

## SUPPORTERS AND OPPONENTS OF TIBERIUS GRACCHUS

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Although a considerable amount of work has been devoted to the identification of the supporters and opponents of Tiberius Gracchus, the central feature of the prosopographical picture that emerges has not been given the attention it deserves.<sup>1</sup> For Tiberius Gracchus, whose mother was both the sister of the adoptive father of Scipio Aemilianus and the niece of Scipio's natural father, and whose sister was married to Aemilianus, found his most notable noble supporters among those who were political opponents of Aemilianus. In the context of Roman politics as they operated in the pre-Gracchan era, that is a very remarkable situation, and one that merits further investigation. For if it is the case that Tiberius Gracchus broke away from his inherited connections to join the political opponents of those connections, it is worth asking what consequences and repercussions this action had. We might expect to find persons who could be put into the following categories: (a) other former supporters of Aemilianus, who joined Gracchus in his break-away, (b) friends of Aemilianus who remained loyal to him, (c) opponents of Aemilianus who would not accept the Gracchan programme, and (d) opponents of Aemilianus who supported Gracchus. What follows is an attempt to define the membership of the various categories. I restrict myself to this process of identification: I am not here concerned with the larger question of the extent to which the motives of those who supported Gracchus were purely factional and how far they genuinely backed the Gracchan programme. On these, and many other matters, one will naturally turn now to Badian's exhaustive survey in the first volume of *Aufstieg und Niedergang der römischen Welt*.<sup>2</sup>

The two most recent studies dealing with the prosopography of the period have, of course, been aware of the problem. Earl<sup>3</sup> saw the turning-point in Tiberius Gracchus' resentment at Scipio's part in the disowning of the treaty made with the Numantines by C. Hostilius Mancinus in 137, a treaty in the making of which Gracchus himself had played a considerable role.<sup>4</sup> But Earl thought that Gracchus' break-away was made all the easier by the fact that he was uniting himself with members of families with whom the Sempronii had been friendly in earlier periods. In a number of respects Earl's arguments for these earlier connections are invalid; but it is in any case methodologically improper to explain events of one period in terms of conditions obtaining in another.<sup>5</sup> Moreover, Earl does not investigate changes in the position of persons other than Gracchus—for him Gracchus is the only person affected.

Astin, who provides the fullest investigation of the prosopography of the period, looks at the situation (naturally enough) from the point of view of Scipio. Astin sees the defection of Gracchus as an example of Scipio's failure to hold the loyalty of his political friends—there are other examples of Scipio losing the support of former allies—and he does not investigate the reason for the defection.<sup>6</sup> Astin dates Gracchus' defection considerably earlier than Earl would place it.<sup>7</sup> The clearest indication of the altered situation is Gracchus' marriage to the daughter of Appius Claudius Pulcher, Aemilianus' most prominent rival, censor in 136, and *princeps senatus* from the time of his censorship. Claudius' hostility to Aemilianus clearly stretches over the whole period from the destruction of Carthage to the tribunate of Gracchus.<sup>8</sup> The date of so significant a marriage is therefore of great importance. Münzer,

<sup>1</sup> On the prosopography of the period cf. F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart, 1920), 225 ff.; K. Bilz, *Die Politik des P. Cornelius Scipio Aemilianus* (Stuttgart, 1935); H. H. Scullard, *JRS* I (1960), 59 ff.; D. C. Earl, *Athenaeum* n.s. xxxviii (1960), 283 ff.; *Latomus* xix (1960), 657 ff.; *Tiberius Gracchus, a Study in Politics* (Brussels, 1963), with the review by P. A. Brunt, *Gnomon* xxxvii (1965), 189–92; A. E. Astin, *Scipio Aemilianus* (Oxford, 1967)—hereinafter referred to as Astin—especially ch. viii; H. Strasburger, *Hermes* xciv (1966), 60 ff.; E. S. Gruen, *Athenaeum* n.s. xliii (1965), 321 ff.; *Roman Politics and the Criminal Courts*, 149–78 B.C. (Cambridge, Mass., 1968), chs. i and ii.

<sup>2</sup> *Aufstieg und Niedergang der römischen Welt*, ed. H. Temporini, i. 1 (Berlin–New York, 1972), 668–731.

<sup>3</sup> *Tiberius Gracchus* 69 ff.

<sup>4</sup> Evidence for the treaty in *MRR* i, 484; for Gracchus' part in it, *MRR* i, 485.

<sup>5</sup> Cf. my comments in *Latomus* xxvii (1968), 156; xxxi (1972), 37, and in general my forthcoming article in *Aufstieg und Niedergang der römischen Welt*. For the politics of the 170's cf. *JRS* liv (1964), 73–7; *Latomus* xxvii (1968), 149–56.

<sup>6</sup> Astin, 86, 89.

<sup>7</sup> Earl, *Tiberius Gracchus* 67 ff.; Astin, 319–21.

<sup>8</sup> For the career of Claudius cf. Münzer, *RE* iii, 2848–9. The bitterest clash between Scipio and Claudius came in the censorial elections in 142 (Plut., *Paull.* 38; *praec. rei ger.* 14; Astin, 111–3). For Claudius' support of Gracchus cf. Cic., *de r.p.* i, 31 (below, p. 127); Plut., *TG* 9, 1.

Fraccaro and Astin place it around 143, the year of Claudius' consulship.<sup>9</sup> Their chief argument is that in 121 Gaius Gracchus said that of the descendants of Scipio Africanus and Tiberius Gracchus (i.e. the consul of 177 and 163) only himself *et puer* remained alive.<sup>10</sup> But Metellus Numidicus, as censor in 102, stated that Tiberius had three sons, of whom one died in Sardinia, one in infancy at Praeneste, and a third, born after the death of Gracchus himself, at Rome.<sup>11</sup> If all these three deaths took place before 121, as the first passage is taken to imply, the death of the son who died in Sardinia will have occurred during Gaius' quaestorship there in 126.<sup>12</sup> To have been available for military service at that date, the boy will have had to be born around 142 at the latest.<sup>13</sup> But it is equally possible that *puer* in the first passage indicates a son of Tiberius, not of Gaius,<sup>14</sup> and it is this boy who died, later, in Sardinia. Certainly there is no reason why the son who died in Sardinia should have served there in 126 and the two passages do not prove that Tiberius had a son born as early as 142.

