THE REVOLT OF LEPIDUS (COS. 78 BC) REVISITED*

ABSTRACT: Despite several attempts in the early 1970s to rehabilitate the reputation of the “turbulent and restless” (Gran. Lic. 36) revolutionary consul of 78 BC, the standard narratives still depict his “revolt” as a “flash in the pan” – or “a fire in straw”, as Orosius calls it (5.22.18) – and the consul himself as incompetent, and ambitious beyond his abilities. This paper argues that Lepidus’ previous defenders did not go far enough in showing that the consul, far from being a revolutionary mastermind plotting to overthrow the state during his consulship, scrupulously adhered to Sulla’s legislation for as long as he could in order to secure peace in Italy.

In early 77 BC, as the legions under the command of M. Aemilius Lepidus, the pro-consul of Transalpine (and probably Cisalpine) Gaul¹, sat before the walls of Rome², the princeps senatus L. Marcius Philippus (cos. 91) rose to give a speech³. Philippus

¹ Sall. Hist. 1.77.7 (proconsul); App. BC 1.107 (Transalpine Gaul); Plut. Pomp. 16.2 (Cisalpine Gaul).
² Sall. Hist. 1.77.10; App. BC 1.107; Plut. Pomp. 16.3.

* Much of the argument presented here was developed over five years of teaching the revolt of Lepidus to first-year Roman history students, whose probing questions and intellectually stimulating discussions have honed most of the basic ideas. It is to these students that this article is dedicated.

attacked Lepidus in the harshest terms, alleging that the proconsul sought a restoration of *tribunicia potestas* (revoked by Sulla in 81)⁴, and was now demanding a second consulship⁵. In circumstances eerily anticipatory of the conspiracy of Catiline fifteen years later⁶, Philippus argued, as Cicero would on the latter occasion, that the time was long past for the *patres* to wake up and recognize the threat to themselves and the Roman state that Lepidus had always been⁷. Philippus managed to convince a majority of the senators that Lepidus was now indeed a threat, and the *senatus consultum ultimum*, the final decree of the senate, was duly passed⁸.

How did matters come to this, so soon after Sulla’s death? What were the motivations of the various players – Lepidus, his consular colleague Catulus, Philippus? Why and when did a majority of senators turn against Lepidus? And, perhaps most importantly, if Lepidus was genuinely interested in overthrowing the Roman state, when did this project begin to take shape in his mind, and why?

Definitive answers to these questions are frustrated by the sorry state of the evidence. Events are “foreshortened” and “telescoped” unduly, especially in Appian, the main surviving narrative source for these years. The so-called “Livian tradition” – represented in the surviving summary of Livy’s 90th book, Florus’ *Epitome* 2.11, Orosius’ *History* 5.22 and, possibly, Appian’s account at BC 1.105–107 – is thus highly distorted⁹. The “Sallustian” tradition, on the other hand, represented by what survives of the first book of Sallust’s *Histories* and the fragments of Sallust’s excerptors, Granius Licinianus (2nd c. AD) and Julius E(s)xuperantius (4th c. AD), is “brief, fragmentary [and], in the case of Sallust, largely oratorical”, and imposes an overly-schematic and anachronistic optimate-vs.-*popularis* interpretation on events¹⁰.

affair”, in H. Beck, A. Duplá, M. Jehne, and F. Pina Polo (eds.), *Consuls and res publica: High office holding in the Roman Republic* (Cambridge, 2011), 311, argues that the Stoic undertones of Philippus’ speech reproduces his language; Sallust, therefore, had access to his speeches in the senatorial archives, probably read them, but freely composed them according to his own historiographical criteria, primarily suitability to context and in antithesis to Lepidus’ speech at Sall. *Hist*. 1.55.

⁵ Sall. *Hist*. 1.77.15.
⁶ McGushin, *Sallust*, 112 and 143 (cf. Arena, “The Consulship of 78 BC”, 310), argues that the Catilinarian overtones were deliberately introduced by Sallust.
⁷ Sall. *Hist*. 1.77.7.
⁸ Sall. *Hist*. 1.77.22, urging its passage.
⁹ Foreshortening, telescoping Livian tradition: Gruen, *Last Generation*, 16. For Livy as Appian’s source for the period of the Social War down to the revolt of Spartacus, see, e. g., E. Gabba, *Appiano e la storia della guerre civili* (Firenze, 1956), 89–101. However, the application of Quellenforschung to Appian’s text has by now been largely abandoned as futile; see, e. g., the sceptical survey of such attempts by Hinard in Goukowki (trans.) and Hinard (ed.), *Appien*, ccix–ccx. The sources for the first book are all but unrecoverable: Will in O. Veh (trans.) and W. Will (ed.), *Appian von Alexandria. Römische Geschichte, zweiter Teil: Die Bürgerkriege* (Stuttgart, 1989), 4.
¹⁰ Sallustian tradition: Hayne, “M. Lepidus”, 663 (whence the quotation); optimate-vs.-*popularis* construction: Labruna, *Il console*, 30 (the Sallustian interpretation sets up “l’antitesi ottimati-popolari, evitando sfumature e nuances”), Arena, “The consulship of 78 BC”, evidently does not see such
In order to begin to answer the questions under consideration here, it is crucial to establish an accurate timeline of events. This is frustrated not only by the shortcomings of the sources already mentioned, but especially because there are hardly any fixed chronological points in the evidence that survives. Relative chronology is the best one can hope for. We may tentatively reconstruct as follows:

mid-79 (June – July?\textsuperscript{11}) Lepidus’ campaign for the consulship of 78; Pompey’s support, Sulla’s disapproval\textsuperscript{12} consular elections for 78; Lepidus proclaimed first, Q. Lutatius Catulus second\textsuperscript{13}

early-mid 78 speech of Lepidus (?)\textsuperscript{14}; death of Sulla; controversy over his funeral; Lepidus’ legislative programme; clashes with Catulus\textsuperscript{15}

mid-78 (May – June?\textsuperscript{16}) revolt of Faesulae; Lepidus and Catulus dispatched with armies\textsuperscript{17}

late 78 Lepidus allotted provincia of Transalpine (and probably also Cisalpine) Gaul\textsuperscript{18}; Catulus assigned unnamed provincia\textsuperscript{19}; senate compels both to swear an oath not to turn their arms

anachronism as a problem. For Sallust as Licinianus’ source for Lepidus’ revolt, see Gran. Lic. 33. Ex(s)uperantius’ work is a summary of Sallust’s works, and was discovered along with them in the late 10\textsuperscript{th}/early 11\textsuperscript{th}-century cod. Parisinus n. 6085 (J. Cominus [ed.], C. Crispi Sallustii quae exstant ex optimis codd. accuratissime castigata. Accedunt Julius Exsuperantius, Porcius Latro, et fragmenta historiorum veterum [Patavium, 1722], 217).

