

Dan Qing Zhao – Frederik Juliaan Vervaet*

Liberti and the Sulpician Laws of 88 BCE. A New Light on Freedmen Suffrage in the Roman Republic

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Summary: The year 88 was a turning point in Roman republican history. The Social War was yet to finish, Mithradates VI of Pontus invaded Roman Asia, and Rome eventually descended into its first full-fledged civil war resulting from insurmountable differences between conservatives and reformists centered on the suffrage rights of the newly enfranchised Latin and Italian allies and who was to pursue of the Mithradatic War. Against this volatile backdrop, this paper represents the first dedicated study of the Sulpician Law on the suffrage of the freedmen, perhaps the least understood of the divisive centerpieces of the renegade tribune of the *plebs* P. Sulpicius' legislative program. After first establishing the overall parameters of the issue of freedmen suffrage in the Roman Republic from the late 4th century BCE onwards, the paper suggests that Roman freedmen did not make for a potentially overwhelming 'patronless' urban proletariat but instead formed an aspiring constituency closely tied to Rome's non-senatorial elites. Shifting the focus then to the circumstances, particulars, and objectives of the *lex Sulpicia de libertinorum suffragiis* and factoring in both priors and posteriors, it will be argued that this law (associated with, though distinct from, the concurrent law on the suffrage of the newly enfranchised freeborn Latin and Italian allies) instead sought to enlist the critical support of the equestrian and first *census*/property class citizens, including the Italian *domi nobiles*, in order to ensure the passage of the highly divisive Sulpician bill transferring the lucrative command against Mithradates VI from a sitting consul (L. Cornelius Sulla) to a private citizen (C. Marius).

Keywords: *libertini* / freedmen suffrage, P. Sulpicius, C. Marius, Mithradatic Command, Equestrian Order

Article Note: All dates are BCE unless indicated otherwise. Translations derive from the LCL, modified where necessary.

***Kontakt:** Dan Qing Zhao, E-Mail: danqing.zhao@anu.edu.au

Frederik Juliaan Vervaet, E-Mail: fvervaet@unimelb.edu.au

Introduction

The year 88 was a critical turning point for the Roman Republic – the Social War was yet to finish, Mithradates VI Eupator of Pontus (r. c. 116/113–63) invaded the wealthy Roman province of Asia, the issue of the suffrage rights of the newly enfranchised Latin and Italian allies exploded into intense rioting, and the year culminated in the first time a Roman consul marched on Rome. Among this flurry of activity, making for a relatively crowded field, one item has been mostly overlooked in scholarship: the *lex Sulpicia de libertinorum suffragiis* – the Sulpician Law on the suffrage of the freedmen.

Largely neglected by our ancient sources, if they mention this bill at all, this ephemeral law has similarly been understudied in modern scholarship.¹ This measure has often been understood as one among a long series of attempts by ‘populist’ tribunes of the *plebs* trying to spread the vast mass of poor, underemployed, and patronless urban freedmen, typically trapped in just the four urban voting tribes, into as many tribes as possible, so that they could overwhelm the vote in the tribal assemblies (the *comitia tributa* and the *concilium plebis*) by sheer numbers and dominate Rome’s most active legislative assemblies for the demagogue in question.² Even those historians examining this measure either typically study it in isolation, disconnected from the rest of Sulpicius’ known legislative initiatives, or believe it to have targeted an entirely different set of voters. Our paper will turn the spotlight back upon this oft-overlooked law in order to answer three seemingly perplexing questions: (1) why did Sulpicius want to redistribute the freedmen; (2) why did Sulpicius deem it worthwhile to redistribute freedmen at this particular juncture; and (3) why did Sulpicius redistribute freedmen in such a peculiar way (i.e., as we shall see, allocating them to their patrons’ voting tribes)?

Before we can turn to these key questions, however, we will first need to establish the likely identity of the freedmen whom Sulpicius was trying to court, doing so by looking at the wider demographic and sociopolitical framework. Indeed,

¹ In sharp contrast to Sulpicius’ law concerning suffrage/tribal (re-)distribution of the vast body of new citizens enfranchised in 90 and 89 during the Social War – cf. Santangelo 2024, 115: “The political background of this measure has received much attention, as it calls into play the relationship between Sulpicius and Marius, the circumstances and the date in which it emerged, and the need to secure support to the proposal to transfer the Mithridatic command to Marius”.

² Tregiari 1969, 50, 167 f.; Taylor 1960, 144 f.: “the votes of freedmen, similarly distributed, would have been particularly useful in legislation, for the urban *plebs* had far more power in the legislative tribal assembly than they had in the centuriate assembly or even in the tribal electoral assembly when many Italians were in Rome”. See also Tatum 2022, discussed in greater detail *infra*, who opines that the *lex* was attempting to mobilise the urban *plebs*.

recent demographic studies are now disinclined to support the idea that there existed a vast mass of poor urban freedmen perhaps so numerous that they outnumbered freeborn citizens (*ingenui*). As we will argue, freedmen likely were significantly fewer in number (perhaps only ~10 % of the urban population of Rome) and certainly did not outnumber existing freeborn voters. Since freedmen thus were arguably much fewer in number than previously assumed and can therefore not be simply equated with the poor *plebs urbana*, a corollary examination of manumission during the Republic will, furthermore, show that freedmen were not disproportionately destitute. Many politically influential and interested freedmen were at least part of the artisan or shopkeeping class, and a significant number of them were connected to even more wealthy and influential patrons, such as equestrian and first *census*/property class businessmen and Italian *domi nobiles*.

Once these important historical parameters set, Section 2 delves deep into the year 88, arguing that, far from a disjointed populist measure, the *lex Sulpicia de libertinorum suffragiis* was intimately tied to the tribune's other two initiatives, the *lex Sulpicia de novorum civium suffragiis* and the *lex Sulpicia de uno imperatore contra Mithradatem constituendo*. All three bills disproportionately benefited sub-senatorial elite voters: equestrian and first *census* class *publicani* and *negotiatores* and newly enfranchised Latin and Italian *domi nobiles*, to whom the vast majority of wealthy, politically active, and politically interested freedmen were attached. The *lex Sulpicia de libertinorum suffragiis* was thus not about the poor urban masses of freed slaves (which largely did not exist, or certainly not to the extent previous scholarship suggested they did). Sulpicius' redistribution of freedmen rather was an attempt to mobilise and incentivise relatively well-off extra-urban voters to come and vote for this package of bills, especially the unprecedented and predictably contentious and divisive Mithradatic bill that sought to transfer command from a sitting consul (Cornelius Sulla) to a private citizen (Gaius Marius).

Before we subsequently formulate some overall conclusions, the epilogue briefly ponders (the circumstances of and likely rationales for) probable and attested anterior and posterior proposals/measures concerning the freedman suffrage, suggesting that this issue for the first time became a matter of public debate in the second tribunate of C. Sempronius Gracchus (122) and thereafter occasionally flickered as a perennial political hot potato until rendered obsolete by the definitive collapse of the Republic and the arrival of tyranny in the age of Caesar and Augustus.

It follows from the above that this very first distinct and detailed inquiry into the Sulpician Law on the freedmen suffrage also offers a comprehensive reappraisal of the issue of freedman suffrage in the Roman Republic, from the days of the maverick late 4th century BCE censor Appius Claudius Caecus to those of his

equally notorious descendant P. Clodius Pulcher in the deeply troubled final decade of the *libera Res Publica*.³

Part 1: Italo-Roman Freedmen – New Perspectives

1.1 The Traditional Model

The traditional demographic model of Roman slavery essentially states that, by the Late Republic (133–27), Roman Italy was unquestionably a society permeated by the use of slavery, with roughly one-third of its population being slaves. This model dominated for the better part of the late nineteenth and the twentieth centuries, with Beloch, Brunt, Patterson, Bradley, and Finley, despite significant disagreements on the actual number of slaves, all concluding that slaves comprised between c. 30–40 % of the population of late republican and early imperial Italy.⁴

In addition to this high rate of slave-ownership, Romans were also thought to have been very liberal in freeing their slaves. Scholars have pointed to a noticeable increase in the number of inscriptions from Rome from the latter half of the second century BCE onwards in which the status of *libertus/a* is recorded. This epigraphical evidence reveals a high proportion of those who declared freed status, particularly in funerary epitaphs, compared to those who were unambiguously freeborn.⁵ Scholars have also argued that, based on onomastics, even many of those who did not explicitly state status – *incerti* – were freed slaves.⁶ Evidence from the early imperial period was also used to support such a view: a first-century CE *album* from Herculaneum seemingly suggests that over 60 % of the adult male citizenry there were freed slaves.⁷ As Alföldy further notes, many epitaphs of freed slaves from the early imperial period exhibit rather young ages. On these grounds, he contends that across much of Late Republican and Early Imperial Rome, it was almost certain

³ For a recent thesis studying the politicisation of manumission and freedmen in the Roman Republic and the Augustan Principate, see Zhao 2024, currently under preparation for publication as a monograph.

⁴ Beloch 1886, 415–418; Brunt 1971, 124; Patterson 1982, 354–358 (Appendix C); Bradley 1994, 12; Finley 1998, 148.

⁵ See particularly Alföldy 1972, 107–129.

⁶ See López Barja De Quiroga 2018, 270–275 for a summary of scholarship on this point, particularly concerning Herculaneum.

⁷ CIL 10.1403. On the *album* of Herculaneum and its demographic implications, see De Ligt – Garnsey 2012.

that a slave would be manumitted in their lifetime, and rather young, too – often in their 20s or 30s.⁸

On top of this, many earlier demographers also argued that this high level of enslavement drove the displacement of freeborn (*ingenui/ae*), particularly rural, Romans and, as a result, the Roman citizen population suffered a catastrophic collapse in the Late Republic.⁹ Yet, despite this apparent shrinkage of the freeborn population, demographic models suggest that the overall citizen body still grew healthily – therefore, the replacement population must have come from somewhere. In his influential work on Roman demography, Brunt argues that frequent manumission was the logical solution: “The enfranchisement of [...] slaves certainly swelled the size of the citizen body, but this increase only concealed a considerable diminution in the old Italian stock”¹⁰

The conflux of a high level of enslavement, regular manumission, and declining freeborn population led to a model in which freed slaves were extremely numerous in Roman society by the Late Republic. In his highly detailed analysis, Brunt determines that the urban population of the city of Rome was around 500,000 in 70 and 750,000 by the end of the Republic, of which 100–200,000 were slaves and around 130,000 were freeborn citizens.¹¹ This implies that there would have been between 170,000 to 520,000 freed slaves in the city of Rome alone at the end of the Republic. In other words, Brunt proposes that the freed population outnumbered the freeborn population. Other relatively contemporaneous scholars largely concur – Dumont estimates that over 50 % of Rome’s urban population might have been freed slaves even as early as the mid-second century BCE.¹² Indeed, freed slaves were thought to have outnumbered free citizens to such an extent that the categories of urban plebeians and urban freedmen were often conflated. In the words of Purcell, “the history of the Roman *libertinus* is the history of the *plebs urbana* and the history of the city, socially, economically, and culturally”.¹³

This model naturally impacted our understanding of how freed slaves interacted with the political sphere. The sheer number of mostly destitute urban freed-

⁸ Alföldy 1972, 114, cf. Weaver 1972; Watson 1987, 23; Weaver 1990; and Harper 1972.

⁹ Brunt 1971; Whittaker 1993, 281–282. See also App. civ. 1.9, 1.11, 1.13 for the suggestion that the same dynamics negatively impacted the manpower of the Italian allies. Stone 2015, 225–227 (comp. 230) cogently argues that Ti. Gracchus wanted the Italian elites to embrace and replicate his agrarian reform project (redistributing Roman public land held in excess of a certain cap to lower-class Roman citizens) by virtue of the well-established procedure of *fundus fieri*.

¹⁰ Brunt 1971, 112.

¹¹ Brunt 1971, 383–387. These calculations do not include *peregrini*.

¹² Dumont 1987, 57–82, cf. Frank 1916, Purcell 1994 and 1996.

¹³ Purcell 1994, 662–663, cf. Purcell 1996, 797: “The city population was in many ways the *plebs libertina*”.

men with little to no patronal oversight implied that, if unregulated, they could dominate the legislative assemblies. Scholars were thus inclined to view the freedmen voting rights as a perennial struggle between populist politicians mass-redistributing freedmen in the *comitia tributa/concilium plebis* and conservative politicians curbing the political influence of freedmen by restricting their tribal distributions, a political seesaw starting from the censorial reforms of Ap. Claudius Caecus (cos. 307, 296; cens. 312–308) down to the turbulent career of P. Clodius Pulcher (trib. pleb. 58).¹⁴

1.2 The New Model

The three fundamental assumptions upon which this high estimate of freedmen was based – high level of slaveholding, high frequency of manumission, a collapsing freeborn population – have come under increasing criticism in recent years. As previous research often approached the issue by examining the supply of slaves, Scheidel re-evaluated slaveholding numbers by examining demand for slave labour and carry capacity for slaveholding instead.¹⁵ Roman agricultural handbooks suggest that Roman estate owners during the Late Republic and Early Principate did not regularly rely on large slave workforces.¹⁶ Rather, they typically kept a small, enslaved skeleton crew to keep a farm or estate running throughout the year and hired free labour during busy periods such as harvesting or sowing seasons (Cato agr. 10–11; Colum. 1.7.6, cf. Plin. nat. 18.21).¹⁷ In urban areas, too, the use of slave labour was likely lower than previously assumed: for example, large-scale building projects often used free workers, not slaves.¹⁸ By examining demand and carrying capacity instead of supply, Scheidel argues that there were far fewer slaves in Roman Italy at the end of the Republic and the start of the Principate than traditionally assumed, both in raw numbers and as a percentage of the total population – around 10–20 % of the population of Italy.¹⁹ Scheidel later mildly revised that estimate to 15–25 % of the Italian population and about 10 % of the total population across the Roman Empire.²⁰

¹⁴ Cf. *infra* for a brief discussion of this political dynamic as well as an attempt to come to a more realistic appraisal of the political stakes.

¹⁵ Scheidel 1997; 2005; 2008; 2011; 2012. For a critique of Scheidel's approach, see Lo Cascio 2018a, 142.

¹⁶ Launaro 2011, 175 f.

¹⁷ Scheidel 2005, 16, cf. Hunt 2018, 59 f. and Saller 2022, 97–101.

¹⁸ Holleran 2011, 172–173.

¹⁹ See Scheidel 2005.

²⁰ Scheidel 2011, 289; Scheidel 2012, 92.

While Scheidel's numbers are not universally accepted, they have been deeply influential since their proposal, with most current scholars concurring with Scheidel's analysis.²¹ Morley concludes that slaves likely made up 5–20 % of the urban population of the city of Rome.²² Herrmann-Otto separately determines that slaves likely made up only around 5–10 % of the urban population in the City.²³ Lavan allows a lower limit of slave numbers at 6 % of Roman society overall in his demographic reconstructions.²⁴ Although both Scheidel's 'bottom-up' and the previous 'top-down' methods are only educated guesses at slave numbers, the latter method has far less supporting evidence and the suggestion that slaveowners always maximised supply regardless of demand is economically unsound.

Furthermore, the assumption that Romans regularly and 'excessively' freed their slaves has also increasingly come under attack, and the overreliance on epigraphical evidence (and all its biases and interpretative problems) has been thoroughly criticised. Wiedemann convincingly argues against the idea of 'automatic' manumission, stating that regular manumission was merely an ideal that was not often followed in practice.²⁵ In essence, freed slaves may have been over-represented in the epigraphical evidence due to a desire to commemorate themselves in a permanent fashion, possibly driven by their previously enslaved status.²⁶ The often young ages shown in freed slaves' funerary epitaphs may have been because deaths at the peak of youth were considered particularly tragic and thus more likely to have received some form of commemoration that would survive to the modern day.²⁷ Finally, it is unrealistic to make arguments about the entire population based on epigraphical records – at best, we could perhaps claim that freedmen may have been disproportionate amongst those who were wealthy enough to leave permanent forms of remembrance, not that they were the dominant social group amongst the entire Roman population. This phenomenon, called the 'freed epigraphic habit', is now a well-studied and acknowledged part of the study of Roman slavery.²⁸

Finally, the model suggesting that the freeborn population was collapsing and required the manumission of slaves to maintain the citizenry, typically called the 'low count', is no longer held as defensible in its original form. Recent supporters of

²¹ Launaro 2011, 174 f., cf. 21; Temin 2013, 136; Kay 2014, 178–183.

²² Morley 2013, 42.

²³ Herrmann-Otto 2013, 73.

²⁴ Lavan 2016, 19.

²⁵ Wiedemann 1985.

²⁶ Patterson 2000, 268 f.; Mouritsen 2005, 55–62; George 2006, 22 f.

²⁷ Scheidel 2010, 6.

²⁸ Woolf 1996; Scheidel 2010, 6; Lloris 2015, 145; Bruun 2015, 483.

the 'low count', such as De Ligt, re-form the theory by allowing for a modest natural growth in the free population.²⁹ The opposing 'high count'³⁰ and the alternative 'middle count'³¹ both argue for a higher population and rate of population growth than the 'low count'. Of course, all three counts suffer from different problems and none of them dominates our demographic understanding of Rome.³² None of the revised models, however, argues that the free population declined, but rather that it grew healthily during the Late Republic and was certainly not reinforced purely through manumission.

Therefore, our latest research in Roman demography is disinclined to support any of the three fundamental assumptions (very high levels of enslavement, high levels of manumission, a collapsing freeborn population) upon which the earlier estimates of freedmen in Rome was based. Consequently, most scholars have turned away from such estimates whereby freed citizens outnumbered freeborn citizens. Nicolet suggests that there might have been 200,000 freedmen in the city of Rome by the end of the Republic.³³ Scheidel further revises the estimate down to 200,000 freedmen across all Italian urban centers in the first century BCE, though he does not provide an estimate for Rome itself.³⁴ Mouritsen and Morley both offer 100,000 freedmen in the city of Rome as an estimate for the Early Principate.³⁵ Tacoma suggests 60,000–135,000 freedmen in the City for the High Empire.³⁶ Herrmann-Otto argues for an even lower number, 50–70,000 freedmen, in the city of Rome at the start of the Principate.³⁷ Similarly, López Barja De Quiroga estimates that there were around 75,000 freedmen in the city of Rome by the Late Republic.³⁸

²⁹ De Ligt 2012, cf. Scheidel 2004, esp. 5–9; comp. also Sisani 2019.

³⁰ Lo Cascio 1994; Lo Cascio 1999, 164–170; Lo Cascio 2018a. See also a modified 'high count' theory by Launaro 2011, particularly 183–189, who argues for a higher rate of citizens in the provinces.

³¹ Hin 2008 and 2013.

³² For some summaries of the recent research into Roman demography, see De Ligt 2012, 5–39 and Hin 2013, 4–9. See also Sisani 2019, esp. 85–129, for attempts to solve issues still faced by both the high and low count, such as whether and how *cives sine suffragio* and Roman citizens abroad were counted in Republican censuses.

³³ Nicolet 1994, 605.

³⁴ Scheidel 2005, 78.

³⁵ Mouritsen 2011, 121; Morley 2013, 40.

³⁶ Tacoma 2016, 66 f.

³⁷ Herrmann-Otto 2013, 73.

³⁸ López Barja De Quiroga 2022, 381.

1.3 Rethinking Freedmen and Roman Politics

With this new demographic basis, we shall now briefly re-examine the politicisation of freedmen and manumission to construct the context necessary for our exploration of the *lex Sulpicia de libertinorum suffragiis*. Long has the censorship of aristocratic ‘enfant terrible’ Ap. Claudius Caecus in 312–308 been held as the beginning of the issue of freedmen voting rights since he allegedly restructured the distribution of the voting tribes and raised sons of *libertini* to the Senate (Liv. 9.46, cf. Diod. 20.36, and Plut. Publicola 7.5).³⁹ His reforms, Livy complains, allowed the ‘*forensis factio*’ to rise to power. This reform of Ap. Claudius was rather short-lived as it was negated by the censors Q. Fabius Rullianus (cos. 322, 310, 308, 297, 295) and P. Decius Mus (cos. 312, 308, 297, 295) in 304 (Liv. 9.46.14 f.; Val. Max. 2.2.9b). According to Livy, these censors restricted all the *humillimi*, a category including the *libertini* (Plut. Publicola 7.5 and vir. ill. 32.2 f.), whom Appius Caecus had allowed “to register in the tribe of their domicile”⁴⁰ to the four urban tribes (Liv. 9.46.14). Because of these actions, Fabius was nicknamed ‘Maximus’ (‘the Greatest’) by his senatorial peers, undoubtedly a signal indicator of the senatorial aristocracy’s strong feelings in this matter.

It is, however, highly unlikely that the reform and counter-reform of 312–308 and 304 targeted freedmen exclusively or explicitly.⁴¹ Indeed, Cels-Saint-Hilaire strongly doubts that the *humiles* referred exclusively to freedmen, whose numbers she believed to have been negligible at the time.⁴² Cels-Saint-Hilaire and Humm further argue that the *libertini* here in question were not necessarily exclusively freedmen, but simply ‘new citizens’, viz. peregrines recently integrated into the Roman citizenry (perhaps following a procedure similar to the *manumissio censu*).⁴³ These ‘new citizens’ were politically and socially devalued (at least in our sources of aristocratic inspiration) and possibly corresponded to Latins or Campanians whom the Roman expansion of the late 4th century BCE had recently forcefully integrated into Roman citizenship.⁴⁴ By integrating the sons of *libertini* into the Senate,

³⁹ For a compelling argument that only the systematic use of the *tribus* by the reformist censor Ap. Claudius Caecus facilitated the adlection of outsiders into the Roman citizen body, replacing the obsolete system of the *curiae* with a more effective tool for the integration of new citizens, see Humm 2006.

