terms of necessity. But now Catiline subtly
shifts his ground and moves from basically rhetorical ab-
stractions to grim realities. He reminds his followers
that they are fighting for *patria, libertas, and vita*. The
first two terms are ambiguous rhetorical appeals, but the
reality of the situation is in the last. Catiline has
mentioned in this same speech the fate of Lentulus: *scitis
equidem, milites, socordia atque ignavia Lentuli quantam
ipsi nobisque cladem attulerit...*(58.4) and he does not ex-
pect any different fate for himself, should he lose. But
note that Catiline introduces his somber tricolon with one
expression that appears to be beyond the realm of political
jargon, stated quickly and briefly before other, more
emotive expressions. Thus the remarks speak first of necessitudo—a potentially depressing term; then appeal to the fight for patria, libertas, and vita. So the pessimistic implications of necessitudo and pro vita are lessened by inserting between them the emotionally more optimistic ideas of patria and libertas.

The usage of patria is likewise emotive and rhetorical. Primarily, Sallust has reserved that word for use mainly by "positive" characters—e.g. Cato. Of the ten occurrences in the Bellum Catilinae, only three of those are allotted to conspirators. Manlius, a co-conspirator, denies fighting contra patriam for reasons connected with libertas (which will be discussed shortly). Catiline is the only other conspirator to use the word and both instances occur in this speech. The occurrence of the term libertas as the standard slogan is enhanced by the addition of the term patria. Nowhere else has Catiline been represented as considering the patria at all. Now in the space of three sentences, he calls on it twice. By contrast the word is used twice by Sallust in his narrative; once in his digression on the ancient nobility, and again in the narration of the reaction of the Romans to the conspiracy. Of the remaining five, four are Cato's and one occurs in the exhortation of the legate Petreius to the troops facing the
While the mere presence of the two examples may simply mean that patria was as much a political catchword as libertas, the fact that the "positive" uses of the term account for seventy per cent of the total and include the author (twice), the victorious soldier Petreius (once), and Cato (four times), strongly suggests that Sallust knew and indicated the distorted uses of this term too. Thus the use of patria by Catiline must be seen as propaganda on both occasions.

From pro patria Catiline moves on to pro libertate. The strong rhetorical tone of this entire sentence suggests that Catiline is desperate to realize the full emotive value of the terms rather than to connote his personal definition of the ambiguous terms patria and libertas. And so libertas here anticipates the subsequent phrase pro vita. There is a transition in the course of this tricolon from more generally to more particularly valuable concerns. In Catiline's situation, the first two ideas are general goals to be retrieved; the last represents a possession to be retained. The third phrase is also more brief than the former pair.

In pro vita Catiline seems to be openly stating the stakes of the battle, but not as emphatically as he might. Rather

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1Sallust's narratives: 6.5, 31.3; Cato: 52.3, 24, 33, 36; Petreius: 59.5.
than dwell on the thought too much, he quickly cites a "needless" necessitudo motivating the other side. To distract anyone further from pondering too long on pro vita, he ends the sentence with an alliteration built upon the phrase pro potentia paucorum pugnare. Having glossed over the unpleasant probabilities of the situation, Catiline finishes this segment with another alliterative expression—Quo audacius aggrediamini—implying that the greater degree of their courage is to be derived from the conspirators' awareness of their pristina virtus. The phrase is striking since one does not readily associate the band of conspirators and the idea of pristina virtus. On another level the phrase is not so outstandingly unusual if it is seen in context with the earlier appeals to patria, libertas, and vita. As has been suggested, Catiline's sense of libertas has not changed from his first statement of it to the conspirators in Rome (20). But while that idea has remained constant, his own situation has grown more desperate by the failure of Lentulus and the others at Rome and by the presence of the surrounding armies from the city. Thus his speech here is marked by the urgency of preparing his troops' animus and corpus for the impending fight. In the course of his remarks, Catiline exhorts them to boldness and condemns any timor animi. Having dealt with that first aspect of the motif, he then says that their move is determined by the needs of the corpus (frumenti
...egestas prohibit) and that a concerted effort of animus and corpus is the only course available: ferro iter aperiundum est. The next lines stress equally both aspects of animus and corpus, with Catiline stating that the desires of the animus—divitiae, decus, gloria, libertas, and the sudden aspect of patria—are all contingent upon the corpus: in dextris vostris portare. But Catiline (or Sallust) realizes that animus motivates corpus, and so he adds the weight of necessitudo and tradition to his speech. The notion of necessitudo has been explored earlier (cf. p. 18 above). The appeal to tradition will explain the sudden appearance of patria twice and the phrase pristina virtus. Clearly the speaker realizes that the problem is severe enough to compel him to make every effort to talk his forces into a victory. For this reason, the word patria was added to the previously unique libertas in 58. 8. It is this same patria that allows the formation of a solid tricolon—pro patria, pro libertate, pro vita—to be held up against the intendedly repellent alliteration of pro potentia paucorum pugnare. Having conjured up tradition, Catiline seeks next to make it give impetus to his forces by anticipating bold fighting derived from pristina virtus. This phrase connects both animus

1Cf. S. F. Bonner, Roman Declamation in the Late Republic and Early Empire (Liverpool: University Press, 1949), p. 66 for the assonance of "p."
and corpus by an appeal to the word virtus, which connotes not only strength of spirit but also, by evincing the image of the heroic warrior of ancient times (vir), strength of body. This connotation is emphasized by the word pristina.

At last Catiline states that the combination of the situation and their animus-corpus can only lead to victory:

Cum vos considero, milites, et cum facta vostra aestumo, magna spes victoriae me tenet. Animus aetas virtus vostra me hortantur, praeterea necessitudo, quae etiam timidos fortis facit (58. 19).

It was pointed out earlier that the legate Petreius also exhorts his troops to fight well against the Catilinarians pro patria, just as Catiline exhorts his against Petreius' command. In the course of the battle itself, it is the veterani of Petreius—described by Sallust as pristinae virtutis memores—who are the ultimate victors over the conspirators. The conspirators are labeled haud timidi. Sallust shows, by the transfer of the phrase from the losing conspirators to the winning troops, that the appropriation and use of terms like pristina virtus, patria and particularly libertas for personal motives does not ultimately deprive them of their universal sense.¹

¹As if to demonstrate the proper application of language, Sallust compliments Catiline in a description which praises the manner of his death as it recollects the noble rank of his birth. Like Shakespeare's Macbeth, Catiline dies pugnant and memor generis atque pristinae suae dignitatis (60. 7).
The next examples of libertas are drawn from the petition of C. Manlius to the general Q. Marcius Rex in 33. The surprising element in this speech is the sympathetic portrayal which Manlius' ideas receive from Sallust. It is significant that the essential character of Manlius is never drawn for us as is that of Catiline. Sallust's remarks in the course of the monograph are generally neutral or positive. Thus Manlius is introduced as "a certain Manlius," postea princeps fuit belli faciundi (24. 2).

And while Sallust does not dissimulate his personal guilt—Senatus Catilinam et Manlium hostis judicat (36. 2)—he does compliment his gallant death in the final fight: Manlius et Faesulanus in primis pugnantes cadunt (60. 6).

From the information given in 28. 4, it is learned that Manlius recruited his forces from the two sources: the plebs who had been dispossessed for the veterans of Sulla in that area, and from the veterans themselves who had squandered their wealth and were seeking more. Both groups were willing to revolt. The former egestate simul ac dolore iniuriae, the latter because of their extravagance. In his words to Marcius Rex, Manlius glosses over the second group and addresses his pleas to the plight of the first:

Deos hominesque testamur, imperator, nos arma neque contra patriam cepisse neque quo periculum aliis faceremus, sed uti corpora nostra ab iniuria tuta forent, qui miseris egentes violentia atque crudelitate faeneratorum plerique
The particular *injuria* described here involves the effect of the interest rates, which fluctuated from the nominal 12% annual rate up to the high rates of 48-50%. As the amount of indebtedness grew larger, the *faenerator* could legally liquidate the debtor's land and by a legal judgment cause a *capitis deminutio*, i.e. a loss of one's civic rights due to debt. The most precious of a citizen's rights would be the legal guarantee of physical safety. With this guarantee removed, there was nobody to protect the newly classified non-citizen from personal harm at the hands of a citizen. The state described by the passage is not unlike that of indentured servitude.

Manlius, unlike his leader, implies laudable, if incomplete, ideas by his use of the term *libertas*. Far from equating *libertas* with *divitiae decus gloria* as does Catiline, Manlius denies that he desires any of these:

> At nos non imperium neque divitias petimus, quorum rerum causa bella atque certamina omnia inter mortalis sunt, sed libertatem quae nemo bonus nisi cum anima simul amittit (33. 4).

The context here suggests that *libertas* means both personal,

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physical safety and access to the protection of the law on an equal footing with the faenerator. It seems probable that Sallust would view this whole credit system as essentially evil. Such a system, with its obvious benefits for the lender, would naturally strike the debtor as a form of legalized extortion. The result was a hopeless, disgruntled mob which was a constant source of political unrest. Thus Sallust would not be unsympathetic to the concept of libertas as defined by the speech of Manlius' envoys. But it is still important to recognize that the speech which Sallust has coined for Manlius' views represents only one of the two groups from which he drew his army. While the veterans are equally impoverished, the reasons given for this condition are their own lubido atque luxuria. Moreover Sallust contrasts the abrupt reply of Q. Marcius Rex with the longer speech of the conspirators. In effect the general tells him to drop his arms and to seek libertas by an appeal for relief to the mansuetudo and misericordia of the Senate. Jacobs cites the irony of Sallust in arranging Marcius' choice of words.\(^1\) He suggests that the terms mansuetudo and misericordia, connected with Caesar by Cato's speech, reflect the debt reform made by Caesar in 49 B.C., since the Senate would probably be deaf to any such plea in 63 B.C. Thus

\(^1\) Jacobs, p. 69, n. 34. 1.
the terms are further examples of Sallust's rebuking Caesar's use of *clementia* as a form of political propaganda. On the whole the meaning of the term *libertas*, as demonstrated by the words attributed to Manlius, is a mixed one. It is not as basically selfish as that of Catiline; it appears to describe a freedom from physical violence and a right to equality before the law. The main shortcomings are the previously mentioned misrepresentation (or deliberate omission) of the spendthrift veterans and the more paradoxical fact that Manlius is engaging in an illicit civil war so that he may regain the *legis praesidium* which he demands from the Senate. Thus the total sense of *libertas* which Manlius advocates must still be seen as self-contradictory and contrary to the more absolute and selfless understanding of the term which Cato manifests (discussed below). That Sallust intends Manlius' appeal to be a subtle and persuasive, but invalid, description of *libertas* is clear from the stark and unadorned retort of Q. Marcius. He says tersely that those who would have the protection of the law must also live within it and that they are already outlaws whose only resort now is supplication of the Senate—their *libertas* is already forfeited. Thus Sallust has represented the use of *libertas* by Catiline and Manlius as a distortion to conceal their designs for personal power over their enemies.
By contrast a concept of libertas very different from that of Manlius and of Catiline is seen in the speech of Cato on the fate of the conspirators apprehended at Rome. It seems likely that Cato's concept of libertas is essentially that of Sallust, and therefore not intended as an example of political propaganda or of its use as a catchword. On this notion, there is a consensus among scholars that "the ideals expounded by Cato in the oration correspond closely with those of the historian as discoverable in the prologue and digressions."¹ In addition, the position of the speech as the antithesis to Caesar's and its persuasiveness are confirmed by Sallust's positive evaluation of Cato's character in contrast to Caesar's in chapter 54. The setting for Cato's remarks is the debate between Caesar and Cato on the fate of the conspirators arrested in the city. The speech moves along with a mixture of rage and irony that seems to reflect Cato's sense of urgency at the desperate situation and his anger that self-indulgence has allowed the state to deteriorate so badly:

Sed, per deos immortales, vos ego adpello, qui semper domos villas signa tabulas vostras pluris quam rem publicam fecistis: si ista, cuiuscumque modi sunt, quae amplexamini, retinere, si voluptatibus vostris otium praebere voltis,

The two tones of urgency and ironic anger which permeate this speech balance two aspects of libertas. The first and most obvious point to note is that, unlike Catiline, Cato is anxious to maintain the libertas which he already possesses. Second, the libertas which is threatened is the Republican form of government in the persons of the magistrates and senators marked for assassination by the conspirators. That Cato intends this second point is clear from the following:

Illī mihi disseruisse videntur de poena eorum qui patriae parentibus aris atque focis suis bellum paravere: res autem monet cavere ab illis magis quam quid in illos statuamus consultare. Nam cetera maleficia tum persequare ubi facta sunt; hoc, nisi provideris ne accidat, ubi evenit, frustra iudicia inplores: capta urbe nihil fit reliqui victis (52. 3-4).

Here a sense of immediacy is conjured up by the image of capta urbe which underlines the threat to the continued security of the city and its citizens. The severity of the crisis is further stressed by Cato in his subsequent remark:

1The actual attacks would take the form of assassination of the magistrates timed to occur with fires set throughout the city. Added to this was to be murder of other leading citizens for reasons of both personal animosity and gain. Cf. 43.
Nunc vero non id agitur: bonisne an malis moribus vivamus, neque quantum aut quam magnificum imperium populi Romani sit, sed haec, cuiuscumque modi videntur, nostra an nobiscum una hostium futura sint (52. 10).

The important word here is **hostes**, a technical term which Cato applies to the conspirators. That Cato views the threat in this way is clear from his frequent use of the term:

Coniuravere nobilissumi cives patriam incendere;...dux hostium cum exercitu supra caput est: vos cunctamini etiam nunc et dubitatis, quid intra moenia deprensis hostibus faciatis? (52. 24-25).

and

Sed undique circumventi sumus: Catilina cum exercitu faucibus urget; alii intra moenia atque in sinu urbis sunt hostes....(52. 35).

The thoughts are repetitious both in content and in wording. Important, however, is the legal point which Cato is making. While the **lex Porcia** and **lex Valeria** might forbid the killing of Roman citizens, there could be no obstacles to the execution of enemies of the state. Thus their portrayal as **hostes** clears the way to that goal. Even stronger is the analogy which Cato makes between the old and the contemporary nobility:

Apud maiores nostros A. Manlius Torquatus bello Gallico filium suum, quod is contra imperium in hostem pugnaverat, necari iussit atque ille egregius adulescens immoderatae fortitudinis morte poenas dedit: vos de crudelissimis parricidis quid statuatis cunctamini? (52. 31).
In this statement, Cato cites the extreme fate of Torquatus' own son who was executed for fighting the enemy contra imperium. By so doing, Cato berates the Senate for not acting against citizens who are treasonous enemies threatening the very existence of the Senators and magistrates themselves. Cato also increases the degree of guilt of the conspirators still by adding the term parricidis to hostes, and then applying the tyrannical epithet crudelissumis to parricidis.

