

CICERO, POMPEIUS, AND RULLUS

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At the outset of his consular year, Cicero delivered a number of rather brilliant speeches attacking the *lex agraria* promulgated by the tribune P. Servilius Rullus.¹ Most of what is known about the bill of Rullus has to be gleaned from those harangues. And there is apparently no tradition independent of Cicero's writings.² A somewhat alarming state of affairs, for those who know their Cicero.

Historians have not been blind to the perils of the situation. In varying degrees they have made allowance for the orator's exaggeration

¹ Versions of this paper were read to meetings of the Ontario Classical Association and the American Philological Association in 1965.

Cicero himself (*Ad Att.* 2.1.3) enumerates two *orationes* ("una est in senatu Kalendis Ianuariis, altera ad populum de lege agraria") and two *breves* (sc. *orationes*)—"quasi ἀποσπασμάτια legis agrariae." Our texts preserve the latter part of the Senate speech, the whole of the speech to the People, and a short address to a *contio* (*De leg. agr.* 3) which is evidently one of the ἀποσπασμάτια (cf. M. Gelzer in *RE* 7A [1939] 866, s.v. "M. Tullius Cicero"). The other has not survived. The fragments (fr. 1, 4) cited by Charisius and Gellius are clearly identified as belonging to the Senate speech *Kalendis Ianuariis*; the same is almost certainly true for the other two fragments (cf. the Teubner edition, *M. Tulli Ciceronis scripta quae manserunt omnia* vol. 6.1, ed. P. Reis and L. Früchtel [1933] 143).

² Apart from the speeches *De lege agraria*, Cicero has references in *Pro Rab. perd.* 32; *Pro Sulla* 65; *In Pis.* 4; *Ad Att.* 2.1.3; *Ad fam.* 13.4.2. Of the non-Ciceronian allusions, Caelius' comparison (*ap. Cic. Ad fam.* 8.6.5; Curio in 50 "legem . . . viariam non dissimilem agrariae Rulli . . . iactavit") is not very enlightening; Pliny (*N.H.* 7.117, 8.210) adds nothing to knowledge of the bill itself, nor does Quintilian (2.16.7). Plutarch, who has the longest report (*Cic.* 12), follows the biographical tradition deriving from Cicero's own writings (cf. D. Magnino, *Plutarchi Vita Ciceronis* [1963] xii-xiii; also L. Agnes, *RFIC* n.s. 21 [1943] 41 ff.). Cassius Dio (37.25.4) is remarkably brief (. . . ἄλλος κληρουχίας καὶ ἐν τῇ Ἰταλίᾳ καὶ ἐν τῇ ὑπηκόῳ γενέσθαι ἐσηγείτο), simply listing the *rogatio* with other tribunician proposals nipped in the bud by Cicero and his political allies, before passing on to a rather lengthy disquisition on the Rabirius affair. The silence of Sallust, Velleius, Suetonius, and Appian is notable. It is evident that the Rullus affair did not bulk large in the standard histories. Since it came to nothing, that is not surprising.

and misrepresentation, some of which, indeed, is remarkably blatant.³ But they have commonly been guided by Cicero's interpretation of the political meaning of the measure. Lately, however, Sir Ronald Syme has intimated certain doubts.⁴ The time is propitious for a reconsideration of the question, which is not without importance for the understanding of a difficult period of Roman politics.

Cicero had learnt before 10 December 64 that some of the tribunes-elect were drafting an agrarian law.⁵ He was anxious, he declares, to lend a helping hand. The fellows rebuffed his generous offer. Cicero did not persist. He awaited with apprehension the result of their secret and nocturnal deliberations—to which *privati* were admitted, though the consul-elect had been excluded!

On 12 December Rullus addressed a *contio*, and before 1 January the bill was promulgated.⁶ It had at least forty clauses,⁷ and probably more. Cicero's account of the contents is, of course, highly selective. But for our present purpose we do not need to add to the number of detailed reconstructions of the bill.⁸ It will suffice to recapitulate the main points.

A Commission of Ten was to be elected, by seventeen of the thirty-five tribes. Candidates must present their names in person. The Decemviri were to establish *coloniae* in Italy. They would have *prae-toria potestas* for five years, their own *auspicia*—*coloniarum deducendarum causa*—and consequently *pullarii*, in accordance with the precedent of Tiberius Gracchus' land commission.⁹

³ Cf. T. Rice Holmes, *Roman Republic* (1923) 1.249, note 2: "The three speeches, and especially the second, should be studied by all politicians who aspire to become proficient in the art of misrepresentation."

