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THE DATE, MODALITIES AND LEGACY OF SULLA'S ABDICATION OF HIS DICTATORSHIP: A STUDY IN SULLAN STATECRAFT*

*Fecha, modalidades y legado de la abdicación
de la dictadura de Sila. Un estudio de la política
siliana*

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RESUMEN: La Paradójica *dictatura legibus scribundis et rei publicae constituendae* de Sila ha sido siempre recordada como objeto de controversia, entre los antiguos (visto de forma exhaustiva por Eckert 2016) y modernos historiadores de Roma. Uno de los mayores problemas que divide a los estudiosos es el del *tempus legitimum* de su dictadora y, en particular, el momento aproximado de su abdicación, que va desde la primera

* This study advances on my earlier discussion of the date of Sulla's abdicacion in *Cabiers Gustave Glotz* 2004 (pp. 58-68). All dates are BCE unless indicated otherwise. Translations are taken from the *Loeb Classical Library* series, modified where needed. For John the Lydian, I have worked from A. C. Bandy's 1983 edition (*Ioannes Lydus on Powers or The Magistracies of the Roman State. Introduction, Critical Text, Translation, Commentary, and Indices*, Philadelphia). I am much obliged to Em. Prof. Ronald Ridley, Dr. Christopher Dart, Dr. Alexandra Eckert and the anonymous referees for their incisive and helpful feedback on earlier drafts. All remaining errors are my own.

mitad del 81 al verano del 79. Este texto revisa la cuestión e intenta una resolución estableciendo una reevaluación de las fuentes. Como resultado, esta investigación arroja una nueva luz sobre la abdicación de Sila. Sus razones y, por último, pero no menos importante, las ramificaciones desde el último Triunvirato a la temprana época de Augusto. Al final de este estudio un breve epílogo revisa el tiempo y las circunstancias de la ejecución de Q. Lucretio Ofela y considera la cuestión de los motivos profesados por Sila.

Palabras clave: Sila; República romana; abdicación; Triunvirato *r.p.c.*; Q. Lucretius Ofella.

ABSTRACT: Sulla's paradoxical *dictatura legibus scribundis et rei publicae constituendae* has ever remained the subject of controversy, amongst both the ancients (on which see now comprehensively Eckert 2016) and modern Roman historians. One major issue that continues to divide scholarship is that of the *tempus legitimum* of his dictatorship and, in particular, the approximate time of his abdication, with proposed dates ranging from as early as mid-81 to the summer of 79. This chapter revisits this question and attempts a resolution of the matter by virtue of a careful reappraisal of the extant source material. As a result, this inquiry also casts a new light on the modalities of Sulla's abdication, his rationale, and, last but not least, the ramifications for our understanding of the transition from the late triumviral to early Augustan era. Against the background of this study, a brief post-script revisits the timing and circumstances of the notorious execution of Q. Lucretius Ofella and considers the issue of Sulla's professed and ulterior motives.

Keywords: Sulla; Roman Republic; Abdication; Triumvirate *r.p.c.*; Q. Lucretius Ofella.

1. INTRODUCTION: SULLA'S OFFICIAL *CAUSA* AND *TEMPUS* UNDER THE VALERIAN LAW

Seemingly trivial, the issue of the date and modalities of Sulla's abdication of the dictatorship has significant ramifications for our understanding of late republican political history and the turbulent transition from Republic to Empire. First, Sulla's arguably unique dictatorship is widely, and justly, perceived as a watershed in the final century of the so-called *Res Publica libera*. After its violent collapse in the eighties BCE and Sulla's unorthodox remedies, nothing would ever be the same, if only since he had taken a great many unprecedented actions before and during his tenure as dictator, and many of his measures would survive his death in 78

BCE¹. Second, the question whether or not Sulla's time in office exceeded the dictatorship's traditional comminatory maximum term of six months unavoidably affects ancient and modern appraisals and representations of Sulla's temporary monarchy. Last but not least, Sulla's political methods also matter in that they set a number of precedents for the actions of ensuing late republican dynasts. In the epilogue to this study, it will indeed be argued that Sulla's sophisticated «dictatorial exit strategy» provided yet another precedent that was not lost on Caesar's adoptive son and political heir, Emperor Caesar Divi filius. An inquiry into the particulars of when and how Sulla abandoned his epochal dictatorship is, therefore, tantamount to a study into Sullan statecraft².

The question of the *tempus legitimum* of Sulla's unprecedented *dictatura legibus scribundis et rei publicae constituendae* as defined by the interregal *lex Valeria* of 82 BCE remains a matter of scholarly debate³. There is no indication whatsoever in the extant sources that the Valerian Law stipulated a precise comminatory *tempus*, on the model of the traditional *dictatura rei gerundae caussa*, a mandate that typically required the dictator to abdicate within the maximum term of six months, even if his specific task as decreed by the Senate had not been completed⁴. That

1. Already in antiquity, Sulla's career and feats of the 80s BCE had made a lasting impression: see now the excellent treatment in ECKERT, 2016. For Sulla's victory in Rome's first full-fledged civil war as a decisive turning point in Roman republican history, see FLOWER, 2010, 80-96 («Violence and the Breakdown of the Political Process (133-81)» and, esp., 117-134 («Sulla's New Republic»).

2. Both SYME, 2016a, 56f. and especially BADIEN, 1970, 3 rightly consider the end of Sulla's dictatorship as an issue of the greatest importance. I also share Badien's belief (*loc. cit.*) in «the importance of reaching the greatest possible precision in our data». Comp. SYME, *loc. cit.*: «the chronology demands careful investigation».

3. For a more comprehensive discussion of the circumstances and scope of the *lex Valeria*, see my aforementioned article in CCG 2004. Though the *Fasti Consulares* and *Triumphales* merely list Sulla as *dictator* under 82 (Degrassi *Inscr. Ital.* 13.1, 54f.: *Fasti Consulares*, with L. Valerius Flaccus as *interrex*) and 81 (Degrassi *Inscr. Ital.* 13.1, 84f.: *Fasti Triumphales*), there should be no doubt that his official *causa* was *legibus scribundis et rei publicae constituendae*: HURLET, 1993, 95 & VERVAET, 2004, 38-58. HINARD, 2008, 49-54 argues that Sulla was merely appointed dictator *rei publicae constituendae* under the terms of the Valerian law. A full reappraisal of Sulla's precise tititure is beyond the scope of this inquiry. Nonetheless, the fact that, unlike the *triumviri r.p.c.*, Sulla passed an impressive raft of legislation meant to stand the test of time further supports the contention that he was dictator *legibus scribundis et rei publicae constituendae*.

4. In his brilliant study on the *tempora* of Roman magistracies (1953), Ugo Coli demonstrates that, although the basic principles of the Republican polity required all Roman magistracies be *ad tempus*, some were *ad tempus certum*, with a well-defined duration, whilst others *ad tempus incertum*, without a fixed term. Given the continuous indispensability of their functions, the consulship and all other permanently recurring magistracies

Sulla's dictatorship was very different from the dictatorship of old, and that he alone could decide on the duration of his tenure is, however, recorded emphatically in App. *B.C.* 1.99, where we are told the following about the circumstances of Sulla's appointment:

Ῥωμαῖοι δ' οὐχ ἐκόντες μὲν οὐδὲ κατὰ νόμον ἔτι χειροτονοῦντες οὐδὲν οὐδ' ἐπὶ σφίσιν ἡγούμενοι τὸ ἔργον ὅλως, ἐν δὲ τῇ πάντων ἀπορία τὴν ὑπόκρισιν τῆς χειροτονίας ὡς ἐλευθερίας εἰκόνα καὶ πρόσχημα ἀσπασάμενοι χειροτονοῦσι τὸν Σύλλαν, ἐς ὅσον θέλοι, τύραννον αὐτοκράτορα. τυραννὶς μὲν γὰρ ἢ τῶν δικτατόρων ἀρχὴ καὶ πάλαι, ὀλίγῳ χρόνῳ δ' ὀριζομένη· τότε δὲ πρῶτον ἐς ἀόριστον ἐλθοῦσα τυραννὶς ἐγένετο ἐντελής. τοσόνδε μέντοι προσέθεσαν εἰς εὐπρέπειαν τοῦ ρήματος, ὅτι αὐτὸν αἰροῖντο δικτάτορα ἐπὶ θέσει νόμων, ὧν αὐτὸς ἐφ' ἑαυτοῦ δοκιμάσειε, καὶ καταστάσει τῆς πολιτείας.

The Romans did not like it, but they had no more opportunities for elections according to law, and they considered that this matter was not altogether in their own power. So, in the general deadlock, they welcomed this pretence of an election as an image and semblance of freedom, and chose Sulla their absolute master for as long as he pleased. There had been autocratic rule of dictators before, but it was limited to short periods. However, under Sulla, it first became unlimited and so an absolute tyranny. All the same they added, for propriety's sake, that they chose him dictator for the enactment of such laws as he himself might deem best and for the (re)constitution of the Republic⁵.

were limited to one year. Those magistracies, however, that carried exceptional or unusual responsibilities had inherent temporal limitations, since their *raison d'être* ceased to exist from the moment their designated task was fulfilled. The best known examples of the latter category are the dictatorship, its different *causae* defining its specific functions, and the *censura*. Although the *dictatura rei gerundae causa* and the censorship were indeed limited to six and eighteen months respectively, these *tempora* were meant as the maximum time span for the completion of the set task. In correlation with this sharp distinction, Coli goes on to explain, there also existed a fundamental difference as regards the *cessatio* of both categories of magistracies. Once their term expired, the *magistratus annui* lapsed automatically, *ipso iure*. If they had not been granted the right to further exercise the *potestas* of the magistracy concerned by virtue of explicit prorogation, their occupants irreversibly became private citizens. This form of *cessatio* was termed *magistratu abire* and was an involuntary act. The magistracies *ad tempus incertum*, however, could not cease *ipso iure*, since their occupants had to abdicate, i.e., to perform the act of *uoluntate abire magistratu*. On the one hand, it was indeed expected that the magistrate concerned should lay down his office as soon as the task to which he had been appointed was completed. From this very moment, there no longer was any rationale for the magistracy and staying in office was considered a censurable abuse. On the other hand, these magistrates nonetheless continued to hold office until formal and explicit abdication. On a dictator's abdication duty, see also KUNKEL & WITTMANN, 1995, 670-672.

5. Appian's summary creates the impression that Sulla was appointed to the dictatorship directly by the *lex Valeria* itself, whereas this statute really commissioned the

In all likelihood, the Valerian Law would not have expressly suppressed the expectation for Sulla to abdicate. Rather, it would have stipulated that he would have to do so only after taking all measures — legislative and otherwise — he saw fit to restore the Republic following its violent collapse in the period preceding his appointment. Two considerations, however, meant that, *de facto* if not *de iure*, Sulla could retain his special dictatorship as long as he, and only he, saw fit. First, there was the sheer scale of his official mandate, a task with which a single magistrate had never before been commissioned. Second, the Valerian Law had invested him with a wide range of extraordinary powers and prerogatives. Most formidable were his discretionary power over any Roman citizen's life, *domi militiaeque*, since he was dictator *sine prouocatione*, and the fact that all his dictatorial *acta* had the force of statute law. As if that were not enough, he was also invested with the supreme command, the *summum imperium auspiciumque*, across the entire Roman world⁶. Under such circumstances, Sulla was indeed entirely at liberty to continue his dictatorship as long as he remained convinced of its necessity⁷. It should, therefore, not surprise that Appian in *B.C.* 1.3 also produces the following appraisal of Sulla's dictatorship as well as his defiant attitude in laying it down — the emphasis on the unprecedented length of Sulla's absolute dictatorship being of particular interest to this inquiry:

Ἔργων τε οὐδεν ἀηδὲς ἀπὴν, μέχρι τῶνδε τῶν στασιάρχων εἷς ἔτει πεντηστοῦ μάλιστα ἀπὸ Γράκχου, Κορνήλιος Σύλλας, κακῶ τὸ κακὸν ἰώμενος μόναρχον αὐτὸν ἀπέφηγεν ἐπὶ πλείστον· οὗς δικτάτορας ἐκάλουν τε καὶ ἐπὶ ταῖς φοβερωτάταις χρεῖαις ἑξαμήνους τιθέμενοι ἐκ πολλοῦ διελελοίπεσαν. ὁ δὲ Σύλλας βία μὲν καὶ ἀνάγκη, λόγῳ δ' αἰρετός, ἐς αἰεὶ δικτάτωρ γενόμενος ὁμως, ἐπεὶ τε ἐκορέσθη τῆς δυναστείας, πρῶτος ἀνδρῶν ὅδε μοι δοκεῖ θαρρήσαι τυραννικὴν ἀρχὴν ἐκὼν ἀποθέσθαι καὶ ἐπειπεῖν, ὅτι καὶ τοῖς μεμφομένοις εὐθύνας ὑφέξει.

No unseemly deed was left undone until, about fifty years after the death of Gracchus, Cornelius Sulla, one of these faction leaders, doctoring one evil with another, made himself sole master of the state *for a very long time* [my italics]. Such officials were formerly called dictators — an office created in the most perilous circumstances for six months only, and long since fallen into disuse. But Sulla, although nominally

interrex L. Valerius Flaccus (*cos.* 100) to nominate Sulla as dictator and then himself as *magister equitum*: Vervae 2004, 40f.

6. See VERVAET, 2004, 38-58; comp. also VERVAET, 2014a, 215.

7. See in this sense already EHRENBERG, 1953, 126: «Nobody but the dictator himself could decide when in his view the state was 'set up' again». Comp. also ECKERT, 2016, 191: «Sullas Diktatur war ein Novum, weil sie an keine zeitliche Begrenzung gebunden war».

elected, became dictator for life by force and compulsion. Nevertheless he became satiated with power and was the first man, so far as I know, holding supreme power, who had the courage to lay it down voluntarily and to declare that he would render an account of his stewardship to any who were dissatisfied with it⁸.

He then goes on to relate that, after his voluntary abdication, Sulla was able to pursue his life unmolested as a private citizen. Similarly, in *B.C.* 1.4 Appian notes that Iulius Caesar, having overpowered his opponents by war, «was chosen next after Sulla dictator for life»: δεύτερος ἐπὶ Σύλλα δικτάτωρ ἐς τὸ διηνεκὲς ἤρθεη. Whilst *de iure*, the *tempora legitima* of Caesar's successive dictatorships differed substantially from Sulla's legal term of office, his appointment to the *dictatura perpetua* at the beginning of 44 signifies that, *de facto*, the tenure of his last, lifelong dictatorship was not altogether unlike Sulla's term of office. In terms of public law, however, there was a fundamental difference between Sulla's dictatorship *legibus scribundis et rei publicae constituendae*, the *causa* inherently implying the obligation and intent to abdicate *legibus datis et re publica constituta*, and Caesar's *dictatura perpetua*, officially meant to last until his death (or unforeseen voluntary abdication). That Sulla probably justified his abdication by referring to the mandate and finality of the Valerian Law may well be reflected in Aur. Vict. *Vir. Ill.* 75.12: *re publica ordinata dictaturam deposuit* — probably a compressed allusion to Sulla's final speech proclaiming the full accomplishment of the dictatorial *causa* attested in App. *B.C.* 1.104 (infra)⁹. Considering that Sulla could easily have had himself appointed *dictator perpetuo* (or something similar) following his victory in the civil war¹⁰ and what we know about his official mandate, Wilcken's conclusion that it was always his intention to abdicate on some

8. In *B.C.* 1.103, Appian again amply expresses his utter amazement at Sulla's decision to abdicate his position of supreme power: «This act seems wonderful to me — that Sulla should have been the first, and till then the only one, to abdicate such vast power without compulsion, not to sons (like Ptolemaeus in Egypt, or Ariobarzanes in Cappadocia, or Seleucus in Syria), but to the very people over whom he had tyrannized».

9. This evidence corroborates De Martino's argument (in 1958, 73f.) that Sulla became dictator until he thought fit to abdicate, but that it was indeed the intention of the *lex Valeria* that he should abdicate after the restoration of the *Res Publica*. For the term *republica reciperata* being used from the era of Sulla to describe his victory, see e.g. Cic. *Rosc. Am.* 141; *Dom.* 79; *Brut.* 311 & Sall. *Cat.* 11.

10. As dictator *legibus scribundis*, he was also legally empowered to decree a lifelong extension of his tenure.

unspecified day, and that he recognized «die mit der Diktatur verbundene Abdankungspflicht», should not be called into question¹¹.

On the one hand, Sulla was under no comminatory obligation to abdicate within a period of six months, unlike the traditional dictators *rei gerendae caussa*, regardless of the fact that Senate and/or People could always authorize temporary continuation past this customary comminatory term. On the other hand, the arrangement concerning his term of office was not a complete breach of custom. In 1953, U. Coli cogently argued that, regardless of the maximum term of six months, dictators were always expected to abdicate, and generally did so, upon fulfillment of the specific task (*causa*) for which they had been appointed¹². The term of Sulla's dictatorship was at least theoretically in accordance with customary law to the extent that it was the intent of the Valerian Law that Sulla should abdicate following completion of his task, regardless of its magnitude and the time required. Faced with unusual circumstances and a Republic in ruins and armed with a formidable battery of *iura extraordinaria*, Sulla clearly felt it made little sense to subject his novel dictatorship to an expressly defined comminatory *tempus legitimum*¹³.

11. WILCKEN, 1940, 7; cf. also HURLET, 1993, 165-168. *Contra* EHRENBURG, 1953, 125, where it is argued that «it seems unlikely that at that moment even he would have acknowledged any 'compulsion to abdicate'» and CHRIST, 2003², 122, who merely claims that Sulla could stay in office «so lange er wolle». VALGIGLIO, 1956, 66 correctly explains that «l'illimitatezza era solo potenziale, non giuridica». SORDI, 1993, 86 asserts also that «In modo coerente con la funzione che gli era stata affidata Silla aveva abdicato dalla dittatura al termine della sua opera repressiva e legislativa, mostrando di ritenere ancora il potere dittatoriale delimitato, se non da una scadenza precedentemente stabilita, almeno da una funzione costituzionale». See in the same sense also SEAGER, 1992, 199: «It perhaps needs to be emphasized that Sulla was not appointed dictator for life. The definition of his mission, broad though it was, constituted in itself a kind of time-limit, albeit an inevitably vague one. It was taken for granted that when Sulla had completed that mission according to his lights he would lay down his dictatorship, and there is nothing but the anachronistic surprise of later sources to suggest that Sulla himself considered for a moment the possibility of trying to retain his power for life».