Astin added a further argument from a fragment of Sempronius Asellio,<sup>15</sup> who says that shortly before his death Tiberius Gracchus beseeched the people to defend himself 'liberosque suos; eum, quem virile secus tum in eo tempore habebat, produci iussit'. Aulus Gellius, who quotes the passage, says that Asellio is employing the archaic usage by which *liberi* could refer to one single child. Astin first doubts whether or not there was such a usage, and then asserts that in any case Asellio was not using it here. As to Astin's doubts, the usage is in fact quite common.<sup>16</sup> His second point is that the emphatic position of *quem virile secus* indicates that Gracchus had at least two children, one male one female. In that case Gracchus' wife gave birth to at least three children between her marriage and Gracchus' death—the son with Gracchus at the incident reported by Asellio, the one who died in infancy at Praeneste and the daughter. As Astin admits, this is not impossible for a marriage in 137 or shortly after, with each fresh conception following soon after the previous birth.<sup>17</sup> But in fact Astin's deduction from Asellio's words that Gracchus also had a daughter is unconvincing. Asellio's words mean 'that child, the boy whom Gracchus had at that time'. There is no implication that there was also a girl alive. The phrase is a simple alternative to *eum virile secus, quem tum habebat*, and is not meant to differentiate the boy from anyone else.<sup>18</sup> It is quite likely, moreover, that Gellius had the full text of Asellio in front of him, and that the context made it clear that only one child was involved. It follows that we need believe that at the time of his death Gracchus had had only two children, both boys, of whom one was already dead.<sup>19</sup>

Of course, this does not prove that the marriage did not take place *c.* 143. But it does

<sup>9</sup> P. Fraccaro, *Studi sull' età dei Gracchi* (Città di Castello, 1914), 42, n. 4; Münzer, *Römische Adelsparteien* 268 ff.; Astin, l.c. (n. 7). The early date is accepted by Gruen, *Roman Politics and the Criminal Courts* 42.

<sup>10</sup> *ORF*<sup>3</sup>, fr. 47 (pp. 190–1).

<sup>11</sup> Val. Max. ix, 7, 2.

<sup>12</sup> For sources on Gaius' quaestorship cf. *MRR*, i, 508.

<sup>13</sup> Both Tiberius and Gaius served when only 15: for Tiberius at Carthage in 147 cf. Plut., *TG* 4, 5; for Gaius in 138, Plut., *CG* 2, 9; for their dates of birth Plut., *CG* 1, 2; *TG* 3, 2. Normally service began at 17 (Gell. x, 28; why P. A. Brunt, *Italian Manpower 225 B.C.–A.D. 14* [Oxford, 1971], 399, n. 3 says 19 I do not understand) and Gaius Gracchus, ironically, made this a legal minimum (Plut., *CG* 5, 1).

<sup>14</sup> Earl, *Tiberius Gracchus* 68, though his arguments that this must be the case are not compelling. He argues that the only known child of Gaius Gracchus was a daughter. But that depends on Münzer's very implausible identification of the Sempronia of Sallust, *Cat.* 25 with a daughter of Gaius Gracchus (Münzer, *Römische Adelsparteien* 272–3; contra cf. Syme, *Sallust* [Berkeley and Los Angeles–London, 1964], 134, n. 54; Astin, 320).

<sup>15</sup> fr. 7P (Aulus Gellius, ii, 13, 1 ff.); Astin, 321.

<sup>16</sup> Cf. J. Köhm, *Altlateinische Forschungen* (Leipzig, 1905), 117–8. For later examples cf. R. Kühner-C. Stegmann, *Ausführliche Grammatik der lateinischen*

*Sprache* (3rd edition, Leverkusen, 1955), i, 87; R. M. Ogilvie, *Commentary on Livy, 1–5* (Oxford, 1965), 479; F. R. D. Goodyear, *The Annals of Tacitus*, i (Cambridge, 1972), 289. For the reference to Köhm, and for discussion of the Asellio passage in general, I am grateful to my colleague Dr. J. N. Adams.

<sup>17</sup> Astin's statement that 'if there was more than one daughter the marriage preceded the affair of the *foedus Mancinum*' is quite gratuitous. There is not a shred of evidence for more than one daughter.

<sup>18</sup> For the attraction of an oppositional phrase into the relative clause cf. Kühner-Stegmann, ii, 313; Hofmann-Szantyr, *Lateinische Syntax und Stilistik* (Munich, 1965), 564. On the indeclinable *virile secus* cf. my *Commentary on Livy, Books xxxi–xxxiii* (Oxford, 1973), 151.

<sup>19</sup> The plurals in Plutarch, *TG* 13, 6 and Dio fr. 83, 8, if based on any evidence at all, may well result from a misunderstanding of Asellio (probably by their source rather than by Plutarch and Dio themselves, since it seems unlikely that Plutarch had any direct knowledge of Asellio: cf. Peter, *HRR* i<sup>2</sup>, CCXLV). It is just possible (as a member of the editorial committee of this *Journal* has suggested to me) that Gracchus, knowing that his wife was again pregnant, was also referring (implicitly at least) to the as yet unborn child. For another possible case of such a usage cf. N. P. Miller on Tacitus, *Annals* i, 42, 1.

mean that, since arguments on points of detail cannot be decisive one way or the other, we can and should allow ourselves to be guided by arguments of general probability, and these point clearly to 137. To desert inherited connections with a man of the political stature of Aemilianus and to marry the daughter of one of his principal opponents was a very serious step. In 143 Scipio and Claudius were competing for the censorship;<sup>20</sup> Gracchus was under 20, and it is hard to see what motive he could have had for so drastic a move at this time. For Astin, as we have seen, the defection of Gracchus is simply a symptom of Scipio's lack of skill in political management. But that does not explain why a young man of 19 should take so extreme a step. In 137, on the other hand, the situation is explicable. That Gracchus was extremely annoyed by Scipio's refusal to support the treaty is a wide-spread view in the ancient sources<sup>21</sup>—and though that does not prove its truth, it is entirely credible. What is more, it was on his way to Numantia that Gracchus, according to his brother, was so deeply affected by seeing the slave-gangs working on the *latifundia* in Etruria.<sup>22</sup> Gracchus may have had some assurance from Claudius that he would, in due course, support measures to alleviate the situation, while Gracchus knew that Scipio, despite his *popularis* reputation,<sup>23</sup> would not support any moves involving redistribution of the *ager publicus*. Laelius had rapidly given up his attempt in 145.<sup>24</sup>

We can now turn to consider Gracchus' supporters, and, as I indicated, to attempt to distinguish among them (i) those who had earlier links with Scipio, and joined Gracchus in his break-away, (ii) those who had earlier been opponents of Aemilianus.

Our starting point must be Cicero's statement in the *De Re Publica* i, 31:

' mors Tiberii Gracchi et iam ante tota illius ratio tribunatus divisit populum unum in duas partes; obtretratores autem et invidi Scipionis, initiis factis a P. Crasso et Appio Claudio, tenent nihilo minus illis mortuis senatus alteram partem, dissidentem a vobis auctore Metello et P. Mucio.'

For Cicero this is an unusually explicit and detailed statement of political divisions relating to a period preceding his own lifetime and experience. It is certainly true that some of Cicero's descriptions of individuals as friends of Scipio are to be distrusted,<sup>25</sup> but this statement is manifestly of a different order, and must, I believe, be taken very seriously. It lists four leaders of the opposition to Scipio Aemilianus—P. Licinius Crassus Mucianus, consul in 131, Appius Claudius Pulcher—these two are already dead before the dramatic date of the dialogue, shortly before Scipio's own death in 129—Q. Caecilius Metellus Macedonicus, consul in 143, and P. Mucius Scaevola, consul in 133. Now Cicero makes it abundantly clear that the division in the senate was not simply a question of opposition to Aemilianus. It was closely connected with the events of 133. What was responsible for the division was 'the death of Tiberius Gracchus and already before that the whole policy of his tribunate'. The implication of this is that the murder of Gracchus became and remained an issue between Scipio and his opponents, and that the policy pursued by Gracchus during

<sup>20</sup> Cf. n. 8.