⁴ *Sallust* (1964) 98: "Cicero further argues that the bill is really an attack on Pompeius Magnus. That notion was attractive—and superficial. Doubts may be conceived on some of Caesar's known activities in this year." Note also the laconic statement in Niese-Hohl, *Grundriss d. römischen Geschichte*⁵ (*Hdb. d. klass. Alt.* 3.5) 226: "Das Gesetz zielte wahrscheinlich vor allem auf die Befriedigung der Veteranen des Pompeius ab."

⁵ *De leg. agr.* 2.11 ff.

⁶ *De leg. agr.* 2.13, "me designato" (mistranslated by J. H. Freese in the Loeb edition). Cicero seeks to exaggerate the tribune's delay in producing the bill; hence the vagueness. It was probably promulgated not long after 12 Dec.

⁷ *De leg. agr.* 3.4, "caput est legis quadragesimum . . .".

⁸ See especially E. G. Hardy, *Some Problems in Roman History* (1924) 68 ff.; E. Ciaceri, *Cicerone e i suoi tempi* (1939) 1.196 ff.; A. Afzelius, "Das Ackerverteilungsgesetz des P. Servilius Rullus," *Classica et Mediaevalia* 3 (1940) 215 ff.

⁹ *De leg. agr.* 2.16 and 20; 2.24; 1.16 ff. and 2.73 ff.; 2.31–32.

The *ager Campanus* was to be distributed by them to 5,000 colonists in lots of ten *iugera*, and the neighboring *campus Stellas* (or *Stellatis*) in lots of twelve *iugera*.¹⁰ As still more allotments were intended, land was to be bought for the purpose.¹¹

Funds were therefore necessary. The Decemviri were empowered to sell public land whose sale had been sanctioned by *senatusconsulta* since 81 but not carried out; also domains outside Italy that had become property of the Roman People in 88 or later.¹² Lands that could be sold were listed in detail.¹³

The Commissioners were further authorized to impose taxation on public land outside Italy. They could use funds accruing from new *vectigalia* after the current year, 63. Gold and silver from war-booty, and crown-gold, if not paid into the *aerarium* or spent on monuments, were to be handed over to them. (Pompeius was specifically exempted from this clause.)¹⁴

Such, in broad outline, are the sober details that emerge from Cicero's scathing denunciations of the interesting proposal.

The proposer, P. Servilius Rullus, is a dim figure. He claimed to be *nobilis*, a claim Cicero derides.¹⁵ If the claim was valid, as it probably was, he must have been descended from the plebeian Servilii Gemini of the Hannibalic War period.¹⁶ He was therefore distantly related to the eminent *consularis* P. Servilius Vatia Isauricus.¹⁷ Rullus' father found his way into the notebooks of the elder Pliny, as the first Roman to serve a whole boar at a banquet;¹⁸ we may infer that this was a man of substance. He was evidently the *monetalis* whose name—P. SERVILI M. F / RULLI—appears on coins of about 100 B.C.¹⁹ Rullus himself was

¹⁰ *De leg. agr.* 2.76, 78, 96 (*ager Campanus*); 2.85 (*campus Stellas*).

¹¹ *De leg. agr.* 1.14, 2.63.

¹² *De leg. agr.* 2.35; 2.38.

¹³ *De leg. agr.* 1.2 ff.; 2.36, 47 ff.

¹⁴ *De leg. agr.* 1.10 and 2.56; 1.13 and 2.62; 1.13 and 2.60.

¹⁵ *De leg. agr.* 2.19.

¹⁶ On the Servilii Gemini see F. Münzer, *Römische Adelsparteien und Adelsfamilien* (1920) 137 ff.; cf. H. H. Scullard, *Roman Politics 220-150 B.C.* (1951) 276; A. Lippold, *Consules* (1963) 208-9.

¹⁷ Cf. Münzer in *RE* 2A (1923) 1760-61, s.v. "Servilius," who suggests that not only the Isaurici, but plebeian Servilii with the *cognomina* Brocchus, Casca, Glaucia, Globulus, and Rullus, were all originally connected with the Servilii Gemini.

¹⁸ Plin. *N.H.* 8.210.

