

TI. GRACCHUS (TR. PL. 133 B.C.), THE NUMANTINE AFFAIR, AND THE DEPOSITION OF M. OCTAVIUS

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IT SEEMS now generally to be agreed that the reform program of Tiberius Gracchus was designed to remedy a major crisis, a shortage of recruits for the legions, and that Tiberius himself was sincerely concerned about conditions in Italy. The favorable appraisals which have appeared of late, however, have placed so much emphasis on the reasonable and moderate nature of his proposals that a number of other facts have been ignored or pushed into the background. It will be argued here that we need to pay much more attention to Tiberius' involvement in the Numantine affair, which left a promising career in ruins. For this setback will have generated in him an unusually strong determination to recover lost ground, a determination which he demonstrated when he deposed his fellow-tribune Octavius with little or no justification in law. At the same time, it will have generated in his peers strong suspicions about his motives after 137, suspicions confirmed when he deposed Octavius. The aims of Tiberius' reforms, in other words, may well have been reasonable and moderate *sub specie aeternitatis*, but his own motives and actions could hardly be so regarded by other nobles in the embittered state of politics which existed at the time. After Octavius' deposition, therefore, Tiberius' *inimici* had only to wait until his tactics had alienated a sufficient number of senators for extreme measures to be possible: his downfall was a foregone conclusion from the moment Octavius was deposed.¹

THE NUMANTINE AFFAIR

The details of the Numantine affair are too well known to need more than a brief statement. In 137 Ti. Gracchus served as quaestor to the consul C. Hostilius Mancinus outside Numantia. In this struggle the Numantines managed to entrap the Roman army, and a treaty had to be concluded to save the men. Tiberius himself was largely responsible for the actual negotiations, thanks to the goodwill which his father had built up among the Spanish tribes some forty years earlier. When the treaty was referred to Rome for ratification, however, the senate rejected it in favor of continuing the war. Mancinus himself was surrendered to the Numantines, and there was talk of handing over his junior officers as well, Tiberius among them. In the event, the Numantines refused to accept Mancinus, while the oratory

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1. All dates are B.C. H. C. Boren, "Tiberius Gracchus: The Opposition View," *AJP* 82 (1961): 358-69, pursues a very different line from the one taken here.

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of P. Scipio Aemilianus played some part in saving Tiberius and the other officers.²

Scholars have always recognized that this episode somehow motivated Tiberius to stand for the tribunate of 133 and to bring in the *lex Sempronia agraria*. But perhaps because Appian gives so little significance to the episode,³ there has been a general tendency to underestimate it. If it is not stated or implied that Tiberius was an unsuspecting victim of his enemies in Rome, it seems certainly to be believed that he had little reason to expect the uproar which his treaty actually created there.⁴ While it is recognized that his *dignitas* and his *fides* suffered heavily as a result of the treaty's repudiation, little or nothing is said of the difficulties he must have faced in his attempts to recover from this humiliation.⁵ It is seldom observed that his involvement in the Numantine affair very nearly ruined his career;⁶ or that a *nobilis* who had come so close to disaster would be especially reluctant to face the prospect of failure a second time and, therefore, likely to stop at nothing in order to get his own way;⁷ or that Tiberius' peers, well aware of his predicament, would be more than usually suspicious of his motives and actions in the years which followed.⁸

There can be no doubt that Tiberius felt *dolor* over the treatment he had received (as source after source declares), and Ernst Badian has justly emphasized the fact that a Roman would have found such a reaction perfectly intelligible.⁹ But we need to look more closely at what caused this *dolor*. In Tiberius' favor it may be said immediately that Q. Pompeius (cos. 141) had negotiated a similar treaty with the Numantines some two years earlier, and, though it had caused an uproar, Pompeius had managed to escape the dire consequences which befell Mancinus and his staff.¹⁰ But

2. For the sources, see Broughton, *MRR*, 1:484 ff.; for discussion, see H. Simon, *Roms Kriege in Spanien 154-133 v. Chr.* (Frankfurt, 1962), pp. 145 ff. There is, incidentally, no reason to believe that Tiberius felt any particular ill-will toward Scipio, an inference which rests on Plut. *Ti. Gracch.* 7. 3-4, which says only that Scipio "seems" to have been blamed for not exerting himself more, and that any difference between the two men was not irreconcilable. (All references to Plutarch are to *Ti. Gracch.* unless stated otherwise.)

3. Appian not only fails to refer to the episode in *BC* 1; he also avoids mentioning Tiberius' name in the detailed account he gives at *Hisp.* 80-83.

