

CRASSUS' NEW FRIENDS AND POMPEY'S RETURN

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BETWEEN 70 B.C., THE YEAR of his first consulship with Pompey, and 59 B.C., M. Licinius Crassus¹ was developing support through personal relationships within many different interest groups—in short, by following an essentially normal political pattern.² Yet the accepted view of Crassus' activity during this decade is that he was a *popularis*; a jealous, fearful rival of Pompey and an ally of Caesar; and above all, an unyielding opponent of conservative senators who were resisting Caesar and Catiline (Crassus' "partners") and who prevented Crassus himself from gaining command of a large army.³

This view is an unsatisfactory interpretation of the evidence for Crassus' political strategy in the late 60's, as a glance at two often-overlooked incidents in his career will show:

(1) In 62, when anxiety about Pompey's intentions was at its peak in Rome, Crassus left the city, not in flight from Pompey but in a purposeful journey to the East, where Pompey was still in command (Cic. *Flacc.* 32).

¹For the career of Crassus, see the articles by A. Garzetti, *Athenaeum* 19 (1941) 3–37; 20 (1942) 12–40; 21 (1944–45) 1–61. See also C. Deknatel, *De Vita M. Crassi* (Leyden 1901); P. Groebe in W. Drumann, *Geschichte Roms*² 4 (1908) 84–127; M. Gelzer in *RE* 13.1. 295–331.

The correspondence of Cicero is a significant source for this period. In addition to the standard Oxford Classical Texts (*Ad Familiares*, ed. L. C. Purser, repr. 1964; *Ad Atticum* 1–8, ed. W. S. Watt, 1965; *Ad Atticum* 9–16, ed. D. R. Shackleton Bailey, 1961; *Ad Quintum Fratrem*, ed. W. S. Watt, 1958) specific reference is made to *The Correspondence of M. Tullius Cicero*, vols. 1–7, by R. Y. Tyrrell and L. C. Purser, Dublin, vol. 1 (1904), third edition; vols. 2–6 (1906–1933) second edition (cited as *T-P*); and to *Cicero's Letters to Atticus*, vols. 1–6, by D. R. Shackleton Bailey, Cambridge, 1965–1968 (cited as *S-B*).

E. Badian's *Publicans and Sinners* (Cornell University Press 1972) provides good insight into the economic aspects of the period (cited as Badian, *P-S*). P. Willems, *Le Sénat de la République Romaine* (Louvain and Paris 1878–1883) is still the authoritative sourcebook on the Senate in general.

²See R. Seager's review in *JRS* 61 (1971) 273 on the meaning of "popularis" and the complex realities of the Roman political scene which preclude thinking only in terms of two interest groups ("Conservatives" and "Populares").

³E. T. Salmon, "Catiline, Crassus, and Caesar," *AJP* 56 (1935) 302–316, gives the traditional view that, from 66 to 63, Crassus and Caesar, as *populares*, plotted against Pompey, with Caesar acting as Crassus' "henchman." For a similar account, see F. B. Marsh, *A History of the Roman World, 146–30 B.C.*, rev. H. H. Scullard, 1963, 148–167, *passim*. Cf. R. Syme in *JRS* 34 (1944) 96 f., who suggests that Crassus was really a conservative politician, and says, in reference to the actions of Crassus as censor in 65: "Perhaps he [Caesar] did not take these abortive proposals quite as seriously as his biographers do."

(2) In 61–60, Crassus was regarded, along with Cato, as the leader of the “senatorial party,” after L. Lucullus had declined to assume this position (προεβάλλοντο τῆς βουλῆς, Plut. *Luc.* 42.6). Pompey’s subsequent alliance with Caesar and Crassus developed after his request for ratification of his *acta* had been stopped by Cato, Lucullus, and Crassus, as noted in App. *BC* 2.9: οἱ πολλοὶ καὶ μάλιστα Δεύκολλος . . . διεκώλυεν . . . καὶ Δευκόλλῳ συνελάμβανε Κράσος.

While signs of Crassus’ oligarchic sympathies have been largely ignored, his possible connections with *populares*, demagogues, and conspirators have been speculated about at length. References in the sources to Crassus’ on-again/off-again ventures with Caesar, Catiline, and Clodius are numerous enough to make it plain that he did not pass up opportunities in any quarter. It is probably this quality in Crassus—willingness to consort with the more notorious figures of his day—which, more than anything else, sets him apart from the conventional politicians.

We shall not attempt here to duplicate the numerous discussions of Crassus as an anti-establishment figure.⁴ Rather, we will examine another aspect of his career: his ties with the traditional Roman nobility which were developed and sustained in the late 60’s, and the use he made of these connections. Specifically, we will discuss:

- (1) Crassus’ efforts to secure the support of the aristocratic clique which controlled the Senate;
- (2) his attitude toward Pompey;
- (3) his use of L. Valerius Flaccus and Quintus Cicero, who, as governors of Asia, controlled the most lucrative of the provinces at that time.

An annalistic presentation will permit discussion of these topics in natural phases.

MID-60’S THROUGH 63 B.C.

When Crassus and Pompey laid down their consulships at the end of 70, neither man accepted a province (Plut. *Pomp.* 23.3–4). A pre-occupation with the external affairs of the next years in the sources has helped to obscure their subsequent activities. However, an oblique reference in

⁴See E. S. Gruen, “Notes on the ‘First Catilinarian Conspiracy,’” *CP* 64 (1969) 20–24, who discounts any alliance between Crassus and Catiline in 65 and provides a thorough summary of the extent of scholarly speculation upon the Crassus/Catiline theme. See also P. A. Brunt, “Three Passages From Asconius,” *CR* n.s. 7. (1957) 193–195; R. Seager, “The First Catilinarian Conspiracy,” *Historia* 13 (1964) 338–347. On Crassus/Clodius in 61, see T. P. Wiseman, “Two Friends of Clodius in Cicero’s Letters,” *CQ* n.s. 18 (1968) 297 f., whose exegesis of *Att.* 1.16.5 seems to me a sensible demonstration of the improbability of bribery by Crassus to secure Clodius’ acquittal. On Crassus/Caesar, see below (n. 5).

Plutarch provides a clue: he reports that while Pompey established paramount influence, not with the senate, but with the people, the base of Crassus' power was the reverse (*Crassus* 7). In Plutarch and elsewhere, Crassus has been characterized as a middle-of-the-road politician, careful to keep himself accessible to all political aspirants (Plut. *Crassus* 7; Dio 37.56.5; 39.30.2) and holding many senators under financial obligation to him (Sall. *Cat.* 48).

Throughout the 60's, sporadic references have suggested Crassus' support of various individuals whose proposals in some way challenged the authority of the oligarchic element in the Senate,⁵ but evidence for another dimension of his activity, his establishing of strong ties with his fellow aristocrats, has gone relatively unremarked by modern scholars.

At the centre of the influential clique who controlled the senate during the 60's were the illustrious Caecilii Metelli together with their firm allies, the Luculli, Catulus, and Hortensius.⁶ Crassus established strong connections with the Metelli at first by marriage. His elder son, Marcus Licinius Crassus, was wed to the daughter of Metellus Creticus (cos. 69, *ILS* 881), apparently shortly after 67. Quite possibly the union was prompted by political exigency, for it was during this period that Metellus himself became embroiled in a quarrel with Pompey over jurisdiction in the war against the pirates in Crete (Cic. *Flacc.* 6; 30; 63; Livy *Per.* 99

⁵He may, for example, have supported certain tribunes such as Manilius (tr. pl. 66), who had approached Crassus before throwing his support to Pompey; see L. R. Taylor, "Caesar and the Roman Nobility," *TAPA* 73 (1942) 16, n. 33. He worked for the election of Catiline and M. Antonius for the consulships of 63 (Ascon. 83 St.), but his ties with the perpetrators of the so-called "First Catilinarian Conspiracy" of 66 are an open question (cf. the interpretation of Marsh, *op. cit.* (above, n. 3) 162, following Cary in *CAH* 9, 475-480).