12. Cf. n. 4 supra for a summary of Coli's most important findings.

13. Cf. VALGIGLIO, 1956, 65: «Abbiamo qui un' analogia colla dittatura repubblicana: Silla doveva mantenere il potere finché lo esigesse la situazione politica, e non oltre». Cf. in the same sense KEAVENEY, 1982, 165: «Like previous dictators, Sulla had been appointed to end a crisis, and when he had done that he resigned his office». Keaveney, however, asserts that the clause which allowed Sulla to hold power for as long as was necessary to remedy the situation was no vague formula but rather a literal injunction to be strictly obeyed. In my opinion, this argument is less plausible, since Sulla was the ultimate authority capable of determining when his task would be completed.

2. THE DATE AND MODALITIES OF SULLA'S ABDICATION OF THE DICTATORSHIP.

The timing of Sulla's voluntary abdication remains a matter of deep scholarly division. On the one hand, there are a significant number of historians who argue that he abandoned his plenipotentiary office at the outset of 79, amongst whom Th. Mommsen, F. Fröhlich, W. Drumann and P. Groebe, H. Last, R. Syme, L. Pareti, H. Volkmann, B. Wosnik, C. Meier, I. Shatzman, A. Giovannini, A.B. Jenkins, J. Fündling, and J. Tatum¹⁴. They mostly refer to Appian *B.C.* 1.103, to be quoted in full and discussed shortly. Following E. Badian, however, a steadily growing number of scholars believe that Sulla laid his dictatorship down on the first day of 80, or sometime in the later months of 81¹⁵, whilst others still opt for the last day of 80 or sometime earlier that year¹⁶. Although I had already argued in 2004 for the older view that Sulla abdicated only at the outset of 79, there is good cause to put the matter under the magnifying glass yet again. First, I then overlooked what I believe is some key evidence in support of the later date¹⁷. Second, such distinguished scholars as F. Hinard and A.

14. MOMMSEN, 1903⁹, 367 («bald nachdem die neuen Konsuln Publius Servilius und Appius Claudius ihr Amt angetreten hatten»); F. FRÖHLICH, 1900, c. 1562; DRUMANN & GROEBE, 1902, 421f.; LAST, 1932, 309; SYME, 2016a, 61 (on the basis of App. *B.C.* 1.103 & Oros. 5.21.1: «perhaps at the very beginning [of 79], certainly before the next elections» — in 1964, 180, however, Syme asserts that «Sulla [...] ceased to be dictator when he laid down the consulship [i.e., that of 80] on the last day of December»); PARETI, 1953, 637 (February 79); VOLKMANN, 1958, 84; WOSNIK, 1963, 106-123; MEIER, 1966, 260 n. 348; SHATZMAN, 1968, 345-347 (according to Shatzman, Sulla doubtlessly abdicated after the election of the consuls for 79 and before that of the consuls for 78); GIOVANNINI, 1983, 83; JENKINS, 1994, 132; CHRIST, 2003², 133; FÜNDLING, 2010, 151; and TATUM, 2011, 164.

15. BADIAN, 1962a, 230; 1962b, 61; 1967, 181; and esp. 1970, 8-14. Badian is followed by e.g. LAFFI, 1967, 261 n. 129; GABBA, 1972, 801, n. 236 & 803; HINARD, 1985, 259f. («avant la fin de l'année 81»); WORTHINGTON, 1992, 189 with n. 13 (sometime before the end of 81); HURLET, 1993, 56-69, esp. 67-69, where Hurlet suggests that Sulla abdicated on the first of January 80, shortly before his inauguration as consul *II* (comp. also Hurlet 1992); LETZNER, 2000, 295f.; DYCK, 2010, 4.

16. Last day of 80 BCE: VALGIGLIO, 1956, 200f.; GABBA, 1958, 282f.; SYME, 1964, 180. GRUEN, 1968, 272 asserts that Sulla had resigned his dictatorship by 79. In 1974, 122, Gruen seems to be less decided: «But Sulla had retired from the dictatorship by mid-79 [...] In 79 Sulla was a private citizen». SCULLARD, 1982, 81 and EDER, 1997, 189, too, think Sulla abdicated sometime in 80. Although Diehl 1988, 25 does not entirely preclude the possibility that Sulla had already abdicated by the time of Cicero's defense of Roscius Amerinus, he on p. 228 likewise argues that Sulla's abdication of the dictatorship coincided with the end of his (second) consulship. SUMI, 2002, 429 seems to believe that Sulla was still dictator when Cicero defended Roscius in court. See also *infra* (e.g. n. 24) for a number of other scholars arguing for an abdication sometime in 81 or 80 BCE.

17. Esp. Cic. *Off.* 2.51 and *Brut.* 311f., quoted and discussed *infra* on p. 49f.

Keaveney have meanwhile revisited the issue, looking to strengthen the case for an abdication sometime in 81¹⁸. The best approach remains a systematic empirical survey of the extant source materials, interpreted against the wider context of Sulla's dictatorial mandate as outlined in the above. This analysis should also clarify the precise modalities of Sulla's abdication, his distinct method of restoring political normality, and the wider historical significance of his actions.

As indicated in the above, a number of leading ancient historians quote Appian *B.C.* 1.103 as unequivocal evidence for an abdication date early in 79¹⁹. The importance of this passage justifies citing it in full. After his summary of (the circumstances of) Sulla's appointment to the dictatorship and the main events of his reign, Appian recounts the following:

Τοῦ δ' ἐπιόντος ἔτους Σύλλας, καίπερ ὦν δικτάτωρ, ἐς ὑπόκρισιν ὁμῶς καὶ σχῆμα δημοκρατικῆς ἀρχῆς ὑπέστη καὶ ὑπατος αὐθις γενέσθαι σὺν Μετέλλῳ τῷ Εὐσεβεῖ. καὶ ἀπὸ τοῦδε ἴσως ἔτι νῦν οἱ Ῥωμαῖαν βασιλέες, ὑπάτους ἀποφαίνοντες τῇ πατρίδι, ἔστιν ὅτε καὶ ἑαυτοὺς ἀποδεικνύουσιν, ἐν καλῷ τιθέμενοι μετὰ τῆς μεγίστης ἀρχῆς καὶ ὑπατεῦσαι. Τῷ δ' ἐξῆς ἔτει ὁ μὲν δῆμος καὶ τότε τὸν Σύλλαν θεραπεύων ἤρειτο ὑπατεύειν, ὁ δὲ οὐκ ἀνασχόμενος ὑπάτους μὲν αὐτοῖς ἀπέφηνε Σερούϊλιον Ἴσαυρικὸν καὶ Κλαύδιον Ποῦλχρον, αὐτὸς δὲ τὴν μεγάλην ἀρχὴν οὐδενὸς ἐνοχλοῦντος ἐκῶν ἀπέθετο [...] οὔτε τοὺς οἴκοι ὁ Σύλλας οὔτε τοὺς φεύγοντας καταπλαγεῖς οὔδε τὰς πόλεις, ὧν ἀκροπόλεις τε καὶ τεῖχη καὶ χρήματα καὶ ἀτελείας ἀφῆρητο, ἑαυτὸν ἀπέφηνεν ιδιώτην.

The following year [i.e., 80 BCE] Sulla, *although he was dictator* [my italics], undertook the consulship a second time, with [Q. Caecilius] Metellus Pius for his colleague, in order to preserve the pretence and form of democratic government. It is perhaps from this example that the Roman emperors appoint consuls for the country and even sometimes nominate themselves, considering it not unbecoming to hold the office of consul in connection with the supreme power. The next year [i.e., 79 BCE] the people, in order to pay court to Sulla, chose him consul again, but he refused the office and nominated Servilius Isauricus and Claudius Pulcher, and voluntarily laid down the supreme power, although nobody interfered with him. [...] Undaunted by the relatives of these persons [i.e. those who had perished in the proscriptions] at home, or by those banished abroad, or by the cities whose towers and walls he

18. HINARD, 1999 & 2008 (essentially a reprint of the argument in id. 2011[2007], 43-49 & 56-60) and KEAVENEY, 2005a, discussed more extensively *infra*.

19. Even though KEAVENEY, 2005a argues for an abdication sometime in 81, early enough «for him to make a grand and meaningful gesture of renunciation» (p. 439), he concedes that Appian's treatment of the Sullan *dominatio* «is largely accurate».

had thrown down and whose lands, money and privileges he had swept away, Sulla now proclaimed himself a private citizen.

In other words, Appian here emphatically records that Sulla combined his dictatorship with his second consulship in 80, and that he decided to do so for political reasons, as he wished to be seen as an adherent of collegial consular rule, one of the cornerstones the *Res Publica libera*²⁰. Appian further observes that this remarkable development may constitute the precedent for key features of the imperial system, where Emperors designate the consuls and at times combined their position with that of consul. Whereas Appian misdates to 79 Sulla's election to what would have been his third consulate and the subsequent *renuntiatio* of the consuls of 79, P. Servilius Vatia Isauricus and Ap. Claudius Pulcher, he still records that Sulla's abdication of the dictatorship took place during the year after his second consulate²¹. In 1.104, Appian goes on to recount that Sulla made a speech in the Forum when he laid down his office (τὴν ἀρχὴν ἀποτιθέμενον), in which he offered to give the reasons for what he had done to anybody who should ask them. Thanks to Quintilian, we also know he did so before a *contio*²². He then «dismissed the lictors *with their axes*» (καὶ τὰς ῥάβδους καθελόντα καὶ τοὺς πελέκεας) — unequivocal evidence he still held his dictatorship *sine prouocatione* — and discontinued his bodyguard. After this, he walked the Forum for a long time with only a few friends, in the gaze of an awed multitude²³. Only once, when he was going home, Sulla was allegedly reviled by a boy who even dared to follow as him there as nobody moved to restrain him. Sulla reportedly endured his reproaches with remarkable calmness and is said to have prophesied that «this young

20. For the inextricable connection between *libertas* and the consulship, see Tac. *Ann.* 1.1: *Libertatem et consulatum L. Brutus instituit.*

21. KEAVENEY, 2005a, 431, too, concludes that «when Appian B.C. 1.103 uses the words τὴν μεγάλην ἀρχὴν he is talking of the dictatorship, irrespective of whether he means it as 'great power' or 'great office'». On p. 432, Keaveney discerningly observes that the «notion that Sulla held the dictatorship right through 80 is also reflected in Appian's use of Olympiad dating. According to Appian *B.C.* 1.99, Rome in the 175th Olympiad was under kingly i.e. dictatorial government. Games were given then which lured athletes from Greece. V. J. Matthews has shown that the games in question are the Ludi Victoriae of 80. Thus we may see illustrated yet again Appian's belief that Sulla held the dictatorship in 80».

22. Quint. *Inst.* 3.9.53: *Sullae dictaturam deponentis in contione.*

23. In *B.C.* 1.3, Appian likewise relates that Sulla was the first Roman who held tyrannical power and had the courage to lay it down voluntarily and to declare that he would render an account of his official acts to any who were dissatisfied with them. Appian points out that for a considerable period, Sulla walked to the Forum as a private citizen in the sight of all and returned home unmolested, and explains that the onlookers either stood still very much in awe of his government, or were still amazed at his laying it down.

man will prevent any future holder of such power from laying it down». Appian subsequently indicates that Sulla eventually retired from Rome after becoming a private citizen to pass his time in solitude on his country estate (ιδιώτης ἐκ τυράννου καὶ μετὰ τοῦτ' ἐπ' ἐρημίας ἀγροίκου διαγενέσθαι) in Cumae, where he spent the remainder of his life hunting and fishing. In *B.C.* 1.105, then, Appian recounts that civil strife was gradually renewed «directly after his abdication» (ἄρτι δ' ἀποστάντος αὐτοῦ) as a consequence of M. Aemilius Lepidus' bold decision to run for the consulship of 78.

First, Appian's account shows that Sulla became a mere private citizen following his formal resignation from the dictatorship, and that he then at some point decided to retire to Cumae. Second, his bold and dramatic abdication would have been a hollow *pièce de théâtre* had he performed it as *consul designatus*²⁴. Therefore, Appian's narrative suggests that Sulla abdicated his office shortly after Servilius Isauricus and Ap. Claudius entered upon their consulship, rather than after their *renuntiatio*. Appian's representation — as well as his mild confusion between, on the one hand, *creatio/renuntiatio* and, on the other, *inire magistratum* — is echoed in Orosius 5.22.1, where we can read that Sulla finally became a private citizen «after the election of Servilius Isauricus and Claudius Pulcher»: *Creatis itaque P. Seruilio et Appio Claudio consulibus uisus est tandem Sylla priuatus*. Although this does not necessarily contradict the hypothesis that Sulla laid his office down after his second consulate had expired, it is quite possible that Orosius here intended to communicate that Sulla resigned immediately after the consuls of 79 entered upon their office, albeit

24. *Contra* SUMNER, 1964, 45 n. 44; TWYMAN, 1976, 77-97 & 271-295 (where it is argued that Sulla abdicated his dictatorship in the summer of 80, after the election of the consuls of 79); KUNKEL & WITTMANN, 1995, 711; and ECKERT, 2016, 190f n. 101, who all argue Sulla abdicated his dictatorship sometime in the second half of 80. Sumner (*loc. cit.*) believes this to have happened either at the end of 80, at the same time as laying down the consulship, but thinks immediately after the elections for 79 «equally probable. Hence about August, on the assumption that the regular post-Sullan election dates [...] were now instituted by Sulla». Twyman's main argument that Appian fails to distinguish between *renuntiatio* and *magistratum inire*, and merely indicates in *B.C.* 1.103 that Sulla was dictator as well as *consul designatus*, fails to convince: regardless of this issue, Appian is adamant that Sulla combined the offices of dictator and consul. Although SEAGER, 1992, 205 rightly points out that Sulla's challenging anyone who wanted to call him to account would be curiously hollow had he done this on the last day of 81, when he and everyone else knew perfectly well that on the next morning, he would once more hold *imperium* and be attended by lictors, he argues that «it is therefore tempting to believe that Sulla, who understood the theatre, gave up his dictatorship long enough before the end of 81 for his gesture to have at least some dramatic force».

by virtue of a truncated — and potentially confusing — summary²⁵. In this respect, one should also add that Sulla could not have become a private citizen following the election of the consuls of 79 since he held his second consulship throughout 80.

Plutarch's account in *Sull.* 34.3-5 allows for further refinement of this picture. Plutarch here recounts that Sulla, after having slaughtered a great number of citizens and introducing a great many constitutional changes, laid down his office and «made the People master of the consular elections (again)»: ἀποθέσθαι τὴν ἀρχὴν καὶ τὸν δῆμον ἀρχαιρεσιῶν ὑπατικῶν ποιῆσαι κύριον. Plutarch next explains that when the *comitia consularia* were held, Sulla did not go near them himself, but walked up and down the Forum like a private citizen, making himself freely available to all who wished to call him to account: αὐτὸς δὲ μὴ προσελθεῖν, ἀλλ' ἐν ἀγορᾷ τὸ σῶμα παρέχεν τοῖς βουλομένοις ὑπεύθυνον ὥσπερ ιδιώτης ἀναστρέφεσθαι. Finally, he goes on to say that when the People subsequently elected M. Aemilius Lepidus (*cos.* 78), contrary to Sulla's wishes but owing to Cn. Pompeius' zealous electioneering the former confined himself to giving the latter a severe and prophetic rebuke that he was strengthening his own adversary²⁶. Plutarch clearly amalgamates the events of Sulla's abdication *in contione* on the Forum with those surrounding the ominous

25. Comp. SUMNER, 1964, 45 n. 44: «Orosius, v, 22, jumps from the elections to the 1st January, 79». KEAVENEY, 2005a, 424 conducts a brief examination of Orosius' usage of *creare consulem* in a technical sense and observes that «plainly the matter did not interest him». Keaveney goes on to argue that «two passages, however, are suggestive. In 4.18.17 the election of Scipio Africanus (*cos.* 205) leads on immediately to his expedition to Africa, although we know that did not actually take place until 204. Thus here in this case we have unambiguous evidence for the kind of thing Sumner thought might be found in 5.22.1. The issue however is complicated by 5.7.1. Here the election of Scipio Aemilianus to the consulship of 134 is described as occurring in that same year. Plainly Orosius was not consistent in his treatment». In my view, all three of these passages in Orosius show his tendency to conflate the procedures of *creatio* and *initio magistratum*, which suggests that he in 5.22.1 indeed wanted to record that Sulla became a private citizen after the consuls of 79 entered upon their office. The very fact that Orosius knows that Sulla held the office of dictator (see 5.21.12: *Sylla dictator creatus est*) but is ignorant of the consulship, as cleverly observed by KEAVENEY (*loc. cit.*) further strengthens the conclusion that, at least according to Orosius, Sulla became a private citizen by abdicating his dictatorship after the consuls of 79 had taken up office.

26. See also Plut. *Pomp.* 15 for this episode. Sulla reprimanded Pompeius as he was passing through the Forum with a throng. For Lepidus' genuine popularity with the commons, see Ps.-Asc. 206 [Orelli = 259, 1-3 ed. Stangl], where it is recorded that Metellus Celer and Metellus Nepos dropped their prosecution of Lepidus *eius apud populum gratia*.

comitia consularia for 78²⁷. An abdication in the immediate run-up to the electoral *comitia* is incompatible with the tradition of genuinely free elections; therefore, Sulla must have abdicated well before the start of canvassing. The key point, however, is that Plutarch closely connects Sulla's resignation from the dictatorship with the restoration of fully free consular and praetorian elections in 79²⁸. His narrative unequivocally confirms that Sulla witnessed these as a private citizen and strongly suggests that, just like Pompeius, he actively canvassed on behalf of certain candidates whilst staying away from the actual *comitia* in the Campus Martius²⁹. Disaffected with Lepidus' handsome election to *consul prior* and weary of politics, Sulla then probably departed Rome for his country estate in Cumae³⁰. The combined evidence of Appian and Plutarch thus also ex-

27. This has confused both CARCOPINO, 1931, 208f. and SYME, 2016a, 74, who asserts that Plutarch in *Sull.* 34 connects Sulla's abdication «with the expectation that the undesirable Lepidus would win the consulate».