4. This version is explicit in Dio frag. 83. 2. That Mancinus' position was not entirely indefensible is shown by A. E. Astin, *Scipio Aemilianus* (Oxford, 1967), pp. 131-33 and 150-52. Particularly noteworthy in this context is Astin's surmise (p. 150) that "some of his [Mancinus'] political associates may well have considered him expendable."

5. See, e.g., Astin, *Scipio*, p. 195; E. S. Gruen, *Roman Politics and the Criminal Courts 149-78 B.C.* (Cambridge, Mass., 1968), p. 42; E. Badian, "Tiberius Gracchus and the Beginning of the Roman Revolution," in H. Temporini (ed.), *Aufstieg und Niedergang der römischen Welt*, vol. 1.1 (Berlin, 1972), pp. 668-731, at p. 692.

6. The point is emphasized, rightly, by D. C. Earl, *Tiberius Gracchus: A Study in Politics* (Brussels, 1963), p. 66, and by Simon, *Roms Kriege*, pp. 158-59.

7. Astin, *Scipio*, p. 195, remarks that his determination "would have marked him out as a very suitable choice to exploit the tribunate," but goes no further.

8. Earl, *Gracchus*, p. 67, comments that "Gracchus' part in the affair will have earned him the *invidia* of a good many nobles," but does not recur to this aspect of the situation (cf., e.g., p. 119).

9. Cic. *Har. resp.* 43, *Brut.* 103; Vell. Pat. 2. 2. 1-2; Oros. 5. 8. 3; cf. Flor. 2. 2. 2-3. Badian, "Gracchus," p. 692.

10. See esp. Cic. *Rep.* 3. 28; App. *Hisp.* 83; Oros. 5. 4. 21. The remaining sources are collected in *MRR*, 1:480 and 482. For discussion see Simon, *Roms Kriege*, pp. 108 ff. and 139 ff.; Gruen, *Roman Politics*, pp. 34 ff.

if we infer that Tiberius felt *dolor* because he met much harsher treatment than he had any reason to expect, Plutarch provides a detail which effectively destroys the construct. After the treaty with the Numantines had been concluded and the Romans were withdrawing, he says, Tiberius returned to Numantia with three or four companions, in order to recover one item from the baggage which the enemy had captured, the account books he had kept as quaestor. As he told the Numantines, he had to have these ledgers, so as not to give his enemies in Rome a chance to attack him for being unable to render an account of his administration.¹¹ So whether or not he expected Mancinus to meet with the kind of hostility Pompeius had experienced, this passage proves conclusively that Tiberius already knew that he himself would encounter trouble when he reached Rome.

It could perhaps be argued that anxiety over these ledgers is not the same as fear for the treaty he had negotiated, and that Tiberius was only trying to smooth the way for senatorial ratification of his settlement. But Plutarch supplies further details which preclude this argument as well (6. 2-3). When Tiberius reached Numantia, the leading men invited him to enter and urged him to regard them as his friends. At first, Tiberius hesitated, thinking it over (*βουλευόμενος*); then he decided to go into the city, both because he was concerned about the ledgers, and "because he feared to exasperate the Numantines by showing distrust of them" (*καὶ δεδοικότει παροξύνειν ὡς ἀπιστούμενους τοὺς Νομαντίνους*). It may seem relatively easy to understand the initial hesitation: Tiberius could have felt that, up to this point, there was nothing objectionable about the treaty; but that, if he entered Numantia, he would justifiably prompt suspicions in Rome that the treaty had been engineered by questionable methods. But why—as Plutarch puts it—should Tiberius have feared that reluctance to enter the city would exasperate the Numantines and create the impression that he distrusted them? It is not enough to say that he wanted to avoid offending a notoriously proud people; he could, after all, have explained the situation, and have persuaded them that it was in their own best interests that he remain outside. The point, surely, is that he was afraid to explain, because explanations would immediately raise doubts in their minds about the prospects for the treaty's ratification, doubts which would undermine his own *fides*. Caught on the horns of this dilemma, Tiberius chose to enter Numantia, to preserve his *fides*, and to jeopardize his bargaining position back in Rome. It is entirely legitimate to conclude that he already knew that the treaty—and not just his accounts—would be subject for debate in the senate. He hesitated to enter Numantia, in other words, because he did not wish to add to the troubles he could already expect. And he entered the city after thinking it over, because reflection convinced him that it would be best to save something from the wreckage: his position in Rome was already desperate, but at least his *fides* in Spain could be preserved.