¹⁹ E. A. Sydenham, *Coinage of the Roman Republic* (1952) lxii, 84.

married; his father-in-law, Valgius or Valgus, was a man of property, having allegedly acquired real estate in the Sullan proscriptions.²⁰

Nothing is heard of Rullus after his tribunate, nothing, indeed, after January 63. (A P. Servilius Rullus who commanded cavalry for Octavian in 40, without distinction, was presumably his son.)²¹

The record is excessively thin, and hardly helps us to draw conclusions about Rullus' political connections.²² He certainly does not impress as an important figure in his own right. We hear from Cicero that he had the support of other members of the tribunician college.²³ Unfortunately, we know only three of his nine colleagues. One, L. Caecilius Rufus, was an opponent; he undertook to veto the bill.²⁴ The other two, T. Ampius Balbus and T. Labienus, were supporters of Pompeius.²⁵ What their attitude to the proposal may have been is part of our problem. It was not they, at any rate, who threatened to veto it. And it was surely no coincidence that the mode of election of Decemviri in Rullus' bill was identical with the method of election of priests in Labienus' law which revived the *lex Domitia*.²⁶

Cicero intimates that the tribune Rullus was a mere front-man (a man of straw, in Hardy's phrase)²⁷ for powers behind the scene—variously described as “huiusce legis architecti,” “harum rerum omnium machinatoribus,” “horum consiliorum auctores,” “the men

²⁰ *De leg. agr.* 3.3, 8, 13–14; cf. 1.14. The identification with C. Quinctius Valgus—doubted by H. Gundel, *RE* 8A (1955) 270–71, s.v. “Valgius 1,” cf. *RE* 24 (1963) 1103–4 s.v. “Quinctius 56, 57”—is accepted by A. Degraffi, *ILLRP* 2.54 note 1 (cf. 73 note 1, 88 note 1, 107 note 1, 108 note 1), and appears reasonable. (In Cicero the name is given only once, 3.3, in the form “Valgi,” which permits either “Valgius” or “Valgus.”) If the identification is made, Rullus' father-in-law is revealed as a man of wealth and note among the Hirpini and in Campania: *patronus municipii* at Aeclanum (*ILLRP* 2, no. 523), *quinquennalis* of an unidentified town also in *Hirpinis* (no. 598), *duovir* (no. 646) and *duovir quinquennalis* of the *colonia* of Pompeii (no. 645).

²¹ Appian, *BC* 5.58; Dio 48.28.1; cf. Broughton, *MRR* 2.385.

²² Cicero (*De leg. agr.* 3.7) describes him, though ironically, as *Marianus tribunus plebis*, which might be considered to connect him with Caesar (cf. Suet. *DJ* 6, 11; Plut. *Caes.* 5–6; Vell. 2.43.3, for Caesar's exploitation of his Marian connection in this period).

²³ *De leg. agr.* 2.22; cf. Plut. *Cic.* 12.2.

²⁴ Cic. *Pro Sulla* 65; cf. Broughton, *MRR* 2.167.

²⁵ Cf. Vell. 2.40.4; Dio 37.21.3–4; Syme, “The Allegiance of Labienus,” *JRS* 28 (1938) 113 ff.; Broughton, *MRR* 2.167–68.

²⁶ *De leg. agr.* 2.18 (Rullus and the *lex Domitia*); Dio 37.37.1–2 (Labienus and the *lex Domitia*).

²⁷ Hardy (above, note 8) 68.

you fear more than Rullus," and "those who hope to become Decemviri."²⁸ He never names them. Presumably they include the *privati* who had helped to draft the bill. There has been general agreement that these sinister figures can be readily identified: Crassus and Caesar.

Certain questions ought to be interpolated at this point. In the first place, did Cicero intend his dark hints to be tied down to specific persons, immediately identifiable? The answer must surely be that it suited his purpose to be vague and indeterminate. He supplied a blank form, which his senatorial and popular audiences could fill in according to their respective prejudices and fears.

In the second place, it must be pointed out that according to Cicero these men hoped to become Decemviri. Two men are clearly not enough. Apart altogether from Crassus and Caesar, we are surely justified in assuming that the orator's hints could be interpreted as pointing to such as Catilina, Autronius, Cethegus, and other "*improbi*" of the time.²⁹ He forecasts that the Decemviri, when elected, will turn out to be, partly, men insatiable in getting, and partly, men insatiable in spending.³⁰ If the first tag fitted the common view of Crassus, the second that of Caesar, they could undeniably be attached to others in that age of avarice and luxury.

There is, however, another clue. Cicero predicts that the Decemviri will say Egypt became the property of the Roman People by Ptolemy's will.³¹ "Are you going to give them Alexandria when they aim for it secretly, though you resisted them when they fought for it openly?" he demands of the Senate. The allusion is clear. It is to a proposal made in 65 to annex Egypt as a province. It was actually made by some tribunes, according to Suetonius, who adds that Caesar put them up to it, aiming to get the command for himself. Plutarch, however, has Crassus promote such a scheme, as censor in that year.³² A neat solution, generally adopted, is that Crassus and Caesar collaborated. Suetonius' tribunes tend to be pushed into the background;

²⁸ *De leg. agr.* I.11; I.16, cf. 2.23; 2.20, cf. 98; I.22; 2.63.