28. Correctly so SCARDIGLI, 1979, 96; compare also KEAVENEY, 2005a, 426: «When he [i.e., Plutarch] has Sulla leave off his ἀρχή we may translate this as 'office' or 'power' but it does not matter which. As no other office has been mentioned we are dealing with either the dictatorship itself or the power it confers. That is the logic of the narrative. The offer to give an account of his doings can then be seen as a reference to the fact that dictators were liable to prosecution after they had left office [cf. LINTOTT, 1999, 111-113]. The reference to Lepidus' victory puts us in 79». *Contra* ECKERT, 2016, 190f. n. 101: «Der gerafften Darstellung Plutarchs ist jedoch nicht klar zu entnehmen, ob die Konsulatswahlen für 80, 79 oder für 78 v.Chr. gemeint sind».

29. Keaveney, who likewise accepts that Plutarch's representation in *Sull.* 34 dates Sulla's abdication to 79 (cf. n. 28 supra), argues in 2005a, 426 that *Plut. Comp. Lys. Sull.* 1.4 (ὁ δὲ ἀπαξ αἰρεθείς στρατεύματος ἡγεμών, ἔτη συνεχῶς δέκα, νῦν μὲν ὑπάτων, νῦν δὲ δικτάτορα ποιῶν ἑαυτὸν, αἰεὶ δὲ ὢν τύραννος, ἐν τοῖς ὄπλοις ἔμενεν) «but he [i.e., Sulla], when he had once been chosen leader of an army, remained in arms for ten years together, making himself now consul, and now dictator, but always being a tyrant), too, puts the end of the dictatorship in 79: «Self-evidently hostile in tone it says that once Sulla was elected head of the army he remained in arms for the ten consecutive years appointing himself consul, proconsul and dictator. In other words, we have here, by inclusive reckoning, the period 88 to 79». As Sulla assumed command of a sizeable army in 90 BCE, probably in the capacity of *legatus pro praetore* (see BROUGHTON, *MRR* 2, 29 & 36 and, esp., DART, 2014, 119, 133 & 139f.), I would be inclined to argue that Plutarch's decade of 'Sulla under arms' rather concerns the years 90 to 81 inclusive, excluding the year of his second consulship, marked by a more civil political regimen. If one accepts that Sulla abdicated his dictatorship at the outset of 79, as argued in this study, the period 88 up to and including 79 becomes even more unlikely.

30. Plutarch records in *Pomp.* 15.2 that Lepidus was proclaimed consul by a larger vote than Catulus thanks to Pompeius' zealous electioneering on his behalf. For Lepidus' ranking first in the *Fasti Triumphales* as *consul prior*, see Degrassi *Inscr. Ital.* 13.1, 56. On the significance and prestige of being *consul prior*, see VERVAET, 2014a, 34f. In *B.C.* 1.104, Appian recounts that Sulla was still in good shape when he retired to the countryside and

plodes Carcopino's suggestion that Sulla abdicated only shortly after the *comitia consularia* for 78³¹.

Sulla's abdication early in 79 enabled the consuls Servilius Isauricus and Ap. Claudius to govern the Republic in their own right and, amongst other things, preside over genuinely free electoral *comitia*. As such, it marked the culmination of the return to political normality signalled by his election to a second consulship in mid-81. Appian's observation (in *B.C.* 1.103, *supra*) that Sulla purposely undertook a second consulship «in order to preserve the pretence and form of democratic government» indeed strongly suggests that this decision was intended as a signal indicator that normal political life was now to resume its course, regardless of the fact that Sulla chose to continue his dictatorship throughout his tenure as *consul II*.

It is precisely against this background of a carefully staged political normalization that one should interpret a number of passages from the work of Cicero and Plutarch quoted by Pareti and especially Badian as

suggests that he was weary of war, power, and Rome. Although SYME, 2016a, 62 rightly observes that «the nexus between Lepidus' candidature and Sulla's abdication is wholly fallacious» (see also 2016b), Plutarch's evidence does indicate that Sulla retired from Rome following the outcome of the consular elections for 78.

31. CARCOPINO, 1931, 208f. (with reference to Plut. *Sull.* 34). Although BROUGHTON, *MRR* 2, 82 at first accepted Carcopino's chronology, he in his *Supplement to the Magistrates of the Roman Republic* (Ann Arbor 1960), 75 asserts that a date later than 80 is very unlikely. For a sustained critique of Carcopino's thesis (1931, 186-211) that Sulla really had monarchical ambitions but was ultimately forced to abdicate following the consular elections of 79 by a coalition of his own supporters led by Pompeius, the Metelli and their kinsmen and associates, see SYME, 2016a, 64-78; comp. HURLET, 1993, 58-62. SYME, 2016a is very critical of Carcopino's liberties with the sources but oddly enough (pp. 75-77) throws out Plutarch's (and even Sallust's: *op. cit.* 78 and 2016c) evidence concerning Pompeius' defiance of Sulla and Lepidus' hostility before his election and Sulla's death, instead speculating that the latter «enjoyed the approbation of Sulla and the aristocracy» and that only Lepidus and Lutatius Catulus had been allowed to stand for the consulship of 78. Nonetheless, he (2016a, 72) does accept Plutarch's note that Sulla passed Pompeius over in his will, suggesting this was due to Pompeius' «inordinate ambition». Although some scholars (e.g. THEIN, 2002, 356 n. 1375) believe Sallust wrongly has the consul M. Aemilius Lepidus claim in an address to the people delivered early in 78 (see J. T. Ramsay's masterly 2015 edition in the *LCL* series, 38-49), when Sulla was still alive, that he continued to tyrannize Rome, his tirade against the ongoing 'domination of Sulla' doubtlessly represents a rhetorical device: Lepidus' ultimate goal was the annulment of contested Sullan legislation (cf. BROUGHTON, *MRR* 2, 85), and as he saw it, Sulla's tyranny would continue as long as these laws stood. That said, Lepidus' portrayal of Sulla's reign makes more sense if we accept he remained in the dictatorship throughout 81 and 80.

proof positive of an abdication as early as on the first day of 80³², namely *Rosc. Am.* 139 and *Sull.* 6.5.

In §139 of his *Pro Roscio Amerino*, a speech firmly dated to 80 BCE³³, Cicero makes the following intriguing statement:

Dum necesse erat resque ipsa cogebat, unus omnia poterat; qui posteaquam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta.

While it was necessary and the state of affairs demanded, one man alone possessed all power; but after he created magistrates and established laws, everyone's sphere of duty and authority was restored to him.

32. BADIAN, 1970, 8-14 (on p. 11, Badian suggests that Sulla «abdicated his dictatorship on becoming consul (inconspicuously dismissing twelve lictors at the time of the change-over)»; comp. already BADIAN, 1962b, 61. Consequently, BADIAN, 1970, 8-11 has little choice but to argue that the αὐτὸς δὲ τὴν μεγάλην ἀρχὴν [...] ἀπέθετο in App. B.C. 1.103 as well as the ἀποθέσθαι τὴν ἀρχὴν in Plut. *Sull.* 34.3 (both discussed supra) simply indicate that Sulla laid down 'a magistracy', and that this in fact was his second consulate — a poor attempt at explaining away some inconvenient evidence. The wording in Appian and Plutarch unambiguously reflects the voluntary act of se magistratu abdicare, legally required for dictators, as opposed to the automatic magistratu abire at the end of a consul's tenure — Appian (*loc. cit.*) attests that Sulla duly proclaimed himself a private citizen: ἐαυτὸν ἀπέφηνεν ἰδιώτην. In his magisterial study of 1953, Coli conclusively demonstrates that annual magistracies (the so-called magistracies *ad tempus certum*) lapsed *de iure* at the end of their official term, whereas the non-annual magistracies (the so-called magistracies *ad tempus incertum*) only lapsed following the incumbent's formal abdication or death, regardless of whether their comminatory *tempus*, the set maximum time for the achievement of their specific task, had expired. For a summary of Coli's main findings, see n. 4 supra.

33. In 15.28, Gellius records that Cicero, born on 3 January in the consulship of Q. (Servilius) Caepio and C. (not Q.) (Atilius) Serranus (i.e., 106 BCE), brilliantly defended Sex. Roscius at the age of twenty-seven, in the consulship of L. Sulla Felix (for the second time) and Metellus Pius — *annos iam septem atque uiginti natus, L. Sulla Felice II. Q. Metello Pio consulibus*, invalidating Cornelius Nepos' (impossible) claim that he did so at the age of twenty-three. Gellius also recounts that Asconius Pedanius noted that Fenestella mistakenly wrote that Cicero pleaded for Sex. Roscius in the twenty-sixth year of his age. That Cicero was twenty-six when he spoke in defense of Roscius is also on record in Quint. *Inst.* 12.6.4: *quae cum sex et uiginti natus annos summis audientibus clamoribus dixerit*. The discrepancy between, on the one hand, A. Gellius and Asconius Pedanius, and, on the other, Fenestella and Quintilian, can easily be explained in that the former count the (consular) years inclusively (106 up to and including 80, making for 27 years), whereas the latter reckon from his date of birth (Cicero being indeed twenty-six as from 3 January 80). A date of 80 for the *Pro Roscio* is accepted by, amongst others, HUMBERT, 1925, 100-111; SYME, 2016a, 61 («probably delivered in the first half of the year»); DIEHL, 1988, 56; and DYCK, 2010, 4. Dyck (ix) describes Cicero's *Pro Roscio* as a «career-making» and «risky» speech, «in which the young C. excoriates a favorite of the powerful Sulla besides taking rhetorical risks».

As noted by Dyck, there is similar use of the past tense at §91:

Dum is in aliis rebus erat occupatus, qui summam rerum administrabat, erant interea, qui suis uulneribus mederentur.

While he who wielded the supreme power was occupied with other matters, there were some who in the meantime were attending to their own wounds.

Well before Badian, Pareti had already quoted *Rosc. Am.* 131 as evidence that Cicero delivered his speech in defense of Roscius Amerinus after Sulla had abdicated from the dictatorship³⁴:

Quid miramur, iudices, L. Sullam, cum solus rem publicam regeret orbemque terrarum gubernaret imperitque maiestatem, quam armis receperat, legibus confirmaret, aliaqua animaduertere non potuisse?

Why then, judges, should we be surprised if Sulla at a time when he alone ruled the Republic and governed the world, when he was strengthening by laws the majesty of his supreme power which he had regained by force of arms, should unavoidably have allowed a few things to pass unnoticed?

In point of fact, Cicero had already made similar observations earlier in his address, viz. in *Rosc. Am.* 22, where he is also quick to exculpate Sulla and pay tribute to his prized *felicitas*:

Neque enim mirum, cum eodem tempore et ea, quae praeterita sunt, repararet et ea, quae uidentur instare, praeparet, cum et pacis constituendae rationem et belli gerendi potestatem solus habeat, cum omnes in unum spectent, unus omnia gubernet, cum tot tantisque negotiis distentus sit, ut respirare libere non possit, si aliquid non animaduertat, cum praesertim tam multi occupationem eius obseruent tempusque aucupentur ut, simul atque ille despexerit, aliquid huiusce modi moliantur. Huc accedit, quod, quamuis ille felix sit, sicut est, tamen in tanta felicitate nemo potest esse in magna familia, qui neminem neque seruum neque libertum improbum habeat.

For at the time when he is repairing the past and preparing for the possible emergencies of the future; when he alone possesses the means of establishing peace and the power to wage war; when all eyes are fixed upon him alone, and he alone is absolute ruler; when

34. PARETI, 1953, 640 with n. 2 — Pareti, however, wrongly dates the defense of Roscius to 79 rather than 80. With Pareti and Badian, TWYMAN, 1976, 87 accepts these passages as evidence Sulla no longer held his dictatorship when Cicero took up the defense of Roscius. KEAVENEY, 2005a, 433f. convincingly discredits Twyman's (*op. cit.* 89, n. 47) suggestion that *Cic. Dom.* 79, too, could possibly indicate that Sulla no longer held the dictatorship in 80.

he is distracted by so many and so important affairs that he cannot even breathe freely, we ought not be surprised if something escapes his notice, especially as so many are on the look-out for the time when he is busy and are watching for an opportunity, as soon as he is off-guard, to start some such plan as this. Add to this that, although he is fortunate, as he really is, no one can be so fortunate as not to have some dishonest slave or freedman in a large household³⁵.

There can indeed be no doubt that Cicero here alludes to an important turning point in Sulla's administration of public affairs after the end of the civil war. Nonetheless, his words need not imply that Sulla abdicated his dictatorship in 81³⁶. Had this really been the case, Cicero could easily have said so in plain language (in *Rosc. Am.* 139): *qui posteaquam magistratus creauit legesque constituit abdicauit* or simply *qui posteaquam abdicauit*. Instead, his carefully chosen words imply that the dictator decided to relax his regime in conspicuous fashion. Indeed, Cicero here strongly suggests that, sometime after Sulla had presided over the electoral *comitia* for 81 and achieved the bulk of his legislative program, he issued an edict proclaiming a normalization of public life and inviting the traditional political entities to resume their customary roles³⁷. In point of fact, it is not unlikely that Cicero here paraphrases the very terms of this

35. In *Rosc. Am.* 127, Cicero likewise goes to great lengths to praise and exonerate Sulla: *In quem hoc dicam, quaeris, Eruci. Non in eum, quem uis et putas; nam Sullam et oratio mea ab initio et ipsius eximia uirtus omni tempore purgauit. Ego haec omnia Chrysogonum fecisse dico*: «Do you ask, against whom my words are directed? Not against whom you desire and think them to be, for my own speech from the very beginning and his own eminent virtue at all times have exonerated Sulla. I hold that all this is the work of Chrysogonus». DIEHL, 1988, 228 likewise argues that the subtlety of Cicero's criticism in §22 as well as in §131 (*nemo est enim, qui nesciat propter magnitudinem rerum multa multos partim inuito, partim imprudente L. Sulla commisisse. Placet igitur in his rebus aliquid imprudentia praeteriri? Non placuit, iudices, sed necesse est*: «For everybody knows that many men have privately committed many crimes of which Sulla partly disapproved and partly was ignorant, owing to the multitude of his undertakings. Does it seem right, then, that in matters of this kind anything should be overlooked through inattention? It does not seem right, gentlemen, but it is inevitable») suggests that Sulla was still dictator when Cicero spoke in defense of Roscius: «Wäre dies nicht mehr der Fall gewesen, hätte Cicero in seiner Rede dem gewiß starker Rechnung tragen müssen». Compare also Sumi 2002, 429 for the observation that Cicero, «while no mouthpiece for the regime», here pays lip service to Sullan *pax* and *felicitas*.

36. Compare Gelzer's clever observation in 1932, 606 that Cicero here «mit aller Deutlichkeit die Rückkehr zu verfassungsmäßigen Zuständen als die damalige Richtung der Politik kennzeichnet».

37. The evidence in Cic. *Rosc. Am.* 139 (supra) and App. *B.C.* 1.99-101 (esp. 100, quoted infra) strongly suggests that Sulla made the organization of the electoral *comitia* for 81 his first item of business after his appointment to the dictatorship, and that he presided

momentous edict. As Cicero's tricky defense of Roscius Amerinus took place while Sulla was still retaining his plenipotentiary dictatorship, he had no choice but to pay lip service to the latter's solemn 'return to normalcy' proclamation, to use United States' presidential candidate Warren G. Harding's campaign slogan in the election of 1920³⁸.

As for the precise timing of this edict inviting the traditional bodies of state to resume their role and authority, we are not entirely clueless either. Cicero clearly indicates that the edict followed after Sulla had presided over the electoral *comitia* for 81 and pushed through the bulk of his comprehensive legislative program. Evidently, the edict would have made little sense if issued before the consuls (and other magistrates) of 81 had entered upon their office. Appian provides further information in *B.C.* 1.100, where we are told that Sulla continued to tower over Roman political life regardless of the election of M. Tullius Decula and Cn. Cornelius Dolabella to the consulship of 81:

Ὁ δ' ἐς μὲν πρόσχημα τῆς πατρίου πολιτείας ὑπάτους αὐτοῖς ἐπέτρεπεν ἀποφῆναι, καὶ ἐγένοντο Μάρκος Τύλλιος καὶ Κορνήλιος Δολοβέλλας· αὐτὸς δ' οἷα δὴ βασιλεύων δικτάτωρ ἐπὶ τοῖς ὑπάτοις ἦν· πελέκεις τε γὰρ ἐφέροντο πρὸ αὐτοῦ, οἷα δικτάτορος, εἴκοσι καὶ τέσσαρες, ὅσοι καὶ τῶν πάλαι βασιλέων ἤγουντο, καὶ φυλακὴν τοῦ σώματος περιέθετο πολλήν. νόμους τε ἐξέλυε καὶ ἐτέρους ἐτίθετο.

Nevertheless, by way of keeping up the form of the Republic, he allowed them [i.e. the Roman people, cf. *B.C.* 1.99] to appoint consuls. Marcus Tullius and Cornelius Dolabella were chosen. But Sulla, like a reigning sovereign, was dictator over the consuls. Twenty-four axes were borne in front of him as dictator, the same number that were borne before the ancient kings, and he also had a large bodyguard. He repealed laws and enacted others.

The combined evidence of Cicero and Appian suggests that Sulla first completely overshadowed the consuls of 81 and next slackened the reins after completing his substantial legislative work³⁹.

As a matter of fact, there is some further evidence in Cicero invalidating the interpretation of *Rosc. Am.* 139 as evidence for an abdication in

over the elections — *contra* KEAVENEY, 2005, 427, who argues that the *interrex* Valerius Flaccus in 82 presided over the elections of the consuls of 81.