\textsuperscript{11} Gabba, Appiani, 287; Labruna, Il console, 15: “nella tarda primavera del 79”; Criniti, “M. Aimilius”, 371: “ai primi di luglio”.

\textsuperscript{12} Plut. Pomp. 15.1–3, Sulla 34.4–5.

\textsuperscript{13} Plut. Pomp. 15.2.

\textsuperscript{14} Sall. Hist. 1.55. According to Gruen, “the violently anti-Sullan speech which Sallust puts into Lepidus’ mouth … can hardly have been delivered during the dictator’s lifetime” (Last Generation, 13 n. 12). But if we postulate that the speech was given early in 78, when the dictator was in retirement at Puteoli, perhaps dying, and with no official powers, then there is no real problem. McGushin, Sallust, 113, dates Lepidus’ speech (which he regards as being based on an authentic oration) to before Sulla’s death, since it targets the dictator’s regime rather more harshly than the man himself (see also Criniti, “M. Aimilius”, 383–96). Given the tone of Lepidus’ speech, Maurenbrecher was probably wrong to make Lepidus the subject of Sall. Hist. 1.57 M: Nam Sullae dominationem queri non audebat . . . qua fuit offensus. McGushin, Sallust, 126, plausibly suggests that the subject of the fragment is Julius Caesar.

\textsuperscript{15} Livy Per. 90; Plut. Pomp. 15.3, Sall. 38.1; App. BC 105, 107; Florus, Epit. 2.11.23.1–5; Gran. Lic. 33–34; Oros, 5.22.16; Ex(s)up. Opusc. 6. Syme, Sallust, 186, unaccountably has Lepidus promulgate his entire legislative programme while he is in the field in Etruria, while Crinti, “M. Aimilius”, 428–29, has him do this while under arms before the walls of Rome in early 77.

\textsuperscript{16} Gabba, Appiani, 293; Arena, “The consulship of 78 BC”, 303.

\textsuperscript{17} Sall. Hist. 1.65–66, 77.6; Gran. Lic. 35.

\textsuperscript{18} Above, n. 1.

\textsuperscript{19} Sall. Hist. 1.77.22.
against each other\textsuperscript{20}; Lepidus recalled to Rome to preside over delayed consular elections\textsuperscript{21}; interregnum (Ap. Claudius, interrex)\textsuperscript{22}; exchange of envoys\textsuperscript{23}; Lepidus returns, requests second consulship\textsuperscript{24}; Philippus’ speech\textsuperscript{25}; s.c.u. passed\textsuperscript{26}; battle between Lepidus and Catulus near the Campus Martius\textsuperscript{27}; Lepidus repulsed and flees to Etruria without loss\textsuperscript{28}; Lepidus declared hostis\textsuperscript{29}; Lepidus achieves success on the Etruscan shore\textsuperscript{30}; battle between Lepidus and Catulus near Cosa in Etruria\textsuperscript{31}; Lepidus driven

\textsuperscript{20} App. BC 1.107; Gran. Lic. 35.
\textsuperscript{21} App. BC 1.107. Hinard dates the elections to September 78 (Goukowsky [trans.] and Hinard [ed.], Appien, 201).
\textsuperscript{22} Sall. Hist. 1.77.22.
\textsuperscript{23} Sall. Hist. 1.77.5: [senatores] legatos … decreverunt; 1.77.17: cum interim vos legatos et decreta paratis; cf. 1.68 (with McGushin, Sallust, 131): Lepidum paenitentem consili; Gran. Lic. 35: iam urbi cum adesset, Lepidus legatum suum praemisit.
\textsuperscript{24} Sall. Hist. 1.77.10, 15; App. BC 1.107; Plut. Pomp. 16.3.
\textsuperscript{25} Sall. Hist. 1.77.
\textsuperscript{26} Below, n. 29.
\textsuperscript{27} App. BC 1.107. Flor. Epit. 2.11.23.6 says that Pompey and Catulus occupied the Milvian Bridge and Janiculum, but Pompey was in Gaul (see n. 31). According to T. Rice Holmes, The Roman Republic and the Founder of the Roman Empire, Volume I (from the Origins to 58 B.C.) (Oxford, 1922), 368, “in mentioning Pompey, Florus went astray”. See also Criniti, “M. Aemilius”, 433–35 nn. 328–333 and 440; Labruna, Il console, 175.
\textsuperscript{28} Flor. Epit. 2.11.23.7. Oros. Epit. 5.22.16 says that two battles were fought, which Rice Holmes, Roman Republic, 368, takes to mean the one fought with Catulus around Rome itself, mentioned by Appian and Florus, and the second one at Cosa, on the Etrurian coast, whither Lepidus fled after the battle of the Campus Martius (see n. 30).
\textsuperscript{29} Flor. Epit. 2.11.23.7. Florus’ chronology indicates that this declaration must have been made after the first battle between the consuls near Rome rather than at the time of the passage of the s.c.u., urged by Philippus at Sall. Hist. 1.77.22. For the two-step process involving the passage of the s.c.u. first, and then the hostis declaration after hostile encounters, see McGushin, Sallust, 143 (with the Catiline/C. Manlius parallel from 63, and adducing in support A.W. Lintott, Violence in Republican Rome [Oxford, 1968], 155–56).
\textsuperscript{30} Ex(s)up. Opusc. 6.
\textsuperscript{31} Ex(s)up. Opusc. 6, who, however, has Pompey as Lepidus’ antagonist at Cosa (as does Auct. Vir. Ill. 77.3), but Pompey was clearly otherwise engaged in Cisalpine Gaul against Lepidus’ lieutenant, M. Iunius Brutus, the father of the tyrannicide (Plut. Pomp. 16.3–5; Oros. 5.22.17). Rut. Namat. 295–8 is the only source that explicitly has Catulus as Lepidus’ antagonist at Cosa (\textit{inter castrorum vestigia sermo rexit / Sardoam Lepido praecipitante fugam; / litore namque Cosae cognatos depulit hostes / virtutem Catuli Roma secuta ducis}), while Val. Max. 2.8.7 indicates that Catulus returned to the city (from Etruria?) after having annihilated Lepidus and his armies (\textit{Q. Catulus M. Lepido collega suo cum omnibus seditionis copiis – extintoque tum moderatum prae se ferens gaudium in urbem revertit}). All the other sources seem to imply that both victories – near Rome and at Cosa – belonged to Catulus (Criniti, “M. Aemilius”, 441–42 n. 345; Labruna, Il console, 121–22 and 176; McGushin,
from Italy and flees to Sardinia, fights the praetor Triarius there in several battles and dies. It used to be thought that Lepidus was fomenting his plans for revolution over the long term throughout his consulship, and perhaps even earlier, during his campaign for that office in 79. But as Gruen recognized, a careful reading of the fragmentary source material indicates that for most of the 18-month period under consideration here, Lepidus “engaged only in political agitation”. “Such behaviour”, Gruen writes, “stood in the tradition of previous popular demagogues and did not amount to anything like revolution”. Indeed, if in the minds of some senators Lepidus ever represented a serious threat to the Roman state before early 77, then the patres were remarkably rash on two occasions in a row – first in giving Lepidus an army to subdue the revolt in Etruria, and afterwards, when they prorogued his command into 77, and put him in charge of perhaps as many as two important provinces.