There is no evidence that he consistently collaborated with Julius Caesar, nor that he had any significant political association with him before 64, when Caesar, in his capacity as *iudex quaestionis*, refused to permit the prosecution of Catiline (Suet. *Iul.* 11; Dio 37.10.2). See G. V. Sumner, "Cicero, Pompeius, and Rullus," *TAPA* 97 (1966) 579 and 582, who argues against the assumption that Caesar and Crassus were in league throughout the 60's.

⁶Sall. *Cat.* 39.1 reports that, with Pompey's departure from Rome in 67, the influence of Catulus and his *factio paucorum* increased. This group of conservatives, who must have attended Senate meetings regularly, included, during the late 60's, Q. Catulus (cos. 78); his brother-in-law, Q. Hortensius (cos. 69); M. Lucullus (cos. 73); most of the Caecilii Metelli (including Celer [cos. 60], after Pompey returned to Rome and divorced his sister); C. Calpurnius Piso (cos. 67); L. Lucullus and Metellus Creticus, after their triumphs in 63 and 62, respectively (Degraffi, 565-566); and later, M. Valerius Messala (cos. 61). In 65, five of these men testified against Pompey's tribune, Cornelius: Q. Hortensius, Q. Catulus, Q. Metellus Pius, cos. 80 (died 63); and M. Lucullus, and M. ' (sic) Lepidus (cos. 77); (see G. V. Sumner, "Manius or Mamercus?" *JRS* 54 [1964] 44-47). Cf. A. M. Ward, "Politics in the Trials of Manilius and Cornelius," *TAPA* 101 (1970) 545 f. Ward skims rather lightly over Manilius' recent *contretemps* with Crassus (Ascon. *Mil.* 39 St.; Dio 36.42.3).

Dio 36.18.1–19).⁷ Crassus' election to the censorship with Catulus in 65 may well have been assured by support of the Metelli.

Crassus' younger son, Publius, was married to Cornelia, daughter of Metellus Pius' adopted son, a few years later. Impetus for this additional family alliance may have arisen because Pompey, too, was already an in-law of the Metelli. Upon his return from the East, Pompey divorced his wife, a sister of Metellus Celer (cos. 60), and the action ruptured the general's good relations with that branch of the family.

Crassus' tenure as censor with Catulus ended in disagreement, and they abdicated without completing a *lustrum* (Dio 37.9.3). It would be superficial, as has been noted, to regard this development as illustrative of a basic conflict between *popularis* and conservative. On the contrary, it seems to be consistent with Crassus' general policy of advancing his many interests by supporting several interest groups. At this time, it would be natural for him, as for any ambitious public figure, to take advantage of the power vacuum created by Pompey's absence. Much of Crassus' activity in the censorship remains unknown, as is true for all holders of the office in the 60's.⁸ His specific aims as censor are also ambiguous, but the few incidents recorded reflect his many overlapping interests. His proposal to enfranchise the Transpadanes, for instance, may indeed have been a preliminary move to use that region as a recruiting ground for an army; it is equally possible that Crassus was interested in establishing good relations within a region of great potential importance in elections.⁹

It may not be too wide of the mark to assume that some of the friction between Crassus and Catulus stemmed from conflicting financial interests, particularly involving their responsibilities in letting the contracts for collection of the Asian tax. Crassus was certainly not the only member of the nobility to invest in public companies as a silent partner.¹⁰

⁷The significance of these marriages has been noted by R. Syme in *Sallust*, 19, n. 13. For an analysis of the dating, see L. R. Taylor, *Party Politics in the Age of Caesar* (University of California Press 1966) 222, n. 12.

⁸We do not even know who most of them were. The colleague of L. Aurelius Cotta (cos. 65), censor in 64, is a mystery. The censors of 64 may have let tax contracts and accomplished other routine duties left undone by Crassus and Catulus in 65; Cotta and his colleague abdicated in the face of tribunician objections to their *lectio senatus* (Cic. *Dom.* 84; Dio 37.9.4). The next trace of censors in operation is in 61 (Dio 37.46.4). Neither censor is known, but C. Scribonius Curio (cos. 76) is a possibility (Willems, 1.430). *Att.* 1.17.9 suggests that they leased the contract for the Asian tax protested by the *publicani*.

⁹L. R. Taylor, *Voting Districts* 26–27, observes that the collective influence of Transalpine Gaul in elections from 70–50 suggests that fixed tribes had been established for the magistrates of enfranchised colonies. Cicero was one of many consular candidates to journey to Gaul before the *comitia* (*Att.* 1.1.12; *Phil.* 2.76).

¹⁰See Badian, *P-S* 101 f. for the evidence that senators could hold unlisted and/or

As censor, Crassus was able to use his influence to secure the appointment of Cn. Piso as *quaestor pro praetore* with an extraordinary command in Spain (Sall. *Cat.* 19.1; *ILS* 875). Piso was to raise a force against Pompey there, but this was prevented in the following year because Piso was murdered—a deed which the sources suggest was carried out by Pompey's agents (Sall. *Cat.* 19.3–5; Ascon. 92–93; Dio 36.44.5). Lately, the scope of this incident has been viewed with some skepticism: the granting of pro-praetorian command to a quaestor may simply reflect a temporary dearth of available governors, and Crassus' support of Piso may be an example of mere "political jobbery".¹¹ For the purpose of this discussion, the notice is significant because it is the first instance in this period of Crassus' taking an interest in the assignment and duties of a promagistrate. This avenue of influence he would pursue with profit in the years immediately ahead.

Two events following the consular elections and Catiline's defeat in 63 had a profound effect upon Crassus' subsequent activities. Late in the summer, L. Lucullus (cos. 74) ended his long wait outside the *pomerium* and celebrated his triumph (Cic. *Mur.* 37; 69 *Acad.* 1; *ILS* 60; Degraffi, 565). Close upon this came news of the death of Mithridates, acknowledged by the Senate with the decree of a ten-day *supplicatio* in celebration.

For L. Lucullus, the *gloria* attendant upon a *triumphator* must have begun to sour in its savoring as he contemplated, like Solon, the vagaries of fate. From the East, in 69, he had dispatched word to the Senate of his successful siege of Tigranocerta, probably with a simultaneous request for the appointment of the traditional ten-man commission to organize the conquered territory (Plut. *Luc.* 26). Among the commissioners selected were his brother M. Lucullus, and L. Licinius Murena, both *coniunctissimi* (*Att.* 13.6.4).¹² Yet, in the next years, Lucullus, frustrated by dissension in his army and loss of support at home, saw a steady erosion of his command. Passage of the Gabinian and Manilian laws super-imposed

non-voting shares (*partes*) as *socii* of public companies. Such interests spread competition among the ruling class well beyond purely political boundaries: L. Lucullus' loss of command and long wait for a triumph may have been instigated by senators already jealous of his long and successful command, encouraged to punish Lucullus by those who had made less profit in Asia because of the commander's pro-provincial policies (*P-S* 98).

¹¹The suggestions, respectively, of J. P. V. D. Balsdon, "Roman History, 65–50 B.C.: Five Problems," *JRS* 52 (1962) 135; and R. Syme in *JRS* 34 (1944) 96.

¹²The group was appointed and present in Pontus before 66 (Dio 36.43.2). Broughton, *MRR* vol. 2, 131, n. 6., dates the dispatch of the commission in 70, citing "a political climate in Rome more favorable to Lucullus than that which set in in 69." Cf. Magie, *Roman Rule in Asia Minor* vol. 1, 349; vol. 2, 1219, n. 58, who dates the arrival of the commission in 67; and P. Stein, *Die Senatssitzungen der Ciceronischen Zeit* (68–43) (Muenster 1930), 7, who post-dates its appointment in 67.

Pompey's authority upon the entire East, and brought Lucullus into collision with him. Pompey refused to recognize the work of the senatorial commission and the group returned to Rome in 66, somewhat before L. Lucullus himself arrived (Plut. *Luc.* 36-37; *Pomp.* 31; 38.1; Dio 36.43.2).