In one sense, this line of argument does not undercut the view that *dolor*

11. Plut. 6. 1-2, rightly accepted by Simon, *Roms Kriege*, p. 149. In general, Plut. 6 seems to have been ignored since it was dismissed as baroque invention by P. Fraccaro, *Studi sull'età dei Gracchi* (Città di Castello, 1914), pp. 48-49. But the hypercriticism which led Fraccaro to this conclusion cannot explain how or why Plutarch (or his source) invented the account.

exerted influence on Tiberius. On the contrary, it can be held to strengthen such a view: will not his *dolor* have been all the greater when he saw his worst fears realized, his treaty repudiated and his own life in danger?¹² But there is another sense in which even heightened *dolor* is not the entire answer; for the sources clearly link his *dolor* with fear. Thus Cicero in one passage remarks that "in eo foedere improbando senatus seueritas dolori et timori fuit, eaque res illum fortem et clarum uirum a grauitate patrum desciscere coegit" (*Har. resp.* 43), and in another that Tiberius was driven to his tribunate "ex inuidia foederis Numantini bonis iratus" (*Brut.* 103). Similar, but more succinct, statements will be found in Velleius (2. 2. 1-2), Quintilian (7. 4. 13), and Florus (2. 2. 2-3). It could be maintained that, once the Romans dropped their plan to surrender Mancinus' officers to the Numantines, Tiberius should have been freed of his fear. If Velleius, Quintilian, and Florus still credit him with feelings of fear when he took up his tribunate, they could be telescoping events because of a concern with matters other than the precise details of the Numantine affair. But, if this explanation also accounts for the first of Cicero's references to the subject, it will not fit the second, the statement that Tiberius was driven to undertake the tribunate *ex inuidia foederis Numantini*. Nor is this an unimportant point: Cicero employs some of his strongest imagery when he talks about the effects of *inuidia*, obviously regarding it as a terrible force to be reckoned with.¹³ And to this evidence we must add the references which Plutarch, Appian, and Dio make to Tiberius' ambition and eagerness for glory;¹⁴ for, when we remember that such drives were the stock-in-trade of a Roman noble, Tiberius must surely have possessed them in abundance for them to attract such comment. The persistent references to fear, that is, and the stress on ambition are details which make sense only if Tiberius was not just concerned to recover his prestige and position, but desperate to do so.

The Numantine affair very nearly ruined Tiberius' career. A young man of noble family, he had won a reputation for bravery in the Third Punic War, he had been co-opted early into the augural college, and he had made an advantageous match with the daughter of Ap. Claudius Pulcher (cos. 143), only to see these early gains almost completely wiped out by a disastrous term as quaestor to Mancinus.¹⁵ Plutarch, to be sure, dwells on the popular support Tiberius gained by saving Mancinus' army (7. 1 and 3), but there

12. Although the treaty was repudiated, it is worth wondering whether Tiberius' *fides* was destroyed. He never denied responsibility for the treaty (Quint. 7. 4. 13), and he could claim that its repudiation was none of his doing.

13. See especially V. Pöschl, "Invidia' nelle orazioni di Cicerone," *Atti del 1 Congresso Internazionale di Studi Ciceroniani*, vol. 2 (Rome, 1961), pp. 119-24.

14. Plut. 7. 4 and 8. 6-7; App. *BC* 1. 9; Dio frag. 83. 3.

15. See Plut. 4, rightly understood by Simon, *Roms Kriege*, p. 154. On the early co-optation to the augurate, see D. E. Hahm, "Roman Nobility and the Three Major Priesthoods, 218-167 B.C.," *TAPA* 94 (1963): 73-85. The date of the marriage has been much discussed, but ca. 142 is most likely (so Fraccaro, *Studi*, p. 42, n. 4; F. Münzer, *Römische Adelsparteien und Adelsfamilien* [Stuttgart, 1920], pp. 268 ff.; Astin, *Scipio*, pp. 319 ff.). A dating ca. 137 is favored by Earl, *Gracchus*, pp. 67-69, and by J. Briscoe, "Supporters and Opponents of Tiberius Gracchus," *JRS* 64 (1974): 125-27, mainly because their prosopographical determinism will not allow one noble to have ties with two rival houses simultaneously. The evidence disproving such assumptions is mustered by P. A. Brunt, "Amicitia' in the Late Roman Republic," *PCPhS* 11 (1965): 1-20 = R. Seager (ed.), *The Crisis of the Roman Republic* (New York, 1969), pp. 199-218.

is no reason to think that such support commended him to his peers within the nobility. No matter how much *dolor* he felt, therefore, Tiberius' political position after 137/136 must have been a great deal weaker than is usually recognized. And just as he will have been unusually determined to recoup his losses, so must his enemies have been unusually suspicious of his motives in the aftermath of the Numantine affair.¹⁶