<sup>21</sup> Cic., *har. resp.* 43; *Brut.* 103; *Vell. Pat.* ii, 2, 1; *Dio fr.* 83, 2; *Oros.* v, 8, 3. The version of Quintilian vii, 4, 13 and *Florus* ii, 2, 2 that Gracchus turned to popular legislation out of fear of a prosecution arising from the *foedus Mancinum* is rather different.

<sup>22</sup> *Plut.*, *TG* 8, 9. I am not convinced by the arguments of W. V. Harris, *Rome in Etruria and Umbria* (Oxford, 1971), 203–6, that the *latifundia* were in fact on *ager publicus*. It seems to me far more likely that Gracchus saw *latifundia* on Etruscan *ager privatus*.

<sup>23</sup> For the view of Scipio as *popularis* cf. Cic., *Ac. pr.* ii, 13, 72; Scullard, *JRS* I (1960), 65; Astin, 30. The principal example is Scipio's persuading the tribune M. Antius Briso to desist from his opposition to the *Lex Cassia Tabellaria* of 137. Badian, *Aufstieg und Niedergang* 698 ff., interprets Scipio's move as merely following the convention that a tribunician veto should not be pressed against the wishes of the people. Although I think that Badian is right to point out that it was Octavius, not Gracchus, who was breaking convention in 133, I am not convinced by his argument that Scipio was not backing Cassius'

bill. Cicero, *de legg.* iii, 37 describes him as its *auctor*, and says that Scipio received the *culpa* for its passage. It should be emphasized that Scipio's *popularis* reputation is no more than a veneer. On important social issues he was manifestly reactionary. In the case of the ballot law, the important change of principle had been made by the *Lex Gabinia* of 139, which introduced secret voting into elections. Its extension to *iudicia populi* was a logical move.

<sup>24</sup> *Plut.*, *TG* 8, 3–4. The fact that Gaius Gracchus served under Scipio at Numantia (*Plut.*, *TG* 13, 1) cannot be used as an indication that no serious breach had occurred between Scipio and Tiberius.

<sup>25</sup> cf. in particular Strasburger, o.c. (n. 1). Examples of persons wrongly implied to be consistently friends of Scipio are C. Sulpicius Galus (cf. *Historia* xviii [1969] 65–6) and Q. Mucius Scaevola, the augur (cf. p. 129 below. On Rutilius Rufus cf. below, p. 133. *populum unum* does not mean that Cicero was denying the existence of political divisions before the tribunate of Gracchus. The phrase must be taken with the statement in the previous sentence that in 129 *in una re publica duo senatus et duo paene iam populi sint*.

his tribunate was also a matter that divided them. Now in the case of the two of Scipio's opponents mentioned by Cicero who are still alive at the time of the dramatic date of the *De Re Publica*, Q. Caecilius Metellus Macedonicus and P. Mucius Scaevola, there is evidence which suggests that, though they may have supported Gracchus initially, they did not go all the way with him. Let us first, then, investigate the political careers of these two men.<sup>26</sup>

Metellus had, at one time, it seems, been a friend of Scipio but had subsequently been estranged from him.<sup>27</sup> Cicero's statement in the *De Re Publica* clearly implies that *inimicitia* between the two men continued both in 133 and in the years down to Scipio's death in 129. After Scipio's death Metellus pronounced the event a great loss to the state, and ordered his sons to carry the dead man's bier.<sup>28</sup> That shows Metellus' *magnanimitas*, but does nothing to contradict the evidence for political hostility while Scipio was still alive. Unfortunately we know also that Metellus, at one point at least, opposed Tiberius Gracchus. Cicero tells us of a speech he delivered against Gracchus,<sup>29</sup> which C. Fannius included in his *annales*.<sup>30</sup> The matter under dispute is related by Plutarch.<sup>31</sup> Metellus objected to Gracchus' plan to use the bequest from Attalus III of Pergamum to provide capital grants to those who were assigned land by the agrarian commissioners. Cicero's language in the *De Re Publica*, however, forbids us to assume that this episode marked a complete break between Metellus and Gracchus. As we have seen, the policy and death of Gracchus continued to be a bone of contention between Scipio and his political opponents. The best assumption is that Metellus disagreed with Gracchus on this one particular issue. That did not mean that he abandoned general support for his policy, nor that he was not still supporting him at the time of his death.<sup>32</sup>

P. Mucius Scaevola is a more complicated problem. In 141 he was opposed to Hostilius Tubulus, almost certainly an opponent of Scipio, in 136 he rejected the claims of Hostilius Mancinus, whose person had been returned by the Numantines, for the restoration of his citizenship. He then supported Gracchus, only to defend Nasica after the murder.<sup>33</sup> His apparent shifts of allegiance led Gruen<sup>34</sup> to see him (just as Earl had seen the elder Tiberius Sempronius Gracchus<sup>35</sup>) as a man who shifted from side to side out of complete opportunism. Others have interpreted the facts more kindly. Wiseman argued that being a juriconsult Scaevola reacted to each event as a lawyer, and cannot be tied to any one political faction.<sup>36</sup> Recently Bernstein has claimed that Scaevola was independent of all political factions, not so much as a lawyer, but as a man who made up his mind on the issues, and not according to factional loyalties.<sup>37</sup> But it is hard to see how a man who acted as one of the main backers of Gracchus' programme and helped to prepare his measures<sup>38</sup> can be regarded as a political independent. In fact, it is perfectly reasonable to see Scaevola, like Gracchus, as a man who broke away from original links with Scipio. In Scaevola's case, however, the break will not have come as early as 137, as in 136 he rejected Mancinus' claim for the restoration of his citizenship.<sup>39</sup> There is nothing odd about this. As we have seen, the issues raised by the Gracchan crisis were complex, and it could have taken time for Scaevola to determine his own attitude. The other problem is more difficult. As is well known, Cicero twice states that after the murder of Gracchus, Scaevola defended Nasica's action.<sup>40</sup> Astin<sup>41</sup> argued that

<sup>26</sup> On their careers cf. Münzer, *RE* iii, 1213-6 (Metellus); xvi, 425-8 (Scaevola).

<sup>27</sup> Cic., *de am.* 77: cf. Astin, 85, 312-5, arguing against Münzer's view (*Römische Adelsparteien* 252) that Metellus was formerly an opponent, and later a friend of Scipio.

<sup>28</sup> For the evidence cf. Astin, 244, n. 2.

<sup>29</sup> *Brutus* 81.

<sup>30</sup> On Fannius and his history cf. p. 131 below.

<sup>31</sup> *TG* 14, 4.

<sup>32</sup> Anyone with political experience will readily agree that it is possible to disagree with one's political friends on an individual point—even attack them violently in public—while still remaining in fundamental agreement with their aims.