Efforts were immediately begun to salvage something from Lucullus' Eastern achievements by securing the necessary senatorial permission to triumph (Livy 28.9; 31.20; Val. Max. 2.8.1). M. Lucullus spearheaded the movement to obtain the triumph for his brother, but his efforts were blocked, in 66 by the tribune C. Memmius (Plut. *Luc.* 37.1-2; *Cat.min.* 29.3),¹³ and later by consuls favorable to Pompey, e.g., L. Manlius Torquatus (cos. 65).¹⁴ Not until 63 did a climate sufficiently favorable to L. Lucullus prevail in the Senate to assure approval of his request to be ceremonially acclaimed for his military exploits. That he was granted his request at this time can be due in no small measure to the support of the consul, M. Tullius Cicero, a *novus homo* eager at this stage of his career to strengthen his own ties with the nobility—Cicero's speech in behalf of C. Calpurnius Piso in this year was his first defense of a *consularis*.

L. Lucullus' triumph made more than its customary spectacular impression, because it was the first such celebration after a hiatus of six years (Cic. *Pis.* 58; Plut. *Luc.* 37.2; Degrassi, 565; *MRR* vol. 2, 130, n. 5). It re-established the *dignitas* of one of the conservative families in Rome, while detracting some attention, for the moment, from Pompey's activities in the East. More important, it returned to the Senate a potentially influential member of the inner circle, now a bitter foe of Pompey.

L. Lucullus and the clique were joined by another *triumphator* in the following year, when Metellus Creticus returned to the Senate. He, too, had waited outside the *pomerium* in anticipation of a triumph for his achievements in Crete (his triumph was celebrated on 1 June 62, Degrassi 566). L. Licinius Murena (cos. 62), a protégé of the Luculli, may have arranged for its approval. Creticus, too, had come into conflict with Pompey when their commands overlapped as a result of the *Lex Gabinia* (Cic. *Flacc.* 6; 30; 63; Livy *Per.* 99; Dio 36.18.1-19). Indeed, one source reports that Creticus returned to Rome determined to work against Pompey (Flor. 2.13.9), believing that because of him, his own triumph over Crete had been "diminished."

The *senatus consultum* that decreed a *supplicatio* following news of Mithridates' death need not be viewed as evidence of support for Pompey from the Senate, but of its willingness to take advantage of the

¹³"In decreeing a triumph . . . of a promagistrate, the Senate invited a tribune to submit to the people . . . a bill which would retain for the promagistrate his *imperium* in Rome on the day of the triumph," Willems, 2, 672. (Livy 26.21; 45.35; *Att.* 4.18.4).

¹⁴On L. Manlius L.f.—n. Torquatus, see *RE* 4.1, 1199-1203.

occasion to suspend public business as political strategy.¹⁵ Likewise, the concurrent and superficial *plebiscitum* which gave Pompey the right to wear triumphal garb at certain public events (*Lex Ampia* [*Atia*] <sic> *de triumphalibus ornamentis Cn. Pompei*, Rotondi, 380) will hardly have rankled long with Pompey's enemies.¹⁶

For Crassus and for Rome, the significance in these decrees was in the tidings that had inspired them: with his chief antagonist eliminated, Pompey would consolidate his conquests and shortly return to Rome. Uncertainty about Pompey's plans for the future dominated Roman politics in succeeding months. Some of Pompey's adherents agitated for his immediate recall to Italy, to stamp out the Catilinarian conspirators. Many men wondered whether he intended to return as a second Sulla, backed with his army to carry out his desires. Crassus himself supposedly panicked at the prospect of Pompey's return, carrying proscription lists with Crassus' name at the head. Crassus' insecurity is often cited as the reason for his virtual disappearance from the political scene in the next year: Crassus had been "burned" by the confessions of some of the conspirators (Sall. *Cat.* 48), and decided to withdraw from politics for a while and avoid further controversy.

But in fact, Crassus' fear of Pompey has been greatly exaggerated, especially in the absence of specific references in the sources to open hostility between the two men.¹⁷ Rivalry there certainly was—from Crassus' point of view—but of the perfectly understandable sort which always existed among the *nobiles* (see n. 10). There is no need to hunt for a single event that could start a feud, e.g., the oft-cited slave insurrection in 71 when Pompey entered the field at a crucial moment and claimed credit for Spartacus' defeat (Plut. *Crassus* 11.8). There is nothing to suggest a corresponding spirit of competition on Pompey's part, much less a desire for Crassus' head. Disbanding his army in 62 was, if nothing else, a gesture of supreme confidence in his own *dignitas*.

Nor did any fear result in political paralysis for Crassus until he could ascertain Pompey's intentions. For, at some point in the autumn of 63, Crassus made a decision of his own—that he would leave Italy. His journey was not merely a prudent withdrawal, for it would carry him to the East, where Pompey was in total control. And it was not an abject flight from Pompey's supporters in Rome. Indeed, the source of the

¹⁵Taylor, *PP* 222, n. 4.

¹⁶This bill may be dated as roughly concurrent with the award and celebration of L. Lucullus' triumph, and viewed as an attempt by the supporters of Pompey to undermine the significance of the triumph of Lucullus. It would also be a popular legislative mate to the senatorial *supplicatio*.

¹⁷F. E. Adcock's verdict of Plutarchean drama as the seed for this myth must stand, in light of no general tradition for it in the sources (*Marcus Crassus, Millionaire* [Cambridge 1966] 58).

notion that Crassus was afraid and left Italy suggests that he had another motive for leaving as well:

Κράσος δὲ τοὺς παῖδας καὶ τὰ χρήματα λαβὼν ὑπεξῆλθεν, εἴτε δέσας ἀληθῶς, εἴτε μᾶλλον, ὡς ἔδοκει, πίστιν ἀπολείπων τῇ διαβολῇ καὶ τὸν φθόνον ποιῶν τραχύτερον.

(Plut. *Pomp.* 43)

Crassus went away secretly, taking with him his children and his money, whether because he was really afraid, or as seemed likely, he wished to provide credibility to the rumor [of Pompey's intentions] and to make the unpopularity of Pompey more severe.

Crassus' strategy in late 63 was intimately connected with securing the support of his kinsmen by marriage, the Caecilii Metelli, and their relatives and adherents, the Luculli.¹⁸ In mid-November, an opportunity presented itself for Crassus to lend his support to this powerful group, and particularly to L. Lucullus, still a celebrity after his recent triumph. L. Licinius Murena, a legate of L. Lucullus in Armenia (Cic. *Mur.* 20; 89; Plut. *Luc.* 25.6; 27.2), and consul-designate for 62, was prosecuted for electoral bribery by M. Cato. Cicero, in the midst of his efforts to develop proof against the conspirators, successfully defended Murena, and was joined in the defense by Q. Hortensius (cos. 69) and by Crassus. This unlikely partnership has caused speculation about Crassus' motives. His relationship with Cicero was never cordial (see below), and, even granting Crassus' precedent for taking on many different cases (Plut. *Crassus* 7), why now, when his own departure from Rome was imminent, did he choose to defend Murena? Influenced by Ciceronian rhetoric to assume an over-riding tension in Rome at this time because of the conspiracy, some have tended to regard Crassus' support of Murena as a defensive reaction to rumors that he himself had had a part in Catiline's venture: by seeming to support the orderly succession of consuls, he could not be suspected of participating in an overthrow of the government.¹⁹

Although the chronology of events leading up to revelation of the conspiracy is uncertain, a few known dates make this motive an unlikely one. Murena's trial took place in November. Proof against the conspirators was not obtained until the 2nd of December, and was not announced until the following day at a special Senate meeting (Cic. *Sull.* 14; 40-41). During the previous month, the affair was of great concern to Cicero and his aides, but even they were not confident of obtaining convincing evidence about the plot. To suggest that Crassus at this time felt threatened by implication in an as-yet unrevealed conspiracy which had

¹⁸See the stemmata in Drumann, vol. 2, 14 and vol. 4, 132. L. Lucullus, pr. 104 and father of L. Lucullus, cos. 74, married Metella (#26), daughter of L. Metellus Calvus, cos. 142. L. Lucullus and Q. Metellus Pius, cos. 80 and *pontifex maximus* until his death in 63, were cousins.

¹⁹As suggested, e.g., by Garzetti, *op. cit.* (above, n. 1), 20 (1942) 39.

not matured—assuming Crassus *was* involved—is to attribute to him more than reasonable caution.

