

important stage in the development of a long process rather than the beginning of that process.

In that long process there is an evident affinity between the contributions of Tiberius Gracchus and Scipio Aemilianus. Scipio's career, like Tiberius', marks a stage of development, not the beginning; he too was a man of his time, using the methods of his predecessors but 'improving' upon them, using them more efficiently and more vigorously; nor was he the only politician of the age to make a contribution of this kind. Nevertheless, when the events of 133 are examined in relation to their political background the outstanding figure in that background is Scipio. By subordinating major constitutional obstacles to immediate issues, by using the veto as a means of political blackmail, by so extensively cultivating and exploiting popular favour as an instrument with which to defy the Senate, all in the interests of his personal ambition, not only had he done much to prepare the way for Tiberius, to develop the political attitudes underlying so many of Tiberius' actions, but he had created a situation of exceptional and extreme factional hostility in which popular appeal was a key factor.

The news of Tiberius' death reached Scipio while he was still at Numantia. Every allowance must be made for the probability that the account he received came from sources hostile to Tiberius, sources which would have put the most favourable interpretation possible upon the killing; yet in the broader perspective Scipio's comment, besides being politically unfortunate, cannot but seem to be tinged with unconscious irony. For he quoted a verse of Homer:<sup>1</sup>

ὡς ἀπόλοιτο καὶ ἄλλος ὅτις τοιαῦτά γε ῥέζοι.  
'So perish likewise all who work such deeds!'

<sup>1</sup> Appendix II, no. 48.

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## XVII

### THE LAST YEARS

THERE is a sense in which the death of Tiberius was both the climax and the termination of the immediate struggle; one faction had succeeded, the other had been routed; and the brief outburst of violence was ended. Yet both sides, probably equally stunned and shocked by the turn of events, must soon have realized that so far from being finished the underlying struggle was bound to continue, only with intensified bitterness and determination, overshadowed by the menacing precedent of a resort to force. Indeed it was by no means self-evident that the bloodshed would not be followed by a riotous and violent reaction. Rome's escape from such an eventuality must be credited partly to the Gracchan leaders,<sup>1</sup> who chose to counter-attack through legal channels, and partly to a number of sensible measures designed to forestall such an explosion. Thus the bodies of the victims, including that of Tiberius, were not allowed normal burial but were thrown into the Tiber that same night—a source of offence but a wise precaution.<sup>2</sup> The obsequies of a popular tribune in 138 and of one of Tiberius' friends earlier in 133 had both occasioned popular demonstrations, for which a Roman funeral, especially of a man of Tiberius' lineage and standing, was all too well suited.<sup>3</sup> Then the Decemviri were instructed to consult the Sibylline oracles. On their instructions elaborate expiatory rites were performed—in the ancient shrines of distant Sicily, not in Rome, where the ceremonies might have been inflammatory.<sup>4</sup> Further, the

<sup>1</sup> The term 'Gracchan' is used in this chapter as a convenient label for one of the factions in the subsequent struggle, but no deeper connotation should be read into it than that most of the men concerned had been associated with Tiberius Gracchus.

<sup>2</sup> App. B.C. 1. 16; Plut. *Ti. Grac.* 20. 3 f.; Livy, *Epit.* 58; Oros. 5. 9. 3; Vell. 2. 6. 7; (Victor) *De Vir.* III. 64. 8; Val. Max. 6. 3. 1d.

<sup>3</sup> p. 130; Plut. *Ti. Grac.* 13. 4 f.; cf. 20. 4, where the reported offer of Gaius Gracchus to bury his brother's body at night implies a recognition of the danger of disturbances.

<sup>4</sup> Cic. *Verr.* 2. 4. 108; cf. Diod. 34/35. 10, usually associated with the slave rebellion but more probably referring to the episode mentioned by Cicero.

Senate itself, as a conciliatory gesture, seems to have called for the election of a new agrarian commissioner to take Tiberius' place, an appointment which was obtained by P. Licinius Crassus Mucianus, father-in-law of Gaius Gracchus and an adviser in the preparation of Tiberius' agrarian bill.<sup>1</sup>

The authors of these measures are not named, but it is a reasonable guess that a major part was played by the presiding consul, P. Mucius Scaevola. Cicero, in two passages, would have his audience understand that after Tiberius' death Scaevola actually defended Nasica's actions as legally justified.<sup>2</sup> That is not easily believed. Not only would it have conflicted in principle with Scaevola's earlier stand but Cicero himself in another passage shows that Nasica was exceedingly unwilling to have Scaevola sit in judgement on his action, going so far as to assert in the Senate that Scaevola was prejudiced; and in addition Cicero elsewhere names Scaevola as one of the Gracchan leaders in the following years.<sup>3</sup> On the other hand, the many decrees of the Senate through which Scaevola is alleged to have defended Nasica's action may very well have been in reality a series of sensible precautionary measures intended to forestall a renewal of violence, to reduce the tension, and to channel the coming struggle into legal paths.