As Gruen showed, there is no mystery about the majority of the senators’ view of the situation, and of Lepidus and his intentions, right up until early 77. Their concerns are summarized in the oath Catulus and Lepidus were made to swear at the time they were assigned their provinciae in late 78: not to turn their arms against each other, that is, not to restart the civil war. As Hayne noticed, what is significant here is not that Lepidus was singled out as suspicious, but that both consuls were suspected of being willing to take their personal rivalry and animosity to the point of armed conflict. Nor, Sallust, 148–51). On Cosa as the scene of Lepidus’ last stand in Italy, see also Rice Holmes, Roman Republic, 368, citing Sall. Hist. 1.82, and now McGushin, Sallust, 150–51.

32 Plut. Pomp. 16.6; App. BC 1.107; Flor. Epit. 2.11.23.7; Livy Per. 90; Ex(s)up. Opusc. 6. The latter is the only surviving source that explicitly mentions the battles with Triarius (Atque ibi [sc. Sardiniam] cum Triario praetore variis praeliis gravibusque conflixit), though Sallust probably narrated these events (whence Ex(s)uperantius’ summary) in the opening sections of Book 2 of his Historiae (McGushin, Sallust, 185 and 189–90).

33 E.g., Badian, Foreign Clientelae, 275: “it seems that he had laid careful long-term plans during his consulship and that it was only his rash march on Rome, perhaps due to excessive confidence in his immediate strength, that led to his quick collapse”; 276: “Lepidus was fomenting unrest – and probably planning revolt – even in his consulship in 78”.

34 Gruen, Last Generation, 16. See also Labruna, Il console, 25 (on the speech of Lepidus at Sall. Hist. 1.55): “È il discorso di un uomo di parte, di un settario, non di un antiaristocratico; di un avversario dei siliaci, non della nobilitas” (Labruna’s Marxist reading of the revolt must, however, be treated with caution; see, e.g., 46: “… plebe urbana, che non aveva coscienza della sua condizione di classe subalterna e di cui Lepido non riuscì mai ad assumere pienamente con coerente ideologia e organizzazione la direzione politica.”…; and 80 for the extraordinary claim that Lepidus would have eventually freed the slaves).

35 Above, n. 1. I disagree with Seager, “The Rise of Pompey”, 208, that the proconsular assignment was designed “to placate Lepidus and get him out of Italy”. Then why did the patres put him in charge of the “citizen province” of Cisalpine Gaul (below, n. 68), giving him quick access to Italy?

36 Seager, “Rise of Pompey”, 208–209. Criniti, “M. Aimilius”, 420, backdates the oath to the time when Lepidus and Catulus were given their consular assignments.

despite the colouring of the later Livian and Sallustian traditions, was this simply a case of a “Sullan” (i.e., optimate) Catulus vs. an “anti-Sullan” (i.e., popularis) Lepidus\(^{38}\), but rather a conflict between two beneficiaries of the Sullan system who despised each other\(^{39}\), and whose growing political differences were exacerbated not just by their mutual hatred, but also by their desire to achieve something great during their year as consuls. Lepidus, like the Aurelii Cotta after him, and Pompey and Crassus in 70, took on the role of an anti-establishment corrector of Sullan injustices; so, in Sallust, Lepidus is made to say that “right and justice”, the traditional possession of the Roman people, has been usurped by Sulla\(^{40}\). Catulus, by contrast, represented himself as the standard-bearer of Sullan orthodoxy.

The senatorial majority’s top priority, therefore, was to prevent a return to the bad old days of the civil war. What Lepidus’ intentions and plans were is a somewhat more difficult question. Both the Livian and the Sallustian source traditions are nearly unanimous on two aspects of his legislative agenda: that Lepidus planned to restore to some Italians the property and citizenship confiscated by Sulla to make way for the settlement of his veteran troops\(^{41}\), and to rescind the acts of Sulla\(^{42}\). What was the relationship – if any – between these two projects?

The first seems to address two distinct, but probably interrelated grievances: that of the sons of the proscribed, who wanted their citizen rights (and thus access to their patrimonies and legacies) restored, and that of the dispossessed and disenfranchised Italian farmers whose land had been given by Sulla to his veteran troops. Granius Licinianus provides the necessary confirmation: he refers to the first group as the \textit{exules} whom Lepidus proposed to restore, and to the second as the owners of the land that had

\(^{38}\) Labruna, \textit{Il console}, 30 (quoted above, n. 10). Arena, “The Consulship of 78 BC”, 300, acknowledges the optimates vs. \textit{populares} coloring of the dispute, but does not problematize it. App. \textit{BC} 1.107 distinguishes between Lepidus and \textit{οἱ Συλλείοι}, but this is probably shorthand for the growing rift between Lepidus and Catulus, if not an aspect of the same anachronistic \textit{optimates-populares} dichotomy.

\(^{39}\) App. \textit{BC}. 1.105: \textit{ἐχθίστω τε ἀλλήλοιν}. For Lepidus’ profiteering during the proscriptions and as a propraetor in Sicily in 80, see Hayne, “M. Lepidus”, 662 n. 9, and (exhaustively) Criniti, “M. Aemilius”, 324–64.

\(^{40}\) Sall. \textit{Hist}. 1.55.24: \textit{ius indiciumque}.


been taken away for Sulla’s military colonies. Ex(s)uperantius even more carefully distinguishes between the first group, which he calls the sons of the proscribed whom Lepidus attached to himself, and the second, which he characterizes as those whose lands Sulla had given to new settlers from amongst his troops. The speech before the people that Sallust puts in Lepidus’ mouth adds nuance: it is the most prominent (and degenerate) Sullan profiteers and “minions” (satellites) – Vettius of Picenum, the scriba Cornelius, the “worst of slaves”, Tarula and Scirtus, the ancilla turpis Fufidius – who should restore the land to the dispossessed, rather than the common Sullan footsoldiers, with whom Lepidus actually sympathizes, since the dictator had relegated them to swampland and forests. The evidence seems to indicate, therefore, that Lepidus was responding to the grievances of some fairly prominent men in the state – the sons of the proscribed – whose main concern was the restoration of their citizen rights (and access to their patrimonies and legacies), and average farmers, who happened to have been on the wrong side in the civil war and now wanted both their citizenship and access to landed property restored. Nevertheless, as Ex(s)uperantius indicates, these two groups – and their interests – converged to form one large army of supporters for Lepidus.