⁴⁰ Oakley 2005, 634.

⁴¹ Staveley 1959, 415; Richardson 2011, 456 f., 463. Oakley 2005, 369 and Bradley 2020, 339 f., 354 largely believe that the *humiles* were simply urban *plebs*.

⁴² Cels-Saint-Hilaire 1995, 281–283.

⁴³ Cels-Saint-Hilaire 1985, esp. 360 and 2000, 180–185; Humm 2005, 413 f. On the role and juridical efficacy of the *census* in the process of citizenship acquisition by *peregrini*, see Laffi 2019.

⁴⁴ Before the 260s, in what Lavan terms “a striking inversion of later practice”, the Romans typically used naturalisation as an instrument to organise and control certain conquered populations

Ap. Claudius was thus not acting out of demagogery (as later sources have often interpreted) but in the interest of the state (*res publica*) as he sought to integrate into the governing body representatives of the Latin or Campanian elites who had recently entered Roman citizenship (such as Cn. Flavius, son of Annus or Annius, curule Aedile in 304 and perhaps from Praeneste, or his colleague Q. Anicius Praenestinus).⁴⁵ Quite possibly, these new citizens were simply lumped together indiscriminately with the actual freedmen in this era, which the former would no doubt have experienced as an additional sociopolitical grievance.⁴⁶

The beginning of genuine senatorial and censorial concern regarding freedmen specifically, then, should likely be traced to the late 3rd century BCE. The combined evidence of Liv. per. 20 and Liv. 45.15.1–3 indicates that the *libertini* were restricted by a pair of censors between 230 and 220 to the four urban tribes, possibly with certain *ad hoc* and ongoing exceptions for certain categories (*ad hoc*: those who had a son over five years old; and indefinite: those who had property in the country valued at over HS 30,000 = 75,000 asses, then the minimum requirement for enrolment into the second property class in the *comitia centuriata*: Liv. 1.43.4 and Dion. Hal. ant. 4.16–21). After the censors of 179, M. Aemilius Lepidus (cos. 187, II 175) and M. Fulvius Nobilior (cos. 189) perhaps reverted to a more generous approach vis-à-vis the freedmen (comp. Liv. 40.51.9⁴⁷), the censor Ti. Sempronius Gracchus (cos. 177, II 163) in 169 prevailed over his hesitant colleague C. Claudius Pulcher (cos. 177) to terminate any exceptions granted during and after 230–220, enrolling all freedmen alike to one city tribe chosen by lot – tellingly, an arrangement much welcomed by the Senate (Liv. 45.15.3–7; Cic. de orat. 1.38, quoted *infra*;

in Italy. By virtue of the *municipium*, a 4th century innovation, the Romans unilaterally incorporated existing communities as autonomous populations of Roman citizens (and their territories as *ager Romanus*), with the drastic geopolitical restructuring imposed on Latium and Campania at the close of the Latin War in 338 as the most important application. After this date, the Romans increasingly resorted to granting municipal status without Roman citizenship (*municipia/civitas sine suffragio*), even if citizens of these *municipia* could acquire the *ius suffragii* by migrating to Rome and Rome sparingly upgraded certain such communities by granting full citizenship (*civitas optimo iure*): Lavan 2019, 24–26: after 268, the Romans developed “a preference for keeping conquered Italians separate from the Roman *res publica*”, increasingly leaving them as allies rather than annexed as *municipia* or *ager Romanus*. Latin Tusculum as the first example of imposed municipal status *optimo iure* in 381: Cic. Planc. 19; Etruscan Caere was reportedly the first Italian community to receive municipal status *sine suffragio*: Gell. 16.13. On *municipia* and *civitas sine suffragio*, see esp. Humbert 1978.

45 Humm 2005, 219–226.

46 Liv. 38.36.7–9 (discussed *infra* in n. 160), however, suggests that by 188, the newly enfranchised freeborn living across Italy had long been enrolled in the existing rural tribes.

47 For further discussion of this passage, see Lo Cascio 2001, 588–591.

and vir. ill. 57.3, flagging a more serious rift between the censors on the matter).⁴⁸ While the freedmen issue in the early to mid-Republic remains murky and scholars still debate the precise details of each event, it nevertheless seems that the issue of freedmen voting rights consistently remained the prerogative of the censors.⁴⁹

If censorial and senatorial concern about freedmen voting issues began in earnest around 230, and if freedmen were not nearly as numerous as we have previously assumed, then why did the censors and the senatorial aristocracy become so concerned at this juncture and onwards? According to Mouritsen, the senatorial aristocracy's misgivings about the power and status of freedmen "were essentially ideological concerns".⁵⁰ The censorial activities, and our later examination of the *lex Sulpicia*, however, rather suggest that many of the senatorial elite and even non-elite genuinely feared the (re)distribution of the *libertini*. Using some case studies from the Second Punic War (218–201), we will corroborate, as a basis for our examination of 88, that (1) freedmen nonetheless formed a significant voting bloc, even if they did not number as greatly as previous thought, and (2) significant numbers of freedmen were attached to wealthy and politically active patrons, including those outside of the traditional senatorial class, such as equestrian and first *census*/property class businessmen and Italian *domi nobiles*.

In 217, after the horrific loss at Lake Trasimene, the dictator Q. Fabius Maximus (cos. 233, 228, 215, 214, 209) drafted freedmen of military age and with children with the other urban dwellers of Rome: *magna vis hominum conscripta Romae erat; libertini etiam quibus liberi essent et aetas militaris in verba iuraverant* (Liv. 22.11.8). Those under thirty-five were sent to the navy, while those above that age formed two legions to garrison Rome (Liv. 22.11.9). As freedmen were not exclusively targeted for recruitment, we have no idea what proportion of this *magna vis hominum* was comprised of *libertini*, though one imagines that they must have numbered in the hundreds or low thousands, at least, to make targeting them for recruitment worthwhile.

In the immediate aftermath of Cannae in 216, when Roman ranks had been seriously depleted following a raft of costly defeats and the city of Rome itself was vulnerable to direct Carthaginian assault, and after taking the desperate measure

⁴⁸ For a very different interpretation on what transpired in 169, see Briscoe 2012, 649–651.

⁴⁹ Comp. Elster 2014, 193 f. Lintott 1999, 51 (and others, e.g. MRR 1.362) interprets Plut. Flamininus 18.1 as suggesting that a plebiscite carried by Q. Terentius Culleo in 189 compelled the censors to enrol freeborn sons of *libertini* in all thirty-five tribes, reportedly to spite the senatorial nobility, an interpretation duly called into doubt by Elster 2003, 324–326. To our thinking, the *lex Terentia* possibly forbade the enrolment as citizens of persons born of slave parents who had in the meantime been manumitted: if these persons, too, had not been manumitted in their own right, they remained slaves and could not possibly be enrolled as citizens.

⁵⁰ Mouritsen 2011, 82, cf. also *infra* n. 101.

of enrolling four legions and a thousand horse of young men (*iuniores*) “from the age of seventeen” and even “some who still wore the purple-bordered dress of boyhood”, the Senate also had the treasury buy some 8,000 “young and stalwart slaves” and armed them, “first asking each if he were willing to serve” (Liv. 22.57.11). Valerius Maximus also records this but increases the number of slaves recruited to 24,000 (Val. Max. 7.6.1a). Feig Vishnia’s argument that these were predominately slaves of senators is shaky – if the Senate could have internally raised these slaves, then there was little reason why the tribunes had to announce it to the people and establish a commission (Val. Max. 7.6.1a).⁵¹ According to Livy and Macrobius, the Senate preferred this option over the less expensive alternative to ransom Roman prisoners-of-war, with Macrobius adding the valuable information that these volunteers fought on behalf of their Roman owners. Clearly the owners so excused from the fight would have been no ‘ordinary’ Romans but rather men of some consequence, sufficiently justified by their other responsibilities and activities, and sufficiently well-off to be able to part with their slaves in wartime.

Significantly, in 215, forming the bulk of the consular legions of Ti. Sempronius Gracchus (cos. 215, II 213), these so-called *voloni/es* (“volunteers”) first scored a significant victory over the rebellious Campanians at Hammae and next even repulsed Hannibal’s army as it besieged Cumae.⁵² In the spring of 214, authorised by the Senate and the consul M. Claudius Marcellus, the now proconsul Sempronius Gracchus promised freedom to every slave-volunteer legionary if they fought bravely in a pitched battle against the Carthaginian Hanno and his formidable confederate army at Beneventum. The Roman army prevailed over Hanno, with losses amounting to a mere c. 2,000 men, after which the consul duly made good on his promise.⁵³ This was the first battlefield victory of the Second Punic War on Italian soil and the fact that the victorious army fielded thousands of *voloni* probably explains why this remarkable success did not result in any triumphal honours.

In 214, on account of a dire shortage of sailors for the Republic’s critically important naval forces⁵⁴,

consules ex senatus consulto edixerunt ut qui L. Aemilio C. Flaminio censoribus milibus aeris quinquaginta ipse aut pater eius census fuisse usque ad centum milia aut cui postea tanta res

51 Feig Vishnia 1996, 97.

52 Liv. 22.57.9–12; 23.35–37.9; 24.10.3; 24.14.3 (where Livy praises these volunteers as men “who now for two years had preferred silently to earn their freedom rather than openly to demand it”, indicative of the fact that in his own time, many slaves impatiently but vainly pushed for manumission); Macr. Sat. 1.11.30 f.; Festus, s.v. *Volones* (ed. Lindsay 1913, 511).

53 Liv. 24.14–16.

54 On the oft-overlooked importance of naval forces to the Roman war effort during the Second Punic War, see Elliott 2018.

esset facta, nautam unum cum sex mensum stipendio daret; qui supra centum milia usque ad trecenta milia, tres nautas cum stipendio annuo; qui supra trecenta milia usque ad deciens aeris, quinque nautas; qui supra deciens, septem; senatores octo nautas cum annuo stipendio darent. Ex hoc edicto dati nautae, armati instructique ab dominis, cum triginta dierum coticis cibariis naves consconderunt. Tum primum est factum ut classis Romana sociis navalibus privata impensa paratis compleretur. (Liv. 24.11.7–9)

“the consuls, following a senatorial decree, issued an edict that if in the censorship of Lucius Aemilius and Gaius Flaminius any man had had his own property or his father’s assessed at between fifty thousand and one hundred thousand asses (or if it subsequently reached that level), he was to provide a single sailor along with six months’ pay. Anyone assessed above one hundred thousand and up to three hundred thousand was to provide three sailors along with a year’s pay. For assessment above three hundred thousand and up to a million, it was five sailors, and above a million, seven; senators were to supply eight sailors, with a year’s pay. The sailors provided in accordance with this edict boarded their ships, armed and equipped by their masters, with a thirty days’ supply of cooked rations. That was the first occasion on which a Roman fleet was manned with crews raised from private funds.”

A second request for sailors was made in 210. This request was originally refused until the senators offered to contribute funds as well, whereupon the rest of the populace (presumably the wealthy section) followed suit (Liv. 26.35 f.).

While the above passages reveal that slave ownership likely extended into the ‘middle reaches’ of Roman society, they also confirm that slave ownership was largely confined to the equestrian and first three *census* classes, as we can note that the number of slaves possessed declined disproportionately between the first and third *census/property* classes.⁵⁵ These requests further differentiated the senatorial elite from other wealthy citizens. There thus existed unambiguously numerous slaveowners who were not a part of the senatorial elite by the latter half of the third century BCE. In so saying, even in a time of emergency, the number of freedmen enrolled in the army or slaves requested by the Senate did not reach numbers suggestive of a high-count of slaves and freedmen. It would not be before the depths of the crisis of the Social War in 90 that the Senate authorised the levy

⁵⁵ Rosenstein 2008, 5–7; comp. Rosenstein 2004. See also Scotti 2020, 32. For a similar recruitment process being followed as late as in 38 BCE, see Cass. Dio 48.49.1f., where we are told that when Imperator Caesar Octavianus (as Triumvir *r.p.c.*) oversaw the construction of a large fleet “throughout practically all Italy” for his war against Sextus Pompeius, he also collected “slaves for rowers, first from his friends, who were supposed to give willingly, and then from the rest – senators and *equites* and well-to-do plebeians”: καν τούτω πλοιά τε κατά πᾶσαν ώς είπειν τὴν Ιταλίαν ἐναυπηγέστο, καὶ ἐρέτας τὰ μὲν πρῶτα παρὰ τῶν φίλων ώς καὶ ἐκόντων διδόντων, ἐπειτα δὲ καὶ παρὰ τῶν ἄλλων τῶν τε βουλευτῶν καὶ τῶν ἵππεων τῶν τε δημοτῶν τῶν εὐπόρων δούλους συνέλεγεν. Conversely, heavily armed regulars and moneys were levied from all the citizens as well as from the allies and subjects, both in Italy and abroad.

of twelve full cohorts of – probably Roman – *libertini* (i.e., c. 6,000 men, slightly over the equivalent of one full-strength legion) for service in the coastal region between Rome and Cumae, where, significantly, they “performed memorably and with courage”.⁵⁶ As the Roman state was confronted with a severe shortage of soldiers as it sought to stave off disaster in Italy,⁵⁷ the fact that no more than twelve cohorts of *libertini* were enrolled should probably not just be explained in terms of status-conscious reticence on the part of the Senate: rather, it corroborates the above analysis and invalidates the idea of a seemingly inexhaustible potential reserve of freedmen.⁵⁸

Of course, a lower count of freedmen does not suggest that they were politically insignificant. On the conservative assumption that freedmen made up around 5–10 % of Romans enrolled in the *census* and departing from the last recorded pre-Social War *census* figure of 394,336 *civium capita* in 115/114, there would have been c. 20,000–40,000 *libertini* in 90, signifying the number of 6,000 enrolled is eminently sensible. A politician wishing to mobilise voters hardly needed to have hundreds of thousands poor freedmen to vote to make a difference – even if only numbered in the lower tens of thousands, the *libertini*, if well motivated, would still have made a formidable voting bloc. In sum, our literary sources confirm that there

56 Since the *libertini* were mostly enrolled in the urban tribes in this period (cf. *supra*) and tribes were the basic administrative unit for fiscal and conscription purposes, this passage should not be cited as evidence for Roman freedpersons overwhelmingly living in Rome. Freedmen serving for the first time in the ranks to the number of twelve full cohorts performing memorably and with courage: Liv. per. 74; App. civ. 1.49 (in the wake of dangerous ‘secondary’ revolts among the Etrurians, Umbrians and other neighbouring peoples); and Macr. Sat. 1.11.32. The seeming discrepancy between Liv. 22.11.8 f. and per. 74 (*Libertini tunc primum militare coeperunt*) and App. civ. 1.49 should probably be explained in that the *libertini* conscripted in 217 predominantly served as *legionarii classici* (see Liv. 22.57.8 for the term *legio classica*) alongside the *socii navales* in the fleet commanded by the consul Cn. Servilius Geminus, who had been given the task to pursue hostile naval forces and protect the coast of Italy: Liv. 22.11.8 f. and MRR 1.242. As regards the precedent set in 90: Perhaps disruptions to Italian trade and agriculture had prompted many propertied Romans to manumit or even sell slaves to the state for the sake of manumission and next enlistment. Conversely, the Romans may also have freed and enlisted large numbers of slaves owned by rebellious Italians.

57 As expressly recorded in App. civ. 1.49: “The Senate, fearing lest they should be surrounded by war, and unable to protect themselves, garrisoned the seacoast from Cumae to the City with freedmen, who were then for the first time enrolled in the army on account of the scarcity of soldiers”.

58 Conversely, early in 88, as the situation of the Italian insurgency had become critical, the famous Poppeadius Silo freed enough slaves to raise an army of 20,000 infantry and 1,000 horse – presumably a mixture of slaves owned by hostile and friendly owners: Diod. 37.2.9 f.

existed notable slaveowners beyond the senatorial elite, and that the number of slaves and freed slaves mobilised during wartime are congruent with more recent lower counts of slaves and freed slaves.

1.4 Why manumit?

Once we remove the assumption that freedmen made up the majority of the *plebs urbana*, a result of Roman slaveowners wantonly and dissolutely freeing their slaves on a regular basis, and before we move on to a detailed analysis of relevant events in 88, we therefore must determine why a slaveowner would want to manumit: after all, regardless of reciprocal socio-legal obligations, a slaveowner undoubtedly had less control over a slave once the slave was freed: a freed slave was still a citizen *sui iuris*, with all the protections of that status.

Freeing a slave out of personal affection was likely one of the most significant motivators.⁵⁹ Socio-political rationales – namely, to swell one's 'clientele' – also played a part.⁶⁰ We have clear evidence that freedmen acted as trusted go-betweens in the political sphere. These relationships were undoubtedly still based on personal affection and trust: their statuses as trusted confidantes naturally led them to adopt such roles. In so saying, manumission purely based on personal affection must have been relatively limited – few slaves would have had sufficient intimate contact with their owners to be manumitted for this reason alone. Such slaves were likely to have been favoured urban domestics.⁶¹

Another important reason to manumit came with the expansion of Rome's sprawling provincial territories, particularly after the First (264–241) and Second (218–201) Punic Wars, and with the increasing sophistication of Rome's economic and financial structures, when freed dependents started to become invaluable in commercial affairs. A slave or a son under *potestas* could not conduct legal business independently, enter into contracts, or own property and therefore could not be legally held responsible if any issues arose.⁶² A series of praetorian edicts gradually introduced various *actiones* against slaveowners who acted through such dependent agents by making slaveowners potentially fully liable for any losses or

⁵⁹ Loś – Chantry 1995, 1031; Incelli 2017, 43.

⁶⁰ Duff 1928, 18; Tregiari 1969, 14.

⁶¹ MacMullen 1974, 92; Mouritsen 2013, esp. 58–62.

⁶² Aubert 1994, 1–3; Cohen 2023, 40.

problems incurred by their slave agents.⁶³ Although we have clear evidence of the use of slave agents in business dealings, the practice remained legally unideal.⁶⁴

The utilisation of freed slaves in commercial dealings, however, solved many of these issues. A freedman was a Roman citizen *sui iuris*, in control of his own property, and held the *ius commercii*. Slaveowners could first ensure that the slave they were manumitting was trusted and had already displayed business acumen. The former owner could then much more safely invest in such freed agents knowing that, since they were separate legal entities, their own liabilities were limited. At the same time, they could expect a return on the profit by striking formal agreements of *societas* or loans with the freed slaves. Furthermore, the slaveowner might also expect long-term returns, as freed slaves were, in an increasing number of circumstances, legally obliged to leave behind parts of their estate to their former owner when they died.⁶⁵ Freed slaves, too, would have also been incentivised to maintain a good relationship with their former owners post-manumission in order to access their patrons' social and financial support networks.⁶⁶ Thus, a slaveowner could use a freed slave in commercial enterprises, with a host of formal and informal incentives and coercive measures to enforce a continued relationship and to ensure returns while limiting liabilities in ways that utilising a slave agent could not.

This matches broader theoretical understandings as well. Both Scheidel and Hawkins, though acknowledging certain exceptions, demonstrate that highly skilled activities that demanded the ability to make rapid decisions without constant oversight, such as commerce and finance, required ceding greater autonomy to the agent and thus needed a more complex system of rewards, such as manumission.⁶⁷ Broekaert argues that merchants needed agents like freed slaves to operate efficiently in pre-industrial commercialised economies like that of Rome.⁶⁸ The fact that talented slaves in commercial endeavours were much more regularly freed than in other pursuits has been well-recognised.⁶⁹

Those who freed slaves for commercial reasons include certain senatorial families, who indirectly utilised freed slaves in commercial enterprises since senators

⁶³ For example, see Just. Dig. 14.3.1 and Paul. Sent. 2.8.1. See Di Porto 1984, 37; Aubert 1994; and Tchernia 2016, 27 for some in-depth discussions of which *actiones* were unlimited in liability and which were limited, and in what instances.

⁶⁴ For a detailed examination of the use of slaves in commercial enterprises, see Cohen 2023, 38–82.

⁶⁵ Twelve Tables V.8; Gai. inst. 3.41–42; Just. Dig. 38.2.1.1.

⁶⁶ Andreau 1999, 64; Mouritsen 2011, 224; Hawkins (forthcoming), 4 f.

⁶⁷ Scheidel 2008, 107; Hawkins (forthcoming), 8.

⁶⁸ Broekaert 2016, esp. 229–232.