²⁹ Plutarch, indeed, mentions Cicero's colleague Antonius as having expected a place on the Commission, until Cicero won him over (*Cic.* 12.3-4). But this was settled before Cicero spoke on the *lex agraria* on 1 Jan. (cf. Afzelius [above, note 8] 221, note 4).

³⁰ *De leg. agr.* 2.65.

³¹ *De leg. agr.* I.1; cf. 2.44.

³² Suet. *DJ* 11.1; Plut. *Crass.* 13.1-2.

unfortunately, the tribunes of the year are, with one exception (C. Papius), unknown.³³

The episode is not without a general resemblance to the Rullan affair, but is even more dimly illuminated. We have a tribunician proposal which would result in the conferment of an honorific and profitable task on a Roman commander. In this case it seems rather obvious on an appraisal of the chances that the most likely beneficiary of the proposal, had it been successful, would have been Rome's commander extraordinary, already established in the East. Pompeius had already in 66 broken the back of the Mithridatic War,³⁴ and could well have been ready, either in person or through a deputy, to handle the annexation of Egypt.³⁵ The proposal of 65 thus falls into the pattern set in 67 and 66 by the Gabinian and Manilian laws. Since the unknown tribunes of 65 were elected in 66, when Pompeius' popularity was at one of its peaks, very few of them are likely to have been opponents of his.³⁶

Collaboration between Crassus and Caesar is also alleged in one version of the so-called First Catilinarian Conspiracy.³⁷ But this notorious affair now stands exposed as a complete phantasmagoria.³⁸ Until recently it has not been appreciated to a sufficient degree how recklessly and utterly tendentious the ultimate sources for this period were.

Again, Crassus and Caesar are supposed to have collaborated in sponsoring Catilina as candidate in 64 for the consulship of 63. This

³³ Cf. Broughton, *MRR* 2.158.

³⁴ Sources in Broughton, *MRR* 2.155.

³⁵ To avoid misunderstanding—it is not suggested here that Pompeius was pressing openly, or even energetically, to get the job. It would be entirely characteristic for his interest to be concealed or disguised. Compare Cic. *Ad Att.* 4.1.7, on the rival proposals for the *cura annonae*, 57 ("Pompeius illam velle se dicit, familiares hanc"); Cic. *Ad fam.* 1.1.3, on the intrigues over the restoration of Ptolemy Auletes (especially, "quae res auget suspicionem Pompei voluntatis, nam advertebatur Pompei familiaris adsentiri Volcacio"); and Caelius' jibe (*ap.* Cic. *Ad fam.* 8.1.3), "solet enim aliud sentire et loqui neque tantum valere ingenio ut non appareat quid cupiat."

³⁶ It is unnecessary here to delve further into the affair of 65, which resembles the Rullan affair also in having been subject to the same misconceptions. The source of the trouble is the failure to realize that the absence of Pompeius did not mean his elimination as a dominant political force from 66 to 63 (cf. Syme, *Sallust* 102 with note 88, following up a remark of E. Badian, *Philologus* 103 [1959] 99).

³⁷ Suet. *DJ* 9.

³⁸ Syme, *Sallust* 86 ff.; R. Seager, *Historia* 13 (1964) 338 ff.

story comes, through the learned Asconius (83 C), from Cicero's *De consiliis suis*. That was a particularly unreliable document—begun in a dark time, the year 59, still in progress after Caesar's assassination, and probably of posthumous publication.³⁹ In this Secret History Crassus and Caesar were favored objects of denunciation. It even went to the length of smearing them with complicity in the real conspiracy of Catilina.⁴⁰

The tales about Crassus and Caesar in the mid-sixties hardly inspire a great deal of confidence. Certainly the habit of regarding these politicians as an inseparable duo is not to be encouraged. We may grant, nevertheless, the undoubted possibility that Cicero's hints were aimed at one or both of them—among others. The question remains whether either or both of them were sponsoring Rullus' bill in actual fact.

