

《Article》

## Concord and Instability in the Action of M. Aemilius Lepidus (cos. 78 BC)

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### Summary

After his victory in the civil war, and with the application of considerable violence and coercion, Lucius Cornelius Sulla built a new Republican system. It is well-known, however, that he then promptly retired from government, and died shortly thereafter. Marcus Aemilius Lepidus attempted to make use of these exceptional circumstances in an effort to remove the new regime, but his figure and actions are generally held in undeservedly low esteem by the majority of our sources. Indeed, this historical context is explained on the basis of a period of protracted *stasis*, taking place at a critical moment of the Sullan regime. This paper seeks to analyze the views held by our ancient sources concerning the figure and actions of Lepidus, with a particular focus on recurring elements in their accounts concerning concord, and its relation to transgressions and instability observed in the system of that time.

### 1. SOURCES AND THEIR PROBLEMS

The figure of Marcus Aemilius Lepidus, despite receiving comparatively little attention, has not gone unnoticed in recent years. In fact, his actions and relevant available sources have been the subject of renewed interpretation as of late,<sup>2)</sup> allowing us to overcome a credulous perspective resulting from negativity in the narrative of those sources.<sup>3)</sup> Indeed, our aim is to analyze the way in which available evidence highlights specific undesirable elements of his figure and actions, particularly with regard to instability and concord, and to pursue a better understanding of how the resulting *mos maiorum* evolved subsequent to the regime of Lucius Cornelius Sulla (cos. 88, 80 BC).<sup>4)</sup>

Within this framework, our sources can be divided into two traditions, previously highlighted by Burton as those of Livy and Sallust.<sup>5)</sup> Both lines of analysis are distorted, interpreting the facts on the basis of a negative narrative, thus showing a bias that ultimately gives rise to an inconsistency between the imagined portrayal of events and reality. This is a common leitmotif, especially with regard to sources from the first centuries of the imperial era, which seem to contrast their appeased imperial present with the convulsive end of the

Republic. In addition, negative narratives may also originate from sources more contemporary to the facts being relayed. Illustrating this point, it is no secret that Sallust, our main source of relative temporal proximity to the facts in question, notes the presence of a moral decline in historical events subjected to his analysis (*Cat.* 12.2).<sup>6)</sup> Nevertheless, he probably still represents the better source for the purpose of developing an understanding Lepidus' actions, if only because his narrative seems less distorted than others. In any case, we argue that it is profoundly useful to study these various perspectives, particularly with regard to times of upheaval and change, as not all literary sources look upon these transitions and transgressions in a homogeneous manner.<sup>7)</sup>

## 2. THE NEW REGIME AND ITS INTRINSIC CONCORD

One of the elements that define the context of narratives applied to Lepidus and his actions is the desire for stability in a situation without a *stasis*—in other words, the pursuit of concord or peace. That is how we can understand Appian's narrative of Sulla, whom he praises even in light of the deeply transgressive events that took place surrounding the inauguration of a system that Cicero noted (*Rosc. Am.* 131) was born of war. It is also true that Appian criticizes Sulla's *crudelitas* as a real "germ" of discord (*BC.* 1.82). The consolidation of his position of power into that of a "sovereign", a concept that we understand as one who rules in a state of exception,<sup>8)</sup> does not seem to be criticized. All of these elements were present in a context where this state of exception was the norm, shrouded in a "legal fog" that enabled its acceptance as a legalized practice, in spite of its extraordinary nature. Thus, the idea of concord is articulated by the Sullan regime as a basic element with which to justify and legitimize a deeply transgressive system. The notion of stability is linked to a distant past, with notable influences from Greek thinkers such as Homer (*Od.* 19.109-114) or Hesiod (*Op.* 225-237), who emphasize the ideal of concord.<sup>9)</sup> However, these are idealistic arguments that do not show the ravages of repression that sustain the Sullan regime.

In this vein, it should be remembered, as Valentina Arena argues, that the new *mos maiorum* is capable of modifying the proper idea of *optimate*, within the framework of the factional struggles of the moment. Thus, influenced by Stoic thought, the *optimate* action of the new regime differed from the previous one. This situation has led authors such as Henrik Morstein to reject the use of the term *optimate* in these circumstances, arguing that there was a "monotonous ideology" for this historical context, as long as there was no dissidence.<sup>10)</sup> However, Arena discards this interpretation, understanding that the factional struggle continued, but their nature had been conditioned by the context.<sup>11)</sup> Certainly, the *mos*