38. CARWELL, 2016, 47.

39. *Contra* SYME, 2016a, 61, who suggests that Cicero in *Rosc. Am.* 139 «proclaims an aspiration rather than a fact», arguing that the 'advocate appeals to the *nobiles* to resume their station and their duties in all confidence. So long as it was inevitable, a single man held sole power. But the situation has changed; Sulla has appointed magistrates and ordained laws».

81. First and foremost, there is *Off.* 2.51, where he makes the following boastful statement:

Maxime autem et gloria paritur et gratia defensionibus, eoque maior, si quando accidit, ut ei subueniatur, qui potentis alicuius opibus circumueniri urgerique uideatur, ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus, quae, ut scis, extat oratio.

Then, too, briefs for the defense are most likely to bring glory and popularity to the pleader, and all the more so, if ever it falls to him to lend his aid to one who seems to be oppressed and persecuted by the influence of someone in power. This I have done on many other occasions; and once in particular, in my younger days, I defended Sextus Roscius of Ameria against the domination of Lucius Sulla. The speech is published, as you know.

These words can hardly mean anything else than that Sulla was still holding his dreaded dictatorial powers at the time of Roscius' trial and Cicero's courageous defense⁴⁰.

That Roscius' trial took place while Sulla was still invested with his fearsome dictatorship can also be inferred from a couple of other passages from the works of Cicero and Plutarch. In *Brut.* 311f., after producing a brief conspectus of the difficult circumstances, Cicero has the following to say about the beginnings of his career:

Tumultus interim recuperanda re publica et crudelis interitus oratorum trium, Scaevolae Carbonis Antisti, reditus Cottae Curionis

40. In 2008, 57, n. 80, Hinard makes a rather poor attempt at explaining away inconvenient evidence: «On observera d'ailleurs que, lorsqu'il évoque le discours qu'il a prononcé pour défendre Sex. Roscius accusé de parricide, Cicéron écrit qu'il a mené ce combat *contra L. Sullae dominantis opes*. Il ne fait aucun doute que, s'il avait pu, il aurait écrit *contra L. Sullae dictatoris dominationem*». The words *contra L. Sullae dominantis opes* speak for themselves as regards Sulla's position at the time and will have been perfectly clear to contemporaries. Hinard's subsequent explanation (*op. cit.*, 105) is equally unconvincing: «Il ne faut pas se tromper sur le sens des mots: je ne crois pas que Cicéron ait voulu dire qu'il avait parlé "à l'encontre de la puissance de L. Sylla". La formule, qui vient en conclusion d'un développement sur la morale de l'éloquence, est destinée à illustrer la gloire et la reconnaissance qui, au rebours des risques de l'accusation, retombent sur l'avocat de la défense, surtout quand il se trouve (*si quando accidit ut*) en face de puissances qui menacent et circonviennent l'accusé, "ce que j'ai fait dans le pro Roscio", écrit-il, ce qui revient à expliquer la tactique d'avocat qu'il a employée, non un acte politique d'une résistance qu'il aurait menée. Et il en a certainement retiré, en effet, une grande gloire d'avocat et une grande gratitude: il s'était concilié les bonnes grâces d'une partie de la *nobilitas*». Hinard here distorts Cicero's meaning and intent, and mere disbelief is insufficient argument against unwelcome evidence.

Crassi Lentulorum Pompei; leges et iudicia constituta, recuperata res publica; ex numero autem oratorum Pomponius Censorinus Murena sublati. tum primum nos ad causas et priuatas et publicas adire coepimus, non ut in foro disceremus, quod plerique fecerunt, sed ut, quantum nos efficere potuissemus, docti in forum ueniremus. Eodem tempore Moloni dedimus operam; dictatore enim Sulla legatus ad senatum de Rhodiorum praemiis uenerat. itaque prima causa publica pro Sex. Roscio dicta tantum commendationis habuit, ut non ulla esset quae non digna nostro patrocínio uideretur. deinceps inde multae, quas nos diligenter elaboratas et tamquam elucubratas adferebamus.

There was a violent struggle meanwhile to recover the Republic; and the barbarous slaughter of three orators, Scaevola, Carbo, and Antistius; the return of Cotta, Curio, Crassus, the Lentuli, and Pompeius; the laws and law courts were set up, and the Republic was restored; but we lost Pomponius, Censorinus, and Murena from the roll of orators. I now began, for the first time, to engage in cases, both private and public, not, as most did, with a view to learning my profession in the Forum, but, as much as I could manage it, to appearing in the Forum as an expert. At this time I took lessons from Molon, for while Sulla was dictator he had come to the Senate as an envoy, to negotiate the rewards due to the Rhodians. And so my first public case, spoken on behalf of Sex. Roscius, met with such a favourable reception, that every case was considered worthy of my expert guidance (*patrocinium*). And from that point onwards there were many cases which I pleaded once I had scrupulously developed them and spent many long hours over them.

The information here resonates well with what we are told in *Rosc. Am.* 139: first there was wholesale slaughter, then Sulla forced through his laws and reforms of the judiciary, so resurrecting the ruined Republic, and then continued as dictator at the time Cicero took up the defense of Sex. Roscius. This reappraisal of the wider political situation at the time of Roscius' trial renders Cicero's notable eagerness to remind people of his courage all the more understandable. This picture is further completed by Plutarch in *Cic.* 3.2f., where we are likewise told of Cicero's career immediately following his military service under Sulla in the Social War⁴¹, and how he was not as fearless as he would have wanted us to believe:

εἴθ' ὁρῶν εἰς στάσιν, ἐκ δὲ τῆς στάσεως εἰς ἄκρατον ἐμπίπτοντα τὰ πράγματα μοναρχίαν, ἐπὶ τὸν σχολαστὴν καὶ θεωρητικὸν ἐλθὼν βίον Ἕλλησι συνῆν φιλολόγοις καὶ προσεῖχε τοῖς μαθήμασιν, ἄχρι οὗ Σύλλας ἐκράτησε καὶ κατάστασιν τινα λαμβάνειν ἔδοξεν ἢ πόλις. Ἐν δὲ τῷ χρόνῳ

41. Plut. *Cic.* 3.2; DART, 2014, 27f. & 154; and PINA POLO, 2016a, 41: Cicero served in Picenum in 89 BCE under the command of the consul Cn. Pompeius Strabo.

τούτῳ Χρυσόγονος ἀπελεύθερος Σύλλα προσαγγείλας τινὸς οὐσίαν ὡς ἐκ προγραφῆς ἀναιρεθέντος αὐτὸς ἐωνήσατο δισχιλίων δραχμῶν. ἐπεὶ δὲ Ῥώσκιος ὁ υἱὸς καὶ κληρονόμος τοῦ τεθνηκότος ἠγανάκτει καὶ τὴν οὐσίαν ἀπεδείκνυε πεντήκοντα καὶ διακοσίων ταλάντων οὐσαν ἀξίαν, ὃ τε Σύλλας ἐλεγχόμενος ἐχαλέπαινε καὶ δίκην πατροκτονίας ἐπῆγε τῷ Ῥωσκίῳ, τοῦ Χρυσόγονου κατασκευάσαντος, ἐβοήθει δ' οὐδείς, ἀλλ' ἀπετρέποντο τοῦ Σύλλα τὴν χαλεπότητα δεδοικότες, οὕτω δὴ δι' ἐρημίαν τοῦ μειρακίου τῷ Κικέρωνι προσφυγόντος οἱ φίλοι συμπαρῶρων, ὡς οὐκ ἂν αὐτῷ λαμπροτέραν αὐθις ἀρχὴν πρὸς δόξαν ἐτέραν οὐδὲ καλλίω γενησομένην. ἀναδεξάμενος οὖν τὴν συνηγορίαν καὶ κατορθώσας ἐθαυμάσθη· δεδιὼς δὲ τὸν Σύλλαν ἀπεδήμησεν εἰς τὴν Ἑλλάδα, διασπείρας λόγον ὡς τοῦ σώματος αὐτῷ θεραπείας δεομένου. καὶ γὰρ ἦν ὄντως ἰσχνὸς καὶ ἄσαρκος, ἀρρωστία στομάχου μικρὰ καὶ γλίσχρα μόγις ὄψε τῆς ὥρας προσφερόμενος· ἡ δὲ φωνὴ πολλὴ μὲν καὶ ἀγαθὴ, σκληρὰ δὲ καὶ ἄπλαστος, ὑπὸ δὲ τοῦ λόγου σφοδρότητα καὶ πάθος ἔχοντος αἰεὶ διὰ τῶν ἄνω τόνων ἐλαυνομένη φόβον παρείχεν ὑπὲρ τοῦ σώματος.

Then, seeing that the Republic was hurrying into factions, and from factions into unlimited monarchy, he betook himself to a retired and contemplative life, associated with Greek scholars, and pursued his studies, until Sulla got the mastery and the state appeared to be somewhat settled. About this time Chrysogonus, a freedman of Sulla's, put up at public auction the estate of a man who, as it was said, had been put to death under proscription, and bought it in himself for two thousand drachmas. Then Roscius, the son and heir of the deceased, was indignant and set forth clearly that the estate was worth two hundred and fifty talents, whereupon Sulla, enraged to have his actions called in question, indicted Roscius for the murder of his father, Chrysogonus having trumped up the evidence. No advocate would help Roscius, but all avoided him through their fear of Sulla's cruelty, and so at last, in his destitution, the young man had recourse to Cicero. Cicero's friends encouraged him to undertake the case, arguing that he would never again have a more brilliant or a more honourable opportunity to win fame. Accordingly, he undertook the defense of Roscius, won his cause, and men admired him for it; but fearing Sulla, he made a journey to Greece, after spreading a report that his health needed attention. For in fact he was spare and lean, and owing to a weakness of the stomach could only with difficulty take a little light food late in the day; his voice, however, was full and strong, but harsh and unmodulated, and since, owing to the vehemence and passion of his oratory, it was always forced into the higher tones, it made men apprehensive for his health.

Though lacking in precise chronological detail, Plutarch's narrative, too, unambiguously suggests that Sulla still held his formidable *dictatura sine prouocatione* when Cicero decided to take up the defense of Roscius, and that this remarkable act of bravery subsequently forced him to depart

for Greece under false pretext of failing health. As a sort of voluntary exile, Cicero spent his time there studying and returned to Rome to pursue a political career only in 77, well after Sulla's death⁴².

As indicated in the above, Badian also quotes Plut. *Sull.* 6.5 as firm evidence for his contention that Sulla abdicated his dictatorship on 1 January 80. Plutarch here notes that Sulla seemed,

τῇ τύχῃ τῆς ἀρετῆς πλέον εἰκοιέ νέμειν καὶ ὄλωσ ἑαυτὸν τοῦ δαίμονος ποιεῖν, ὅς γε καὶ τῆς πρὸς Μέτελλον ὁμονοίας, ἰσοτιμον ἄνδρα καὶ κηδεστήν, εὐτυχίαν τινὰ θεῖαν αἰτιάται· πολλὰ γὰρ αὐτῷ πράγματα παρέξεν ἐπίδοξον ὄντα πρῶτατον ἐν τῇ κοινωσίᾳ γενέσθαι τῆς ἀρχῆς.

to attribute more to Fortune than to his own excellence, and to make himself entirely the creature of this deity, since he accounts even his concord with Metellus, a man his equal in rank⁴³, and a relative by marriage⁴⁴, a piece of divine felicity; for whereas he expected much annoyance from him as a colleague in office, he found him most obliging.

Again, this passage does not preclude that Sulla continued his dictatorship throughout 80. In light of the above considerations, it rather confirms the notion that Sulla decided to present himself predominantly as consul in 80, eager to govern the Republic in harmonious conjunction with his colleague, Q. Caecilius Metellus Pius⁴⁵. As the success of this strategy to revert to political normality following the completion of his legislative program was much hinged on Metellus' willingness to cooperate and play his part, Sulla's profound satisfaction with the latter's forthcoming attitude becomes perfectly understandable⁴⁶. In this context, it is

42. Plut. *Cic.* 3.6-5.

43. Plutarch obviously refers to the fact that Metellus and Sulla were equals in terms of social standing, since both men had consular ancestors and stemmed from some of the noblest senatorial families, whereas in terms of senatorial and official status, Sulla outranked Metellus in 81 as consular as well as dictator.

44. In 89 BCE, shortly after his election to his first consulship, Sulla had married Caecilia Metella Dalmatica, the widow of M. Aemilius Scaurus (*cos.* 115), whom he always treated with the greatest deference (Plut. *Sull.* 6.10-12).

45. Since Metellus had been one of Sulla's foremost generals during the civil war preceding his dictatorship, together with Cn. Pompeius (*cos.* 70, 55 & 52), M. Licinius Crassus (*cos.* 70 & 55) and P. Servilius Vatia Isauricus (*cos.* 79) (cf. Plut. *Sull.* 28.8) and met the requirements of the Cornelian Law, having held the praetorship in 89 (BROUGHTON, *MRR* 2, 79), Sulla could hardly have blocked him from running for office in 81. The dictator was probably keen on having a respectable stalwart of the senatorial nobility as his colleague in the consulship.

46. As SUMI, 2002 compellingly argues that Sulla forged his own self-representation out of three personal virtues, viz. *felicitas*, *Salus rerum* and *concordia* (this last virtue

well worth calling to mind that Metellus Pius was one of the senatorial aristocracy's foremost nobles, and that one of his younger relatives, one C. Metellus, had reportedly dared to question Sulla's pre-proscription massacres in a meeting of the Senate late in 82⁴⁷.

Sulla's decision to present a moderate and republican image as consul in 80 and his insistence on governing by means of that office is also reflected in the epigraphical record. Whereas Sulla is attested as dictator in inscriptions from 81, he is only ever termed *consul II* in inscriptions from 80 and later⁴⁸. As these inscriptions record *senatus consulta* and *epistulae*,

discussed on pp. 425-428), his preoccupation with Metellus' attitude as a fellow consul should not surprise at all.

47. Cf. Plut. *Sull.* 31.1-3. For the fact that Metellus Pius had always been a staunch but stubborn and at times quarrelsome protagonist of the *optimates* before his consulship in 80 BCE, see MÜNZER, 1897, cc. 1221f. KEAVENEY, 2005a, 434f., however, believes that an incident recorded in Plut. *Cic.* 17.2-4 may provide further evidence that Sulla was merely consul in 80 BCE. Cicero here recounts the following story about the maverick patrician P. Cornelius Lentulus Sura (*cos.* 71): «It is said too that he got his surname of Sura for the following reason. In Sulla's time he was quaestor and lost and wasted large amounts of the public moneys. Sulla was angry at this and demanded an accounting from him in the senate, whereupon Lentulus came forward with a very careless and contemptuous air and said that he would not give an account, but would offer his leg, as boys were accustomed to do when they were playing ball and made a miss. On this account he was surnamed Sura, for 'sura' is the Roman word for leg». If this incident occurred when Sulla was consul II, it merely underscores that he was determined to govern the Republic in the capacity of consul and therefore decided to show restraint in the face of Lentulus' defiant gesture. On p. 435, Keaveney himself readily admits «that circumstances could sometimes lead Sulla to stay his hand and that not all who offended him suffered to the same degree».

48. See SHERK, RGDE nrs. 18 (*Senatus Consultum de Stratonicensibus*) & 49 (*Epistulae de Collegiis Artificum Bacchiorum*) for Sulla being styled dictator in documents that must be dated to 81. For a striking example of an inscription recording a *senatus consultum* from 80 BCE which styles Sulla *consul II*, see SHERK, RDGE nr. 20, c. I, A, ll.1f. (*Senatus Consultum de Thasiis*): Λεύκιος Κορνή[λ]ιος λευκίου [υἱὸς Σύλλας Ἐπαφρόδιτος ὕπατος] / τὸ δεῦτερ[ο]ν χεῖρην λέγει[τ]ι Θασίων ἄρχουσι βουλῆι δῆμοι[σι]. In SHERK, *op. cit.*, nr. 19 (*Senatus Consultum de Cormis*) Sulla is *likewise recorded as consul II* [- - - - - ὕπατος τὸ δεῦτε]ρον. In SHERK, *op. cit.*, nr. 23, a senatorial decree of 73 (the *Senatus Consultum Aliaque Acta de Oropiorum et Publicanorum Controuersis*), the year 80 is referred to as ἐπὶ Λευκίου Σύλλα Ἐπαφροδίτου, Κοίντου Μετέλλου Εὐσεβοῦς ὑπάτων in ll. 52f. Compare also ILLRP 1006 = CIL 1, 893 (p. 961): *Bato / Attaleni / sp(ectauit) a(nte) d(iem) IV N(onas) Mar(tias) / L(ucio) Sul(la) Q(uinto) Met(ello)*. HURLET, 1993, 65 and HINARD, 2008, 57, however, are adamant that the epigraphical record plainly confirms Badian's argument that Sulla abandoned the dictatorship in 81 BCE. Hinard (*loc. cit.*) also quotes Gell. 10.20.10 = Sall. *Hist.* 2 frag. 21 (ed. Maurenbrecher, Leipzig 1893, 66) as evidence that Sulla only held the consulship in 80. In a discussion of the meaning of *lex* and *privilegium* (a statute framed with regard to individuals), Gellius here recounts that: *Sallustius quoque, proprietatum in uerbis retinentissimus, consuetudine concessit et privilegium, quod de Cn. Pompei reditu ferebatur, «legem» appellauit. Verba ex secunda eius Historia haec sunt: «Nam Sullam consullem de reditu eius*

documents originating from Rome, Sulla's official position was unambiguous: he insisted on governing the Republic as consul in 80 and consequently wanted to be recorded as such, and only in this capacity, in any official measures.