Apart from this, however, it is possible to see Crassus' defense of Murena as a deliberate move to strengthen his ties with Murena's patron, L. Lucullus. It was certainly no secret that Lucullus was taking a special interest in the proceedings. Cicero remarks that it was indeed a happy piece of luck that Lucullus had been able to lead his men in triumphal procession and be at hand to witness his protégé's success (Cic. *Mur.* 20). Q. Hortensius, the other *subscriber*, was a natural ally of the exclusive aristocratic faction that Murena represented. Cicero gives no indication that Crassus' support is unexpected or out of character; on the contrary, he suggests that Crassus, too, had much in common (*familiaritas*, *Mur.* 4.10) with his client. At any rate, defending Murena certainly helped Crassus to establish a positive relationship with L. Lucullus, and his gesture was one which he could hope would be reciprocated. Of more immediate value was the goodwill of Murena himself, consul of 62. Crassus might expect that his interests would be protected by a sympathetic magistrate during the period of his anticipated absence.

62 B.C.

Crassus had decided to leave Italy, and had possibly been making his plans as early as mid-63.²⁰ Now, with his alliances among the élite of the nobility freshly attended, he proceeded to carry on his efforts to counter Pompey's influence by moving into promising areas of power not utilized by the general and his supporters. The time was right for an ambitious manipulator to extend his activities in regions other than Rome. For in 62, the traditional oligarchs were in control. Consulars of the inner circle could dominate Senate meetings: Q. Lutatius Catulus (cos. 78); C. Scribonius Curio (cos. 76); L. Licinius Lucullus (cos. 74); M. Lucullus (cos. 73); Q. Hortensius (cos. 69); Q. Metellus Creticus (cos. 69) (after mid-year); C. Calpurnius Piso (cos. 67). Influential men such as Servilius Vatia (cos. 79), M. Glabrio (cos. 67), L. Cotta (cos. 65), and M. Cicero (cos. 63) were not hostile to Crassus, nor necessarily partial to Pompey (cf. Cic. *Fam.* 1.2). To be sure, Pompey had his consulars, but men like L. Gellius Publicola and Cn. Cornelius Lentulus (cos. 72) and Volcatius Tullus (cos. 66) were relatively unimportant and accomplished nothing of note for Pompey.²¹

²⁰Travel abroad was a current political topic. Before the electoral *comitia* in 63, Cicero proposed that *legationes liberae* be restricted to senators actually on public service. The measure was vetoed by a tribune. Subsequently, a *senatus consultum* placed a one-year limit upon previously open-ended legations (Cic. *de Leg.* 3.8).

²¹Among other consulars alive at this time, Pompey, of course was not in Rome to

The consuls L. Murena and D. Silanus continued Cicero's firm suppression of the remaining bands of conspirators and presided at Senate meetings throughout January of 62, when an official list of suspected conspirators was compiled (Dio 37.41.2). They were unable to spare Cicero from the mischief of tribune Metellus Nepos upon the occasion of laying down his consulship (*Fam.* 5.2.8), but with the backing of conservative senators took a no-nonsense stand against Nepos and Caesar. After fighting broke out during a *contio* convened to discuss Nepos' proposal to recall Pompey to Italy at once to quell the conspiracy, the Senate met and deposed Nepos and Caesar from office (Plut. *Cat.Min.* 29; Suet. *Iul.* 16; Dio 37.43). The rest of the year was quiet. Only a few actions taken by the Senate have been recorded, and these are, for the most part, routine. A consular law requiring copies of all proposed legislation to be deposited in the treasury (*Att.* 2.9.1; *Sest.* 135), and serious objection expressed to Pompey's request that the consular elections be postponed until he could be present,²² are indicative of the influential clique's intention to hold the line and keep Pompey at a distance. The fact that senatorial decisions on the quaestors' activities were put off until the next year (*Fam.* 5.6.1) is another sign that the Senate was keeping its options open until Pompey's plans could be determined.

During the political breathing spell that 62 afforded, Crassus departed for the East. While the exact time of his departure cannot be determined, it is possible to identify a probable *terminus ante quem*. Crassus did not attend the Senate meeting on December 5, 63 B.C. (Cic. *Cat.* 4.10), and because his absence was remarked upon, it is possible that he was still in Rome and could have attended the session. When Nepos' proposal for Pompey's immediate recall was over-turned by the Senate's action at the end of January, 62 (Plut. *Cat.Min.* 29; Suet. *Iul.* 10; Dio 37.43), any concern Crassus may have had over the possibility would have been removed, and he may have left the city soon afterwards. Pompey's letter to the Senate announcing the end of the Mithridatic War, received in the Senate before April (*Fam.* 5.7.1; *Prov.cons.* 27), was a clear indication of his intention to return to Rome.

An Eastern destination was not a casual choice for Crassus. Pompey's

attend Senate meetings, nor were C. Antonius (cos. 63) nor, perhaps, L. Manlius Torquatus (cos. 65). Q. Marcius Rex (cos. 68) and Metellus Creticus (cos. 69) (until mid-62) were outside the *pomerium* awaiting triumphs. For a more detailed analysis of the relative influence of consular senators in this period, see my article "The Senate on 1 January, 62 B.C.," *CW* 65, 5 (Jan. 1972) 160-168.

²²According to Plutarch, most senators were inclined to accede to the request, but Cato prevented action (*Cat.min.* 30); *Pomp.* 44; cf. Stein, *op. cit.* (above, n. 12), 19, n. 99.

conquests in Bithynia, Pontus, Syria, and Cilicia held great promise of profit for individuals as well as the State, just as the revenues from Asia alone, after 122 B.C., became an overwhelming factor in the economy.²³

Asia was to be of particular significance in Pompey's reorganization of the East: already an established element in Roman politics and economy because of the interests of the *publicani* who bid for, and profited from, contracts to collect its taxes, its tax system seems to have been made the model for the new provinces.²⁴ It also now lay in the strategic center of the expanded Roman domain, and for several years had been governed by politically insignificant men—in 64, by P. Orbius (pr. 65, *Flacc.* 76; 79), and in 63 by P. Servilius Globulus (pr. 64, *Flacc.* 85; 91).²⁵ Now, while Pompey was bringing his affairs to a close in the region, preoccupied with plans for returning to Italy, an opportunist like Crassus might turn the unsettled condition there to his own advantage—now, particularly because the new governor of Asia was L. Valerius Flaccus, intimately connected with Crassus' new friends, the Metelli, and with other members of their circle.

The career of Flaccus had brought him close to many of the illustrious men of the day.²⁶ As military tribune, he served under C. Valerius Flaccus in Transalpine Gaul in the late 80's, and under Servilius Vatia Isauricus in Cilicia, 78–76. Quaestor (or proquaestor? *MRR* vol. 2, 629) in 71 or 70 under Pupius Piso (cos. 61) in Spain, he also saw service under Metellus Creticus in Crete from 68 until 66 as legate, and in that capacity, too, under Pompey in Asia, 66–65. While Praetor in 63, he played a prominent role in the conviction of the conspirators (Cic. *Cat.* 3.5; 14; *Flacc.* 94–95). After his governorship, Flaccus is next mentioned as being selected an ambassador on a senatorial mission to quiet a potential rebellion in Gaul; there is a good chance that he was selected for the mission by its senior member, his former commander, Metellus Creticus.²⁷

He enjoyed the continued support of men whom he had served, most notably in 59, when he was prosecuted *de repetundis* and defended by Cicero. His accusers had brought the charges for apparently personal reasons (Val. Max. 7.8.7), but the chief prosecutor, Dec. Laelius, who was *paternus amicus* to Pompey as he had been *contubernalis* to Flaccus (Schol. Bob., 97–99 St.), made much of the hostility that had developed between Flaccus and Pompey (*Flacc.* 14; 28–29; 67) and contrasted Flaccus' acts as promagistrate unfavorably with Pompey's. Servilius

²³Badian, *P-S* 63–64.

²⁴*Ibid.*, 99–100.

²⁵The problems concerning identification of governors of Asia between 69 and 64 are summarized in *MRR* vol. 2, 142, n. 9.

²⁶On Flaccus, see Muenzer, *De Gente Valeria* 43, no. 28.

²⁷*S-B*, vol. 1, 335, n. 8 and n. 9.