*maiorum*, as a construct of the present, was in that moment illuminated by a distant past, and elements such as the tribunician power (*tribunicia potestas*) were thus understood to represent a source of discord to be banished. In fact, given its lack of definition, the *mos maiorum* functioned as a paradigmatic behavior for society,<sup>12)</sup> through the application of laws engendered by it.<sup>13)</sup> There is an illustrative anecdote in relation to the flexibility of the *mos maiorum*, relayed by Cicero (*Leg.* 2.16.40; see also XEN. *Mem.* 4.3.15),<sup>14)</sup> in which he tells us of a group of Athenians who went to ask the Oracle of Delphi for guidance on which kind of practices they should follow. The Oracle replied that they must follow all “customs of the ancestors”, referring to the practices of the *mos maiorum* (*eas quae essent in more maiorum*). However, the Athenians, after stating that the customs had changed several times, asked which of them would definitely apply. The Oracle responded that they were obliged to adhere to the best ones. From this episode, we can glean not only the flexible nature of the *mos maiorum* and the existence of several models, but also the capacity of the individual to discern which behavior should be followed for a given circumstance, within its respective historical context.<sup>15)</sup> It is from within this framework of Stoic thought and the *mos maiorum* of the new regime that we can now see the reason why Lepidus’ actions were so deeply reviled; he went against the newly established order, in direct contradiction to what the new ruling class (or *optimates*) understood to be beneficial, and in turn influencing most of our sources correspondingly. Of interest in this regard is Alison Rosenblitt’s perspective on these contrarian discourses regarding the *status quo*,<sup>16)</sup> such as the one reflected in the words of the very same Lepidus, as portrayed in Sallust’s narrative. Indeed, Sallust seeks to show how Lepidus utilized the context of fear and instability to his benefit, imitating the way in which the Sullan *mos maiorum* had developed.

It is important at this juncture to keep in mind some specific aspects of the new regime’s remarkable transgressions. Sulla “invented” a new Senate,<sup>17)</sup> in an environment shaped by ongoing *proscriptiones* and deaths occurring in battle. The election of Sulla as a dictator was brought forth by a context of intimidation, but also sought to end the transition period brought on by the end of the Social War (91-87 BC). All reminders of this recent past were purged,<sup>18)</sup> and any existing monuments dedicated to his enemies were destroyed.<sup>19)</sup> This conduct was not merely limited to the personal surroundings of Sulla himself, but extended to that of his faithful followers as well. Gaius Pompey the Great (cos. I. 70 BC), for example, mercilessly killed the poet Soranus (Plut. *Pomp.* 10.7-9; Flor. 2.9) in an effort to perpetuate this new system following Sulla’s death (Plut. *Pomp.* 22.3-6).<sup>20)</sup> Ultimately, it is necessary to recognize two main pillars of the Sullan regime: firstly, the changes introduced by the application of violence and death, leading to the subsequent selection of new members of government for the purpose of

empowering the senate (*patrum auctoritas*); and secondly, his unipersonal power, which literary sources delegitimize and criticize.<sup>21)</sup> In any case, there is no doubting the fact that this new system was based on a whole series of laws that were enacted by force, replacing the existing *mos maiorum*.<sup>22)</sup> This calls into question the views of Emilio Gabba, one of the most relevant voices in these matters, who did not see an excessive originality in the Sullan regime.<sup>23)</sup> Furthermore, Ronald Syme stated that the levels of freedom were reduced after the Social War.<sup>24)</sup> In that respect, the bad *exemplum* of Sulla's actions continued to echo for years to come, in a way that cannot be trivialized.<sup>25)</sup> Indeed, during the fifties Pompey seemed to mirror them (Cic. *Att.* 8.11.2; 9.10.2; 10.7.1), carrying out transgressive practices of his own with regard to the *mos maiorum*.<sup>26)</sup>

Within this context, and for the purpose of creating a new *mos maiorum*, the Sullan ruling class was shielded, exemplary killings were carried out (App. *BC.* 1.95), the equestrian order (*equites*) was separated from power and a Senate was installed that was more closely aligned with the rising values. In Sallust's words, it seems that, in the sixties, many would remember that the Senate was selected by the force of the army (Sall. *Cat.* 37). After the *proscriptiones*, there had been less than 150 members,<sup>27)</sup> increasing to 600 (App. *BC.* 1.100),<sup>28)</sup> but probably with about 450 influential members,<sup>29)</sup> giving rise to a diverse mix of fully dependent individuals.<sup>30)</sup> Furthermore, the Sullan Republic would have been based on a law mediated by a court system. That is why Harriet Flower states that this was not a republican system, at least not when compared to the previous one. In this regard, the republican system should be based on three elements: the deliberation of the Senate, the debate with the *populus*, and the elaboration of a ritualistic consensus.<sup>31)</sup> So, it seems that the Sullan regime did not comply with these guidelines.<sup>32)</sup> The law was established by war, replacing the previous *mos maiorum*. In addition, it created a new one within the framework of the process of so-called "mos-ification of the law",<sup>33)</sup> so as to generate a fiction in which concord was the major virtue. It should also be noted that there was no will to carry out ordinary practices of the republican system, such as the taking of a census, which, in the case of Lucius Cornelius Cinna (cos. 87-84 BC), would have permitted the mediation of power. No census was to be conducted in the age of Sulla. Also, we observe that he ultimately took the responsibility for the selection of members of the Senate upon himself. In this respect, the suspension of censorship broke with the *mos maiorum*, and furthermore shows the extent of "far more insidious and underhanded means of denying people the rights they had acquired in the Social War".<sup>34)</sup> In fact, without the censors' consent, it was not possible to participate in the assemblies,<sup>35)</sup> which were themselves subjugated.<sup>36)</sup> The resulting atmosphere, the *novum mos*, configured under the influence of a systematic massacre, fostered authors such as Seneca (*Dial.* 4.34.3; *Clem.* 1.12.2), Lucanus

