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The Senatus Consultum Ultimum and its Relation to Late Republican History

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The history of the Late Roman Republic is marred by countless tensions, conflicts, and revolutions, which ultimately resulted in the dissolution of the Republican government, and the establishment of the autocratic rule of the *princeps* in 27BCE. Implicit within the rise of this autocratic government is the decline of the Republican ruling body, of which the most substantial institution was the Senate. From the initial crisis which is often considered the beginning of the Late Republic – the murder of the tribune of the plebeians, Tiberius Gracchus – in 133 to Caesar's conquest of Rome in 49, the Senate repeatedly passed an emergency decree, the *senatus consultum ultimum*.

The number of times the ultimate decree (from here on referred to as the SCU) was passed from 121 to 49 is uncertain, though some scholars estimate it was passed on over ten occasions.¹ In three specific instances, extant sources explicitly state that the SCU was passed: against the tribune Gaius Gracchus in 121, during the Catilinarian Conspiracy in 63 and finally against Caesar in 49. Despite the frequency in the appearance of the SCU from 121 to 49, it remains an elusive senatorial decree; none of the extant sources explicitly state the terms of the decree, or what it was meant to do, beyond a brief reference in Sallust and others that states:

senatus decrevit darent operam consules ne quid res publica detrimenti caperet (Sall. Cat. 19).

The senate decided that the consuls see to it that the republic take nothing of detriment.²

This reference to the SCU is as specific, for the most part, as any particular source gets. For this reason, scholars often have dismissed the SCU as little more than a statement of emergency, or a statement of moral support for reigning consuls and magistrates.³ This view of the SCU is ultimately flawed and

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- 1 Richard Husband refers to 14 occasions on which the SCU was declared but, regrettably, does not list what these occasions were, which makes it challenging to analyze the legitimacy of this claim. As there is a great deal of ambiguity pertaining to the declaration of the SCU in extant sources, as will be discussed, for the purposes of this investigation, declarations of the SCU have been limited to the three mentioned. See: Richard Wellington Husband, "Prosecution of Catiline's Associates," *The Classical Journal* 9.1 (1913), 18.
 - 2 Unless a citation from a classical source is accompanied by the Latin or Greek, which are of my own translation, all quoted classical sources are drawn from the translations listed in the bibliography.
 - 3 Robert Bonner presents the SCU in this manner, as does J.M. Carter. Robin Seager presents the SCU as a manner of political pressure, but lacking legal weight, see:

likely influenced predominately by the limited extant sources and their vague treatment of the decree itself. The SCU was an emergency decree which empowered particular magistrates (generally the reigning consuls) to resolve a social or political crisis through military means, often for the sake of expediency as well as suppression of sedition. The function of the SCU, to this end, was to resolve crises without damage to the authority of the Senate. Most importantly, the decree allowed for resolution of these crises without any consideration of the systemic social, economic or political problems which spurred them.

To arrive at the function and intention of the SCU overall, a few issues must be resolved. Though there are multiple crises in the late Republic, it is apparent that only a number of them, at least based on extant sources, resulted in the declaration of the SCU. Similarly, it is not clear practical effects of the SCU were in resolving these crises. Finally, as an emergency measure, the SCU is unusual as it effectively replaced the preceding emergency measure, the dictatorship. As previously mentioned, three particular cases appear in extant sources when it was clear the SCU was passed, it is thus necessary to explore these three situations to better approach answering these problems.

What is an “SCU-Worthy” Crisis?

The intent of this section is to provide a cursory explanation of the relevant events, as such some specifics, when not directly related, will likely be omitted in favor of general narrative and specific references in relevant sources to the SCU.

The late Roman Republic is a period, unlike the third and second centuries, when extant sources and the general historical narrative concentrates not only on warfare and competition with other powers, but also internal affairs and increasing social and political instability, culminating in the dissolution of the Republic, effectively, in the time of Augustus. The distinguishing event, as previously

Robert Bonner, “Emergency Government in Rome and Athens,” *The Classical Journal* 18.3 (1922), 147.
J.M. Carter, *Julius Caesar: The Civil War Books I & II* (Wiltshire: Aris and Phillips, Ltd., 1990), 159.
Robin Seager, *Pompey the Great* (Malden, MA: Blackwell Publishing, Ltd., 2002), 150.

mentioned, which is generally considered as the beginning of the Late Republic, is the tribunate of Tiberius Gracchus.⁴ Though Tiberius Gracchus' political career predates the first instance of the SCU by roughly a decade, it is a substantial event, not just with regards to the actions of his brother, Gaius Gracchus, which will be discussed later. The tribunate of Tiberius Gracchus is an excellent example of the political climate of the Late Republic, as it was one of the earliest examples of substantial violence in Republican politics – effectively the beginning of a trend of violence – as well as one of the earliest, though certainly not the first, *populares* politicians. The *populares* focused on garnering immense public support among the plebeian class through policies relating to welfare or social equality.⁵ Cicero makes this distinction when discussing the consul Spurius Cassius Viscellinus, who, after passing the first grain reform in the fifth century BCE, was impeached for “seeking monarchical power through the excessive favor of the people” (Cic. *Rep.* 2.35). The classification of *popularis* was, thus, not necessarily a new concern, but one which grew increasingly in the time following the Gracchi. This path to political success, relying on popular and public support, was substantially different from the *cursus honorum*, the traditional path to political success through appealing to political elites and forming patronage-relationships with other prominent politicians. Those who followed the *cursus honorum* were classified as *optimates*, who Cicero described as staunch defenders of the traditions of the Republic.⁶ Jeremy Paterson is quick to point out amidst this statement of political division that “this is a piece of courtroom advocacy, not political analysis.”⁷ However, it is important to recognize that politicians who arose through popular support, not the *cursus honorum*, were resistant to political pressure from other politicians and offices. It is important to understand the distinction between the politicians who followed the *cursus honorum* and those who did not, especially in the case of the

4 The Roman historian Appian also suggests this as a turning point, stating that “The sword was never carried into the assembly, and there was not civil butchery until Tiberius Gracchus” (App, *BC* 1.1.2).

5 Paterson, Jeremy, “Politics in the Late Republic,” *Roman Political Life: 90BC-AD69*, ed. TP Wiseman, 37.

6 Ibid.

7 Ibid.

Gracchi, but in the general context of the Late Republic as well.