⁶⁹ See for example Cato the Elder (Plut. Cato Maior 21.5–8). Hopkins 1978, 128; Dumont 1987, 65; Watson 1987, 23; Bradley 1994, 159; Schumacher 2001, 292 f.

were typically barred from direct engagement in commerce.⁷⁰ Members of the urban *plebs media* also did so.⁷¹ Hawkins convincingly shows that urban artisans were highly likely to free slaves *inter vivos* and to utilise *operae* as a way to modulate labour depending on market demand.⁷² He further contends that urban artisans were far more likely to leave their workshops behind to freed heirs, even if they had natural heirs.⁷³ Andreau reveals a similar phenomenon amongst bankers and financiers.⁷⁴ Holleran also shows that shopkeepers were often freed slaves managing the shop on behalf of their former owners.⁷⁵

Businessmen belonging to the equestrian order or the upper *census* classes, however, were likely the largest subset of this group, as they undoubtedly had freed agents and utilised them liberally in a wide range of commercial enterprises.⁷⁶ Cicero mentions that a highly reputable equestrian, Q. Minucius, had his freed agent, Timarchides, with him in Sicily (Cic. *Verr.* 2.2.69). Cicero, in a letter to P. Cornelius Lentulus Spinther (cos. 57), recommends to him a businessman, A. Trebonius, along with Trebonius' own freedmen (Cic. *Fam.* 1.3). In Petronius' *Satyricon*, Trimalchio is portrayed as having received a hefty inheritance from his former owner. Having become financially established, Trimalchio started investing in his own freedmen and used the profits to purchase land (Petron. *Sat.* 76). Well into the imperial period, Gaius reveals that it was still common to use freedmen as business agents abroad (Just. *Dig.* 40.9.10).

Significantly, many Italian *domi nobiles* also fell into this group. Italo-Roman merchants arrived in great numbers when Delos was made a free port in 167 and the ensuing period saw rapid commercial growth in the Aegean and Asia – areas that would later come under direct threat by Mithradates.⁷⁷ Commercial interest in Asia Minor grew further when C. Gracchus (or perhaps some legislation passed shortly

⁷⁰ See for example see Plut. *Cato Maior* 21.5 f.; D'Arms 1981; Andreau 2003; Mouritsen 2011, 209; Broekaert 2016, 225.

⁷¹ For a detailed study of the *plebs media*, see Courrier 2014, esp. 299–365. Courrier broadly defines the *plebs media* as a citizen grouping who “formait une étroite strate sociale [...] faite de citoyens fortunés mais n’appartenant pas aux élites équestre et sénatoriale”. As such, members of the *plebs media* would have been enrolled in the upper echelons of the five property classes, an inference that sits rather well with the information that can be gleaned from Liv. 24.11.7–9 (discussed *supra* on p. 536).

⁷² Hawkins 2016, 91, 133–154; Hawkins (forthcoming), 10, cf. Groen-Vallinga 2022, esp. 59–62.

⁷³ Hawkins 2016, 158–221.

⁷⁴ Andreau 1999, 61.

⁷⁵ Holleran 2012, 32, 44, 227.

⁷⁶ For more on equestrian business ventures, see Verboven 2008, Davenport 2019, and Shaw 2020 and 2022.

⁷⁷ See Wilson 1966, 99 for a timeline of the expansion of the activities of Italo-Roman *negotatores* and others in Delos, cf. Lomas 1996, 52 and Deniaux 2002, 29. For a general discussion on

before his tribunate) allowed the *publicani* to farm taxes there (Diod. 34/35.25).⁷⁸ Onomastic investigations of inscriptions in areas of the East controlled by Rome during this time also reveal a large presence of Italians and Romans with financial and commercial interests, though there are still debates as to the exact proportion of Roman citizens to non-Roman Italians there.⁷⁹ The massacre of Mithradates shows the scale of Italo-Roman operations in Asia by the 80s. During the so-called Asiatic Vespers, some 80,000 Romans and Italians were reportedly killed, whom Valerius Maximus specifies as being there to do business (Val. Max. 9.2e.3, cf. Cic. Manil. 7, App. Mithr. 23, and Cass Dio. 31.101). Likewise, when Mithradates' general Archelaus sacked Delos in 88, some 20,000 people, "of whom most were Italians" (ῶν οἱ πλέονες ἥσαν Τταλοί), were massacred (App. Mithr. 28).⁸⁰

the growth of the Italo-Roman commercial elite after the Hannibalic war, who became a new elite stratum due to "unprecedented social mobility", see Roselaar 2019, 151–155.

78 On the *lex Sempronia de provincia Asia*, see Badian 1972, 62, 99; Kay 2014, 59–61; Tan 2017, 66 f., 158 f., and Davenport 2019, 65.

79 See CIL I² 830 = ILLRP 359 (88 BCE) for a dedication by the *Italicei et Graecei qui Delei negotiantur*. See Hatzfeld 1919, particularly 240–242 for the argument that most businessmen and traders were from Oscan and Greek-speaking parts of Southern Italy, cf. Gabba 1976 and Bresson 2002. See Wilson 1966, Cébeillac-Gervasoni 2002, Wallace-Hadrill 2010, 84, and Kirbihler 2016 for counter-arguments that many traders came from central Italy and were Roman citizens or Latins. Roselaar 2019, 70 comments that the evidence is not strong enough to make a clear assessment either way.

80 Vervaat 2023, 123–128. C. Julius Caesar also resettled some 80,000 residents of Rome in various colonies such as Carthage and Corinth in the early 40s BCE (Suet. Iul. 42, cf. Str. 8.6.23). Many scholars view these colonists, following the account of Strabo (έτοίκους πέμψαντος τοῦ ἀπελευθερικοῦ γένοντος πλείστους), as mostly poor and patronless freedmen (Fabre 1981, 141; Mouritsen 2011, 52). Per our reconstruction of freedmen numbers, it is not probable that the 80,000 residents of Rome sent out to the Caesarian colonies were all, or even mostly, freedmen. Strabo was probably speaking of those whom he might have encountered most frequently, i.e., well-to-do municipal elites, then mistakenly assumed that the demography of the well-off section of Corinthian society applied to the whole populace. Str. (8.6.20) states that Corinth was resettled explicitly due to its ideal location as a port and trade city. Records of freedmen settled there reveals a close connection with economically if not politically powerful patrons: P. Anthestius Amphio (a freedman of the powerful Italian Publili Anthestii family), C. Iulius, C. Iulius Nicephorus (freedmen of C. Julius Caesar), Theophilus, and Hipparchus (freedmen of Marcus Antonius). As Millis 2014, 52 puts it, freedmen in Corinth were "wealthy, successful and powerful businessmen who had the strong backing and support of similar, but even more successful and powerful businessmen", cf. Spawforth 1996, Pawlak 2013, and Coles 2017; *contra* Eberle 2017, 352 f., who, though accepting that the freedmen settlers at Corinth were commercially inclined, still accepts Strabo's account that the entire colony were largely freedmen as accurate. As such, what we know about the colonisation efforts at the end of the Republic further supports our reconstruction of politically active freedmen as a social category thus far: they were an elite or sub-elite stratum connected to wealthy and influential Italo-Roman elites, among whom many had commercial interests, especially in the Greek East and Roman Asia.

This wealthy echelon of Italians would certainly have benefited from, or even agitated for, Roman citizenship in the run-up to the Social War, as they would likely have become equestrians or be assigned to the ranking *census* classes.⁸¹ Becoming Roman citizens would not only have lifted from them the burden of much of the taxes required to support their military contingents (the *tributum* had been abolished for Roman citizens in 167),⁸² but also allowed them to compete for lucrative state contracts, especially since tax farmers were now established in Asia.⁸³ They would have had the wealth and time to travel and vote in Rome and thereby sway foreign policy.⁸⁴ They could also potentially compete in elections themselves.⁸⁵ With the conclusion of the Social War, this influx of new voters was dramatic – the *census* of 115/4 had 394,336 citizens recorded whilst the *census* of 70/69 had no fewer than 910,000, more than double the number of citizens from before the Social War. Even if we cautiously accept that only a minority of these new voters had the time and means to engage meaningfully in politics, this would certainly have upset traditional voting patterns.⁸⁶

Italo-Roman businessmen most certainly had freed clients, who themselves became wealthy and influential. Hatzfeld, in his investigation of Delian inscriptions, finds that out of 221 inscriptions of *Rhomaioi* with known statuses, 88 are freeborn, 95 are freedmen, and 48 are slaves.⁸⁷ Three slaves and a freedman of

⁸¹ See Ascon. 68C: the *lex Licinia Mucia* of 95 (cf. *infra* p. 546) so alienated the loyalties of the elites of the Italic peoples “that this was much the most important cause of the Italian War which broke out three years later” (*verum ea lege ita alienati animi sunt principum Italicorum populorum ut ea vel maxima causa belli Italici quod post triennium exortum est fuerit*). Mouritsen 1998 and Pobjoy 2000 argue forcefully against the idea that Italians wanted citizenship but instead fought for independence (see Vervaet 2023, 24 n. 3 for a selection of other scholars adhering to this line of thought). Conversely, Kendall 2012 and 2013, Dart 2014, Roselaar 2019, and Vervaet 2023 are among those recently suggesting that there indeed were significant socioeconomic and political benefits of Roman citizenship – enough to fight for. See particularly Kendall 2013, 135–136 for the argument that it was the Italian *domi nobiles* who had significant overseas commercial interests and thus stood to gain most from the Roman citizenship and were the primary agitators for it, since they would certainly become equestrians upon being enfranchised; comp. also Gabba 1976, Wiseman 1983, 30, and Carlà-Uhink 2017, 331. On where Italian *domi nobiles* were assigned in the *census* classes post-enfranchisement, see Roselaar 2019, 208, 232–238.

⁸² Kendall 2012, 116 and 2013, 97; Roselaar 2019, 207.

⁸³ Keaveney 1987, 7–8; Kendall 2012, 117 and 2013, 121, 136, 279; Roselaar 2019, 207.

⁸⁴ Dyson 1992, 64; Mouritsen 1998, 97, 169 f.; Lovano 2002, 15; Kendall 2012, 118; Lomas 2014, 256, and Davenport 2019, 132–133 all agree that typically it was the relatively well-off, i.e. the *domi nobiles*, that were particularly political interested and active, cf. Cic. *comment. pet.* 8, Cic. *p. red. in sen.* 28, and Patterson 2019, 45 f. on these passages of Cicero.

⁸⁵ Mouritsen 1998, 94; Kendall, 2012, 118.

⁸⁶ Dart 2014, 3, 46. See also Cic. *Sull. 24 f.*: Italian voters were now a serious political force.

⁸⁷ Hatzfeld 1919, 247–248.

likely an Oscan-speaking owner dedicated an inscription to Jupiter Liber on Delos (CIL I² 2203 = ILLRP 194). Three freed *magistri* of Mercury and Maia were also likely to have been Oscan speakers (CIL I² 2240 = ILLRP 749).⁸⁸ Two freedmen gave the Italo-Romans at Delos a *laconicum* (CIL I² 2247 = ILLRP 289). On the Italian peninsula, inscriptions recording *libertus* status, prior to the first century BCE, centered in certain locations. Large Etruscan cities (Caere and Tarquinii, in particular), cities in Latium and Campania (Capua for example), cult centres such as Praeneste, and Rome all have far greater numbers of freed inscriptions surviving than other locations. While Rome surpassed the other cities in the number of freed inscriptions, prosperous and highly urbanised Italian cities, particularly those linked with maritime trade, also had high numbers of slaves and freed slaves before the Social War.⁸⁹

Significantly, Appian tells us that freedmen of Italians and Romans were explicitly targeted for slaughter in the opening stages of the Mithradatic War (App. Mithr. 22 f.). Of course, we do not know the exact numbers of freedmen with Italian owners, but there is nothing to suggest that the patterns of manumission in Italy might have been significantly different from rates in Rome – it might even be possible that Italians were more liberal with manumission, as they were not subject to Rome's manumission tax. Importantly, Italo-Roman businessmen who had commercial concerns in Asia now also had a vested interest in the swift and successful pursuit of the Mithradatic War. These freed clients of the Italo-Roman sub-senatorial elite actively engaged in business alongside their patrons, and some became quite wealthy and influential themselves. As a result of the consecutive mass enfranchisements of 90/89 and 87, the Italian subset of this elite, with their freed clients, were to become Roman citizens and were now eligible to vote in Rome's electoral and legislative popular assemblies.

In the light of all these considerations, we can establish a new contextual understanding of freedmen. Freedmen were not nearly as numerous as we have previously assumed, and a mass of 'patronless', destitute urban freedmen likely did not exist to any significant extent. Most politically notable and active freedmen were instead attached to, or themselves part of, the *plebs media* and above, with sub-senatorial equestrians (and later Italian *domi mobiles*) likely the group with the greatest need for and therefore the greatest number of freed clients. It is no

⁸⁸ Lomas 1996, 67 f. For further examples of freed *magistri*, see CIL I² 2504 = ILLRP 759, CIL I² 3433 = SEG 23, 514, CIL I² 2232 = ILLRP 750, CIL I² 2239 = ILLRP 748 – all dated to before the Social War (most in the last few decades of the second century BCE). See also Deniaux 2002, 32–40 for an investigation of the Seii, a Campanian family with members and at least one freedman attested on Delos.

⁸⁹ Dyson 1992, 46 correlates the high number of freed inscriptions there explicitly with the growth of the "new Roman Mediterranean economy". Crawford 2011, esp. 240–375 provides some additional examples of pre-Social War Italic inscriptions mentioning freedmen.

surprise then, that the bulk of senatorial and censorial activity to restrict freedmen came during and after the Punic Wars, when these sub-senatorial equestrians rapidly increased in influence due to the expansion and complexification of Rome's trade and financial systems.

Concerns about wealthy non-senators must have been at the forefront of the minds of the censors between 230–220, whereas in 218 a plebiscite carried by the tribune Q. Claudio, supported by C. Flaminius (cos. 223, 217; cens. 220), allegedly the only senator to support the bill, forbade senators from owning and operating seafaring vessels that could carry over three hundred amphorae (Liv. 21.63.2–5). Scholars have long debated whether this law was beneficial or detrimental to the senatorial class.⁹⁰ Yavetz and D'Arms contend that this law forced senators to rely on urban merchants to conduct their commercial activities.⁹¹ Davenport suggests that the law may have been sought by equestrians who wanted to prevent senators from competing with them commercially.⁹² As Linke has further argued, C. Flaminius must have had wealthy supporters in the *comitia centuriata* who were dissatisfied with the Senate for him to have had so much electoral success despite senatorial opposition.⁹³ The censors of 169, C. Claudio Pulcher and Ti. Sempronius Gracchus, too, clashed with this class: in addition to their notable move against freedmen (cf. *supra*), they treated the *ordo equestris* very harshly, depriving many of them of their public horses (Liv. 43.16.1f.). They furthermore quarrelled with the *publicani*, denying all of them of the contracts entered into with the previous censors (Liv. 43.16.2). The Senate supported the censors' decision and the *publicani* were forced to turn to a friendly tribune of the *plebs*, P. Rutilius, to support their case. The situation quickly unravelled and led to an *ingens tumultus* (Liv. 43.16.9), resulting in the censors subsequently being charged with *perduellio*, a form of high treason tried before the People (*iudicium populi*) and representing a capital offense.⁹⁴ Many *principes civitatis*, presumably senators or *nobiles*, supplicated on the censors' behalf during their trial (Liv. 43.16.14). Despite this, a sizeable portion of the first few *census* classes voted to condemn. Eight out of the eighteen equestrian centuries and many of the *prima classis* found Claudio guilty. Only with difficulty did Gracchus the Elder eventually manage to persuade the others to acquit Claudio (Liv. 43.16.15 f.).

⁹⁰ On the issue of how the support (or rather lack thereof) for this law was presented in the historical record, see Feig Vishnia 1996, 34–36, cf. Càssola 1968, 215–217 and Elster 2003, 189.

⁹¹ Yavetz 1962, 341 f.; D'Arms 1981, 32.

⁹² Davenport 2019, 43 f.

⁹³ Linke 2022, 512. See also Sandberg – Lukkari 2018, 178–181 on this plebiscite – they argue that this episode is proof of the growing influence of equestrians whose politics were largely driven by economic and financial incentives.

⁹⁴ On *perduellio*, see Brecht 1938 and Magdelain 1973, cf. North 2022.

Furthermore, freedmen's collective confinement to the urban tribes had the additional advantage of reinforcing the existing socio-political order as it played the freeborn *plebs* against the freed in that it endowed the former with a gratis if important marker of status differentiation and ditto sense of social superiority: a costless if effective way to divide the sub-elite electorate and reinforce the existing socio-political order – akin to setting poor whites against freed blacks in the southern United States after 1865 by subjecting the latter to continued electoral and socio-economic discrimination and segregation. In this context, we should point to the evidence in Velleius (2.20.2) that the mass enfranchisement laws of 90/89 stipulated that the new citizens were to be enrolled in but eight tribes “for the sake of preserving the dignity of their benefactors”, viz. the numerically inferior body of ‘old’ citizens – a provision doubtlessly deeply offensive to the newly enfranchised freeborn Latin and Italian constituents as putting them on a par with the *libertini* in the all-important electoral and legislative popular assemblies.⁹⁵ Freedmen, likely keen to assert their newly found liberty and social status, may have even been prone to vote in greater numbers than their freeborn compatriots.⁹⁶

It is certainly no coincidence that the first accounts of a politician relying on or rebuking freed voters came from around this time – freed voters had become politically notable. In 142, P. Cornelius Scipio Africanus Aemilianus (cos. 147, 134; cens. 142) allegedly had freedmen, who were not only “frequenters of the Forum” but were described as agitators and mobilisers, support his candidature for the censorship (Plut. Aemilius Paulus 38.3 f.).⁹⁷ Soon afterwards, the consul M. Aemili-

⁹⁵ *ne potentia eorum et multitudo veterum civium dignitatem frangeret plusque possent recepti in beneficium quam auctores benefici* – “lest their influence and number should infringe the importance of the old citizens, and the recipients of the benefit have more capability than the instigators of the benefit”; echoed by Exsuperantius 24 Zorzetti, who observes that Cinna’s *rogatio* to enrol the new citizens in the existing tribes (cf. *infra*) was *iniuriosa [...] in veteres cives, qui meritum dignitatis videbantur amittere, si cum novis indignis in ferendo suffragio iungerentur* – “injurious to the old citizens, who seemed to have lost the benefit of their dignity by having their votes mixed with those of the new, less worthy citizens”. Comp. also Bur 2016.

⁹⁶ For the political clout and activity of the freedmen active about the Forum in the late Republic, see, e.g., Cic. *comment. pet.* 29. For a powerful affirmation of the inextricable connection between (enrolment in) the tribes, the *ius suffragii* (the right to vote) and *libertas*, see Liv. 45.15.4 f.; cf. also the *lex Munatia Aemilia* of 42 BCE (see § 4 of Doc. II as published/translated in Raggi 2006, 25, 34 and 37: *tribus Corneliae sunt / [inque eam tribum suffragium ferendi censendique eis potestas] esto* (etc.). For some studies confirming that marginalised groups, if given the opportunity, often engage with politics at a greater extent than mainstream society, see Ahuja 2019, esp. 4–6 and Langerwerf 2014. Comp. also the discussion of the argument of C. Gracchus in defence of his bill to have the centuries vote in the *comitia centuriata* from all classes at random in n. 195 *infra*.

⁹⁷ ως οῦν ἐμβάλλοντος εἰς ἀγορὰν τοῦ Σκηνιτώνος κατεῖδε παρὰ πλευρὰν ὁ Ἀππιος ἀνθρώπους ἀγεννεῖς καὶ δεδουλευκότας, ἀγοραίους δὲ καὶ δυναμένους ὅχλον συναγαγεῖν καὶ σπουδαρχία καὶ

ius Scaurus in 115 passed a (presumably tribal) *lex de libertinorum suffragiis* (vir ill. 72.5 f.: *[Marcus Aemilius Scaurus] consul legem de sumptibus et libertinorum suffragiis tulit*). Even if we have no further information about the scope of this law and given what we do know about the Sulpician Law on the freedman suffrage, it likely hardened the existing censorial confinement of the freedmen to the urban tribes into statute law.⁹⁸ Probably intended both as a powerful public affirmation of senatorial policy and a precautionary measure – ‘firebrand’ Fulvius Flaccus had after all been consul in 125,⁹⁹ raising the spectre of someone with similar political convictions making it all the way to the censorship – this measure thus terminated centuries of censorial discretion in the matter of the tribal enrolment of the freedmen. The nobility’s deep fears of the potential electoral clout of the *libertini* and the ensuing need to confine them to the urban tribes are, furthermore, plainly articulated in *De orat.* 1.38, where Cicero has Q. Mucius Scaevola (consul in 95 and together with his colleague L. Licinius Crassus author of a contentious law compelling large numbers of Italians who had illegally enrolled in the Roman *census* records to re-register as citizens of their home communities¹⁰⁰) say that if the censor Ti. Sempronius Gracchus (cos. 177, II 163) had not enforced (and tightened) this requirement in 169, “we should long ago have lost the Republic which, as it is, we preserve only with difficulty”.¹⁰¹

κραυγὴ πάντα πράγματα βιάσασθαι, μέγα βοήσας: ‘ὦ Παῦλε,’ εἶπεν, ‘Αἰμίλιε, στέναξον ύπὸ γῆς αἰσθόμενος ὅτι σου τὸν νιὸν Αἰμίλιος ὁ κῆρυξ καὶ Λικίννιος Φιλόνεικος ἐπὶ τιμητείαν κατάγουσιν’.