F. Hinard, however, is adamant that Dio 36.31.4 further strengthens the argument for an abdication sometime in 81⁴⁹. In the context of his fiery speech against the *rogatio Gabinia de uno imperatore contra praedones constituendo* of 67, in which he makes a strong case for the political *mos maiorum* and against the conferral of excessive powers upon one man, Q. Lutatius Catulus (*cos.* 78) points to a couple of inauspicious past deviations from customary practice. Catulus for example explains that C. Marius (*cos.* 107, 104, 103, 102, 101, 100, 86) changed for the worse because he was entrusted with so many wars «in the shortest space of time and held the consulship six times in the briefest period». Catulus goes on to say that,

οὐτε τὸν Σύλλαν ἢ ὅτι τοσοῦτοις ἐφεξῆς ἔτεσι τὴν ἀρχὴν τῶν στρατοπέδων ἔσχε καὶ μετὰ τοῦτο δικτάτωρ, εἶθ' ὕπατος ἀπεδείχθη. οὐ γὰρ ἐστὶν ἐν τῇ τῶν

legem ferentum ex composito tr. pl. C. Herennius probibuerat — «Even Sallust, who is most observant of propriety in the use of words, has yielded to custom and applied the term 'law' to the 'privilege' which was passed with reference to the return of Gnaeus Pompeius. The passage from the second book of the *Histories* reads as follows: 'For when Sulla as consul proposed a law concerning his return, the tribune of the *plebs*, Gaius Herennius, had vetoed it by previous arrangement'. This fragment obviously recounts events that took place in Sulla's troubled first consulship in 88 and concerns Cn. Pompeius Strabo, the consul of 89, rather than his son, Cn. Pompeius Magnus. After a fruitless bid to get re-elected, he as proconsul in 88 possibly instigated the murder of Sulla's colleague, Q. Pompeius Rufus, sent by the Senate to relieve him of the army command he was holding. In 87, as he continued to intrigue for a second consulship, he half-heartedly supported the consul Cn. Octavius against his renegade colleague L. Cornelius Cinna while maintaining secret negotiations with the latter: see BROUGHTON, *MRR* 2, 40, 42 & 48f. Eventually, his ambitions were cut short by his rather remarkable end as he died from a pestilence after recovering from being struck by lightning while lying ill in bed in his tent: Granius Licinianus 35.32-42 (ed. Criniti, Leipzig 1981, 16f.) In all likelihood, Sulla's frustrated attempt to carry a law ordering Strabo to abandon command of his army took place shortly after his colleague's disastrous embassy. It also follows that C. Herennius' tribunate of the *plebs* belongs to 88, and not 80 — *contra* SYME, 2016a, 60 & 71 («A fragment of Sallust's *Histories* shows Sulla when consul proposing a law about the recall of Pompeius [Magnus] and BROUGHTON, *MRR* 2, 80.

49. HINARD, 1999, 427-432 ; comp. also 2011[2007] 69f. & 2008, 57f. KEAVENEY, 2005a, 438f. argues that his analysis of Sulla's activities as consul in 80 (p. 433-338) reinforces Hinard's conclusions «and helped to vindicate its accuracy». *Contra* Hinard, however, KEAVENEY, 2005a, 438 cites Cic. *Rosc. Am.* 20, 127f. & 130f. to suggest that Sulla still held the dictatorship «some months after the consular elections» for 80 and eventually opts for «a date some time before the end of the year» — comp. also n. 81 infra.

ἀνθρώπων φύσει ψυχὴν, μὴ ὅτι νέαν ἄλλα καὶ πρεσβυτέραν, ἐν ἐξουσίαις ἐπὶ
 πολὺν χρόνον ἐνδιατρίψασαν τοῖς πατρίοις ἔθεσιν ἐθέλειν ἐμμένειν.

and similarly Sulla became what he was because he held command of the armies so many years in succession, and later was appointed dictator, then consul. For it does not lie in human nature for a person — I speak not alone of the young but of the mature as well — after holding positions of authority for a long period to be willing to abide by ancestral custom.

Although Hinard cogently argues that Dio here drew from well-informed sources and that his summary of Catulus' speech is accurate⁵⁰, he proposes that,

50. HINARD, 1999 428f. convincingly argues that Dio here reproduces the essence of an historical oration, probably, as MILLAR, 1964, 34 plausibly suggests, sourced from Sallust or Livy, and points to a number of other sources offering undeniable evidence of its historicity and the reliability of Dio's summary: Cic. *Man.* 52 (summing up the arguments of Q. Hortensius Hortalus (*cos.* 69): *Quid igitur ait Hortensius? Si uni omnia tribuenda sint, dignissimum esse Pompeium, sed ad unum tamen omnia deferri non oportere*) & 59f. (summing up Catulus' arguments, esp. 60: *At enim ne quid noui fiat contra exempla atque instituta maiorum*); Vell. Pat. 2.32; Val. Max. 8.15.9 and Plut. *Pomp.* 25.10. COUDRY, 2016 convincingly argues that Dio considered the Gabinian Law as the turning point *par excellence* on Rome's wobbly road from democratic Republic to autocratic Empire and therefore integrated the speeches delivered by Pompeius, Gabinius and, especially, Catulus, whose address takes pride of place. *Contra* RODGERS, 2008, who argues that Catulus did not speak at all in 67, and that Dio created this speech by transferring to the debate of 67 (bits and pieces of) the address given by Catulus in 66, adapted from what Cicero tells the people about the objections of Catulus and Hortensius in his *Pro Lege Manilia* and *Pro Fonteio*. HURLET, 2010, 114-117 more plausibly suggests that Dio reproduces the essence of Catulus' discourse of 67, albeit in revised form. In my view, URSO, 2016, 28, n. 38 rightly terms Hurlet's position «more balanced». COUDRY, 2016, 38, n. 17 also expresses doubt about Rodgers' argument; «But in my opinion the ways Cicero mentions Catulus' interventions in his *Pro lege Manilia* are not sufficiently firm ground for this attractive hypothesis». Although BURDEN-STREUVENS, 2016, 203, n. 44 also assumes that «the speech of Catulus is clearly Dio's own composition» he nonetheless observes that «it is clear that the evidence of Cicero alone is not sufficient to assert with Saylor Rodgers 2008 that Catulus did not speak in 67 BCE». The evidence in *Man.* 52 & 60, where Cicero summarizes what (given what we know about Pompeius' command under the *lex Gabinia*) must be words spoken by Hortensius and Catulus in 67, supports Coudry's (*op. cit.*, 37f.) suggestion that Dio in all likelihood also integrated bits and pieces of Hortensius' address in his revised summary of the speech delivered by Catulus in 67 against the *rogatio Gabinia*: «This literary device, putting them in Catulus' mouth, who is said to have had the highest authority among senators, allows Dio to enhance the argument and make it highly respectable and authoritative». Two considerations further substantiate that Dio reworked historical speeches from 67 BCE, either having consulted these documents or drawing on well-informed sources. First, the content of the speeches Pompeius, Gabinius and especially Catulus/Hortensius makes best sense in the context of vote of the Gabinian Law and what we know about its

il est difficile de ne pas voir, dans le εἶτα qui sépare la dictature de l'exercice du consulat, l'indication d'une succession et, par conséquent, de comprendre autrement que comme l'affirmation selon laquelle Sulla n'a revêtu la charge de consul qu'après celle de dictateur.

First, Sulla's presence in Catulus' shortlist of ominous *exempla* suggests that, in terms of public law, there was something unusual about his dictatorship and as well as his second consulate. Whilst Sulla's dictatorship was in itself unique in terms of both empowerment and tenure, Catulus' close association of his dictatorship and second consulship hints at further peculiarities, since there is nothing extraordinary about Sulla holding the consulship shortly after the dictatorship⁵¹. In a speech specifically attacking a fiercely contested bill providing for an overwhelming combination of powers, provinces and resources in the hands of a single proconsular commander⁵², however, Catulus' words acquire their full meaning. Rather than merely reproducing the chronology and close succession of Sulla's final magistracies *cum imperio*, Catulus was reminding his audience here of the unsavory fact that Sulla, after many years as proconsul, had been invested first with the dictatorship and thereafter also with his second consulship, amounting to an unprecedented combination of the Republic's highest magistracies *cum imperio*⁵³. That Sulla continued to hold the vast power of his special dictatorship throughout his tenure as *consul II* explains Catulus' stern warning that the continuous occupation of positions of great power corrupts absolutely. Therefore, his words as summarized in Dio 36.31.4 corroborate, rather than contradict, Appian's unmistakable evidence in *B.C.* 1.103⁵⁴.

provisions. Second, Catulus' speech outlines complexities of the republican *ius triumphii* of which Dio possibly had an incomplete grasp: see VERVAET, 2014a, 79f. with n. 39; 216f. & 239-252 (esp. n. 119 & 127).

51. The Middle Republic offers quite a few examples of senators holding the consulship shortly before or after the dictatorship: see e.g. BROUGHTON, *MRR*, 1 120f.; 122f.; 128f.; 132f.; 137; 147; 159; 171f.; 294f.; 315f.

52. See, e.g., Dio 36.34.4 & 35.1 & Cic. *Man.* 52 (quoted partially in n. 50 supra).

53. Although T. Larcus and M. Livius Salinator reportedly combined the consulship and the dictatorship in 501 (or 498) and 207 successively (BROUGHTON, *MRR* 1, 9 & 12 and 294f.), Sulla was the first Roman to hold both offices for an entire year.

54. Hinard's interpretation of Dio 36.31.4 nonetheless found acceptance in e.g. LACHENAUD & COUDRY, 2014, 65, n. 135; BURDEN-STREVS, 2016, 198, n. 23; and, esp., URSO, 2016, 26 who asserts that «the temporal sequence is clear: it implies (against Appian) that Sulla was *not* dictator when he became consul in 80 BC». In n. 36, Urso further adds that «Dio denies explicitly this hypothesis [i.e., that Sulla was the first Roman ever to combine both dictatorship and consulship for an entire year] explicitly at 43.21.25: *Caesar* was the first to be appointed dictator 'for an entire year' (cf. n. 41 below)» — in n. 41, Urso

Hinard's assertion that Appian (*loc. cit.*) admits «que c'est l'exemple impérial qui l'amène à ces conclusions» fails to convince⁵⁵. Beside the fact that it strains belief that Appian (or, for that matter, his sources) simply 'invented' the tradition that Sulla combined his plenipotentiary dictatorship with the consulship throughout 80 BCE, it is precisely this remarkable

explains that «it is significant that, describing the dictatorship bestowed on Caesar in 48 BC after Pharsalus [sic], Dio stresses that two traditional rules were broken on that occasion: Caesar was appointed dictator «not for six months, but for an entire year» (42.20.3: οὐκ ἐς ἔκμηρον ἀλλ' ἐς ἑνιαυτὸν ὅλον), «although he was outside of Italy» (42.21.1: καίπερ ἔξω τῆς Ἰταλίας ὄν), «for a year, contrary to all precedent» (42.21.2: ἐς ἑνιαυτὸν παρὰ πάντα τὰ πάτρια). These were indeed the two rules mentioned in Catulus's speech». To this I should add Plut. *Caes.* 51.1, where we are told that Caesar returned to Rome «at the close of the year for which he had a second time been chosen dictator, though that office had never before been for a whole year» — τοῦ μὲν ἑνιαυτοῦ καταστρέφοντος εἰς ὃν ἤρητο δικτάτωρ τὸ δεῦτερον, οὐδέποτε τῆς ἀρχῆς ἐκείνης πρότερον ἑνιαυσίου γενομένης. However, in my view, Urso (and others) here miss(es) a key point. Late in 48, Caesar indeed was the first Roman ever to be appointed to the *dictatura in annum* by virtue of the statute law that established his dictatorship, in sharp contrast to Sulla, who regardless of his unprecedented tenure was legally appointed *ad tempus incertum*, like all dictators before him. Unlike Sulla, Caesar thus converted the *dictatura* into an annual magistracy, a magistracy *ad tempus certum*, at least until he abandoned this arrangement for that of the *dictatura perpetuo* in February 44 BCE. Caesar's second through fourth dictatorships therefore represent the sharpest possible break from tradition and constitute a watershed on the road to monarchy in terms of both nature (*ad tempus certum*) and finality (no longer bound to a specific *causa*). After Pharsalia and especially Thapsus, a sharply modified *dictatura* was Caesar's vehicle of choice to establish a lasting autocracy, as opposed to Sulla, who saw his unprecedented dictatorship as a draconian if temporary means to a reactionary purpose: see VERVAET, 2004 and 2014a, 223-239. In light of these considerations, Dio's decision to single out Caesar's dictatorship in Zon. 7.13.4 (where it is again recorded that the (traditional) «office of dictator extended for a period of not more than six months» — οὐκ ἐπὶ πλέον δὲ τῶν ἕξ μηνῶν ἢ τῆς δικτατορίας ἀρχὴ παρετεινέτο) as the real turning point, as opposed to for example Dionysius of Halicarnassus, who in 5.77.4 singles out Sulla's dictatorship as the moment the Romans for the first time understood that the dictatorship is a tyranny, becomes perfectly understandable. Although Urso conclusively demonstrates that, at least in Dio's eyes, Caesar and not Sulla was to blame for establishing lasting *δυναστεία* at Rome, however cruel the latter's methods, his narrative should not and cannot be used as evidence that Sulla did not continue his dictatorship beyond the comminatory *tempus* imposed on the traditional *dictatura r.g.c.* In my view, there consequently also is no inherent contradiction between the passages in Dio quoted by Urso on pp. 23f. (viz. 41.11.2 & 44.28.1, «in which the term *δυναστεία* is actually associated to Sulla») and those on pp. 25-29: Sulla's dictatorship, represented by Dio as a 'republican dictatorship' (Urso, *op. cit.*, 31f.), too, amounted to *δυναστεία*, but then one created as a temporary instrument towards a 'republican' purpose. For another example of that tradition that did not conceive of Sulla's dictatorship as the starting point of autocracy in Rome, see Quint. *Inst.* 5.10.71f.: '*non dominatoris causa Sullam arma sumpisse, argumentum est dictatura deposita*'.

55. HINARD, 1999, 428.

novelty that prompts Appian's comment that this may well have inspired early imperial practice⁵⁶. Hinard subsequently tries to develop the hypothesis that Sulla abdicated his dictatorship before the *comitia consularia* of July 81. According to Hinard, Sulla was keen to be seen as respectful of republican constitutional custom («la légalité républicaine») and therefore refused to preside over his own election to the consulship of 80 in the capacity of dictator, which necessitated an abdication before the start of the electoral campaign⁵⁷. That he may well have allowed the consuls of 81 to preside over the electoral *comitia* for 80, in keeping with his edict restoring political normality (*supra*), need not preclude his continuation as dictator⁵⁸. Likewise, he could have perfectly presided over the consular elections for 79 as *consul II* while holding on to his *dictatura*⁵⁹. Hinard next suggests that Sulla laid down his office on the Kalends of June, 81, «date que Sulla lui-même avait fixée, dans la loi de proscription, comme limite au-delà de laquelle il ne serait plus possible de procéder à la vente des biens de proscrits»⁶⁰, asserting that Sulla put a six-month limit to this procedure because «il désirait la faire coïncider avec le terme de sa

56. Hinard's use of Appian is selective. On the one hand, he in 2008, 43 (comp. also 2011[2007], 64) correctly insists that Appian in *B.C.* 1.96f. unequivocally records that the consul Cn. Papirius Carbo was executed in Sicily by Cn. Pompeius *before* Sulla's appointment to the dictatorship by the *interrex* L. Valerius Flaccus (a chronology confirmed by Livy *Per.* 89 and Orosius 5.21.11f., whose representation suggests that Sulla took the dictatorship immediately upon receiving word of Carbo's demise), *contra* VERVAET, 2004, 38, n. 2, where Carbo's demise is groundlessly dated to after Sulla's nomination. On the other hand, he is quick to dismiss (2008, 56) Appian's equally precise evidence that Sulla combined dictatorship and consulship throughout 80 BCE. That Appian for example recounts in *B.C.* 1.98 that he «came across a document which relates that Sulla was styled Epaphroditus by decree of the Senate» suggests he took considerable care in studying the finer detail of Sulla's career during and after the civil war, no doubt because he was keenly aware of the significance of this episode in Roman history. Both Hinard and Keaveney moreover seem to ignore the fact that it was perfectly possible to combine two non-annual magistracies or a non-annual one with an annual one, curule or plebeian, whereas the combination of two annual (curule or plebeian) magistracies was inadmissible: see MOMMSEN, 1887³, 1, 513-517 and 2, 146 (*dictator*), 174 (*magister equitum*) & 340 (*censores*); and VERVAET, 2007, 230-231 (with regard to the *magisterium equitum*). Consequently, it was perfectly possible to exercise authority by virtue of one or either offices.

57. HINARD, 1999, 429f.

58. KEAVENEY, 2005a, 428 likewise suggests that one of the consuls presided over the electoral *comitia* of 81.

59. Cf. also the final paragraph with n. 104 *infra*.

60. As attested in *Rosc. Am.* 128: *Opinor enim esse in lege, quam ad diem proscriptionis uenditionesque fiant, nimum Kalendas Iunias* — «Now I believe that the latest date on which proscriptions and sales may take place is stated in the law — namely, the first of June». See also §130 for a mention of the *dies legis*.

magistrature, dont la tradition voulait, en effet, qu'elle ne dure pas plus de six mois⁶¹. Apart from ignoring all the above-mentioned evidence suggesting that Sulla was still dictator when Cicero spoke in defense of Sex. Roscius, Hinard fails to consider that Sulla's *dictatura legibus scribundis et rei publicae constituendae* was vastly different from the traditional *dictatura rei gerundae caussa* in terms of both empowerment and intent, and that the dictatorship *r.g.c.*'s six-month *tempus* was a comminatory maximum term rather than a *tempus certum*. Furthermore, had Sulla really had the intention to abdicate his dictatorship after six months when he as proconsul forced its creation late in 82, bent on respecting the constitutional conventions of the Middle Republic, such would have resonated in the extant sources.