As to the political purpose of the agrarian law diverse speculations have been entertained.⁴¹ (1) The object was that Crassus and Caesar should seize control of the State, against Pompeius and/or the Senate—a sort of coup d'état; alternatively, that the same pair might get control over Egypt and an army, so as to be able to combat Pompeius. (This can be considered the main line of interpretation.)⁴² (2) The idea was Crassus', rather than Caesar's—to obtain a "corner" in allotment land, so as to have a strong bargaining position when Pompeius came back seeking land for his veterans.⁴³ (3) The purpose was more or less as Rullus himself avowed in the Senate:⁴⁴ to rid the City of its *sentina*, the dangerous idle proletariat, and so improve social, economic, and political conditions in Rome and Italy.⁴⁵ (4) It was a gigantic bribery scheme—land for the landless, security and the chance of profit for the landed, business opportunities for the *negotiatores*, new taxes for the

³⁹ Cf. Syme, *Sallust* 62–63.

⁴⁰ Cf. Dio 39.10; Plut. *Crass.* 13.

⁴¹ Cf. Afzelius (above, note 8) 222–23.

⁴² Its distinguished adherents include Mommsen (*Römische Geschichte* 3⁸ [1889] 181–182), Eduard Meyer (*Caesars Monarchie u. d. Principat d. Pompeius*³ [1922] 14), Rice Holmes (*Roman Republic* [1923] 1.243), F. B. Marsh (*Founding of the Roman Empire*² [1927] 77), J. Vogt (*Cicero u. Sallust* [1938] 21), E. Ciaceri (*Cicerone* [1939] 1.213), M. Gelzer (*Caesar*⁶ [1960] 37).

⁴³ M. Cary in *CAH* 9.456; Scullard, *From the Gracchi to Nero*² (1963) 111.

⁴⁴ *De leg. agr.* 2.70.

⁴⁵ Hardy (above, note 8) 68 ff.

publicani.⁴⁶ (5) The bill was never meant to pass. The object was to display Cicero in his true colors—no “*popularis consul*” but an Optimate-lover—and to exasperate the conflicts between the populace and the senatorial government.⁴⁷

The game of looking behind the bill for its ulterior motives began, of course, with Cicero. He did, however, take the proposal seriously. He concentrates on the stupendous power the Decemviri would have: “. . . ten Kings of the treasury, of the revenues, all provinces, the whole commonwealth, the kingdoms, the free peoples—in fact, ten Lords of the World are to be set up under the guise of an agrarian law.”⁴⁸ He too is responsible for the notion that the bill constituted an attack on Pompeius.⁴⁹

It is obvious enough that Cicero exaggerated the powers of the Decemviri. A land commission was not really a suitable instrument for ruling the Roman Empire. The members were to have no more than *praetoria potestas* and would thus rank below the consuls and pro-consuls of their term of office. The nature of their *imperium* deserves to be considered. Cicero contrives to suggest that it was a normal military *imperium* enabling them to use armed force. But even he does not state in so many words that they had the power to raise an army. His best in this line is that the colonists, especially in Campania, will serve them *as* an army.⁵⁰ In reality, the *imperium* of the Decemviri appears to be related strictly to their judicial authority and the power of taking auspices. The quoted precedent of the Gracchan land commission should be recalled;⁵¹ it has never been held that this commission had military powers.

For these reasons the coup d'état theory must be considered, at best, an extremely remote possibility. The same goes for the supposition that the plan was to secure Egypt with an army as a base against Pompeius. Indeed, the idea that the Decemviri would have been able to annex Egypt is ill-founded. The Optimates had in 65 defeated the

⁴⁶ Afzelius (above, note 8) 230 ff.

⁴⁷ J. Carcopino, *César (Histoire Romaine 2 [1936])* 664; cf. Syme, *Sallust* 98–99.

⁴⁸ *De leg. agr.* 2.15, cf. 2.33 ff.

⁴⁹ *De leg. agr.* 1.5–6; 2.23 ff., 49 ff., 99; 3.16.

⁵⁰ *De leg. agr.* 3.16; cf. 1.16 ff.; 2.73 ff., 98–99.

⁵¹ *De leg. agr.* 2.31, “EODEM IURE . . . QUO HABUERUNT IIIVIRI LEGE SEMPRONIA.”

proposal to make the kingdom a Roman province.⁵² In order that the Decemviri could do anything about Egypt, it would first be necessary for the Senate and People (or one of these bodies, at least) to approve the annexation. The mere constitution of the Decemvirate would not be enough.