It is noteworthy that from the point of view of Nasica and his followers these moves are all defensive in character. Fundamentally, the same is true of the main form of propaganda which they developed: that Tiberius had been aiming at a *regnum*, at a tyranny, and that for this reason it was entirely justifiable for even a private citizen to bring about his death; Tiberius was a new Spurius Maelius, Nasica a new Servilius Ahala. But though this argument persisted and is familiar from the works of Cicero, and though it succeeded in sidetracking some into disputes about such technicalities as whether Ahala had been a private citizen or in office as *magister equitum*, the resort to this extreme interpretation of Tiberius in order to exculpate Nasica reveals a basically defensive attitude.<sup>4</sup> However plausibly each

<sup>1</sup> Plut. *Ti. Grac.* 21. 1 f.; *MRR* i, p. 495.

<sup>2</sup> Cic. *De Domo*, 91; *Pro Planc.* 88.

<sup>3</sup> Cic. *De Orat.* 2. 285; *Rep.* 1. 31.

<sup>4</sup> Quint. *Inst.* 5. 13. 24; Sall. *Bell. Jug.* 31. 7; Cic. *Pro Mil.* 8; 72; *Brut.* 103; 212; *In Cat.* 1. 29; *Phil.* 8. 13; *De Amic.* 41; *De Off.* 1. 76, 109; Val. Max. 3. 2. 17; 5. 3. 2e; 6. 3. 1d; Plut. *Ti. Grac.* 19. 2 f., with Additional Note Z, p. 353; cf. Cic. *Rep.* 2. 49, where Tiberius' name is almost certainly to be restored.

side might accuse the other of having been the first to use force, only one side had killed.

Not surprisingly, therefore, in the ensuing months the first phase of the struggle centred around Nasica and found him on the defensive. It is said that he was subject to public abuse, and that the charge of tyranny was thrown back at him. He was accused of killing citizens without trial, of murdering a sacrosanct and inviolable tribune. In the Senate some sort of *quaestio*, or board of inquiry, was set up—in what form and with what precise function is unknown—and M. Fulvius Flaccus succeeded in having Scaevola nominated one of the members (*iudices*) despite many protests, especially from Nasica, who alleged that Scaevola was prejudiced. In addition there were threats of prosecution, threats which must soon have turned to reality.<sup>1</sup> Plainly, in a trial, especially a trial in the tribal assembly, Nasica would have been in grave danger of conviction—not to mention the possibility that such proceedings might have triggered off fresh disturbances. So he was sent off on an embassy to the newly acquired province of Asia. He was saved from prosecution, from formal condemnation, but politically he had suffered a major defeat. He had been driven into virtual exile; he must have known that politically he was a spent force and that he might never be able to return to Rome. In the event he died at Pergamum, very soon afterwards, probably within the year.<sup>2</sup>

Not everything, however, favoured the Gracchans; their opponents had certain assets. First, they had a majority in the Senate. Second, all those senators who had followed Nasica had every incentive to maintain close co-operation and unity. Third, if the bloodshed had created anger and bitterness, it had created also fear. In the immediate aftermath the 'anti-Gracchans' were well placed to exert pressure upon

<sup>1</sup> Plut. *Ti. Grac.* 21. 4 f.; Cic. *De Orat.* 2. 285.

<sup>2</sup> Plut. *Ti. Grac.* 21. 4 f.; Val. Max. 5. 3. 2e; (Victor) *De Vir.* Ill. 64. 9; Cic. *Rep.* 1. 6; *Pro Flacc.* 75; *ILS* 8886; cf. Cic. *De Amic.* 41; Plin. *Nat. Hist.* 7. 120. It is usually supposed that he was one of the five *legati* mentioned in Strabo, 14. 1. 38. It is uncertain whether he left Rome late in 133 or early in 132. Plut. *Ti. Grac.* 20. 6 indicates that he was still active in Rome early in 132, but in Cic. *De Amic.* 37 and Val. Max. 4. 7. 1 Nasica's role is assigned to Laelius. Cic. *De Orat.* 2. 285 also might suggest that he was in Rome after the end of Scaevola's consulship. Cf. Hansen, *The Attalids*, pp. 143 f.; Magie, *Roman Rule in Asia Minor*, ii, p. 1033 n. 1. He was dead in time to be replaced as Pontifex Maximus not later than early 131: *MRR* i, p. 499; cf. below, p. 234.