Tiberius Gracchus' central aim which earned him the support of the plebeians, and the ire of the patricians, was the Sempronian Agrarian Reform, which would limit the amount of land owned by any one person to 500 jugera, and the land seized from the wealthy land owners above this limit would be redistributed among the plebeian classes, and especially non-Roman Italians. (App. *BC* 1.1.9). Though already an unpopular method, Tiberius Gracchus' actions to pass the reform, namely removing one of his fellow tribunes, prompted the Senate's response – the murder of Tiberius Gracchus and his followers without any political or legal precedent (App. *BC* 1.3.21). According to Appian's account, there was no measure or law enacted which enabled the senators to kill Tiberius Gracchus. This is, as has been mentioned, one of the first instances of immense political instability and subsequent violent action. Though it is important to note that the SCU did not appear in this situation, the actions of the Senate here, as will be evident, seem essentially a prototype of the SCU in that the senators and other elites, led by Cornelius Scipio Nacia, reacted suddenly and violently to contain what appeared to them a dangerous and potentially revolutionary crisis.

The brother of Tiberius, Gaius Gracchus, a decade after the downfall of his brother, was the first to push the Senate to pass the SCU. Gaius Gracchus' initial policies as tribune were largely identical to those of his brother, namely the cause of land reform. Gaius Gracchus similarly took causes to garner the support of the general populace, namely the recommendation of establishing subsidized corn distribution (App. *BC* 1.3.21). The other major reforms he promoted, however, were not necessarily directed toward gaining the support of the plebeian classes, but rather to limit the power of the Senate in litigation, both adding *equites*, the knight class, to juries, but also requiring cases of banishment or execution to be brought before the *comitia* (Plut. *C. Gracch.* 4.1).⁸ It was not these policies that

⁸ From here on, the law requiring cases of banishment or execution to be brought before the *comitia* will be referred to as the *lex Sempronia*, despite there being numerous *leges Semproniae*, and a number of similar legislations regarding the

eventually escalated the tensions between Gaius Gracchus and the Senate, but rather it was a failed proposal to establish a new colony. Believing that the Senate had lied about the conditions under which the colony would fail – a substantial wolf population – Gaius Gracchus rallied supporters for the colony from among the plebeian class (App. *BC* 1.3.24). Amidst the crowd, one, Antyllus, was killed supposedly under the Gaius Gracchus' orders. This roused the full response of the Senate. Though Appian does not mention the SCU, he does mention the consul Opimius' response: “Opimius the consul who was staying in the city, ordered an armed force to gather in the Capitol at daybreak, and sent heralds to convoke the Senate” (App. *BC* 1.3.25). For an explanation of this SCU, the first SCU, Plutarch's *Life of Caius Gracchus* must be consulted:

□ κ τούτου πάλιν ε□ς τ□ βουλευτήριον □ πελθόντες □ ψηφίσαντο κα□ προσέταξαν
 □ πιμί□ τ□ □ πάτ□ σ□ ζειν τ□ ν πόλιν □ πως δύναιτο, κα□ καταλύειν το□ς
 τυράννους (Plut. C. Gracch. 14).

Then coming once again into the Senate house, [the senators] counted and placed to the supreme Opimius that he would be able to save the city and remove the tyrants.

Appian's exclusion of the SCU from the narrative is unusual, and, as Plutarch's *Lives* were written so much later, the inclusion of the SCU in this instance may appear anachronistic. Cicero's *First Catilinarian*, however, provides the same description as Plutarch, and it predates both Appian and Plutarch's accounts:

Decrevit quondam senatus uti L. Opimius consul videret ne quid res publica detrimenti caperet (Cic. *Catil.* 1.1.2).

The Senate then decreed that the consul L. Opimius see that the republic take nothing of detriment.

Thus, though Appian excludes the SCU from his events, it does appear that it was passed in 121.

From the period following Gaius Gracchus' death in 121BCE, numerous crises befell the Republic. The seizure of the Capitoline by Glaucia and Gaius Saufeius, the sedition of Saturninus, the Social War between Rome and Italians, the long reign of the consul Marius, the establishment of a

proper processes for execution, such as the *lex Porcina*.

dictatorship under Sulla and the conflicts of succession following Sulla's death are a jumble of cases in which the SCU would seem a fitting response. The most thorough source on this time period, Appian, regrettably makes no mention of the SCU being used in any of these instances. Only ambiguous statements, such as the Senate declaring an enemy of the state, or consuls raising armies suggest an SCU, though there are no explicit references, nor actions that overtly appear to break traditional governmental powers (see next section).⁹ Similarly, Plutarch's *Life of Sulla*, *Life of Pompey*, and *Life of Marius*, which discuss the major figures of this time period, lack references to the SCU as well. Though it is possible that the SCU was passed in some of these situations, there is, regrettably, insufficient information to proceed with that line of thought.¹⁰ Returning to this issue later will clarify the potential usage of the SCU from 121 to 63.

The Catilinarian Conspiracy is the most well-documented usage of the SCU, due, for the most part to both Sallust's writings and Cicero's *Catilinarian Orations*. These orations provide an especially interesting perspective, as Cicero was one of the magistrates empowered by the SCU. The basic narrative of the Catilinarian Conspiracy is complicated in the actual recount of the plans, but is less so in the general sense of the crisis; frustrated with his political failures, Catiline plotted to remove political rivals to ultimately reform the government (App. *BC* 2.1.2). Catiline's followers were largely political outcasts, such as the shamed ex-consul Cornelius Lentulus, as well as debtors and Sulla's veterans, who were promised absolution of their debts for their participation in the conspiracy (Sall. *Cat.* 19).

The central plot required the murder of political rivals, along with coordinated fires around Rome and an army gathered in Etruria to seize territory amidst the chaos, as well as potentially staging

⁹ Glaucia and Gaius Saufeius seizure of the Capitoline is the most overt example of this ambiguity (App. *BC* 4.32).

¹⁰ Cicero's *Pro Rabirio*, upon consultation, state that the SCU was declared against Saturninus, though, as Cicero's legal defense is the only extant source on this declaration and the legality of the decree is not of immediate relevance to this inquiry, it is of limited value.

a Gallic invasion. This was brought to the attention of the Senate through rumor, and more specifically, by a failed attempt on Cicero's life. In response to the crisis, according to Sallust's account,

the senate voted “that the consuls should see to it that the commonwealth suffer no harm.” This power, which, by Roman custom, is permitted to the magistrates by the Senate, is supreme, to call an army, to wage war, to compel citizens and allies by all means, and to hold supreme authority of the military and law; otherwise, without the order of the people, none of these rights in these matters are the consul's. (Sall. *Cat.* 19).