Hinard also believes that Catulus' words in Dio 36.34.1f. further confirm this hypothesis. After first arguing that it was much preferable for the people to rely on the traditional annual magistracies (and their properly prorogued promagisterial counterparts) rather than investing a private citizen with some novel extraordinary command, Catulus goes on to suggest the following alternative, well worth quoting in full given its importance to this discussion:

εἰ γάρ τοι καὶ παρὰ τὰς ἐπετησίους ἀρχὰς ἀνάγκη τις εἴη ἑτέραν ἐλέσθαι, ἔστι καὶ τούτου παράδειγμα ἀρχαῖον, λέγω δὲ τὸν δικτάτορα. καὶ τοῦτον μέντοι τοιοῦτον ὄντα οὔτε ἐπὶ πᾶσι ποτε τοῖς πράγμασιν οἱ πατέρες ἡμῶν οὔτε ἐπὶ πλείω χρόνον ἐξαμήνου κατεστήσαντο. ὥστ' εἰ μὲν τοιοῦτου τινὸς δεῖσθε, ἔξεστιν ὑμῖν, μήτε παρανομήσασι μήτ' ὀλιγώρως ὑπὲρ τῶν κοινῶν βουλευσαμένοις, δικτάτορα εἴτε Πομπήιον εἴτε καὶ ἄλλον τινὰ προχειρίσασθαι, ἐφ' ᾧ μήτε πλείω τοῦ τεταγμένου χρόνον μήτε ἔξω τῆς Ἰταλίας ἄρξῃ. οὐ γάρ που ἀγνοεῖτε ὅτι καὶ τοῦτο δεινῶς οἱ πατέρες ἡμῶν ἐφυλάξαντο, καὶ οὐκ ἂν εὐρεθείη δικτάτωρ οὐδεὶς ἄλλοσε πλὴν ἐνὸς ἐς Σικελίαν, καὶ ταῦτα μὴδὲν πράξαντος, αἰρεθεῖς. εἰ δ' οὔτε δεῖται ἡ Ἰταλία τοιοῦτου τινός, οὔτ' ἂν ὑμεῖς ὑπομείνατε ἔτι οὐχ ὅτι τὸ ἔργον τοῦ δικτάτορος ἀλλ' οὐδὲ τὸ ὄνομα (δῆλον δὲ ἐξ ὧν πρὸς τὸν Σύλλαν ἡγανακτήσατέ), πῶς δ' ἂν ὀρθῶς ἔχοι καινὴν ἡγεμονίαν, καὶ ταύτην ἐς ἔτη τρία καὶ ἐπὶ πᾶσιν ὡς εἶπεῖν καὶ τοῖς ἐν τῇ Ἰταλίᾳ καὶ τοῖς ἔξω πράγμασιν, ἀποδειχθῆναι;

61. HINARD, 1999, 430. Regardless of his preference for Appian's chronology, WOSNIK, 1963, 106f. had already argued that the epigraphical record suggests that Sulla's tenure did not exceed the traditional term of six months, and that his dictatorship «könnte etwa von Dezember 82 bis Juni des folgenden Jahres gedauert haben». Though he closely follows the arguments of BADIAN (esp. 1962a, 231, n. 117 & 1970, 12f.) and HINARD, 1999, THEIN, 2002, 355-360 eventually suggests that Sulla abdicated sometime in the first two weeks of July 81, shortly before the consular elections of mid-July and «some seven months after the assumption of the dictatorship, perhaps during or soon after the *Ludi Apollinares*».

Yet if there should be any necessity of choosing another in addition to the annual magistrates, there is for this, too, an ancient precedent — I refer to the dictator. However, because this magistrate held such power, our fathers did not appoint one on all occasions nor for a longer period than six months. Accordingly, if you require such an official, you may, without either transgressing the laws or forming plans in disregard of the common welfare, elect Pompeius himself or anyone else as dictator — on condition that he shall not hold office longer than the appointed time nor outside of Italy. For surely you are not unaware that this second limitation, too, was scrupulously observed by our forefathers, and no instance can be found of a dictator chosen for another country, except one who was sent to Sicily, and who, moreover, accomplished nothing. But if Italy requires no such person, and you would no longer tolerate, I will not say the functions of the dictator, but even the name, as is clear from your anger at Sulla, how could it be right for a new position of command to be created, and that, too, for three years and embracing practically all interests both in Italy and outside?

According to Hinard, «il fallait bien que le discours de Catullus fût credible et il ne pouvait l'être si la dictature de Sylla avait duré plus de six mois»⁶². It is, however, clear from both the context and Catulus' wording (as summarized by Dio) that the senior consular in this particular instance speaks of the dictatorship of the ancestral Republic as it fell into abeyance after 202 BCE⁶³. The mention of the dictatorship of A. Atilius Calatinus (*cos.* 258, 254, *pr.* 257), the first dictator to lead an army outside of Italy, confirms this reading⁶⁴. This quite positive mention of the traditional *dictatura* as an alternative preferable over the position envisaged by the *rogatio Gabinia* is distinct from Catulus' subsequent, plainly negative, allusion to the fact that Sulla's novel dictatorship, which had occurred only a little over a decade ago, had rendered the very notion of this office wholly intolerable. The emphatic mention of the two foremost checks on the traditional dictatorship confirms this reading: only to that sort of dictatorship could Pompeius or some other suitable person be appointed in 67, and not to the reviled plenipotentiary office held by Sulla⁶⁵. A parallel can,

62. HINARD, 1999, 430f.

63. Compare THEIN, 2002, 359: «nor is it clear whether Catulus will have included Sulla among the maiores».

64. See BROUGHTON, *MRR* 1, 215.

65. Like Hinard before him, URSO, 2016, 26-28 ignores this key nuance in Catulus' address. In n. 38 of p. 28, Urso argues that «in any case, I cannot see why Dio mentioned Calatinus' precedent (far from familiar to Catulus' contemporaries and Dio's readers), omitting that of Sulla (perfectly known by all of them), if he thought that Sulla had been dictator 'against the rules'». Since Dio first talks about the dictatorship of the Middle

furthermore, be found in John the Lydian's treatise *On the Magistracies of the Roman State*, 36-38, where he discusses 'the so-called dictatura'. After indicating (in 36, ed. Bandy p. 54 ll. 13f.) that the dictator's «sovereign power was limited to only six months» (ἕξ καὶ μόνοις μηνῶσι τοῦ κράτους αὐτῷ περιγραφόμενου), he further in his description of the republican (i.e., pre-Sullan) magistracy (37, ed. Bandy p. 56, ll. 15-17) emphatically calls to mind again that,

πλέον δὲ ἕξ μηνῶν οὐδεὶς τῶν δικτατόρων τοῦ κράτους τῆς μοναρχίας ἀντελάβετο ἀλλὰ καὶ πολλῷ ἔλαττον, καὶ ἐπὶ μίαν μόνην ἡμέραν.

None of the dictators, however, retained the sovereignty of sole rule more than six months but even much less, even for only one day.

After ending his discussion of a selection of republican dictators with a brief if somewhat muddled account of alleged irregularities in the appointments of the Second Punic War (38, ed. Bandy p. 60, ll. 8-13), his narrative entirely ignores Sulla and jumps straight to Caesar, who is conspicuously branded a monarch rather than a dictator (38, ed. Bandy, *loc. cit.*, ll. 13-17):

τούτων καὶ μόνων τῶν δικτατόρων, ἧ τοι μεσοβασιλέων, μνήμην ἀναφέρει ἡ Ῥωμαϊκὴ ἱστορία. μετὰ δὲ τούτους Γάϊος Ἰούλιος Καῖσαρ, κατὰ τῆς συγκλήτου καὶ Πομπηίου τὸν ὀλέθριον τοῖς πράγμασιν ἀναζωσάμενος πόλεμον, αὐτὸς ἑαυτὸν μόναρχον ἀπέδειξεν, Λεπίδῳ ἱπάρχη χρησάμενος.

Roman history mentions these, and only these, dictatores, or 'interim kings'. After them, however, Gaius Iulius Caesar, when he had undertaken against the Senate and Pompeius a war which was disastrous to the Republic, proclaimed himself sole ruler, having employed Lepidus as *magister equitum*.

Clearly, John the Lydian conceived of Sulla's tyrannical and unusually long *dictatura legibus scribundis et rei publicae constituendae* as a wholly irregular abomination, a contradiction in terms, unsuitable for mention in his survey of the republican dictatorship⁶⁶.

Republic before briefly alluding to the more recent example of Sulla, this makes perfect sense. In n. 39 of p. 28, Urso moreover avers that Sulla's dictatorship was 'not in itself extraordinary', a curious claim flying into the face of the combined extant evidence (see VERVAET, 2004).

66. In chapter 6 of his treatise *On the Magistracies of Roman State*, he casts both Sulla and Marius as *domini* and tyrants: «And it is absolutely clear that it was customary for the Romans to call tyrannical rulers *domini*, as, for instance, Sulla and Marius, and to call tyranny *dominatio*» — καὶ δῆλον ἄντικρυς ὅτι Ῥωμαῖος ἕθος dominos τοὺς τυραννήσαντας ἀποκαλεῖν, ὡς δὴ Σύλλαν καὶ Μάριον καὶ δομινατίωνα τὴν τυραννίδα (ed. Bandy p. 17, ll. 6-8). That he held Sulla in low esteem is also clear from chapter 1 of his treatise *On Caesar*

Hinard concedes that Orosius' statement in 5.22.1 (*supra*) might pose a problem for his hypothesis but explains it away with the argument that «si la dictature s'est bien terminée début juin, Sulla revêtit la toga candida, ce qui peut passer pour un statut différent de celui de priuatus; et la même remarque vaut pour le statut de consul designatus qui fut le sien jusqu'au début de l'année 80». Although magistrates-elect did enjoy certain privileges, like the *potestas contionandi*, even a *consul designatus* legally still remained a private citizen until he assumed the *fascēs* on the first of January⁶⁷. Hinard finally argues that had Sulla wanted to retain *imperium* to protect himself against his enemies, he would have preferred a second dictatorship over a second consulship⁶⁸. It was precisely in order to ensure a flawless and undisturbed return to political normality that he opted for *continuatio* as dictator throughout his tenure as *consul II*. It was not before the outset of 79 that he would finally abdicate, after holding the dictatorship for the wholly unprecedented period of over two calendar years⁶⁹.

In more recent discussions of these issues, Hinard also quotes Suet. *Diu. Iul.* 77 as further evidence that Sulla strictly respected the institutional rules governing the dictatorship and therefore must not have exceeded its traditional six-month term⁷⁰:

Nec minoris inpotentiae uoces propalam edebat, ut Titus Ampius scribit: nihil esse rem publicam, appellationem modo sine corpore et specie. Sullam nescisse litteras, qui dictaturam deposuerit.

and *Caesar's Insignia* (ed. Bandy p. 83), where both Marius and Sulla are repeatedly branded tyrants (ll. 6f. & 22) and their achievements cast in a particularly negative light — according to John the Lydian, Sulla got «nothing else but the title of Felix» from his civil war victory (ed. Bandy, *loc. cit.*, ll. 14f.).

67. On the (rarely exercised) *potestas contionandi* of magistrates-elect, see PINA POLO, 2016b.

68. HINARD, 1999, 431.

69. In this respect, it is important to remember that the fires of the civil war between Sulla and his opponents had not yet been completely extinguished in 80 and that Sulla had also decided to settle the veterans of no less than twenty-three legions across Italy (as attested in *App. B.C.* 1.100). Although THEIN, 2010 argues against the so-called 'garrison theory', SANTANGELO, 2007, 148-157 shows that the safely attested settlements were mostly concentrated in Campania and in Etruria, «and the impression that Sulla's efforts were purposefully focused on these very areas is no doubt correct». That Sulla's *dominatio* roughly lasted as long as that of L. Cornelius Cinna may perhaps be inferred from *Tac. Ann.* 1.1: *non Cinnae, non Sullae longa dominatio*. Cinna held four successive consulships from 87 to 84 but it was really the death of C. Marius on 13 January 86 that gave him free rein until he was killed by mutinous troops at Ancona early in 84: BROUGHTON, *MRR* 2, 53 & 60.

70. HINARD, 2011[2007] 70 & 2008, 58.

No less arrogant were his public utterances, which Titus Ampius records: that the state was nothing, a mere name without body or form; that Sulla was ignorant to lay down his dictatorship.

First, this passage in Suetonius is hardly useful in terms of determining the date of Sulla's abdication. Second, Hinard ignores that Sulla's special dictatorship was very different from the *dictatura rei gerundae caussa* of old⁷¹. As for the meaning of Caesar's notorious words, Gelzer's argument is vastly preferable: «nach dem Zusammenhang bei Sueton gehört er in Caesars letzte Zeit und betrifft die Frage, ob die alte *res publica* noch lebensfähig sei. Caesar nennt Sulla einen Analphabeten, weil er an die *res publica* glaubte, das ist die Pointe»⁷². Much in the same vein, Syme suggests that «if the *nobiles* failed to maintain the system, it was their fault, not his. Caesar's comment can be understood — Sulla believed in the *res publica*. Or at least, he behaved as though he did»⁷³. Regardless of the question whether Caesar was right or wrong to believe that the Republic was irretrievably lost by the time of Sulla's dictatorship, his retrospective comment is unfair to the extent that Sulla's intentions were very different from his, and Sulla had to abdicate for his attempt at rebuilding the ancestral polity to work, despite the inevitable and considerable risks of doing so and good evidence of Sulla being fully aware of these.

What of Keaveney's claim that Sulla crushed the last remnants of the Italian opposition in 80 as consul, not as dictator?

In that year there were still Italian towns to be reduced. Volaterrae it would seem did not yield until 79 and before that the government troops had mutinied and killed their commander Carbo. Elsewhere the Sullani were more successful. Nola definitely fell to them and possibly also Aesernia. On the basis of the Livian epitomator and Sall. Hist. 1.46M/McG. it could be conjectured that Sulla himself took Nola while Catiline dealt with Aesernia. But whether or not this reconstruction is accepted the fact remains that Catiline is definitely styled *legatus* in the Sulla fragment and thus can surely only be the legate of the consul Sulla in 80. It was in that office, not a dictatorship, that Sulla dealt with Italian resistance in 80⁷⁴.

71. Compare also CORNELL, 2015, 120: «Sulla revived what had previously been a relatively innocuous institution, and turned it into a tyranny by fundamentally changing its character and purpose».

72. GELZER, 1932, 606.

73. SYME, 2016a, 77.

74. KEAVENEY, 2005a, 437f.

In *Rosc. Am.* 128 and 20, we learn that Sex. Roscius the Elder was murdered «some months» after the Kalends of June 81 (*aliquot post menses*: 128), and that news of the events was reported to Chrysogonus in Sulla's camp at Volaterrae four days after the incident (*quadriduo, quo haec gesta sunt, res ad Chrysogonum in castra L. Sulla Volaterras defertur*: 20). In §91 of the same speech, Cicero furthermore terms Sulla *imperator*, i.e., commander-in-chief, at the time of these events, and suggests that he was much preoccupied with the ongoing hostilities. All of this shows that Sulla continued to hold the overall command of operations against Volaterrae well after 1 June 81 and that he was probably personally overseeing the war effort there when Chrysogonus learned of Sex. Roscius' demise⁷⁵. Thanks to Granius Licinianus (36.8f. ed. Criniti, Leipzig 1981, 25) and Valerius Maximus (9.7 *mil. Rom.* 3), we also know that he eventually left the protracted siege of Volaterrae to the *praetorius* C. Papirius Carbo (perhaps as *legatus pro praetore*), who was stoned to death by mutinous troops shortly before the city surrendered. Although Livy (*Per.* 89) claims that Sulla received the surrender of the city after first capturing Aesernia, Granius Licinianus (*loc. cit.*) records that the town surrendered only in 79⁷⁶, when the proscribed were expelled and killed by cavalry sent by the consuls P. Servilius and Ap. Claudius. Still according to the same source, Nola had already surrendered under similar conditions the year before⁷⁷. Strabo, for his part, merely recounts in 5.26.6 that the siege of Volaterrae lasted two years and that the expulsion of the proscribed by the Volaterrans was part of the articles of truce⁷⁸. Despite his intent to govern the Republic in 80 as consul, it is quite likely that Sulla continued to hold the high command in these mop-up operations in his capacity as dictator: this fighting was after all the tail end of the major conflagration that had resulted in its creation, and the lasting resolution of which represented its very *causa*⁷⁹. It is, therefore, also not implausible

75. This evidence alone explodes Hinard's rather dogmatic thesis of an abdication on the first of June 81. In *Rosc. Am.* 127, Cicero asserts that Chrysogonus prevented Sulla being informed about these matters by the envoys from Ameria.

76. Correctly so DART, 2014, 208.

77. The sequence and representation of events in Livy *Per.* 89, too, suggests that Nola surrendered first, followed by the capture (or surrender) of Aesernia and subsequently that of Volaterrae.

78. *Contra* ECKERT, 2016, 190 n. 101, who believes the town surrendered in 80 and sees this as further evidence that Sulla must have abdicated in that year, since «damit war der militärische Widerstand gegen Sulla auf italischem Boden zu einem Ende gekommen».

79. Regardless of the fact that Volaterrae surrendered only in 79 and the debatable question whether or not Sulla conducted the actual *ductus* in some of the fighting of 80, the representation in *Per.* 89 unequivocally suggests that all operations against the

that the death of Carbo at the hands of his mutinous troops occurred at some point early in 79, shortly after news broke that Sulla had at long last abandoned his dreaded dictatorship⁸⁰. At all events, the prolongation of hostilities in Italy into 80 would have given Sulla yet another strong rationale to continue his dictatorship while he held his second consulship.

At any rate, the above empirical reconstruction of events has the distinct advantage of reconciling, and accounting for, all extant evidence, without the need to ignore, discredit or explain away certain sources⁸¹. Since Quintilian attests (in *Inst.* 3.8.53) that posterity's preoccupation with Sulla's abdication was such that his abdication speech was a popular choice for practice compositions in the schools of rhetoric, featuring alongside Priam's words to Achilles, its date would have been common knowledge amongst Rome's educated elites. Therefore, it would be unwise and, for that matter, methodologically flawed, to dismiss all the evidence pointing to an abdication early in 79 as simply incorrect. Furthermore, the tradition of Caesar's alleged criticism that Sulla was ignorant to lay down his dictatorship makes more sense if he did so only after an unprecedented continuation: after retaining his legally unfettered office for such a long time, why then überhaupt abdicate?⁸².

3. CONCLUSIONS

The above analysis suggests that, rather than abdicating abruptly immediately after pushing through the bulk of his legislation in the first half

remnants of Sulla's Italian enemies took place under his *imperium auspiciumque*. For the important distinction between *ductu* and *imperio auspicioque*, see VERVAET, 2014a, 17-28. In my view, Sulla mostly would have left the actual fighting to his *legati*.