cowed and submissive clients. Hence their success at the consular elections, when the candidates elected for 132 were P. Popillius Laenas and P. Rupilius, the latter a *novus homo* of humble origin who owed his advancement to the patronage of Scipio Aemilianus. Popillius' connexions may have lain elsewhere—there is a hint of discord between his cousin Marcus and Scipio—but the present emergency counted for more than such divisions.<sup>1</sup>

When Popillius and Rupilius took office they sought to rebut the accusations of murder and to publicize the counter-charge of attempted tyranny by instituting a special *quaestio* directed against the supporters of Tiberius. Significantly, the consuls' chief adviser, and apparently the most influential figure involved in the proceedings, was C. Laelius. Tiberius' aristocratic associates were in no great danger. The consuls would scarcely have dared to attack men like Appius Claudius, Crassus Mucianus, P. Mucius Scaevola, or M. Fulvius Flaccus, and in any case most of the Gracchan senators will have been attending the Senate at the time of Tiberius' final assembly. The victims were men of humbler rank. Probably they were not very numerous, but some were executed and others driven into exile. Among the former were Diophanes of Mytilene and a certain C. Villius, while Blossius of Cumae, after a famous inquisition at the hands of Laelius, fled from Rome and joined the rebel Aristonicus in Asia. Presumably such methods were intended both to reinforce the claim that the killing of Tiberius was justified and to perpetuate the climate of fear. But they were dangerous methods, of questionable legality and liable to increase hostility as well as fear.<sup>2</sup>

It was perhaps shortly after this that Scipio Aemilianus arrived back in Rome. Admittedly it has been suggested that he had hastened back from Numantia in time to assist Rupilius at the consular elections.<sup>3</sup> If so, he played a very discreet role, for it is Laelius, not he, who appears as the active figure behind the *quaestio* of 132. His support for Rupilius was not necessarily in the form of personal canvas at this time, nor could it have been so in the fullest sense; for

<sup>1</sup> pp. 83 f. and 93.

<sup>2</sup> Cic. *De Amic.* 37; Val. Max. 4. 7. 1; Vell. 2. 7. 3 f.; Plut. *Ti. Grac.* 20. 4 f.; C. *Grac.* 4. 2; Sall. *Bell. Jug.* 31. 7. Plut. *Ti. Grac.* 20. 6 less plausibly names Nasica as the inquisitor of Blossius. For the possible relevance of ILS 23 see Additional Note ZA, p. 353.

<sup>3</sup> Simon, *Roms Kriege*, p. 190; Cic. *De Amic.* 73.

he did not hold his triumph, and therefore did not enter the city, until some time in 132.<sup>1</sup> More probably he did not arrive back from Spain until that year, perhaps in the spring or early summer.

Scipio celebrated his second triumph, and to 'Africanus' he added a new *cognomen*, 'Numantinus'. But, though it had been a great irritation to Rome, Numantia was not another Carthage, either in repute or in wealth; the booty was slight, the captives were few; the victorious troops received a bounty of only seven *denarii* each: later the elder Pliny was to marvel that they were satisfied with this meagre sum, but he probably inferred their contentment from the absence of mutiny.<sup>2</sup> In the second century B.C. soldiers expressed their discontent with their votes, not their swords; and Scipio will not have forgotten that in 167 one hundred *denarii* had been deemed insufficient by his father's troops.<sup>3</sup> If he himself did not pay more, it was because his resources were exhausted.

The most disappointing aspect of the triumph, however, was that the achievement of ending the Numantine war, which two years before had seemed to promise new glory and new influence, was irrelevant to the issues which now dominated the political scene. Not that the new pattern was wholly independent of the old: the Gracchan faction was essentially that which had been and still was centred around Ap. Claudius Pulcher; and possibly it was old enmities which led Metellus Macedonicus, though he had criticized Tiberius and had a marriage tie with Nasica, to take a leading part in the Gracchan attacks on Aemilianus.<sup>4</sup> Even so, the roles were strangely reversed. Now it was Appius Claudius and his associates who could hope to command sufficient popular favour to outweigh the ties and pressures of their opponents' *clientelae*; and Scipio found his closest supporters and himself inextricably committed to the other side, to allies who recently had been his opponents, to a group which indeed commanded a majority in the Senate, which no doubt was looking forward to availing itself of his popular appeal and saw in him the outstanding leader it required, but whose recent actions had made it exceedingly unpopular with the masses and heavily dependent on

<sup>1</sup> Cic. *Phil.* 11. 18; cf. Livy, *Epit.* 59; Eutrop. 4. 19. 2.