Vatia and Metellus Creticus were prepared to testify in Flaccus' behalf (*Flacc.* 100), and Q. Cicero, his successor as governor, sent a letter supporting him (*Flacc.* 78). The only prominent individual from his past who did not come forward as *patronus* was Piso (cos. 61), a supporter of Pompey.²⁸ Given Crassus' relationship with Flaccus (see below), we might expect him to be among the defenders, but the sources do not mention him. His failure to join in the defense may be explained by his over-riding obligation to the *coitio* with Caesar and Pompey in 59.

Crassus served with Flaccus in a quasi-military capacity in 62, and probably used the influence of Metellus Creticus to secure Flaccus' help. Crassus' exact status under Flaccus is uncertain—he may have had the privileges of a *legatio libera* (*RE* 13¹. 313), or some unofficial position which allowed him considerable independence.²⁹ He was certainly not restricted in mobility, for he was travelling with a fleet that cruised between Asia and Macedonia looking for pirates, an assignment that permitted him much freedom for personal business (*Flacc.* 32).

As governor, Flaccus levied a special tribute upon his province to finance the construction of two fleets to patrol the Aegean for pirates, although Pompey had supposedly swept them from the seas. At some point in 62, Flaccus and Pompey became estranged. It is possible that levying a fleet against pirates (though none were ever found) invited Flaccus to criticism for detracting from the glory of Pompey's achievement in 67–66 (*Flacc.* 28). It is also possible that a cause of Pompey's annoyance was Flaccus' co-operation in giving a useful pretext for Crassus' travels throughout the East.

The brevity of Cicero's statement about Crassus' Eastern sojourn has aroused speculation about the purpose of the trip, much of it conflicting.³⁰ In fact, Crassus may have had nothing more specific in mind than to see at first hand what the rest of Rome was only guessing about, and to study

²⁸The tie between a consul and his quaestor was one of *necessitudo* (Cic. *Div. Caec.* 63; *Fam.* 2.17.5) and put its holder in the position of a father to his son. On the relationship from the quaestor's point of view, see L. A. Thompson, "Relationship Between Provincial Quaestors and Their Commanders-in-Chief," *Historia* 11 (1962) 339–355. On the political background of the trial of Flaccus, see E. Badian, "P. Decius P. f. Subulo," *JRS* 46 (1956) 95 f.; E. S. Gruen, *Roman Politics and the Criminal Courts* 149–78 B.C. (Harvard University Press 1968), 189 f.

²⁹Cf. the references in, e.g., Polyb. 18.34.3 to *amici* who could act independently and determine policy with a promagistrate; see also Mommsen, *RSt* 1.316, n. 1, s.v. "consilium."

³⁰P. A. Brunt, "'Amicitia' in the Late Roman Republic," reprinted in *The Crisis of the Roman Republic*, ed. R. Seager (Cambridge 1969) 215, suggests that Crassus went East "to do a deal" with Pompey; cf. Adcock, *op. cit.* (above, n. 17), 41. R. Rowland, on the contrary, believes that Crassus fled to Macedonia, relying on the protection of Antonius ("Crassus, Clodius, and Curio in the Year 59 B.C.," *Historia* 15 [1966] 221, n. 19).

the probable effects of Pompey's arrangements upon the business interests of the *publicani*.

It is scarcely possible that Crassus spent the better part of a year in Pompey's domain without paying him a visit. Even among political rivals the social amenities were not overlooked (Plut. *Luc.* 39.4; 40.1-2; 41.3-5). And it would be like Pompey, in the role of expansive host, to dispel any qualms about an armed return to Italy Crassus may have mentioned over the wine cups. After all, Pompey was now giving the same gracious assurances to the Senate (*Fam.* 5.7).³¹ In the course of their conversations, Crassus may have gleaned valuable information about the financial arrangements Pompey was preparing to recommend for the new provinces.

Opportunities to profit from the changing situation in the East certainly occupied much of Crassus' attention as he travelled. Scouting the possibilities of likely revenue in the new territories, perhaps as *socius* of one or more public companies who would be bidding for the tax contracts (see n. 10), he would certainly have studied financial conditions in Asia, whose tax collection had been awarded by competitive bid for many years. And new bids for the Asian tax were scheduled to be submitted to the censors in the following year.

Devastation in Asia was severe in the Mithridatic war. This made it unlikely that higher taxes would be assessed for the region in the near future, hence profit for a tax company here would be limited.³² Crassus' on-sight observations, plus his innate business sense of the inflation of investment capital soon to come must have convinced him to look instead to the new territories for profit through investment in the public companies. The Asian situation held possibilities of another kind. By the end of the year, Crassus was able to use his experience in the East to his considerable financial advantage, and at the same time co-operate with his aristocratic friends to confront Pompey with a political check-mate.

61-60 B.C.

Crassus' return to Rome coincided with Pompey's. He may have planned to arrive in December 62, when Pompey and his army reached Brundisium, a possibility which further weakens the theory that he had fled to avoid Pompey. In a letter of that month (*Fam.* 5.6.2), Cicero reports to his friend, Sestius, that he has at last closed the deal on purchasing a house from Crassus, although Sestius had congratulated him on the transaction some time before:

³¹See E. S. Gruen, "Veteres Hostes, Novi Amici," *Phoenix* 24 (1970) 237 f.

³²E. Badian, *Roman Imperialism in the Late Republic* (Oxford 1968) 79.

... quod ad me pridem scripseras velle te bene evenire, quod de Crasso domum emissem, emi eam ipsam domum HS XXXV aliquanto post tuam gratulationem...

Crassus' absence from Rome may have delayed conclusion of the sale until this time.

In any event, he was definitely in the city by February 61: at a special Senate meeting held outside the *pomerium* to permit Pompey's attendance, Crassus displayed a new dimension to his strategy of securing the general goodwill of the oligarchic nucleus of the Senate and the specific support of others affiliated with it. After Pompey had failed to acknowledge or praise Cicero's actions in suppressing the conspiracy in his speech, Crassus got up and delivered a fulsome tribute to Cicero's role in the crisis (*Att.* 1.14.3-4). Cicero was surprised by the speech, especially inasmuch as his own *sententiae* had definitely favored Pompey. But his pleasure at the unexpected compliments comes through in his reaction as described to Atticus: *Hic dies me valde Crasso adiunxit*.

It is not difficult to discover Crassus' purposes in making what amounted to a "motherhood" speech in a well-attended meeting of the Senate. It would, first of all, give assurance, albeit belated, to the conservatives of his support for the strong measures taken against the conspirators in 63, blurring to some extent any memory of his own absence from the crucial meeting that determined their fate. It also allowed Crassus to sidestep the issue which was the topic of this special meeting, namely, to decide the procedure by which Clodius was to be tried for sacrilege. Crassus did not publicly differ with his ally on this issue—L. Lucullus subsequently testified against Clodius (*Cic. Mil.* 73)—and evidence for his own role in the trial is suspect.³³

Less subtle was his decision to eulogize Cicero, and its effect was immediate, for Cicero's delight was transparent. On that day, Cicero felt very close to Crassus, though he had no illusions about the speaker's motives (*utrum Crassum inire eam gratiam quam ipse praetermisit*, *Att.* 1.14.3). The gesture enabled Crassus to establish polite intercourse with the Ciceros, both Marcus and Quintus, to obtain, if not their positive support, at least their tacit co-operation.

Of the two Ciceros, Quintus now stood in a position to be of help to Crassus in an immediate way. Quintus was due to depart for a province as propraetor in the near future; the same letter which carried tidings to Atticus of Crassus' flattery also reported that Quintus was trying to sell his Tusculan estate to buy property in Rome (*Att.* 1.14.7). Concluding these arrangements now may have been part of his preparations for departure. In the next letter (*Att.* 1.16.1) Cicero indicates that Quintus' province is Asia.

³³On *Att.* 1.16.5 vis-à-vis Crassus' connections with the trial, see T. P. Wiseman, *loc. cit.* (above, n. 4).