(2.140-221) or Florus (2.9.23-28), who were keenly aware of its impact.<sup>37)</sup> In addition, Cicero transmitted in the year 66 BC that, for a long time, the *rostra* remained empty.<sup>38)</sup> In the same way, *contiones* did not have much continuity (Cic. *Clu.* 110),<sup>39)</sup> which impacted the daily life of the Roman citizen. Interestingly, next to the *rostra*, an equestrian statue of Sulla was installed, establishing a clear symbol of the nature of his power (Cic. *Phil.* 9.13; Vell. 2.61).<sup>40)</sup> The magistracies were similarly affected: the new system consolidated ideas set in motion by Sulla in 88 BC with the *Leges Corneliae Pompeiae*.<sup>41)</sup> In this way, the tribunician power remained without function.<sup>42)</sup> This left the symbolic power of the *ius auxilii* to the tribunes of the plebs, although logically without any actual capacity for action,<sup>43)</sup> thus calling the *mos maiorum* of that time into doubt (Cic. *Leg.* 3.22).<sup>44)</sup>

The appearance of the figure of Marcus Aemilius Lepidus occurred at the occasion of Sulla's funeral and cremation in the year 78 BC,<sup>45)</sup> a key moment for consolidation of the new regime and its inviolability.<sup>46)</sup> The majesty of the event was fundamental to the new system: "for the public who had at the herald's announcement of the funeral they also recalled, as well as re-created, the heroic past of Rome, thus forging, in the process, the identity and the values of the whole community".<sup>47)</sup> However, as Harriet Flower argues,<sup>48)</sup> failure of the system meant that opposition to the regime had an early start, particularly in the seventies.<sup>49)</sup> Pompey the Great also promoted the dissolution of Sullan legislation, but that was some years later. Our sources do begin to denote the presence of some dissidence before then, in spite of the existing repression, even if only in a partial manner.<sup>50)</sup> Lepidus' actions in particular are mentioned, as he managed to reach the position of consul in spite of his differing views (Plut. *Sull.* 34.7-8; *Pomp.* 15.1-2). He also launched a speech in which he openly criticized the new system (Sall. *Hist.* 1.48.1-27) and connected his position to that of Quintus Sertorius (pr. 85 or 83 BC) in Hispania. In addition, he sought to secure the support of the *populus* (Sall. *Hist.* 1.55-56; 1.67; *Exsuper.* 35-37) and proposed the revocation of measures put in place by Sulla.<sup>51)</sup> It is within this context that the appearance of Lepidus is understood, even if he did ultimately fail to prevent the holding of a great public funeral honoring Sulla. As we know, he was eventually considered *hostis* (Sall. *Hist.* 1.65-67; Flor. 2.11) and was ultimately defeated,<sup>52)</sup> even at the cost of yet another period of vulnerability.<sup>53)</sup> In fact, it proved difficult to escape the shadow of the civil war,<sup>54)</sup> illustrated by dramatic events such as the passage of the *lex Papia* in 65 BC, expelling from Rome all those not holding the status of *ciuitas*.<sup>55)</sup>

### 3. LEPIDUS' ACTION AND THE VALUE OF OUR SOURCES

Having discussed the realities of the new regime, it becomes necessary to take a close look at