THE VETO AND THE DEPOSITION OF OCTAVIUS

Whether Tiberius' weak political position and his determination to recover lost ground encouraged the *principes* who backed him is perhaps a moot point. As A. E. Astin remarks, his supporters did not back him "primarily in order to restore Tiberius' *dignitas*";¹⁷ but they may well have thought that his circumstances would make him more determined in the face of opposition, and more tractable to guidance from themselves, his only supporters. Here, however, it is more important to consider the circumstances in which M. Octavius, Tiberius' fellow-tribune, vetoed the agrarian bill and was deposed for his pains. It has commonly been maintained that, once Octavius interposed his veto, Tiberius should have withdrawn or at least watered down his proposal. Instead, as is well known, Tiberius carried a bill for Octavius' deposition, and then put through his agrarian law, thus—according to the ancient sources—placing himself squarely in the wrong. But in what must clearly be considered one of the most important and perceptive studies of Tiberius' tribunate, Badian has recently argued that the blame should be placed rather on Octavius, first for exercising the veto against a fellow-tribune, and then for persisting in that veto.¹⁸ It is this interpretation which requires careful scrutiny.

Badian adduces first a large number of tribunician laws distasteful to the senate, but proposed or passed without encountering a veto: the *lex Flaminia* of 232, the *lex Claudia* of 218, the *lex Licinia de sacerdotiis* of 145, and the *lex Gabinia tabellaria* of 139.¹⁹ Then there are other tribunician actions which must have aroused senatorial ire, especially the imprisonment of the consuls in 151 and 138 by the tribunes, when we again hear nothing of a veto.²⁰ And finally, Badian draws attention to the sumptuary legislation passed by C. Fannius Strabo (cos. 161) and T. Didius (tr. pl. 143), legislation presumably unwelcome to the senate but passed—so far as we can tell—without encountering a veto.²¹ All of Badian's examples prove only that the veto was not used on these occasions, not that it was impossible to use it. Why the veto was not employed is another question altogether. In the case of the sumptuary legislation, for example, we may ask not only whether

16. It is intriguing to speculate about what would have happened to Tiberius, had not his father-in-law been elected censor for 136 (*MRR*, 1:486).

17. Astin, *Scipio*, p. 196.

18. Badian, "Gracchus," pp. 690 ff.

19. *Ibid.*, pp. 697–98. For the sources, see *MRR*, 1:225, 238, 470, and 482 respectively. It hardly seems legitimate to invoke cases which followed Tiberius' tribunate, e.g., events during C. Gracchus' two terms of office.

20. Sources in *MRR*, 1:455 and 484 respectively. On the situation in 138, see also M. G. Morgan, "Cornelius and the Pannonians," *Historia* 23 (1974): 211–15.

21. Sources in *MRR*, 1:443 and 472 respectively.

senators could oppose such laws when they themselves were supposed to set the moral tone for the state, but also whether they would find opposition worth while, when the laws could never be enforced rigorously. As for the other laws, it may well be in some cases that a tribune could not be found with nerve enough to interpose a veto. It took a measure of courage, after all, and not every Roman politician had the forceful personality needed at such a juncture.²² There is also the possibility that a tribune who threatened a veto was forced to back down when the bill's proposer threatened in turn to proclaim a suspension of public business amounting to a *iustitium*. This was certainly the tactic used by one tribune to fend off a colleague's veto in a dispute over the Spanish command in 184, and it was a tactic Tiberius himself tried unsuccessfully to employ against Octavius' veto in 133.²³

We come now to the two cases on which Badian's conclusion largely rests, and they—unfortunately—cannot bear the weight put on them. First, there is the only known case of a tribune interceding against a colleague in the generation preceding the Gracchi: in 137 M. Antius Briso vetoed the attempt of L. Cassius Longinus to introduce his *lex tabellaria*, until he was dissuaded by Scipio Aemilianus. Given that Badian terms Octavius' persistence in his veto a "bombshell," it is to be regretted that he has apparently overlooked one word, *diu*, in Cicero's account. For Cicero states explicitly that "M. Antius Briso tribunus plebis *diu* restitit." Moreover, there is nothing in this account to suggest that Briso was reproved for persisting in his veto; on the contrary, we are told that Scipio was criticized for talking him out of it.²⁴

Second, and more important, is the case of C. Valerius Tappo, tribune in 188, who proposed a bill to enfranchise Arpinum, Fundi, and Formiae. "Huic rogationi quattuor tribuni plebis, quia non ex auctoritate senatus ferretur, cum intercederent, edocti populi esse non senatus ius suffragium, quibus uelit, impertire, destiterunt incepto" (Livy 38. 36. 8). This passage Badian uses as the basis for the assertion that "where tribunes differed, the People was allowed to settle the issue and a veto was used (if at all) only for delay and proper consideration."²⁵ Livy, however, says nothing of the sort. He reports what is essentially a dispute on the question whether a bill to be proposed in the *concilium plebis* should first be discussed by the senate. He says nothing to suggest that the People played a part in the withdrawal of the veto. All we can make of this episode, then, is that the four tribunes gave a specific reason for their veto, that the reason was demonstrably invalid since a *rogatio* did not require prior discussion by the senate,²⁶ and that they therefore had no choice but to retreat when their error was pointed out to them (*edocti*), surely by other members of the governing class with a better knowledge of the constitutional niceties.