From the passage it is clear that by libertas Cato meant not merely a freedom from the ravages of external or internal enemies; in a more positive sense, he intends it to represent the basic political right to vote on the laws and to elect magistrates. Libertas for Cato—and Sallust—here means the continued existence of the republican form of government in contrast to a domination by Catiline. Cato designates the conspirators as threats to this concept by his litany of terms to describe them—hostes, parricidae, and crudelissumi. The threat he perceives is more than the actual death of the citizens and the destruction of the city. The greater threat is that if Catiline were to gain power, the existence of the

\[1\] The analogy likens the Senators (Patres Conscripti) to Torquatus who is both a father and an administrator. The difference is that he killed his son for a relatively minor offence, while the Senate fails to act against conspiring citizens (i.e. wards of the Patres) for an extremely dangerous offense.

government as a legislative and judicial entity would cease. Roman tyranny would replace Roman libertas. Thus the libertas of Cato is a political concept which minimally includes the right of public election and a voice in legislation.

There are further indications that Sallust intends Cato's use of libertas to be credible and not just another example of political propaganda. Sallust's ordering of the speakers, Caesar and Cato, while historically accurate, reflects the agon of Old Greek Comedy in which the views of the second speaker predominate. Hence, Sallust is promoting the credibility of Cato's words by the relative position of the speech. Second, the elements of Cato's speech are also calculated to expose the fallacious reasoning in the moderating speech of Caesar. In a microcosm of actual Roman Republican politics, both speakers justify their opposing opinions by citing the mos maiorum as their precedent. When Caesar calls for objectivity of mind, for no dangerous new legal precedent, and suggests exile for the conspirators, Cato retorts by implicating Caesar and Catiline; recalling the true virtue of their ancestors, and calling for the deaths of the parricidae on the ancient precedent of Torquatus' execution of his son. In the course of destroying Caesar's appeal to mansuetudo and misericordia, Cato echoes Sallust's

1 In the only other example of antithetical speeches in Bellum Catilina, the second speaker, the general Q. Marcius Rex, again prevails over the first, the conspirator Manlius. Cf. 33-34.
remarks on the meaning of language. Sallust's honesta nomina are rephrased by Cato as nos vera vocabula rerum amisimus. Mansuetudo and misericordia are Sallustian circumlocutions for the clementia which Caesar demonstrated after the civil war. The refusal, then, of Cato to believe in Caesar's mansuetudo and misericordia in this debate corresponds to his refusal to submit to Caesar's clementia at Utica. The correspondence also serves to lend credibility to Sallust's portrait of Cato as a man whose virtuous character lends truth to his speech. Finally, the strongest support for the credibility of Cato's use of libertas is Sallust's evaluation and comparison of Caesar and Cato in section fifty-four. After defining both men as each ingenti virtute magnus, Sallust continually praises Cato's character more than Caesar's. After praising the integritas vitae, severitas, constantia of Cato, Sallust's comparison reaches a climax with the overwhelming judgement: esse quam videri bonus malebat.

Thus the concept of libertas portrayed by Sallust in the speech of Cato is consistent with the idea held by Sallust himself and is not presented by Sallust as a political slogan. Cato views libertas as having two aspects. The simpler, negative sense is the protection of both political autonomy and personal safety from external threat. Under this concept
lie the dangers posed by Catiline as conspirator and hostis. The other aspect seems to be a "freedom to" rather than a "freedom from." Libertas in this sense is summarized by Wirszuński as a positive political right to enact legislation and elect magistrates. Catiline threatens this as a potential tyrannus. Cato’s final remark about the vice of widespread self-concern raises the idea from a "freedom to participate in the res publica" almost to a necessity to do so. It is a remark worthy of the Roman Stoic. Positive libertas means selfless participation in government, not a selfish interest which eventually diminishes the freedom of other people. Failure to have this positive libertas results in an attack upon a defenseless nation: impetus...in vacuum rem publicam. Cato’s definition of libertas in action is also his description of the state: vigilando augundo bene consulundo prospere omnia cedunt (52. 29). In this statement he best combines the different aspects of libertas as practiced by the truly unselfish citizen in his political and public life.

¹Wirszuński, p. 34.
CHAPTER II

BELLUM JUGURTHINUM

Namque coepere nobilitas dignitatem, populus libertatem in lubidinem vortere....(41. 5)

The theme of the Bellum Catilinae was described by Sallust as the conspiracy of Catiline, which he termed facinus memorabile...sceleris atque periculi novitate (4. 3-4). The main feature of this novitas was the portrayal of a patrician nobleman attempting to overthrow the state which his class controlled. In addition, Sallust illustrated the contrasting use of libertas as a political slogan by Catiline with what he presents as an undistorted use by Cato.

In this second monograph, the Bellum Jugurthinum, Sallust moves back from the events and state of affairs around the year 63 B.C. His attention focuses on the antecedent causes to the civil strife of the Bellum Catilinae by delineating the rise of the opposition to the nobility in the course of the Numidian War—quia tunc primum superbiae nobilitatis obviam itum est (5. 1). The tactic of that opposition was the appeal to the popular assembly to counter the views of the Senate which was controlled by the nobility. Before the involvement with Jugurtha, populares had employed this tactic to assert general political considerations favor-
able to the people. But the success of appealing to the interests and desires of the people led, in time, to its more widespread use. For, from being simply a method used by the people's representatives to counterbalance the power of the Senate, this popularis tactic was used later by others, especially nobles and Senators, to promote their own designs and frustrate those of the senatorial oligarchs. As noted by Lily Ross Taylor,\(^1\) even Cicero distinguished between good populares, who were interested in the welfare of the state, and bad populares who were demagogues.\(^2\) The problem lies in distinguishing the two.

A study of the period prior to the Jugurthine War shows that the term popularis describes a combination of both a general political viewpoint and a specific tactic. By the end of the war, it is increasingly applicable only to the political tactic. This change is marked by an ambiguous use of words, such as libertas, as emotional, political slogans without consistent value or meaning. In the *Bellum Jugurthimum*, Sallust approaches a definition of libertas derived from the populares by portraying the advent of certain popularis


\(^2\) Cicero *Leges Agrariae* 1. 23, 2. 7-10, 43 and *Pro Rabirio Perduellonis Reo* 11-15.
leaders whose tactical considerations are motivated by personal ambition rather than *popularis* political conceptions.

Within this chapter, after describing *popularis* in general, I shall distinguish two kinds of *populares* found in Sallust.

The term *popularis* will here be used to describe a character found in Sallust whose activity is marked by a struggle against the noble faction which controlled the Senate. His struggle reflects a constant tension between that element of the Senate usually styled as "popular" and the opposite element of the Senate termed "optimate" or "noble." The popular politician resorts to appeals to the interest of the common people because he as an individual lacks the auctoritas or influence to achieve his ends within the framework of the Senate. For Sallust an "authentic* popularis* is marked by the persistence of his activity and his motivation, as well as by his use of appeals to the interests of the people as a tactic to achieve action. The degree of his authenticity as a *popularis*, as Sallust shows, is directly proportional to the consistency of his antipathy toward the nobility and his lack of purely selfish ambition.


The opposite of an "authentic" *popularis* I shall term a "self-interested" *popularis*. A "self-interested" *popularis*, as the name suggests, is for Sallust one who aims at personal supremacy and employs the tactic of the *popularis* to this end. Typically the same man is equally capable of accommodation with the optimates so long as by so doing he serves his own end. That tactic itself is more fully defined as that oratory addressed to the *Quirites* which seeks to break the political monopoly of the ruling oligarchy by incessant invective against the dominatio, potentia, superbia, and lubido of the pauci, the factio potentium, and by appeals to the people to restore its libertas.\(^1\)

Finally the *popularis* concept of libertas as portrayed by Sallust will be explained, with the emphasis on the importance of Marius as a precedent for some features of subsequent Roman politics. Specific individuals upon whom this chapter will focus include the Gracchi, Memmius, Mamilius, and Marius.

Sallust describes the first personal opposition directed against the nobility as arising from the nobility. The tribunates of Tiberius and Gaius Gracchus mark the advent of the authentic *populares*. In a brief digression on the conflicts between the nobles and the people, Sallust relates both the activities and the motives of the Gracchi plus their

\(^{1}\text{Wirszubski, p. 40.}\)
final results (cf. 41-42). He states their activities tersely: vindicare plebem in libertatem et paucorum scelera patefacere coepere (42. 1). Sallust matches the attempts at judicial and agrarian reform with a brief description of the motives for their actions. By implication he suggests that the Gracchi are nobles by birth who also emulate their ancestors by their truly worthy deeds:

nam ubi primum ex nobilitate reperti sunt qui veram gloriarn iniustae potentiae anteponerent, moveri civitas et dissensio civilis quasi per-mixtio terrae oriri coepit... (sc. GraccM) quorum maiores Punico atque aliis bellis mul-tum rei publicae addiderant. B.J. 41. 10-42. 1.

Note that Sallust's view of the contribution of the Gracchi realistically includes the turmoil precipitated by any social change. Having shown that the Gracchi are authentic populares from their actions and motives, Sallust confirms their authen-ticity by telling their fate:

nobilitas noxia atque eo perculsa modo per socios ac nomen Latinum, interdum per equites Romanos, quos spes societatis a plebe dimo- verat, Gracchorum actionibus obviam ierat, et primo Tiberium, dein Paucos post annos eadem ingredientem Gaium, tribunum alterum, alterum triumvirum coloniis deducundis, cum M. Fulvio Flacco ferro necaverat (42. 1).

The fate of the Gracchi and the purges that accompanied it are mentioned also in the speech of the tribune Memmius, dealt with below. One factor, however, lacking in the tribune's harangue is the judgment which again lends credibility to
Sallust's portrayal of the Gracchi as populares: *et sane Gracchis cupidine victoriae haud satis moderatus animus fuit: sed bono vinci satius est quam malo more iniuriam vincere* (42. 2-3). This sentiment is paraphrased by Wirszubski, who calls the Gracchi "to some extent, genuine, even if misguided" compared to the subsequent populares who viewed the people as means, but not an end.¹

Thus in quick strokes, Sallust paints the Gracchi as anti-noble populares of noble birth whose opposition is motivated by concern for the freedom of the people and a desire for *gloria vera*. Their activities and their commitment are suggested by their titles—tribune and triumvir for establishing colonies—and the use of such originally popular terms as *vindicare plebem in libertatem*. Their authenticity to Sallust is finally substantiated by their deaths at the hands of the other nobles. Sallust's final comments emphasize, in the moral judgement against the Gracchan extremism, his idea that even an authentic popularis can cause much tension and strife in the republic.

Early in the *Bellum Jugurthinum* (cf. 31), Sallust illustrates the combination of the skillful popularis tactic and sincerity in the speech of the tribune of the plebs, C. Memmius. In that capacity, he has assembled the populace to persuade them to demand investigations of the recent peace treaty with Jugurtha negotiated by L. Calpurnius Bestia (Cos.

¹Wirszubski, p. 40.
Memmius asserts that Jugurtha's crimes have been sanctioned through bribes received by Bestia and his staff of nobles. He calls for an investigation at Rome to penalize Jugurtha's crimes and to expose and punish his noble abettors.

The speech itself includes five of the thirteen uses of libertas in the monograph, and the characterization of Memmius accounts for two others. The frequency of the term reflects a time when the anti-noble populares found a symbol for their political philosophy in the word libertas. The corresponding term of the nobility was dignitas. Memmius begins the speech with a recitation of the elements which dissuade his speaking: opes factionis, vostra patientia, ius nullum. He elaborates his chastisement of his listeners by the scornful ludibrio fueritis superbiae paucorum and suggests that they have shamefully allowed their defenders to be killed and their own spirits to be destroyed by cowardice and indifference. Memmius' next words give his bold resolve, his reasons, and his dubious expectations:

1 B.J. 31. 5, 16, 17, 22, 23; 30. 3 (twice).

2 B.J. 41. 5. Cf. also Livy 4. 6. 11. Note the full definition in Wirsuński, p. 39, where dignitas is the inheritable "worthiness" derived from the holding of office, especially the consulship.

3 Patientia, here the tolerance of the present situation, is represented as a vice which amounts to a resignation of freedom to the domination of the nobility. Memmius (and Sallust) would seem to imply that the maintainence of libertas is a constant struggle which leaves no room for any tolerance of the nobles' exercise of power.
Sed quamquam haec talia sunt, tamen obviam ire factionis potentiae animus subigit. Certe ego libertatem, quae mihi a parente meo tradita est, experiar. Verum id frustra an ob rem faciam in vostra manu situm est, Quirites (31. 4-5).

Memmius' introduction designates the opposition as an arrogant, small, yet powerful faction which maintains the citizens in a state of terrorized oppression. Despite this his sense of freedom encourages him to speak to his fellow-citizens against the power of the group. One might add that the tribune's physical inviolability as sanctioned by law probably buttresses his decision. The following sections outline the history of the conflict between the noble faction and the common people (cf. 31. 6-7). Memmius, in words like Sallust's own above, recounts how the death of Tiberius Gracchus led to an inquisition against the commons because of the nobles' allegation that Tiberius was setting up a tyranny. Likewise the deaths of C. Gracchus and M. Fulvius had many ramifications for the people: vostri ordinis multi mortales in carcere necati sunt. In each case non lex verum lubido eorum defines the limit to the killing.

In the next three sections, eight through ten, Memmius shifts his emphasis from talking to the Quirites to one of talking about the nobles. He begins with a strongly sarcastic remark to echo the non lex mentioned above: sed sane fuerit regni paratio plebi sua restituere, quicquid
sine sanguine civium ulcisci nequitur, iure factum sit. His next charge marks the advance of the nobles from the pursuit of mere personal glory and enrichment to the frustration of the sovereignty of the Roman people and outrageous examples of the nobles' arrogance:

aerarium expilari, reges et populos liberes paucis nobilibus vectigal pendere...itaque postremo leges, maiestas vostra, divina et humana omnia hostibus tradita sunt. neque eos qui ea fecere, pudet aut paenitet, sed incedunt...magnifici, sacerdotia et consularius, pars triumphos suos ostentantes, proinde quasi ea honori, non praedae habeant (31. 9-10).

In his following remarks, Memmius further inflames the commons by likening them to slaves and by polarizing the commons against the nobles who are vividly painted as

homines sceleratissumi, cruentis manibus, inmani avaritia, nocentissumi et idem superbissumi quibus fides decus pietas, postremo honesta atque inhonesta omnia quaestui sunt (31. 12; cf. 31. 13-14).