our sources, and to ascertain how they understood Lepidus' figure and actions. Firstly, we must focus on Sallust. Leaving aside for a moment the question of historical accuracy,<sup>56)</sup> it was he who passed down the contents of Lepidus' speech to us. Indeed, this one account is among the most useful pieces of evidence available to us today. Therefore, it is important to highlight several of its elements, and contrast them with the response of Lucius Marcius Philippus (cos. 91 BC) in the Senate, which also happens to be related to us by Sallust. Doing so affords us with two versions of legitimacy, to be used for the purpose of understanding the *mos maiorum*. In these accounts, both characters employed the idea of *libertas*;<sup>57)</sup> Lepidus' *libertas* was based more on popular aspirations, while Philippus' mentioned senatorial power instead. As Patrick McGushin highlights: "the freedom of the senatorial nobility to continue without interference the control of the political and economic life of the Roman Republic which they considered their birthright".<sup>58)</sup> In this line, what is interesting is the fear that Lepidus expressed referring to the Senate:<sup>59)</sup> "your mercy and your honesty (...) cause me the greatest apprehension" (55.1), but above all he criticized the transgressive concord, remembering that Roman society seemed to prefer slavery: "joined with injustice to living free with the best of right" (55.2-3). In the same way, he referred to Sulla as a "caricature of Romulus" (55.5), in a clear reference to his way of managing the new constitutional reality. Criticism of the transgressive concord was even more evident in passages to follow: "you are deterred from trying to recover your liberty by the fear of a still more cruel slavery" (55.6), and similarly: "hence that state of repose and tranquility combined with freedom, which many good men prized more highly than honors attended with toil, is a thing of the past" (55.9). Furthermore, the insinuation that the Sullan regime was based on violence is explicit: "the power of life and death over our citizens are in the hands of one man" (55.13). On the other hand, a reference to the former *mos maiorum* was observed: "the victorious army (...) robbed themselves with their own hands of their rights and their jurisdiction" (55.22-23). Finally, spoken in Lepidus' words, Sallust expresses to us the very idea that we argue in this article: "he does it to make a pretense of harmony and peace (*concordiae et pacis*), which are the names which he has applied to his guilt and treason" (55.24). Thus, "this seems to you to be peace and order (...) accept a peace combined with servitude and teach future generations how to ruin their country at the price of their own blood" (55.25), reflecting the presence of discord with regard to the former *mos maiorum*, versus a concord linked to the transgression of a regime that has gained victory by military force. In the end, his idea of *libertas* was explicitly presented: "follow Marcus Aemilius, your consul, who will be your leader and champion in recovering your freedom!" (*libertatem!*)" (55.27).

On the other hand, Philippus' speech is shown as a response to the model followed by

Lepidus, thereby illustrating the two contrasting views on legitimacy mentioned earlier. Thus, he criticized Lepidus' action: "his robberies have made his consul, his acts of sedition have given him a province and an army" (77.3), considering Lepidus as a figure who "finds repose in discord (*seditionibus*), disquiet in time of peace" (77.7). Also of interest is the way in which Lepidus is associated with the previous *mos maiorum*, by equating him with the likes of of Lucius Appuleius Saturninus (tr.pl. 103, 100 BC), Publius Sulpicius Rufus (tr.pl. 88 BC) or Gaius Marius (cos. 107, 104-100, 86 BC) (77.7-8), in a manner consistent with the pro-Sullan tradition that has been preserved in most of our sources. Philippus' criticism was aimed at the paralysis of the Senate: "nowadays peace and harmony are disturbed openly" (*nunc pax et concordia disturbantur palam*)" (77.13). The idea of a new *mos maiorum* opposing the previous one is also shown: "in the interests of peace to restore the power of the tribunes, from which all our discords were kindled" (77.14). So, a structural element of the system prior to 91 BC was not only questioned, but it was linked to all instability; and thus it was considered that only the establishment of the new regime could guarantee the peace. Finally, it is important to note the employment of the context of vulnerability that followed the civil wars (77.19). In short, Sallust showcases the antagonism toward both models of *mos maiorum*, within the framework of a dichotomous view that he used to define the late-republican period. Indeed, for him, the true concord is not the one brought forth by the Sullan regime, but specifically represented by the example of the situation as it had been before the defeat of Carthage.<sup>60</sup> Going further, he considers that this defeat marked the starting point of an omnipresent decline. His obsession with the troubles of concord and peace, as well as the utilization of fear, moves him to emphasize this vision of a period of decline. He is of the opinion that this period was not harmonic, and that there was no concord to speak of, showing instead a prevailing state of fear and instability.

Before analyzing the sources that follow, it is important to note that they all hold an antagonistic perspective. This is especially apparent from the vocabulary used to describe Lepidus and his co-consul Quintus Lutatius Catulus (cos. 78 BC), as underlined and studied by Valentina Arena.<sup>61</sup> Cicero names Catulus as a leader who followed the voice of the State (*Pis.* 6), the ideal *optimate* (*Att.* 1.20.3), *sapientissimus optimus civis et uir* (*Red. Sen.* 9; *Verr.* 1.44), *uir clarissimus amantissimus rei publicae* (*Leg. Man.* 51; *Brut.* 222), and used many more positive adjectives to describe him (*Sest.* 101; *Brut.* 133). In a similar manner, Valerius Maximus adds more information in reference to his behavior, describing him as a virtuous and moderate individual (2.8) who managed to stop a civil war which threatened great changes (6.5). Here we can observe a contraposition of those changes with a supposed stability. Velleius Paterculus ignores Lepidus and emphasizes Catulus' *verecundia* (2.32), Orosius notes