<sup>33</sup> Tubulus: Cic., *fin.* ii, 54; iv, 77. Mancinus: *Dig.* xlix, 15, 4; 1, 7, 18. For Gracchus and Nasica see below nn. 38, 40. I refrain from arguing from the fact that Scaevola is the natural brother of the indubitably Gracchan supporter P. Licinius Crassus

Mucianus (see below), since those who argue that Scaevola was not a committed supporter of Gracchus would deny that the relationship was relevant.

<sup>34</sup> *Athenaeum* l.c. (n. 1); *Roman Politics and the Criminal Courts* 52, 59.

<sup>35</sup> Earl, 49-66.

<sup>36</sup> *Athenaeum* n.s. xlvi (1970), 152-3. For a similar position cf. G. Grosso, *Archivio Giuridico* clxxv (1968), 204-11, also discussing Scaevola's judgement in the matter of the claims of Licinia after the death of Gaius Gracchus (*Dig.* xxiv, 3, 66).

<sup>37</sup> *CPh* lxxvii (1972), 42-6. Cf. Brunt, *Gnomon* xxxvii (1965), 191.

<sup>38</sup> Cic., *ac. pr.* ii, 13; Plut., *TG* 9, 1. The fact that Scaevola's support was *obscurus* (Cic. l.c.) fits well with his behaviour after the murder of Gracchus.

<sup>39</sup> cf. n. 33.

<sup>40</sup> *De domo* 91; *pro Plancio* 88.

<sup>41</sup> Astin, 228.

these statements should be rejected, on the grounds (i) that Nasica's refusal to accept Scaevola as a *iudex* in a case connected with the murder indicates continuing hostility between the two men on the matter<sup>42</sup> and (ii) that it conflicts with Cicero's statement in the *De Re Publica*. The second point, of course, is, without further argument, by way of a *petitio principii*. We have, rather, to weigh against the evidence of the *De Re Publica* statements made in rhetorical speeches, where it suited Cicero's purpose to point to the defence of the murder of Gracchus. It should be stressed that Cicero did not have to make the statement in the *De Re Publica*. That Cicero can exaggerate in his speeches is well-known. But it is unlikely that Cicero's statements are entirely false. Rather Scaevola, seeing that the majority of the senate were behind Nasica, may well have made some ambivalent remarks which Cicero chose to construe as indicating approval of the murder.<sup>43</sup> It was only later, perhaps, following the reign of terror in 132 against the supporters of Gracchus,<sup>44</sup> that the opponents of Scipio re-grouped, and re-asserted their opposition to the murder of Gracchus while Scipio defended it.<sup>45</sup> Both Scaevola and Metellus had reservations, perhaps serious reservations, about Gracchus' methods, but with Gracchus dead they were willing and able to express their support for Gracchus' original aims.

It may be convenient at this point to mention the position of Scaevola's first cousin, Quintus Scaevola, the augur (consul in 117).<sup>46</sup> He had married Laelia, the daughter of C. Laelius, and since Scaevola was born about 170, the marriage certainly antedates 133.<sup>47</sup> Cicero in the *De Oratore*<sup>48</sup> represents him as critical of the Gracchi, and he appears in the *De Re Publica* as a friend of Aemilianus.<sup>49</sup> But in the former case Scaevola is no more than a mouthpiece for the argument he is presenting, and, as to the latter, Cicero's descriptions of persons as friends of Scipio need not be reliable.<sup>50</sup> Other evidence points in a different direction. The fact that Blossius of Cumae, the friend of Gracchus, is described in the *De Amicitia*<sup>51</sup> as *hospes familiae vestrae* cannot be pressed, because whether or not Scaevola followed the political position of other members of his family is precisely the question under dispute. More significant is the fact that the augur's daughter Mucia married M'. Acilius Glabrio, the pro-Gracchan tribune of 123.<sup>52</sup> I think we may fairly argue that the augur, like his cousin, broke away from earlier links with Scipio and did not rejoin Aemilianus. It is only in the next generation, in the persons of Q. Scaevola the pontifex and the augur's son-in-law L. Licinius Crassus, consuls together in 95, that the family moved firmly into the optimate camp.<sup>53</sup>

The fourth member of the group of *obtretractores et invidi Scipionis*, P. Licinius Crassus Dives Mucianus, consul in 131, need cause less trouble.<sup>54</sup> He is, of course, the natural brother of P. Mucius Scaevola, adopted into the family of the Licinii Crassi. His wife Claudia may have been a sister of Appius Claudius Pulcher.<sup>55</sup> The only other Licinius Crassus known in this period is the tribune of 145, C. Licinius Crassus, whose proposal to change the method of choosing new members of the priestly colleges to one of modified direct election—rather than co-option—was successfully resisted by Laelius.<sup>56</sup> All the evidence points to Crassus Mucianus as a consistent opponent of Scipio. His daughter married the son of Ser. Sulpicius Galba, consul in 144 and a bitter opponent of Scipio.

<sup>42</sup> Cic., *de or.* ii, 285; Badian, *Aufstieg und Niedergang* 726, n. 170 rightly argues that the case was a *sponsio*, not a criminal prosecution, as claimed by Gruen, *Athenaeum*, art. cit., 328; *Roman Politics and the Criminal Courts* 63, 305.

<sup>43</sup> It is possible, as Wiseman suggests (op. cit., n. 36), that the *s.c.c.* referred to in the *de domo* were passed on the *relatio* of Scaevola, and that Cicero chose to interpret this as indicating that Scaevola was the author of the sentiments expressed in the *s.c.c.*

<sup>44</sup> Evidence in Astin, 230, n. 2.

<sup>45</sup> For Scipio's famous *iure caesum videri* cf. Astin, 264–5. *videri* reflects the standard formula for giving judicial verdicts, and is not meant to tone down a firm statement approving Nasica's action, as claimed by Astin, *CQ* N.S. x (1960), 136 (implicitly withdrawn in *Scipio Aemilianus* 234).

<sup>46</sup> For his career cf. Münzer, *RE* xvi, 430–6. Gruen, *Roman Politics and the Criminal Courts* 112–4 argues against the view that Scaevola supported the Gracchi.

<sup>47</sup> Date of birth, Münzer, *RE* xvi, 430; marriage, *ibid.*, 431.

<sup>48</sup> i, 38.

<sup>49</sup> *De r.p.* i, 18, 33. Those present are described by Cicero (i, 14) as Scipio's *familiarissimi*.

<sup>50</sup> cf. n. 25.

<sup>51</sup> *De am.* 37.

<sup>52</sup> cf. Münzer, *RE* xvi, 448 (Mucius no. 26). It would be unwise to deduce anything one way or the other from Scaevola's remark to Septumuleius of Anagnina in 121 (*de or.* ii, 269).

<sup>53</sup> It should be noted that when the marriage took place Crassus was still in his *popularis* phase (for the date of the marriage cf. Münzer, *RE* xvi, 448 [Mucius no. 27]).

<sup>54</sup> For his career cf. Münzer, *RE* xiii, 334–8.

<sup>55</sup> Münzer, *Römische Adelsparteien* 273–4.

<sup>56</sup> Evidence in *MRR* i, 470. Crassus' proposals were finally enacted by the *Lex Domitia* of 104.