80. *Contra* Broughton in *MRR* 2, 81, where Carbo's death is dated to 80. I do, however, accept Broughton's (*op. cit.*, 76) tentative dating of his praetorship to 81: «As he supported Sulla he could hardly have attained the office before 81».

81. It are the seeming inconsistencies that eventually compel KEAVENEY, 2005a to endorse the view that Sulla abdicated some time well before the end of 81: «In this paper I examined the evidence of the three main sources, Orosius, Plutarch and Appian. I discovered that they broadly agreed in their belief that Sulla continued to hold the dictatorship during 80. I then turned to our sources for that year and could find only a consulship with no mention of a dictatorship. I concluded that the dictatorship must have been given up sometime in 81. Our contemporary informant Cicero seems to suggest that he was still holding it fairly late in the year but we should budget for time to make a grand and meaningful gesture of renunciation» (quoted from p. 439; compare, however, with KEAVENEY, 2005b, 139, 1982, 164, and 1980, 157-159, where Sulla's abdication is dated towards the end of 81).

82. Suet. *Diu. Iul.* 77, quoted supra.

of 81, Sulla instead chose to relax his dictatorial regime gradually. In other words, rather than suddenly releasing his iron grip on Roman political life, he preferred to work towards full normalization through a carefully orchestrated process and abdicated only when he felt he could do so in optimum circumstances. Plutarch indicates in *Sull.* 6.8 that Sulla had the habit of relaxing his severity out of calculated regard for his interests. Following his highly controversial proscription and the forceful enactment of an impressive series of often harsh laws in 82 and 81, he indeed had every interest in slackening the reins in order to calm the waters and pave the way for his eventual abdication.

As the vehicle used to impose his draconic measures, Sulla's absolute dictatorship was inextricably bound with one of the ghastliest, most unsavoury episodes in the history of the Roman Republic. Therefore, he wisely decided on a phased return to normality, gradually reviving the traditional supremacy of the consuls in the restored Republic. In 81, perhaps indeed on or around the Kalends of June, he first invited the consuls and the other magistrates of that year to resume their traditional roles in state matters, albeit under his close watch. Next he stood for the consulship himself and ran the Republic in 80 as consul, with Metellus Pius as his colleague. As suggested by the extant epigraphical evidence, Sulla saw to it that he was merely styled *consul II* in all public documents produced that year by the respective political bodies and authorities in Rome. At the latest during his second consulship, he decided to end his career, which had been predominantly military and stained by civil war, civilly and in a civilian capacity. He therefore insisted on spending his entire second tenure as consul in Italy and Rome, where he also intended to stage the theatrical abdication of his dictatorship in the Forum at the outset of the next year. The evidence further suggests that Sulla closely observed the consular elections for 78 as a private citizen, and possibly even canvassed on behalf of certain candidates in the Forum. Seen in this light, his seemingly odd refusal to assume command of Gallia Cisalpina, possibly assigned *sine sorte* in 80 as the situation in Hispania worsened, made perfect sense⁸³.

83. Assigned *lege Sempronia* before the consular elections of 81: VERVAET, 2004, 49 & KEAVENEY, 2005a, 436; *sine sorte*: RAFFERTY, 2017, 156, where it is argued that the wording in App. *B.C.* 1.97 suggests that the decision to send Sulla's colleague Metellus Pius to Hispania Ulterior was made late and in response to Sertorius' unexpected success. Thanks to Cic. *Planc.* 69, we do know that Metellus Pius was still in Rome for the praetorian elections of 80. Appian (*loc. cit.*) makes Sulla responsible for the decision to send Metellus to Hispania and mistakenly dates this decision before his appointment to the dictatorship. Nonetheless, Appian's representation, as well as the wording in Granius Licinianus 36.11f.

Appian's claim in *BC* 1.103 that Sulla undertook a second consulship in 80 «in order to preserve the pretence and form of republican government» is thus to be taken at face value⁸⁴. In order to run for one of the consulships of 80, Sulla probably duly petitioned the Senate for dispensation from one of his very own laws, namely the Cornelian Law mandating an interval of ten years between successive consulships⁸⁵. This is indicative of just how important the matter was to Sulla. His second consulship, exercised in genuine collegiality with Metellus Pius, was not only intended as the cherry on the cake of his work as a statesman, as recognition and reward, but also as a powerful assurance of the reinstatement of the traditional *Res Publica*. Since Sulla combined the consulship of 80 with his now more or less dormant dictatorship, he nonetheless remained in the best possible position to ensure that his coveted and symbolically most important second consulship would not be marked by the violent upheavals and civil war that had marred his first consulship⁸⁶. His attested anxiety that a ranking

(ed. Criniti, Leipzig 1981, 25: *Data erat et Sullae prouincila Gallia Cisalpina*), indeed hint at a *nominatim* appointment in 80 following Sertorius' victorious return to Hispania in that year (BROUGHTON, *MRR* 2, 77 & 81). As for the Senate's rationale for assigning Cisalpine Gaul as *prouincia consularis*: the province bordered strategically on northern Italy (comp. BADIEN, 1962a, 23, 2 n. 123: «Sulla himself seems to have considered taking the Cisalpina as a province in 79, no doubt in order to have an army on the borders of Italy») and had been a stronghold of anti-Sullan forces in the civil war (App. *B.C.* 1.86; Cic. *Verr.* 2.1.34; comp. BADIEN, 1966, 910). If the Senate really assigned consular provinces *lege Sempronia* before the consular elections of 81, the consuls of 80 were probably jointly entrusted with *Italia* because of protracted hostilities there (cf. *supra*). However, as the Senate could not foresee that Sulla would abdicate only as late as in January 79, this hypothesis does not preclude that Sulla in 80 oversaw all relevant civil matters in Rome and Italy as consul while retaining the high command in the military operations against the last bulwarks of Italian opposition in his capacity of dictator. Syme 2016a, 69f. oddly suggests that «Granius was referring to the allocation of provinces before the consular elections in 79 BC», and that «the Cisalpina seems to have been Lepidus' province».

84. *Contra* WOSNIK, 1963, 122f., who calls this representation into question and remains at a loss as to why the title of dictator is absent from the extant epigraphical official records of 80.

85. For Sulla's law forbidding any man to hold the same office a second time before ten years had lapsed, see App. *B.C.* 1.100 and KUNDEL & WITTMANN, 1995, 46f. & 707f. By virtue of his powers under the Valerian Law, Sulla could easily have dispensed himself by means of an edict, but it is far more likely he made a polite request of the Senate so as to acknowledge their traditional authority in this sphere.

86. As SUMI, 2002, 428-431 argues, «the three personal virtues which formed the building blocks of Sulla's public image — *felicitas*, *salus* and *concordia* — also comprised the iconography of *pax*», probably one of the foremost symbols of his regime. At any rate, Sulla's anxiousness to avoid renewed civil strife is also evident from his reluctant decision to give way to Pompeius' brazen petition for a full public triumph in March 81:

noble like Metellus might well cause him some trouble during his tenure as *consul II* gave him all the more reason not to lay down his dictatorship before the successful and peaceful conclusion of his second consulship⁸⁷. The insubordinate conduct of Cn. Pompeius, Q. Lucretius Ofella and Aemilius Lepidus in 81 and 79/78 demonstrates that Sulla had good reason to proceed with caution⁸⁸. His theatrical 'mission accomplished' abdication at the outset of 79, then, was intended as the grand finale of his reactionary restoration of the ancestral Republic⁸⁹. In light of these considerations, it should not surprise that he took ample time to restore law and order in Rome and across Italy and the provinces⁹⁰.

see VERVAET, 2014b, 132-136 as well as the discussion in the Postscript. For a conclusive argument that Pompeius' first equestrian triumph took place on 12 March 81, see BADIAN, 1955; comp. already LANZANI, 1933.

87. In light of the above, Cicero's *Pro Roscio Amerino* could be seen as a genuine test of Sulla's sincerity to administer the Republic in 80 as consul, and not as dictator. Humbert 1925, 100 speculates that *Rosc. Am.* 21 suggests that «il est même très vraisemblable que Cicéron a parlé avec l'assentiment du redoutable dictateur»: *Haec omnia, iudices, imprudente L. Sulla facta esse certo scio* — «I am convinced, gentlemen, that all this took place without Sulla's knowledge». Whilst it is impossible to answer this question, I do not share Humbert's optimism (102f.) that Sulla approved of Cicero's defense and that the latter really departed for Greece for the sake of convalescing — comp. also Syme 2016b, where it is argued that Cicero's *Pro Roscio* is not to be read as an attack on Sulla's regime but as an instance of 'the gradual return of settled government'. Humbert (*loc. cit.*) also suggests that, for political reasons, Cicero may have ramped up the anti-Sullan sentiment in the final edition of his speech after the death of Sulla. For a more meticulous and extensive discussion the *Pro Roscio* in its wider political context, see DIEHL, 1988, 43-66. At all events, Roscius' eventual acquittal should also be explained in terms of his connections: the Roscii were in the *clientela* of the Metelli and other aristocratic houses (*Rosc. Am.* 15); Roscius had taken refuge in the house of Caecilia Metella (*Rosc. Am.* 27); and Cicero enjoyed the support in court of a group of young *nobiles* (*Rosc. Am.* 1, 77 & 149).

88. On Pompeius' defiant insubordination of the early months of 81, see VERVAET, 2014b, 132-136 (compare also supra n. 86 and the Postscript); on the insubordination and public execution of Lucretius Ofella in the run-up to the consular elections of 81, see the Postscript; on the consulship and rebellion M. Aemilius Lepidus in 78/77, see now Arena 2011 and Burton 2014.

89. SUMI, 2002, 432 discerningly terms the abdication *in contione* the «last Sullan spectacle». For Sulla's lifelong love of actors, singers, dancers and musicians, see, e.g. Plut. *Sull.* 2.2-4 & 33.2.

90. This analysis thus substantiates and qualifies the relevant views of Mommsen and Syme. Mommsen 1903⁹, 366f. even considers «die Zurückführung der Ausnahmezustände in die neualten gesetzlichen Bahnen» to have been Sulla's most difficult task and rightly argues that he «dieses letzte Ziel nie aus den Augen verloren hatte», and that Sulla's decision to stand for the consulship of 80 has to be seen against this background. He is, however, wrong to believe that it was only in 80, and not in 81, that Sulla allowed the traditional public bodies to resume their normal operations: despite the fact that Sulla

The confusion about the precise duration of Sulla's dictatorship can probably also be explained in that Sulla's chronologically organized memoirs, with its 22 books the longest known autobiography in Latin, did not leave much space to deal with his dictatorship. We know that the critical battle of the Colline Gate of 1 November 82 featured in Book 21, and, as Smith discerningly observes, "there remained the great engagement at Praeneste and the victories of Sulla's lieutenants at Clusium, Faventia and Fidentia to relate [...] In other words, whether intentionally or not, a matter we will come to discuss, Sulla did not leave a justification for his political actions during his dictatorship at Rome in his autobiography"⁹¹.

4. EPILOGUE: SULLA'S *MODUS ABDICANDI* AND ITS POLITICAL LEGACY IN THE TRIUMVIRAL ERA.

The above analysis also shines a new light on what would transpire some fifty years later, under the aegis of Emperor Caesar Divi filius,

organized the elections of consuls for 81 «blieb die Macht noch ausschließlich bei dem Regenten und ward die Wahl auf sekundäre Persönlichkeiten geleitet. Aber im Jahre darauf (674 80) setzte Sulla die ordentliche Verfassung wieder vollständig in Wirksamkeit und verwaltete als Konsul in Gemeinschaft mit seinem Waffengenossen Quintus Metellus den Staat, während er die Regentschaft zwar noch beibehielt, aber vorläufig ruhen ließ». In 2016a, 62, Syme likewise suggests that «in 80 BC Sulla had been consul as well as dictator, perhaps more the one than the other. Tenure of the magistracy enabled him to modify the character of his regiment, to glide with discretion from despotism into legality, and to safeguard the delicate transition». Compare also *op. cit.* p. 78 («By his tenure of the consulship in 80 BC the dictator inaugurated the rule of law and prepared the way to glide out gracefully») and SYME, 1964, 180 («It will be plausible to assume that Sulla, consul in 80 with Metellus Pius and gliding gently towards legality and the Republic, ceased to be dictator when he laid down the consulship on the last day of December»).

91. SMITH, 2009, 68 (with n. 22 of p. 81). Thanks to Suet. *Gramm.* 12, we also know that on Sulla's death, Book 22 was left incomplete but finished by the freedman Epidacus. Smith (p. 73f., comp. 78) plausibly suggests that Roman «autobiographies sow little political interest [...] It seems that the genre may have focused very strongly on the development of a career up to and including a triumph; that is to say that it was constructed along the principles of an *elogium* and therefore beyond the culminating moment of the triumph there was little to add, and it is notable that Rich here argues similarly for Augustus' autobiography. This would give an additional reason for the conclusion of Sulla's work, whose avoidance of the political aspects of the dictatorship may not merely have been the product of shortness of time, but the deliberate, and possibly welcome, constraint of the form». Augustus, too, indeed completed his autobiography in the mid 20s BCE, before he received plainly unrepublican powers in 23, 22 and 19 BCE (on these, VERVAET, 2014a, 258-275; on the ending of Augustus' biography, see RICH, 2009).

Caesar's adoptive son and political heir. That the notorious *triumviratus rei publicae constituendae* was closely modelled on Sulla's *dictatura legibus scribundis et rei publicae constituendae* hardly needs further explanation. In terms of sweeping statutory empowerment and ruthless instrumentality, the triumvirate mimicked the extraordinary magistracy first created by Sulla Felix, albeit towards very different ends⁹². Until the deposition of first M. Aemilius Lepidus (*cos.* 46, 42) and next Marcus Antonius (*cos.* 44, 34) in 36 and 32 successively, triumviral collegiality represented the main legal distinction⁹³. However, that Caesar Octavianus as triumvir *r.p.c.* also closely imitated Sulla's crafty return to normality⁹⁴ has gone entirely unnoticed.

In *B.C.* 5.132, Appian recounts the following in a longer summation of measures taken by Emperor Caesar in the immediate aftermath of his hard-won victory over Sex. Pompeius and subsequent removal of Aemilius Lepidus in September 36 BCE:

πολλὰ τῆς πολιτείας ἐφίει τοῖς ἐτησίοις ἄρχουσι διοικεῖν κατὰ τὰ πάτρια.
 He allowed the annual magistrates to administer public affairs in many respects in accordance with ancestral custom.

Some five years before in 41 BCE, the consul L. Antonius had bravely clashed with Octavianus and — amongst other things — demanded «that the consuls should exercise their office in the ancestral manner and not be hindered by the triumvirs»: τοὺς μὲν ὑπάτους τὰ πάτρια διοικεῖν μὴ κωλομένους ὑπὸ τῶν τριῶν ἀνδρῶν⁹⁵. After the rapid collapse of the treaty of Teanum and the outbreak of hostilities in the so-called *bellum Perusinum*, Lucius thrice publicly proclaimed his (doomed) ambition to force the triumvirs to abdicate and so restore the ancestral polity

92. Although their magistracy and powers were closely modelled on Sulla's special dictatorship, the triumvirs for the constitution of the Republic publicly professed to distance themselves from the latter in regard to the treatment of their enemies: see esp. App. *B.C.* 4.10. The reality, however, was that whereas Sulla proscribed 40 senators and 1600 *equites* (App. *B.C.* 1.95 — after having executed some 8,000 mostly Samnite prisoners of war in the wake of the battle at the Colline Gate: App. *B.C.* 1.93), the triumvirs' initial proscription list numbered about 300 senators and about 2,000 *equites* (App. *B.C.* 4.5). On this issue and how the triumviral proscriptions compounded the trauma of the Sullan precedent, see ECKERT, 2016, 170-172.

93. On the deposition/abrogation of Lepidus and Marcus Antonius, see VERVAET, 2010, 105 (with n. 78) and 127.

94. Official reinstatement of consular collegiate rule in 81; second consulate with Metellus Pius in 80; and abdication of the dictatorship at the outset of 79.

95. App. *B.C.* 5.20.

and consular rule⁹⁶. Octavianus' decision following Naulochus to allow the annual magistrates to resume many of their traditional prerogatives partially met L. Antonius' demands and echoes Sulla's 'return to normalcy' edict of mid-81⁹⁷.

It was, however, especially as triumvir (by default) *sine conlegis* from August 30 (or early in 32, after the formal abrogation of Antonius' *imperium*) that he consciously emulated Sulla's gradual retirement strategy⁹⁸. From January 31 until his formal abdication of the triumvirate on 13 January 27, Young Caesar continuously combined the consulship with this plenipotentiary extraordinary magistracy. After the expiry of the second triumviral *quinquennium* on the last day of December 32, he, too, consciously styled himself, and wanted to be represented only as, Imperator Caesar Divi filius and consul rather than as triumvir. In contrast to Sulla, however, he did so to avoid the embarrassment of *continuatio* as sole triumvir, a position rendered increasingly awkward following the demise of Antonius and the conquest of Cleopatra's Egypt. Thereafter, *consulem se ferens*⁹⁹, he likewise masterminded a phased return to normality and (temporary) consular supremacy, a carefully orchestrated process culminating in the dramatic and momentous settlements of 13 and 16 January 27. Some of the most striking aspects of this artfully devised road towards his decidedly autocratic version of *Res Publica Restituta* were his decisions to reinstate the consular (*turnus* of) *fascēs* and the consuls' role as leading

96. First haranguing a *contio* in Rome as consul (App. *B.C.* 5.30) and subsequently in January 41 as proconsul at Perusinum, addressing his soldiers and then in his capitulation speech to Caesar Octavianus himself (App. *B.C.* 5.39 & 43; comp also 54). For a full discussion of these events and Lucius' actions, see VERVAET, 2010, 92-96. RODDAZ, 1988 (esp. 334-343) argues conclusively that Lucius' policy in 41/40 «ne constitue pas un épisode de la lutte entre les triumvirs, même si, à ses côtés, les initiatives de Fulvie et de Manius se situent dans cette perspective, mais bien un ultime sursaut pour rétablir la République» (quoted from p. 344).