Relations between M. Cicero and Crassus were never cordial. In 66, Cicero regarded him distantly, as a "millionaire type" (*Att.* 1.4.3). Apart from the business transaction and speech mentioned above, there is scant evidence of their relationship during this period. In 58, Cicero feared that Crassus would act to prevent the new tribunes from securing his return from exile, but this fear proved groundless (*Fam.* 14.2.2). In 54, Cicero celebrated his formal reconciliation with Crassus while rehearsing their past relationship in a general way (*Fam.* 5.8); the *liberalitatem* mentioned in 5.8.3 suggests a previous favor done for Cicero.³⁴ But the letter, though florid and spacious, has a strained quality and contains many of the formulaic characteristics of the *commendaticiae* of Book Thirteen of the letters *ad Familiares*. By contrast, Cicero enjoyed a close, almost fatherly relationship with Crassus' younger son, Publius. It was sometimes due to the young man's influence that his father and Cicero could recognize their common interests (*Fam.* 5.8.4; 13.16.21; *QFr.* 2.7.2; *Brut.* 280–282).

In the preceding year, Cicero, like Crassus, had earned the gratitude of the Luculli—Plutarch reports that M. Cicero and L. Lucullus were close friends (*Luc.* 42.4)—by his defense of their client, the poet Archias, who was prosecuted on a nuisance charge by foes of the family. In his speech, Cicero made effective use of the lustre of the family's name, recently burnished by L. Lucullus' triumph (*Cic. Arch.* 5.11; 9.21). It is probable that the Caecilii also were most interested in the case, for personal reasons (*Att.* 1.16.15).³⁵

Quintus Cicero, too, became involved with Archias and his patrons, for as praetor (urbanus? *MRR* vol. 2, 173) he had presided at the trial (*Arch.* 3; 32; *Schol. Bob.* 175 St.). In contrast with the cool relationship between M. Cicero and Crassus there is some evidence that Quintus was on familiar enough terms with him to expect and receive his financial and political support. Writing to his brother from exile in 58, M. Cicero regrets that he is powerless to help Quintus, then faced with a possible prosecution *de repetundis* after his return from Asia; but if Quintus needs money to help fight the prosecution, Cicero remarks that he ought to ask Crassus for help (*QFr.* 1.3.7). Later (in 55), Crassus agreed to help M. Cicero in arranging for certain inscriptions in Quintus' honor—Crassus gave his support in exchange for Cicero's tacit approval of a project of his own (*QFr.* 2.7.2).³⁶

³⁴*T-P*, vol. 2, 122, n. 3 suggest that money was involved.

³⁵*Cf. S-B*, vol. 1, 325, n. 4. On Cicero's possible attempt to reconcile Pompey with the Luculli during this trial, see J. H. Taylor, "Political Motives in Cicero's Defense of Archias," *AJP* 73 (1952) 62–70.

³⁶W. C. McDermott, "Q. Cicero," *Historia* 20 (1971) 706–707, reaches a similar conclusion about the Ciceros' relationships with Crassus and gives a helpful exegesis of these citations.

Quintus' talents and reputation were more modest than his brother's, but the same need not be said of his personal ambitions. At the outset of his term in Asia, he hoped that his command would not be extended, fancying himself, perhaps, as a promising consular candidate after a year's promagistracy. M. Cicero, less sanguine about Quintus' prospects, favored at least one year's prorogation.³⁷ That Quintus' command was renewed for an almost unprecedented third term was due to factors which not even his brother could fathom (*QFr.* 1.1.2). Perhaps Crassus could have elucidated.

Quintus' irascible nature, well-documented in Cicero's fraternal remonstrances (*QFr.* 1.1.37; 1.2.6-7), was destined to create friction between himself and other magistrates and quasi-officials in his province. A frequent target of his temper and stern attitude were the *publicani*, demonstrated in references too well-known to repeat in detail here. They are unexpected victims, in light of M. Cicero's frequent reminders about how important they have been to the Cicero family (*QFr.* 1.1.6; 35-36). Quintus' support of the *publicani* is especially important now (December 60), urges Cicero, because they have taken the tax collection at a loss (*praesertim publicis malis redemptis*, *QFr.* 1.1.33). Quintus could use his very considerable local authority in arranging *pactiones* which would ameliorate their situation. What comes through between the lines, of course, is that Quintus is not helping the *publicani* much at all.

Why not? Quintus was never a cipher for his brother. Some of his policies as governor suggest a fairly independent interest in economy and budget-trimming. He abolished the heavy tribute previously in force in Asia to subsidize public games (*QFr.* 1.1.26). He was also the first governor to relieve the area of extra taxes to fund fleet patrols of the Aegean (publicly excused by M. Cicero: *Flacc.* 33). The losers in these actions were, again, the public companies who were deprived of opportunities to collect the taxes at a profit. The loser may have been the same company which had overbid for the Asian tithe in 61, for holding multiple contracts in one province was not without precedent.³⁸ To be sure, Quintus did not become a champion of the provincials (*QFr.* 1.1.9), but his tough attitude towards the *publicani*, punctuated by curt dealings with their representatives, persisted throughout his term of office.

Temperament aside, another factor suggests itself to account for Quintus' unsympathetic relations with businessmen in his province: curtailed opportunities for profit for the public company or companies in Asia would have been endorsed by Crassus, for reasons to be provided shortly. Crassus may have suggested to Quintus that keeping the Asian

³⁷McDermott, *op. cit.* (above, n. 36), 703, n. 6. Cf. T. P. Wiseman, "The Ambitions of Quintus Cicero," *JRS* 56 (1966) 110 f.

³⁸Badian, *P-S* 76.

publicani in check could be to their mutual advantage: neither man could be blamed for the overbid that Crassus could foresee, and Quintus would have problems with the tax company anyway. A casual promise of aid from Crassus in a future consular canvass might have helped to sustain Quintus' ambitions for a good portion of his governorship. Crassus' availability to Quintus in later years may have been a substitute reward.

Of course, Quintus' policies must have met with the approval of other influential senators whose interests coincided with Crassus' (see below). This would account for the double renewal of his command. At least, he was not in Pompey's camp.³⁹ But we must be careful not to equate Quintus' apparent hostility to the *publicani* with outright collaboration. Much of his resistance to the company's requests was a necessary reaction to their aggressive efforts to recoup their losses.⁴⁰ In 59, Quintus dutifully forwarded a dispute about *portoria* to the Senate as a matter not under his jurisdiction, but subject to the *lex provinciae* and *lex censoria*.⁴¹ By then, factional sallies against his brother were affecting him in the form of bureaucratic foot-dragging when the time came to provide the governor with his administrative funds (*Quaestores, autem, quaeso, num etiam de cistophoro dubitant?* *Att.* 2.16.4; cf. *Att.* 2.6.2; *S-B* vol. 1, 364, n. 13; 384, n. 16).

The affair of the Asian tax company's problems still rankled at Rome and abroad. It arose publicly as Q. Cicero began his governorship. As early as the Kalends of December 61, at Crassus' instigation, the *publicani* requested from the Senate the cancellation of their contract with the censors for collecting the taxes of Asia. Cicero spoke in favor of the request, if only to maintain the *concordia ordinum*, but opposition to the proposal was immediate and vigorous. The next day, debate in the Senate lasted until nightfall, with consul-designate Metellus leading the attack (*Att.* 1.17.9). Cato, too, had intended to speak against granting the

³⁹Demonstrated by evidence for the following years. Correspondence between M. and Q. Cicero from December, 57, through mid-56 is devoid of personal reference to Pompey, apart from the ironic phrase "Pompeius noster," (*QFr.* 2.4.5). Cf. 2.2.3, where Marcus admits "in ea re Pompeius quid velit, non despicio."

There are only a few references to the official aspects of Quintus' duties: *QFr.* 2.5.1, a report of senatorial action on an allocation for grain, in which Quintus was directly involved; and *QFr.* 2.5.2, which acknowledges Pompey's promise to allow Quintus to return to Rome. While these scant references may give a typical view of a legate's relationship with an absent superior, cf. the frequent references made to Caesar by both Ciceros whenever each had news to pass along to the other. Caesar, too, was a regular correspondent: *QFr.* 2.11.1; 2.16.5; 3.1.9–11 and 17; 3.6.3.

⁴⁰Badian, *P-S* 100.