22. See, for example, Badian's comments on the senatorial debate over the Catilinarian conspirators in 63 ("Gracchus," pp. 690–91).

23. For 184, see Livy 39. 38. 8–10 with Astin, *Scipio*, pp. 346–47, on the question whether a tribune could proclaim a *iustitium* properly so called; for Tiberius see Plut. 10. 5–6 and Astin, *Scipio*, pp. 204–5.

24. Cic. *Brut.* 97; Badian, "Gracchus," p. 701. That such use of *auctoritas* was in fact acceptable is shown by Livy 38. 54. 11.

25. Badian, "Gracchus," p. 699.

26. Ibid., pp. 694 ff.

Tiberius himself, of course, was to make much of the idea that, where tribunes differed, the People should be allowed to settle the issue—but not at first. While Octavius followed proper procedure, interposing his veto only after there had been time for *contiones* in which the arguments for and against the agrarian bill could be presented,²⁷ Tiberius himself showed no inclination to compromise. He responded to the veto initially by striking from his bill the clauses which would have offered compensation to those it would dispossess,²⁸ and then by reviving the tactic of 184 and proclaiming a suspension of public business. It was only after these methods had failed that Tiberius began to tout the idea that the People should be called in to settle a dispute between tribunes. The one piece of evidence from the pre-Gracchan period that could be held to substantiate such an idea is the statement of Polybius (6. 16. 5) that tribunes had always to do what the People decided and to pay full attention to their wishes (ὁφείλουσι δ' αἰεὶ ποιεῖν οἱ δῆμαρχοι τὸ δοκοῦν τῷ δήμῳ καὶ μάλιστα στοχάζεσθαι τῆς τοῦτου βουλῆσεως). Though Badian and Claude Nicolet are willing to take this statement at face value,²⁹ the known facts do not, and cannot, bear out the idea that tribunes were merely the executive arm of the *plebs*, or that they were deprived of the discretion to act as they thought best.³⁰ On Polybius' definition, indeed, a tribune would have had to surrender all his *auctoritas* and all his *dignitas*, and no Roman noble would have submitted to such degradation.³¹ Whatever the reasons for it, Polybius has misunderstood or misrepresented the situation.³²

If this disposes of the argument that the People could be called upon to settle disputes between rival tribunes, Badian's presentation of the deadlock between Tiberius and Octavius still seems somewhat tendentious. Pointing out that two senior senators persuaded the tribunes to accept arbitration by the senate, he goes on to assert that "the Senate refused to try genuine arbitration."³³ All we are told in fact is that the senate could not settle the case, not that it refused to try. The distinction is important because, by Badian's own argument, Tiberius' supporters included both the presiding consul, P. Mucius Scaevola, and the *princeps senatus*, Tiberius' father-in-law, Ap. Claudius Pulcher.³⁴ If these two men could not carry the senate with them at this stage in the struggle, we may not be able to argue that a

27. Proper procedure: Livy 45. 21. 6–7. Octavius: App. *BC* 1. 10–12; cf. Fraccaro, *Studi*, pp. 93–94.

28. Plut. 10. 3 and, on the nature of the compensation, Badian, "Gracchus," pp. 702–3.

29. Badian, "Gracchus," pp. 709–710; C. Nicolet, "Polybe et les institutions romaines," in E. Gabba (ed.), *Polybe*, Fondation Hardt: Entretiens sur l'antiquité classique, 20 (Vandoeuvres–Geneva, 1974), pp. 234–36.

30. See F. W. Walbank, *A Historical Commentary on Polybius*, vol. 1 (Oxford, 1957), p. 692 and literature there cited.

31. For a brief but general discussion of the nobility's frame of mind, see Ch. Wirszubski, "*Liberitas*" as a Political Idea at Rome (Cambridge, 1950), pp. 34–38. The same basic attitude would lead Seneca to condemn the Cynics at *Ep.* 29. 1–3.

32. See Walbank, *Commentary*, 1:692; Astin, *Scipio*, pp. 206–7.

33. Badian, "Gracchus," p. 707, having previously conceded that the two senators probably represented different interests and a genuine attempt at compromise (p. 706, n. 116). For the evidence on the senate meeting, see Plut. 11. 1–2; App. *BC* 1. 12.