98 Cf. Lange 1876, 53; *contra* Taylor 1960, 141–143 and Lintott 1999, 52, who argue the opposite: Taylor 1960, 139 referencing Cicero’s note that Scaurus the Younger (aed. 58) still held sway over rural voters thanks to the positive memory of his father (Cic. Att. 4.16.6). See also Elster 2020, 177–179, who does not comment on the scope of the law and thinks that it possibly concerns a measure passed by the consul M. Aemilius Lepidus in 78. Since Scaurus as consul also carried a sumptuary law and profoundly humbled the praetor P. Decius on account of his refusal to rise out of respect, having his vestments torn, his *sella curulis* broken, and ordering that none should bring cases to him (vir. ill. 72.6), it can be safely inferred that he was a man of conservative inclination. In 120, as tribune of the *plebs*, this same Decius had prosecuted L. Opimius (cos. 122) for punishing uncondemned Roman citizens but failed to convict him: MRR 1.524.

99 The house of Fulvius Flaccus was levelled and the site confiscated, which, according to Cicero, was the customary treatment of the property of aspiring tyrants (Cic. Dom. 101 f.; comp. Val. Max. 6.3.1), which indicates that he was seen as the bigger threat as compared to his junior political ally C. Gracchus.

100 On the *lex Licinia Mucia*, termed one of the main causes of the Social War in Ascon. 67 f.C (cf. *supra* n. 81), see Vervaet 2023, 25 and 59–61; comp. Bispham 2024.

101 [...] *quod nisi fecisset, rempublicam, quam nunc vix tenemus, iamdiu nullam haberemus. Contra* Mouritsen 2011, 77, discarding “Cicero’s hyperbolic claim that ‘if Ti. Gracchus had not done that we would have lost the *res publica* long ago’”. On the alleged dominating physical presence of the freedmen in the city, see López Barja de Quiroga 2022. The Roman aristocracy’s systemic suppression of the votes of the poor and the *libertini*, the latter only ever briefly enjoying equality in the

All of the above, then, provides us with ample grounds for a re-evaluation of the events of 88: politically active freedmen were not overwhelmingly from the destitute part of the *plebs urbana* but could be relatively well-off and had strong ties to the Italo-Roman elite, especially those with commercial interests. This new subset of the elite had already repeatedly clashed with the senatorial elite, especially when its financial or political endeavours were under threat. As the senatorial consensus began to splinter in the Late Republic, exacerbated by the Social War and the question of the enfranchisement/suffrage of Latins and Italians, the tensions surrounding the issue of freed tribal distributions intensified, contributing to the spiralling and unprecedented political violence in the notorious year 88.

Part 2: The *Lex Sulpicia de libertinorum suffragiis*

2.1 *Annus horribilis* 88 – Tentative Timeline and Scope of the Sulpician Laws

An approximate timeline of the events of 88 BCE must first be established before any analysis can be performed, since all the surviving narratives differ slightly. As this paper will argue, precisely when Sulpicius put forward his freedmen bill impacts on how we interpret why it was proposed and passed in the first place. As the first full-fledged Roman civil war is a crowded field,¹⁰² we will home in on matters relevant to the issue of freedmen.¹⁰³

tribal assemblies between 84 and 82/81 (cf. *infra*), is reminiscent of past and current schemes to suppress or gerrymander the votes of low-income minority constituents (esp. African Americans and Latinos): Levitsky – Ziblatt 2018, 89–92; 154 f., 183–186, and 210 f. That Cicero here omits the *lex Aemilia* of 115 can be explained in that this measure (amongst other things?) converted Sempronius Gracchus's censorial edict into statute law.

¹⁰² For general analyses of Sulpicius' tribunate, see Mitchell 1975, 197–204; Chapman 1979, 61–72; Lintott 1971, 442–453; Powell 1990, 446–460, and Tatum 2022 (offering a detailed political study of the year 88). For overviews of Marius – Sulla, see Frank 1955; Carney 1961a and b; Luce 1970; Passerini 1971; Levick 1982; Evans 1994; Keaveney 2005; Santangelo 2015; Schettino – Zecchini 2018, and Eckert – Thein 2020. For further surveys of this period, see also Lintott 1994; Hind 1994; Seager 1994; Konrad 2006; Steel 2013, esp. 91–148, and von Ungern-Sternberg 2014. For recent discussions of the Social War and its immediate aftermath, see Kendall 2013; Dart 2014; Vervaet 2023; and Cappelletti – Pittia 2024.

¹⁰³ The following summary reconstruction of political events largely derives from Vervaet 2023, mainly “Chapter 5: Political Dissensions and Civil War in Rome” (88).

Sometime in the autumn of 89, shortly before the consular elections (i.e., under the terms of the Sempronian Law¹⁰⁴) and while fighting still raged in parts of Italy, the Senate assigned Italy and Asia with the war against Mithradates VI Eupator of Pontus as consular provinces for 88, the latter command conveniently falling to Sulla 'by lot' at the outset of his tenure.¹⁰⁵ Instructed by the Senate to stamp out the remnants of the Social War in and around Nola before taking the six legions encamped there to the East to fight Mithradates, Sulla left Rome early in his consulship, the administration of affairs there as well as oversight of events in northern Italy being the province of his – ideologically closely aligned – colleague, Q. Pompeius Rufus.¹⁰⁶ After a relatively quiet start to the year, however, the situation in Rome significantly deteriorated when the tribune of the *plebs* P. Sulpicius broke with the Senate and the consuls and instead allied with the *equites* and the ageing but ever ambitious C. Marius.

An outstanding and popular speaker in his own right, Sulpicius had been a favourite and fervent admirer of L. Licinius Crassus (cos. 95, cens. 92/91) and M. Antonius (cos. 99 and among those killed in 87 by supporters of Cinna and Marius) as well as a close friend and supporter of Crassus' foremost political protégé, M. Livius Drusus, tribune of the *plebs* in 91.¹⁰⁷ In 90 and 89, he had distinguished himself as one of the many *legati* serving in the Social War.¹⁰⁸ Cicero, who spoke with Sulpicius on several occasions during his tribunate, tells us he witnessed

¹⁰⁴ On the so-called *lex Sempronia de provinciis consularibus* of 123, see Vervaet 2006. For a provocative argument that Sulla saw the Mithradatic command first and foremost as a means to further the long-standing interests of the senatorial oligarchy and sourcing the funding required to combat Marius and his followers in Italy, see Muñiz Coello 2021.

¹⁰⁵ Vell. 2.18.3; vir. ill. 75.7; App. civ. 1.52 and 55 (comp. App. Mithr. 22); comp. Plut. Sulla 6.9 and Exsuperantius 15 Zorzetti. Sulla was very covetous of this command: Plut. Sulla 5.3, 6.9 and 7.1. For some of the extensive scholarship on the events of the so-called First Mithradatic War, see Keaveney 2018, 29 f. n. 2.

¹⁰⁶ Vell. 2.18.4 (comp. 19.1); Plut. Sulla 7.2 (comp. 8.1); Eutr. 5.4.2. Six full legions: App. civ. 1.57 f.; Plut. Marius 35.4 – Sulla 9.3.

¹⁰⁷ Cic. orat. 183, 201–207 and 333; De orat. 1.24 f. (in September 91, C. Aurelius Cotta and Sulpicius, "Drusus' very great friends" [Drusi maxime *familiares*], were allegedly 'scheduled' to succeed to Drusus as tribunes of *plebs* in 90 and 89 respectively) and 97, 2.12, 16, 89 and 107; Vell. 2.9.2. In September 91, Crassus had heaped extensive praise on Sulpicius, his guest at his Tuscan estate: De orat. 1.30. In De orat. 3.11, we are told that both Aurelius Cotta and Sulpicius had pledged themselves to Crassus as young men. In the 90s, Sulpicius was also on good terms with *princeps Senatus* M. Aemilius Scaurus: De orat. 2.203. That he found himself in the 'optimat' camp can also be inferred from De orat. 2.203. The normally patrician *cognomen* Rufus for P. Sulpicius is attested only in Val. Max. 6.5.7. The orator M. Antonius (cos. 99) prominent among those murdered by partisans of Cinna and Marius: Vervaet 2023, 153 f.

¹⁰⁸ Vervaet 2023, 103, comp. MRR 2.30 and 37.

how he harangued the people almost daily.¹⁰⁹ Probably sometime in the summer of 88, however, Sulpicius clashed violently with the equally eloquent and influential C. Iulius Caesar Strabo Vopiscus, younger brother of L. Iulius Caesar (cos. 90 and cens. 89).¹¹⁰ After serving as one of L. Appuleius Saturninus' *decemviri agris dandis attribuendis iudicandis* in either 103 or 100 and being elected twice to the office of *tribunus militum*, Caesar Strabo held the curule aedileship in 90.¹¹¹ In that capacity, he had been a vocal opponent of Q. Varius and his (equestrian-backed) extraordinary *quaestio* as well as a champion of his brother's famous enfranchisement bill. In 89, he saw brief if meritorious service in the Social War and was probably prominent in supporting the *lex Plautia iudicaria* ("with the aid of the nobles", this law had divided the criminal court juries between senators, *equites*, and some first *census* class members of the *plebs*) as well as instrumental in Varius' subsequent condemnation under his own law,¹¹² actions which incurred him the hatred of the *equites* and C. Marius: after Rome's surrender to Cinna and Marius late in 87, both L. and C. Caesar were among those killed in their murderous reprisals against real or alleged political opponents, their heads among those placed on the Rostra.¹¹³ Confident of his achievements and backed by hired street muscle, Caesar Strabo now aspired to run for the consulship (of 87) without holding the *praetorship*.¹¹⁴ Though once on friendly terms with Strabo and united with him in his admiration of L. Crassus, Sulpicius was determined to thwart Strabo's illegal bid for office.¹¹⁵

¹⁰⁹ Cic. orat. 306, comp. 205.

¹¹⁰ Ascon. 25C. On Caesar Strabo's oratorical and literary skills, see also Ascon. 66C; Cic. Orat. 177; De orat. 2.98 and 3.30; Off. 1.108 and 133 (wittier, more humorous and studied than even L. Crassus and L. Philippus); Vell. 2.9.2; Val. Max. 3.7.11.

¹¹¹ MRR 1.577 (with reference to Inscr. Ital. 13.3.6 = CIL XII.1, p. 198) and 2, 26.

¹¹² Stone 2002, 197–199, with reference to e.g. Orat. 305; Varro Rust. 1.7.10; Macr. Sat. 1.11.32 and Val. Max. 9.2.2. On the *lex Plautia iudicaria*, see Vervaet 2023, 111 f., with the quote supplied by Ascon. 79C (*adiuvantibus nobilibus*).

¹¹³ Vervaet 2023, 153.

¹¹⁴ Cic. Phil. 11.11 and Ascon. 25C. Stone 2002, 201–203 conclusively argues that Caesar Strabo "stood forward early in 88 to claim one of the consulates of 87" and suggests (200) that he "was claiming what he had earned". Contra Katz 1977; Seager 1994, 165–168; Konrad 2006, 179, and Tatum 2022, 556 f. (Tatum also believes Strabo secured the required dispensation), who all think that Strabo stood for one of the consulships of 88 and (Tatum invoking the fact that consular elections took place late in the year in this period: cf. Lintott 1999, 10) that Sulpicius opposed his candidacy as soon as he assumed office on 10 December 89.

¹¹⁵ Strabo's street muscle: Ascon. 25C; Macr. Sat. 1.11.32; comp. Stone 2002, 200. Former friendship with Sulpicius: Cic. De orat. 2.16. Obviously, they had a serious fallout sometime in 90, 89 or perhaps even early in 88. See also Keaveney 1979, esp. 457, for an argument that Sulpicius was particularly opposed to the return of Varian exiles.

Initially, Sulpicius worked with his colleague P. Antistius to stop Strabo by legal means, “but when the dispute grew excessively fierce” and Strabo would not give up on his attempts to secure the required legal exemption from the *lex Villia annalis*, Sulpicius “resorted to weapons and armed force”. Still according to Asconius, the conflict between Caesar Strabo and Sulpicius thus “was a cause of civil war”.¹¹⁶ In order to stop the well-connected Caesar Strabo in his tracks and disappointed with the lack of senatorial support, Sulpicius took the radical decision to realign himself with Strabo’s foremost enemies, a choice that also put him on a collision course with his former close friend and ally, the consul Q. Pompeius Rufus, as well as the latter’s colleague (and ally) in the field, L. Cornelius Sulla.¹¹⁷ First, he formed an “alternate Senate” (ἀντισύγκλητος: *pro senatu*, rather than “anti-senate”) composed of 600 elite equestrian *iuniores* (ἱππικῶν νεανίσκων: probably mostly current and prospective members of the *sex suffragia*) who formed a personal bodyguard as well as an alternative advisory body, further complemented by a private militia of some 3,000 swordsmen – probably hired at considerable expense since Plutarch claims that Sulpicius left behind a personal debt of no less than 3,000,000 *denarii*.¹¹⁸ Second, he also formed the fateful alliance with C. Marius

¹¹⁶ Ascon. 25C (Lewis 2006, edition used throughout this study); Orat. 226 f. (Antistius and Sulpicius successfully indicted Caesar Strabo on account of the illegality of his bid for the consulship); Quint. inst. 6.3.75 (Cn. Pomponius, trib. pleb. 90, suffered a wound on his face allegedly while fighting the gangs of Sulpicius in support of Caesar Strabo). With reference to Plut. Sulla 5.2, Tatum 2022, 556 suggests that “Sulla and Caesar were enemies of long standing”.

¹¹⁷ Contra Evans 2007, 84, who believes “Sulpicius had been at odds with Sulla since both took office”. Vell. 2.18.5 f. unequivocally registers Sulpicius’ disillusionment with the Senate: *et bene consulta ei male cederent*. For the rupture between Sulpicius and Q. Pompeius in 88, see Cic. Lael. 2. That Sulpicius’ ‘defection’ from “an excellent cause” to the faction of the *populares* flowed from his unyielding resistance to Strabo’s illegal consular candidature is also on record in Cic. Har. resp. 43; comp. Cic. Brut. 226, cf. Diod. 37.2.12. For the fact that Sulpicius “after starting with good measures had gone on to bad” – *ab initiis bonarum actionum ad perditas progresses esset*, cf. Ascon. 64C. Mitchell 1975, esp. 197–203 agrees that this was when the break between Sulpicius and the *nobilitas* occurred (i.e., before the Italian bill). Luce 1970, 192 and Powell 1990, 450 argue that Sulpicius was still aligned with the *nobilitas* and expected their support in the Italian bill – only after their refusal did he turn to Marius. See also Lintott 1971, 445 f. and Powell 1990, 453 on a discussion of when Caesar Strabo ran for the consulship (and whether Sulpicius had already broken with the *nobilitas* by late 89 or not until sometime in 88).

¹¹⁸ Plut. Marius 35.1 f. and Sulla 8.2: allegedly 3,000,000 *denarii* (!). For the considerable cost of this private army, the likely cause of Sulpicius’ debt (so plausibly Evans 2007, 85–87) see Plut. comparison of Lysander and Sulla 1.2. For a brief discussion of this ‘anti-Senate’, see Chapman 1979, 61. Stone 2002, 192–195 cogently argues for an equestrian *pro senatu* as an alternative *consilium publicum* aimed at supplanting the *auctoritas* and *dignitas* (comp. De orat. 3.11) of the Senate but believes that all these men were “*equites* of judicial capacity” (i.e., over 30 and domiciled in Rome). Prominent among Sulpicius’ close equestrian supporters was the young Ti. Pomponius Atticus (Cic. Lael. 2),

(cos. 107, 104–100, 87), who likewise enjoyed strong equestrian support.¹¹⁹ After his disastrous alliance with the maverick tribune of the *plebs* L. Appuleius Saturninus and the praetor C. Servilius Glaucia in 100 losing him much political support from across the political spectrum and failing to regain his status in the Social War,¹²⁰ Marius had lingered as a *privatus* and was, at least according to all the surviving sources, eager to regain his former prominence. Thanks to Diodorus Siculus, we know that both Strabo and Marius were covetous of the Mithradatic command, believing it would yield easy and rich prizes, and that the populace was divided in its support for both contenders.¹²¹ Had everything gone to plan, the anticipated proceeds of the Mithradatic War would, furthermore, have enabled Marius to bail out Sulpicius and provided the funding for future popular largesse. Even though the sources remain silent on the issue, Sulpicius was likely also sorely disappointed in the consuls: in return for his energetic blocking of Strabo's ambitions and thus safeguarding of the *s.c. de provinciis consularibus* of 89, an outcome favourable to Sulla in particular, he may well have expected their support as he sought to complete the enfranchisement projects of his late friend Livius Drusus by legislating the enrolment of the new citizens as well as the *libertini* across the thirty-five old tribes. Let down in his expectations, he resolutely turned to other powerful individuals and interest groups to achieve this ambition.¹²² In other words, after pursuing

suggesting that Sulpicius' replacement senate also contained large number of elite *equites* under 30. It should thus come as no surprise that Sulpicius' orations would be posthumously written down by the *eques* P. Cannutius: orat. 205. On equestrian support for Sulpicius, see also Meier 1997, 218.

¹¹⁹ Brunt 1988, 168–172 and 182–189 suggests the elite equestrians saw a clear advantage from the looming war with Mithradates and that Marius could be relied on more than Sulla to deliver.

¹²⁰ See however Luce 1970, 165–166 on Marius being elected to the augurate *in absentia* in 98 and how this implied that Marius still enjoyed “significant popularity and political power”.

¹²¹ Diod. 37.2.12; 29.2; App. civ. 1.55; comp. Plut. Marius 34.1 for there being more than one contender for Sulla's Mithradatic command; for Marius' burning desire for the 'easy' Mithradatic command, see also Diod. 37.29 1–3; Vell. 2.18.5 f.; Plut. Sulla 7.1 f.; Luce 1970; Powell 1990, 450–452; Keaveney 2005, 37. For the *equites'* support of Marius against Sulla: Tac. ann. 12.60.3. Though Stone 2002, 206–209 briefly ponders the possibility that Sulpicius (through P. Antistius) turned to Marius to defeat Caesar's gangs, he eventually argues that his allying with the equestrian elite and Marius followed after both Strabo's defeat, an achievement most welcome to the *equites* and Marius, and the ensuing refusal of the Senate and the consul Q. Pompeius to endorse his proposal to enroll the new citizens in all thirty-five electoral tribes. It is not impossible that Sulpicius had wanted to achieve the vision of his slain friend Livius Drusus to enfranchise the Latin and Italian allies and enroll them in the existing thirty-five tribes, and that he and Marius found common ground here as the Senate and the consuls of 88 consistently refused to consider this possibility even after Sulpicius had rendered them the service of countering Caesar Strabo.

¹²² A speculative reconstruction qualifying the equally hypothetical reconstruction of Steel 2013, 89–92 (comp. also Seager 1994, 165–169), who suggests that both Caesar Strabo and Sulpicius wanted to legislate in favour of the new citizens, and that Sulpicius eventually turned against the consuls

a political strategy inspired by that of his late friend and political mentor Livius Drusus, viz. to achieve important reforms with the support of the Senate, Sulpicius, profoundly disillusioned in his dealings with consuls and Senate, embarked upon a radically different course of action.¹²³

of 88 because they reneged on their support for his tribal redistribution project. Outflanking the Caesars (L. Iulius Caesar, cos. 90, and Caesar Strabo) and achieving Drusus' ambition: Stone 2002, 207 f. (Stone, however, only grants Marius the ensuing electoral benefit); cf. also Meier 1997, 217 for the suggestion that Sulpicius' Italian suffrage bill aimed at achieving one of Drusus' objectives. For the suggestion that Sulpicius was disappointed in the consuls of 88, see also Tatum 2022, 560. Even if Santangelo 2024, 115 f. correctly notes that there is "no evidence for hostility between Sulla and Sulpicius prior to the decision of the consuls to intervene in the riot that broke out in Rome as a result of the tribune's Italian bill by issuing a suspension of public business", we do not accept his suggestion that the "annulment of all Sulpicius' measures in the aftermath of Sulla's march on Rome is best explained in light of the crisis of the previous weeks, and notably with the passing of the bill on the Mithridatic command, rather than with an opposition to the enfranchisement of the Allies on Sulla's part". Comp. already Powell 1990, 459: "It was only when the Italian bill provoked violence that Sulla was obliged to step in on the side of order, and thus inevitably to take a stand against Sulpicius; and it was not until after Sulla had left Rome that Sulpicius actually gave Sulla a cause of personal hostility, by attempting to remove him from the Eastern command". It follows from our reconstruction of events here that we do not accept this line of thought – for the suggestion that Sulla and his associates had been inimical to the idea of enfranchising the Latin and Italian allies, both in 91 and after, see also Vervaet 2023, 227 f.; comp. Orat. 213 f., where Cicero attests that he had heard the tribune of the *plebs* C. Papirius Carbo Arvina – among those killed in 82 on the orders of Marius the Younger – say the following before a *contio* of the People in 90 (MRR 2.26): "O Marcus Drusus – the father I invoke – you were wont to call the Republic sacred and that all who harmed her had paid the penalty" (*O Marce Druse, patrem appello – dicere solebas sacram esse rem publicam quicumque eam violavissent ab omnibus esse ei poenas persolutas*), thus suggesting that, like Ti. and C. Gracchus before him, Livius Drusus the Younger had been rightly murdered since he had harmed the state, rather indicative of the mood among the powerful senatorial grouping opposing Livius Drusus and his reforms. At all events, Tatum is right (564) to see the "constitutional disposition of Rome's new citizens" as the "central issue of 88"; so too Bispham 2007, 189: the tribal distribution of the new citizens was "the domestic issue of the years 88–87"; comp. Steel 2013, 86.