⁴¹Cf. Magie, *op. cit.* (above, n. 12) vol. 1, 253–254; vol. 2, 1128–1129, n. 50. The *consilium* which had recommended this step to Quintus included A. Allienus (pr. 49); L. Aelius Tubero; and M. Gratidius (*MRR* vol. 2, 182 f.), and perhaps local resident Roman citizens (*S-B*, vol. 1, 384, n. 6).

request, but darkness ended the meeting before his turn came to speak. In the next year, however, he assumed leadership of the opposition to the request of the *publicani*. When the issue was again brought to the Senate late in January 60, Cato filibustered against it, preventing other Senate action and delaying the customary reception of embassies in February (*Att.* 1.18.7). Not until June of 60 does Cicero report that Cato has finally prevailed, that the *publicani* have been refused their request, and that the matter is a dead issue (*Att.* 2.1.8).

Traditionally, it has been assumed that Crassus' interests were identical with those of the *equites*, and that it was to secure the contract remission desired by the *publicani*, because of his long-standing obligations to them, that he felt compelled to join in the *coitio* known as the first triumvirate. This is an interpretation not borne out by the ancient evidence for, strangely enough, nowhere is his name mentioned in connection with the *publicani* until this incident in 61.⁴² The notion that Crassus and the equestrians were natural and consistent allies has been supported by the belief of some that the whole class of *equites* was essentially a solid social and political block. But others have demonstrated that this is not necessarily the case, and that the *equites*, being a disparate economic class, did not form a united pressure group able to extract major concessions from the Senate—the aims of its many factions were more limited.⁴³

Recent scholarship has demonstrated that the public companies in this decade were numerous and that competition for contracts was keen. The bids for revenue collection received by the censors of 61 were inflated by a general excess of capital and a temporary paucity of contracts in which to invest. In this heady atmosphere, the company awarded the Asian tax contract got it at a sizeable overbid.⁴⁴ At this time, few could foresee the delay in ratification of the *acta* and the consequent deferral of new contracts, and protracted build-up of capital which resulted.⁴⁵ The unfortunate winner of the Asian contract was not privy to Crassus' analyses

⁴²Plut. *Crassus* 14 and Vell. Pat. 2.44.3 give as Crassus' motive for allying with Caesar and Pompey the opportunity for achieving a more powerful position in the state. For the modern view that Crassus joined in the *coitio* to secure the request of the *publicani*, see, *inter alios*, M. Cary in *CAH* 9. 515; Marsh, *op. cit.* (above, n. 3), 179–180.

⁴³The former view has been presented by H. Hill in *The Roman Middle Class of the Republican Period* (Oxford 1952). See especially pp. 52–77, where the *publicani* are discussed as being virtually synonymous with the entire “middle class.” Hill applies this interpretation specifically to the career of Crassus: “In the case of Crassus this [policy of benevolence towards the middle class] need cause no surprise, for, being himself the richest of all the financiers, he had the same interests” (156).

The latter theory has been presented by Brunt, *op. cit.*, 105 ff. Cf. Broughton, *ibid.*, 118–132.

⁴⁴Balsdon, *op. cit.* (above, n. 11), 136–137; cf. Badian, *P-S* 100.

⁴⁵Badian, *P-S* 105.

made during his trip to the East and in talks with his senatorial friends: that revenue from Asia would not increase significantly and opportunities for profit would be limited; that the new territories would be far more lucrative investments, although bidding for these contracts would be high; and that the awarding of contracts in these areas would be held in suspense because of the senatorial fight about to erupt over ratification of the *acta*.

Far from being a large share-holder in the Asian company, Crassus more likely had investments in other companies who had bid against it. With the capital of the Asian company—it must have been a large one—tied up in a profitless contract, other companies could maneuver their growing capital towards large future contracts, with their competition somewhat diminished.

At this point, it is appropriate to raise a question: who in Rome supported the request of the tax company? Evidence suggests that traditionalists Cato and Metellus Celer were a juggernaut of hostility each time the matter was brought before the Senate. Yet, if the request represented the desire of a significant segment of the *publicani*, it is puzzling to find only two individuals specifically identified as supporters of the request. Cicero gave it his *pro forma* support, still trusting in the possibility of peaceful coexistence between *senatores* and *equites*; privately, he considered it a brash and unreasonable demand (*Att.* 1.17.9) and seems to have backed away from the issue when it was raised again (*Att.* 1.18.7). We cannot tell if he owned shares in this company.

It was Crassus, to be sure, who encouraged the *publicani* to approach the Senate with their request, and the familiar passage (*Att.* 1.17.9) has given rise to the assumption that the incident was all of a piece with Crassus' previous support of this group as a whole. Actually, a careful reading of the passage will suggest that the reverse is true—that Crassus' allying himself with this tax company was an unexpected development. Here is Cicero's description of the incident:

Ecce aliae deliciae equitum vix ferendae. quas ego non solum tuli sed etiam ornavi. Asiam qui de censoribus conduxerunt questi in senatu se cupiditate prolapsos nimium magno conduxisse: ut induceretur locatio postulaverunt. ego princeps in adiutoribus atque adeo secundus: nam ut illi auderent hoc postulare Crassus eos impulit.

(*Att.* 1.17.9)

It is important to note that throughout the passage Cicero speaks of the matter in a tone bordering on annoyance. It is *aliae deliciae*, "another charming scene"; *invidiosa res. turpis postulatio et confessio temeritatis*. Cicero is somewhat ashamed of his own part in it (*non solum tuli sed etiam ornavi*), but seems to think that he alone can appreciate the consequences if the request were refused. His discomfort may have been heightened by such an obvious allusion to private senatorial business interests in a public meeting.

His surprise at Crassus' support of the Asian company is evident. In a letter to a friend well acquainted with political trends in Rome, and more than capable of interpreting the vaguest of allusions to persons and incidents, Cicero is unusually precise in his identification of Crassus as a new factor in the tug-of-war he saw developing between Senate and *equites*: *nam ut illi auderent hoc postulare Crassus eos impulit*. Shackleton Bailey's translation brings this emphasis out nicely: "... for it was Crassus who egged them on to make such an audacious demand".⁴⁶ But Crassus' support of the company was not as blatant or whole-hearted as has commonly been assumed. Even though he had encouraged the company to approach the Senate, he probably did not speak in their behalf in the meetings. Cicero's choice of words suggests this when he refers to himself as their first supporter (*princeps*), and then, with light irony, corrects himself: "I was first among their supporters—but actually, second . . .,"⁴⁷ Crassus having promoted the case prior to the Senate meeting.

Why did Crassus support the Asian company at this time? Particularly if they had been competitors in the earlier bidding? Part of the answer is that at this point Crassus had nothing to lose by doing so. The company already had the contract. With a belatedly magnanimous show of sympathy, Crassus could reduce any lingering grievance the company may have had against him for encouraging speculation leading to their overbid. At the same time, Crassus was aware that the company's representatives could not count on vigorous support from the new governor of Asia.

But the immediate effect of their petition to the Senate was reason enough for Crassus to encourage it: lengthy and repeated debate in a Senate already in the mood of wrangling. This issue was not the first to bring out conservative forensic artillery, for only a few weeks before, Cato's proposal to extend the liability to prosecution to equestrian jurymen had sparked quarrels in the Senate (*Att.* 1.17.8). When the measure was subsequently nullified, Cato's reactionary spirit was fueled (*Att.* 1.18.3).

The silence of the sources about other personalities involved in the matter suggests that few, if any, were, and points up the token importance of this episode (see below). No one else's energy was required: Cato alone could bring about a stand-off whenever the matter was raised (Cic. *Planc.* 39 f.; Schol.Bob. 157 St.).

⁴⁶*S.-B.*, vol. 1, 169.

⁴⁷Cicero's choice of "princeps," rather than, e.g., "primus," is probably a deliberate allusion to his distinction as the first senator to give his *sententia* at meetings during 62. W. W. How, *Cicero: Selected Letters*, vol. 2, notes (Oxford 1952) 65, suggests that, because Cicero reports the indignation of the Senate when he was called on only second in 61, he was regularly asked to speak first by cos. D. Silanus in 62.