<sup>2</sup> Plin. *Nat. Hist.* 33. 141; cf. Oros. 5. 7. 18; Flor. 1. 34. 17. Numantinus: App. *Iber.* 98; (Victor) *De Vir.* Ill. 58. 6; Ampel. 18, 23, 24; Plin. *Ep.* 8. 6. 2. Other refs. to triumph collected in MRR i, p. 498.

<sup>3</sup> pp. 78 f.

<sup>4</sup> Cic. *Rep.* 1. 31; cf. pp. 312 f.

the machinery of *clientelae* for influence in the assemblies, especially the tribal assemblies. Thus the position in which he found himself was in direct contrast with one of the main political weapons, one of the chief sources of strength, which he had exploited in the past.

During 132 the political struggle began to go in favour of the Gracchans. It is not difficult to guess at plausible explanations for this. Benefits were probably beginning to flow from the work of the agrarian commission, which achieved much in 132 and 131.<sup>1</sup> The *quaestio* of Popillius and Rupilius may have proved a double-edged weapon; as immediate fears subsided, its legacy of anger and resentment may well have been more potent than the arguments that Tiberius had sought a *regnum*. Moreover the Gracchans harped on the theme that Tiberius had been within the law and that those who had killed him were guilty of a shocking crime,<sup>2</sup> arguments which were reinforced by the early death of Nasica, which many must have seen as divine retribution for his sacrilege.

This last event necessitated the appointment by a tribal assembly of a new Pontifex Maximus, and thereby provided the Gracchans with the occasion of an important electoral success. The candidate elected in place of Nasica was one of the leaders of the Gracchan faction, P. Licinius Crassus Mucianus,<sup>3</sup> agrarian commissioner and father-in-law of Gaius Gracchus. Other successes followed. Mucianus himself was elected to the consulship of 131, and although he was to quarrel with his colleague, L. Valerius Flaccus, about the military command in Asia, there is some reason to suspect that the latter too was associated with the Gracchan faction.<sup>4</sup> And among the tribunes of the plebs for 131 was C. Papirius Carbo, one of the ablest, most fluent, and most forceful orators of his day.

Carbo took the offensive, introducing a bill which reaffirmed the admissibility of re-election to the tribunate as often as was desired. The fate of this bill, which raised directly the issue central to the final

<sup>1</sup> The great majority of the surviving *termini* were set up by the commission when Claudius and Mucianus were still alive: Degraffi, *Inscr. Lat. Lib. R.P.* i, nos. 467-72, 474, with note on 472

<sup>2</sup> Carbo's question to Scipio Aemilianus implies such contentions: p. 233. Cf. Cic. *De Orat.* 2. 170; Plut. *Ti. Grac.* 21. 5.

<sup>3</sup> *MRR* i, p. 499. Cf. Cic. *Rep.* 1. 31.

<sup>4</sup> p. 192 n. 3. The quarrel: p. 234. It was probably at this election or the next that L. Rupilius was defeated despite the support of Scipio: Cic. *De Amic.* 73; *Tusc.* 4. 40; Plin. *Nat. Hist.* 7. 122.

crisis of Tiberius' tribunate, was of prime concern to both sides; for if successful it might undermine seriously the plausibility of the opposition's claim to legal justification; on the other hand its defeat would greatly strengthen their position. Among those who spoke in support of the measure was Tiberius' brother, Gaius Gracchus, (Fulvius Flaccus was associated with Gracchus and Carbo but is not known to have spoken) while the opposing speakers, including Laelius, were headed by Scipio himself, who delivered a speech of great sternness.<sup>1</sup> The bill was rejected by the assembly, but, though Cicero would have his readers believe otherwise and though Carbo may have erred tactically in focusing attention on this particular issue, in all probability it was defeated not so much by Scipio's rhetoric or by the actual convictions of the voters as by determined and united efforts to make the maximum possible use of *clientelae* and social pressure. That, it seems, was the opinion of Carbo himself; for during his tribunate he introduced, and carried, a law which extended the ballot to voting in legislative assemblies.<sup>2</sup> Moreover, Scipio's speech was far from being an unambiguous success. It was interrupted by a famous altercation which certainly demonstrated and almost as certainly accelerated substantially the decline in his popularity.<sup>3</sup> 'What', Carbo demanded, 'was Scipio's opinion concerning the death of Tiberius Gracchus?' Carbo was no innocent seeker after knowledge; he knew where Scipio stood. Probably by personal conviction, certainly by the actions of his closest political adherents, Scipio was fully committed against Tiberius. It does look as if he had managed to avoid making any public declaration on the matter since his return from Numantia, but now he was faced with a direct question intended to compel him to express his opinion in public. He could not possibly say that the killing of Tiberius was