his *clementia* (5.22), Plutarch ascribes him the *aristos* while using the word *kakistos* in reference to Lepidus (*Pomp.* 15.2), and Cassius Dio tells us that the *populus* trusted him (D.C. 36.30). Contrary to Catulus, the figure of Lepidus is deeply criticized, forgotten and belittled (D.C. 36.30). He was painted as a traitor, and a detriment to Rome, conspiring with deplorable people and enemies of the State alike (Sall. 77.22). His character was impugned as insolent and impulsive, with his actions being rooted in *furor* (Oros. 5.22), and he was *rei publicae pestem* (Sall. 74; 77.1), *thrasus* (Plut. *Sull.* 34.21)<sup>62</sup> and *empletaton* (*Sull.* 34.28). Indeed, Cicero notes the difference between *insania* and *furor*, with the former denoting a condition that afflicts the mind, and the latter denoting a motivation originating from the dark side (*Tusc.* 3.8-11). Furthermore: *nam erat natura turbulentus et inquietus* (Lic. 35.10), understanding *turbulentus* as agitated and, therefore, as a troublemaker.<sup>63</sup> In short, every enemy of the *Res Publica* (of the new regime) is painted as irrational, because all of them are “fools, subject to the most abject passions, and, acting against the principles of justice and wisdom, destroy any opportunity to live in harmony”.<sup>64</sup>

There are also sources to be found that more closely follow the tradition of Sallust, such as Granius Licinianus and Exsuperantius. Licinianus emphasizes Sulla’s funeral, and explains the reasons behind the cremation of his remains. In his description, he comments that authorities sought to avoid Sulla befalling the same fate as that of his enemies (36.33). Thus, Licinianus notes that it is important to avoid social conflict, in order to maintain the harmony that defined the new regime. In actuality, he is a very good source, as he informs us that Lepidus was the first to reject the restoration of the tribunician power (36.34), which is a contradiction of Sallust’s account. In order to accept this idea as truthful, one would also have to accept that Philippus’ speech as recorded by Sallust makes use of rhetorical and biased arguments. This is certainly a possibility, especially seeing as it was part of the author’s literary game. Licinianus’ critique of Lepidus is rendered even more interesting by his arguing that Lepidus’ personality would not have allowed him to achieve the tranquility and concord that he desired (36.34). Exsuperantius, our second source influenced by Sallust, only emphasizes Lepidus’s mission of curtailing the Sullan inheritance, but specifies that doing so would effectively bring back the civil wars. He states that Lepidus promised the restoration of confiscated properties, thus establishing himself as a defender of the freedom of the *populus*, in exchange for gifts and promises (35). It is important to highlight here that the author does associate Lepidus with *libertas*, even if his intentions are viewed in a negative light, and the author considers his attitude to be reckless (38).

Another relevant source of interest is the work of Livy, which is preserved to us only in the form of his *Periochae*. The title of the second part of his Book 90 is entirely illustrative:



“Marcus Lepidus, who tried to revoke the acts of Sulla, caused a war” (*Per.* 90.2), even if the actual content of this work is of course lost to us. However, Florus, Orosius, and most likely Appian, together encompass the tradition that was influenced by his writing. In this way, Florus explicitly tells us that Lepidus ambitioned “a political change” (2.11.2), but always against a “great man” such as Sulla. Similarly, the author emphasizes that, although legitimate, Lepidus’ actions “might have been justified, if only he could have carried it out without involving the State in a great disaster” (2.11.2). His reflection on these matters is quite interesting. He considered the manner in which Sulla obtained assets from those he convicted as unjustified, but a subsequent restitution of these transgressions, by a regime that owes its existence to them “tended to disturb the condition of the State now tranquilized” (2.11.3). In other words, transgressive stability was preferable to restoring instability of the previous *mos maiorum*, regardless of whether it was fair or legitimate. In addition, Florus believes that “it was expedient, therefore, that the sick and wounded State should by some means or other be allowed to rest, lest its wounds should be torn open by the very attempt to heal them” (2.11.4). For this reason, Florus is in favor of the concord of the Sullan regime, criticizing Lepidus deeply insofar as he does not allow stability. His work is thus encompassed under a partisan tradition of the dictator, which as it happens also includes the work of Livy, one of the sources from which he draws.

The work of Appian of Alexandria also provides us with some interesting insights. As was mentioned previously, he values the stability of the Sullan regime<sup>65</sup> and in fact tells us that: “directly after his retirement, the Romans, although delivered from slaughter and tyranny, began gradually to fan the flames of new sedition” (*BC.* 1.105), even during a period of authentic concord. He further narrates that these dissensions commenced quickly, in particular with regard to Sulla’s funeral. Appian considers this funeral to be excessive (*BC.* 1.106), perhaps implicitly equating it with those held for emperors of his own time. Finally, he notes the fear that existed in the senate of differences between factions boiling over (*BC.* 1.107), and that they administered an oath in an effort to mitigate the risk of outright hostilities breaking out. His account thus indicates a terrible fear of war, and by extension, discord. As for Orosius, his passage is a comparison between the *stasis* of this historical moment and the stability of his Christianized present. Indeed, the author considers that the end of Lepidus was not so much a result of Catulus’ action, but due to *taedio Syllanae crudelitatis* (22.18). In other words, his defeat was precipitated by the fact that society did not wish for a return to war and discord, in spite of the transgressive regime. He thinks the population did not want to relive the former situation, especially given the feelings of vulnerability that they were still harboring as a result of Sulla’s *crudelitas*.