123 For Drusus the Younger's consistent policy only to propose and carry laws with prior senatorial support, in sharp contradistinction to the Gracchi brothers, see Vervaet 2023, Chapter 2. Since Plutarch records in C. Gracchus 9.3 that Livius Drusus the Elder as tribune of the *plebs* in 122 "in his public harangues, always said that he introduced these measures [i.e., his 'populist' bills aimed to counter the popularity/measures of C. Gracchus and Fulvius Flaccus: see Plut. C. Gracchus 9] on the authority of the Senate", Drusus the Younger was consciously emulating the example of his father. Pace Evans 2007, 91, who, commenting on Sulpicius' law on senatorial debt, asserts that "perhaps we can see here a genuine attempt by a rather strait-laced and conservative politician to re-instil old-fashioned values into the ruling élite" and was aiming for a "regeneration of the government". To our thinking, this characterisation of Sulpicius the politician only applies to the first part of his tribunate, before his falling out with the consuls and the Senate over the ambitions of Caesar Strabo.

Before progressing our reconstruction of relevant events in 88, it is at this stage important to restress that the enfranchisement laws of 90/89 provided for the enrolment of a very significant body of newly enfranchised Latins and Italians (excluding the so-called *dediticii*: those rebellious allies who had fought on until comprehensive defeat and unconditional surrender, as well as those diehards still resisting into 87, chiefly Samnites and Lucanians) in eight new tribes who were to vote only after the thirty-five ‘old’ tribes had voted first. Significantly, this envisaged enrolment of the newly enfranchised into just eight new tribes – reminiscent of the fairly similar treatment of new citizens in the late 4th century, cf. *supra* – also put their wealthier segment – especially the *domi nobiles* – at a distinct disadvantage in the *comitia centuriata* since they were to content themselves with just sixteen new first class *centuria* (one century of *iuniores* and one of *seniores* for every new tribe), as opposed to the seventy *centuria* controlled by the ‘old’ citizens in the existing thirty-five tribes.¹²⁴ Indeed, sometime between 241 and 218, voting procedures in the timocratic *comitia centuriata* had been reformed in that the centuries of the first class were reduced from 80 to 70 to achieve equal distribution across all thirty-five tribes, the geographical administrative units for the administration of conscription (*dilectus*) and war-taxes (*tributum* – abolished for Roman citizens in 167 but not so for the Latin and Italian allies: cf. App. civ. 1.7). Since every tribe now received one first class century for *iuniores* (those under 46) and one for *seniores* (those 46 and older), this reform especially favoured the first-

¹²⁴ Vervaet 2023, 39, 107–110; on the (fate of the) *dediticii*, those who had unconditionally surrendered having foregone earlier opportunities to accept Roman terms, see 155–157 (comp. 242 f. – 247). Given the newly enfranchised significantly outnumbered the ‘old’ citizens, we cannot accept the suggestion of Berrendonner 2024, 301 that “la précision suivant laquelle les tribus regroupant les Italiens voteraien les dernières n'est sans doute pas interprétable comme une mesure discriminatoire, mais apparaît cohérente avec la pratique qui voulait que les tribus nouvellement créés fussent inscrites à la suite des autres sur la liste officielle des tribus, et que l'on respectât cet ordre de tribus dans certaines procédures de vote”. For some other summaries of the legislative history of Italian enfranchisement around the Social War, see, e.g., Bispham 2007, 161–175; Gagliardi 2013 (specifically on the issue of the tribal assignment of the new citizens following the *lex Iulia* of 90) and 2021; Kendall 2013, 208–417; Dart 2014, Chapter 8; Cappelletti 2024 (with extensive bibliography). Taylor 1960, 103 observes that none was ever registered in these envisaged new tribes, and they never came into being: “we do not know the name of any of them”; comp. Roselaar 2019, 232: there is no evidence that these tribes were actually created, signifying that the newly enfranchised Italians were left in limbo. Therefore, Appian’s assertion in civ. 1.49 concerning the large numbers of Latins and Italians enfranchised under the *lex Iulia* in 90 (and presumably the *lex Plautia Papiria* of the ensuing year) that “it often (πολλάκις) happened that their vote was useless, since a majority was obtained from the thirty-five tribes that voted first” is mistaken inference as it implies that these citizens took part in some votes even before they were formally distributed in a census – on the last point, see also Bispham 2016, 91 f.

class inhabitants of the eighteen ‘new’ tribes further removed from Rome since each area was now guaranteed equality regardless of voter turnout. The catalyst for this momentous reform, which gave greater voting weight to the periphery by literally mapping the first class *centuria* onto the various regions of central Italy, had been the trials of the First Punic War (and perhaps the ensuing costly wars in Cisalpine Gaul), when wealthy voters from the first class across all tribes alike had made enormous sacrifices in terms of manpower and *tributum*.¹²⁵ In the context of this digression, it is, moreover, also important to note that recent scholarship concerning voter behaviour in the period from the introduction of the secret ballot to the outbreak of civil war in 49 indicates that rural citizens of property down to approximately the fourth *census* class (estimated at roughly the equivalent of a farm of 20 *iugera* of land) constituted an ‘active centuriate electorate’ that would travel to Rome to vote in large numbers every year on the occasion of the consular and praetorian (and other, contemporary) elections in an electoral landscape that was – within ‘aristocratic’ bounds – relatively open and competitive, with a critically important role for the locally influential men in the *municipia*, *coloniae* and *praefecturae* across Italy.¹²⁶ In sum: the stakes of any laws that sought to fully

125 Tan 2023, 1–18. The reform further strengthened the electoral weight of the first class in that the eighteen equestrian centuries lost the right to begin the voting, a privilege that was now assigned by lot to one century of first class *iuniores*, the so-called *centuria praerogativa*. Furthermore, the six most elite equestrian centuries – the so-called *sex suffragia* – henceforth voted between the first and second (infantry) class, whereas the remaining equestrian centuries would now vote along with the first class. Since Stone 2005 (esp. 75 f.) argued that these six elite equestrian centuries included the 300 senators as well as 300 of the most elite ex-cavalrymen domiciled in Rome or within one mile of it (comp. RS 1, *lex repetundarum* ll. 13 and 17), the electoral advantage now shifted to the other twelve equestrian centuries who frequently lived in the various rural tribes. Finally, the equestrian and first class lost their majority (of originally 98 centuries), signifying that the vote would now invariably go down to the second *census* class.

126 Most recently and compellingly argued by Rafferty 2021 (to be read in conjunction with Rafferty 2024: significantly, in the later second century BCE, the Romans changed both where voting happened within the Forum, and how it happened, so that more citizens could vote on laws) and Morstein-Marx 2024. For conservative estimates of this ‘active centuriate electorate’ (comprising the equestrian and first four *census* classes) as c. 70,000 rural voters before the Social War and c. 150,000 from the *census* of 70/69, see Vervaet 2023, 40 n. 44. Sall. Iug. 73.5–7 attests that whenever they felt the stakes were particularly high, “all artisans and country folk” (*opifices agrestesque omnes*) alike readily downed tools to participate in elections in Rome. Since the schedule of games in Pompeii as recorded in *dipinti* circumvents periods of ploughing and harvesting (Tuck 2008, 30–32) the same must have held true for Rome with regard to annual election cycles – that much is suggested in Cic. Verr. 1.54, where Cicero records that in 70 *haec frequentia totius Italiae Roma discesserit, quae convenit uno tempore undique comitiorum ludorum censendique causa* – “until after the departure from Rome of these multitudes that have simultaneously assembled, from all parts of Italy, to attend the elections, the games, and the *census*”; cf. Ps.-Ascon. In Act. I Verr. 54

enfranchise large numbers of people, both freeborn and freed, and regulate their (re-)distribution across the tribes, were very high indeed and would significantly impact the political participation and clout of rural voters down to the third and even fourth *census* class.

At all events, after repressing Caesar Strabo and his supporters with his new-found allies, Sulpicius boldly moved to propose a range of sweeping bills, according to Livy all promulgated at the instigation of Marius. The most notorious provided for (1) the recall of those exiled under the Varian Law, the distribution among the 'old' thirty-five tribes (in practice the 31 existing rural tribes) of (2) all newly enfranchised citizens as well as (3) the freedmen, and (4) the appointment of C. Marius to the command against Mithradates in the capacity of proconsul (instead of the consul Sulla).¹²⁷ Earlier in his tribunate and no doubt likewise motivated by his desire to thwart Caesar Strabo, Sulpicius had used his veto against the recall of those exiles who had not been permitted to plead their case before the *quaestio Variana*. Now, however, he supported their return, representing them as having been expelled by violence.¹²⁸ By means of this manoeuvre, Marius and Sulpicius no doubt aimed at dividing the nobility and building their own support base: promi-

ed. Stangl 1964, 22: *Convenerat autem ex municipiis cuiuscunque modi multitudo: aut propter comitia suffragiorum causa, aut ludorum votivorum, Romanorum, Victoriae, plebeiorum, aut ut censeretur apud censores Gellium et Luntulum, qui tunc errant.* For the electoral importance of "the whole of Italy divided into its tribal divisions" (*totam Italiam...tributim*) and all its *municipia, coloniae* and *praefecturae*, see also Cic. *comment. pet.* 30 f.

127 Liv. per. 77 (*cum P. Sulpicius tribunus plebis auctore C. Mario perniciosas leges promulgasset, ut exsules revocarentur et novi cives libertinique in tribus distribuerentur et ut C. Marius adversus Mithridatem Ponti regem dux crearetur*); Vell. 2.18.6; App. civ. 1.55 (here as well as in 64, in his narrative of the ensuing year 87, Appian points to Marius as the driving force behind the measure to enrol the new citizens among the existing thirty-five tribes); Plut. *Marius* 34.1. All sources are in unison that Sulpicius carried his laws following his alliance with Marius – comp. Ascon. 64C: he passed his laws (including the *lex Sulpicia de libertinorum suffragiis*) *cum per vim rem p. possedisset* – "at a time when he had taken control of the state by violence" – *contra*, e.g., MRR 2.41; Taylor 1960, 136 f.; Flach 1973, 284; Mouritsen 2011, 77; and Elster 2014, 199, 206 and 219 and 2020, 357 (comp. 392, discussing a supposedly single *Lex Papiria de novorum civium libertinorumque suffragiis*), who all argue for a single *lex Sulpicia de novorum civium libertinorumque suffragiis*, a suggestion invalidated by Ascon. 64C; App. civ. 1.55; and schol. gronov. p. 286 ed. Stangl – Lintott 1971, 453; Powell 1990, 458; and Berrendonner 2024, 304 therefore correctly argue for two separate laws. The new citizens would no doubt have perceived it a most serious slight had they been lumped together indiscriminately with the *libertini* in a single *lex de suffragiis* – comp. the remarks on p. 545 *supra* concerning some relevant evidence from Vell. 2.20.2 and Exsuperantius 24 Zorzetti.

128 Rhet. Her. 2.45 (comp. De orat. 3.11). Stone 2002, 203–205 cogently argues that the proposal to recall the exiles and vetoed by Sulpicius "was put up by one of the tribunes of 88 acting in Caesar's interest", and that a success for Strabo in this matter "was at no time in the interests" of the consuls of 88 either.

ment among those who promptly returned to Rome was none other than Q. Varius himself, whose controversial tribunician law had been passed with strong equestrian support in the waning days of 91.¹²⁹ First, the consecutive if closely aligned measures redistributing both the new citizens (i.e., the formerly Latin and Italian allies) and the *libertini* in all thirty-five (existing) tribes – the *lex Sulpicia de libertinorum suffragiis* – would realise some of the late Drusus' ambitions.¹³⁰ Second, and more significantly, these bills also had the additional advantages of outflanking the Caesars and offering Sulpicius and Marius tremendous future dividends in the popular assemblies (App. civ. 1.55; cf. also *infra*).¹³¹

According to Plutarch (Sulla 8.2), Sulpicius furthermore proposed a bill providing for expulsion from the Senate of those with a debt of over 2,000 *denarii*. Tantamount to a public shaming of the senatorial order, this measure, too, should probably be assigned to the 'second phase' of Sulpicius' tribunate as it was bound to create a significant and immediate number of senatorial vacancies for Sulpicius' and Marius' equestrian associates to fill since the Social War had no doubt worsened the financial situation of many senators.¹³² Marius, for his part, elderly and corpulent, now made daily appearances in the Campus Martius to participate in equestrian military exercises, courting the favour of the young *equites* and keen

¹²⁹ As suggested in Nat. D. 3.81 and Val. Max. 9.2.2; cf. Vervaet 2023, 81 f. for the equestrians as the driving force behind the Varian Law.

¹³⁰ Esp. Ascon. 64C, attesting the *titulus technicus* of the *lex Sulpicia de libertinorum suffragiis* (comp. vir. ill. 72.5 f., attesting the *lex Aemilia de libertinorum suffragiis* of 115 BCE, and schol. gronov. p. 286 ed. Stangl on Cinna's efforts to carry a law *de libertinorum suffragiis* against the wishes of his colleague and the Senate), and App. civ. 1.55; comp. Plut. Sulla 7.1 and 8.1 f. On Drusus and the *libertini*, see the Epilogue *infra*.

¹³¹ Comp. Epstein 1987, 48–54: the ample gratitude felt by the new citizens vis-à-vis Sulpicius would certainly have engendered the envy of his peers.

¹³² Evans 2007, 87–94 (even if the suggestion on p. 88 that "Sulpicius, by passing this law, aimed at nothing less than the complete destruction of a weakened Roman Senate composed by then of much less than 300, many of whom were severely financially embarrassed" is rather far-fetched; on the other hand, we concur with Evans' conclusion on p. 91 that Sulpicius' "law on senatorial debt was certainly revolutionary" and amounted to a "frontal attack on senatorial supremacy") and Vervaet 2023, 135 f. Debt associated with immorality and therefore a source of shame: Cic. Sest. 99, Fam. 8.12.1 f. and 14.4; Sall. Catil. 12.1; comp. Stone 2002, 210: this "vindictive" measure rendered senators "liable to the most minute scrutiny and reflected on the *dignitas* of the order every member of it", exposing them "to moral correlation at their expense with the members of an order that dealt in money", namely the equestrians. Stone also suggests that this exposure would "above all" "apply to Caesar and his friends who had financed street-activity". Lo Cascio 2018b, 136 furthermore suggests the law on senatorial debts would have made it more difficult for senators to fund their electoral campaigns.

to show he was still fit for purpose.¹³³ That the *equites* strongly supported Marius' designs on the command against Mithradates should come as no surprise: heavily invested in the affairs of Asia, they wanted a speedy resolution to the war in the East and would have been unhappy with the perceived delay by the Senate and Sulla and their ongoing inability to recover their financial losses owing to Mithradates' occupation of the province.¹³⁴

The bill concerning the redistribution of the new citizens, however, immediately sparked spiralling violence between the new and old citizens, the former outnumbering the latter and the latter therefore fearing to be outvoted by the former.¹³⁵ Advised of these alarming developments by his colleague, Sulla hurried back to Rome from Campania. Desperate to buy time to shore up support, the consuls issued an edict declaring a cessation of all public business (*iustitium*) for several days.¹³⁶ As the consuls were addressing a *contio* near the temple of Castor and Pollux, the patron deities of the equestrian order,¹³⁷ Sulpicius moved in with his armed militia and ordered the consuls to revoke what he argued was an illegal cessation. When they bluntly refused, the mood turned violent: whilst Pompeius and Sulla were able to make their escape (the latter fleeing into the house of Marius near the Forum), Q. Pompeius' son (also Sulla's son-in-law) was killed as he stood his ground and spoke his mind freely. Left with no other choice by Marius, Sulla eventually reappeared and annulled the *iustitium* before making off and galloping

133 Diod. 37.29.1 and Plut. Marius 34.3 f. (comp. 35). Marius officially claimed he wanted to conduct this war to give his son his military training: Plut. Marius 34.5. Tatum 2022, 556 suggests Marius' first intention had been to run for one of the consulships of 87 as his preferred vehicle to secure the command against Mithradates, a scheme he abandoned when "this assay of public intention" made it clear to him that he was unelectable.

134 Comp. Gabba 1976, 95, arguing that the "commercial classes of southern Italy" used their influence "in bringing about a more decisive policy in Asia"; and Meier 1997, 221: the *publicani* active in Asia could expect more from Marius than from Sulla. Cf. also Sall. Iug. 64.6 and section 2.3 *infra*.

135 Cf. also the next footnote. Gabba 1976, 89 f. rightly observes that the problem of the suffrage of the new citizens "was the really vital one in the years stretching from the end of the Social War down to Sulla's landing in Italy" even if the extant evidence decidedly contradicts his subsequent clarification (95) that the political objective to achieve complete parity for the new citizens "was in the years after the Social War more a weapon in the hands of the democratic party than a real demand by the new citizens".

136 App. civ. 1.49, 53 and 55 (recording the fear of the old citizens to be outnumbered by the newly enfranchised in the popular assemblies – cf. Cic. Sull. 24, where Cicero bluntly warned L. Manlius Torquatus, the homonymous son of the staunchly 'Sullan' consul of 65, not to call the Italian elites *peregrini* lest he be buried under the votes of the Italians; see also Vervaet 2023, Chapters 5 f.); Plut. Sulla 8.2 f. A delaying tactic revealing their desperation: Lintott 1971, 444.

137 On the significance of the Dioscuri to the equestrian elite, see Vervaet 2018, 76.

back to Nola.¹³⁸ Sulpicius, now in complete control of the situation in Rome,¹³⁹ lost no time in putting his aforementioned bills to the vote, including the suffrage bills and, immediately thereafter, the transfer of the province of Asia with the Mithradatic command from Sulla to Marius, duly invested with the first extraordinary proconsulship since the waning days of the Second Punic War.¹⁴⁰ As this law probably also reassigned the legions encamped at Nola to Marius, the newly minted proconsul immediately sent his *legatus* Gratidius and two military tribunes with orders to lead this army to him. Adding insult to injury, Sulpicius also abrogated the consulship of Q. Pompeius, who *ipso facto* lost his membership of the Senate.¹⁴¹

The sources are unequivocal that Sulpicius' legislation, foremost the unprecedented law concerning the Mithradatic War, plunged Rome into its first-ever full-fledged civil war.¹⁴² Twice publicly humiliated by his opponents, a furious Sulla had

¹³⁸ It is rather unlikely that Marius gave Sulla private assurances that Sulpicius would at the very least drop his Mithradatic command bill before Sulla reappeared from Marius' house to cancel the *iustitium*. Marius and Sulpicius had probably miscalculated that Sulla would accept transfer of the Mithradatic command as a *fait accompli* after receiving assurances from Marius that he would be allowed to hold on to his consulship.

¹³⁹ Cf. Ascon. 64C: the *lex Sulpicia de libertinorum suffragiis* was passed “when he had taken control of the state by violence”; cf. Plut. comparison of Lysander and Sulla 1.2: “laws were passed with fire and sword in defiance of all opposition” – comp. n. 127 *supra*.

¹⁴⁰ Appian's summary in civ. 55 f. makes mention of the enactment of a series of Sulpician Laws and unequivocally indicates that the suffrage legislation immediately preceded the law transferring the Mithradatic command to C. Marius, thus confirming the sequence of the *rogationes Sulpiciae* attested (at the time of their first promulgation) in per. 77 (cf. *supra* n. 127). On the (invariably consular) independent *imperia* assigned by vote of the People outside of the traditional *cursus honorum* and therefore *extra ordinem* (i.e., not by virtue of a magistracy with *imperium* or prorogation of that *imperium*) of the Second Punic War, see Vervaet – Ñaco del Hoyo 2007.

¹⁴¹ Liv. per. 77; Vell. 2.18.6 (sharply condemning the Sulpician laws as “intolerable in a free state”; comp. Ascon. 64C: because of his bad measures, Sulpicius was regarded as having been justifiably crushed by force of the consuls' arms – *propter quod ipse Sulpicius consulum armis iure oppressus esse visus est*); Val. Max. 9.7 mil. Rom. 1; Plut. Sulla 8.2–4, 10.2 and Marius 35.2–4 (Sulla escaping certain death by fleeing to Marius' house, who spared his life; comp. 32.1: built near the Forum); App. civ. 1.56 f.; Exsuperantius 18 Zorzetti; Ascon. 78C (by virtue of the *lex Cassia de damnatis abactisque* of 104: MRR 1.559). Appian's representation that Sulla learned of the transfer of the Mithradatic command only after returning to Nola strains belief, unless Marius had privately promised Sulla that he would no longer pursue the command should Sulla lift the *iustitium*. Sulla, however, can hardly have been that naive about Marius' intentions. *Contra* Stone 2002, 195 n. 24 and 211: Sulpicius merely ‘suspended’ Q. Pompeius (comp. also Tatum 2022, 562: the measure deposing Pompeius Rufus is “impossible to credit”); and Flower 2010, 82 who suggests Sulpicius had deposed Sulla.