34. Badian, "Gracchus," pp. 690–91. In fact, Scaevola need not have been too close to Tiberius: see A. H. Bernstein, "Prosopography and the Career of Publius Mucius Scaevola," *CP* 67 (1972): 42–46.

majority was already backing Octavius, but we can certainly conclude that nobody could be found with the *auctoritas* to dissuade the man from his veto. Moreover, if the notoriously legalistic Scaevola could find no way out of the impasse, we must also conclude that there was nothing illegal about Octavius' action.³⁵ Whether we regard Octavius' supporters as the guardians of tradition or as reactionary conservatives depends on our taste in rhetoric. The fact remains that Tiberius took the first step down the road to revolution when he proposed his colleague's deposition. For, whatever we think of the higher legalities he now discovered, and no matter how common it had become to appeal to the spirit rather than the letter of the law,³⁶ Octavius' deposition was a drastic and an unprecedented measure.

Plutarch is the only source to state explicitly that the deposition was illegal (11. 2), but the silence of the other sources is hardly a point in Tiberius' favor. For, as Ernst Kornemann observed, the statement "ist bei der apologetischen Tendenz der plutarchischen Biographie doppelt beachtenswert."³⁷ Besides, both Plutarch and Appian declare in so many words that Octavius' veto should have prevailed,³⁸ and adverse comment on the deposition appears in source after source.³⁹ So, even if the deposition could be declared legal because it had been achieved through a plebiscite, Tiberius' opponents will have been in no way pacified. We may discount the story that there was already talk of assassinating Tiberius (Plut. 10. 7), but there is no need to doubt that his opponents began hunting for the pretext on which they *could* bring him down: in this sense, the deposition of Octavius could well be termed Tiberius' fatal mistake.

However, it is not our purpose here to argue the question of "war guilt" as such; the aim has been, more simply, to defend the view that Octavius' veto and his persistence in it were entirely legal, at least according to the letter of the law. If that question can now be considered settled, we may turn to a discussion of Octavius' motives in acting as he did. Though there is nothing to indicate what grounds (if any) he announced for interposing his veto, the sources provide some hints about his motives. Dio, to be sure, is clearly worthless when he credits Octavius with "congenital contentiousness"; like everything else in Dio's account of the episode, this is gross exaggeration.⁴⁰ At first sight, Plutarch and Appian appear to offer little more, since they are content to regard Octavius as the spokesman or champion of "the wealthy," although there is little to suggest that economic considerations were the decisive factor even for the tribune's supporters.⁴¹

35. Badian, "Gracchus," p. 689, comments that "Scaevola's legalism was notorious."

36. Ibid., pp. 707 ff., on Tiberius' arguments; on appeals to the spirit rather than the letter of the law, Astin, *Scipio*, pp. 205 ff.

37. *Zur Geschichte der Gracchenzeit* (Leipzig, 1903), p. 31.

38. Plut. 10. 2; App. *BC* 1. 12; cf. Sall. *BJ* 42. 3.

39. Cic. *Brut.* 95, *Leg.* 3. 24, *Mil.* 72; Plut. 15. 1, *Agis, Cleomenes, and the Gracchi Compared* 5. 1; Livy *Epit.* 58; Vell. Pat. 2. 2. 3; Oros. 5. 8. 3. Tiberius' arguments for the deposition, moreover, were by no means unassailable: see Badian, *Foreign Clientelae 264-70 B.C.* (Oxford, 1958), p. 173; Astin, *Scipio*, pp. 205-210 and 348-49; C. Meier, *Res Publica Amissa* (Wiesbaden, 1966), pp. 129-30.

40. Dio frag. 83. 4-6, properly explained by Badian, "Gracchus," p. 701, n. 99.

41. Plut. 10-12; App. *BC* 1. 12. See further Astin, *Scipio*, pp. 193-94; E. Gabba, "Motivazioni economiche nell'opposizione alla legge agraria di Tib. Sempronio Gracco," in J. A. S. Evans (ed.),