In his attempt to cause investigations into the Pax Calpurnia Memmius calls on the Quirites to exercise their freedom against their overbold noble oppressors:

quod si tam vos libertatis curam habeatis quam illi ad dominationem accessi sunt, profecto neque res publica, sicuti nunc, vastetur et beneficia vostra penes optumos, non audacissumos forent....vos pro libertate quam ab illis maioribus accepiatis, nonne summa ope nitemini? (31. 16-17).
After stirring up the people's emotions with his appeals to freedom, Memmius indicates his plan as *vindicandum in eos qui hosti prodidere rem publicam, non manu neque vi...verum quaestionibus et iudicio ipsius Jugurthae* (31. 18). The proof of which will be Jugurtha himself, says Memmius. For, if he fails to come, that will constitute proof that the surrender and the peace treaty represent condoning Jugurtha's crimes, a large pay-off to certain nobles, and injury and insult to the Roman nation. The tribune cautions against tolerating the nobles' *dominatio* or forgiving their dealings. To do so would be to choose virtual servitude as expressed in Memmius' final dichotomy: *aut serviundum esse aut per manus libertatem retinendam...dominari illi volunt vos liberi esse* (31. 22-23). Note the emotional contradiction of *per manus* with *nihil vi...opus est* of 31. 6. With his next words, he repeats the need for full punishment because of the serious nature of the nobles' crime: *hosti acerrumo prodita senatus auctoritas, proditum imperium vostrum est, domi militiaeque res publica venalis fuit* (31. 23). Memmius' final remarks remind his audience of the need for action and the dire result of any further tolerance:

*quae nisi quaesita erunt, nisi vindicatum in noxios, quid erit reliquum, nisi ut illis, qui ea fecere, oboedientes vivamus? nam inpune quae lubet facere id est regem esse. neque ego vos, Quirites, hortor ut malitis*
civis vostros perperam quam recte fecisse, sed ne ignoscundo malis, bonos perditurum eatis. ad hoc in re publica multo praestat benefici quam malefici inmemorem esse: bonus tantum modo segreior fit ubi neglegas, at malus inprobior. ad hoc, si iniuriae non sint, haud saepe auxili egeas (31. 26-29).

His remarks above draw together various ideas mentioned within the speech. By repeating now the themes of quaestio and vindicatio raised in section 18, Memmius unifies them with the current slavish behavior of the people designated by vostra patientia (sec. 1) and oboedientes vivamus (cf. sec. 26). Memmius emphasizes the effect of their tolerance further when he equates the arbitrary action of the nobles with that of a tyrant—exactly the opposite extreme from Memmius' political idea of libertas. The clause necue ego vos, Quirites, hortor echoes the expression in section 6, where he implies that the people slothfully permitted the slaughter of the Gracchi and the others. Here Memmius repeats that the price of enduring evil men's deeds is the destruction of good men. By contrast he suggests that they forget about good men and concentrate their efforts on restraining evil men who grow bolder in the absence of opposition. The final sentence rebukes the people's inactivity by concluding that greater diligence would preclude further harm from the nobles. The result then will be haud saepe auxili egeas, an oblique reference to Memmius' own magistracy as tribune with its ius auxili as well as to the protection
extended by him and others like the Gracchi. Thus the final statement balances the opening remark about pressures that might have kept him from his duties as tribune had studium reipublicae not prevailed.

Sallust has contrived a speech in which both the popular political viewpoint and the popular rhetorical technique are combined in the person of the tribune Memmius. Yet how is the sincere popular sentiment to be differentiated from the insidious application of the same technique for personal gain? How does Sallust distinguish the authentic popularis from the self-interested user of the technique?

One indicator that Memmius possesses both sentiment and technique is the characterization which Sallust gives him:

Ac ni C. Memmius tribunus plebis designatus, vir acer et infestus potentiae nobilitatis populum Romanum edocuisset id agi, ut per paucos factiosos Jugurthae scelus condonaretur, profecto omnis invidia prolatandis consultationibus dilapsa forat: tanta vis gratia atque pecuniae regis erat.

And

at C. Memmius, cuius de libertate ingeni et odio potentiae nobilitatis supra diximus, inter dubitationem et moras senatus contionibus populum ad vindicandum hortari, monere, ne rem publicam, ne libertatem suam desererent, multa superba et crudelia facinora nobilitatis ostendere: prorsus intentus omni modo plebis animum incendebat (27. 2; 30. 3).
The evidence of Sallust's sketches suggests that Memmius' sentiments are motivated by a strong sense of freedom and a deep hatred for the power of the nobles. In terms of the tactics used, more telling evidence for the veracity of Memmius' speech as that of an authentic *popularis* is Sallust's recognition that his intent is to inflame the hearts of the people with an emotional speech: *omni modo plebis animum incendebat* (32. 1). By the consistency of Memmius' sentiment with his technique, Sallust consciously portrays him as an authentic *popularis*. Note that while Sallust identifies Memmius as an authentic *popularis*, he nowhere terms Memmius either a good or an honest man--only an effective one. His presentation, at this point, is only concerned to portray the opposition on the part of the *popularis* movement. He reserves his judgment of it until later.

A second test to distinguish the authentic *popularis* from the self-interested *popularis* is to estimate the effect or result of the speech upon the speaker. What does Memmius receive personally if the *quaestiones* are held? Sallust suggests that he will enjoy the pleasure of witnessing the punishment of the guilty nobles. In fact, Jugurtha had by extensive bribery enlisted on his side a tribune, C. Baebius, who frustrated the investigations entirely. (33. 2-34. 1). The fact that Memmius does not--either in fact or theoretically--
prosper by the action of the Popular Assembly confirms the notion that he is an authentic popularis. Büchner states that Sallust has portrayed the situation truthfully and that Memmius has just cause for his outrage with the nobles.¹

At the end of the first phase of the war, Sallust cites still another example of popular sentiment in action in the inquiry, the Quaestio Mamilia, against all the nobles involved with the dishonorable surrender of Roman forces to Jugurtha and the subsequent peace pact:

Interim Romae C. Mamilius Limetanus tribunus plebis rogationem ad populum promulgat, uti quaereretur in eos, quorum consilio Jugurtha senati decreta neglegisset, quique ab eo in legationibus aut imperii pecuniás acceperissent qui elephantoys quiue perfugas tradissent, item qui de pace aut bello cum hostibus pactiones fecissent. (40. 1).

Sallust, by illustrating a successful attack by the plebs on the nobles, demonstrates the essential similarity of the two factions:

sed plebes incredibile memoratu est quam intenta fuerit quantaque vi rogationem iusserit, magis odio nobilitatis, cui mala illa para-bantur, quam cura rei publicae: tanta lubido in partibus erat. igitur ceteris metu perculsis M. Scaurus, quem legatum Bestiae fuisse supra docuimus, inter laetitiam plebis et suorum fugam, trepida etiam tum civitate, cum ex Mamilia rogatione tres quaeitores rogarentur, effecerat, uti ipse in eo numero crearetur, sed quaestio exercita aspere violenterque ex rumore et lubidine plebis: ut saepe nobilitatem, sic ea tempestate plebem ex secundis rebus insolentia

The absence of any moral judgment against Memmius by Sallust is now rectified by the strong and clear remarks about the way the popular aristocrats (populares) use the power to call a quaestio. Sallust shows how the tribune Mamilius exercised his concept of popular libertas. Any legal restraints or guarantees, including the presence of the noble Scaurus, fail in the face of hatred and factional passion. The result is that the investigations are based upon hearsay evidence and class animosity which aim only at punishment, not justice. Even Scaurus' presence cannot affect the outcome.¹ Thus Sallust

¹The sudden presence of Scaurus on the board of the three quaesitores—mentioned quite casually by Sallust—may surprise the reader and may suggest that the force of the popular attack upon the nobles has been blunted. Yet other facts might explain his presence and total effect. One fact is that Scaurus was censor with M. Livius Drusus in 109 B.C., the date of the Quaestio Mamiliana (cf. H. Peter, Historiorum Romanorum Reliquiae (Stuttgart: B. G. Teubner, 1967), Vol. I, p. CCXLIX.). While Sallust never explains how Scaurus became a quaesitor, the traditional duty of the censor plus the senatorial rank of many of the defendants would make his presence reasonable, if not mandatory. To the assertion that any man who was an adherent of the Metelli, was consul in 115, later princeps senatus, and widely praised for his public works as censor in 109, could hardly have aided the Quaestio, only one answer can be made. He did not, but it did not matter. Men as diverse in view as Sallust and Cicero—who Syme claims annexed Scaurus mentally as the precursor of himself (Syme, Sallust, p. 165)—agree that the quaestio accomplished its objectives. Sallust's description of a successful quaestio against the nobles (40. 3, 5) is detailed by Cicero when he relates C. Galba, C. Cato, L. Bestia, Sp. Albinus, and L. Opimius were all condemned and went into exile (Cicero, Brutus 128). Cicero never mentions Scaurus' presence and cites the affair as the work of the Gracchani judices. (Continued)
implies that the popularis concept of libertas in action abuses the right to enact laws and becomes the pursuit of a temporary advantage over the nobility. The actions justified by appeals to the people's libertas are similar to the domination justified by the nobles' appeal to dignitas (B.J. 41.5).

Sallust employs this digression to divide the commands of Bestia and Albinus, which represent the first stage of the war, from the advent of the consul-imperator Q. Caecilius Metellus (later Numidicus) and his legate C. Marius, in the middle stage of the war. Metellus' campaigns in the Bellum Jugurthinum are strongly marked by his personal integrity and new discipline for the demoralized forces. The ultimate result, however, is growing tactical...

(continued) Thus Scaurus appears to have gained access through being censor. Yet his presence really did not affect the outcome since condemnation was the final judgment decreed for all. The sense of justice which looks for Scaurus' own condemnation is frustrated by the impracticability of convicting the censor during his tenure of office. All attempts at bringing to justice the man who subsequently urged Marius to defend libertas and attack Saturninus (Val. Max. 3. 2. 18) are summed up by Peter: itaque ex omnibus iudiciis incolumis evasit (p. CCL). Sallust's final mention of Scaurus is calculated to show that the unscrupulous populares were victorious despite his presence.

success without significant strategic victory. This fact, plus Metellus' resistance to Marius' consular ambition, finally leads to the election of Marius as consul and the allotment to him of the Numidian theater as Metellus' replacement. Marius' departure for Africa—the third stage of the war—is introduced by a speech given ostensibly for the purpose of recruiting troops; it really inveighs against the nobility and airs Marius' concept of his personal merit. After an examination of the speech and the major events leading up to it, a full comparison can be made between that speech and Memmius'.¹ The result should cast light on both the authenticity and the technique of Marius as a popularis and his effect on subsequent Roman politics. While Marius—significantly—never mentions libertas in his speech, its relationship to his desire for the consulship has been noticed by Wirszubski:²

The issue over whether the consulship should be equally accessible to the nobiles and the homines novi, or reserved for the nobiles only, was a prominent feature in the controversy between the Optimates and Populares. Libertas...is directly involved in the issue.

¹Other important passages which bear on this chapter will be treated after the speech.

²Wirszubski, pp. 52-53.
Some examples can illustrate the effectiveness and the popularis thrust of Marius' speech which aims to justify his election as consul in spite of his lack of ancestral rank. The speech demonstrates the adroit use of sarcasm and innuendo. Marius begins by contrasting the typical behavior of an unnamed group upon entering office with his own theory: primo industrios supplices modicos...dein per ignaviam et superbiam aetatem agere. Sed mihi contra ea videtur (85. 1). The traits listed serve to indict the nobility. Marius also complains of the relative freedom to err which the nobles possess: ancient nobility, brave deeds of ancestors, the resources of friends, relatives, and numerous clients are omnia haec praesidio. By deliberate, crowd-pleasing contrast he says: mihi spes omnes in memet sitae quas necesse est virtute et innocentia tutari (85. 4).

Marius shrewdly implies a moral judgment by claiming that the aequi bonique favor him, while the other kind of men, the nobilitas, does not. Later he echoes this sentiment by contrasting his own innate moderation with that of those qui per ambitionem sese probos simulavere. With irony, he stacks the dismay of the nobles against the need for some noble, upon receiving commands, to run to learn Greek military strategy or to select as his own tutor one ex populo monitorem...
offici sui. Praeposteri homines! Such is Marius' judgement of those whose competence is unequal to the demands of their office (85. 10-12) Next Marius challenges the theoretical knowledge of the nobles with his own practical experience, while neatly shifting the basis for personal merit from birth to deeds:

quod si iure me despiciunt, faciant, idem maioribus suis, quibus uti mihi ex virtute nobilitas coepit. invident honori meo: ergo invidiunt labori innocentiae periculis etiam meis, quoniam per haec illum cepi. verum homines corrupti superbia ita aetatem agunt, quasi vos vos honores contemnant, ita hos petunt, quasi honeste vixerint. ne illi falsi sunt, qui diversissimas res pariter expectant, ignaviae voluptatem et praemia virtutis, atque etiam cum apud vos aut in senatu verba faciunt, pleraque oratricem maiores suos extollant; eorum fortia facta memorando clariores sese putant. quod contra est: nam quanto vita illorum praeclorior, tanto horum socordia flagitiosior. et profecto ita se habet: maiorum gloria posteris quasi lumen est, neque bona neque mala eorum in occulto patitur. huiuscœre ego inopiam fateor, Quirites; verum, id quod multo praeclarius est, meamet facta mihi dicere licet (85. 17-24).

The theory of the argument, apart from appealing to the average citizen, seems essentially valid. Its validity suggests that Sallust himself held this view and held it in common—coincidentally—with Cicero. To enhance further the favorable contrast between himself and the nobles, Marius describes his medals and combat scars as the equivalent to the ceremonial

1 Wirszubski, in the section on equal opportunity for the homines novi, pp. 52-55, cites Cicero's slogan: moribus non majoribus from In Pisonem 2. Cf. Cicero's remarks in De Rep. 1. 12. 36, 33. 50, 34. 51-53, 2. 3. 5 and Pro Sest. 137.
trappings of the nobles: *hae sunt meae imagines haec nobilitas, non hereditate...sed meis plurimis laboribus et periculis.* Marius brags of his lack of education—"he wants Greek"—while claiming that his own *virtus* is derived from his martial prowess. His diatribe against the nobility concludes with an assertion that the continuing vice among the nobles will lead to the ultimate corrosion of the entire state: *ita iniustissume luxuria et ignavia pessumae artes qui coluere eas nihil officiunt, rei publicae innoxiae cladi sunt* (85. 43). The speech itself ends with a call for troop enlistments which are advertised as opportunities for victory, loot, and fame, made possible by the removal of the *avaritia, imperitia, superbia,* and *temeritas* of the earlier, noble generals. His recruitment slogan, *tamen omnis bonos rei publicae subvenire decebat* (85. 49), still exists today as a political slogan: "Now is the time for every good man to come to the aid of his party."