This first aspect of Lepidus’ program was certainly the more controversial. How serious was the consul about following it up? Of course we cannot know for sure; we cannot even determine the authenticity of the speech Sallust puts in Lepidus’ mouth. The practical difficulties of identifying and compensating those who had suffered dispossession, disenfranchisement, and the loss of their patrimonies and lands would have imposed an almost intolerable burden on the state, and so would not have enjoyed broad senatorial support (which is perhaps why Lepidus delivered his speech to the people rather than the senate). But Lepidus’ proposal must be set in the context of the personal rivalry between him and his consular colleague Catulus. As suggested earlier, both Lepidus and Catulus – like all consuls – wanted to distinguish their tenures with grand gestures and sweeping reforms (in the absence of any major foreign wars in the

44 Ex(s)up. Opusc. 6: congregat sis in quorum possesiones novos colonos de suis militibus Sylla victor immisit ac sibi coniunctis libertis proscriptorum. On the strictures on the sons and grandsons of the proscribed, see, e. g., Plut. Sull, 31.4, with Hinard, Les Proscriptions, 87–100.
45 Sall. Hist. 1.55.2, 12 (satellites), 17 (Vettius, Cornelius), 21 (the footsoldiers vs. Tarula and Scirtus), 22 (Fufidius), 23 (relegati in paludes et silvas). On this aspect of his speech, see Labruna, Il console, 24–31. On the individuals listed, see McGushin, Sallust, 120 and 123. McGushin, Sallust, 119, argues that the Sullan confiscation exceeded the needs of his veteran troops, so his satellites were permitted to buy up huge chunks of the surplus land dirt cheap. These were the targets, in the first instance, of Lepidus’ speech and resettlement scheme.
46 Ex(s)up. Opusc. 6: ingentem congregavit exercitum. Hayne, “M. Lepidus”, 664, speculates that two different laws were proposed by Lepidus dealing with the grievances of each group separately, but this is probably unnecessary.
47 His proposal may have been illegal anyway – a privilegium (I owe this suggestion to an anonymous reader).
offing). So, for the view presented here, it matters less that Lepidus was sincere about restoring the Sullan veterans and the sons of the proscribed to their citizenship and property than the notoriety such a gesture was designed to generate.

What of the second project – to rescind the *acta* res gestae Sullae? Modern scholars assume that the restoration of *tribunicia potestas* is meant, which, they suppose, was part of Lepidus’ legislative agenda. The idea that Lepidus promulgated legislation to restore the tribunician power is based – solely – on a charge in the Sallustian speech of the princeps senatus Marcius Philippus, that “Lepidus says he would like to see … the tribunician power restored”48. According to the fragments of Granius Licinianus, however, a speech of Lepidus himself survived for him to read in which the consul argued against the restoration of the tribunician power – in fact, Lepidus was the first of the consuls to do so, on the grounds that it would not be beneficial for the Republic49. Scholars get around this apparent contradiction by assuming that at some point during the first half of 78 – perhaps after Sulla’s death – the consul “changed his mind” about restoring the tribunician power50. But there is, in fact, no evidence for legislative action in this direction by Lepidus at all; even the hostile Livian tradition knows nothing of it. Appian, moreover, fails to mention it at *BC* 105–107, but duly records precisely the same proposal by Pompey later on (*BC* 1.121).

The entire case for Lepidus agitating for the restoration of the *tribunicia potestas* rests, therefore, on an accusation put in the mouth of an enemy of Lepidus by Sallust. Nobody, so far as I know, has ever questioned the value of the Sallustian passage or its (over-)interpretation by other scholars. When set against the high quality evidence of Granius Licinianus, which is based on a speech of Lepidus that the historian himself read, there is simply no contest as to which is more likely to be correct on the issue of restoring the power of the tribunes. But we do not even have to go as far as to dismiss the speech of Philippus as inauthentic to resolve the problem. Even if the speech is genuine, or adheres closely to an authentic speech delivered in the senate, what Philippus actually says does not prove a legislative initiative to restore the *tribunicia potestas*, but merely reports an alleged remark by Lepidus on the subject: all Philippus says is that Lepidus says he wants the tribunician power restored; he does not say that Lepidus demands or

49 Gran. Lic. 34: *verum ubi convenerant tribuni plebis, consules uti tribuniciam potestatem restituerent, negavit prior Lepidus, et in contione magna pars adsensa est dicenti non esse utile restitui tribuniciam potestatem. Et extat oratio.*
asks for this, as he does a second consulship. This is just the sort of rumour and hearsay we would expect to see in a speech designed to convince an audience, which has hitherto reserved judgement on the matter, of the nefarious designs of Lepidus51.

Hayne, however, suspects that the closing exhortation in the Sallustian speech of Lepidus – “come, citizens, and with the good gods’ support follow me your consul, your leader and champion in recovering your liberty!” – is an allusion to the recovery of the tribunica potestas.52 The problem with this view is that nowhere in the speech – neither here, if Hayne is correct, where it naturally belongs, nor anywhere else – does Lepidus explicitly call for the restoration of the tribunician power. The only mention he makes of it is an oblique reference, where he merely questions, in a highly rhetorical passage, whether this – the overthrow of the tribunica potestas – is what Sulla’s armies fought and died for. This does not amount to an announcement of a legislative initiative to restore the tribunes’ prerogatives. In fact, a closer look at the context of the closing argument of the speech makes Hayne’s interpretation of the speech’s closing exhortation even less likely. As he approaches the peroration, Sallust’s Lepidus calls once more for the people to rise up and retake what belongs to them53:

Sulla says there cannot be a Republic and an end of war unless the plebs remain expelled from their lands, the fiercest kind of plunder a citizen can endure, and right and justice in all things belong to him, which once belonged to the Roman people.

Neque aliter rem publicam et belli finem ait, nisi maneant expulsae agris plebes, praedae civilis acerbissuma, ius iudiciumque omnium rerum penes se, quod populi Romani fuit.

In the peroration, the rights of the plebs in question are closely bound up with the issues of land expropriation and deprivation of citizenship. The restoration of the tribunica potestas is not mentioned – precisely because, I suggest, it was not part of Lepidus’ programme.

The acts of Sulla that Lepidus proposed to rescind, therefore, probably did not involve the restoration of the tribunician power. Further support is available, but involves a closer look at the language and syntax used by the sources. It is surely significant, for example, that every source that mentions the rescinding of Sulla’s acta/res gestae avoids using the word leges in this context. These acts were not, therefore, of a constitutional-legal nature (e.g., those regulating office-holding), but more in the nature of civil-legal “arrangements”. These were, precisely, the expulsion of anti-Sullans from their land

51 Indeed, it matches precisely the kind of gossip and innuendo that Cicero alleged against Catiline, which failed to work at first, on 8 November 63, when Cicero delivered his first speech against Catiline and the latter walked free: K.H. Waters, “Cicero, Sallust and Catiline”, Historia 19 (1970), 200.