But there is a significant detail in Plutarch's account (10. 5), the explicit statement that Octavius was not opposed to the Gracchan bill itself. The explanation for the veto Plutarch therefore finds in Octavius' wish to ingratiate himself with the powerful men who were hostile to Tiberius.⁴² There must be some truth in this explanation, inasmuch as Octavius will not have been oblivious to his future prospects; but it cannot be considered his only motive, when it fits so ill with the biographer's characterization of him as *νεανίαν ἐμβριθῆ τὸ ἦθος καὶ κόσμιον*.⁴³ Even if Plutarch has overstated Octavius' qualities, as seems likely, to add to the drama of his confrontation with Tiberius, we should not fall into the trap of thinking that Octavius was motivated by selfishness alone. That, after all, was the impression which Tiberius attempted to create; and there is nothing to recommend the idea that Tiberius' propaganda was any more dispassionate or more accurate than the propaganda purveyed by his enemies.⁴⁴ Nor is it hard to find a selfless reason for Octavius' behavior—his doubts about Tiberius' motives in proposing the *lex agraria*. As we have already seen, Tiberius not only was, but also was perceived to be, overeager to recover lost prestige and to rebuild a shattered career. In such circumstances there would be no difficulty in concluding that his bill was largely a self-serving measure designed to win him widespread support among the populace and prospects for an extremely bright future when he sought higher office. And, when Tiberius not only refused to retreat in the face of a veto but made his proposal more extreme, such suspicions could not fail to gain strength; C. Laelius, after all, had proposed a similar bill a few years earlier, only to abandon it the moment disquiet made itself felt (Plut. 8. 4).

This interpretation of the confrontation between the two tribunes suggests that a great deal of bitterness underlay the political scene in the 130s, while Badian's very different picture starts from the assumption that the nobles were pursuing consensus politics, if only to ensure their own survival.⁴⁵ But, though Cicero states that polarization occurred first when Tiberius' tribunate "diuisit populum unum in duas partis" (*Rep.* 1. 31), there are a number of incidents which show conclusively that the nobles had not been practicing consensus politics for quite a few years before that. In 146, for example, Q. Metellus Macedonicus had sallied forth from Macedonia to battle the Achaean League, although the consul L. Mummius was the designated commander of the *bellum Achaicum*, although there were no compelling military grounds for the intervention, and although Metellus could not hope to triumph for victories gained *in aliena prouincia*.⁴⁶ In 143

Polis and Imperium: Studies in Honour of Edward Togo Salmon (Toronto, 1974), pp. 129–38; I. Shatzman, *Senatorial Wealth and Roman Politics* (Brussels, 1975), pp. 216–17.

42. Plut. 10. 2 and 12. 3.

43. Plut. 10. 1. Cf. Cic. *Brut.* 95; Vell. Pat. 2. 2. 3.

44. On Octavius see Fraccaro, *Studi*, p. 95; on Tiberius' manipulation of the situation, see the excellent remarks of Astin, *Scipio*, p. 208.

45. Badian, "Gracchus," pp. 690 ff.

46. Sources in *MRR*, 1:465–67; cf. G. De Sanctis, *Storia dei Romani*, vol. 4.3 (Florence, 1964), pp. 147–51.

the consul Ap. Claudius Pulcher had attacked the Salassi without justification and, when forbidden a triumph by the senate, had proceeded to celebrate one privately, even forestalling a tribunician veto by ruthlessly exploiting his daughter's status as a Vestal.⁴⁷ In 139 Q. Pompeius had created an uproar, first by negotiating a settlement with the Numantines, and then by contriving to wriggle out of the charges brought against him.⁴⁸ In 138, as we have seen, two tribunes had thrown the consuls, P. Scipio Nasica and D. Brutus, into prison; nor will similar action by the tribunes of 151 have reduced the shock and dismay this behavior created. It was also in 138 that Scipio Aemilianus made a calculated if unsuccessful attempt to wreck the influence of L. Cotta (cos. 144), by prosecuting him for offenses committed fully five years earlier.⁴⁹ In 136, as we have also seen, the senate decided to surrender Mancinus to the Numantines, by any reckoning an extreme way of treating a consular, even a consular willing to submit as meekly to his fate as did Mancinus. Then there was the proposal to hand over all Mancinus' junior officers, since they too had sworn to the treaty,⁵⁰ that the proposal failed, in this context, is less important than that it should have been made at all. Nor, finally, did Mancinus find an end to his troubles when the Numantines refused him, for he was denied his citizen rights upon his return to Rome.⁵¹ Small wonder that, as Velleius puts it (2. 2. 1), "immanem deditio Mancini ciuitatis mouit dissensionem." It was in 136 also that commissioners were sent to recall the proconsul M. Lepidus Porcina from an attack on the Vaccaei, and he was forced to pay a fine once back in Rome, a small thing by comparison with the treatment of Mancinus but nonetheless unusual.⁵² And finally, we ought perhaps to take note of two suicides which occurred in the period, since both are marked by uncommon features. First, there is the case of L. Hostilius Tubulus (pr. 142). Undoubtedly guilty of taking bribes while presiding over the *quaestio de sicariis*, he was prosecuted in 141 by P. Mucius Scaevola and went into exile. But sleeping dogs were not allowed to lie; Tubulus was recalled to Rome and took poison. Whatever the precise legal situation, the recall and the resort to poison both merit more attention than they have received.⁵³ Second, there is D. Iunius Silanus, guilty of extortion as governor of Macedonia. He was subjected to a private hearing before his own natural father, Manlius Torquatus, in 140 and was ordered from his sight in disgrace. For him too exile was not enough: he hanged himself. In this case there is not only the oddity of Torquatus' intervening when Silanus belonged now to