Sallust describes the effectiveness of Marius' rhetorical technique: *et eos (sc. plebes) non paulum oratione sua Marius arrexerat* (84. 4). The speech resulted in both popular enthusiasm and necessary military supplies (cf. 86. 1). While the *libertas* of the people was never specifically mentioned, the speech includes all of the stock
elements of popular invective: charges of superbia, ignavia, ambitio, flagitium, maleficia, imperitia and temeritas against the nobles. These are balanced with Marius' protestations of virtus, labor, gloria, decus, fides, and true nobilitas for himself. Even the fraternal epithet of Quirites is deliberately frequent at the opening and closing of the speech. In short the speech is a persuasive example of the popularis technique, and it has been judged by some modern scholars as an appropriate representation of Marius' true character on the basis of its accord with his philosophy.¹

Assuming that Sallust has represented Marius accurately, how well does Marius fit Sallust's conception of an authentic popularis? Does he belong with Memmius and Mamilius and the Gracchi as consistent—although extreme—supporters of the plebs? Or is he the prime example of the self-interested user of the popular tactics? Our test for Memmius asked two questions. What does Sallust's treatment of the person suggest? What benefits accrue to the person as a result of the speech or use of the tactics? The simple answer to the second question is an army to command as consul. But by the subtle use innuendo, Sallust answers the second question and gives a

hint about the first:

ipse interea milites scribere, non more maiorum
neque ex classibus, sed uti cuiusque lubido
erat, capite censos plerosque. id factum alii
inopia honorum alii per ambitionem consulis
memorabant, quod ab eo genere celebratus auc-
tuque erat, et homini potentiam quaerenti
egentissumus quisque opportunissumus, cui neque
sua cara, quippe quae nulla sunt, et omnia cum
pretio honesta videntur. Igitur Marius cum ali-
quanto maiore numero, quam decretum erat, in
Africam profectus paucis diebus Uticam advehitur.
(86. 2-4).

Note that the possibilities are enumerated anonymously, with
each subsequent idea being longer and more pejorative.
Sallust does not openly state his opinion, but the descrip-
tion of the people enrolled—omnia cum pretio honesta—
leads back to the recruiter—hominis potentiam quaerenti—as
an indictment. The passage describing the reaction of
Metellus to Marius' election sheds more light on Sallust's
feelings and his location of his own views or judgements:

Interim Roma per litteras certior fit provin-
ciam Numidiam Mario datam: nam consulem fac-
tum ante acceperat. quibus rebus supra bonum
aut honestum percussus neque lacrumas tenere
neque moderari linguam: vir egregius in aliis
artibus nimirum molliter aegritudinem pati. quam
rem alii in superbiam vortebant, alii bonum in-
genium contumelia accensum esse, multi quod iam
parta victoria ex manibus eriperetur. nobis
satis cognitum est illum magis honore Mari
quam injuria sua excruciatum, neque tam anxie
laturum fuisse, si adempta provincia alii
quam Mario traderetur (82. 2-3).
Here, in virtually the same fashion as in the case of Marius (cf. 86), the credibility of the alleged reasons increases with their length until Sallust inserts his own, the longest opinion at the very end—*nobis satis cognitum*....

The election of Marius and Metellus' reaction point back to Sallust's original characterization of Marius earlier in the monograph (cf. 63-65). After recording the favorable portents of a soothsayer, Sallust sympathetically delineates Marius' early aspirations and qualifications:

> at illum iam antea consulatus ingens cupidō exagnostabat, ad quem capiundum praeter vetustatem familiae alia omnia abunde erant, industria probitas, militiae magna scientia, animus belli ingens domi modicus, lubidinis et divitiarum victor, tantummodo gloriae avidus (63. 2).

Based on this pattern, the last opinion on Marius' troop levies would be Sallust's idea of the truth.

Sallust's character sketch of Marius shows more subtlety than that of Catiline in the first work. Negative traits are intermingled with positive ones here and then developed more fully as the importance of Marius increases. Sallust first says that despite his competence and earlier offices, Marius did not expect—at that time, anyway—ever to become consul, for that office remained the domain of the nobles:
tamen is ad id locorum talis vir—nam postea ambitione praeceps datus es—consulatum ad-
petere non audebat. etiam tum alios magis-
tratus plebs, consulatum nobilitas inter se
per manus tradebat; novus nemo tam clarus
neque tam egregiis factis erat, quin is
indignus illo honore et quasi pollutus
haberetur. (63. 6-7).

Sallust's language demonstrates outrage at the nobles'
tactic of exclusion toward the novus homo—an office holder
without prior nobilitas. This policy leads Sallust to
characterize even Metellus, the sole example of an honor-
able noble, as intolerably arrogant about this point:

Igitur ubi Marius haruspicis dicta eodem in-
tendere videt, quo cupidō animi hortatur,
ab Metello petundi gratia missionem rogat.
cui quamquam virtus gloria atque alia optan-
da bonis superabat, tamen inerat contemtor
animus et superbia, commune nobilitatis malum.
itaque primum commotus insolita re mirari
eius consilium et quasi per amicitiam monere
ne tam prava inciperet neu super fortunam
animum gereret: non omnia omnibus cupiunda
esse; debere illi res suas satis placere;
postremo caveret id petere a populo, quod
illi iure negaretur (64. 1-2).1

Sallust relates Marius' anger when Metellus relents so far
as to tell Marius that he should wait twenty more years and
seek the consulship with Metellus' son: quae res Marium
sum pro honore quem adfectabant tum contra Metellum vehementer
accenderat (64. 4) Sallust describes the basic emotions
controlling Marius as consulatus ingens cupidō and ira
contra Metellum. The first is reasonable, although

1Cf. Scipio's advice to Jugurtha, 8. 2. The phrase
iure negaretur must be Sallustian irony.
potentially menacing; the second understandable. But it is here that Sallust shows Marius as deliberately deciding to employ the popularis tactic not to improve the status of the people, but only to realize his own political ambition and avenge his wounded pride: _ita cupidine atque ira, pessumis consulitoribus, grassari neque facto ullo neque dicto abstinere, quod modo ambitiosum foret_ (64. 5). Marius' turning on Metellus seems even more pernicious in view of the evidence from Valerius Maximus and Plutarch about his political debt to the Metelli. Earl finds that Marius was probably the legatus for Metellus by political design:

Even the moderate advancement Marius had secured he would seem to have owed not so much to his ability as to a connection with the Caecilii Metelli....It was not unusual in the second century B.C. for a novus to be introduced into public life under the protection of one of the great noble families....it was the assistance of the Metelli that gained the praetorship for Marius, who was a longstanding and hereditary adherent of that house.

Thus Marius' sudden antipathy for the nobility and his appropriation of the popularis stance are accounted for by Metellus' opposition to his political ambition. Sallust next records the application of this popularis tactic which is characterized not only by hostility toward the nobility,

1Valerius Maximus 6. 9. 14. and Plutarch Marius 4. 1-5. 5.

2Earl, p. 73.
but also—and this makes Marius a "self-interested" popularis—by the deliberate attempt to promote his own advancement:

milites, quibus in hibernis praerat laxiore imperio quam antea habere; apud negotiatores ...criminose simul et magnifice de bello loqui; dimidia pars exercitus si sibi permit-teretur, paucis diebus Jugurtham in catenis habiturum; ab imperatore consulto trahi, quod homo inanis et regiae superbiae imperio nimis gauderet. quae omnia illis eo firmiora vide-bantur, quia diuturnitate belli res familiaris corruperant et animo cupienti nihil satis festinatur (64. 5-6).

The pressure applied by the troops and merchants is amplified among the knights and a potential heir to the throne of Numidia, the weak-brained Gauda, until its effect is felt at Rome:

hunc Marius anxium aggreditur atque hortatur, ut contumeliarum in imperatorem cum suo aux-ilio poenas petat; hominem ob mortos animo parum valido secunda oratione extollit; illum regem, ingentem virum, Masinissae nepotem esse; si Jugurtha captus aut occisus foret, imperium Numidiae sine mora habiturum; id adeo mature posse evenire, si ipse consul ad id bellum missus foret. itaque et illum et equites Romanos, milites et negotiatores, alios ipse, plerosque pacis spes impellit, uti Romam ad suos necessarios aspere in Metellum de bello scribant, Marium imperatorem poscant. sic illi a multis mortalibus honestissuma suffraga-tione consulatus petebatur; simul ea tempestate plebs, nobilitate fusa per legem Mamiliam, novos extolletbat. Ita Mario cuncta procedere (65. 3-5).

Once Metellus has sent Marius to Rome to canvass in person, the effect of the popularis technique is predictable:
imperatori nobilitas, quae antea decori fuit, invidiae esse; at illi alteri generis humilitas favorem addiderat; ceterum in utroque magis studia partium quam bona aut mala sua moderata. praeterea seditiosi magistratus volgum exagitare; Metellum omnibus contionibus capitis arcessere, Mari virtutem in maius celebrare (73. 4-5).

With the final result:

ita perculsa nobilitate post multae tempes-tates novo homini consulatus mandatur; et postea populus a tribuno plebis T. Manlio Mancino rogatus, quem vellet cum Jugurtha bellum gerere, frequens Marium iussit (73. 7).

Marius exercises his advantage ruthlessly by attacking the nobles more vigorously, since this was the key to his continued power:

at Marius...antea iam infestus nobilitati, tum vero multus atque ferox instare: singulos modo modo universos laedere; dictitare sese consulatum ex victis illis spolia cepisse; alia praeterea magnifica pro se et illis dolentia. (84. 1).1

"After showing how Marius manipulated the people and his loyalties to achieve power and an army, Sallust under-mines Marius' assertions of military prowess by citing instances where temerity—generated by the soothsayer's predictions—has worked to his advantage beyond reasonable expectation: omnia etiam non bene consulta in virtutem trahebantur (92.2).2 Sallust finds pure luck as the only

1 Cf. also 84.5 for the same idea.
2 Cf. as well 93.1, 94.7 for similar remarks.
explanation for the success of the man who earlier had launched a surprise attack at Zama with the more traditional results of temeritas:

ita illis studio suorum adstrictis, repente magna vi murum aggreditur; et iam scalis egressi milites prope summa ceperant, cum oppidani concurrunt, lapides ignem alia praeterea tela ingerunt. nostri primo resistere; deinde ubi unae atque alterae scalae comminutae, qui supersteterant, adfecti sunt, ceteri, quoquo modo potuere, pauci integri, magna pars volneribus confecti abeunt, denique utrimque proelium nox diremit (60. 6-8).

Our investigation began with two questions: what does Sallust's treatment of the person suggest? How does the person benefit? A review of the answers suggests that Sallust considered Marius' goals to be the consulship and an army for himself. Thus his characterization of Marius reflects a man who would and did change roles from the noble to the popular faction to achieve his personal ends. The import of the *Bellum Jugurthinum* lies then not in the portrayal of the *popularis* Memmius who employs such terms as *libertas* as whips to lash the *superbia* and *dominatio* of the nobility. For while Memmius and Mamilius and their kind are no less detrimental to the state, no less vicious to their enemies than the nobles, they are predictable in language and goals. The real import of the *Bellum Jugurthinum* lies in the characterization of Marius as one of the
first politicians to use the popularis tactics and stance as a more expedient means to his goal of personal power. The distinction which Sallust makes is an important, but subtle, one. All sides—noble, popular—are seeking power. Marius is novel because he leaves the noble faction for the popular faction purely to acquire personal power by the use of popular methods. Thus he marks one sinister stage of advance over the popularis who adheres, however tenuously, consistently to an anti-noble stance. Marius initiates for Sallust the phenomenon of the traditionally understood popularis as "all manner of people with different, and sometimes divergent, aims and motives: reformers and adventurers, upstarts and aristocrats, moderates and extremists. What they all had in common was tactics."¹ Marius, as the prototype user of the popular technique for selfish ends, spawns the wholesale use of the technique, not merely by other "popular" power seekers, but by "optimate" power seekers as well who will also call upon terms like libertas to achieve their goals.

Sallust's description of Catiline as simulator ac dissimulator (B.C. 5.4) applies equally to Marius, for he is guilty of the very charge he leveled against the nobles: qui per ambitionem sese probos simulavere (85. 9). As if to

¹Wirszubski, pp. 39-40. Cf. p. 39, n. 5 where he seems to divide the Populares as a different sort from Marius onward.
underline his judgment, Sallust makes Jugurtha prophetically remark to his future betrayer Bocchus: *sed Mario parum confidere* (112. 2). The most ominous judgment is the silent implication of Sallust's last remark: *et ea tempestate spe atque opes civitatis in illo sitae*. Syme quite rightly feels the words evoke melancholy and irony for the reader aware of Marius' later history.¹

The development in the *Bellum Jugurthinum* of Sallust's concept of libertas begins with the speech of Memmius, and is completed by the characterization of Marius. The connection as described earlier is that both men use the same tactic—appeal to the interests and the bias of the people—to acquire power. That Memmius seems closer to a popular political program than Marius does is irrelevant for the meaning of the term as it occurs in the popular speeches. The reality which libertas conceals when Memmius invokes it is power, power to frustrate and overwhelm the conflicting power of the nobles. While Marius never uses the term, Sallust shows that he understood and used the popular technique and he acquired the power by means of it. In a digression which pictures the nobility as equally malevolent, but better organized than the people, Sallust exposes the power struggle euphemized by libertas:

Thus in the span of two monographs, Sallust has first noted the simultaneous existence for Cato and Catiline of two distinct ideas to be understood variously by the term libertas. The one Cato defends is the political right of the people to enact laws and elect magistrates. The term that Catiline employs is a mere slogan which aims to conceal the individual lust for unrestrained power—the frustration of the republican process of government. In the Bellum Jugurthinum, Sallust shows that what was for the Gracchi and other early popular supporters a symbolic term for their extreme resistance to the power of the oligarchic nobility has become distorted. Marius appropriates the tactic of the popular faction, but distorts it to serve his own greed for personal power, without regard for the people. His appropriation of the methods of the populares sets a precedent for others who subsequently use the same methods, including appeals to libertas as he did. Thus the notion of libertas as the right to political activity, which the popular use
by the Gracchi and Memmius still approached, is finally used to subvert the legal and predictable political process. Libertas deteriorates from a political idea into a rhetorical weapon useful for any struggle for power.

The *Bellum Jugurthinum* concerns the period of Roman history marked by the ascendancy of the people's favorites and the people's wishes. Sallust treats the reassertion of the power of the nobility in his final work, the *Historiae*. 
CHAPTER III
HISTORIAE

...Dum pauci potentes, quorum in gratiam plerique concesserant, sub honesto patrum aut plebis nomine dominationes affectabant (1. 12 M).