52 Hayne, “M. Lepidus”; 665 n. 28, on Sall. Hist. 1.55.27: adeste, Quirites, et bene iuvantibus divis M. Aemilium consulem ducem auctorem ad recipiendum libertatem! Ex(es)up. Opusc. 6, seems to allude to this passage when he writes, Lepidus… videbatur… publicae libertatis assertor.

53 Sall. Hist. 1.55.24.
(mostly in Etruria, especially around Faesulae, but perhaps elsewhere in Italy\textsuperscript{54}), the abrogation of their citizenship (and the rights of the sons of the proscribed), and the settlement of Sulla’s veteran troops on the expropriated land. The grievances Lepidus proposed to redress and the acts of Sulla he promised to rescind are one and the same thing. Thus in the surviving fragments of Granius Licinianus, the acts of Sulla (\textit{res gestae a Sulla}) are embedded syntactically – and inextricably – within the phrases, \textit{exules reducere} and \textit{in quorum agros milites [Sulla] deduxerat, restituere}.\textsuperscript{55} In addition, Plutarch refers to these activities as τῶν γεγόντων, the Greek equivalent of \textit{acta} or \textit{res gestae}, in the context of his report that Sulla was careful to give himself immunity for all his previous acts\textsuperscript{56}. Chronologically, Plutarch places this immunity immediately after Sulla assumed the dictatorship, that is, before he began his legal reforms. This is strong supporting evidence for the view that the \textit{acta/res gestae Sullae} referred to by our sources as being rescinded by Lepidus are his disenfranchisement of the sons of the proscribed, the dispossession and disenfranchisement of some Italian farmers, and their replacement by the dictator’s minions, rather than a repeal of (any part of) Sulla’s constitutional legislation\textsuperscript{57}.

Lepidus’ overall legislative program, therefore, was certainly populist, but by no means rabidly anti-Sullan. The consul made not a single move in the direction of overturning the dead dictator’s constitutional legislation, and he could indeed argue that he was behaving in a more Sullan fashion than even Catulus. After Sulla’s death, for example, the two consuls of 78 quarrelled over whether to grant the dictator a grand public funeral and burial on the Campus Martius\textsuperscript{58}. The opposition to this by Lepidus

\textsuperscript{54} So Gran. Lic. 34–35: most of the dispossessed were at Faesulae, where (or whence?) they mustered and “attacked the strongholds of the Sullan veterans, killed many, and took back their land” (\textit{in\textsc{peru}\textsc{nt} i\textsc{nx} castella \textit{vetera}\textsc{nt}or\textsc{nt} Sullano\textsc{nt} }\textit{u\textsc{nt}m. hi \textsc{plu}\textsc{nt}r\textsc{nt} ribis occisis agros \textsc{ss\textsc{nt}reddiderunt}). Sallust says “all of Etruria” (\textit{omnis Etruria: Hist. 1.69}), and Plutarch says “a large part of Italy” (Plut. \textit{Pomp. 16.2: πολλὰ τῆς ἑπετίς ἑτολιάς} were up in arms, which may mean that the revolt was more widespread; cf. Sall. \textit{Hist. 1.67}: the rebels were “the Etruscans and those of the same mind” (\textit{Etrusi cum ceteris eiusdem causae}). On the seriousness of the threat to Rome, see further below, n. 80.

\textsuperscript{55} Gran. Lic. 34 (and above, n. 43).

\textsuperscript{56} Plut. \textit{Sull. 33.1} with \textit{LSJ} s. v. γέγονοι n. 3.c.

\textsuperscript{57} Another Sullan act Lepidus rescinded was the dictator’s ban on the corn dole: Gran. Lic. 34; cf. Ex(s)up. \textit{Opusc. 6: [Lepidus] plebe quoque multis maneribus publice privatimque largitatis carus videbatur}. Again, this is not a matter of overturning Sulla’s constitutional legislation, but cancelling Sullan practice. Labruna, \textit{Il console}, 37. comes very close to the distinction I draw here when he says Lepidus’ acts “non era giuridico ma … politico”. \textit{Contra Criniti}, “M. Aimilius”, 396: “riscissione totale della costituzione sillana”: 402: “modificazione adeguata degli aspetti della costituzione sillana più inaccettabili ai popolares ed agli Italici”.

\textsuperscript{58} We cannot know whether this story (reported in Plut. \textit{Pomp. 15.3, Sull. 38.1; App. BC 105, 107}) is authentic or fabricated in order to prefigure the later dispute between Lepidus and Catulus or to exaggerate their mutual hatred. The Sallustian tradition appears not to know of it, but, given the fragmentary state of the sources, it should not be dismissed out of hand for this reason. Sallust does report a quarrel even before the death of Sulla over the appointment of a \textit{praefectus urbi} (Hist.
and his factio could, as Hayne has observed, be represented by them as being motivated by respect for Sulla’s own law limiting sumptuary expense on funerals. Of greater concern, however, was the possibility of outbreaks of violence in the city during the funeral. The latter was feared by Sulla himself, who wanted to be cremated rather than buried in order to prevent possible desecration of his corpse. Lepidus’ Sullan bona fides is reinforced by the senate’s ongoing support of him, right up until his arrival before the walls of Rome in early 77, discussed earlier.

It appears that it was only when Lepidus requested a second consecutive consulship that the scales tipped against him, helped along by Philippus, a personal enemy, who now used the consul’s request as evidence of treachery and an aspiration to tyranny. This, in turn, allowed Philippus to (mis)characterize Lepidus’ return to Rome, at the senate’s summons, in order to preside over the delayed consular elections for 77, as a march on Rome. That the proconsul of Cisalpine Gaul returned with an army at his back – perhaps five legions’ worth – lent credence to Philppus’ charges, and certainly evoked frightening memories of the 80s. But was Lepidus’ march a treasonable act? Unfortunately, the familiar parallel with Julius Caesar’s later crossing of the Rubicon from Cisalpina into Italy only obscures matters – nor is it all that robust. When Caesar crossed the Rubicon in 49, the senatus consultum ultimum had already been passed against him, on the 7th of January. In 77, by contrast, the senate may have only issued a formal senatus auctoritas forbidding Lepidus from approaching the city with an army – if this is indeed what is meant by huius ordinis auctoritatem in Philippus’ speech. This could simply be an attempt by the speaker to generate senatorial consensus for his initiative against Lepidus rather than an indication that an official senatus auctoritas had been passed (which may be why Philippus substitutes the looser huius ordinis for senatus auctoritas). Again, Lepidus, unlike Caesar, may not actually have re-entered Italy from his province; there is no evidence that he ever even reached Cisalpine Gaul after becoming caught up in the Etruscan rebellion. But even if he did re-enter Italy from his province, his presence in Italy with his army, threatening as it may have app-
peared, was not enough to trigger automatically the passage of the s.c.u. Otherwise, there would have been no need for Philippus to deliver a speech urging the senators to do so.