While Sallust's description of the SCU here is problematic, it is the most direct explanation of the SCU given in any of the extant sources. Cicero's first Catilinarian Oration provides the same sentiment, emphasizing its immediate importance and precedent when used against Gaius Gracchus, a depiction of the SCU as safely sequestered in the halls of Roman tradition. (Cic. *Catil.* 1.1.2). Cicero's immediate actions, however, were not any of the specifics mentioned by Sallust; Cicero's primary action under the authority of the SCU was to detain the conspirators and bring them before the Senate for interrogation (App. *BC* 2.1.4). After eliciting their confessions, Cicero was unable, or at least unwilling to proceed with the execution of the conspirators, even though it is what he seems to argue for in the second and third Catilinarian:

But how many do you think there were who would disbelieve my report, how many who would even defend him, how many who were too stupid to have any thoughts at all in the matter, how many who were so wicked that they favour him?...But when I saw that the matter was not approved even then even by all of you, and that if I had punished him with death as he deserved I should have been overwhelmed with odium, and should not be able to prosecute his allies...(Cic. *Catil.* 2.2.3-4).

Cicero's suggestion to execute the conspirators was met with hostility in the Senate, specifically from Julius Caesar (Plut. *Cic.* 22). From the mere existence of a debate in the Senate regarding the conspirators, as well as according to the section of the third Catilinarian oration quoted above, Cicero did not believe himself capable, legally or politically of simply ordering the execution of the conspirators, despite the power of SCU. The implication of this is that consultation with the Senate, and perhaps even with the *comitia* was necessary before executing the conspirators, which would follow

not only traditional legal procedure, but also follow the procedures established by the Sempronian Law of 123, but especially to prevent the legal reprisals which were brought against Opimius (C. Dio 37.42). Despite this apparent reluctance, or concern about executing the conspirators, Cicero does so anyway, without the approval of the people or the Senate (App. *BC* 2.1.6). The subsequent actions against the army in Etruria are not as thoroughly treated, likely due, in part, to Cicero's lack of participation in the military response to the Catilinarian Conspiracy. The military side of the matter was conducted by Cicero's fellow consul, Antonius, who simply amassed a large army and chased the fleeing Catiline to his army in Etruria, where Antonius defeated Manlius and Catiline.

The third clear declaration of the SCU is against Caesar in 49, shortly prior to his famed crossing of the Rubicon. The chain of events leading to Caesar crossing the Rubicon are not only well-documented, but also well-known. Regrettably, the most comprehensive extant source for this time period is Caesar himself, who, as would be expected, fails to capture the perspective of the Senate on these matters. However, that does not exclude him from use in the slightest. As such, it is more complicated, and more useful to this inquiry, to determine the Senate's perspective and motivations for declaring the SCU, especially prior to any overt military action by Caesar. From the perspective of the Senate, Caesar, Pompey and Crassus, the members of the “First Triumvirate”, were a substantial encroachment on their authority.¹¹ Though equal in prominence and ambition, it is apparent that this triumvirate did little to quell the rivalry between Caesar and Pompey.¹² The immediate catalyst from the Senate's perspective was that Caesar appeared to be unwilling to relinquish his governorship when it expired in 49. Plutarch and Dio suggest that Caesar was reluctant to become a private citizen as his rivals would be able to legally restrain him, and thus was inclined to run for consul in 49 without

11 Cassius Dio colorfully expresses Cato's opinion that Caesar and Pompey were “outgrowing the constitution,” see: C. Dio, 40.58.

12 Plutarch describes Pompey as “despising Caesar”, though it may be hyperbole. See: Plut. *Caes.* 28.

returning to Rome. This was in violation of a recent law (it was actually an old law which had fallen out of use) established by Pompey, which required candidates for office to be present in person at the time of the election.¹³ Thus, Caesar proved unwilling both to let his governorship end and to return to Rome without his army, his governorship would likely end without the dismissal of his legions.

Amidst the concerns over Caesar's willingness to relinquish command, numerous senators and magistrates also suggested conspiracy. The consul Lucius Lentulus suggested that allowing Caesar to maintain command in Gaul, or stand for election in absence was unacceptable, and that he was willing to exercise the will of the Republic forcefully, though a tangible threat of force had yet to manifest itself.¹⁴ This, along with an agreement from other rivals of Caesar, moved the Senate to a state of fear, even if a military coup was not necessarily a *fait accompli*. Pompey's own maneuvering, which similarly encouraged a military response to the threat of Caesar's invasion, likely also played a part in the eventual declaration of the SCU.¹⁵ Caesar records the declaration quite clearly:

decurritur ad illud extremum atque ultimum senatus consultum, quo nisi paene in ipso urbis incendio atque in desperatione omnium salutis latorum audacia numquam ante discessum est: dent operam consules, praetores, tribuni plebis, quique consulibus sunt ad urbem, ne quid res publica detrimenti capiat (Caes. *Civ.* 1.5).

[The Senate] rushed to the final and ultimate decree of the Senate, to which it had never turned before, except with the city in flames and with the audacity of legislators placing the health of all in desperation: let the consuls, praetors, tribunes of the plebs, whoever are of consular rank in the city dedicate themselves so that the republic take nothing of detriment.

The comparisons mentioned by Caesar seem to be explicit references to the case of Gaius Gracchus, the *lator*, and the Catilinarian conspiracy, which involved a plot to set fire to the city. Caesar makes a noteworthy point; the city had not yet come to any harm by his actions or plans when the SCU was declared (though it is arguable that it hadn't when the SCU was declared against Catiline).

13 The *lex Pompeia*

14 Si audacter ac fortiter sententias dicere velint (Caes. *Civ.* 1.1).

15 Caesar's account depicts physical coercion of those unwilling to support military action against Caesar (Caes. *Civ.* 1.3)

Nevertheless, the most important consideration is that, from the perspective of the Senate, according to Caesar's account, this crisis was equivalent with the burning of the city, or establishment of oppressive laws. Considering the apparent concerns in the speeches of Pompey's supporters, the threat of invasion and a military coup was the most substantial threat.

The build-up to the crossing of the Rubicon in 49 presents a clear picture of the Senate's central concerns when the SCU was declared. Military invasion, and a subsequent coup, potentially alongside a general military revolt were the motivating factors. What made this concern legitimate was that Caesar was a renowned and accomplished military leader, and that, as the policies of the triumvirate attest, was willing to bypass political and legal precedent with the threat of arms.¹⁶ Thus, the declaration of the SCU against Caesar, what was likely the last usage of the decree, appears to have been preemptive in anticipating Caesar's aggressive actions when his term in Gaul ended.