In his Historiae Sallust illustrates how the appeal to libertas developed in the decade of the seventies as a means to strictly personal ends. Sallust demonstrates how the use of the tactic appropriated by Marius simply to achieve his consulship and personal army spreads into new areas of Roman politics. In the Bellum Jugurthinum Sallust showed that the initial appeals to libertas as justification for various actions occurred primarily among those non-nobles who sought to frustrate or to acquire the power of the nobles. In his third work, the Historiae, he relates the use of this same popularis technique by disaffected nobles against one another. This new development aggravates the continuing attempts of other non-nobles to wrest power from the nobles as Memmius and Marius had in previous times. The four speeches and two letters, which constitute the major fragments of the Historiae, serve to exemplify other applications of one tactic by various persons to achieve personal power. Thus Sallust shows that the rampant and conflicting use of the appeal to libertas as a cloak for personal power leads finally to civil war.
The fragmentary condition of the Historiae prevents the matching of Sallust's characterization against the speech of any speaker. Therefore some of the evidence for the characters and motives of these people must be derived from later sources.

The first example of the use of the traditionally popularis tactic by a noble occurs in the speech of the consul M. Aemilius Lepidus delivered to the Roman people.¹ A number of problems surround this speech. One of these is how Lepidus would have dared to speak these words while Sulla was still alive. Both Syme and Büchner state that he did not deliver the speech at the time Sallust's language indicates. Büchner senses a deliberate advancing of the speech to enhance the daring of the consul in attacking Sulla.² He adds that the setting of the speech suggests earlier mutual dislike between Lepidus and Sulla, and that the timing of the speech, although artificial, reveals the motives for the revolution before the start of hostilities. Syme thinks that Sallust advances the speech

¹B. Maurenbrecher, Sallusti Historiarum Reliquiae (Stuttgart: B. G. Teubner, 1967). All citations from the Historiae will be from this edition and cited thus: l. 55 M. I have adopted the archaic orthography as given in Kurfess' edition.

²Büchner, Sallust, p. 208.
"to indulge his propensities and produce a long denunciation of Sulla, in a sharp and vivid form, going beyond what a factual digression had permitted."¹ He also feels that Sallust was concerned to omit any mention of the massive public funeral or any laudation of Sulla.² The opinions of both scholars indicate that the speech which Sallust composes for Lepidus has a dramatic rather than a historical reason for its setting. Neither disputes the appropriateness of the sentiments which Sallust assigns to Lepidus.

A second question asks how Sulla would ever allow Lepidus to become consul at all. Syme rightly rejects the support of Pompey as the determining factor, and chooses instead the nobility signified by the Aemilian name as a key element in Sulla's design to reassert the prestige of the Senatorial nobility in his reformed government.³ Lepidus implies the same idea in his speech when he suggests that the consulship has served to protect him.⁴ The name assures the office, the office protects the man.

¹Syme, Sallust, pp. 185-86.
²Appian, B.C. 1. 105. 493ff describes the funeral.
³Syme, Sallust, p. 183.
⁴l. 55. 26 M.
The importance of Lepidus for Sallust's concept of libertas lies in the combination of his patrician birth, his noble status as consul, and his recourse to the popularis tactic to attempt to achieve his goals. An analysis of the speech will trace application of this tactic and show how Sallust exposes Lepidus as a noble self-interested user of it.

Lepidus begins by assigning the qualities of clementia and probitas to the citizens, and then questioning their value under the tyranny of Sulla:

Clementia et probitas vostra, Quiritas, quibus per ceteras gentis maxumi et clari estis, plurumum timoris mihi faciunt adversum tyrannidem L. Sullae, ne, quae ipsi nefanda aestumatis, ea parum credundo de aliis circumveniamini—praesertim quom illi spes omnis in scelere atque perfidia sit neque se aliter tutum putet, quam si peior atque instabilior metu vostro fuerit, quo captis libertatis curam miseria eximant—aut, si provideritis, in tutandis periculis magis quam ulciscundo teneamini (1. 55. 1 M).

Here in the opening sentence, Lepidus enumerates the standard popularis charges against the opposition: tyranny, unspeakable crimes, and terrorism. Also listed are the standard failings of the people: too merciful, too upright, servile, and more anxious to avoid conflict than have vengeance. A minor variation in terms portrays the minions of Sulla as slaves in their own right: Satellites (sc. nobiles)...qui dominationis in vos servitium suum mercedem dant et utrumque
Lepidus states the theme which permeates the remainder of the speech:

Nam quid a Pyrrho Hannibale Philippoque et Antiocho defensum est aliud quam libertas et suae quoique sedes, neu quoi nisi legibus pareremus? (1. 55. 4 M).

The comparison of Sulla to foreign generals and kings serves to emphasize his tyranny. The basic rights described correspond to his restoration of the equestrian courts to the Senate, the dispossession of farmers to provide homesteads for his veterans, and the restriction of the tribunate plus the revitalization of the auctoritas Senatus. Sulla's reconstitution of the government leads Lepidus to satirize him as another founder of Rome: *scaevos iste Romulus*.

Lepidus repeats the connection between Sulla's safety and the people's passive acceptance of the deprivation of libertas:

*pravissumque per sceleris inmanitatem adhuc tutus fuit, dum vos metu gravioris serviti a repetunda libertate terremini.*

and

*at ille eo processit, ut nihil gloriosum nisi tutum et omnia retinendae dominationis honesta aestumet. itaque illa quies et otium cum libertate, quae multi probi potius quam laborem cum honoribus capessebant, nulla sunt: hac tempestate serviundum aut imperitandum, habendus metus est aut faciundus, Quirites (1. 55. 6, 8-10 M.).*
Note that Lepidus sees no middle ground between the extremes of domination through terrorism and fear-ridden slavery. These sentences show him more anxious to reverse roles than to alleviate the problem.

The problem of the settlement of the veterans is a recurrent theme: *et plebis innoxiae patrias sedes occupavere pauci satellites mercedem scelerum* (1. 55. 12 M). Lepidus varies it from the viewpoint of the veterans as well: *egregia scilicet mercede, quem relegati in paludes et silvas contumeliam atque invidiam suam, praemia penes paucos intelligerent* (1. 55. 23 M). Enough distance separates the two statements to prevent the dispossessed plebs from realizing that Lepidus commiserates with the veterans on the poor quality land which they received at the expense of the plebs.

Sulla's changes in the magistracies and the courts are also repeatedly condemned: *leges iudicia aerarium provinciae reges penes unum, denique necis civium et vitae licentia* (1. 55. 13 M). The restriction of the tribunate inflames popularis indignation: *Nisi forte tribuniciam potestatem evorum prefecti sunt (sc. milites) per arma, conditam a maioriis suis, utique iura et iudicia sibimet extorcuerent* (1. 55. 23 M).
After mentioning the gross injustices of Sulla's tyranny, Lepidus sums up again the major points of the situation and then appeals to the prime resource of the people— their libertas:

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. Quae si vobis pax et composita intelleguntur, maxima turbamenta rei publicae atque exitia probate, adnuite legibus inpositis, accipite otium cum servitio et tradite exemplum posteris ad rem publicam suimet sanguinis mercede circumveniundam. Mihi quamquam per hoc summum imperium satis quaesitum erat nomini maiorum, dignitati atque etiam praesidio, tamen non fuit consilium privates opes facere, potiorque visa est periculosa libertas quieto servitio. Quae si probatis, adeste, Quirites, et bene iuvantibus divis M. Aemilium consulem ducem et auctorem sequimini ad recipiundam libertatem (l. 55. 24-27 M).

Lepidus contrasts the dictates of Sulla, based on his control of all the laws, with what he says was formerly true: quod populi Romani fuit. He next shifts from Sulla to his hearers with a rebuke for them for accepting otium cum servitio instead of the otium cum libertate described earlier (l. 55. 9 M), if they prefer Sulla to Lepidus. For himself, he claims to be willing to forego the security and status of the consulship and to prefer a dangerous quest for libertas to that ignoble inactivity that he equates with slavery. His last sentence alludes to the citizens, the blessings of the gods, his public magistracy, his proposed military
command, and his and his hearers' goal that of recovering their libertas—the emphatic last word. Yet a brief review shows that the invoker of the gods himself took part in the wars and proscriptions waged by Sulla. Lepidus makes a weak excuse for a man who has just been haranguing the people because of their fear:

At obiectat mihi possessiones ex bonis proscriptorum quod quidem scelerum illius vel maxumum est, non me neque quemquam omnium satis tutum fuisse, si recte faceremus. Atque illa, quae tum formidine mercatus sum, pretio soluto, iure dominus tamen restituo neque pati consilium est ullam ex civibus praedam esse (1. 55. 18 M).

Having rationalized his earlier behavior and absolved himself, Lepidus appeals to the people to follow him as their leader. Sallust has described similar offers by Catiline and Marius (B.C. 20. 16, B.J. 85. 47). It is notable that both of these speakers invite their men to follow them as leaders or join them as partners. Lepidus, as a relative newcomer to popularis rhetoric, views himself only as consul dux et auctor. Lepidus' defeat by his former colleague Catulus is explained by Sallust: numeroque praestans, privos ipse militiae (1. 78 M). The only evidence of his prior military experience is an inscription listing him as the tenth member of the consilium of Pompeius Strabo at the siege of Asculum in the Social War in 89 B.C.¹ By coincidence other members of the consilium included Catiline and Pompey.²

¹CIL I². 709.
A summary of Lepidus' speech clarifies his use of the popularis tactic, but his motivation remains obscure. The possibility that Lepidus is authentically concerned for the wrongs done to the citizens is undermined by these two points. Lepidus' rationalization of his part in the proscriptions is transparent.¹ More important for his personal objectives is his dichotomy between ruling or serving, between inspiring fear or being afraid. If the speech of Lepidus is set at or after the altercation between Catulus and Lepidus after Sulla's funeral, his motivation becomes more evident.² A speech of this sort, after the death of Sulla, would be an appropriate beginning to fill the power vacuum left by him. Moreover, with Sulla gone, the veterani and the plebs would be freed from the restraining presence of and the residual loyalty towards Sulla. And finally Lepidus might expect that with Sulla dead his appeal to libertas, to raise an army which would elevate him from consul to dux, would not be instantly suicidal.

The final contradiction which exposes the attempt of Lepidus to become another Sulla lies in the makeup of the audience. Büchner has shown how chimerical was Lepidus' attempt to reverse the Sullan reforms by depending upon the powerless commons and the Sullan veterans for

¹Syme, Sallust, pp. 198-99.
²Appian, B.C. 1. 107. 510.
support. The only logical support for Lepidus would be the dispossessed provincials, not the Roman commons. In fact Lepidus gathered troops from Etruria and his proconsular province of Gallia Transalpina. His ally M. Junius Brutus controlled Gallia Cisalpina.

For Sallust, the novelty of Lepidus is not in his use of the term libertas to disguise the attempt for personal power. The novelty lies in the consular rank and patrician birth of the user. According to Sallust, C. Marius, a novus homo, established the precedent of persuading the people that their interests could best be served if they elected him to attack the power of the nobility by means of his own power. The basis of Marius' power was an army loyal to himself. Sulla also employed personally loyal armies to establish himself in power, but the source of his power was the Senate and the nobility, not the people or equestrians. Thus Lepidus represents a further development in the kind of politician who justified his personal ambition by an appeal to libertas, instead of dealing with his fellow nobles. Lepidus thus foreshadows the technique used afterwards by the noble Catiline in his conspiracy.

The advent of a selfish noble appealing to the interests of the people for power against the other nobles has a corresponding development in the speech of Philippus.

1Büchner, Sallust, pp. 211-12.
2Syme, Sallust, pp. 186-87.
There one noble appeals both to libertas and to the Senatus auctoritas so that the members of the Senate will use their power to crush another fellow noble.

The speech of L. Marcius Philippus was delivered to the Senate in 77 B.C. at a time when Lepidus was reported to be marching against Rome. The desired result of the speech was to procure a Senatus Consultum Ultimum declaring Lepidus a public enemy. The decree was passed, and Lepidus' former colleague in the consulship, Q. Lutatius Catulus, repelled his forces at the Mulvian bridge.\(^1\)

The speech which Sallust attributes to Philippus is judged consistent with the verdict on him by Cicero in his Brutus (173).\(^2\) The speech displays a skilful combination of the standard elements of popular rhetoric with elements which represent the noble views. It is linked to Lepidus' speech, not only by necessity, but even by common vocabulary and expressions. But for Philippus, the same words have different meanings.

The structure and the thought of the entire speech are defined in the opening sections:\(^3\)

\(^1\)Scullard, Gracchi to Nero, p. 88.

\(^2\)Syme, Sallust, p. 199.

\(^3\)I divide the speech thus: I. Introduction--1-3; II. The Past: A. Lepidus--4, B. Senators--5-6; III. The Present: A. Lepidus--7-8, B. Senators--9-14; IV. The Future: A. Lepidus--15-16, B. Senators--17-21; V. The Formal Motion--22.
Maxume vellem, patres conscripti, rem publicam quietam esse aut in periculis a promptissumo quoque defendi, denique prava incepta consultoribus noxae esse. Sed contra seditionibus omnia turbata sunt, et ab eis, quos prohibere magis decebat; postremo quae pessumi et stultissumi decrevere, ea bonis et sapientibus faciunda sunt. Nam bellum atque arma, quamquam vobis invisa, tamen, quia Lepido placent, sumunda sunt: nisi forte quoi pacem praestare et bellum pati consilium est. Pro di boni, qui hanc urbem omissa cura adhuc tegitis: M. Aemilius omnium flagitiosorum postremus, qui peior an ignavior sit deliberari non potest, exercitum opprimundae libertatis habet et se e contempto metuendum effecit: vos mussantes et retractantes verbis et vatum carminibus pacem optatis magis quam defenditis, neque intellegitis mollitia decretorum vobis dignitatem illi metum detrahi (1. 77. 1-3 M).