The parallel with Caesar in 49 thus fails to shed any light on the situation in 77. Parallel cases closer in time to Lepidus’ proconsulship, on the other hand, are more illuminating. So, for example, later in 77 Pompey would bring his troops down from Cisalpina, after defeating Lepidus’ legate Brutus, march towards Rome, refuse Catulus’ order to disband, and demand instead a command in the war against Sertorius. Again, no s.c.u. materialized – quite the contrary: Pompey was given his command – on the proposal of Philippus. Earlier, in 95, the consul L. Licinius Crassus appeared before the walls of Rome, perhaps with his army, demanding a triumph for his successful campaigns – in Cisalpine Gaul. These parallels suggest that in the period under scrutiny here, Roman commanders in Cisalpine Gaul could and did move freely between their province and Italy, with no negative repercussions. Thus, if Lepidus did indeed re-enter Italy from his Cisalpine province in 77 (which is not very likely), he probably thought he was well within his rights to do so. Not all would have shared his view, since the exact legal status of Cisalpine Gaul in this period was by no means clear. Caesar’s very different later experience, assuming that they were simply due to the much higher stakes involved in 50 and 49 and the domination of Roman politics by the “Caesar question” in those years, may reflect legislative or customary changes in the interim, but these have vanished from view.

67 Asc. 15C; Cic. Inv. 2.111; cf. Val. Max. 3.7.6.
68 From 89, the southern part of Gallia Cisalpina, the area south of the Po River (Cispadana), probably enjoyed full citizen rights, while the Transpadana possessed ius Latini (Asc. 3C; see A.N. Sherwin-White, The Roman Citizenship, second edition [Oxford, 1973], 157–59, with earlier scholarship there cited, against U. Ewins, “The Enfranchisement of Cisalpine Gaul”, PBSR 23 [1955], 73–98). Cisalpina, therefore, was a liminal zone, “the peculiar ‘citizen province’” (Badian, Foreign Clientelae, 275), geographically part of Italy, culturally part of Gaul, but legally partaking of both. Thus, the inhabitants of Cispadana were, in civil-legal terms, Roman citizens, but the entire Cisalpine region of which it was part was, in international-legal terms, Gallia, a province subject to the imperium of a Roman commander, rather than part of Italia, under the authority of the civilian magistrates of Rome. The question of where Italia stopped and Gallia began was not precisely answered until 42, when the Cisalpine province was abolished altogether and the entire region incorporated into Italy. Until then, the answer to that same question was more a matter of ideology and opinion than established fact. So, for example, Caesar calls the Cisalpine region Italia more often than Gallia in the Bellum Gallicum, while Caesar’s continuator Hirtius – as well as Cicero and Varro – call it by the slightly oxymoronic Gallia Togata, “Togate [that is, Italian, under civilian Roman administration] Gaul” (sources and references: J.H.C. Williams, Beyond the Rubicon: Romans and Gauls in Republican Italy [Oxford, 2001], 124, with good general discussion of the ambiguous status of Cisalpina between 89 and 42 at 120–37).
69 The change may have come as a result of the late implementation of the lex Cornelia de provinciis ordinandis – a purported law of Sulla mandating that praetors and consuls remain in Rome during their year in office. The authenticity of such a law, however, has been seriously questioned, and it is unclear, in any case, what effect it would have had on the legal status of Italia (i.e., whether provincial commanders could trespass there with an army). The latest word on the controversy over
Lepidus’ demand for a second consulship thus stands alone as a legal and constitutional violation. Did Lepidus, emboldened by his newfound support from the rebels in Etruria, simply overplay his hand by requesting a second consulship? The game had suddenly become quite dangerous, and Lepidus had, wittingly or not, given his political enemies within the city the advantage. What could he have been thinking?

As has been demonstrated thus far, as long as Lepidus posed no overt threat to the constitutional system (leges) established by Sulla, a majority of senators was willing to support and sanction his activities. Before his request for a second consulship, he had repeatedly demonstrated his Sullan bona fides by supporting the dead dictator’s legal arrangements, opposing a large public funeral for Sulla and refusing to support the restoration of the tribunicia potestas. The request for the second consulship, therefore, is the standout anomaly. Lepidus could argue, at a stretch, that Sulla had already nullified his own lex Cornelia annalis, in that the mandated ten-year gap had not passed between the dictator’s own first and second consulships (88 and 80). Still, the proconsul must have recognized how provocative his demand was – and how easily it could be misrepresented by his political enemies. His motivation must have been very strong, overwhelming his usual careful political calculus.

Did fear of political annihilation motivate Lepidus to request a second consulship? Appian states that Lepidus did not return to the comitia before the end of 78, thinking he would be released from his oath in the following year\(^70\). He was then recalled by the senate because, Appian says, the senate knew what he was planning, while Lepidus himself knew why he was being recalled\(^71\). This is all very vague. Given Appian’s focus in this section on the oath the consuls earlier swore not to turn their arms on each other, did Appian mean to suggest that Lepidus feared that the senate would make him renew his oath if he returned before the end of 78? Appian does not say. Later, in 77, when the oath was (apparently) no longer an issue, what does Appian mean when he says that Lepidus knew what the senate was planning? It is hard to accept that the senators were planning to strip Lepidus of his proconsular imperium because in his Sallustian speech Philippus decries the fact that the senate has thus far refused to abrogate Lepidus’ imperium: he complains that whereas before Lepidus was a mere brigand, now he is a senatorially-sanctioned proconsul\(^72\). The senate, evidently, did not want to strip Lepidus of his proconsular command – even after he requested a second consulship – and needed to be convinced by a long speech from Philippus.

the lex, and a good summary of previous arguments, is F. Pina Polo, The Consul at Rome: The Civil Functions of the Consuls in the Roman Republic (Cambridge, 2011), 225–48.

\(^{70}\) App. BC 1.107: ὁ Λέπιδος ... ἐπὶ τὰ ἀρχαιέστα ὡς κατημέρι αἰωνίου τοῖς Συλλέκταις τοῦ ἑπτάντος ἐτῶς ὑπὲρ τὸν ὄρθον ὀδύς: ἐδόκουν γὰρ εἰς τὸ τῆς ἀρχῆς ἔτος ὀφθαλμόθαι.

\(^{71}\) App. BC 1.107: ὁ Λέπιδος ... οὐ λανθάνων δὲ ἐφ’ ῥα ἐβούλευεν, ἐκαλεῖτο ὑπὸ τῆς βουλῆς: καὶ οὐδὲ αὐτὸς ἀγνοῶν ἐφ’ ῥα ἐκαλεῖτο.