From the three cases outlined above, a clear depiction of the “SCU-worthy” crisis seems fairly clear. In all three cases, there was the threat of political insurrection, or blatant insurrection, under a socially or politically prominent figure. Gaius Gracchus repeatedly encouraged and passed legislation which weakened or threatened the Senate's authority, such as removing the aristocracy's stranglehold on the courts by opening up the juries to the *equites*. Similarly, Gaius Gracchus was associated with the murder of Antyllus, even if it wasn't necessarily politically motivated, and thus could be deemed a leader of a potential or rising insurrection. Similarly, Catiline was a prominent aristocrat from a renowned family, as well as a member of the Senate, even if his repeated failures at reaching the consulship were partial motivation for his conspiracy. His participation in plots to murder political rivals as well as prompt a general revolution of the disadvantaged and financially as well as morally bankrupt, to accept Sallust's depiction, is an apparent case of an internal crisis. Caesar's case is no more

¹⁶ The *lex Licinia Pompeia* extended Caesar's term in Gaul for another five years through extralegal means by Pompey and Crassus.

complicated, though a bit different. Unlike Catiline and Gaius Gracchus, Caesar was not connected to any popular revolt or crisis within the city, but rather was indicative of a political problem. Though he did not engage a social issue or subset of the population to garner support, he represented the Senate's increasing inability to control prominent political and military figures. Caesar's revolt, however, was not a crisis which a few soldiers and arrests could end; it was not dissimilar from a full-scale foreign invasion. There is another major difference between Catiline's insurrections and Caesar's, the SCU was declared in response to the former, it was declared preemptively for the latter. With the case of Gaius Gracchus it is a bit more complicated, it is uncertain whether the SCU was declared in response to the murder of Antyllus as well as Gracchus' overt political strikes against the authority of the Senate, or preemptively against a general revolt led by Gracchus.¹⁷

There is an important undercurrent to recognize in all of these crises. The political tension between *optimates* and *populares*, though fabricated in rhetoric, was an all too real problem to the Late Republican Senate. In the three cases discussed, substantial underlying social and political problems were the impetus for these crises. Gaius Gracchus championed the landless Italians and Romans much like his brother, but also engaged the corruption of the elite-dominated courts. Catiline's followers, dismissing some of Sallust's extreme descriptions, were largely composed of plebeians oppressed by substantial debt, as well as military veterans who had not been given their promised rewards. Caesar did not engage a social issue like the Gracchi or Catiline, but was the result of a political one. By the Late Republic, the Senate was incapable of restraining prominent political figures. It had failed to restrain Marius, who served five concurrent consulships, and had suffered the blows of Sulla's dictatorship and proscriptions without much opposition. The Senate had subsequently been unable to

17 This is not an agreed-upon view. Though dated, Richard Husband's *Prosecution of Catiline's Associates*, suggests that Gracchus was in open revolt, while Catiline was not. As by this time, Manlius had begun amassing an army in Etruria, it seems inaccurate to suggest that Catiline was *not* in open revolt, even if he personally was not yet armed and fighting. Appian and Plutarch, especially, do not seem to depict Gaius Gracchus as overtly in revolution, though him and his supporters were definitely armed. Cicero also states that Gaius Gracchus attempted to excite the citizens to revolt, not that he did cause revolt, or that his attempts were even largely successful (Cic. *Leg.* 3.9).

limit the intentions of the First Triumvirate, composed of two military elites, Pompey and Caesar, and the wealthiest man in Rome, Crassus. Two important factors appear from these underlying situations. The Senate was unable to resolve these social, economic and political issue themselves, or simply didn't consider their resolution.¹⁸ Those who engaged these issues or, to be even-handed, manipulated them, were thus cast as *populares* aspiring to tyranny through rousing the public to support them at the expense of the Senate.

A few clear characteristics of a “SCU-worthy” crisis have emerged from this brief survey of late Republican history. Firstly, the crisis must be an internal affair, these cases are not identical to the establishment of a dictator after the Gallic invasion of 389, rather they are crises in which Roman citizens rose up, with a threat of immediate violence. Secondly, it must involve a prominent individual, which is likely the metric which determines if it is a serious threat. This prominent figure must be associated with a social or political issue from which they have gathered popular support, they must be able to be cast as a *popularis*. Finally, it appears that the crisis must involve some degree of uncertainty within the government. Gaius Gracchus was a tribune acting against the Senate, Catiline was a senator and drew ex-consuls and other senators as well to his cause, and Caesar was a ex-consul and governor, who had numerous supporters in the Senate and Tribunate. In all of these cases there was not consensus in the Senate, let alone the government, as to how to proceed. Supporters for these revolts were involved in the government or military in all of these scenarios.¹⁹ Though this is not the most complete list, these do appear the basic qualities of an SCU crisis.

The above definitions do present a problem, namely that these do not explain why all of the political upheavals mentioned earlier (see p. 5) did not elicit a declaration of the SCU. In other cases,

18 Despite the eventual Agrarian Reform to relieve Rome's Italian allies, they eventually revolted anyway, after the Senate failed to deliver not only on promises, but granting them any benefit beside military support.

19 As only a general narrative of Gaius Gracchus' sedition and death survives, it is uncertain whether he had any other political supporters, though it does not stretch the imagination to assume he did, as he came from a prominent consular family, likely held a seat in the Senate and was able to be elected tribune twice.

the threat did seem equally substantial to, if not more than, the tribunate of Gaius Gracchus, the Catilinarian conspiracy, and Caesar's civil war. In the case of the Social War, there is an easy explanation: the Social War does not fit the qualities previously mentioned, it was a popular revolt, and severe one, but it was not led by major Roman political figures. Though it may be trite to say, the Social War was not a Roman revolution, it was an Italian one against Roman domination.²⁰ This may seem a semantical argument, but the importance is that it was not a situation in which the Senate's authority over the Roman people was at risk. Two other crises in this period do, however, fit all of the qualities, and seem worthy of the SCU: Sulla's march on Rome, and Lepidus' attempted coup. There is not a fundamental difference in threat between Sulla's coup, and, say, Caesar's revolt. In both cases, the immediate causes were rooted in political rivalries involving prominent political and military officials, each in command of major armies. Unlike the three clear cases of the SCU, Sulla's coup was not cases in which the two broad political factions, *populares* and *optimates* were at odds. Sulla was, by most standards, as much a political insider and staunch traditionalist as any contemporary senator.²¹ Similarly, Lepidus' rivalry with Catulus to assume the position, effectively, of Sulla's heir resulted in a battle between the two factions. In this case as well, it is likely that the SCU was not passed as neither Lepidus nor Catulus proved to be a threat to the Senate's authority. Neither of them were, to use a objectively loaded term, but one which captures the perspective of the Senate well, a revolutionary.