There do exist other interesting sources outside the two main traditions that we may use to analyze the figure of Lepidus and his actions. Although influenced by Sullan propaganda, such sources include Plutarch and Eutropius, in addition to the brief evaluations of a greater number of sources that we have already examined regarding the adjectives used therein. As for Plutarch,<sup>66)</sup> the favorable judgments in relation to Sulla are obvious and even provocative. His general tendency is one of partiality and benevolence towards the dictator,<sup>67)</sup> stemming from the fact that his sources are mostly distorted.<sup>68)</sup> In writing about Sulla's abdication, he states that the leader "introduced great innovations and changes in the government of the city, he laid down his office of dictator, and put the consular elections in the hands of people" (*Sull.* 34.3), thus showing clear signs of support for the new regime. He further relates an episode in which Sulla scolded Pompey for helping Lepidus to get the consulship (*Sull.* 34.5; *Pomp.* 15.2), in a way that is colored by constant disapproval. In addition, he does not regard Sulla's funeral as excessive, exhibiting a bias stemming from the extravagance of memorials in his imperial present (*Sull.* 38.1). Finally, in his *Life of Pompey*, Plutarch considers that Lepidus sought to obtain the power of dictatorship (*Pomp.* 16.1), thus exhibiting two distinct types of *mos maiorum*, the first represented by Sulla, who is shown as virtuous, stable and not at all dictatorial. This is contrasted sharply with the type represented by Lepidus, who is depicted as unstable, and pursuing the position of dictator. Eutropius holds the same view (6.1), but his mention of Lepidus in this matter is limited to only a single sentence (6.5).

#### 4. CONCLUSIONS

Our sources highlight the instability of this particular moment in history. The negative appraisals are directed at Lepidus' actions, however, while the newly established regime is spared such judgment. Sullan transgressions have been assumed, normalized, and accepted by our literary sources, as most of them recognize in the new system the existence of a true concord, unimaginable in the previous warlike periods. Certainly, any action that can lead to war is reviled, and is thus depicted within an ever-present context of vulnerability and fear. In that sense, this concord is desirable to the authors of most sources available to us today, because it was reminiscent of the appeased present in which they resided. It was the ideal of stability, linked to a *libertas*, and ultimately based on a *patrum auctoritas*, that was held above all else.<sup>69)</sup> Any negative narratives therefore maintained focus on Lepidus and his actions, but not on the new regime's repressive nature, with the exception of the logic of decadence as seen by Sallust, and some disagreements voiced about Sulla's *crudelitas*.

Furthermore, the qualifying adjectives used to describe Lepidus are enormously interesting.

One of the most illustrative examples to be found among them is *turbulentus*. This is a surprising assessment, as it was the regime itself that was intrinsically transgressive. In fact, Lepidus' actions were seen as subversive because they were in opposition to a system that had already been accepted by both its contemporary sources and those under the influence of Sullan propaganda. As a result, any attack on it may have simultaneously been viewed as an attack on concord. All of this can be explained by the influence of Stoic thought, which consolidated after the Social War and dominated the new era.<sup>70</sup> In fact, in the wake of the Social War, structural elements of the *mos maiorum* were maligned as examples of tribunician power, which even Lepidus himself seemed to discard (Lic. 36.34). From this context we can recognize the fact that senatorial power was prioritized over the collective interests of the *Res Publica*. As Harriet Flower notes, the Sullan regime did not comply with the fundamental elements of the *Res Publica*.<sup>71</sup> In that sense, it is not surprising that Sallust views this period as one of decline, placing it within a larger framework of a partial narrative,<sup>72</sup> given that he situates the Sullan regime at the beginning of an unparalleled dynamic of *avaritia*.<sup>73</sup> In addition, he is probably the only source to show us Lepidus' motivations. The Sullan *mos maiorum* was purported to incorporate ideas concerning the equilibrium between the various branches of government as described previously by Polybius (23.14.1),<sup>74</sup> but this was a fiction, serving the interest of new leaders who sought to use them as a foundation on which to build the new state, thus underlining the supremacy of the Senate.<sup>75</sup> After a few years had passed, elements that had started out as transgressive were no longer seen as such; they had become normalized, and our sources show no reluctance to accept them, because they ultimately guaranteed concord. This end seems to have been more precious than the heterodoxy of applied practices, or the nature of the new regime. On the other hand, it is also interesting to finally discard the simplistic view of *populares* versus *optimates*.<sup>76</sup> As mentioned previously, *optimata* ideology was different at this time, and similarly, Lepidus' action cannot be attributed to the practices of the *populares*, as is evident from his opposition to the restoration of the *potestas tribunicia*; he sought only to avoid the greater evils of a regime that was mediated by repression.<sup>77</sup> Indeed, Lepidus wielded as an instrument the context of vulnerability in which he found himself, to gain sufficient support,<sup>78</sup> especially from those groups affected by violence, in order to "dethrone" the new elite.