Philippus indicates three desires followed by as many unpleasant, antithetical realities. These three areas define the three major parts of the speech. Section two indicates a further antithesis between Lepidus and the patres conscripti by naming the person who has created the situation above and offering the senators alternatives. One is mandatory and sensible, the other ironically intended and suicidal. The third section calls the gods to witness the current situation. The activities of Lepidus are first enumerated and then the reactions of the Senators are described. In the same fashion, each of the three middle parts begins with a description of Lepidus's actions and then describes or suggests alternative reactions from the Senators.
The language of the introduction gives many examples of the application of the *popularis* rhetorical technique in the service of the noble cause. The words of Philippus contain many similarities to those of Lepidus when he addressed the people. Philippus' mention of a state beset by *pericula* and *seditiones* recalls Lepidus' boast to be *seditosus* (1. 55. 16 M) and his warning to the people about avoiding danger (1. 55. 1 M). The mention of evil designs is credited to a *consultor* who is also a *consul*. Philippus next echoes Lepidus' remark (1. 55. 1 M) about being forced to become involved with *nefanda* through the compulsion of another person. The last section of the introduction cites both the fear and cowardice which restrain Lepidus' force from acting and the Senators' vain wish for help derived from religion. Lepidus blamed both traits in his audience (1. 55. 1, 6, 20; 7 M). That both men invoke the gods is less significant than the fact that while Lepidus terms his gods as *juvantes* (1. 55. 27 M), Philippus suggests which side the gods favor by terming them, as himself and the Senate, as *boni*. The use of *bonus* is consistent and important in this speech. Its meaning and Sallust's verdict on it will be discussed in detail below (p. 80). A final important word in this opening section is *libertas*. Whereas Lepidus began and ended his speech with appeals to recapture *libertas* (1. 55. 1, 27 M),
Philippus proclaims that Lepidus intends to crush it and become an object of fear. The application of the technique is the same, only the characters have exchanged roles.

If the first of the three middle parts were separately titled, it might be res publica non quieta, sed contra seditiosa. Philippus uses the fourth section to give a brief history of Lepidus' actions, while the next two describe the reactions of the Senators who, unlike Philippus, did not view Lepidus as a threat:

At scilicet eos, qui ad postremum usque legatos pacem concordiam et alia huiusce modi decreverunt, gratiam ab eo peperisse: immo despecti et indigni re publica habiti praeae loco aestumantur; quippe metu pacem repetentes, quo habita amiserant. Equidem a principio, cum Etruriam coniurare, proscriptos adcersi, largitionibus rem publicam lacerari videbam, maturandum putabam et Catuli consilia cum paucis secutus sum. Ceterum illi, qui gentis Aemiliae bene facta extollebant, et ignoscundo populi Romani magnitudinem auxisse, nusquam etiam tum Lepidum progressum aiebant, quam privata arma opprimundae libertatis cepisset, sibi quisque opes aut patrocinia quaeque quibus publicum conruperunt. (1. 77. 5-6 M).

Philippus rebukes the conciliatory attitude of those paralyzed by fear. A more interesting echo of Lepidus is the cynical description of attempts at pax and concordia. The interest lies in the fact that Lepidus was equally suspicious of the use of the same terms: nisi forte (sc. Sulla) specie concordiae et pacis, quae sceleris et parricidio suo nomina indidit.
Within the same description of the reactions of the Senators, Philippus mentions clemency which has made the Roman people great. It is an obvious echo of Lepidus' first words. Significantly both men criticize the quality as a weakness. The end of section six repeats the allegation that Lepidus has taken up arms to crush libertas; the reactions of some of the senators facilitated his actions.

Having described the past, Philippus turns to the description of the present situation in the next major part. As he indicated in the opening remarks, the person who ought to be defending the State is the prime attacker. After describing the immediate threat of Lepidus in sections seven and eight, Philippus employs the next six sections to persuade the Senate to realize the gravity of the problem and to reject Lepidus. He shows his noble learning by proclaiming that Lepidus' followers were once the henchmen of the populares Saturninus, Sulpicius Rufus, Marius, and Damasippus. The term he uses is the same used by Lepidus to describe Sulla's followers: nunc Lepidi satellites (1. 77. 2 M).

The last thought on the threat Lepidus poses to Rome involves the uprisings in Spain and in Asia as well as Etruria (1. 77. 8 M): quin praeter idoneum ducem nihil abest ad subvortundum imperium. In this remark is the corresponding interpretation to Lepidus' avowal of himself
Having clarified the present danger from Lepidus,

Philippus begs the senators to react to the danger:

quod ego vos oro atque obsecro, patres conscripti, ut animadvertatis, neu patiamini licentiam scelerum quasi rabiem ad integros contactu procedere. Nam, ubi malos praemia secundur, haud facilis quisquam gratuito bonus est.

An exspectatis, dum exercitu rursus ad moto ferro atque flamma urbebem invadat? Quod multo propius est ab eo quo agitat statu, quam ex pace et concordia ad arma civilia; quae ille adversum divina et humana omnia cepit, non pro sua aut quorum simulat iniuria, sed legum ac libertatis subvertundae...quid exspectatis? Nisi forte pudet aut piget recta facere.

An Lepidi mandata animos movere? Qui placere ait sua quocumque reddi, et aliena tenet; bellii iura rescindi, quom ipse armis cogat; civitatem confirmari, quibus ademptam negat; concordiae gratia tribuniciam potestatem restitui, ex quo omnes discordiae adcensae (1. ?? 9-10, 14 M).

Philippus' comparison of licentia scelerum to rabies evokes a similar passage from Lepidus' speech about the continuing ruthlessness of Sulla:

Satis illa fuerint, quae rabie contracta toleravimus, manus conseneris inter se Romanos exercitus et arma ab externis in nosmet versat; scelerum et contumeliarum omnium finis sit. Quorum adeo Sullam non paenitet, ut et facta in gloria numeret et, si liceat, avidius fecerit (1. 55. 19 M).

Note also how the above violation of all human and divine law is found in Lepidus' description of the result of Sulla's conquest (1. 55. 11 M). The ad subvertundum imperium cited above is now made more evident by Philippus' charge: sed legum ac libertatis subvertundae. The specific reforms mentioned by Lepidus are dealt with in section...
fourteen. Philippus suggests that Lepidus' actions violate all of his proposed reforms. Significantly Philippus mentions the tribunician power last. Presumably the speech of the consul Lepidus so imitates one of a tribune that Philippus equates it with the cause of discord. This sections shows Philippus using the same popular motifs as counter-charges toward Lepidus.

The last major part of the speech also falls into two halves, but it deals with the future. By use of apostrophe, Philippus challenges the character and motives of Lepidus and invites him to continue on to speedy disaster:

Pessume omnium atque inpudentissume, tibine egestas civium et luctus curae sunt, cui nihil est domi nisi armis partum aut per iniuriam? Alterum consulatum petis, quasi primum reddideris; bello concordiam quaeris, quo parta disturbatur; nostri proditor, istis infidus, hostis omnium bonorum. Ut te neque hominum neque deorum, pudet, quos per fidem aut periurio violasti? (I. 77. 15 M)

Note the high pitch of emotion conjured up by words such as proditor, infidus, hostis. The references to broken faith are highlighted further by the contrasting mention of the boni and of Lepidus as pessume omnium. The apostrophe to Lepidus is balanced by a direct appeal to the Senators. Philippus attempts to destroy any remaining hope of negotiation with Lepidus by proposing that any reluctance will be interpreted as fear. The senator who might object to war, says Philippus, wishes the other Senators to be over-
come in war. Then he proposes the final alternatives on the issue of war or peace:

Haec si placent, si tanta torpedo animos oppressit, ut obliti scelerum Cinnae, quoius in urbem reditu decus ordinis huius interiit, nihilo minus vos atque coniuges et liberos Lepido permisseri sitis: quid opus decretis? Quid auxilio Catuli? Quin is et aliis bonis rem publicam frustra curant. Agite ut lubet: parate vos is Cethegi atque alia proditorum patrocinia, qui rapinas et incendia instaurare cupiunt et rursus adorsum deos penatis manus armare: sin libertas et vera magis placent, decernite digna nomine et augete ingenium viris fortibus. Adest novos exercitus, ad hoc coloniae veterum militum, nobilitas omnis, duces optumi: fortuna meliores sequitur; iam illa, quae sociordia nostra conlecta sunt, dilabentur. (1. 77. 19-21 M).

This half of the third major part of the speech leads to the final division in which Philippus formally asks for the Senatus Consultum Ultimum against Lepidus. The alternatives cited above are marked by the repetition of the verb placet in sections nineteen and the final part of twenty. The first alternative predicts dire consequences for the Senators based on the precedent of Cinna's purge. The second appeals to libertas et vera and to the Senatorial tradition to encourage the Senatorial forces. The outcome is sure; success favors the better men. Thus Philippus justifies the S.C.U. and the war it precipitates by an appeal to libertas. In other speeches this appeal represented an attempt to overcome the power of the nobles. Here it is invoked, not to gain power, but to retain it. Libertas throughout the speech represents the power of the nobility
which Lepidus would crush and replace with his own. Syme would suggest that Philippus' credibility is undermined by the mention of Cinna, the author of a public crisis which he survived in fine condition as Censor. Additional evidence is provided by the occurrence of libertas only in the second halves of the introduction and each of the three major parts of his speech. Since the context is always the Senators, this pattern implies that Philippus meant that term as an equivalent for Senatorial power. Syme agrees:

libertas was most commonly invoked in defense of the existing order by individuals or classes in enjoyment of power and wealth. The libertas of the Roman aristocrats meant the rule of a class and the perpetuation of privilege.

The speech provides support for this view by the subtle and consistent assigning of libertas to the nobilitas who style themselves the boni. That term, connected with sapientes is contrasted in section one (cf. p. 73) against pessumi et stultissumi: Lepidus and his followers. The third section claims the gods for the Senate, di boni, repeats the description of Lepidus, peior, and laments a reduction of the dignitas of the Senate by its inactivity. The ninth section (cf. p. 77) contains an important statement.

1Syme, Sallust, p. 199.

2Syme, Roman Revolution, p. 155.
The concern is not whether an honest man will be corrupted, but whether, if Lepidus is not checked, other Senators may join or imitate him. In section thirteen Philippus recalls that formerly the nobles, the *boni*, easily overcame the *mali*. But Lepidus' action has confused and reversed the situation. The apostrophe to Lepidus in section fifteen in crucial to Philippus' true attitude. Lepidus is termed *pessum omnium atque inpudentissumem...nostri proditor, istis infidus, hostis omnium bonorum*. It is not the Roman people who are being betrayed; but the *boni*, the nobility, as is clear from the contrast of *pessum*, *hostis* against *nostri* and *bonorum*. Lepidus' action is not objectionable *per se*; only the fact that he directed it against the Senate makes it so. The warning given the Senators in section nineteen is equally clear. On one side is Lepidus—another Cinna: *Quidus in urben reditu decus ordinis huius interiit*. On the other side are Catulus and Philippus: *quin is et alii boni rem publicam frustra curant*. The final reference to the *boni* explodes in suggestive superlatives and comparatives (section twenty-one): *adest novos exercitus ad hoc coloniae veterum militum (ac. Sullanorum), NOBILITAS omnis, duces OPTUMI: fortuna MELIORES sequitur*.¹ The call for the ultimate decree makes the same statement by distinguishing between the *pessumi* and the *hostes*: *Lepidus exercitum...*

¹My emphasis.
cum pessumis et hostibus rei publicae...ad urbem ducit.

Hellegouarc'h notes that in this speech the term boni suggests a wealthy opponent of the populares, like Cicero's ordo senatorius.¹ But Sallust has a more comprehensive definition in his own words:

boni et mali cives appellati non ob merita in rem publicam omnibus pariter corruptis, sed uti quisque locupletissumus et iniuria validior, quia praesentia defendebat, pro bono ducebatur (1. 12 M).

The third speech extant from Sallust's Historiae is that of the aged consul C. Aurelius Cotta to the people in 75 B.C. (2. 47 M). The consul donned mourning clothes to deliver a speech which would stem the rising tide of public anger over the tribunate, but would change nothing. It is a short, unadorned speech on his part "to deprecate ill-feeling and conciliate popular favor, not to support or thwart any law."² Due to its conciliatory purpose, it lacks any tangible examples of the traditional elements of popular rhetoric. There are no appeals to libertas, no charges of tyranny or slothful fear. Taken by itself the speech seems a poignant appeal by an aged noble for the factions of the state to unite in the face of external threats. However, Sallust's judgment on Cotta, ambitione tum ingenita largitione cuniens gratiam singulorum (2. 42 M), casts a different

¹Hellegouarc'h, pp. 490-91.
²Syme, Sallust, p. 200.
perspective on Cotta's words. Earl notes that because of this qualification, Cotta's claim to have donated his lingua, consilium, and pecunia to those who needed them excuses his self-portrait as one avidissumus privatae gratiae and merely attempts to conceal his ambitio and desire for the gratia singulorum.¹ His claim of a life sacrificed in service to the res publica (cf. 2. 47. 4, 10 M) echoes the speech of Marius (cf. B.J. 85). Cotta's purpose differs from that of Marius, since, while Marius seeks to justify the acquisition of power, Cotta aims to retain the power held by the nobles. The speech is another example of the distortion of language and the resulting loss of credibility. The success of Cotta's speech is implied by the later mention (2. 49 M) that Cotta restored certain powers to the tribunate as a placebo to the popular commotion begun by Q. Opimius, the tribune of 75 B.C.²

The distressing need cited by Cotta for reinforcements namque imperatores Hispaniae stipendium milites arma frumentum poscunt (2. 47. 6 M), clears the way for Sallust to record a letter from the youthful Pompey to the Senate for greater support (2. 98 M). The letter serves more to characterize the imperious, threatening nature of Pompey than to add to the development of the popularis technique.

¹Hellegouarc'h, pp. 490-91.
²Scullard, Gracchi to Nero, pp. 93-94.
By contrast to the appeal of Cotta to his age and long service to the state, Pompey's technique combines his youthful vigor and arrogant self-esteem with outright blackmail: *Relicui vos estis: qui nisi subvenitis, invito et praedicente me exercitus hinc et cum eo omne bellum Hispaniae in Italian transgredientur* (2. 98. 10 M).

The next speech extant from the *Historiae* is the address of the tribune Q. Licinius Macer to the people in 73 B.C. (3. 48 M). Note that Sallust served his own tribunate about two decades later. Another decade after that finds him writing history with *popularis* influences even as Macer had before. Cicero held a low opinion of his speaking ability, citing flaws of *multae ineptiae* and extreme exaggeration (*De Leg. 1. 7*). The subsequent praise of the pro-noble historian Sisenna implies a political as well as a literary judgment. Cicero's later opinion (*Brutus* 238) shows a mellowing towards Macer's oratorical abilities and even praise: *at in inveniendis componendisque rebus mira accuratio*.