¹⁴² Cic. Phil. 8.7; Ascon. 64C; schol. gronov. ed. Stangl 1964, 286; Diod. 37.29.2–5 (παρανόμως signifying ‘in violation of custom’, i.e., unprecedented, rather than ‘illegal’); Vell. 2.19.1; Flor. 2.9.6; Plut. Sulla 8.2; Eutr. 5.4.2; Exsuperantius 19 f. Zorzetti. Asconius' claim that the conflict between Sulpicius and Caesar Strabo “was a cause of civil war” (cf. *supra* p. 550) holds since Sulpicius passed his pro-

little difficulty in convincing his army, fearful others might take their place in the lucrative Mithradatic War, to do the unthinkable and march on Rome “to deliver her from tyrants”. Joined by his colleague Q. Pompeius he took the city by force, after which they had the Senate first annul the Sulpician laws as passed illegally through violence (*per vim*) and during an official cessation of public business (*iustitium*) and next passed a series of consular laws declaring Marius, Sulpicius and some ten other ranking associates, public enemies and enforcing a reactionary new constitutional settlement.¹⁴³

Having set out this rough timeline, we must now establish that Sulpicius’ freedmen bill was passed very close in time to the Italian and Mithradatic bills (likely in between both measures), and not sometime earlier in Sulpicius’ tribunate, when he was more closely aligned with the consuls and the Senate and before he broke with them over their lack of support against Caesar Strabo’s illegal consular ambitions.¹⁴⁴

Livy’s *Periochae* records that Sulpicius introduced a whole series of laws all at once, including, at least according to the wording of the epitomiser, what seems to have been a single bill redistributing new citizens (i.e. newly enfranchised Italians) and freedmen into all the voting tribes.

“When P. Sulpicius was the tribune of the *plebs*, he, instigated by C. Marius, passed pernicious laws to recall exiles, to distribute the new citizens and freedmen across the tribes and to make C. Marius the leader [of the war] against Mithridates, King of Pontus” (per. 77).¹⁴⁵

Asconius, too, lists the freedmen bill as one of the reasons why Sulpicius *consulum armis iure oppressus [...] est* (Ascon. 64C). Plutarch was also evidently aware of the connection between Sulpicius’ tribunate and issues relating to the voting issues of Italians and freedmen, though he presented it in a highly sensationalised and biased way, claiming that Sulpicius “sold the citizenship to freedmen and foreigners” (i.e. Italians) (Plut. Sulla 8). Although the issue of freedmen is entirely missing in Appian’s much more detailed account, which may have been due to a differing authorial agenda,¹⁴⁶ we can safely conclude that sources that do mention the freed-

vocative legislation following his alliance with Marius and the *equites* and this momentous political realignment flowed directly from Sulpicius’ political struggle against Caesar Strabo.

143 Vervaet 2023, 137–144, with the quote supplied by App. civ. 1.57.

144 As unequivocally attested in Ascon. 25 and 64C. Therefore, Evans suggestion in 2007, 86 that Sulpicius “was almost certainly not a senator” in his tribunate is quite implausible.

145 *Cum P. Sulpicius tribunus plebis auctore C. Mario perniciosas leges promulgasset, ut exsules revocarentur et novi cives libertinique in tribus distribuerentur et ut C. Marius adversus Mithridatatem Ponti regem dux crearetur.*

146 On Plutarch’s and Appian’s sources for this episode and their biases, see Luce 1970, 163; Lintott 1971, 442 f., 445; Powell 1990, 451–456; Evans 1994, 6–14; Bucher 2007.

men bill unanimously place it very close in time to the Italian and Mithradatic bills, and not earlier in Sulpicius' tribunate.

Second, it is also important to note that subsequent events in 87, 84, 82/81, and 67 corroborate that the *lex Sulpicia de libertinorum suffragiis* was a distinct measure, and not simply a subclause of the Italian tribal (re-)distribution bill.¹⁴⁷ Soon after Sulla's departure from Italy in the early spring of 87, the renegade consul L. Cornelius Cinna (cos. 87–84) vigorously if fruitlessly tried to re-enact both Sulpicius' tribal redistribution laws as separate measures against the violent opposition of his colleague C. Octavius, the Senate, and the old citizens, attempts that promptly triggered another full-scale civil war in Rome and parts of Italy. After political calculations had caused Cinna and his associates to delay both suffrage measures after regaining control of Rome late in 87, his death at the hands of his own troops in Ancona early in 84 and the urgent need to muster maximum support in the face of Sulla's imminent invasion of Italy eventually had the sole consul Cn. Papirius Carbo (or a perhaps a friendly tribune of the *plebs*) carry both measures with the support of the Senate, albeit in tense circumstances, with his troops purposefully encamped near Rome.¹⁴⁸ Perhaps in the spring of 82, engaged in a battle of life and death with his enemies in Italy and as the loyalties of many Italian communities and recruits were wavering, Sulla at long last made a compact (*foedus*) with the peoples of Italy, pledging that he would not deprive them of their Roman citizenship and that he would also uphold the measures of 84 concerning their enrolment in all thirty-five tribes. Conversely, as soon as he had acquired mastery of Rome and Italy and secured an unprecedented plenipotentiary dictatorship, the law of 84 ordering the redistribution of freedmen into all thirty-five tribes was cancelled along with a raft of other laws passed during the supremacy of Cinna and Carbo.¹⁴⁹

¹⁴⁷ MRR 2.41; Taylor 1960, 143 f.; and Elster 2020, 358, in our opinion erroneously, place the Italian and freedmen bills together as a single measure.

¹⁴⁸ For detailed analysis, see Vervaet 2023, Chapter 6. Nonetheless, for our purposes in this study, it is important to single out the evidence in schol. gronov. ed. Stangl 1964, 286 on Cinna's efforts to carry a law *de libertinorum suffragiis* against the wishes of his colleague and the Senate (*Coepit Cinna de libertinorum suffragiis agere, Octavium cum senatu contra ipsum habuit: ortum est bellum civile* – “[As consul in 87] Cinna began to champion the freedman suffrage; since Octavius and the Senate stood against him, civil war arose”) as well as that in per. 84, where both suffrage measures are again recorded as distinct and passed at different points in time: *novis civibus senatus consulta suffragium datum est (...) Libertini in quinque et triginta tribus distributi sunt. Contra* e.g. Elster 2014, 207–220, who believes the new citizens as well as the *libertini* were enrolled in all thirty-five ‘old’ tribes by virtue of a single *lex Papiria de novorum civibus libertinorumque suffragiis*.

¹⁴⁹ Vervaet 2023, 195 f. (the compact of 82) and Chapter 9.

Unsurprisingly, Sulla also especially targeted the equestrians as he conducted an unprecedented and comprehensive proscription in 82/81.¹⁵⁰

In December 67, finally, the newly minted tribune of the *plebs* C. Manilius again took up the freedmen issue as the very first action of his tribunate. Thanks to Asconius (64 f.C) we know that Manilius “just a few days after he entered his tribunate” (i.e. on 10 December 67) re-enacted one of Sulpicius’ nullified bills (64C: *hanc eandem legem*; 65C: *legem eandem*). Had Sulpicius really introduced the Italian and freedmen redistributions in a single bill, then Manilius would have been required to draft a new bill, as his bill only affected freedmen. Cassius Dio (36.42.2–43.2) further records that Manilius carried his *lex de libertinorum suffragiis* toward the evening of 29 December – according to Ascon. 65C the day of the *Compitalia* – “after bribing some of the populace” (παρασκευάσας τινάς ἐκ τοῦ ὄμιλου). Significantly, the law provided for the enrolment of the freedmen in the tribes of their former owners as it “granted the class of freedmen the right to vote with those who had freed them” (τῷ γὰρ ἔθνει τῷ τῶν ἀπελευθέρων [...] ψηφίσασθαι μετὰ τῶν ἔξελευθερωσάντων σφᾶς ἔδωκεν). We are also told that the Senate, after learning of it the following day (i.e., 1 January 66, in the consulship of M. Aemilius Lepidus and L. Volcatius Tullus), promptly cancelled the law, doubtlessly on technical grounds,¹⁵¹ and that – other important detail – the urban *plebs* too were terribly angry about this measure (ἐπειδὴ τὸ πλῆθος δεινῶς ἤγανάκτει).¹⁵² Fearful of retribution, Manilius allegedly first vainly tried to pin the idea on M. Licinius Crassus (cos. 70 and, important detail, indefatigable champion of equestrian interests¹⁵³) and next secured the protection of Cn. Pompeius (cos. 70) first by allying with A. Gabinius, then one of Pompeius’ foremost protégés, and next going as far as carrying a law granting Pompeius command of the war against Tigranes and Mithradates as proconsul of Bithynia and Cilicia, very much against the will of the Senate. Thanks to Asconius 45C, where the *lex Manilia* is singled out as an example of “populist lunacies” (*populares insanias*), we furthermore know that Manilius was “supported by a gang

150 Vervaet 2023, 202 (comp. 216 and 218); Thein (forthcoming).

151 Lewis 2006, 250 and 271 plausibly suggests the Senate annulled the Manilian Law as “the day of the festival would be *dies non comitialis*, so that the legislation could readily be invalidated”, further suggesting that the *Compitalia*, an annual festival held in honour of the *Lares Compitales*, household deities of the crossroads, to whom sacrifices were offered at the places where two or more ways met, typically gathered together large crowds of freedmen and slaves.

152 Detail invalidating Tatum’s suggestion in 2022, 560 that Sulpicius had sought to reassure the old citizens “in the lower orders” by “improving the electoral disadvantages” of the “freedmen in their midst”. Cf. also *infra* p. 566 f. for further engagement with Tatum on this issue.

153 On Crassus’ championing equestrian interest, e.g., restoration of the equestrian order to the courts in 70 (see Plut. Crassus 12.3, Pompeius 22.3–4) and his proposal to bail out the *publicani*, legislated by Caesar in 59 (see Cic. Att. 1.17–18, App. civ. 2.13, Cass. Dio 38.7.4).

of freedmen and slaves" as he passed "an utterly immoral law to allow freedmen the vote in all of the tribes", and that he went as far as pursuing this aim through rioting and blockading the climb to the Capitol. The quaestor L. Domitius Ahenobarbus (cos. 54), a staunch conservative, eventually "scattered and broke through the gathering so violently that many of Manilius' men were killed. By this action, he gave offence to the lowest ranks of the *plebs* and acquired great goodwill in the Senate".¹⁵⁴ Significantly, the *plebs infima*, the lowest echelon of the urban *plebs*, took offence at Domitius' murderous repression of the humble folk 'commissioned' by Manilius for the legislative *comitia* rather than at his rabid hostility vis-à-vis the suffrage law itself. Seemingly puzzling, this can easily be explained in that the freeborn urban *plebs* overwhelmingly consisted of 'old' (i.e., pre-Social War) citizens or their immediate descendants. As such, many would have felt that Manilius would give freedmen suffrage rights superior to their own, notwithstanding their superior social status as *ingenui*.¹⁵⁵

After a conscious delay first by Sulla and next by 'his' Senate for over a decade, the all-important *census* of 70, conducted at the behest of the consuls Cn. Pompeius and M. Licinius Crassus, who notably for most of their tenure refused to disband their large armies encamped near Rome, returned a total of 910,000 *capita civium* (draftable male citizens), as opposed to the last attested pre-Social War total of 394,336 *capita civium* (115/114)¹⁵⁶. As the newly enfranchised consequently significantly outnumbered the old citizens in the popular assemblies, the latter constituency may therefore also have felt that Manilius' measure would have further strengthened the hand of the former in enabling their presumably more numerous

¹⁵⁴ *Nam eo tempore cum M. Manilius tribunus plebis subnixus libertinorum et servorum manu perditissimam legem ferret ut libertinis in omnibus tribubus suffragium esset, idque per tumultum ageret et clivum Capitulum obsideret, discusserat perruperatque coetum Domitius ita ut multi Manilianorum occiderentur. Quo facto et plebem infimam offenderat et senatus magnam gratiam inierat.* On Ahenobarbus' quaestorship, see Pina Polo – Díaz Fernández 2019, 249.

¹⁵⁵ Ascon. 76C similarly refers to the despair of the urban *plebs* at Manilius' discomfiture and the rashness of his action as having utterly discredited the (power of the) recently restored tribunate of the *plebs*, with both restorers, Crassus and Pompeius, unable to intervene, the former as he was outnumbered, the latter as he was too far away: *Aiunt vestros animos propter illius tribuni plebis temeritatem posse adduci ut omnino nomine illius potestatis abalienentur; qui restituerunt eam potestatem, alterum nihil unum posse contra multos, alterum longe abesse?* In this context, it is well worth calling to mind that the *humillimi* confined to the urban tribes by the censors Q. Fabius Rullianus and P. Decius Mus in the late 4th century (cf. *supra* p. 532) also comprised the Roman freeborn *capite censi = proles*. For some colourful affirmations that the freeborn Roman poor were very status sensitive vis-à-vis the (formerly) enslaved, see, e.g., Petron. Sat. 117.11 f. and Mart. epigr. 10.76.

¹⁵⁶ Sisani 2019, 131. On the (circumstances of the) epochal joint consulship of Pompeius and Crassus, see MRR 2.126 and Vervaet 2015; comp. Vervaet 2014a, 136–138.

freedmen to vote in their respective rural tribes. Indeed, if we again cautiously assume freedmen made up of 5–10 % of the ‘old’ Roman citizenry, this would have amounted to c. 20,000–40,000 ‘old’ *libertini*. If we estimate a similar level of manumission in Italian cities, the enfranchisement of Italians would have added c. 25,000–50,000 ‘new’ *libertini*, making for a combined total of c. 45,000–90,000 *libertini* – certainly an electoral force to be reckoned with, even should we accept only a minority of them had the means or the inclination to vote. Conversely, many if not most ranking new citizens were, therefore, probably supportive of the idea of redistributing the freedmen across all thirty-five tribes. From all of this, it can be reasonably inferred that (1) already in 88, the ‘old’ citizens, rural and especially urban, would likewise have been very hostile vis-à-vis Sulpicius’ freedmen bill, too, and not just towards his bill fully enfranchising the former Latin and Italian allies, and that (2) in 88, too, the aspiring freedmen would have found more supporters among the new than among the old citizens.

2.2 *Cui bono? Seeking out further Beneficiaries of the lex Sulpicia de libertinorum suffragiis*

Upon determining the above timeline, several issues arising from the traditional view – that there were so many urban freedmen that Sulpicius wished to redistribute them into all thirty-five tribes to overwhelm the votes – become immediately obvious. Therefore, we need to look for other explanations, circumstantial as well as structural.

Immediately we must question why Sulpicius would have wanted to redistribute freedmen, if he was already planning on redistributing the numerous Latins and Italians. The simplest explanation would be that Sulpicius and his equally ambitious backer Marius wanted as much support as they could muster for the contentious Mithradatic bill, Marius’ most immediate objective. Indeed, the last time an attempt was made to transfer a major military command to a *privatus* happened in 131, when P. Cornelius Scipio Africanus Aemilianus (cos. 147, 134) tried to gain the command against Aristonicus of Pergamon. It went poorly and only two tribes voted in favour (Cic. Phil. 11.18).¹⁵⁷ No doubt mindful of this precedent, Sulpicius would have wanted to secure sufficiently strong political support before attempting the Mithradatic bill.

157 On the unprecedented nature of successfully transferring a *provincia consularis decreta/sorita* to a *privatus*, see Evans 1994, 132 f. and Vervaet 2014b, 174.

This, then, begs the question as to how precisely Sulpicius might have gained immediate political support by legislating to spread the freedmen into all thirty-five tribes. Cassius Dio's valuable clarification that freedmen were to be redistributed into their patrons' tribes raises further questions – if Sulpicius simply wanted as many freedmen to vote in as many tribes as possible, then other methods would have sufficed, such as redistributing them at the tribune's discretion or redistributing them by lot. The fact that they were being redistributed explicitly into their patrons' tribes suggests that there was more in play than just a bid to win the freedman vote. Indeed, it is unclear why anyone, bar those radically opposed to the idea that freed slaves should have weightier votes on ideological grounds, would be against this: surely even members of the conservative senatorial elite would benefit from their freed clients having more weighty votes and being placed into their own tribes, where these votes could be more easily monitored and influenced?¹⁵⁸

Furthermore, prior to the Aemilian Law of 115, issues of freed tribal distributions had been the exclusive province of censors, who had the power to change a citizen's tribe, whilst enrolment in the tribes by the censors was an absolute prerequisite for citizens being able to vote in both the *comitia tributa* and *centuriata*.¹⁵⁹ It remains unclear whether Sulpicius' legislation empowered him to change the tribes of the freedmen himself or whether this was to be done by the next pair of censors.¹⁶⁰ If Sulpicius' envisaged empowering himself to this undertaking, then

¹⁵⁸ See López Barja De Quiroga 2007, 126, who suggests that senatorial opposition to this method of distribution was because traditional client networks did not exist or did not work as we have assumed, cf. Mouritsen 2001, 3, 68–72. López Barja De Quiroga's assessment, however, still fails to account for why freedmen were to be enrolled into their patrons' tribes and not by another method. For more on the patronal system in the Late Republic, see Brunt 1988, 387, 435–442 and Wallace-Hadrill 1989, 63–88.

¹⁵⁹ Liv. 9.46.11 (comp. 40.51.9) – *contra* Gabba 1976, 93 f., who seems to believe that the enfranchisement laws of 90 and 89 made it possible for the new citizens to vote in the *comitia centuriata* (as opposed to the *comitia tributa*).

¹⁶⁰ On the *plebiscitum Valerium*, see Lanfranchi 2022, 211. It remains uncertain if a *plebiscitum* could allow a grant of citizenship or the transference of a tribe to occur immediately or it required waiting until the next *census*. In 188 BCE, the tribune C. Valerius Tappo passed a law that granted the residents of Formiae, Fundi, and Arpinum, *cives sine suffragio*, the *ius suffragii*. Livy has the tribune state explicitly: *edocti populi esse non senatus ius suffragium quibus velit impertire* – “[the senators] were informed that it was the people, not the Senate, that bestowed the right to vote to whomever it wished”: Liv. 38.36.7–9. The residents of Formiae and Fundi were allotted into the tribe *Aemilia* and those from Arpinum into the tribe *Cornelia*. Livy continues by saying that it was the *plebiscitum* that allowed the redistribution: *in his tribubus [...] ex Valerio plebiscito censi sunt*. However, the passing of this *plebiscitum* coincided with the censorship of T. Quintius Flamininus and M. Claudius Marcellus. Livy immediately follows his account of the *lex Valeria* by stating that the censors subsequently closed the *lustrum* and updated the number of citizens (38.36.10). As such, it is unclear if the *plebiscitum* empowered Tappo to perform the distributions himself or he

even by a low count of the number of freedmen (cf. *supra*), one would imagine it would have taken some time to redistribute tens of thousands of freedmen into their patrons' tribes. If the freed citizens needed to wait until the next *census* to complete their transfer of tribes, then they could hardly have been very useful in voting for the Mithradatic bill. After lifting the ban on public business and before the Italian bill was formally passed, Sulla hurriedly left for Nola. He had only just arrived at his army before the news broke that his command against Mithradates had been stripped from him by law. Plutarch's narrative presents Sulla and Marius' legates arriving one rapidly after another at Sulla's camp (Plut. *Sulla* 8 f.).¹⁶¹ Even if the law empowered Sulpicius to conduct a redistribution immediately, the short interval between the freedmen bill and the Mithradatic bill would have meant it was neither feasible nor necessary for Sulpicius to mass-redistribute all freedmen – a small subset of freedmen, adequately motivated, would have sufficed.

Moreover, we cannot simply assume that politicians could continue to mobilise freedmen after they had been redistributed, and that freedmen would be so pleased with their redistribution that they would continue to support the politician responsible unquestioningly.¹⁶² As Lintott astutely concludes for Ti. Gracchus: "The political following he acquired during his tribunate [...] could only be converted into a true and permanent *clientela* if it were bound by permanent and tangible benefits which could outweigh any other allegiance".¹⁶³ There is little reason why this would not hold in general.

In addition, a series of laws from the 130s to the 100s BCE, starting with the *lex Gabinia* of 139, had made voting secret (Cic. *Leg.* 3.34). While there is still debate on how, if at all, these laws changed voting outcomes,¹⁶⁴ there was very little a politician could do to force their supporters to attend the vote or vote in their

deliberately timed it during the year of a *census* so that the censors could perform the distributions immediately following passage of his law.

161 See Vervaet 2023, 139: "According to Plutarch, the interval between Sulla's flight from Rome and his capture of the city was a matter of days, not weeks".

162 Cicero's record of how Catiline's associates in 63 failed to rally the urban artisans and shopkeepers, who instead preferred to "to preserve intact" their workshops and livelihoods (Cic. *Catil.* 4.17), however, merits a different explanation. Given their proximity to the voting grounds, these particular interest groups were probably disinclined to support a politician as notorious as Catiline given the latter's plans for *tabula rasa* and as they feared the ruinous predations and insecurities of another civil war, mindful of the catastrophic turn of events between 91 and 77. On this, see Russell 2016, 187–191.

163 Lintott 1968, 177.

164 On the secret ballot laws, see Taylor 1960, 141; Yakobson 1992, 48; Yakobson 1995, 426; Flair 1995, 79; Mouritsen 2001, 75; and Lundgreen 2009, 47–53.

favour.¹⁶⁵ If Sulpicius needed freedmen, or those who benefited from freedmen being redistributed, to continue to support him, he needed to continue to pass laws that would unequivocally benefit them. Moreover, the tribunate of the *plebs* often acted as an early stepping stone for a Roman politician's career.¹⁶⁶ It would be most short-sighted if a tribune burnt all his bridges with the most valuable voters in the *comitia centuriata* by the ill-considered courtship of the alleged 'poor masses of urban freedmen' useful only in the *comitia tributa*, especially if their tribal redistributions might not have taken effect before his year-long tenure as tribune was over.