It is true that the choice of 88 B.C. as a *terminus post quem* may have had a certain significance in this connection. The Commission was authorized to sell anything outside Italy that became property of the Roman People after that year. "The Decemviri will say that *post eosdem consules* the kingdom became the property of the Roman People by the testament of King Alexander," i.e., probably, Ptolemy Alexander I, who was deposed late in 88.⁵³ If in the coming quinquennium a proposal to annex Egypt on the basis of the testament were to be approved in due form, then the Decemviri would gain access to Egypt, and might, for example, sell the royal estates. The bill, perhaps deliberately, left this possibility open for them by the *terminus* of 88. But that is a far cry from the notion that it allowed them to move in forthwith and grab Egypt.

Clearly there is not much to be said for the standard view that Rullus' measure was designed to give the future Decemviri the power and the means to combat Pompeius. Indeed, it is strange that it could seriously be believed that any sane Roman politician was planning to take on the omnipotent Pompeius in civil war at that time. Cicero himself does not dwell too much on that fancy. The features of the bill that he finds adverse to Pompeius are the following:

(1) Pompeius would be the natural first choice of the People as a Decemvir. Yet the prohibition of absentee candidature effectively excludes him. (2.23-24.)

(2) The bill allows the sale of the royal estates of Mithridates. Yet the arrangements of Pompeius have not yet been completed, indeed the war is still on. By the *mos maiorum*, the adjudication and control of those estates ought still to rest with Pompeius. (2.51 ff. When speaking to the Senate, Cicero soft-pedals this obviously dubious argument: 1.6.)

⁵² Suet. *DJ* 11.1; cf. *De leg. agr.* 1.1.

⁵³ *De leg. agr.* 1.1. See A. E. Samuel, *Ptolemaic Chronology* (1962) 152, and *Chron. d'Égypte* 40 (1965) 376 ff. The identification is to be discussed by Professor Badian in a forthcoming article in *Rhein. Museum*.

(3) The Decemviri will be allowed to dispose of new *vectigalia* resulting from Pompeius' conquests. (1.13, 2.62.)

(4) The colonists in Campania will form an army against the Roman People and Pompeius. "Ten generals are being prepared against Gnaeus Pompeius." (3.16.)

We need not go into Cicero's more fanciful speculations. His best flight is the vivid picture of Rullus' selling off Pompeius' camp under his very feet.⁵⁴

Cicero shows little interest in the notion that a corner in allotment land was being aimed at. There is a passing allusion to Pompeius' need for land, but it is not developed. He says (2.54),

They hope that if the enemies of Gnaeus Pompeius are allowed not only to roam at large in those regions, with *imperium*, with absolute jurisdiction, unlimited power, and enormous funds, but even to get to his army, some plot (*insidiae*) can be laid against him, and his army, his resources, his glory, can be whittled away. They imagine that if the army has any hopes for lands or other benefits from Gnaeus Pompeius, it will cease to have them on perceiving that control of all such things has been transferred to the Decemviri.

Here the emphasis is really on the idea that the Decemviri will be able to tamper with the loyalty of Pompeius' army on the spot. Cicero certainly does not want to bring out the point that the Decemviri will be able to hold Pompeius to ransom after his return and make a deal with him. That would be a rather undesirable train of thought to suggest to his audience. It was imperative to hammer home the idea that the scheme was devised by Pompeius' enemies. Otherwise, it might dawn on the populace that the bill could very easily be turned to Pompeius' advantage. All they had to do was to make sure that pro-Pompeian Decemviri were elected.

The ingenious "anti-Pompeius" theory, it may be suggested, had its origin solely in Cicero's fertile and inventive brain. His failure to name the hidden *machinatores* is surely significant. What could be more speciously evasive than the following excuse: "velim fieri posset ut a me sine contumelia nominarentur ii qui se decemviros sperant futuros"?⁵⁵ It is essential to Cicero's case that they be thought

⁵⁴ *De leg. agr.* 1.6; 2.53, 99

⁵⁵ *De leg. agr.* 2.63.