This is not to say definitively that the SCU was not passed during these crises, in fact, some scholars suggest that it was passed against Sulla and Lepidus.²² There simply is, however, no extant sources which state, in unambiguous language, that the Senate passed an SCU against Sulla during his march on Rome. It is thus impossible to state with confidence that an SCU was or wasn't passed against

20 Appian makes this same distinction, that the Social War “extinguished the Roman sedition for a long time by a new terror” (App. *BC* 5.34). The distinction is important more from a legal or political perspective, then, say, a practical one.

21 Sulla was enough of a traditional Roman elite to be referred to as the “last republican” by some modern scholars, Arthur Keaveney's *Sulla: The Last Republican* is the most obvious example.

22 Husband, “Prosecution of Catiline's Associates,” 16.

Sulla. To err on the side of caution would be to assume some derivation of the previous argument, and state that the SCU was not passed. This does raise a problem with the extant sources, namely that the SCU does not appear to have been viewed as exceptionally worthy of mention. Though it is clear that the SCU was passed against Gaius Gracchus, Appian doesn't mention it. This presents a general problem for the investigation of the SCU, but not one that is easily resolved.

The Practical Functions of the SCU

As was mentioned previously, the most basic and simplistic definition of the SCU which has been repeated time and again throughout scholarship on the Late Roman Republic loosely characterizes the decree as a general declaration of a state of emergency. This would place the SCU as the preface, or manifestation of the declaration of a *tumultus*, or civil conflict necessitating martial law.²³ This suggests that the practical value of the SCU in the three cases previously outlined was simply to declare a crisis, and preface later actions. In essence, this casts the SCU as a simple declaration lacking legal backing. Though this does not completely remove the significance of the SCU, it does fail to capture its practical effects, which are evident in the narratives of the mentioned crises. Judging from the actions taken by the magistrates empowered by the SCU, namely Opimius, Cicero and Pompey, there appears a clear picture of what the decree effectively did. In this sense, regardless of whether or not the decree was a moral statement, its declaration yielded tangible results for the Republic.

The situations in which the SCU was declared have already been discussed, and a brief outline of what made them “SCU-worthy” has been constructed (p.11-12). Leaving aside the question of what exactly the SCU was intended to do, or what compelled the Senate to issue that specific decree, an image can be constructed of what exactly the SCU did practically when it was declared.

Sallust's *War with Catiline* is the only extant source which explains how the SCU affected the

²³ Husband assumes this to be the function of the SCU citing Willem's argument that a *tumultus* was declared shortly after the SCU against Catiline. See: Husband, “Prosecution of Catiline's Associates,” 14.

powers of magistrates. In *War with Catiline* he defines the powers of the SCU as the following:

Ea potestas per senatum more Romano magistratui maxuma permittitur, exercitum parare, bellum gerere, coercere omnibus modi socios atque civis, domi militiaeque imperium atque iudicium summam habere; aliter sine populi iussu nullius earum rerum consuli ius est (Sall. *Cat.* 19).

This power, which, by Roman custom, is permitted to the magistrates by the Senate, is supreme, to call an army, to wage war, to compel citizens and allies by all means, and to hold supreme authority of the military and law; otherwise, without the order of the people, none of these rights in these matters are the consul's.

The above passage can be separated into four isolated powers: (i) magistrates can raise an army; (ii) magistrates can wage war; (iii) magistrates can summon allies and citizens for support, potentially financially; (iv) magistrates have complete legal authority. As this is the only list, which appears in any extant source, of powers that the SCU grants, this must be treated in depth. Sallust's account of these powers will be compared with the traditional functions of the consuls and Senate as defined in Polybius' commentary on the Roman constitution, which appears in his *Histories*. Though a native Greek, and a bit prone to anachronistic inclusions of Greek political terminology in his analysis, Polybius provides one of the most comprehensive accounts of the Roman political structure, despite its brevity.²⁴

Supreme military authority, essentially points (i) and (ii), is one of the basic tenants of the office of the consul. The ability to raise an army and lead said army are its primary function. Polybius defines the consul as having complete authority when it comes to preparations for war, and the general conduct of the war, including appointing military tribunes and enrolling soldiers (Poly. *Hist.* 6.12). Thus, Sallust's description of the consul under the power of the SCU, seems to include some of the office's standard powers as well. There is, of course, an important limitation on traditional consular power that Sallust may be implying by stating that the consul is able to raise an army. Polybius is very clear in

²⁴ Polybius' explanation of Roman government is partially colored by his assumption similarity to Greek democracies, as well as attempting to frame the success of Rome with its political structure. See: Henrik Mouritsen, *Plebs and Politics in the Late Roman Republic*, 7.

stating that the Senate controls the treasury, and thus, without the approval of the Senate, an army raised by a consul will have “neither corn nor clothing nor pay” (Poly *Hist* 6.15). As raising funds is implicit within the notion of raising an army, as supplies and arms are necessary at the outset of a military operation, control of the treasury, even if only to raise military funds, would be a substantial increase in consular power. Though this is not necessarily what Sallust states, it also conforms with the conduct of the empowered magistrates in two of the three crises previously discussed. After the declaration of the SCU, an army was apparently raised, or at the least redirected, for the purposes of combating the army raised by Catiline and Manlius. Either action, raising the army under Antonius, or redirecting it from its initial purpose would have required substantial funds, which may have been taken immediately as-needed by Antonius, instead of through Senate approval, as the former would have been more expedient. Similarly, there is a direct statement in Caesar's *De Bello Civili* that Pompey accessed treasury funds directly (Caes. *Civ.* 1.6). The two initial powers which Sallust discusses, thus, appear to only extend beyond traditional consular authority if one considers the funds necessary to conduct military operations, which in these crises, may have been required more quickly than senatorial debate and procedure could have allowed.

The third point is the most elusive, as in two of the three cases of the SCU, there is not record of any allies being consulted. Caesar makes a passing reference, however, to Pompey sending a delegation to King Juba (Caes. *Civ.* 1.6). Whether or not a consul had this authority is uncertain, as Polybius gives the power to “make whatever demands they consider appropriate upon allies” (Poly *Hist* 6.12) to the consul, yet it appears that accepting foreign delegations fell under the purview of the Senate (such as the Allobroges which Catiline attempts to turn against the Republic). Regardless, the extension of these powers, despite Sallust mentioning it explicitly, does not appear to have been a substantial factor in the conduct of the magistrates in any of the cases of the declaration of the SCU.

The fourth power which Sallust mentions, complete legal authority, is also a complicated issue.