\(^{72}\) Sall. Hist. 1.77.7: At tum erat Lepidus latro ... nunc est pro consule cum imperio non empto sed dato a nobis.
Florus provides a crucial clue. He states that Catulus’ forces had already occupied the Milvian Bridge and the Janiculum when Lepidus was advancing on the city with his army. This implies that the senate was trying to lure Lepidus into a military trap. Therefore, if Appian is right that Lepidus knew why he was being recalled before he even departed for Rome, and assuming Lepidus reckoned correctly, then he knew that he was being lured into a military conflict with Catulus. In other words, in this situation Catulus and the senate were the aggressors, not Lepidus.

Why, then, did Lepidus return in 77? Perhaps he rated his chances of success against Catulus, or he may have thought he could convince the senate to submit to his demands before it came to arms (after all, to Philippus’ frustration, the patres had been quite accommodating of Lepidus up to this point). For his true motives, however, we must return to the Sallustian speech of Lepidus. In the speech, the consul argues that his cause is motivated by a firm belief in the Roman people’s sovereign responsibility in such matters, as well as by a sense of right and justice. Florus agrees: Lepidus’ attempt to rescind Sulla’s acts were “not without merit” (nec inmerito), and the land taken by the dictator was “taken unjustly” (male capta). But Livy’s epitomator also says that the consul was “desirous of revolution and naturally mischievous”, while Sallust’s alleges that Lepidus was a “provocateur of disturbances”. If we filter out these latter comments as mere partisan spin, however, resembling as they do the content of Philippus’ speech, and focus on Florus’ earlier judgement, which is more in line with Lepidus’ self-representation in the speech Sallust gives him, his motivation becomes clearer. He was trying to right a wrong that he knew nobody else had the political will to effect. This is not to say, as was mentioned earlier, that he was a pure altruist, unconcerned with his own career or with achieving gloria as consul. Nor was Lepidus insensitive to the potential political advantage – a large client base, for one thing – available to someone who took up the cause of the dispossessed and disenfranchised, and restored them to the land. What is more, the repatriated sons of the proscribed could become powerful senatorial and equestrian allies. Gruen is therefore right to say that Lepidus “evidently sought preeminence”.

But it is surely more complicated than this. A historical analogy may provide additional insight. When Tiberius Gracchus made his famous request in late 133 for a second consecutive tribunate of the plebs, the initiative passed to his political enemies around Scipio Nasica to brand the tribune as a would-be tyrant and bring him down.
Gracchus was probably merely trying to safeguard his agrarian legislation which, although successfully enacted into law earlier in 133 (and thus a potential major source of patronage for him), was being frustrated by senatorial obstruction, in particular, by the patres’ refusal to fund the activities of the triumviral commission charged with overseeing its implementation. So in 77, I would suggest, Lepidus, who had managed to defuse the threat of the uprising in Etruria, in part by assuming its leadership (and patronage), wanted to finish the task by overseeing the restoration of the dispossessed and disenfranchised to their lands and citizenship. He needed more time, in other words, to bring his project, outlined during his consular year, and refined as events unfolded over the course of it, to completion.

Lepidus’ “leadership” of the rebels, in other words, was less a case of the Stockholm Syndrome or treasonous betrayal of his fatherland than a serious attempt to solve an increasingly dangerous problem, which would have the incidental significant payoff of a large client base should he be successful. The sources agree that Lepidus did not train his armies of the dispossessed that joined him in the field on state forces until after the senate issued its final decree. Thus Philippus can only deplore the senate’s lethargy while Lepidus sat under the walls of Rome, and can only accuse him of vague

77 Plut. T. Gracch. 13.2–3; the frustration of the land commission’s work would continue: App. BC 1.18–21. For the interpretation, see, e. g., A. Lintott, “Political History, 146 – 95 B. C.”, in J.A. Crook, A. Lintott, and E. Rawson, eds., The Cambridge Ancient History, Volume IX: The Last Age of the Roman Republic, 146–43 B.C., second edition (Cambridge, 1992), 69: Tiberius “might have argued in self-justification [for his second consecutive run at the tribunate] that his own survival in political life was the best way to guarantee the execution of his legislation”.

78 Sall. Hist. 1.65: Magna vis hominum convenerat agris pulsa aut civitate ejecta; 67: Tunc vero Etrusci cum ceteris eiusdem causae ductem se nantos rati maximo gaudio bellum irritare; 69: Etruria omnis cum Lepido suspecta in tumultum erat; Ex(s)up. Opusc. 6: nam congregatis iis in quorum possesiones novos colonos de suis militibus Sylla victor immisit ac sibi coniunctis liberis proscriptorum, ingentem congregavit exercitum policendo, si vicissent, se bona patria restituturum; Flor. Epit. 2.11.23.5: [sc. Lepidus] profectus in Etruriam arma inde et exercitum urbi admovebat.

79 Hayne, “M. Lepidus”, 666: “Even now, however, what Lepidus demanded was not a Sullan-type dictatorship but a second consulship … to enable him to carry out his plans”.

80 So too Labruna, Il console, 50 (but perhaps attributing to Lepidus excessive altruism: “fini … oggettivamente giusti e rispondenti a necissità sociali”). There can be no doubt about the seriousness of the insurrection by this point: dispossessed farmers had already broken out of Faesulae, slaughtered the Sullan veterans in their strongholds, and reclaimed their land (Gran. Lic. 34–35: in<ru>peru<nt> i<cn> castella <vetere>norum Sullano<ru>acem. hi plus>ribus occisis agros <su>os reddiderunt); “a large part of Italy” (Plut. Pomp. 16.2: πολλὰ τῆς ἑκατοντάρχης οἱ νομισματίκος καὶ νομισμάτικος καὶ νομισματίκος καὶ νομισματίκος ἐγγόνιον; all Etruria (omnis Etruria: Sall. Hist. 1.69) were up in arms; and the revolt would have meant the destruction of the Republic had it not been suppressed (Nam talia incepta, ni in consultorem vertissent, reipublicae pestem factura: Sall. Hist. 1.74). The great force of rebels (magna vis hominum; Sall. Hist. 1.65; cf. Ex(s)up. Opusc. 8: ingentem congregavit exercitum) that Lepidus took charge of increased his legionario strength from perhaps the usual consular complement of two legions to five by the time he returned to Rome (above, n. 62).

81 Sall. Hist. 1.77.3, 7, 17.
“crimes”, “perfidy and perjury.” Philippus also indicates that Lepidus’ seditious plans are currently on hold, and can only allege that thus far Lepidus has been gathering arms against the state, collecting money for nefarious purposes, and shifting garrisons around. Finally, in the peroration, when Philippus calls upon the senate to issue the final decree, all he can allege is that Lepidus is leading his army against the city – not that he has already clashed with Catulus’ (or Pompey’s) forces. Had he already done so, the senate’s declaration of him as a hostis would have been included in Philippus’ formulation of the s.c.u. – and, of course, Philippus would not have needed to deliver a lengthy speech trying to convince a majority of senators to turn on Lepidus.