of as the enemies of Pompeius. But who in fact were the political foes of Pompeius at this time? Principally, of course, the Optimates: for example, Catulus and Hortensius, who had consistently opposed the grant of extraordinary powers to him;⁵⁶ L. Lucullus and Metellus Creticus, who had clashed with him in the East.⁵⁷ A powerful and influential group, indeed; but Cicero would have carried no conviction, had he actually named them as sponsors of the agrarian law. There was, of course, Crassus, whose political stance was at least ambiguous, though not, so far as one can tell, openly anti-Pompeian. On the other hand, it is most unlikely that Caesar could plausibly be presented as Pompeius' enemy. Caesar, like other aspiring politicians, had made it his business to advertise support for Pompeius. He had come out openly in favor of the *lex Gabinia* in 67 and had backed the *lex Manilia* in 66.⁵⁸ If in 65 he supported, or promoted, the proposal to annex Egypt, it is not necessary (as we have seen) to detect an anti-Pompeian motive—the contrary is even possible. Moreover, after the Rullan affair, Caesar joins in the prosecution of another of Pompeius' Optimate foes, C. Piso.⁵⁹ Still in 63 he collaborates with the Pompeian tribune Labienus, and probably with Pompeius' ex-legate Metellus Celer, in the strange proceedings against C. Rabirius.⁶⁰ His first actions as praetor in 62 are openly pro-Pompeian: he proposes to transfer the honor of restoring Jupiter's temple to Pompeius, and he collaborates with the tribune Metellus Nepos, another ex-legate of Pompeius, in the proposal that the Imperator should be recalled with his army to crush Catilina and restore order.⁶¹ In Roman terms, Caesar would have to be classed as an *amicus* of Pompeius throughout this period.

In short, if, as is likely, Caesar did help to sponsor the agrarian bill of Servilius Rullus, that would be a strong indication that it was not meant to be against Pompeius' interests, but rather to Pompeius' advantage.

⁵⁶ Cf. Cic. *De imp. Cn. Pomp.* 51, 68; Dio 36.30 ff.; Plut. *Pomp.* 25.5, 30.4.

⁵⁷ Cf. Plut. *Pomp.* 29 ff.

⁵⁸ Plut. *Pomp.* 25.3; Dio 36.43.2.

⁵⁹ Sall. *Cat.* 49.2.

⁶⁰ Cf. Syme, *Sallust* 98–99.

⁶¹ Sources in *MRR* 2.170, 173–74. Caesar's celebrated opposition to the execution of the Catilinarians in Rome might be interpreted as being, partly at least, for Pompeius' benefit—to keep the Catilinarian pot boiling for him. This would fit in with Metellus Nepos' attack on Cicero for executing the conspirators (cf. Cic. *Ad fam.* 5.2.8).

The fact that the bill provided for the sale of Mithridates' estates, interpreted by Cicero as an affront to Pompeius, could on the contrary be a sign that the proposers had an understanding with him. An unidentified Servilius is found acting as commander of Pompeius' fleet in the Euxine in 65.⁶² One faint possibility is that this Pompeian lieutenant was Servilius Rullus, whose return in 64 to stand for the tribunate in Pompeius' interest would then be closely parallel to the mission of Metellus Nepos the following year.⁶³

Continuing this line of thought, one might recall that the idea of using the new *vectigalia* from Pompeius' conquests to buy land for allotment actually returns in the *lex agraria* proposed by the tribune L. Flavius in 60, a bill which is known for certain to have been sponsored by Pompeius.⁶⁴ The same plan, and the scheme of using the Campanian land, reappear in Caesar's agrarian legislation of 59, which was at least partly designed to satisfy Pompeius' need of land for his veterans.⁶⁵ The ideas in Rullus' bill *could* be turned to Pompeius' advantage.

Cicero skates rather skilfully over an inconvenient feature of the proposal. "In future, all your commanders are ordered by this law . . . to declare to the Decemviri how much booty, spoils, crown-gold, they have. Yet this fine fellow exempts Gnaeus Pompeius, of whom he is so fond (*eum quem amat*). Whence this sudden and unexpected affection? . . . Is the object of this clause to honor the man or to make him unpopular? . . . It seems to me Pompeius is not exempted to do him honor, but they are afraid he may not submit to the same humiliation as the rest."⁶⁶ Naturally Cicero cannot allow the simple and obvious explanation, namely, that the proposer really was an *amicus* of

⁶² Plut. *Pomp.* 34.5.

⁶³ Münzer in *RE* 2A (1923) 1761, s.v. "Servilius 5," canvasses only two possible identifications—the younger Isauricus and a Caepio mentioned by Florus (1.41.10) as *legatus* or *praefectus* about the coast of Asia for Pompeius in 67. Caepio is ruled out if he is identical with Cato's half-brother who died on the way to Asia in 67 (Plut. *Cat. min.* 11, 15.4; cf. Münzer, *RE* 2A [1923] 1779, s.v. "Servilius 40. 41. 42"). Isauricus, who was praetor in 54 (*MRR* 2.222), hence born about 94 (retardation of his career is unthinkable in view of his father's eminence), was probably rather too young to have commanded for Pompeius in 65, when he was not yet a senator (cf. Broughton, *MRR* 2.184).

⁶⁴ Cic. *Ad Att.* 1.19.4.