In short, the ideas of instability and negativity among our sources are in general quite apparent. Lepidus' actions are seen as a break with the Sullan concord, heralding the arrival of increased turbulence. This deeply negative view is informed by the instability that existed prior to the Social War, and the transgressive nature of the *mos maiorum* of that period, which sometimes incurred criticism for its extreme violence. However, peace was shown as the only

engine capable of ending the turbulence, even if it meant accepting a regime as exceptional as Sulla's. There was a battle between justice and stability, as Rosenblitt recently emphasized.<sup>79)</sup> Thus, all that was extraordinary and transgressive became normalized. As a result of this acceptance and sense of normalcy, and further strengthened by the renewed concord, any attempt to institute even legitimate change was met with vehement criticism. This was a war against "peace", albeit one that was rooted in violence. In short, in the seventies of the first century BC, our sources see the Sullan regime as an engine of peace; it guaranteed concord and was thus seen as successful in spite of its transgressive nature. In contrast, the figure of Lepidus was not only seen as a great failure, but as the "germ" that sprung forth and brought into being a panorama of negative narratives, fated to be internalized by researchers up to the present day.

### 注

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- 2) Specially, see: ARENA (2011); ROSENBLITT (2013, 2014, 2016, 2019); BURTON (2014).
- 3) As illustrated by Hayne's criticism (1972, 661), regarding perspectives where Lepidus is described as "an incompetent revolutionary". See: CARCOPINO (1931, 221), DICKINSON (1963, 370); BERGUA-BUENO-GUZMÁN (2007, n. 56).
- 4) The *mos maiorum* was not only the code of unwritten behavior that dictates and regulates all aspects of Roman behavior, both within the community and outside it (ARENA 2010, 40), but it was also one of the constitutional pillars of the *Res Publica* (KUNKEL 1972, 17; DUPLA 2007, 193; HÖLKESKAMP 2010, 18). This generates an understandable flexibility in the way historians use the term (VAN DER BLOM 2010, 12; ARENA 2015, 217).
- 5) BURTON (2014, 405).
- 6) EARL (1961); LINTOTT (1972); CONLEY (1981); KLEINMAN (2012, 26). The same is observed in Diodorus, Livy or Velleius, in the framework of negative narratives. See: MESSNER (1996, 207); MUNTZ (2017, 88, 196-197).
- 7) The concept of transgression refers to the dynamics of overcoming or breaking with previous tradition, either fundamentally or with respect to existing norms or established rules (BABEAU 2007, 17). It is essential LUNDGREEN'S view (2017, 17) and HURLET'S (2017).
- 8) SCHMITT (1985, 5); LOWRIE (2010, 174).
- 9) ARENA (2011, 313). In the same way, the absence of a *stasis* was linked to friendship and peace as basic elements within a community, following Plato (*Leg.* 628) and Aristotle (*Eth. Nic.* 8. ii55a22): see BALDRY (1959, 14).
- 10) MORSTEIN (2004, 33, 229, 239, 243, 273-274).
- 10) ROSENBLITT (2016, 657).
- 11) ARENA (2011, 300).
- 12) ARENA (2010, 41).
- 13) STEEL (2014, 324).
- 14) ARENA (2015).