Polybius' description of the consulship has an unfortunately vague statement that consuls supervise the affairs of the state (Poly *Hist* 6.12). However, Polybius' description of the Senate provides an explanation of the powers to which Sallust is likely referring:

Any crimes committed in Italy which require a public investigation, such as treason, conspiracy, poisoning and assassination, also come under the jurisdiction of the Senate. Again, if any private person or community in Italy requires arbitration for a dispute, or is in need of formal censure, or seeks help or protection, it is the Senate which deals with all such cases (Poly *Hist* 6.13).

The ability to investigate treason and conspiracy were at the heart of the crises in which the SCU was declared. Gaius Gracchus' actions and declarations against the Senate, coupled with the murder of Antyllus, were believed to be treason, the Catilinarian Conspiracy fits eponymously, and Caesar was likely considered to have been involved in either conspiracy or treason, if not both. Polybius also states that the loosely-defined “people” hold the right to try cases in which “the penalty for an offense is a serious one and especially when the accused have held the highest offices of the state,” which is not unlike the law established by Gaius Gracchus (Poly *Hist* 6.14). Similarly, Polybius lists this very issue, especially cases in which the penalty is death, as a manner in which the people, meaning the *comitia*, have a check on the Senate's authority (Poly *Hist* 6.16). Regardless of what was meant in stating that the consuls supervise the affairs the state, Polybius clearly places legal powers outside of the hands of consuls. The conduct in each of the crises violates this power structure. Opimius executed Gaius Gracchus and his followers without the express approval of the Senate or the people.²⁵ This earned him the ire of the population who brought him to trial but was unable to convict him.²⁶ Similarly, Cicero arrested and ultimately executed Catiline's co-conspirators, even though the Senate had debated and *not* approved his call for execution (Cic. *Catil.* 4.4.7-8). Cicero, unlike Opimius, was eventually tried and

25 Sources are unspecific whether Gaius Gracchus was actually killed by Opimius' men. He may have been assassinated by one of his followers or committed suicide, both according to Plutarch. Regardless, Gaius Gracchus' supporters were killed by Opimius and his men, perhaps totally the amount of three thousand dead. See: Th. N. Mitchell, “Cicero and the *Senatus Consultum Ultimum*,” 48.

26 The aristocratically-controlled courts were able to dismiss the charges. See: P.A. Brunt, “The Fall of the Roman Republic” in *The Fall of the Roman Republic and Related Essays*, 16.

exiled for the execution of the co-conspirators, not at the request of the Senate but the people, having been roused by the tribune Clodius.

Cicero's exile may seem a reason to consider the SCU as an insubstantial decree, legally, as it was unable to provide legal protection to the reigning magistrates. This problem or limitation is not unique to the SCU, however, it is part of the traditional structure of the dictatorship. Dictators were immune to legal reprisal for the duration of their six month term, similarly, it appears, Cicero was immune to legal reprisal for the duration of the crisis.²⁷ The ability for supreme magistrates to be vulnerable to trials was simply an innate part of the Republican structure. This doesn't resolve the question, however, of why Cicero was exiled for the execution of the conspirators when Opimius was not. Plutarch describes a humorous anecdote about the public's reaction to the deaths of Gaius Gracchus' supporters:

However, what vexed the people more than this or anything else was the erection of a temple of Concord by Opimius; for it was felt that he was priding himself and exulting in a manner celebrating a triumph in view of all this slaughter of citizens. Therefore at night, beneath the inscription on the temple, somebody carved this verse: - "A work of mad discord produces a temple of Concord." (Plut. C. Gracch. 17).

Later references to an attempt to exile Opimius for unlawful execution suggest that the public's reaction was largely identical in these two cases. In fact, Opimius was exonerated through a justification by the authority granted by a *senatus consultum* – it is not apparent that he attempted to justify his actions without reference to the SCU.²⁸ There is a fundamental difference between the two cases, however. In 121, the courts had recently been opened to the *equites*, the social class more likely to seek charges against Opimius. It stands to reason that the juries were simply still "stacked" with elites, not *equites*, who were able to exonerate Opimius and dismiss the charges. By 58, the juries had been overwhelmed

²⁷ Andrew Lintott, *The Constitution of the Roman Republic*, Oxford: Oxford University Press (1999), 111-112

²⁸ Mitchell, 48.

by the *equites*, and popular proposals had succeeded, largely, for the previous 50 years.²⁹ Additionally, the charges past against Cicero were not in the form of a *iudicium*, a legal charge, but a bill.³⁰ The bill was largely similar to the *lex Sempronia*, which Cicero, as well as others, had violated by not consulting the *comitia* prior to execution. T.N. Mitchell suggests that the substantial difference between the two circumstances was not a change in the nature of the SCU, but predominately the identity of the accuser and the immediate political climate. Clodius held immense personal hatred and rivalry with Cicero, and was willing to bribe and manipulate matters to secure a conviction.³¹ Coupled with the rise of a legal system more peopled with those swayed by *populares*, such as Clodius, Cicero's exile seems completely reasonable. Thus, the argument that the SCU was weak as it was not able to provide legal protection is erroneous. Legal protection was not granted to any office in the Republic, not even the dictatorship. Cicero's exile and Opimius' exoneration can largely be attributed to a difference in the political and legal climate.

It is dismissive to depict the SCU as merely a statement of moral support, or even just a statement of emergency. Sallust defines four clear powers in the *War with Catiline*, and while this list includes traditional consular powers, all of these, including those which fall under the jurisdiction of the Senate or *comitia* were used by the consuls during Gaius Gracchus' sedition, the Catilinarian Conspiracy and Caesar's civil war. Thus, it appears that the SCU did have tangible legal and political authority. The SCU allowed magistrates, specifically consuls, to access the requisite funds without senatorial approval to raise armies to counter these crises, to arrest participants in these crises without approval of the Senate or courts, and finally to execute participants in these crises without the express approval of the people. Though it is possible to trace the effects of the SCU through these crises, these

29 Husband provides a long list of trials motivated by the people, which he erroneously associates with the declaration of the SCU, but nevertheless, reflect a success of the *equites*-controlled juries. See: Husband, "Prosecution of Catiline's Associates," 21-22.

30 Ibid, 22.

31 Mitchell, 60.

do not resolve the simple problem of what the grand function of the decree was. Essentially, this approach has answered the questions when and what, but has yet to broach the question of why.

The Dictatorship and the SCU

Underscoring the identification of the SCU as an emergency decree is the existence of an emergency procedure which predated the SCU: the declaration of a dictator. To fully understand the significance or intentions of the SCU, it is firstly important to determine why the SCU even came into existence, and, equally importantly, was repeatedly used instead of the traditional office of dictator.