In sum, the redistribution of freedmen would only provide Sulpicius with a continuously loyal novel constituency if his subsequent bills continued to benefit freedmen or those who would benefit from their redistribution across all the tribes. Sulpicius' intent hardly amounted to an idealistic ideological statement that all citizens should have equal votes, regardless of their origins.¹⁶⁷ Due to the exigency of the situation, Sulpicius certainly had more pressing and practical concerns. Since his subsequent bill was the transfer of the Mithradatic command from a sitting consul to a private citizen (political rivals at that), the freedmen bill and Mithradatic bill, despite being two separate bills, should therefore be examined as being closely interconnected: Sulpicius clearly expected that whoever would benefit from his freedmen bill must also benefit from his Mithradatic bill enough that pursuing such a contentious proposition was worth the trouble and expenditure of political capital. The fact that the parallel measure providing for the tribal redistribution of the much more numerous newly enfranchised Latin and Italian *ingenui* would already make for a formidable hurdle to take gives further salience to this question. In other words, who would have wanted to see Marius instead of Sulla secure the coveted Mithradatic command, and what was their connection with freed slaves?

2.3 Towards a Revised View of the *lex Sulpicia de libertinorum suffragiis*

Thus far, the *lex Sulpicia* has been largely interpreted as an attempt to mobilise the mass of urban freedmen. For example, Tatum contends that Sulpicius had already

¹⁶⁵ Due to the secret ballot laws, even bribery could not ensure legislative or electoral victory: see Yakobson 1995, 441 on Cic. *Verr.* 1.22–25.

¹⁶⁶ Sulla reformed the tribunate explicitly so that ambitious politicians could no longer use it as a steppingstone (App. *civ.* 1.100). Being from relatively humble origins (e.g. Sall. *Iug.* 4: *generis humilitas*), Marius himself started his career as a tribune of the *plebs* (Plut. *Marius* 4).

¹⁶⁷ See López Barja De Quiroga 2007, 130–131 and López Barja De Quiroga 2022, 380–381 for arguments in support of an ideological interpretation.

clashed with the Senate regarding the consulship bid of Caesar Strabo, though Sulpicius had no idea how seriously he had antagonised the Senate at the time. Subsequently, and unaware of any senatorial animosity, Sulpicius introduced the freedmen bill, separately though alongside the Italian bill, explicitly to appease the urban *plebs*. It was then that violence ensued and Sulpicius realised the extent of the senatorial hostility towards him. After this, Sulpicius turned to Marius who used his equestrian supporters to pass all of Sulpicius' measures.¹⁶⁸ If, however, Sulpicius did not realise that he had already broken with the *nobiles* until after he introduced his Italian bill, then it is unclear why the freedmen bill had to be introduced alongside the Italian bill, as he would not have expected his Italian bill to have faced such opposition from the *nobiles* that he needed significant comitium support from the urban *plebs*. Moreover, if Sulpicius was trying to pacify the urban *plebs*, then his freedmen bill would have only benefited a small subset of them. In addition, if the target really was the urban *plebs*, then Sulpicius could have only hoped to have gained the support of the four urban tribes, hardly enough to win him the vote. And if he already had enough support amongst the rural tribes, he need not have cared about how the urban tribes voted. Lastly, if this bill was purely a tactic to appease the urban *plebs*, it is then odd why Sulpicius did not drop it when it became clear that his attempt to forestall opposition from the urban *plebs* did not work and that the urban *plebs* rioted anyway. We must search for another more likely support group.

After the disastrous close to his sixth consulship in 100 BCE due to his ill-advised alliance with Saturninus and Glaucia, Marius departed for Asia in 98 BCE. According to Plutarch (Marius 31), he ostensibly went for religious reasons but, allegedly, it was so that he would not have to be present for the recall of his enemy Q. Caecilius Metellus (Numidicus) from exile and in order to stir up a major conflagration in Asia – though these supposed reasons likely rose from anti-Marian sources.¹⁶⁹ Regardless, when Marius returned either in 98 or 97, the affairs of the Roman province of Asia and wider Asia Minor became very prominent in Roman politics. As praetorian proconsul of Asia in 97, Q. Mucius Scaevola (pr. 98?, cos. 95) and his consular legate P. Rutilius Rufus (cos. 105) moved to curtail and punish the abuses of the influential equestrian tax farmers. In 95, not coincidentally in Scaevola's very consulship, these powerful equestrian interests struck back at Scaevola by securing the scandalous conviction and subsequent exile of the equally incorruptible Rutilius in the wholly equestrian *quaestio repetundarum* in a trial that “tore the

¹⁶⁸ Tatum 2022, 560–562; cf. Taylor 1960, 144: “a last desperate effort to obtain control of the city rabble”.

¹⁶⁹ On anti-Marian sources used by Plutarch, see Luce 1970, 163 and Powell 1990, 451, 454.

Republic apart". Sometime late in 92, Q. Servilius Caepio (pr. 93?, son of the homonymous consul of 106) furthermore indicted *princeps Senatus* M. Aemilius Scaurus (cos. 115) under the same *lex Servilia (Glauciae) repetundarum* for having allegedly taken bribes during an embassy to Asia (perhaps in 93/92).¹⁷⁰ Following his tenure as *praetor urbanus* in 97, Sulla was sent to Cappadocia with the rank of *pro praetore pro consule*, where he reorganised the nearby kingdoms and restored Ariobarzanes to the throne of wealthy Cappadocia.¹⁷¹ After his return (in 94 or possibly as late as 93), he was charged with *repetundae* in an equestrian court, though he escaped the charges not because he was acquitted, but because the prosecutor C. Marcius Censorinus for some reason failed to show at the trial (Plut. Sulla 5.6).¹⁷² Subsequently, the outbreak of the First Mithradatic War (89–85) and the genocidal slaughter of Italo-Roman businessmen and their entire *familiae* by Mithradates' agents in the province of Asia in 88 all but crashed the financial market in Rome (Cic. Manil. 19).

The 90s thus saw certain ranking conservative politicians interfere with the extensive financial interests of the Italo-Roman elite in Asia. Following the mass enfranchisements of 90/89, the Latin and Italian elite now potentially had a real say in Roman politics, provided they could be distributed in the existing tribal voting units.¹⁷³ Since both Italian and Roman *negotiatores* and the like had suffered disproportionately from the Mithradatic War, they would naturally look to someone who would champion their cause to lead the war against Mithradates, both out of a desire for revenge and for the war to end quickly so that their financial activities in Asia could resume on terms dictated by a friendly Roman imperator (cf. *supra* p. 557).

Sulpicius likely wanted the Italo-Roman businessmen and the non-senatorial elite to support the transfer of the Mithradatic command from the consul Sulla – perceived as dallying in Campania as per the Senate's wishes and less favourable

¹⁷⁰ Vervaet 2023, 66 and 125, with the quote lifted from Cic. Brut. 115: *quo iudicio convulsam penitus scimus esse rem publicam*. As Tan 2015, 215 f. explains, "the amounts [of taxes] paid by Asian cities were negotiated by [equestrian] publicans and local leaders", signifying that "the total very much depended on the intentions of the arbitrating governor; if one party or the other earned his favour, he could push for a higher or lower sum". On Scaevola and Rutilius in Asia, see Luce 1970, 169–171 and Morrell 2017, 12–13. Luce op. cit., 171 argues that the Senate actually expected that whomever it selected for Asia would be charged upon his return and wanted someone brave enough to face the equestrians and still be willing to curb the excesses of the *publicani*.

¹⁷¹ Vervaet 2023, 120; for the flurry of activities that the Senate undertook in Asia after Marius returned, see Luce 1970, 170 f.

¹⁷² On the trial of Sulla, see Keaveney 1982, 35.

¹⁷³ Vervaet 2023, 92, 113.

to their interests and activities in Asia¹⁷⁴ as well as a notorious and relentless commander against the Italians during the Social War¹⁷⁵ – to Marius, a *novus homo* from Arpinum who had strong ties to these new interests. Marius was able to win multiple consular elections without support from conservative members of the senatorial aristocracy (suggesting significant support from wealthy voters in the *comitia centuriata* who were not beholden to the senatorial class)¹⁷⁶ and had close enough bonds with commercial and financial groups that rumours circulated that he was once himself a *publicanus* (Diod. 34/35.38).¹⁷⁷ In fact, during the Jugurthine War, it had been the Roman equestrians doing business in Africa that mobilised their networks back at Rome which voted in Marius as consul despite opposition from conservative politicians (Sall. Iug. 65.4).¹⁷⁸ During the decisive battle at Verceilae in July 101, Marius on the spot (and possibly illegally) granted citizenship to no fewer than two full cohorts (c. 1,000 men) from the Latin colony of Camerinum, likely earning him the goodwill of those Latins and Italians pushing for citizenship. Furthermore, during the Social War, Marius took the field against the Italian insurgents rather reluctantly and eventually abandoned his command before the end of the conflict on the pretence of infirmity.¹⁷⁹ In other words, both Italian *domi nobiles* and wealthy Roman businessmen had a vested interest in seeing Marius and not Sulla gain the command against Mithradates. Indeed, both Mitchell and Lintott suggest that Marius was still popular enough with the equestrians to mobilise them to vote for the *lex Sulpicia de uno imperatore contra Mithridatem constituendo*.¹⁸⁰

¹⁷⁴ Sulla as consul mandated by the Senate to deal with the remnants of the Social War in Campania: cf. *supra* p. 548.

¹⁷⁵ For Sulla's maltreatment of the Italians during the Social War, see App. civ. 1.46, 1.50, and 93 f. Even if he kept his promise not to rescind the enfranchisement and tribal distribution of Latins and Italians after his triumphant return from the East, he also did nothing to carry it out, and neither were the *census* lists updated during the decade when 'his' Senate controlled the Roman state.

¹⁷⁶ In at least Marius' first (Sall. Iug. 73, 84; Plut. Marius 8–9), second (Plut. Marius 12), and sixth consulship bids (Plut. Marius 28.4), he faced opposition from the conservative senatorial elite.

¹⁷⁷ Carney 1961a, 107 f.

¹⁷⁸ See also Sall. Iug. 26–27, where Sallust presents the massacre of Italian traders by Jugurtha at Cirta as the spark that triggered the war.

¹⁷⁹ Vervaet 2023, 57 (Cimbric War) and 26, comp. 98 f. (Social War).

¹⁸⁰ Lintott 1971, 452; Mitchell 1975, 203; comp. Seager 1994, 168. Even if Rotondi 1912, 345 believes this statute to have been the *lex Sulpicia de bello Mithridatico C. Mario decernendo*, its *titulus technicus* probably was *lex Sulpicia de uno imperatore contra Mithridatem constituendo*, on the analogy of the notorious *lex Gabinia de uno imperatore contra praedones constituendo* – cf. Cic. Man. 52 f.: *Nam tu idem, Q. Hortensi, multa pro tua summa copia ac singulari facultate dicendi et in senatu contra virum fortem, A. Gabinium, graviter ornateque dixisti, cum is de uno imperatore contra praedones constituendo legem promulgasset, et ex hoc ipso loco permulta item contra eam legem verba fecisti.*

Levick also adds Italians to those supporting Marius.¹⁸¹ Carney proposes, explicitly, the *publicani* as the support group ‘par excellence’.¹⁸²

In light of the above analysis, we argue that Sulpicius’ freedmen bill and, indeed, the bill concerning the newly enfranchised Latins and Italians, must have disproportionately benefited this group. When Sulpicius first promulgated his predictably contentious suffrage bills, he and Marius must have been confident that they enjoyed support from enough influential ‘old’ citizens, despite their demonstrable unpopularity with large swaths of the pre-Social War constituency. This inference is further corroborated by the fact that Sulla promptly decided to interrupt his military operations in Campania and hurried back to Rome, where, together with his colleague, he had to resort to declaring a cessation of all public business (*iustitium*) to buy time to shore up their own support base.¹⁸³ Sulpicius and Marius’ foremost supporters were likely Roman equestrian and first *census* class businessmen¹⁸⁴ who would have greatly benefited from both their newly enfranchised freeborn counterparts and their combined bodies of freedmen being redistributed into their respective tribes. These ranking ‘old’ citizens might have been relatives, friends, allies, and business partners of many of these Italian (esp. the newly enfranchised *domi nobiles*) commercial and agrarian elites, all of whom would have been keen to see their *libertini*, who would have shared similar financial and political goals, gain more political influence if these bills and the ensuing mass tribal redistributions succeeded.¹⁸⁵ For Latins and Italians in particular, it would indeed have been their *domi nobiles* especially who would have had the means to travel to Rome, possibly with their extended retinues, to take part in the *comitia*, once the tribal redistributions had been affected.¹⁸⁶ Now that most of the Latins and Italians had finally gained Roman citizenship (in 90/89, excepting the Italic *dediticii*, enfranchised only in 87), their freed clients and future freed slaves would also become Roman citizens. It would be natural for these new constituencies to wish for their freed clients

¹⁸¹ Levick 1982, 503–508, 506.

¹⁸² Carney 1961a, 107 f.

¹⁸³ Cf. *supra* p. 557 f.

¹⁸⁴ That next to the equestrian citizens, first *census* class citizens too were seen as Rome’s financial elite can also be inferred from the fact that the first provision of the *lex Voconia* of 169 also forbade the institution of a female heir by members of the first *census* class: Cic. *Verr.* 2.41.104–114; *Liv. per.* 41; *Ps.-Quint. decl.* 264; *Gai. inst.* 2.274; *Cass. Dio* 56.10.2; *Aug. civ.* 3.21.

¹⁸⁵ For connections between the Roman and Italian elite, particularly pre-Social War, see Roselaar 2012, Lomas 2012, and Patterson 2012. For further analyses suggesting increasingly close personal connections and convergence of interests between Romans and Italians especially at the elite levels before the Social War, see the chapters of David, Patterson, and Galsterer (a study focusing on the period from the Social War to Augustus) in Jehne – Pfeilschifter 2006.

¹⁸⁶ Mouritsen 2001, 118; Lomas 2014, 256.

to have weightier votes, especially since Sulpicius offered to transfer all freedmen into their patrons' tribes, 'old' and 'new' alike. Wealthy freedmen would also have been motivated to attend to increase their own political standing.

Furthermore, a significant number of Roman *libertini* had distinguished themselves serving in the Roman army in the Social War (cf. *supra* p. 537). Even if the sources remain silent on any rewards or hopes dangled by the Roman authorities at the time of their enrolment into the ranks, it is not unreasonable to speculate full enfranchisement would have ranked highly on their wishlist, especially since issues of citizenship and suffrage were at the very heart of the Social and first Civil Wars in 91–88. Even if we assume these hopes had materialised before the tribunate of Sulpicius and the freedmen combatants levied in 90 had been enrolled in the tribes of their patrons, likely as a one-off measure, both these fully enfranchised freedmen veterans and the other (non-combatant) Roman freedmen would have been encouraged to militate together for a comprehensive and structural legislated equalization with the freeborn Roman citizenry.

Should the bill have allowed Sulpicius to redistribute tribes immediately, he could have reregistered as many of the Italians and freedmen who attended the vote (both at the voting of the redistribution laws itself, or perhaps immediately before the Mithradatic bill) that he could, which would have provided a powerful incentive for them to be present. While the sources state that the Italians were spread into all thirty-five tribes, Taylor's detailed examination of these new citizens and communities shows that, when they were finally redistributed, they were placed into the thirty-one rural tribes.¹⁸⁷ Therefore, Sulpicius pushed to have the Latins and Italians spread into the existing thirty-one rural tribes, where their first *census* class elites would consequently also be able to vote in all seventy first-class *centuriæ* in the *comitia centuriata* (instead of in the sixteen newly created first-class *centuriæ* representing the eight newly created tribes),¹⁸⁸ and next put forward a freedmen bill that benefited all Roman patrons, 'old' and 'new' alike, further by placing their freed clients into their own tribes, rather than have their freed clients be restricted to the urban tribes with less useful votes. Now the mass enfranchisements of 90 and 89 were an irreversible fact, the 'old' Roman *equites* probably felt that lifting the discriminatory tribal arrangements built into the enfranchisement measures of 90/89, fully enfranchising the soon-to-be-enrolled new equestrian and first *census* class citizens (i.e., largely the Latin and Italian *domi nobiles*), would considerably strengthen their ranks/cause vis-à-vis the 'unfriendly' Senate, weakened

¹⁸⁷ Taylor 1960, 109–117, cf. Crawford 2002, 1131–1136 and Crawford 2010, 97–101.

¹⁸⁸ Combining the findings of Tan 2023 and Vervaet 2023, 39, 110 and 164, briefly discussed *supra* p. 553 f.

as a result of the carnage of the Social War¹⁸⁹ and which would not see its numbers significantly reinforced before the *census* of the 80s and especially Sulla's dictatorship. Then Sulpicius introduced the Mithradatic bill in a short enough time frame that his supporters from this subset of the Italo-Roman elite, with their freed clients and retinues, would still have been in Rome to vote for another bill that ostensibly benefited and protected their interests since the revival of Marius' fortunes at home and abroad was bound to yield handsome political dividends.

Even if Sulpicius probably needed to wait until the next *census* for the tribal redistribution of Italians and freedmen,¹⁹⁰ he and the Italian/freedmen cause must thus have had support amongst many of the old citizenry (sub-)elites (i.e. equestrian and first *census* class), the ranking business partners or co-investors of the *domi nobiles*. Indeed, some of the *domi nobiles*, at least, were already present in Rome (as Appian records their clash with some of the old citizens) in order to persuade their citizen allies or sympathisers to support the Italian cause, even if they themselves could not yet meaningfully vote. Championing their equal enfranchisement would also have allowed Sulpicius and his most prominent associates to facilitate their continuing rise up the *cursus honorum* since the wealthy Italo-Roman businessmen and their well-off freed clients would have been useful especially in the all-important first *census* class segment of the *comitia centuriata* as Marius was ageing and none had expected Sulla to react the way he did after being granted refuge in Marius' home¹⁹¹ – they obviously expected the redistribution of freedmen and Italians to have lasting benefits for their careers. *Publicani*, the other equestrians, *domi nobiles*, and freedmen were all singled out in the *Commentariolum petitionis* as useful voters to court in a consular election (Cic. *comment. pet.* 13, 29–31). Regardless, Sulpicius' bills were short-lived. Sulla promptly marched on Rome, had Sulpicius outlawed and killed, and all his laws annulled.

¹⁸⁹ No fewer than two consuls were killed in action in 90 and 89.

¹⁹⁰ The censors of 89, P. Licinius Crassus (cos. 97) and L. Iulius Caesar (cos. 90), completed the *lustrum* without completing the *census* of any section of the People since they failed to secure a prerequisite decree of the augural college concerning a key aspect of the procedure, suggesting the opposition of powerful vested interests within the senatorial nobility: Vervaet 2023, 114. As extant records of their *census* do not mention Sulpicius or any violent interference with their work, they may have already abdicated their office by the time Sulpicius introduced his Italian and freedmen bills, invalidating the suggestion of Berrendonner 2024, 309 f. that “le cens de 89 n'ait pas abouti à l'enregistrement des Italiens puisque la loi *Sulpicia* changea entre-temps les principes d'inscription de ces derniers dans les tribus, et qu'une phase de guerre civile s'ensuivit”. On the problematic censorship of 89/88 BCE, see also MRR 2.32 f. and Suolahti 1963, 449 f.

¹⁹¹ Evans 2007, 87 suggests that Sulla was probably meant to go into exile once he had been superseded by Marius, like Metellus Numidicus before him, but this ignores the fact that Sulpicius did not deprive Sulla of his consulship after transferring his provincial command to Marius.

In summary, a close analysis of the events of 88 BCE shows that the freedmen bill was not about creating an overwhelming new voting bloc in the popular assemblies, particularly the *comitia tributa*, allegedly to be filled with the indiscriminate mass of poor urban freedmen. It was not even about the sheer number of freedmen *per se*, but rather the type of freedmen and who would have benefited from their broader redistribution – fully enfranchised, even a small subset of the *libertini* with their patrons would have made for an electoral force to be reckoned with. Sulpicius was likely trying to court a certain segment of valuable voters: wealthy Italo-Romans, particularly those with business interests in Asia, who had been enfranchised only to be subject to the same sort of discrimination imposed upon the *libertini* in their tribal enrolment, rendering them consequently not all that different from *cives sine suffragio*.¹⁹² After falling out with the Senate and the consuls of 88 over their lacklustre support in his political struggle against Caesar Strabo, Sulpicius openly allied with Marius and championed the Latin/Italian and freedmen cause to raise maximum support for the transference of the Mithradatic command to Marius and eying their ongoing political support for future purposes. In other words, his bill should be understood not so much as a ‘class-conscious’ ideological manoeuvre, even if it fits the *popularis* political profile, but rather as both an *ad hoc* attempt to raise as much political support and mobilise as many voters as possible for a specific, hitherto wholly unprecedented, attempt at transferring military command from a consul to a private citizen, and as a structural measure to consolidate long term political support for himself and his political associates.