47. Cic. *Cael.* 34; Val. Max. 5. 4. 6; Suet. *Tib.* 2. 4. Cf. Oros. 5. 4. 7; Dio frag. 74.

48. See n. 10. For the episode which follows see n. 20.

49. Livy *Per.* 55; cf. Gruen, *Roman Politics*, pp. 37-38.

50. Cf. Valerius Antias frag. 57 Peter = Gell. *NA* 6. 9. 12, with the comments of Fraccaro, *Studi*, pp. 46-48.

51. *Dig.* 49. 15. 4 and 50. 7. 18; cf. Cic. *De or.* 1. 181 and 2. 137.

52. *MRR*, 1:487; cf. Simon, *Roms Kriege*, pp. 164 ff.

53. See especially Ascon. p. 23 Clark (other sources in *MRR*, 1:475). The legal position is discussed by G. Crifò, *Ricerche sull'Exilium nel periodo repubblicano*, vol. 1 (Milan, 1961), pp. 255-60. On poison for suicide, note Livy 30. 15. 4. Admittedly, D. B. Kaufman, "Poisons and Poisoning among the Romans," *CP* 27 (1932): 156-67, thought that poison was commonly used for suicide, but he adduced little evidence that this was so in the republican period.

another house; there is also the fact that hanging was not a customary mode of suicide for a free-born Roman male.⁵⁴

To maintain that the Roman oligarchy was pursuing consensus politics between 146 and 133, therefore, flies in the face of a substantial body of evidence. We may never be able to uncover the reasons, but these years were obviously marked by an unusual degree of tension, a whole series of uncommonly vengeful actions, and a positive hounding of *inimici*. That Tiberius himself felt some of this deep-seated bitterness cannot be denied. Octavius too seems clearly to have been imbued with it, inasmuch as he found reason to suspect Tiberius' motives. And the general atmosphere was manifestly one in which *nobiles* would be inclined to place the worst possible construction on the plans and activities of their peers. After the Numantine affair, therefore, Tiberius' intentions were bound to be suspect. The more he strove to rebuild his career, the stronger his enemies' suspicions became. And the moment he carried the deposition of Octavius for interposing a legal veto on his schemes, suspicions gave way to certainties in the minds of his *inimici*. But they still needed a suitable pretext on which to bring him down. Though they could obstruct his movements, they could not prevent him from carrying his agrarian law, from interfering in the regulation of Attalus' kingdom, or from attempting initially to secure re-election for 132. Only when the disturbances at those elections became serious enough to trigger rumors that he sought *regnum* were the senators induced in large numbers to take decisive action against him.

Yet, for all the provocations Tiberius gave his opposition, the deposition of Octavius lost none of its importance. When T. Annius Luscus (cos. 153) spoke out against Tiberius' meddling with Attalus' bequest, Tiberius took him before a *contio*, planning to denounce him. But Annius won the day, according to Plutarch (14. 4-15. 1), by asking whether Tiberius would also depose any tribune who came to Annius' assistance. Tiberius, we are told, was thoroughly disconcerted, sensing now that the people as well as the senate were angered by what he had done. And, when no tribunes could be found in the disturbances attending his attempts to secure re-election, the rumor spread quickly enough that Tiberius had deposed them all (App. *BC* 1. 15). The conclusion is clear: whatever else Tiberius did, the deposition of M. Octavius was the crucial, the unpardonable, mistake.⁵⁵

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54. Val. Max. 5. 8. 3; Livy *Epit.* 54 and *Per.* 54. Cf. Cic. *Fin.* 1. 24. Torquatus' standing is seldom discussed, but hanging as a mode of suicide is attributed normally to women and slaves in Latin literature (E. Fraenkel, "Selbstmordwege," *Philologus* 87 [1932]: 470-73, presented evidence pointing clearly to this conclusion, but apparently failed to see its force).

55. Though A. H. Bernstein, *Tiberius Sempronius Gracchus: Tradition and Apostasy* (Ithaca, 1978), appeared too late to be taken fully into account, his discussion of the two episodes (pp. 63-70 and 170-97) adds nothing of value to the main points we wish to make.