97. For a brief summary of the *potestates extraordinariae* invested in the triumvirs *r.pc.* by virtue of the Titian Law, see VERVAET, 2010, 125f. (with n. 118) and 2014a, 239-252. For the autumn of 36 as an important turning point in the political strategy of Imperator Caesar Divi filius, see MILLAR, 2000 and VERVAET & DART, 2018. A fine example of how the consuls had regained some of their customary prerogatives can be found in Dio 50.2.3f., where he records the actions of Cn. Domitius Ahenobarbus and C. Sosius on 1 January 32. Nonetheless, as shown in 50.2.5f., Octavianus' edict of 36 did not terminate triumviral supremacy over the consuls.

98. This paragraph summarizes the main findings of my 2010 inquiry into the official position of Imperator Caesar Divi filius from 31 to 27 BCE; for a more recent contribution to this discussion, see now also DALLA ROSA, 2015.

99. See Tac. *Ann.* 1.2 for this masterly manner of defining Octavianus/Augustus' political strategy in the years following his victories in the civil wars of the 30s BCE.

magistrates of the Republic in January 28, matched by a triumviral edict declaring the restoration of the laws and civil rights of the Roman People — *leges et iura Populi Romani restituit*. Not surprisingly, Octavianus took these measures while he was holding what was already his sixth consulate, with his trusted enforcer M. Vipsanius Agrippa (*cos.* 37, 28 & 27) as his colleague. Unlike Sulla, he thus could blindly rely on a readily agreeable and compliant fellow consul. The final *coup de théâtre*, then, was his pompous and grandiloquent abdication of the triumvirate on 13 January 27, at long last officially proclaiming that he had completed its set task to safeguard and restore the Republic¹⁰⁰. In sharp contrast to Sulla, however, he did so while holding his seventh — and fourth consecutive — consulship, and with no intention whatsoever of relinquishing autocratic power over Rome's machinery of state and its sprawling Empire¹⁰¹.

Conversely, the events of 28 also enable us to make plausible conjectures as to some of the specifics of what transpired in 81. Since the consuls had to dismiss their lictors/*fasces* in the presence of a dictator¹⁰² and Sulla decided to stay in Rome and Italy throughout his entire tenure as dictator, his 'return to normalcy' edict of mid-81 may well have ordained that the consuls could resume the monthly *turnus* of the *fasces*, notwithstanding his ongoing presence in Rome as dictator¹⁰³. By virtue of this

100. For the fact that Augustus on his dying bed asked his most intimate friends whether he had acted his part on the stage of life well and, if all be right, raise a loud applause to the actor's praise, see Suet. *Aug.* 99.1.

101. According to Dio 53.11.5, the Senate's very first decree following Octavianus' theatrical abdication of the triumvirate on 13 January 27 showed the falsity of his desire to lay down the monarchy since he was voted a bodyguard with twice the regular pay. Just like his adoptive father, he seems to have embraced the rather self-serving belief that the traditional Republic was dead.

102. Livy 22.11.5 & Plut. *Fab.* 4.3 both record that in 217, after lake Trasimene, the dictator Q. Fabius Maximus ordered the consul Cn. Servilius Geminus to dismiss his lictors and lay aside the *insignia* of his office, and appear before him as if he were a private person. Although the dismissal of a magistrate's lictors normally symbolized his discharge, it is beyond all doubt that Cn. Servilius stayed in office for the remainder of 217 (BROUGHTON, *MRR* 1, 242 — see Livy 22.9.10 for the fact that M. Atilius Regulus was elected consul in place of C. Flaminius). Therefore, it is better to assume that the consuls were simply obliged to dismiss their lictors temporarily when being in the presence of a dictator. Evidently, this was powerful official acknowledgement of the institutional reality that whenever one or both consul(s) and a dictator were present in Rome or were campaigning jointly, the *summum imperium auspicumque* automatically devolved upon the dictator by virtue of his *maius imperium* and his special status as sole supreme commander.

103. Since Sulla took overall control of all state affairs late in 82 BCE by virtue of the *lex Valeria* (cf. e.g. *Rosc. Am.* 22 supra), it is quite possible that this law explicitly confirmed that, for the duration of Sulla's dictatorship, the consuls were permanently deprived

notable measure, the consuls of 81 would have officially resumed their customary role of principal magistrates, albeit under Sulla's ongoing and watchful supervision. This visible reinstatement of consular prerogative would have made for a conspicuous display of Sulla's commitment to the normalization of political life, offering strong encouragement for the rest of Roman officialdom also to resume their traditional responsibilities and play their part in Sulla's exit strategy¹⁰⁴. The ensuing year, insistent on governing the Republic as consul *II* with Metellus Pius, he probably consistently appeared only with his twelve consular lictors¹⁰⁵. Perhaps as early as on the first of January 79, for the last time he entered the Forum in the company of his twenty-four dictatorial lictors, complete with rods *and* axes, in order to give full pomp and circumstance to his long anticipated abdication. At all events, little could Sulla know that, some five troubled decades down the road, his example and method would be closely mimicked by the equally ruthless adoptive son of that Caesar he so detested and who barely escaped his wrath as a young man¹⁰⁶.

of their lictors/*fascēs* as long as they did not assume a provincial command. Unfortunately, it is impossible to elucidate this matter. On the (significance of the) *turnus* of the *fascēs*, see VERVAET, 2014a, 30-53.

104. In light of these considerations, it is quite likely that Sulla in 80 presided over the *comitia consularia* (see App. *BC* 1.103, *supra*) in his capacity of consul rather than as dictator. SYME, 2016a, 61 observes that both consuls of 79 «were close to the core of the oligarchy. Servilius' mother was a Metella, and Ap. Pulcher had taken to wife her niece Caecilia, the daughter of Balaricus» and speculates that they were the only candidates allowed to present themselves for the election (comp. also p. 75). *Mutatis mutandis* and regardless of considerable variance in regard to the approximate date of Sulla's abdication of the dictatorship, this analysis does confirm Badian's (esp. 1970, 13f.) hypothesis that «Sulla divested himself of power by stages» (if, however, according to him first of the dictatorship on 1 January 80, then of his second consulship on 29 December 80, and finally of his proconsulship of Gallia Cisalpina).

105. *Contra* BADIAN, 1970, 13, who believes that Sulla's apprehension of Metellus as attested in Plut. *Sull.* 6.5f. (quoted *supra*) «can hardly mean that Sulla, during their joint consulship (or any significant part of it), had dictatorial *imperium* with twenty-four lictors and Metellus only consular with twelve». In any state affairs administered as *consul II*, Sulla would only ever have employed his twelve consular lictors, duly alternating the *fascēs* with Metellus on a monthly basis. After December 81, he probably only appeared again in public in Rome with his twenty-four dictatorial lictors on the day of his abdication. Furthermore, Badian's suggestion in 1970, 11 that Sulla «inconspicuously» dismissed twelve lictors when becoming consul on the Kalends of January 80 is incorrect in that the combination of dictatorship and consulship entailed that Sulla would have had one set of twenty-four lictors (with *fascēs* and, in his case, axes) in his capacity of dictator, and a different one of twelve lictors (with only *fascēs*) in his capacity of consul.

106. That young Iulius Caesar barely escaped the wrath of Sulla is recorded in Suet. *Diu. Iul.* 1 and Plut. *Caes.* 1.

5. POSTSCRIPT: WHEN AND WHY DID SULLA ORDER THE KILLING OF Q. LUCRETIUS OFELLA?

A number of sources (esp. Livy, *Per.* 89, Plut. *Sull.* 33.4 & *comp. Lys. et Sull.* 2.4; App. *B.C.* 1.101) recount how Sulla notoriously had one of his foremost partisans¹⁰⁷, Q. Lucretius Ofella, killed in the middle of the Forum because he had the temerity to run for the consulship against the dictator's explicit advice. Ofella's public execution was all the more notable as he had delivered the final victory in Italy for Sulla by capturing Praeneste, the ultimate holdout of the consul C. Marius the Younger, and was accompanied by a large and eager following when he was slain. According to Livy (*Per.* 89), Plutarch (*Sull.* 33.4) and Appian (*B.C.* 1.101), Sulla furthermore intentionally staged the ruthless public repression of his associate's bid for the consulship on the strength of his capture of Praeneste. After sending out the centurion L. Bellienus¹⁰⁸ with the order to kill Ofella, he took seat on a tribunal in the Temple of Castor and observed the spectacle from above¹⁰⁹. When the horrified and enraged people seized the centurion and brought him before the tribunal, Sulla promptly called a *contio* and proclaimed that he had himself ordered Lucretius' execution because of his insubordination, and commanded them to release the centurion. He proceeded to tell the assembled crowd an ominous parable about a husbandman ridding himself from tenacious fleas by burning his shirt and bluntly threatened a third wave of mass violence¹¹⁰. These actions did not miss their intended effect, and Sulla was now able to rule «as he pleased» (καθὰ ἐβούλετο ἥρχε: App., *loc. cit.*).

Although both Plutarch and Appian seemingly situate this incident before Sulla's grand triumph of 27 and 28 January 81¹¹¹, Appian (*B.C.*

107. See CHRIST, 2003², 105 & 108 for Ofella's ranking status amongst the prominent men who came over to Sulla after he invaded Italy.

108. The name of the centurion is attested in Asconius *Tog. Candid.* 81 (p. 91 ed. Clark 1907), where we are also told that he was Catilina's maternal uncle according to Cicero.

109. According to CLARIDGE, 2010, 94, the podium of the Temple of Castor was almost 7 m high.

110. The story is on record in App. *B.C.* 1.101: «A farmer was bitten by fleas while ploughing. He stopped his ploughing twice in order to shake them out of his shirt. When they bit him again he burned his shirt, to avoid interruption in his work. And I tell you, who have felt my hand twice [i.e., in 88 and 83/82], to take warning lest the third time you need fire». It is hard not to construe the story of the farmer and the fleas as a thinly veiled insult of Pompeius, who had twice defied Sulla in 81, and Lucretius Ofella, who paid the highest price for his insubordination.

111. Degrassi *Inscr. Ital.* 13.1, 84f.

1.101) also provides the key detail that Ofella had declared his candidacy for the consulship «while still in the equestrian order and before he had been quaestor and praetor, counting on the greatness of his services»: ὑπατεύειν ἔτι ἰππέα ὄντα, πρὶν ταμιεῦσθαι καὶ στρατηγήσαι, διὰ τὸ μέγεθος τῶν εἰργασμένων. In other words, Sulla had Ofella executed because he ran in defiance of the *lex Cornelia de magistratibus*. Since we know from both Cicero (*Rosc. Am.* 139) and Appian (*B.C.* 1.100) that Sulla carried his laws after the election of the consuls of 81 (in fact, Appian, *loc. cit.*, lists this Cornelian Law first in his summary of Sullan legislation), it follows that Ofella was most likely killed while running for one of the consulships of 80, viz. at some time in the late spring or summer of 81¹¹². In this respect, it is worth noting that Livy's epitomator in *Per.* 89 also situates Sulla's dictatorial legislation before his summary of Ofella's public execution. Since Sulla himself was elected *consul prior* in 81, Ofella possibly had the intention to serve as his master's colleague, in the conviction that such was his due reward for his feats at Praeneste. This, then, suggests that Sulla may well have had ulterior motives for making a dreadful example of Ofella. First, the brutal public execution of an overly ambitious *equus* from within his own faction may have served the purpose of restoring his authority and public image after the brash insubordination of another, even more prominent equestrian henchman of his: Cn. Pompeius Magnus. Early in 81, Pompeius had returned to Italy at the helm of his entire army in defiance of Sulla's order for him to remain in Africa with only one legion. *Ad urbem*, Pompeius added insult to injury by leveraging his legions to demand the first equestrian curule triumph in Roman history. Faced with a stark choice, Sulla eventually dropped his strenuous opposition to this striking breach of triumphal customary law. Consequently, Pompeius went on to celebrate his unprecedented triumph on 12 March while Sulla no doubt suffered significant loss of face¹¹³. In

112. Not, as some (e.g. SYME, 2016a, 58 and ECKERT, 2016, 151) believe, in 82. MÜNZER, 1927, 1686; KEAVENEY, 2005 & CHRIST, 2003², 126f. all situate Ofella's bid for the consulship in 81. Rather than being completely misguided, the tradition in Firm. Mat. *Math.* 1.3 that Sulla *Lucretium iam priuatus occidit* perhaps reflects that Sulla ordered the killing of Lucretius Ofella after he had called an end to the state of emergency and invited the magistrates of 81 (as well as the other public bodies) to resume their traditional duties.

113. See VERVAET, 2014b, 132-136; cf. also Cic. *Man.* 61: *uictorem exercitum deportauit*. In *Pomp.* 14.6, Plutarch records that Pompeius' historic equestrian triumph greatly boosted his popularity with the commons, as they were «delighted to have him still classed among the *equites* after a triumph». That Sulla never forgave Pompeius can be inferred from the fact that he omitted any mention of him in his will: Plut. *Pomp.* 15.2f. Pompeius's successive marriages with Aemilia (Sulla's stepdaughter) and next Mucia, the daughter of Q. Mucius Scaevola (*cos.* 95) and half-sister of Q. Caecilius Metellus Celer (*cos.* 60) and Q.

fact, that Sulla chose the platform of the *Aedes Castoris* as his vantage point may well suggest that the crushing of Ofella was also meant as a deliberate warning to Pompeius and all other ranking equestrians¹¹⁴. Apart from the fact that the temple often served for meetings of the Senate¹¹⁵, the Dioscuri were first and foremost associated with the equestrians: Castor was favoured especially by the *equites*, and every 15 July, the *transvectio equitum*, which began outside the City at a temple of Mars, would proceed through the Forum passing in front of the Temple of Castor and Pollux before ending on the Capitol¹¹⁶. Sulla's entire strategy of gradual political normalization was hinged on the consolidation of peace in Rome and Italy as well as the enduring primacy of his legislation. Therefore, his dramatically orchestrated destruction of Ofella was probably also intended as a powerful public statement that he would tolerate no further disturbances and irregularities for the remainder of his dictatorship, and, *a fortiori*, his second consulship¹¹⁷. That Sulla himself had to be excused

Caecilius Metellus Nepos (*cos.* 57), may help to explain how he got away with this bold challenge of Sulla's authority.

114. Precisely forty years before, in 121 BCE, the consul L. Opimius had already stationed himself in the temple of Castor and Pollux when he took action to crush Gaius Gracchus and his associates (App. *B.C.* 1.25f.), «and it was probably there that the bleeding heads of the leaders were brought him, and there that he rewarded the slayers with the weight of the heads in gold»: FRAZER, 1929, 266. C. Gracchus' attempts to elevate the power and position of the equestrians in the Roman polity are well known and beyond the scope of this inquiry.

115. See FRAZER, 1929, 266 n. 2 for a list of literary and epigraphical sources documenting the Temple of Castor and Pollux as a venue for meetings of the Senate.

116. See Dion. Hal. 6.13.4, Pliny *H.N.* 15.19; Aur. Vict. *de Vir.* III. 33 (who has the procession start at the Temple of Honos). As CLARIDGE, 2010, 95 explains, «as many as 5,000 young men took part, carrying spears and shields and wearing olive wreaths and purple robes with scarlet bands, led by two youths on white horses, representing Castor and Pollux». In this respect, it is worth calling to mind that Sulla, when learning of Pompeius' insubordination early in 81, reportedly told his friends it was evidently his fate to have his contests with boys: Plut. *Pomp.* 13.3. Compare also App. *B.C.* 1.96, where we are told that Sulla, after exposing Young Marius' head in the Forum in front of the Rostra, indulged in a jest at the youth of the consul, saying «first learn to row, before you try to steer».

117. That Sulla perceived Ofella's insubordination as threatening the very political order he had sought to (re)create is on record in Asconius *Tog. Candid.* 81 (p. 91 ed. Clark 1907): *Hic* [i.e., the centurion L. Bellienus] *autem Lucretium Ofellam consulatum contra uoluntatem Sullae ad turbandum statum ciuitatis petentem occiderat iussu Sullae tunc dictatoris*. Both Asconius (*loc. cit.*) and Dio 37.10.2 recount that Iulius Caesar (*cos.* 59) in 64 BCE was instrumental in securing Bellienus' conviction on account his killing of Ofella in the *quaestio inter sicarios*. Though indirectly aimed at Sulla and the legality of his proscriptions (see ECKERT, 2016, 156), Caesar's involvement in the prosecution of Bellienus might suggest that Ofella ran on a reformist political platform in 81 BCE. At all

from the very law he invoked as grounds for Ofella's summary execution accounts for yet another paradoxical irony of his dictatorship. Second, given the enormous importance he attached to his second consulship, Sulla must have felt it preferable to govern with a paragon of the senatorial nobility, Q. Metellus Pius. Apart from being a mere equestrian at the time of his candidature, Ofella had been at the very forefront of the gruesome final stages of the civil war of 83/82¹¹⁸. At all events, the occurrence of a most serious incident during the run-up to the *comitia consularia* for 80 would have strengthened Sulla's resolve to continue his dictatorship throughout his second consulship.

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events, Plutarch also tells us in *Pomp.* 15 that Sulla left Pompeius alone after his equestrian triumph, but that the latter only became politically active again after Sulla had abdicated his dictatorship. He had, after all, been a partisan of Marius before going over to the faction of Sulla, as recorded in Vell. Pat. 2.27.6: *qui cum ante Marianarum fuisset partium praetor, ad Sullam transfugerat* (rather than being corrupt, as suggested by Münzer 1927, c. 1686, the term *praetor* here simply denotes 'leader' or 'military commander'). According to Cic. *Brut.* 178, Ofella was quite good at public harangues though lacking in good judgment: *Ofella contionibus aptior quam iudiciis*.

118. After the surrender of Praeneste, Ofella cut the head off young Marius' corpse and sent it to Sulla and next ordered a number of executions and outright massacres: App. *B.C.* 1.94. For a brief but gripping discussion of the horrendous slaughter following the town's surrender, see ECKERT, 2016, 143f.

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