In *De Republica* Cicero states that the office of dictator first came into being only a decade after the establishment of the Republic, in the sixth century (*Cic. Rep.* 2.32). Polybius defines the office of dictator as, essentially, an emergency extension of the office of consul, though the dictator didn't have to be the reigning consul:

...while the consuls are obliged on many occasions to refer to the Senate to carry out their plans, the dictator is a general with absolute powers. Thus when he is appointed all the other magistrates in Rome cease to hold power, with the exception only of the tribunes of the people (*Poly. Hist.* 3.88).

There is one problem with Polybius' definition of the dictator. Though all magistrates were likely deferent to the dictator, they did not cease to hold power, due to the sheer impracticality of crippling an entire bureaucracy. The function of the dictatorship was traditionally to approach serious threats to the Republic in a manner which consuls or the Senate were unable (i.e. through supreme legal and military authority), it is believed that the dictator was a concession that a monarchical government or aspect of government proved useful in particular circumstances.³² Regardless of the similarity to the Archaic monarchs of Rome, the important aspect of the office was that, like the magistrate empowered by the SCU, it possessed the ability to wield supreme military and legal authority. Most importantly, the

³² Polybius argues this point, as do modern scholars, though this approach is not without problems, see: Stuart Staveley, "The Constitution of the Roman Republic: 1940-1954," *Historia Zeitschrift fuer Alte Geschichte* 5.1, 1956, 103.

dictatorship as a method of crisis-intervention predated the SCU by nearly 400 years.

From a practical standpoint, it does not appear that the dictatorship had any disadvantage compared to the declaration of the SCU, and thus, it seems unusual that the SCU should be invented in 121 to fill the same capacity. The only factors in which the two offices differ are a how long the office exists, and who appoints the dictator. The office of dictator functioned, at maximum, for a period of six months before the dictator left office (App. *BC* 1.1.3). This was, of course, unless laws were passed to bypass the termination of the office, such as by Sulla and later Caesar who were “appointed” dictators for life. There appears no such restriction on time in the wording or history of the SCU. The issue of who appointed a dictator is more muddled. It is clear that the SCU, and subsequently empowered magistrates were appointed, essentially, by the Senate. The dictator, it appears, was appointed by the reigning consuls.³³ Staveley argues that the dictator was not ratified by the people, let alone appointed by them.³⁴ More to the point however, missing from most discussions of the appointment of the dictator is the Senate.³⁵ The clearest difference between these two approaches is that the Senate effectively made a dictator of the consul(s) through the SCU, while the traditional dictator was not made by the Senate. Thus, the magistrates under the SCU, were, to a degree, still under the influence of the Senate, even if in an official capacity their powers were not deferential to the Senate. The difference here may seem minor, but if an official was to supersede the authority of the Senate, it was likely preferable from their own perspective, that it be of the Senate's own creation – the devil they knew.

Though the role of the Senate in creating the dictator and declaring the SCU is substantially different, this does not seem enough, alone, to explain how a completely new political structure would be created. This is especially important as many modern scholars have argued that the SCU was illegal,

33 Staveley, 103, also Bonner, 3.

34 *Ibid.* 107.

35 In his idyllic government, Cicero states that a supreme magistrate would be appointed during emergencies by the Senate (Cic. Leg 3.3). However, it is not clear that this is the way the appointment actually functioned.

and that it violated the political structure of the Republic.³⁶ Appian states that the office of dictator had long fallen into disuse by the time Sulla revived it to his own benefit (App. *BC* 1.1.3). The last recorded time at which the a dictator was declared was during the Second Punic War, almost a century prior to the time of the Gracchi.³⁷ One problem with the office of dictator was, perhaps, the increasing hostility toward the notion of a single ruler, and especially toward such loaded words as *tyrannus* and *rex*, which was an aspect of political invective in the Late Republic. Though the office of dictator is neither a king nor tyrant, such accusations of monarchical ambitions date to the second century and are preserved in Plutarch's *Life of Tiberius Gracchus*.³⁸ Though this was largely connected to the terminology of monarchy, it was also tied to the notion of singular rule itself.³⁹ Especially following Sulla's appointment and reign as dictator, the reasoning the office fell out of use, and the SCU became more appealing, was likely due to the contemporary connotations Sulla created to the dictatorship. From a purely political standpoint, thus, the appointment of a dictator would likely have reflected poorly on the Senate or consuls as a violation of the much-lauded and traditional structure of the Republic, even though the laws existed to allow it.

Another theory on the dissolution of the office of dictator lies within its probable origins, as a resolution to military threats. The subordinate office to dictator was the *magister equitum*, master of the horses. The *magister equitum* was perhaps tied to the usage of military cavalry, which was becoming a new feature of military action in the early Republic.⁴⁰ Similarly, the traditional name for the dictator

36 Though this may be an accurate statement of Roman law relating to the power of *senatus consulta*, it is largely a moot point as there was no political or legal establishment which could impeach the Senate for violation of their own law. And the impeachment of magistrates, was not unusual, as even dictators, the supreme magistrates, were not immune to legal reprisal. Nevertheless, due to the substantial weight of tradition in Roman politics, a completely new emergency decree is certainly unusual.

37 Lintott, 112.

38 J. Roger Dunkle, "The Greek Tyrant and Roman Political Invective of the Late Republic," *Transactions and Proceedings of the American Philological Association* 98 (1967), 158.

39 *Ibid.*

40 Staveley, 104.

was the *magister populi*, the master of the citizen's army, an overt military commander.⁴¹ This structure, and even the context in which the dictatorship is first declared appear to have been the result of an external military threat.⁴² The subsequent history of the dictatorship, mostly its repeated use during the Punic Wars, encourages the interpretation of the dictatorship as predominately, if not completely, a military office. In the case of the Gracchi, and the latter two cases in which it is clear that the SCU was passed, though a military solution was applied, the immediate threat was not war nor invasion. In the case of Caesar, after the SCU was passed, Pompey was elected sole consul, serving, effectively, as a dictator without formally being declared a dictator, a rhetorical claim against the dictator-to-be Caesar.

In the wake of the Punic Wars, as the Roman army spread far beyond its borders, the office of dictatorship fell into disuse as militarily impractical.⁴³ This, coupled with political reasons, such as the growing hostility and reference in rhetoric to singular rule as a political insult, and the impracticality of a military office for civil disputes, and finally the poor reputation of the office post-Sulla, the creation of a new emergency measure seems reasonable. The SCU, as a Senate dictated measure which, without substantially altering the structure of the government, effectively conferred the same powers as the declaration of the dictator, and rhetorically lacked all of the problems associated with the dictatorship.