Galba assisted Crassus in his campaign for the aedileship.<sup>57</sup> Crassus' other daughter married Gaius Gracchus.<sup>58</sup> His support for Tiberius Gracchus during his tribunate was open<sup>59</sup> and after the murder of Tiberius he succeeded to his place on the agrarian commission.<sup>60</sup>

We may now turn to consider other known or possible supporters of Gracchus. Firstly, C. Fannius.<sup>61</sup> Like Scaevola the augur he married a daughter of Laelius, and his early career shows clear and close connections with Aemilianus.<sup>62</sup> We know nothing of his attitude towards Tiberius Gracchus, but he was elected to the consulship of 122 as a supporter of Gaius Gracchus, only to turn against Gracchus once he had been elected.<sup>63</sup> But for our present purpose the fact that he was elected on a Gracchan ticket is of primary importance. It makes sense to think that Fannius too broke away from earlier Scipionic connections to support the Gracchan programme.<sup>64</sup>

One might be tempted to include L. Cassius Longinus as another Scipionic supporter who then backed Gracchus.<sup>65</sup> He was the author of the *Lex Cassia Tabellaria* of 137, which had the backing of Scipio,<sup>66</sup> and he was later chosen by the *populares* as a judge in the Vestal Virgins trial in 113.<sup>67</sup> But there is no explicit evidence for his attitude towards Gracchus, and the situation had changed considerably by 113: it is safest not to indulge in this sort of hypothesis.

A more certain candidate for inclusion is C. Porcius Cato, the consul of 114.<sup>68</sup> As son of C. Porcius Cato Licinianus,<sup>69</sup> his mother was Aemilia, the sister of Aemilianus. Thus he has a close family link with the Scipios. Yet he is stated to have been a supporter of Gracchus,<sup>70</sup> and he too may be included in our list of those who broke away from earlier links with the Scipios.

Of other probable supporters of Gracchus nothing can be determined with certainty. A Fulvius and a Manlius (or Manilius), both *virii consulares*, persuaded Gracchus to let the senate discuss the agrarian bill after Octavius' initial veto.<sup>71</sup> The latter's identity is quite uncertain, and further discussion is fruitless.<sup>72</sup> The former is possibly Ser. Fulvius Flaccus or C. Fulvius Flaccus, two brothers who held the consulship in 135 and 134 respectively. He could also be identical with the Fulvius Flaccus who warned Gracchus of the impending attempt to murder him,<sup>73</sup> although the latter could equally be M. Fulvius Flaccus, consul in 125 and principal supporter of Gaius Gracchus.<sup>74</sup> M. Flaccus is certainly the man who challenged Nasica to a *sponsio* after the murder of Gracchus.<sup>75</sup> There is no specific evidence for hostility between these Fulvii and Scipio, though general arguments do point in that direction.<sup>76</sup> In accordance with my promised method, I must refrain from arguments relating to Fulvii in the earlier part of the second century, although it is worth saying that the Fulvii over a long period are among the most consistent opponents of the family of the Scipios.<sup>77</sup>

Astin includes M. Perperna, the consul of 130, among the supporters of Gracchus, on the grounds that the Perpernae rose to prominence under the patronage of the Claudii Pulchri.<sup>78</sup> This is argued on the grounds that the first known Perperna was a *legatus* under

<sup>57</sup> Cic., *de or.* i, 139; *Brutus* 98, 127. On Galba cf. Astin, 90; he was probably dead by 133.

<sup>58</sup> Münzer, *RE* xiii, 496-7 (Licinius no. 180).

<sup>59</sup> Cic., *ac. pr.* ii, 13.

<sup>60</sup> Evidence in *MRR* i, 495.

<sup>61</sup> For his career cf. Münzer, *RE* vi, 1987-91. For the fragments of his histories Peter, *HRR* i<sup>2</sup>, 139-41.

<sup>62</sup> He served at Carthage (Plut., *TG* 4, 5), owed his tribunate to Aemilianus (Cic., *Brut.* 100), and then served under the adoptive brother of Scipio's own brother, Q. Fabius Maximus Servilianus (App., *Ib.* 67). On the latter's allegiance cf. Gruen, *Roman Politics and the Criminal Courts* 19; Astin, 315-6. *Contra*: Münzer, *Römische Adelsparteien* 245 ff., Bilz, *op. cit.* (n.1), 59-60; Scullard, *JRS* 1 (1960), 67; Badian, *Historia* vi (1957), 321 = *Studies in Greek and Roman History* (Oxford, 1964), 36 ff.

<sup>63</sup> Plut., *CG* 8.

<sup>64</sup> fr. 1 of his histories is clearly a defence of his political volte-face in 122. Might his poor relations with Laelius (Cic., *Brut.* 101) be more the result of Fannius' support of Gracchus than of Laelius' refusal to prefer him to Scaevola at the filling of a vacancy in the augural college?

<sup>65</sup> For his career cf. Münzer, *RE* iii, 1742.

<sup>66</sup> cf. n. 23.

<sup>67</sup> Evidence in *MRR* i, 537.

<sup>68</sup> For his career cf. Gelzer, *RE* xxii, 105.

<sup>69</sup> So called, as the son of Cato's first wife Licinia, to distinguish him from M. Porcius Cato Salonianus, whose mother was Cato's second wife Salonia. Cf. Gelzer, *RE* xxii, 167-8.

<sup>70</sup> Cic., *de am.* 39, cf. Astin, 86-7.

<sup>71</sup> Plut., *TG* 11, 2.

<sup>72</sup> cf. Astin, 348; Gruen, *Roman Politics and the Criminal Courts* 52-3.

<sup>73</sup> Plut., *TG* 18, 1.

<sup>74</sup> On him cf. Münzer, *RE* vii, 341-3.

<sup>75</sup> See n. 42.

<sup>76</sup> cf. Astin, 92.

<sup>77</sup> On the earlier periods cf. *JRS* liv (1964), 73-7; *Latomus* xxvii (1968), 149-56; xxxi (1972), 22-53; *Historia* xviii (1969), 49-70. Cf. also my forthcoming article in *Aufstieg und Niedergang der römischen Welt*.

<sup>78</sup> Astin, 192. Cf. Badian, *JRS* lii (1962), 56 = *Studies in Greek and Roman History* 223.

Ap. Claudius Centho in 168,<sup>79</sup> that the consul of 130 held a by-election at which Ap. Claudius Pulcher was elected *consul suffectus*,<sup>80</sup> and that the latter's son was consul in 92 with C. Claudius Pulcher. In the case of a *novus homo* such evidence is particularly important, but in this case it is not absolutely conclusive. The arguments in the case of L. Valerius Flaccus are of the same order, though even less decisive.<sup>81</sup> As consul in 131 he presided at the election of Perperna, it was another Valerius Flaccus who presided at the election of the consul of 92, and a third Valerius Flaccus was elected *consul suffectus* when the latter Perperna was censor in 86. Certainly the Perperna who was consul in 92 and the Valerii Flacci of that period can be regarded as Marians,<sup>82</sup> but the evidence for the consul of 131 is far too thin for it to be assumed that he was a Gracchan—particularly as he had a quarrel with the indubitably Gracchan Crassus Mucianus.<sup>83</sup>

We can now turn to those who were opposed to Gracchus. One group of these contains former supporters of Scipio who remained loyal to him. This includes Laelius, L. Furius Philus, consul in 136, and P. Rupilius, consul in 132. Laelius, Scipio's closest friend,<sup>84</sup> took an active part in the witch-hunt against Gracchan supporters in 132, though it was Rupilius who largely organised the persecution.<sup>85</sup> Rupilius, a *novus homo*, reached the consulship as a *protégé* of Scipio.<sup>86</sup> In the case of Furius Philus, there is no specific evidence about his attitude towards Gracchus, but his prominence in the *De Re Publica* makes it very likely that he remained a friend of Scipio,<sup>87</sup> and since he played an important part in the rejection of the treaty negotiated by Mancinus,<sup>88</sup> it can be regarded as virtually certain that he was opposed to Gracchus.