The beginning of the speech alludes to Macer the historian, as well as Macer the tribune:

*Si, Quirites, parum existumaretis, quid inter ius a maioris relictum vobis et hoc a Sulla paratum servitium interesset, multis mihi disserundum fuit, docendique, quas ob injurias et quotiens a patribus armata plebes secessisset utique vindices paravisset omnis iuris sui tribunos plebis. Nunc hortari modo relicuom est et ire primum via, qua capessundam*
In a short time the rule of Sulla is termed servitium as opposed to the ius a maioribus which, while a general statement, refers to the tribuniciam power. Macer paints the problem as one of the attempt to regain libertas with an empty magistracy against the entrenched noble faction and its domination. Thus the opening section embraces all the standard vocabulary of the traditional popularis technique. He continues his analysis of the problem by indicating that the cause and cure each lie within the people themselves:

This passage chastises the languor socordiaque of the people and throws still more light on the total insincerity of the speech of the Consul C. Cotta. It repeats the theme of the need to restore the full power of the tribune by citing the fate of L. Sicinius. A brief survey of the domination of the nobles from Sulla to his own day leads him to explain
the reality behind various noble conflicts:

...vidistis; quantae denique nunc mihi turbae concitantur! Quae profecto in cassum agebantur, si prius quam vos serviundi finem, illi dominationis facturi erant: praeertim quom his civilibus armis dicta alia, sed certatum utrimque de dominatione in vobis sit. Itaque cetera ex licentia aut odio aut avaritia in tempus arsero; permansit una res modo, quae utrimque quaesita est, et erepta in posterum vis tribunicia, telum a maioribus libertati paratum. Quod ego vos moneo quae soque ut animadvertatis neu nomina rerum ad ignaviam mutantes otium pro servitio adpelletis.

(3. 48. 11-13 M).

Once more the continued slavery of the people is tied to the diminished power of the tribunate. Wirszubski claims that Macer's remarks are a traditional description of the tribunate yet are usually applied to the ius auxili which Sulla theoretically left intact. Yet the proscriptions must represent the de facto removal of the ius auxili, while the restriction of political powers would require de iure treatment as well. Wirszubski does agree that Macer wanted the full restoration of the tribune's political powers. Macer next points to the self-evident fact that the people are capable of controlling the nobles by refusing to fight in any more wars: Mithridatem Sertorium et reliquias exulum persequantur cum imaginibus suis; absit periculum et labos quibus nulla pars fructus est (3. 48. 18 M).

1Wirzubski, pp. 51-52.
He cautions them to be courageous and concerned for their freedom outside of the assembly as well as inside. His injunction, *cavendus dolus est* (3. 48. 20 M), alerts the people to the readiness of the nobility to make an issue out of the return of Pompey from Spain. Macer then submits an opinion—probably the retrospect of Sallust—that Pompey will prefer the friendship of the people to that of the nobles, and that he will restore the full tribunician powers. But the attainment of his goal conjures up some reluctance: *verum Quirites, antea singuli cives in pluribus, non in uno cuncti praesidia habebatis, neque mortalium quisquam dare aut eripere talia unus poterat* (3. 48. 24 M). Macer concludes with another reference to the *torpedo et ignavia* of the people, which echoes his opening remark on the preferability of a losing attempt for freedom to no attempt at all. His final statement explains the result as the natural effect of the people's indifference: *ita pugnatur et vincitur paucis: plebes, quodcumque accidit, pro victis est et in dies magis erit, si quidem maiore cura dominationem illi retinuerint quam vos repetiveritis libertatem* (3. 48. 28 M).

The authenticity of Macer's technique is evident from the frequency of the *popularis* vocabulary which we can now recognize as standard. But it remains to establish Macer's motives. Does Sallust view him as a genuine tribune
concerned for the rights of the people or as a politician making his power equal to his ambition? A close look at the speech suggests that Macer, far from anticipating a surge in his personal power resulting from the speech, repeatedly doubts his chance for successful persuasion. Thus he consoles himself in merely having made the attempt and rebukes the people because they confuse freedom of movement and meager rations with libertas. As Syme says, Macer's speech is neither cause nor consequence of any important transaction. The import of the speech is its emphasis on the tribunici power and anticipation both of the restoration of the tribunate by Pompey and of the consequences (cf. B.C. 38. 1). Thus, we may deduce from numerous examples of self-interested men who adopt the popularis technique as a means to power, Macer appears authentic in both motive and technique because he has no personal design to realize. Perhaps a disturbing and pessimistic indicator of Macer's authenticity is his recurrent expectation of failure.

The final extant large fragment of the Historiae is the letter of King Mithridates to King Arsaces, the Parthian. The letter purports to relate the expansionist policy of the Romans throughout the world. The Roman perfidia and avaritia are viewed in a context of conflicting notions, not factions. The unique mention of libertas is appropriate to a king: Namque pauci libertatem pars magna iustos

\[1\] Syme, Sallust, p. 200.
While it represents a view few republican Romans could agree with, it is also a condition for which Sallust might have settled. There is some irony in the charge of relentless expansionism coming from the eastern king. This is a reversal of a historical judgement found in Herodotus which credits part of the success of the Greek defenders to the arrogance of the ever-expanding Persian Empire and its kings.

A summary of the trends in the speeches of the Historiae would cite the innovation of Lepidus who, as a noble, adopts the popularis tactic to facilitate his domination over his fellow nobles as well as the people. Philippus' speech is a prime example for Sallust of the application of the same technique by the boni or nobles to frustrate Lepidus and maintain their power and the status quo. Macer's contribution is an example of the possibility of an authentic motivation portrayed as really in the interests of the people. It also serves to foreshadow the impact of Pompey on Roman politics in subsequent years.

The various possible combinations of popularis and nobilis, of authentic and self-interested, produce an explanation for the two simultaneous, yet opposite concepts of libertas found between Cato and Catiline in the Bellum Catilinae. There is also a connection between the Bellum
Catilineae as an advanced stage of the manifestation of *inhonesta nomina* and the *Bellum Jugurthinum* which seeks to explain the rise and early stage of that same phenomenon as a result of the rise of opposition to the nobles. The success of Marius and his importance for Rome lead to Sulla, the noble counterpart to Marius, and to the fragmentation of the noble oligarchy. The person of Lepidus, both in his dramatic speech and his historical actions, initiates the *Historiae* and thus introduces the character of Catiline. Thus the three works are connected thematically, and although not in chronological sequence they join together to form a unified chronological cycle. The applications of *libertas* exist in the *Bellum Catilinae*, the *Bellum Jugurthinum* marks the beginning of the analysis, and the *Historiae* demonstrate an explanation for the various applications which can exist.

The existence of *libertas*, originally as a political concept and later as a political propaganda symbol, only concerns part of Sallust's concept of *libertas*. Despite the fact that the term was distorted to represent selfish struggles for power as well as the people's basic right to enact laws and elect magistrates, both of these meanings are still restricted to a political context. It will be shown in the following chapter that, due to Sallust's enforced removal from the active political scene, his turn to historiography marks a growth of a concept of *libertas* which transcends the political sphere. Partly by necessity
Sallust's concept of the term expands in a way which makes his writing of history an exercise of his libertas.
CHAPTER IV
LIBERTAS FOR SALLUST

The three preceding chapters have demonstrated Sallust's awareness of the potential distortion of the meaning of libertas by representatives of several political and personal points of view. We must now attempt to estimate Sallust' credibility by analysing his own motives and his methods, as distinct from those of his characters. The credibility of Sallust depends upon his consistency in two respects—the sincerity of his motives and the objectivity of his methods. After determining the credibility of Sallust, we shall then determine his definition of libertas and evaluate his definition for its potential as a political catchword.

The main evidence for the sincerity of his motive lies in the prologues. The primary motive which causes Sallust to write is gloria:

Quod si hominibus bonarum rerum tanta cura esset, quanto studio aliena ac nihil profutura multaque etiam periculosa petunt, neque regerentur magis quam regerent casus et eo magnitudinis procederent, ubi pro mortalibus gloria aeterni fierent. Nam uti genus hominum compositum ex corpore et anima est, ita res cunctae studiaque omnia nostra corporis alia, alia animi naturam secuntur. Igitur praecella facies, magnae divitiae, ad hoc vis corporis et alia omnia huiusce modi brevi dilabuntur: at ingenii egregia facinora sicuti anima inmortalia sunt (B.J. 1. 5-2. 2).
Ideally the avenues to gloria are numerous. In Rome they have traditionally been military and political service: Pulchrum est bene facere rei publicae, etiam bene dicere haud absurdum est: vel pace vel bello clarum fieri licet (B.C. 3. 1).

But Sallust, writing after the assassination of Caesar in 44 and the legalization of the second triumvirate in 43, felt that the traditional ways of achieving gloria (sc. summa claritudo) were closed and only one avenue still lent any opportunity:

Quo magis pravitas eorum admiranda est, qui dediti corporis gaudiis per luxum et ignaviam aetatem agunt, ceterum ingenium, quo neque melius neque amplius aliud in natura mortaliun est, incultu atque socordia torpescere sinunt, cum praesertim tam multae variaeque sint artes animi, quibus summa claritudo paratur.

Verum ex iis magistratus et imperia, postremo omnis cura rerum publicarum minune mihi hac tempestate capienda videntur, quoniam neque virtuti bonos datur, neque illi quibus per fraudem fuit, tuti aut eo magis honesti sunt. Nam vi quidem regere patriam aut parentis, quamquam et possis et delicta corrigras, tamen inportunum est, cum praesertim omnes rerum mutationes caedem fugam aliaque hostilia portendant; frustra autem niti neque aliud ae fatigando nisi odium quaerere extremae dementiae est: nisi forte quem inhonesta et pernicioso lubido tenet potentiae decus atque libertatem suam gratificari.

Ceterum ex aliis negotiis, quae ingenio exercentur, in primis magno usui est memoria rerum gestarum (B.J. 2. 4-4. 1).

Sallust appreciates that one writing about history receives comparatively less gloria than one making history;

1Scullard, Gracchi to Nero, p. 163.
the portrayal, estimate, and judgment of men and their deeds is likely to offend many (B.C. 3. 1-2). That Sallust borrowed the sentiment of Thucydides' Pericles (2. 35. 2) does not invalidate the truth of the idea. After explaining the lesser rewards for the difficult labor of historiography, Sallust alludes to his own political career. That career included first the tribunate of 52 B.C., which found Sallust opposed to Cicero after the death of Clodius. Sallust's expulsion from the Senate by Appius Claudius followed in 50 B.C. (Dio Cass. 40. 63). But Caesar reappointed Sallust as quaestor in 49, and thus restored him to the Senate. The outcome of the civil war in 46 found Sallust rewarded with an appointment as propraetor of Numidia and Africa. His return from the provinces led to a charge of extortion against him. An ancient source suggests that his escape from the charge was produced by a combination of extensive bribery and the influence of Caesar (Dio Cass. 42. 52, 43. 9). It is debatable whether Sallust's rescue by the embarrassed author of the Lex Julia de repetundis or Caesar's assassination precluded any political future for Sallust. His retirement, however, from public affairs is evident. Note that Sallust, while never admitting to mores mali (B.C. 3. 5), grants that he too was subject to the vices that he condemns in others:
Yet Sallust is concerned to make clear that his retirement from public office is a matter of personal choice as well as a necessity. The truth need not exclude Sallust's pride:

Atque ego credo fore qui, quia decrevi procul a republica aetatem agere, tanto tamque utili labori meo nomen ineritiae inponant: certe quibus maxima industria videtur salutare plebem et con-viviis gratiam quaerere. Qui si reputaverint, et quibus ego temporibus magistratus adeptus sum quales viri idem adsequi nequiverint, et postea quae genera hominum in senatum pervenerint, pro-fecto existumabunt me magis merito quam ignavia iudicium animi mei mutavisse, maiusque commodum ex otio meo quam ex aliorum negotiis rei publicae venturum. (B.J. 4. 3-4).

In terms of chronology, this sentiment is a repetition of the ideas given in the first monograph. In it Sallust tells his views on the responsibility one has for the proper use of otium and the attitudes which he brings to his writing:

Igitur ubi animus ex multis miseriis atque periculis requievit et mini reliquam aetatem a republica procul habendam decrevi, non fuit consilium socordia atque desidia bonum otium con-terere, neque vero agrum colundo aut venando, servilibus officiis, intentum aetatem agere: sed a quo incepto studioque me ambitio mala detinuerat, eodem regressus statui res gestas populi Romani carptim, ut quaeque memoria digna videbantur, perscribere; eo magis, quod mihi a
While all protestations of impartiality are suspect, an analysis of the sum of Sallust's work shows a consistency which suggests credibility. This consistency manifests itself here by the similarity of the two prologues which speaks strongly for the author's sincerity. All three works express the same determination to write the history of the times (cf. p. 99 and fr. 1. 1 M). Nor is there any motive which would undermine his sincerity. For while one result of historiography is gloria for Sallust, another is the benefit to the state (B.J. 4. 1, 4). It is impossible to interpret any gloria which Sallust may have received as usable power—the goal which motivates so many. Similarly any benefit received from reading his historical works accrues to the reader and cannot enhance Sallust's personal life. Thus the prologues, which explain and justify Sallust's turning to the writing of history, are repeated with such consistency that as a result their sincerity—if not their originality—is confirmed. This sincerity is further confirmed by the absence of any apparent motive on Sallust's part beyond gloria—a quality that is for him both nondynamic and non-negotiable. It is this first consistency, derived from the sincere motives evident in the prologues, which tends to support Sallust's credibility.
There is a second consistency in Sallust's method. He shows consistent impartiality in the portrayal of the motives of members of both the popular and noble factions:

postquam remoto metu Punico simulantes exercere vacuum fuit, plurimae turbae, seditiones et ad postremum bella civilia orta sunt, dum pauci potentizes, quorum in gratiam plerique concesserant sub honesto patrum aut plebis nomine dominationes affectabant. Bonique et mali cives appellati non ob merita in rem publicam omnibus pariter corruptis, sed uti quisque locupletissimus et iniuria validior, quia praesentia defendebant, pro bono ducebatur (l. 12 M).

The former *popularis* recognizes that, with few exceptions, everyone was seeking only power for himself. This sentiment echoes the earlier works:

Contra eos summa ope nitebatur plerique nobilitas senatus specia pro sua magnitudine. Namque, uti paucis verum absolvan, post illa tempora quicumque rem publica agitavere honestis nominibus, alii sicuti populi iura defenderent, pars quo senatus auctoritas maxima foret, bonum publicum simulantes pro sua quisque potentia certabant. Neque illis modestia neque modus contentionis erat, utrique victoriam crudeliter exercebant (B.C. 38. 2-4).

And the same view is given a historical perspective in his next monograph:

Ceterum mos partium et factionum ac deinde omnium malarum artium paucis ante annis Romae ortus est otio atque abundantia earum rerum, quae prima mortales ducunt. Nam ante Carthaginem deletam populus et senatus Romanus placide modesteque inter se rem publicam tractabant; neque gloriae neque dominationis certamen inter civis erat: metus hostilis in bonis artibus civitatem retinebat.