It can hardly be coincidence that Crassus caused the *publicani* to raise their grievance at the very time when ratification of Pompey's Eastern settlements was being discussed. This represented one of Pompey's major political goals, and efforts were begun toward the end of 61 to secure senatorial approval of his *acta*. Pompey's triumph was celebrated on 29 September (Plut. *Pomp.* 45; Plin. *NH* 37.2; App. *Mith.* 116, 117; Dio 37.2; Degraasi, 566), and that event may have signalled the opening of consul Piso's campaign to secure confirmation of the general's settlements. From the first, Piso met with firm opposition, and his adversaries included Crassus and his new friends, the aristocratic clique (Plut. *Luc.* 42.6; App. *BC* 2.9). Dio, in what may be a paraphrase of the debates, suggests that L. Lucullus led the fight against confirmation, complaining that the Senate had been told nothing specific about Pompey's arrangements (37.49–50).

A movement was begun to debate separately each detail of the settlements. A counter-proposal was made to approve the earlier arrangements of L. Lucullus instead of Pompey's (Plut. *Cat.min.* 29). The latter was a tactic of Cato, and he may have been supported by M. Lucullus, who would have been familiar with his brother's *acta* and the nullified recommendations of the ten-man commission. As for Pompey's settlements, senatorial discussion degenerated into petty arguments about each act, and the whole matter seems to have been shelved by late 61 or early 60. Cicero makes no allusion to it in his letters to Atticus from December 61 through 60.⁴⁸

Now the purpose of many of Crassus' actions from late 63 on becomes clear. Having cultivated the friendship and support of the ultra-conservative inner circle of the Senate, he was able to work with and around his allies to reduce Pompey to political impotence: without senatorial, official sanction of his policies, all of Pompey's exploits lay in constitutional limbo. Crassus could also turn the delay in ratification to his own financial advantage.

At the same time, the affair of the *publicani* shrinks into proper perspective. It represented for Crassus an elaborate parliamentary delay, a topic to be interjected into senatorial debates about the major question of ratification, with which it was inevitably bound.

The Asian revenue system, we will recall, was to serve as a probable model for the new territories. Problems with the Asian tax were a convenient red-herring to side-track debate whenever the subject of the *acta* was introduced. It is not difficult to imagine Cato orating at length

⁴⁸L. Lucullus' active role in the affair, and Cicero's failure to refer to this issue in 60 (there is a gap in the correspondence from July through December of 61, when the Senate debates may have occurred) help to date discussions on the *acta* to this point in 61. L. Lucullus and the other *piscinarii* were not in attendance at Senate meetings later in the year (*Att.* 1.18; 1.19.7).

upon the evils of the present system with its exorbitant speculation, merciless treatment of the provincials, and connivance of public and private enterprise: until the system was remedied and the request of the Asian company dealt with, there could be no question of any action on the new territories. Thanks to the issue manufactured in part by Crassus, Pompey's enemies were able to finesse one controversy with another, while high-principled men like Cato and Cicero unwittingly contributed to the delay, until both topics were abandoned in frustration.

Quintus Cicero's role in Crassus' strategy can also be clarified. Confident that Quintus would continue to keep pressure on the Asian company, Crassus could encourage them to persist in their request for a reduction in the contract and keep the debate going in the Senate. Meanwhile, the company's capital was committed, and they were effectively forced out of competition for the better contracts on the horizon. Q. Metellus Nepos' contemporary law (60 B.C.) abolishing *portoria* in Italy seems to reflect counter-pressure on other tax companies—perhaps those in which Crassus held shares—by eliminating a source of profit for them, with the same effect as Q. Cicero's tax removals in Asia (*Att.* 2.16.2; Dio 37.51.3).⁴⁹ In sum, it seems that Crassus' support of the Asian company was neither predictable nor ideological, but *ad hoc*, motivated by finance and politics.⁵⁰

But there is another side of the coin. Delay in ratifying Pompey's *acta* would also mean a delay in letting contracts for the new territories, and thus a postponement of profit for companies eager to invest. Why would Crassus, as a probable *socius* of one or more of them, contrive a situation that would put off a sizeable addition to his fortune?

Again, the answer emerges in parts. Pompey's acute embarrassment at the Senate's intransigence surely would make the wait worthwhile. Evidence of a personal feud between these men is scanty at best, as has already been noted. But Crassus was no less ambitious and jealous than his contemporaries and he would not have been human had he not relished a chance to clip Pompey's wings. Besides, his friends the Metelli and Luculli were working with single-minded zeal towards that end. It is likely that Crassus' championship of the Asian company did not take them by surprise, just as it is possible that their profit from Pompey's setback in 61–60 was not purely political.⁵¹

⁴⁹This seems a more logical explanation than that offered by Badian, *P-S* 105 and 152–153, n. 108.

⁵⁰The hunch, in part, of T. J. Cadoux, "Marcus Crassus: A Re-evaluation," *G&R* 3 (1956) 157, n. 1. In the spring of 59, it was Pompey, not Crassus, who worked publicly to placate the *publicani* (*Att.* 2.16.2).

⁵¹If men like Crassus, Caesar, and Cicero had shares in public companies, would noble arrogance keep other senators aloof from a profitable association? See H. C. Boren, "The Sources of Cicero's Income," *CJ* 57 (1961) 17–24. See also n. 10.

Crassus could afford to wait for his profit. In fact, he, like few others in his day, could use the delay in ratification to his special advantage. We know that until 59, when the *acta* were approved and the floodgates of investment were opened, there was an excess of capital in Rome (see above). A single investor with vast capital at his disposal could let time work for him while the scramble of smaller investors set companies against each other. One company was already out of the running. Similar tactics could force partnerships into being. At the end, when ratification and contract auctions were at hand, Crassus would be able to negotiate arrangements and shares to assure himself of a profit worthy of his efforts.⁵²

At the end of 60, Crassus could feel complacent. His previous overtures to the Luculli, his ties of kinship with the Metelli, and his gestures of friendship towards the Ciceros now enabled him to work from within the comfortable bastion of the Senate to increase his own fortune while limiting the impact of Pompey's achievements, for the moment, to a triumph.

In discussions of the formation of the first triumvirate, Crassus is often characterized as a makeweight, a partner invited to secure his financial support, a member who joined under political pressure to satisfy the demands of the *publicani*. Yet in describing Crassus' status late in 60, on the eve of the *coitio*, Dio makes an interesting comment:

Κράσσος δὲ ἤξιον τε πάντων ἀπὸ τε τοῦ γένους καὶ ἀπὸ τοῦ πλούτου περιεῖναι
(Dio 37.56.4)

His "family" now included many stars in the senatorial firmament—men like Metellus Creticus and Metellus Celer—who were of great potential help to him in the coming months. It is, of course, stretching a point to extend Dio's *γένος* to encompass a political *familia*, yet the fundamental alliance of figures such as M. Lucullus and Q. Hortensius with the Metelli represented an impressive array of power recognized and used by Crassus in their joint campaign to weaken Pompey's stature. Q. Cicero continued in his routine administration of Asia. Creticus and Flaccus remained influential personages in their own right and led a senatorial delegation to Gaul to discourage a rebellion there.

The Senate's feud with Pompey was still raging in June 60. Consul Metellus Celer, zealous standard-bearer of the traditionalists, continued to resist enactment of the granting of land for Pompey's veterans from within his prison cell (to which he had been driven by Pompey's tribune, Flavius). But Flavius' act was only a gesture of frustration at a lost cause—one that had at this point grown cold (*sane iam videtur refrixisse*,

⁵²Badian, *P-S* 107. However, I find improbable the contention that *publicani* put aside their cut-throat competition in the courts.

Att. 2.1.6). The Senate's stubborn opposition, coupled with Crassus' actions in concert with leading senators had blocked Pompey's legislative measures and reduced his influence for some time to come.

Those who seek to understand the position of M. Crassus in the developments after 60 B.C. would do well to study the background of his relationships with leading senators during the 60's. His ties with the Caecilii Metelli, the Luculli, and the Ciceros are interesting in their own right; how he was able to use these connections has serious implications for students of the period. At the very least, this evidence shows that Crassus, with characteristic initiative, was able to enter into new political ventures as a dominant partner, to whom the *factio* and *amicitia* were nothing new.

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