In the case of Q. Aelius Tubero<sup>89</sup> the situation is rather uncertain. He was the nephew of Scipio—his father had married a daughter of Paullus.<sup>90</sup> Cicero says that he broke off his friendship with Gracchus who was *rem publicam vexantem*.<sup>91</sup> Astin argues that this is undateable,<sup>92</sup> but it surely indicates that the breaking of *amicitia* by Tubero occurred in 133 itself. There is one more piece of evidence, not, it seems, noticed by Astin. Cicero says that Tubero 'iudicaverit contra P. Africani avunculi sui testimonium vacationem augures quo minus iudiciis operam darent non habere'.<sup>93</sup> In the MSS. of Cicero this action is said to have taken place *in triumviratu*, but the only possible triumvirate would be the *iiiviri capitales* and it is hard to see why they should have had any *locus standi* in a matter of this sort.<sup>94</sup> The alteration to *tribunatu* makes excellent sense. The date of such a tribunate would, of course, be unknown, but there is no reason why it should not come before 133. Now Tubero could conceivably have disagreed with Aemilianus on this matter without ceasing to support him politically. But it is preferable, I feel, to combine the two pieces of evidence from Cicero, and hold that Tubero (like the other nephew of Scipio, Cato<sup>95</sup>), broke with Scipio at the time of the rejection of Mancinus' treaty, but would not support Gracchus' plans in his tribunate and was thus in opposition to him in 133. If this is the only case of this particular pattern, that is no cause for concern; a wide variety of political behaviour and shifts of allegiances is to be expected at this time.

<sup>79</sup> Evidence in *MRR* i, 430.

<sup>80</sup> cf. *MRR* i, 502.

<sup>81</sup> Astin, 192, n. 3, cf. 232.

<sup>82</sup> cf. Badian, *Studies in Greek and Roman History* 47–8, 55, 94 = *Historia* vi (1957), 333, 340; *PACA* i (1958), 14.

<sup>83</sup> Cic., *Phil.* xi, 18; Astin, 234

<sup>84</sup> On Laelius cf. Münzer, *RE* xii, 404–10.

<sup>85</sup> For evidence cf. Astin, 230, n. 2.

<sup>86</sup> Cic., *de am.* 73, cf. 69, 101. Dio, fr. 83, 8 says that Gracchus was working for the election of Ap. Claudius Pulcher to the consulship for 132. It is not clear whether the law forbidding iteration of the consulship had been repealed in 135, or merely waived *pro hac vice*. In the latter case Claudius would have needed a special dispensation to stand, which he is unlikely to have obtained, and so may not have been a candidate at the actual election. Rupilius' daughter married a Q. Fabius, possibly the son of Q. Fabius Maximus Servilianus: cf. Münzer, *RE* iA, 1230 and n. 62 above.

<sup>87</sup> His prominence is such that in this case it is rather unlikely that Cicero attributed friendship

with Scipio to him without definite evidence. Cf. n. 25; Strasburger, *Hermes* xciv (1966), 62, n. 7.

<sup>88</sup> Evidence in *MRR* i, 486.

<sup>89</sup> For his career cf. Klebs, *RE* i, 535–7.

<sup>90</sup> For the father cf. Klebs, *RE* i, 535.

<sup>91</sup> *De am.* 37.

<sup>92</sup> Astin, 198–9.

<sup>93</sup> *Brutus* 117.

<sup>94</sup> Mommsen, *Staatsrecht* ii, 3 600 and Strasburger, *RE* viiA, 519 accept the possibility, but it is their only case of a *iiivir capitalis* acting in this field. The *iiiviri* did have certain functions in civil cases (Plautus, *Persa* 72; Cic., *Or.* 156; Varro, *LL* ix, 85; Festus, s.v. *sacramentum*; cf. F. la Rosa, *Labeo* iii [1957], 231–45; W. Kunkel, *Untersuchungen zur Entwicklung des römischen Kriminalverfahrens in vorsullanischer Zeit* [*Abh. Bay. Ak. N.F.* 56, 1962], 71) but it is improbable that this extended to deciding who was or was not to be a *iudex*. The emendation is accepted by Wilkins in the OCT and, apparently, by Douglas, *Commentary on Cicero's Brutus* 96.

<sup>95</sup> cf. p. 130.

As far as I know, that exhausts the count of those friends of Scipio who can be known, or plausibly argued, to have followed Scipio in his opposition to Gracchus. There will, of course, have been others. Of those whom we know to have been friends of Scipio at one time, and of whom we have no evidence indicating that they either split with Scipio or supported Gracchus, it is reasonable to assume that these were opposed to Gracchus. After all, the senatorial supporters of Gracchus were a minority, probably a fairly small minority, and those not known to be members of that minority can reasonably be assigned to the majority. Of friends of Scipio still alive we may include in this category Q. Fabius Maximus Servilianus, consul in 142, Cn. Servilius Caepio, consul in 141, and M'. Manilius, consul in 149.<sup>96</sup>

In the case of opponents of Aemilianus such assumptions cannot be made. Where we do not hear of people actually supporting Gracchus, it would be rash to assume either that they did or did not do so. We should expect, however, that there would be some who, though opponents of Aemilianus, would not support the Gracchan programme. It should be emphasized here—a point well made by Astin<sup>97</sup>—that the opponents of Aemilianus were not one unified group: there were divisions among them. Nevertheless, in the context of 133, support for or opposition to Gracchus, and, after Gracchus' death, support for or opposition to Scipio, were overriding questions and it is therefore legitimate to pose our question in this way.