- 15) BETTINI (2011).
- 16) ROSENBLITT (2016).
- 17) WULFF (2002).
- 18) ECKERT (2016, 175).
- 19) Cic. *Leg.* 2.56; Val. Max. 9.2.1; Plin. *NH.* 7.187; Suet. *Caes.* 11.1; Lic. 33.
- 20) STEEL (2014, 334).
- 21) GOTTER (2008, 214-216); HARRIS (2016, 93).
- 22) FLOWER (2010, 129); ROSENBLITT (2019).
- 23) GABBA (1976, 137).
- 24) CANFORA (1980, 428).
- 25) BATSTONE (2010, 53).
- 26) YAKOBSON (2015, 172).
- 27) For this issue, see: EVANS (1983).
- 28) See: GABBA (1973, 407-415); KEAVENEY (1982, 68-69); SANTANGELO (2006, 91); STEEL (2014, 325).
- 29) SANTANGELO (2006; 2007, 100f.). It was significant amount, and precisely for that reason STEEL (2014, 332) considers the difficulty of maintaining influence over them, which would explain the rapid collapse of the regime in the seventies.
- 30) NICOLET (1974, 253-269); DENIAUX (1993, 287-384); STEEL (2014, 332-333).
- 31) FLOWER (1996, 60-90).
- 32) FLOWER (2010, 129).
- 33) JEHNE (2012).
- 34) DART (2010, 104).
- 35) STAVELEY (1972, 121-124); LINTOTT (1999, 115-120).
- 36) FLOWER (2010, 120).
- 37) For this issue, see: ECKERT (2016, 212-213).
- 38) This occurrence demonstrates the change in the *mos maiorum*. Indeed, there were parallels throughout Italy, such as the Etruscan city of *Populonia*, whose Acropolis was abandoned after the victory of Sulla (Str. 5.2.6). See: SANTANGELO (2006, n. 244).
- 39) See: PINA POLO (1996); MORSTEIN (2004).
- 40) BROUGHTON (1952, 381).
- 41) In regards to this issue, see: BADIAN (1970, 16); KATZ (1975, 115); KEAVENEY (1982, 62); HEREDIA (2019a).
- 42) Cic. *Leg.* 3.22; *Verr.* 2.1.155, 2.1.122; *Clu.* 110; *Caes. BC.* 1.5, and 7.3; *Sall. Hist.* 3.48.8; 12M; *Dion. Hal.* 5.77.4; *Vell.* 2.30.4; *Asc.* 67, 78, 81C; *Plut. Caes.* 4.2; *Suet. Iul.* 5; *App. BC.* 1.100; 2.29; *Liv. Per.* 89; *De Vir. Ill.* 75.11; *Cic. Verr.* 2.1.122; *Tull.* 38; *Ps. Asc.* 255 Stangl.
- 43) See: HANTOS (1988, 74-89); THOMMEN (1989); FLOWER (2010, 124).
- 44) BLÖSEL (2000, 88).
- 45) *App. BC.* 1.105-107; *Lic.* 32-33; *Cic. Leg.* 2.22.57; *Plut. Sull.* 38; *Luc.* 43.3; *Pomp.* 15.4, 81.3; *Liv. Per.* 90.
- 46) ARENA (2011, 302).
- 47) ARENA (2015, 227).
- 48) FLOWER (2010, 134).
- 49) This idea is also defended by ROSENBLITT (2019, 1).
- 50) BURTON (2014, 405).
- 51) *Tac. Ann.* 3.27; *Flor.* 2.11.1-5; *App. BC.* 1.107; *Lic.* 33-34; *Sall. Hist.* 1.77.14-15.
- 52) *Cic. Cat.* 3.24; *Liv. Per.* 90; *Plin. NH.* 7.122, 186; *Plut. Pomp.* 16.9; *Flor.* 2.11.7; *App. BC.* 1.107; *Exsuper.* 41. *Vid.:* HAYNE (1972, 666); BURTON (2014, 420).
- 53) BURTON (2014, 419). Also, it is necessary to add the figures of victims throughout the decade: *Cic. Leg. Agr.* 2.78; *Sall. Hist.* 1.46; *Schol. Gron.* P. 305 St. Furthermore, see BRUNT (1971, 285-287, 300-312,

344-375).

- 54) BURTON (2014, 408).
- 55) Cic. *Leg. Agr.* 1.13; *Arch.* 10; *Balb.* 52; *Att.* 4.18.4; *Off.* 3.47; Val. Max. 3.4.5; Diod. 37.9.
- 56) ROSENBLITT (2013, 467).
- 57) VASTA (2014, 118-119). For *libertas*, see WIRSZUBSKI (1950); BRUNT (1988, 296); Kriz (2001); ARENA (2012).
- 58) MCGUSHIN (1992, 133).
- 59) About these issues, see ROSENBLITT (2013, 2014).
- 60) KAPUST (2008, 367-368).
- 61) ARENA (2011).
- 62) *Thrasius* is also used to describe L. Sergius Catilina (pr. 68 BC) on Cassius Dio (44.4) and Publius Clodius (tr.pl. 59 BC) on Plutarch (*Cat. Min.* 31.2; *Ant.* 2.6) and on Appian (*BC.* 2.22).
- 63) There is a debate around the concept, between something subversive, against the *statu quo* (LABRUNA 1975, 76), and as an attitude against Sullan élite (JAL 1963, 348, n. 5).
- 64) ARENA (2011, 312).
- 65) His works seeks to compare their past with the *virtus* of his present (App. *BC.* Pref. 12/45-12/48). Thus, his analysis aims to specify the idea of the *stasis*. See: HINARD (2011, 263).
- 66) HEREDIA (2019b, *in print*).
- 67) RAMBAUD (1953).
- 68) VALGIGLIO (1954, 8).
- 69) MCGUSHIN (1992, 133).
- 70) Regarding this issue, see MORSTEIN (2004, 33, 229, 239, 243, 273-274); ROSENBLITT (2016, 657).
- 71) FLOWER (2010, 151, n. 36).
- 72) ABE (2017). Most of our sources, specially Sallust or Orosius, connects this period with the idea of decline, using subjective narratives to define them. Other studies that emphasize this theoretical approach are necessary in order to finish graduating the problem.
- 73) BÜCHNER (1960, 320).
- 74) ARENA (2011, 314).
- 75) LÉVY (1992, 496, 503, 509, 516); CUNY (2011, 76).
- 76) Basically, see: HAYNE (1972, 663); LABRUNA (1975, 17-19); ARENA (2011, 300); BURTON (2014, 405, n. 10); SAÏD (2015, 9).
- 77) BURTON (2014, 418).
- 78) ROSENBLITT (2016, 683).
- 79) ROSENBLITT (2019, 12).

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