⁶⁵ Dio 38.1.4–5; Cic. *Ad Att.* 2.16.1. Cf. *Caes. BC* 1.14; Cic. *Phil.* 2.101; Plut. *Cic.* 26.3.

⁶⁶ *De leg. agr.* 2.59 ff.

Pompeius—*eum quem amat* rather suggests that Rullus had actually said so.

On a close appraisal the notion that Rullus' bill was anti-Pompeian in purpose rests on a solitary support: the requirement of *professio* in person. This proviso would prevent Pompeius from being elected as one of the Decemviri. It would also exclude the trio of *imperatores* waiting outside Rome to celebrate triumphs: Metellus Creticus and L. Lucullus, Pompeius' *inimici*, and Marcius Rex, who was probably no friend of his supersessor.⁶⁷ Their claims were being obstructed, presumably by Pompeius' friends. To present themselves as candidates for the Decemvirate, they would have to enter Rome and forfeit their triumphs.

On the other hand, there is always the possibility that the clause in question was tralatitian, taken over from earlier agrarian legislation. For all we know, the absentee election of Gaius Gracchus to the land commission of 133⁶⁸ may have inspired the prohibition of such a candidature in one of the subsequent agrarian laws. In that case the inclusion of the proviso in Rullus' bill need not have been done with malice aforethought (though that is still possible, of course).

At all events, the exclusion of Pompeius was surely of no great moment. If his election had been allowed, he would hardly have been able to undertake duties as a land-commissioner much before the end of 62.⁶⁹ It was clearly more to the point that the commissioners should be free to get on with the job of making land available for allotment, while Pompeius wound up affairs in the East. Pompeius' membership would have been of limited usefulness.

If it were not for Cicero's brilliant pleading (and certain *idées fixes* about the politics of the period), historians might long ago have found it obvious that the agrarian law of Servilius Rullus was at least partly designed to answer Pompeius' need of land for his veterans. Its timing was entirely appropriate. It could be sold to the voters as a measure for the benefit of the poor rather than the military. (The clause disqualifying absentees from election might even be related to

⁶⁷ Sall. *Cat.* 30.3, 33.1; cf. Plut. *Lucull.* 37; *Cat. min.* 29.3. Dio 36.43.1 implies that Marcius was an Optimate and not happy about his supersession by Pompeius.

⁶⁸ Plut. *Ti. Gr.* 13.1.

⁶⁹ Pompeius was certainly committed for 63, with Syria, Judaea, and Arabia Nabatea to deal with (Plut. *Pomp.* 38-41); and Mithridates was still at large.

this, as an attempt to camouflage Pompeius' interest in the bill.) By the time the general and his army returned, tested administrative machinery for land distribution would have been in full working order.

This was probably the most important aspect of the bill. One need not deny that there may have been others: that, if passed, it would have advanced the political prospects of the men elected as Decemviri; that not only Pompeius' veterans but the poor citizens of Rome might have received land grants; that social, economic, and political improvements might have resulted from the measure. These are by no means negligible matters, but we are probably justified in regarding them as secondary, from the viewpoint of the practical Roman politicians who devised the scheme.

The idea that the bill was never intended to succeed is not easy to accept, though success may not have been too confidently anticipated. The proposers certainly went to unnecessary pains if they were merely premeditating a fiasco. In that case, why trouble to go into such detail in the drafting? Due credit must be given to Cicero's superb rhetorical technique for turning the project into a flop.

It has been argued here that the agrarian law had Pompeius' interests in view. Why, then, did Cicero, Pompeius' self-appointed champion, oppose it so vigorously and uncompromisingly? This is really no problem. The fact is that (in spite of his protestations)⁷⁰ Cicero was consistently opposed to agrarian distribution,⁷¹ and this was a more fundamental aspect of his political stance than support for Pompeius. In truth, it would be difficult to point to any practical benefit conferred on Pompeius by Cicero's activities as consul; hence the coolness of which Cicero complained in a well-known letter.⁷²

For Caesar the failure of the bill was no disaster, perhaps no surprise. He suffered no loss of face; he had kept in the background. But by this and other moves he strengthened the ties of *amicitia* with Pompeius. They proved most useful for his future career.

As for Crassus, there seems little profit in debating his rôle in the affair. There is no convincing evidence that he had one.

⁷⁰ *De leg. agr.* 2.10, 12.

⁷¹ Compare, for example, his attitude to the pro-Pompeian bill of Flavius (*Ad Att.* 1.19.4) and the agrarian legislation of Caesar (*Ad Att.* 2.16.1-2).

⁷² *Ad fam.* 5.7.2-3.