In a following passage (B.J. 41. 10-42), Sallust indicates that the struggle initiated by the Gracchi had altruistic motives, but unfortunate results. Their affect on the tribunate will be discussed below.

The notion that all strife at Rome arose only after 146 B.C., is patently false to us as it was to Sallust. Thus in a passage placed early in the Historiae, Sallust clarifies and expands the full scope of the civil conflicts at Rome:

Res Romani plurimum imperio valuit Servio Sulpicio et Marco Marcello consulibus omni Gallia cis Rhenum atque inter mare nostrum et Oceanum, nisi qua paludibus invia fuit, perdomita. Optimis autem moribus et maxima concordia egit inter secundum at- que postremum bellum Carthaginensi causaque...non amor institiae, set stante Carthagine, metus pacis infidae fuit. At discordia et avaritia atque ambitio et cetera secundis rebus agiri sueta mala post Carthaginis excidium maxime aucta sunt. Nam iniuriae validorum et ob eas discessio plebis a patribus aliaeque dissensiones domi fuere iam inde a principio neque amplius quam regibus exactis, dum metus a Tarquinio et bellum grave cum Etruria positum est, aequo et modesto iure agitatum. Dein servili imperio patres plebem exercere, de vita atque tergo regio more consulere, agro pellere, et ceteris expertibus soli in imperio agere. Quibus saevitiis et maxime fenore oppressa plebes, cum assiduis bellis tributum et militiam simul toleraret, armata montem sacrum atque Aventinum insedit tumque tribunos plebis et alia iura sibi paravit. Discordiam et certaminis utrimque finis fuit secundum bellum Punicum (1. 11 M).
A close appraisal of this passage indicates that it is an expansion on, not a contradiction of, the passages which attribute the rise of factional strife to the end of the Carthaginian threat. Sallust shows that the quiet and concord which marks that period is the result of the patricians' concern to place their own survival ahead of the domination of the plebs. The pattern drawn shows that the end of external hostilities, with their need for soldiers, always marked the beginning of discord within the Roman people. The recurrence of this pattern causes the plebeian secessions (494 and 449 B.C.) which result in the establishment of the office of tribune of the people and the diminishing of the distinction between plebeians and patricians. It is because of the laws admitting intermarriage and establishing one plebeian consul each year that the dichotomy between patrician and plebeian is replaced by one of nobles and common people. These gains are frozen by the advent of the second Punic War (218 B.C.) and the ascendancy of the Senate as the guiding force in Rome. The situation thaws only after the total defeat of Carthage in 146 B.C. The period following marks the reassertion of the power of the tribunes combined with legislation from the popular assembly as forces confronting the continued domination of the Senate. The success with which tribunes like the Gracchi, Memmius, and Mamilius
applied their power led the dictator Sulla by his reforms to shear the office of all power and to make it unattractive to ambitious politicians. Prior to Sulla, the tribunes had the power of judging cases heard before courts of the people, the power of intercessio, and the ius auxili. The successful tribune might expect this office to lead to higher ones. Sulla removed or weakened severely all powers except the ius auxili, which the tribunes retained even while Sulla exercised his proscriptions. He made the tribunes ineligible for future office. The curtailment of the tribunitian power achieved Sulla's objective, but offered a new rallying point to any future anti-noble dissidents. Sallust exemplifies this fact in the speech of the consul Lepidus which appeals for the restoration of the full powers of the tribunes (1. 55. 23 M). The speech demonstrates that the plea for the restoration of the tribunate's power has become, like appeals to libertas, a fine-sounding slogan concealing Lepidus' desire for personal power.

The speech of C. Licinius Macer also centers on the powers of the tribune. Macer, himself a tribune, disparages the effect of the Lex Aurelia (75 B.C.) by which the consul Cotta removed the curtailment of further office from the tribunate. The import of the speech for the changes wrought by Pompey was detailed above (p. 92). The sympathetic

1 Scullard, Gracchi to Nero, pp. 84-85 and Last, C.A.H. IX, pp. 292-93 for the reforms of Sulla.
portrayal of Macer by Sallust, while reflecting the fact that both men were popularis historians and both were tribunes, might owe more to the fact that both men were politically ineffectual. There is a connection for Sallust between the holding of an altruistic concept of libertas, as Macer, Cato, and in a sense, Sallust did, and failure. Macer persuades no one, Cato dies at Utica, and Sallust withdraws from the respublica. The speech of Macer anticipates the future reforms of Pompey and Crassus in 70 B.C. and Sallust relates its results:

Nam postquam Cn. Pompeio et M. Crasso consulibus tribunicia potestas restituta est, homines adolescentes, summam potestatem nacti, quibus aetas animusque ferox erat, coepere senatum criminando plebem exagitare, dein largiundo atque pollicitando magis incendere: ita ipsi clari potentessque fieri (B.C. 38. 1).

With the accuracy of hindsight, Sallust tersely explains that these results were not disagreeable to Pompey: modestus ad alia omnia nisi ad dominationem (2. 17 M). The tribunates of Aulus Gabinius (67 B.C.) and C. Manilius (66 B.C.) served to enhance the power of Pompey and ultimately to align him with the other focus of power, C. Julius Caesar. The struggle for ultimate domination would occur between these two men and Sallust himself would be involved. Yet Sallust saw that the victorious conclusion to that civil war did not mean the end of the tension between libertas and dominatio. The coins struck with Libertas after the assassination of
Julius Caesar merely precipitated the renewal of the struggle for power by and later among the Second Triumvirate. ¹ If Sallust could not anticipate the disposition of affairs after 31 B.C. and Actium, he at least was familiar with the process occurring in the span from 43 to 35 B.C. The tres viri ad rem publicam constituendam merely exemplified yet another example of the distortion of honesta nomina.

A survey of Sallust's works shows a consistent impartiality in the portrayal of the motives of both the populares and the nobles—most appear essentially selfish. Even among the exceptions like the Gracchi and Macer, Sallust refuses to ameliorate the extremism of the former and the disastrous result of the restoration of the tribunate so ardently desired by the latter. This consistent impartiality of Sallust's characterizations results in an overall objectivity.

The investigation of the prologues demonstrated a consistency of ideas which confirmed Sallust's sincerity. The survey of his characterizations and digressions has likewise shown that his consistent impartiality merits acceptance of the objectivity which he claims (cf. B.C. 4. 1-2). The combination of his sincerity and his objectivity serves to enhance his general credibility. Having established that Sallust's use of the term libertas is credible, we shall next describe his personal definition of that term.

A quick survey of all the other users of the term will illuminate Sallust's own definition. Sallust indicates that the earliest and one of the most honorable concepts of libertas appears to be that evident in the struggle for power as first practised by the basically altruistic Gracchi brothers. He does not conceal the motives of subsequent populares. Memmius and Mamilius represent the struggle of the populares to wrest power from the nobles which would then be used against the nobles. Marius marks, for Sallust, the advent of one who struggles for personal power but uses the popularis technique to achieve it. Lepidus represents an example of the same design perpetrated by a noble against his fellow nobles. Philippus, in a speech marked by a tone of class betrayal, cites libertas to signal the struggle of the nobles to retain their power. Macer's speech, with an appeal to libertas as a state of being rather than a struggle for power, generates neither action nor power. The speech of Cato is Sallust's unique example of an appeal to libertas which means not the struggle for personal or factional domination, but the retention of and adherence to the processes and institutions of the Republican form of government.

A definition for libertas derived from all of the above examples would be: libertas is a struggle against dominatio. Yet this definition is inadequate for Sallust because it lacks any qualifications or limitations. Lepidus interpreted his
struggle against dominatio as a dilemma—serviundum aut imperitandum (1. 55. 10 M). Obviously Lepidus' concept of libertas, like Catiline's, represents only an exchanging of the role of servant for that of master and makes no allowance for the libertas of anyone else. The qualifications and limitations which distinguish Sallust's concept of the term are the same ones evident among the people whom Sallust portrays as essentially unselfish, positive characters.

Sallust, in describing the Gracchi, indicates an important quality necessary for libertas: (sc. Gracchi) veram gloriæ iniustae potentiae anteponent (B.J. 41. 10). A similar idea is asserted by king Mithridates when he anticipates Roman Imperial politics by citing a nearly identical substitute for libertas: Namque pauci libertatem pars magna iustos dominos volunt (4. 69. 18 M). The element common to both passages is justice. Each of the distorters of the term typically fails to care that his libertas occurs at the expense of another's, thus he becomes a dominus iniustus.

The speech of Licinius Macer elaborates upon the quality of justice. While Macer's specific complaint is the reduced powers of the tribunate, his general complaint emphasizes the conflict between the nobles and the non-nobles in terms of requirements and opportunities. Macer
urges: Gerant habeantque suo modo imperia, quaerant triumphos, Mithridatem, Sertorium et reliquiae exsulum perseverquantur cum imaginibus suis, absit periculum et labos, quibus nulla pars fructus est (3. 48. 18 M). We may infer from these words that the dangers of military service were not compensated for by increased opportunities afterward. This was the same view which the novus homo Marius presented in the Numidian conflict. Thus Sallust suggests that another important aspect of libertas is the expanded opportunity for political office for people outside of the noble faction. It is exactly the monopoly of ruling power by a small element of Roman society which creates the pauci potentes. As Macer indicated, the inequity of the situation is that a few men can regulate so many for their own personal advantage. In contrast to this situation, Sallust’s libertas would include more equity expressed in terms of the increased opportunity for public office for novi homines. This would not dilute the legal authority or prestige of the magistrates, nor affect the existing equity before the laws. The result would be to curtail the dominatio of the pauci potentes by diluting the pauci into multi.

The speech of Cato contributes a third quality to Sallust’s definition of libertas. The thrust of Cato’s harangue is that people’s extreme self-indulgence has blinded them to the needs of the res publica. The charge
is appropriately leveled against those citizens concerned only for their own pleasure as well as the ruthless conspirators aiming at personal power. Both groups are wholly selfish. By contrast Cato recalls the qualities which gave the maiores their greatness: domi industria, foris iustum imperium, animus in consulundo liber neque delicto neque lubidini obnoxius (B.C. 52. 21). The notion of iustum imperium broadens the notion of the Gracchi beyond Roman citizens. The phrase animus in consulundo liber transcends the phenomenon of factional loyalties and suggests a fierce independence possible perhaps only in a Cato. The idea presented by animus...neque delicto neque lubidini obnoxius is the most important because it refers to the quality lacking both citizens and actual and potential conspirators: restraint. Cato implies that if it were present, the citizens would have concern for the res publica, the conspirators would not attempt revolution, and libertas and dignitas would mutually coexist. Sallust claims that his retirement has restored him to the pristine state of the ancestors when he says that he will write history...quod mihi a spe, metu, partibus rei publicae animus liber erat (B.C. 4.2). This confirms that his concept of libertas requires the absence of overriding party loyalties and a restraint made possible by the lack of expectations or concern about political retributions. An
objection could arise that this remark is merely the standard convention which graces every similar work; the Republican father of *sine ira et studio*. Yet the facts support Sallust's claim. Whether his retirement was required or self-imposed, Sallust remained in that retirement and away from public affairs until his death. His absence from fear is supported by the fact that he lived through the proscriptions and retained the Horti Sallustiani when the properties and lives of others were being liquidated. His claim to be above party loyalty is based upon the content of his digressions in particular and the monographs in general. Sallust exposes the motives of the *populares* and nobles alike. His sinister judgment of Pompey is overshadowed only by the evaluation of the character of the dead Republican Cato as greater than that of C. Julius Caesar.

The concept of *libertas* abstracted from the works to represent Sallust's own can be summarized thus: *libertas* for Sallust is the struggle against *dominatio* which nevertheless is qualified by justice and equality of opportunity commensurate with merit. It is further limited by an independence which, while restrained towards others, is not constrained by factional or party loyalties, by personal guilt or ambition.
If there is any failing in this composite definition of *libertas* for Sallust, it lies in its altruism and idealism. That Sallust the historian might entertain such a definition is not unreasonable. Yet, as a former politician, Sallust would be aware of the degree of idealism in such a definition. One could easily imagine a slight wince as the ex-propraetor of Numidia penned the words *foris iustum imperium* for Cato. But that Sallust might have had the sense of irony to indict himself as well as others by his ideal definition of *libertas* is a minor point beyond determination. A more enticing question asks why the practical politician became an idealistic historian and why the man who could survive retired. Perhaps Sallust's determination to remain aloof from public life bespeaks a sense of futility. Such a sense may have resulted from Sallust's recollection of his own career and his chronicling of the numerous conflicts between *libertas* and *dominatio* throughout the Republic with their predictable motives and results. The pattern may have suggested paradoxically that the only practical solutions were ideal ones. And yet his recognition of this impossible idealism is reflected by his sense of futility. If the past offered little reason for optimism, the present reaffirmed a sense of futility. The contemporary reality for Sallust was the continued struggle for personal power and the end of the Republic: *res publica, cuae media fuerat, dilacerata.*
APPENDIX A

My investigation into the concepts of libertas in Sallust excludes the Epistulae ad Caesarem Senem. The rejection is based upon a reading of the Epistulae which shows that the author assembled the text by combining phrases and expressions which are particular to each of the three authentic works. This combination of different stages of Sallust's historical style makes the language of the Epistulae suspect, and the dating of them to 46 and 50 B.C. respectively impossible. Moreover, the term libertas, which is most dense in sections nine through thirteen of the second Epistula, occurs as frequently in that one letter as in all of the Bellum Catilinae or all of the Bellum Jugurthimum. Thus, I agree with Syme's reasons for rejecting these works: "The ostensible Proto-Sallust manages to anticipate the evolution of the historian in his habits and predilections, manifest and manifold."¹

¹Syme, Sallust, p. 333. Ibid. pp. 313-51 for a complete discussion of the authenticity of the Epistulae.
APPENDIX B

The following abbreviations are used:

AClass  Acta Classica.
AJP     American Journal of Philology.
AntAS   Antike.
Athen   Athenaeum. Pavia.
BFS     Bulletin de la Faculté des lettres de Strasbourg.
CAH     Cambridge Ancient History.
CJ      Classical Journal.
CW      Classical World.
Er      Eranos.
Gym     Gymnasium.
JRS     Journal of Roman Studies.
JS      Journal des Savants.
L       Latomus.
Maia    Maia.
Nnem    Mnemosyne.
NJ      Neue Jahrbucher für Wissenschaft und Jugendbildung.
RE      Pauly's Real-Encyclopädie der classischen Altertumswissenschaft.
REL     Revue des Études Latines.
SAWW    Sitzungsberichte der Deutschen Akademie der Wissenschaft in Wien.
SO      Symbolae Osloenses.
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