The source of friction between Lepidus, the rebels, and their supporters on the one hand, and Catulus, Philippus, and their supporters on the other comes down to a tragic misalignment of fears. As was noted at the outset, the oath the senate made the consuls swear at the time they were granted their proconsular command shows that what the senate feared above all was the re-ignition of civil war – a return to the bad old days before Sulla’s dictatorship. What Lepidus feared, by contrast, was a re-ignition of Italian attacks on Romans – a return to the bad old days of the Social War of 91–89. Altruism may be part of his motivation, then, but fear (and ambition) certainly underpinned such feelings. Lepidus’ fear, however, was less about his personal or political survival (although this surely entered his calculus to some degree) than it was about the security and peace of Italy. As Hayne recognized, “Lepidus was concerned mainly with social and economic problems that were crying out for attention.” He tried to redress the grievances of the dispossessed and disenfranchised Italians (among others) before their anger and hopelessness spread much further.

This reading of Lepidus’ motives leads to a relatively simple explanation for his request for a second consulship. In part, he was afraid of being outranked as a mere

82 Sall. Hist. 1.77.11: noxarum; 4: sceleribus; 15: per fadem aut periurio.
83 Sall. Hist. 1.77.16: prolatandis seditionibus.
84 Sall. Hist. 1.77.17: dilecta adversors vos habiti, pecuniae publicae et privatim extortae, praesidia deducta atque imposita.
85 Sall. Hist. 1.77.22: M. Lepiudus exercitum … ad urbem ducit. See above, n. 29, on the order of events (passage of s.c.u., battle with Catulus, Lepidus declared a hostis).
86 With one significant difference: the Italian elite was no longer in control of their countrymen (which is perhaps why the leadership was foisted on Lepidus), and so this was what the Romans feared most – an insurrection by a leaderless mob.
87 Hayne, “M. Lepidus”, 665. This is the thrust of the entire account of Labruna, Il console. Gruen, Last Generation, 16–17, backs away slightly from his earlier appreciation of Lepidus’ ambitions (above, n. 75) when he implies that Lepidus only reluctantly took up command of the Etrurian uprising (“to carry out the implications of his own propaganda”). This is perhaps because he takes Sall. Hist. 1.68: Lepidum paenitentem consili (above, n. 23) to refer to Lepidus’ regret about promising to restore the dispossessed and disenfranchised after the rebels forced him into being their leader (Last Generation, 14 n. 18). As I have argued here, however, Lepidus was surely not unmindful of the potential benefits that would accrue to himself – a massive addition to his clientela, for one thing – if his restoration scheme actually worked. There can be no doubt that Lepidus thought and behaved like the rest of his class – relentlessly opportunistically: Hayne, “M. Lepidus”, 666, 667.
proconsul by a consul of 77 potentially less sympathetic to the rebels’ cause. But expediency in the face of a pressing national security crisis was perhaps uppermost in Lepidus’ mind. His proposed solution to the problem was elegantly simple: rather than being sent out to his Gallic provinces – which we know from Philippus’ speech that the senate had no intention of taking away from him even after he requested a second consulship – Lepidus should stay where he was, in Italy, to pacify the situation. Only he could do this, he could argue, since the rebels had already entrusted him with their leadership. That Lepidus miscalculated in 77 how his request for a second consulship would appear to the majority of senators is perhaps because he underestimated how afraid they were (or could be made to be, by Philippus) of a re-ignition of civil war. This is what I have characterized as a tragic misalignment of fears, and goes to the heart of why the senate chose to go to war against the consul.

The surviving ancient sources’ distortion and mischaracterization of the efforts of M. Aemilius Lepidus to right what he saw as wrongs inflicted on a particular group of Italians and the sons of the proscribed by the dictator Sulla no doubt has much to do with the fact that he failed. As Hayne concluded, “Lepidus’ chief fault … is that he failed, and history is never very kind to failures unless they fail on a grand scale”88. His failure is regrettable, given that the senate would continue to ignore the grievances of the dispossessed and disenfranchised Italians, until, in 63, some of these same people would join forces with failed Sullan farmer-settlers and instigate a new uprising, which we now call the Conspiracy of Catiline89.

Appendix: Two Marches on Rome?

According to the Sallustian speech of Philippus, as it is typically translated, Lepidus was about to enter the city again with an army, fire, and sword (exercitu rursus admoto ferro atque flamma urbem invadat: Sall. Hist. 1.77.10). Rice Holmes, Roman Republic, 368; Criniti, “M. Aemilius”, 424; McGushin, Sallust, 140, take this to mean that Lepidus twice marched on Rome – the first being a “demonstration march”, according to Scullard (Gracchi to Nero, 85). Rice Holmes dates the alleged “first march on Rome” to just before the swearing of the oath and provincial assignments of late 78, which implies that Lepidus extorted his proconsulship for 77 from a frightened senate. But this makes the senate’s extension of Lepidus’ imperium and his provincial assignment look very peculiar indeed, if not suicidal. As proconsul, he was given free rein to operate in Gallia Transalpina, which gave him control of the land passage to Spain, then under the control of the rebel Sertorius (cf. Badian, Foreign Clientela, 275). His Cisalpine province, furthermore, gave him quick access to Italy itself (above, n. 35). If he had already gone rogue, marched on Rome a first time, and extorted a proconsulship from the senate, to assign him these provinces makes little sense. In any case, the alleged “first march

89 Sall. BC 28.4.
on Rome” could not have happened in 78 anyway, since Appian states quite clearly that Lepidus did not return in 78 to the comitia (above, n. 70). Furthermore, no other source records two marches. McGushin wants to see in two other passages in Philippus’ speech – 1.77.3 (se e contempto metuendum effecit, “Lepidus has transformed himself into an object to be feared”) and 6 (cum privata arma … cepisset, “in spite of the fact that he had taken up arms”) (McGushin [tr.], Sallust, 140) – allusions to a first march on Rome, but these probably refer to the fact that Lepidus took up the leadership of the rebels rather than that he had marched on Rome once before (why, otherwise, would Philippus be so coy and allusive about a first march on Rome?).

I would suggest that Philippus’ statement has been misconstrued – that is, rursus … invadat has been mistranslated. The easiest way to read the statement, given the rest of the evidence, is that Lepidus was coming back to the city (sc. after having left it as consul in mid to late 78; see also Labruna, Il console, 54: “non … per ‘penetravi,’ come dice Appiano”). Alternatively, the impersonal use of the ablative at Sall. Hist. 1.77.10 may indicate that it is not Lepidus who is attacking Rome “a second time” with an army, fire, and sword, but that this is the second time this has happened in Rome’s history (the first time being Sulla’s march on Rome in 88). I would therefore translate exercitu rursus admoto ferro atque flamma urbem invadat (Sall. Hist. 1.77.10) as “he invades the city bringing back with him an army, sword, and fire” (or, alternatively, “he invades the city, and an army with sword and fire has been brought [sc. against Rome] for a second time [sc. in history]”).

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