C. Hostilius Mancinus, the consul of 137, was still alive; we know that he held a second praetorship in order to re-enter the senate after his *deditio* to the Numantines, and it would be highly surprising if he too did not support Gracchus.<sup>98</sup>

Of L. Aurelius Cotta, the consul of 144, accused by Scipio in 138, C. Licinius Crassus, the tribune of 145 who attempted to change the method of election to the priesthoods<sup>99</sup> and Ti. Claudius Asellus, who clashed with Scipio in the 140's,<sup>100</sup> we know neither whether they were still alive nor of their attitude to Gracchus.<sup>101</sup> We equally have no information on the attitude of M. Aemilius Lepidus Porcina, who had opposed the *Lex Cassia Tabellaria* as consul in 137.<sup>102</sup>

We come now to a number of cases which do not conveniently fit our previous categories. We may consider first L. Calpurnius Piso Frugi, the consul of 133.<sup>103</sup> Earl<sup>104</sup> argued that initially he supported Gracchus. His arguments, however, are entirely derived from supposed connections of Piso's family with families with which Gracchus is connected. But these arguments, even if they were correct for the period before 150—which they are not—would prove nothing for the 130's.<sup>105</sup> All that we know of Piso's views as expressed in his historical writings indicates that he was an opponent of *popularis* agitation, and the fact that he set up the first *quaestio repetundarum* in 149 (with a senatorial jury) is no evidence to the contrary.<sup>106</sup> Whether Piso was earlier a friend of Scipio is unknowable. Astin's argument for a connection with the anti-Scipionic Postumii—on the grounds that both in 180 and 148 Calpurnii held consulships with Postumii—is too slender to be of any great evidential value.<sup>107</sup>

P. Popillius Laenas is a possible case of a former opponent of Scipio who also opposed Gracchus.<sup>108</sup> His cousin Marcus, consul in 139, was attacked by Lucilius—though since

<sup>96</sup> On the assumption that he is not the Μάλλιος of Plutarch, *TG* 11, 2 (cf. n. 72). On Manilius cf. Astin, 83; on the Servilii, cf. n. 62.

<sup>97</sup> Astin, 96.

<sup>98</sup> *De vir. ill.* 59, 4; *Dig.* 1, 7, 18. The second praetorship is not recorded in *MRR*.

<sup>99</sup> cf. n. 56.

<sup>100</sup> cf. Astin, 91.

<sup>101</sup> Since we now know that the trial of L. Aurelius Cotta, the consul of 144, took place in 138 (*Livy*, *Ox. ep.* lv) and not after 132, as is implied by Cicero, *pro Murena* 58, there is no means of knowing whether he was still alive in 133. Cf. Gruen, *Roman Politics and the Criminal Courts* 37, n. 66.

<sup>102</sup> Lepidus' prosecution by Cassius Longinus in 125 gives us no clue to his attitude towards Gracchus. If Badian were to be right in his interpretation of

Scipio's attitude to the *Lex Cassia* (cf. n. 23) there would, as far as I can see, be no evidence for regarding Lepidus as anti-Scipionic at all.

<sup>103</sup> For his career cf. Münzer, *RE* iii, 1392, for the fragments of his histories *HRR* 1<sup>a</sup>, 120–38. See also Latte, *SB Berl. Ak.* 1960, 7. On his political position cf. Astin, 316–9.

<sup>104</sup> *Athenaeum* n.s. xxxviii (1960), 283 ff.

<sup>105</sup> cf. Latomus, xxxvii (1968), 155–6. I am thus withdrawing my acceptance of Earl's conclusion indicated in *JRS* liv (1964), 74, n. 80.

<sup>106</sup> Evidence for the *Lex Calpurnia* in *MRR* i, 459. For significant evidence from his histories see frs. 24, 27, 38. Cf. Astin, 318.

<sup>107</sup> Astin, 319. For the consul of 148 and Scipio, Astin, 91–2.

<sup>108</sup> For his career cf. Volkmann, *RE* xxii, 63–4.

this attack was published after 132 it by no means follows that Publius had been an opponent of Scipio in the past.<sup>109</sup>

Q. Pompeius is a peculiar case—he almost seems to have been that rare phenomenon in Roman politics of this period—an isolated individual seeking to gain support wherever he could find it.<sup>110</sup> Originally an *amicus* of Scipio, he insisted on standing against Laelius in the consular elections for 141, and Scipio consequently broke off his *amicitia* with him.<sup>111</sup> But he remained an opponent of the other man who quarrelled with Scipio at this time, Metellus Macedonicus. Metellus appeared as a witness against Pompeius when the latter was prosecuted for his conduct of affairs in Spain<sup>112</sup> and it is explicitly stated that L. Furius Philus compelled both Metellus and Pompeius to accompany him to Spain as *legati* in 136 ‘though they were enemies both of himself and of each other’.<sup>113</sup> Pompeius was opposed to Gracchus.<sup>114</sup> It is true that the evidence for this opposition relates only to the time after Gracchus’ proposal to convert the bequest of Attalus for the use of the agrarian commissioners—in conjunction with the opposition of Metellus to that proposal.<sup>115</sup> But Pompeius’ language in Plutarch is more extreme than that of Metellus, and we are told by Orosius that Pompeius threatened Gracchus with prosecution.<sup>116</sup> Though Metellus and Pompeius held the censorship together in 131, there is nothing to indicate that they stood for the office as allies. Indeed, since they were the first two plebeians to hold the censorship together, it is possible that they were originally competitors for the plebeian place. It is unlikely that the election of two plebeian censors was a deliberate policy from the beginning of the electoral campaign. As far as their conduct of the censorship is concerned, there is no trace of disagreement, but that is not proof of political harmony.<sup>117</sup> Since Metellus’ continued defence of the Gracchan programme and objection to his murder is, as I have argued, a central point in the interpretation of these years, I prefer to think that Pompeius had been opposed to Gracchus throughout.

Another man known to have opposed Gracchus is the senior consular T. Annius Luscus, who challenged Gracchus to a *sponsio*. We have, unfortunately, no knowledge of Annius’ earlier political affiliations.<sup>118</sup>

An intriguing, and perhaps symptomatic, problem concerns P. Rutilius Rufus.<sup>119</sup> Strasburger has made a valiant effort to disengage him from the Scipionic group, and to claim that it is Cicero, by making him the link between himself and the characters of the *De Re Publica*, who is responsible for the common view that he was an ally of Scipio.<sup>120</sup> But the facts point to a different interpretation, and one that will fit in with the rest of our analysis. He was a pupil of Scipio’s opponent Ser. Sulpicius Galba and of P. Mucius Scaevola.<sup>121</sup> He served under Scipio at Numantia, and if his memoirs are rightly seen as the source of Posidonius, he was opposed to Gracchus.<sup>122</sup> Strasburger argues that his opposition to Gracchus connected him with Nasica Serapio, rather than with Aemilianus himself, and that the connections with Galba and Scaevola indicate hostility to Scipio. But we have seen that Scaevola was originally a Scipionic supporter. It seems quite possible that Rutilius began as an opponent of Scipio, perhaps remained one after 137, when he was in contact with Scaevola, but then refused to accept the Gracchan position and came under the influence of Scipio. There is then no need to disbelieve Cicero’s evidence for his friendship with Scipio in 129. Rutilius was, of course, a young man at this time, and not of great political importance.

And that brings us to the last person I want to investigate, the murderer of Gracchus, P. Cornelius Scipio Nasica Serapio.<sup>123</sup> At first sight there may appear to be no problem. The leading member of the opposition to Gracchus is the grandson of Africanus’ first cousin, his mother the daughter of the elder Africanus—nothing could seem more natural or less in

<sup>109</sup> Lucilius 621M; Astin, 93, n. 3.

<sup>110</sup> On Pompeius cf. Miltner, *RE* xxi, 2056–8. See also Gruen, *Roman Politics and the Criminal Courts* 34 ff.