Epilogue: the Freedmen Suffrage before and after 88 – a Perennial Hot Potato

On the one hand, it is beyond doubt that Sulpicius’ *lex de libertinorum suffragiis* was wholly unprecedented in that he was the first to legislate effectively that the freedmen of the Romans, old and new alike, were to be distributed across all thirty-five tribes, following the tribal affiliation of their former owners. It would indeed take a popular vote to effect this change after the consular Aemilian Law of 115 had likely hardened the conservative censorial arrangements made by the censors of 169 (one of them ironically the father of the famous reformist brothers of 133–121) into statute law. On the other hand, the silence of our extant sources, fragmentary, disparate,

¹⁹² Vervaet 2023, 111. Comp. Seston 1978, 534, who suggests that the enrolment of the new (free-born) citizens in a limited number of tribes was inspired by the methods used by Roman authorities to control the freedmen vote.

and having their own programmatic agendas, should not lead us to believe that the issue of the freedmen suffrage abruptly came to the fore for the very first time in 88.

That the Senate in 115 deemed it useful and necessary for one of the consuls to legally sanction a long-standing discriminatory arrangement (cf. *supra* p. 545 f.) not only suggests that the senatorial nobility felt this was a matter of the highest importance, but also that the political cause of the freedmen had been taken up by sufficiently consequential voices. Therefore, it is not altogether implausible to speculate that the issue of freedmen suffrage had first been raised perhaps sometime as early as 122, when M. Fulvius Flaccus (cos. 125) and C. Gracchus probably spearheaded separate bills to offer (1) full Roman citizenship with equal suffrage rights to the Latin allies and (2) equal suffrage rights with Roman citizens to the remaining Italian allies – the offer of the *ius aequi suffragii* signifying that these measures envisaged to enrol the newly enfranchised Latins and Italians into the existing thirty-five tribes.¹⁹³ That C. Gracchus and Fulvius Flaccus had been vigorously courting equestrian interests since 123 as they sought to counterbalance the power of the senatorial aristocracy to achieve their reforms (and having learned from the political mistakes of Ti. Gracchus) is a well-known fact. Another possible motive for Flaccus and Gracchus to champion equal freedmen suffrage in 122 could have been the need to shore up support with equestrian and first *census* class citizens as the Senate and ‘their’ man in the tribunate of the *plebs*, M. Livius Drusus the Elder (cos. 112), mounted a ‘populist counteroffensive’ of sorts (e.g. proposing no fewer than twelve colonies of 3,000 lower *census* class citizens each across Italy and forbidding the scourging of Latins with *fasces* even when they served in the army), thus putting a solid dent in the seemingly insurmountable popularity of Flaccus and C. Gracchus with the Roman populace.¹⁹⁴ In this respect, it is well worth calling to mind that late in his second tribunate, C. Gracchus proposed a number of bills that were never put to the vote in the assemblies, and that he was also increasingly championing the more socioeconomically and politically disadvantaged, to the annoyance of several of his colleagues in the tribunate of the

¹⁹³ Vervaet 2023, 52. In 125, Fulvius Flaccus had already as consul proposed highly contentious bills providing for optional individual grants of (1) full citizenship to all Italian municipal elites and (2) the *ius provocacionis* to those elites unwilling to change their citizenship status: Vervaet *op. cit.* 47. Liv. 25.3.17 (212 BCE) suggests that before they were finally granted Roman citizenship during the Social War the entire body of Latins present at Rome and keen on participating in Roman tribal assemblies were assigned to vote in one of the tribes (on an *ad hoc* basis, so time and again) determined by sortition conducted by the incumbent tribunes of the *plebs*; cf. Dubouloz 2024, 75 n. 81 for some further discussion and references.

¹⁹⁴ Plut. C. Gracchus 8.4 and 9; As opposed to Gaius Gracchus’ and Livius Drusus’ colonial legislation, which was achieved at least in part (Sisani 2015, 82–90), the latter’s bill concerning the Latin right of appeal was never put to the vote: Sisani 2015, 82–90; Vervaet 2023, 54 f.

plebs.¹⁹⁵ Furthermore, matters pertaining to the Romans' *ius suffragii* were very much at the forefront of political affairs between 139 and 107 as this period saw the passage of no fewer than four laws introducing the secret ballot in the electoral and legislative popular assemblies as well as in criminal trials before the People, measures that were also widely advertised in some of the contemporary coinage. In 119, C. Marius as tribune of the *plebs* carried a law on the voting procedure, making the voting passages (termed *pontes*, 'bridges') narrower so as to make it harder for bystanders to subvert the secrecy of written ballots or apply undue pressure – to break the opposition of consuls and Senate Marius had to go as far as threaten the arrest of the consuls, a notable act of defiance in the aftermath of the ruthless purge of Fulvius Flaccus, C. Gracchus and several thousand of their supporters.¹⁹⁶ Finally, the Senate's insistence on a decisive consular law *de libertinorum suffragiis* in 115 may also flow from the senatorial aristocracy's collective sense of honour and dignity. Since the *lex Sempronia reddendorum equorum* of 123 had mandated senators to return their public horses and relegate them to the first *census* class – effectively creating a distinct equestrian class – the vast majority of senators would have wanted to pre-empt the spectre of having to vote alongside wealthy freedmen in their respective tribes, where their own freedmen would furthermore be significantly outnumbered by those of the equestrian and first *census* class citizens.¹⁹⁷

The issue of the freedmen suffrage then probably resurfaced in the late stages of the critically important – if alas poorly documented – tribunate of M. Livius Drusus, for reasons not altogether that different as compared to Sulpicius and Marius' probable motives.¹⁹⁸ First, Drusus' bills providing for the full and equal

¹⁹⁵ Comp. Plut. C. Gracchus 12; for a *rogatio Sempronia* providing for the centuries to be called upon to vote in a random order of the five *census* classes determined by lot that, as Mommsen Staatsrecht 3.294 (cf. 272 n. 2) correctly surmises, never became law, see and Ps.(?)Sall. rep. 2.8.1. The author of the *Epistulae* most likely also summarises the rationale offered by Gaius Gracchus as he talked up this proposal before *contiones*: "In this way, voters are put on the same level with respect to their dignity and wealth; each person will rush to outdo another in merit" (*Ita coaequantur dignitate pecunia; virtute anteire alius alium properabit*) – argument that *mutatis mutandis* could also be applied in defence of the cause of the full enfranchisement of the freedmen. Regardless of the ongoing debate concerning the authorship of the *Epistulae ad Caesarem* – see most recently Pina Polo 2021 for a forceful argument in the positive – the well-informed content is no doubt reflective of contemporary concerns.

¹⁹⁶ MRR 1.526 and Vervaet 2023, 34–38.

¹⁹⁷ On the oft-ignored if pivotal *lex Sempronia reddendorum equorum*, see Stone 2005, 77–81; comp. Vervaet 2023, 50. On honour and shame as critical drivers of individual and collective behaviour in the Roman Republic, see Vervaet 2017.

¹⁹⁸ For a recent and detailed analysis of the epochal tribunate of Livius Drusus, see Vervaet 2023, Chapter 2, reinforcing much of Meier's discerning analysis in 1997³, 208–216; compare, however, Dubouloz 2024 for a very different analysis, casting doubt on whether Livius Drusus really sought

enfranchisement of all Latin and Italian allies, perhaps inviting the latter to choose between citizenship and the *ius provocacionis*, were *ipso facto* bound to raise the issue of the freedmen vote, given the numerous Latin and Italian freedmen, too, stood to gain from these proposals. Second, Drusus and his allies in the Senate – prominent among them L. Licinius Crassus (cos. 95, cens. 92/91), *princeps Senatus* M. Aemilius Scaurus (cos. 115), and Cn. Domitius Ahenobarbus (cos. 96, cens. 92/91), were faced with the implacable and eventually catastrophic hostility of the *equites* (headed by Drusus' erstwhile friend and relative Q. Servilius Caepio, pr. 93?), and may well have proposed the equal enfranchisement of the *libertini* in a last-ditch move to win over at least a sufficient segment of the influential equestrian and first-class constituencies. Thanks to Seneca (cons. ad marc. 16.4) we know that Drusus was murdered “just when he had so many bills (*rogationes*) pending and was at the height of his fame”.¹⁹⁹ Furthermore, the extant sources closely associate the laws of 88 and 84 on the suffrage of new citizens and freedmen (Liv. per. 77 and 84; Plut. Sulla 8.2).²⁰⁰ That Q. Servilius Caepio and his powerful equestrian faction were instrumental in the fatal failure of Drusus' enfranchisement legislation follows from the fact that Pliny (nat. 33.20 f.) is adamant “that the quarrel between Caepio and Drusus [...] was the primary cause of the Social War and the disasters that sprang from it”.²⁰¹ Given his entire reform package was inspired by a desire to reconcile the seemingly incompatible socio-political and economic interest of senators and equestrians, richer and poorer Romans, and Romans and Latin and Italian allies, a tribunician bill canvassed by Drusus (or one of his allies in the tribunate of the *plebs*) proposing the equal enfranchisement of the freedmen as a means to soften equestrian opposition against his reforms (and his contentious

to enfranchise the Latin and Italian allies and suggesting that “parler d'un programme de M. Livius Drusus c'est peut-être avoir trop confiance dans la classe politique romaine” (79). There is not one hint in our sources that L. Appuleius Saturninus – Sulpicius' alleged role model: Plut. Marius 35.1 – had raised the issue of the freedmen suffrage in 103 or 100, but then he steered clear altogether from enfranchisement legislation, instead embarking on plans to reward the numerous Roman, Latin and Italian veterans of Marius's campaigns with viritane colonization in Gaul and several Latin colonies in Sicily, Achaea and Macedonia: Vervaet 2023, 57–59.

¹⁹⁹ [...] *vadentem per Gracchana vestigia imperfectis tot rogationibus intra penates interemptum suos, amiserat incerto caedis auctore.*

²⁰⁰ Livius Drusus' generous frumentarian law likely supplanted and reversed the provisions of the *lex Octavia frumentaria* of 99–93, measure which had probably formally excluded the *libertini* from the subsidised distribution scheme first established by C. Gracchus in 123: Vervaet 2023, 71 f. (advancing on Rushmer, “Fruits of Empire: Grain in the Roman Republic”, forthcoming).

²⁰¹ [...] *inter Caepionem quoque et Drusum [...] inimicitiae [...] unde origo socialis belli et exitia rerum*. Compounded by Caepio's personal enmity against Drusus, the elite equestrians were deeply resentful of Drusus' reform of the juries of the powerful criminal courts, the struggle over which was one of the defining features of the 90s BCE: see Vervaet 2023, Chapter 2.

enfranchisement bills in particular) is entirely within the realm of the plausible and explains why no source represents the *rogatio Sulpicia de libertinorum suffragiis* as an utter novelty, even if Sulpicius was indeed the very first to put the issue of redistributing the freedmen to all thirty-five tribes to the vote. And given P. Licinius Crassus had clearly changed his mind about the issue of the Latin and Italian enfranchisement, it is not altogether impossible that the elderly Aemilius Scaurus, too, had had a pragmatic change of heart. In point of fact, Livius Drusus himself had adopted a course very different from that of his homonymous father as anti-Gracchan tribune of the *plebs* in 122.²⁰² Just like his father, Drusus firmly believed in the primacy of the Senate within the Republican machinery of state, but unlike his father, he desperately tried to chart a third way, between the diehard conservatives of the status quo and the stridently anti-senatorial populism of the hardline *populares* emerging in the wake of the violent deaths of Ti. Gracchus and next Fulvius Flaccus and C. Gracchus.²⁰³

Nor, as briefly mentioned already in this paper, was the *lex Sulpicia* the last attempt at granting freedmen increased voting rights. It is no coincidence that in December 67, Manilius' attempt at reviving the *lex Sulpicia de libertinorum suffragiis* followed a similar trajectory (cf. *supra* p. 561–563). Soon after the revived law was annulled by the Senate, Manilius successfully carried the equally divisive and contested *lex Manilia de bello Mithridatico Cn. Pompeio extra ordinem mandando* famously granting Pompeius command of the provinces of Cilicia and Bithynia-Pontus and the war against Mithradates and Tigranes II of Armenia. This command had formerly been held by L. Licinius Lucullus (cos. 74), one of Sulla's trusted lieutenants, much to the chagrin of the equestrians who had worked tirelessly to deprive him of it after Lucullus had moved to protect the communities of Asia against the ruthless predations of Roman *publicani* and *negotiatores*. Even if, as Cassius Dio suggests, Manilius merely proposed and passed this measure as he was looking for a powerful patron following the failure of his freedmen law, the freedmen measure may very well have been devised as a *captatio benevolentiae* aiming at securing key equestrian and first class citizen support for a bill that would doubtlessly be strongly opposed by the Senate, especially as Pompeius already held an extraordi-

²⁰² See MRR 1.517; comp. Vervaet 2023, 53. On account of Drusus pater's countermeasures, devised with full senatorial support, he was called "patron of the Senate" (*patronus senatus*): Suet. Tib. 3.2; comp. Cic. Mil. 16, where Cicero bitterly observes that there was "no consultation of the People about his death, no special investigation decreed by the Senate" following the murder of the tribune of the *plebs* of 91, whom he describes as "a great nobleman, a champion – and in those troubled times almost a patron – of the Senate": *nobilissimus vir, senatus propugnator atque illis quidem temporibus paene patronus*.

²⁰³ See Vervaet 2023, Chapter 2; cf. also 234 f.

nary command across the entire Mediterranean for the fight against piracy, likewise granted by plebiscite (in 67) and very much against the will of the Senate.²⁰⁴ Notably, shortly before Manilius put his freedmen bill to the vote, one of the outgoing tribunes of the *plebs*, L. Roscius Otho carried a law marking off sharply the equestrian seats in the theatres.²⁰⁵

Finally, our novel interpretation of the Sulpician Law on the freedmen suffrage may also help elucidate the puzzling revival of the *lex Manilia* by P. Clodius Pulcher during his ill-fated bid for the praetorship just before his violent death in 52 (Cic. Mil. 89; Ascon. 52C).²⁰⁶ This episode has long troubled scholars, who often questioned how redistributing the ‘mass of urban freedmen’ across all tribes (and thus the tribal assemblies) might have helped Clodius’ election prospects in the *comitia centuriata*, with some scholars outright viewing Cicero as propagating a baseless rumour.²⁰⁷ If our interpretation of the circumstances of, and the political motives for, the *lex Sulpicia* holds, however, then this conundrum is solved – Clodius, now reconciled with Pompeius and canvassing for office in the *comitia centuriata*, revived the freedmen bill not to court the mass of poor urban freedmen, but, like Sulpicius and Manilius, to appeal to wealthy and well-connected freedmen and their patrons, whose votes would have been weighty also especially in the equestrian and first *census* class centuries of the *comitia centuriata*. Indeed, the existence of this sizeable cohort of wealthy and influential *libertini* sees further proof in the final days of the Triumviral era – in 31 BCE, in the immediate run-up to the Battle of Actium (2 September 31), Imperator Caesar Octavianus levied a heavy tax on all Italo-Roman freedmen worth over 200,000 sesterces. The angry freedmen rioted to such an extent that it required an armed response, suggesting not only that the number of Italo-Roman freedmen worth over 200,000 sesterces were numerous

²⁰⁴ In Luc. 20, Plutarch paints a stark picture of the financial plight of the inhabitants of Asia following Sulla’s exactions. As proconsul of Asia in 71 (MRR 2.123), Lucullus would provide drastic and effective debt relief to the provincial communities, as their total debts had reportedly ballooned to a staggering 120,000 talents, earning him the hatred of the equestrian *publicani* and financiers in his province as well as in Rome who would consequently contribute to the eventually successful effort of ousting him from his command: Vervaet 2011 and Sandberg – Lukkari 2018. For the tribunates/legislation of Manilius and Gabinius, see MRR 2.153 and 144. On the *lex Gabinia de une imperatore contra praedones constituendo*, see Vervaet 2014b, 216–219.

²⁰⁵ MRR 2.145: fourteen designate rows in the theatres were henceforth reserved for the *equites*.

²⁰⁶ See also Cic. de aere alieno Milonis fr. 17 (ed. Stangl 1964, 173 / Hildebrandt 1971, 156 (with minor if for our purposes inconsequential textual differences) and Ascon. 52C, with further discussion in Tatum 1999, 236–238. All we can infer with certainty from the extant sources is that Clodius envisage to legislate that the freedmen were to be “equally” enrolled in the rural tribes (by the next pair of censors?): *ut [...] in censem aequaliter pervenirent* (quoted from the *scholia*).

²⁰⁷ Tatum 1999, 235–238. See also Colson 1980, 108 f. and Fotheringham 2013, 362–364: “[Cicero was speaking] in hypotheticals”.

enough that taxing them explicitly was worthwhile, but also that they, with their socio-patronymic networks, were influential enough to cause a pan-Italian revolt (Cass. Dio 50.10, cf. Plut. Ant. 58). Young Caesar was so eager to appease them that, in the immediate aftermath of Actium, he remitted taxes still owed by freedmen (Cass. Dio 51.3.2 f.) as well as the equestrian *publicani* (App. civ. 5.130) but made no similar offers to other freeborn.

Conclusions

For decades, the dominant and orthodox view was that freedmen were so numerous in the citizen body that they constituted the majority of the population of the city of Rome by the last century or so of the Republic. As they were all confined, since the censorships of 230/220, to the four, or perhaps even one, urban tribe/s, the substantial number of freedmen would mean that their individual votes were worth very little in the tribal assemblies, and that they were hardly a presence in the seventy first-class centuries of the *comitia centuriata*. The tribune Sulpicius' *lex de libertinorum suffragiis* in 88 has simply been viewed as one in a long series of attempts by politicians of *popularis* inclination to redistribute freedmen into all the voting tribes so that their sheer numbers could dominate especially the *comitia tributa/concilium plebis*.

This paper undertook to mount a solid argument for a reassessment of this view. Our new demographic understanding of slaveholding and manumission in Rome is now strongly disinclined to support the existence of a mass of poor, patronless urban freedmen, so numerous that they literally outnumbered freeborn citizens. Furthermore, the *lex* notably redistributed freedmen into their patrons' tribes. The traditional view that Sulpicius was merely trying to win the votes of freedmen would have allowed him to distribute freedmen in myriad other ways, rather than continuing a connection with their patrons. In addition, most freedmen, needing to attend to their livelihoods, and perhaps even conducting business away from Rome, would not necessarily have had many opportunities to attend to political matters even if they were redistributed. In addition to needing sufficient motivation, being redistributed would still have disproportionately benefited those with sufficient wealth, time, and patronal support. In other words, a redistribution was likely concerned with a specific subset of potential voters, rather than the mass of urban freedmen indiscriminately. All of these renders the traditional interpretation of the *lex Sulpicia* difficult to maintain.

Sulpicius' bold move to redistribute freedmen – the first of three such ephemeral statute laws in the Republic's long history – must be seen in the wider context

of the laws concerning the full enfranchisement of the former Latin and Italian allies and the coveted Mithradatic command – passed in such a short period of time, the intended beneficiaries were likely the same in all three bills. The bills were particularly beneficial to members of the Italo-Roman elite with business interests in Asia as well as wealthy freedmen who were either attached to such persons or were established enough to have their own interests in Asia. The *lex Sulpicia* was not overly concerned with the ‘mass’ of urban freedmen but was instead aimed at mobilising a very specific subset of elite voters.²⁰⁸

This study has not only offered an alternative interpretation of the *lex Sulpicia* but laid the foundations for a general re-examination of the significance of freedmen in Roman politics. We have highlighted the importance of freed voters and freedmen in Roman politics in general and how this issue increasingly became a political hot potato from the end of the 3rd century BCE and especially in the aftermath of the Second Punic War, when the Roman elites and their freed clients reaped tremendous profits from the Republic’s relentless imperialist expansion.²⁰⁹ Freedmen were not a socioeconomically disadvantaged riotous mob mindlessly supporting whichever populist politician promised them largess but a politically invested group with complex motivations and connections to prominent politically active freeborn constituencies. In addition, the consistent senatorial and censorial backlash against freedmen suffrage throughout the republican period should neither be interpreted as driven by mere ideological detestation or fear that freedmen would overwhelm the tribal assemblies with their sheer numbers. Instead, it should be understood as a significant aspect of how the dominant conservative sections of the senatorial nobility interacted, and contended with, an increasingly well-endowed and politically vocal section of the sub-senatorial elite: equestrian and first *census* class businessmen, Italian *domi nobiles*, and their entrepreneurial and socio-politically aspiring freed clients.

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²⁰⁸ Even if Meier 1997, 220 mentions but does not dwell on the *lex Sulpicia de libertinorum suffragiis*, he already suggested (p. 219) that most equestrians had supported Sulpicius’ Italian suffrage law to secure the support of the Italians in their political struggles with the Senate. We argue that the same can be said of their position vis-à-vis Sulpicius’ freedmen suffrage law.

²⁰⁹ On the “exponential” growth of senatorial private fortunes in the second century BCE and evidence of increased Roman wealth outside the senatorial aristocracy, see Tan 2017, 6–14 and Chapters 2 f. For another striking analysis tracking the exponential “concentration of income and wealth” – chiefly in the hands of the Roman senatorial and equestrian elites – and its close relation “to the rise and consolidation of imperial power”, see Scheidel 2018, 71–74 (with Table 2.1 on p. 72).

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