The Position of the SCU in the Late Roman Republic

The crises which spurred the declaration of the SCU, as has been determined, were largely internal social or political issues. The wording of the SCU itself, "...that the state suffer no harm," is a substantial escalation from, say, the efforts of Gaius Gracchus to reign in the courts or establish a grain subsidy. Similarly, it is important to note that the consuls were, seemingly, the sole magistrates

41 Lintott, 110.

42 Cicero and Livy describe the dictatorship as predominately a solution to military threat, especially with respect to its origin, though Dionysius of Halicarnassus presents it more as a method to control civil unrest. See: Staveley, 106. Lintott, 109-10.

43 As wars were waged at increasingly large distances, a limitation of six months completely eliminated the benefits of the dictatorship, which originated in a period in which war was waged locally and only during particular times of the year, see: Lintott, 112.

empowered by these decrees. Though this is practical as the consulship is the supreme office, it is also, predominately, a military office. It should be of no surprise, that, when looking at the actions of the consuls acting under the SCU, they appear surprisingly militaristic. These crises were largely political and social, especially at their roots, and yet, they were resolved through the arming of citizens and the raising of armies. Even the declaration of a *tumultus* would appear extreme in the case of Gaius Gracchus and the early stages of the Catilinarian Conspiracy. The rhetoric of the SCU, and the apparent immediate intention was as much expediency as it was to recast these crises as military matters, resolvable through a military solution. This is telling of the Senate's intentions. In large, the efforts of the Senate can be cast as *optimata* politics, and the social and political issues which arose were engaged by those who appeared to be seeking or using popular approval, *populares*. The military approach then, was the result of a staunch factionalism within the Senate, not between parties, but between general approaches to politics, and the forming of policy-absent factions. Despite Paterson's warning that the *optimates-populares* division was little more than rhetoric, it nonetheless framed Late Republican politics. What was at risk, was not simply a political approach, but the legitimacy of the *optimates'* body of government, the Senate. Each of these crises focused on a figure who threatened the hegemony of the Senate – the crises in which the SCU was not declared are especially telling in that regard. The *optimates-populares* division was not as much political theory, in this case, but more a way of contextualizing the tensions between political figures and the Senate as a governing body. Depending who discusses it, the *populares* are champions of public issues, or, as Richard Smith casts them, exploiters of “the support of the Equites and the proletariat to attain personal ends.”⁴⁴ Increasingly threatened as crisis after crisis befell the Republic, the Senate's response was not so much to the underlying problems which spurred these crises – corruption in courts, debts and poverty, and unrestrained prominent politicians – but rather to the general challenge to its authority. By this view,

44 Richard Smith, *Failure of the Roman Republic* (New York: Arno Press, 1975), 86.

the usage of the SCU, as opposed to the dictatorship, as mentioned, is obvious. The SCU, even by name, was a senatorial decree, it was the will of the Senate, even if it was committed through magistrates.

The SCU has an important position in the politics of the Late Republic. Though the decree is rarely discussed, and barely described when mentioned, the crises which caused declarations of the SCU, and the actions taken once the SCU was declared reveal the significance of this ultimate decree. The SCU was an extension of the will of the Senate in response to threats to the Senate's authority. Unlike the emergency measure of appointing a dictator, a process from which the Senate seems largely excluded, the SCU required the Senate to maintain a degree of control, as it substantially influenced the outcome of consular elections, as well as the reigning consuls, who were usually political insiders with a stake in appeasing the Senate. Like the dictatorship, the SCU allowed magistrates to circumvent traditional legal and political structures, such as consultation with the entire Senate, the *comitia* or the courts. Finally, to a limited degree, it allowed for temporary immunity from legal reprisal for violating laws, though when the crisis had passed, as was the case with a dictator, the magistrates were legally vulnerable.

The most important aspect of the SCU, however, is that, as an emergency decree, it recast the crises of the Late Republic as serious threats to the sanctity or security of the Republic. The responses of the magistrates empowered by the SCU were violent, if not militaristic. Diplomacy, even legal procedure, was avoided, or at least ignored, when bringing these crises to resolution. The result of these military responses created examples, and established precedents for the Senate's domination over other political offices, as well as the general population.⁴⁵ The effect of this, to the detriment of the Republic, was that the problems which underlay these crises were not considered or resolved. The depiction of

⁴⁵ Cicero praises Opimius in the First Catilinarian, simultaneously glorifying the violent response of the government and demonizing the people who attempted to change it, even if the public's opinion differed.

these crises as military threats, rhetorically lead by a rival political faction, *populares*, prevented any serious consideration as to how, or why these crises occurred in the first place. It has been said before, and bears repeating, that the fall of the Republic can be seen as the failure of the Senate to generate solutions to reoccurring problems.⁴⁶ Though Gaius Gracchus' political aims had been a threat to the Senate, Catiline had plotted to overtake the city, and Caesar had been encamped across a river from Italy seemingly unwilling to back down, none of these crises were similar to the states of emergency which peppered the Republican period. Hannibal's invasion of Italy, or worse, the sacking of Rome by the Gauls, were tangible threats to the survival of Rome, which necessitated immediate solutions, and thus required an extralegal magistrate, the dictator. Subversive laws, loose plots to cause chaos in Rome, and a pair of paranoid, egotistical generals did not necessitate the same response, yet they received functionally the same response: declaration of a state of emergency, dispensation of extralegal powers, military action and suppression of legal concerns. The SCU was fundamentally different than the dictatorship, as has been discussed, but its practical differences were not substantial; both responses prompted, essentially, military intervention. Thus, the concerns which sparked these crises – starvation, uneven land dispersal, poverty, debt, and overly-prominent politicians – were left unresolved, seen simply as contexts which prompted the rise of *populares* who sought the destruction of the Republic.

The SCU, to the modern historian, is representative of the collective failures of the Senate in the late Republic. It captures the factionalism, real or imagined, which created rifts and tensions between political figures with similar views, if only different means to achieve them. It is indicative of the Senate's inability to recognize or engage social and political issues in the late Republic, viewing them as threats to authority, instead of tangible, fixable, problems. Finally, it reflects the reasons why even senatorial families and prominent elites could be drawn to a system which effectively shattered the

⁴⁶ Ronald Syme angles this criticism at the oligarchical senate, that they ignored reason and logic, and made baffling decisions without consultation or even communication with other magistrates. See: Ronald Syme, *The Roman Revolution* (Oxford: Oxford University Press, 1939), 22.

power of the Senate, namely Caesar's dictatorship, and eventually Augustus' principate. Simply put, many of the factors which contributed to the weakening of the Senate and Republican government to the point it could be completely supplanted are within the history and nature of the *senatus consultum ultimum*.

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