<sup>111</sup> cf. Astin, 85.

<sup>112</sup> Cic., *pro Fonteio* 23; Val. Max. viii, 5, 1.

<sup>113</sup> Dio fr. 82, cf. Val. Max. iii, 7, 5.

<sup>114</sup> Plut., *TG* 14; Oros. v, 8, 4.

<sup>115</sup> cf. Astin, 198–9.

<sup>116</sup> Oros. I.c.

<sup>117</sup> cf. *Latomus* xxxi (1972), 43–4, n. 6, on the censorship of 199.

<sup>118</sup> Livy, *per.* lviii; Plut., *TG* 14. For his identity cf. Badian, *Aufstieg und Niedergang* 715.

<sup>119</sup> On his career cf. Münzer, *RE* iA, 1269–80.

<sup>120</sup> *Hermes* xciv (1966), 66 ff.

<sup>121</sup> Galba: Cic., *Brut.* 85–8; for Galba and Scipio cf. Astin, 90. Scaevola: Cic., *de off.* ii, 47; Dig. i, 2, 2, 40.

<sup>122</sup> Numantia, *MRR* i, 491; for opposition to Gracchus, cf. Strasburger, *op. cit.* 67; Jacoby, *FGH* IIC, 210.

<sup>123</sup> For his career cf. Münzer, *RE* iv, 1501–4.

need of explanation.<sup>124</sup> But there is a conundrum—the marriage of Serapio's son to the daughter of Metellus Macedonicus.<sup>125</sup> Münzer, arguing from the fact that the son of this marriage was probably praetor in 93, placed the marriage in 135.<sup>126</sup> Now since Metellus was originally a friend of Scipio, it would be possible for the marriage to date back to a period before Metellus' split with Aemilianus, the *terminus post quem* for which, as Astin has shown, is 138.<sup>127</sup> There is no reason why the son should be thought to have held his praetorship at the earliest possible date, and in any case the marriage need not have broken up simply because the parents of the couple found themselves on opposite sides of the political fence.<sup>128</sup> But there is another possibility. There is, as far as I know, no evidence—the Gracchan crisis apart—for political friendship between Nasica and Aemilianus. What is more, there is evidence that Serapio's father Nasica Corculum had ceased to be allied to other members of the Scipionic house for a considerable period before his death. Astin mentions evidence for collaboration between Nasica and Paullus and his family.<sup>129</sup> But nearly all this evidence relates to the campaigns of the Third Macedonian war—and even here Nasica's own account of his part in the victory of Pydna may not have endeared him to Paullus.<sup>130</sup> Cicero, it is true, states in the *De Amicitia* that Laelius as *adolescens* was a friend of Nasica,<sup>131</sup> but such general statements are not to be given complete credence, and in any case since Laelius was born about 190<sup>132</sup> the statement, if taken strictly, could refer to the same period. More significant is the fact that in 162 Nasica was elected to the consulship, then declared *vitio creatus* by the presiding consul, the elder Ti. Sempronius Gracchus (at that time closely linked to the family of Paullus) and forced to resign.<sup>133</sup> As is well known, Nasica opposed Cato's policy in the years preceding the Third Punic War, and that policy, it is clear, was supported by Aemilianus.<sup>134</sup> It is possible that Nasica disagreed with other members of the Scipionic family on the policy to be adopted towards the Hellenistic states in this period.<sup>135</sup> That being so, it is not at all impossible that Corculum and Serapio are to be counted among the opponents of Paullus and Aemilianus from at least 162 onwards. In that case the marriage alliance with Metellus can belong to a period when Metellus was also estranged from Scipio—i.e. after 138, a date which fits the date of the son's praetorship perfectly well. But Nasica could not accept the Gracchan programme—and his father's treatment at the hands of the elder Gracchus will not have predisposed him in favour of the son. Serapio is then one, and the most important, of the opponents of Aemilianus who were also opponents of Gracchus.

Thus the picture that emerges from our survey is variegated. There are some linked with Scipio who join Gracchus in his break-away, and some who remain loyal to Scipio and opposed to the Gracchan programme. Of Scipio's opponents, some welcomed the adherence of Gracchus and supported his policy through to the end, others supported him in general but demurred at some of his actions, and others again refused to support him at all. It is not at all surprising that this conclusion should result from our enquiry. It has long been obvious that while political analysis based on the family can to a considerable extent (though by no means universally) be applied to the pre-Gracchan period, after the Gracchi inherited connections are of far less importance, though political marriages are still a valuable tool of analysis. Before 133 there had, of course, been divisions within the ruling class. But these, when they were concerned with policy—and not merely with enhancing the individual's *dignitas*—were about matters of foreign policy. On domestic matters there was, for the most part, unity. We know, for example, of no dispute within the nobility about the suppression of the Bacchanalia in 186 or the virtual cessation of colonization after the 170's. Tiberius

<sup>124</sup> Thus Münzer, *Römische Adelsparteien* 258. Cf. Astin, 88 (with reservations).

<sup>125</sup> For evidence cf. Astin, 314, n. 2.

<sup>126</sup> Münzer, *RA* 252. His calculation is based on a minimum age of 39 for the praetorship. For arguments in favour of this assumption cf. Astin, *The Lex Annalis before Sulla* (Brussels, 1958), 31 ff. = *Latomus* xvii (1958), 49 ff.

<sup>127</sup> Astin, 313.

<sup>128</sup> One thinks of the marriage of M. Licinius Crassus, son of the triumvir, and Caecilia Metella, daughter of Pompey's enemy, Metellus Creticus. This was contracted at the time when Crassus and Pompey were opponents, but survived the formation

of the first triumvirate. Cf. Syme, *Roman Revolution* 22, n. 1.

<sup>129</sup> Astin, 88.

<sup>130</sup> On this cf. G. A. Lehmann, *Beiträge zur alten Geschichte und deren Nachleben*, i (Berlin, 1969), 387 ff.

<sup>131</sup> *De am.* 101.

<sup>132</sup> cf. Münzer, *RE* xii, 404; though even then it is not true that Nasica was a *senex* when Laelius was an *adolescens*.

<sup>133</sup> Evidence in *MRR* i, 442.

<sup>134</sup> cf. Astin, *Latomus* xv (1956), 159 ff.; *Scipio Aemilianus* 280-1.

<sup>135</sup> cf. *Historia* xviii (1969), 68.

Gracchus raised issues which affected the economic status of the Roman people, and in a large number of cases, the economic interests of the ruling class themselves. That such proposals should throw existing political affiliations into turmoil is scarcely surprising. As I have argued elsewhere it is precisely at moments of great political strife, when genuine issues arise, that allegiances are liable to change. This is true of the rise of Flaminius, of the shift of alliances that took place in the 170's, and possibly of the period of the arguments about the Third Punic war.<sup>136</sup> The issues raised in 133 were greater, and liable to rouse more passions. Each individual had to make up his own mind on the issues raised by the Gracchi, and all that followed.

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<sup>136</sup> See *Latomus* xxxi (1972), 22-53 ; *JRS* liv (1964), 73-7 ; and in general my forthcoming article in *Aufstieg und Niedergang*.