<sup>1</sup> Livy, *Epit.* 59; Cic. *De Amic.* 96; cf. Appendix II, no. 52. The date of Carbo's tribunate: Münzer, *RE*, s.v. *Papirius*, no. 33, cols. 1017 f. If Taylor, 'Tiberius Gracchus' Last Assembly', *Athenaeum* (1963), pp. 51 f., were correct in supposing that *continuatio* of the tribunate was already prohibited explicitly, Carbo's proposal would be understood best as a new attempt to enact a measure which had constituted the true business of Tiberius' last assembly; even so its defeat would have been an objective of great importance for the opposition. But see Additional Note X, p. 351. Fulvius' association is attested in connexion with the altercation discussed below: Plut. *Ti. Grac.* 21. 8 = Appendix II, no. 50a.

<sup>2</sup> Cic. *De Leg.* 3. 35; cf. *De Orat.* 2. 170.

<sup>3</sup> For this episode see Appendix II, nos. 50 and 51, and refs. cited there.

unjustified: that would be a betrayal of his friends and allies, and possibly of his own conscience; but the consequences of answering that it was justified were all too obvious. He seems to have tried a compromise: 'si is occupandae rei publicae animum habuisset, iure caesum videri.' 'if he intended to seize the state he was killed justly.' But the attempt at compromise was vain. At 'iure caesum videri' the crowd roared its disapproval, perhaps led by a clique of freedmen followers of the Gracchans. As the second Africanus, the conqueror of Carthage, faced the howling mob, his sharp tongue gave expression to his anger and his wounded pride: 'I who have not feared the clamour of hostile armies will not fear the din made by you to whom Italy is only a step-mother.' Much is in doubt: which of the surviving versions is closest to Scipio's actual words; whether this outburst silenced the crowd; whether Scipio intended to direct the remark at a clique of freedmen. But its significance is clear. On top of *iure caesum videri* Scipio had presented his opponents with a second and quite gratuitous weapon with which to assail his reputation. The outburst both signified and sealed his forfeiture of popular favour. The defeat of Carbo's bill was a serious reverse for the Gracchans, but for Scipio personally it was a costly victory.

This forfeiture of popular favour can be seen also in another event. The consuls of 131 quarrelled as to which of them should take charge of military operations in the newly acquired province of Asia, where a rebellion led by Aristonicus, a pretender to the Pergamene throne, had assumed considerable proportions. In the ordinary course of events sortition would have settled the matter, but in this instance L. Valerius Flaccus happened to be flamen Martialis, and Mucianus, in his capacity as Pontifex Maximus, threatened to impose a fine if Valerius abandoned his sacred duties. In consequence the dispute was referred to the tribal assembly, which gave opportunity for someone to propose that the task should be entrusted to neither of the consuls but to Scipio, who had recently celebrated his second triumph and was undeniably the greatest military leader in Rome. The contest was won by Mucianus; two tribes only voted for Scipio.<sup>1</sup>

<sup>1</sup> Cic. *Phil.* 11. 18. There is no indication whether this vote was before or after Scipio's altercation with Carbo. It may have been after if Carbo introduced his proposal very soon after taking office.

The political misfortunes of such a man as Scipio are unlikely to arouse much sympathy in the modern reader, but at least it is possible to glimpse something of what they meant to him. He had set out on his career anxious and determined to prove himself a worthy son of Paullus, a worthy heir to Africanus; he had struggled unscrupulously to that end, had earned for himself the name 'Africanus', and had added to it 'Numantinus'; he had destroyed Carthage, Rome's age-long enemy, and had defeated and destroyed Numantia, where so many others had failed; he had achieved the censorship; twice he had been elected consul, on both occasions contriving to appear specially summoned to office despite technical ineligibility; he had gloried in, had deliberately exploited the prestige and popularity which his exploits engendered, and had used these as major supports of his political eminence; he had been the great popular hero, immensely proud of his achievements. Now, less than fifteen years after the cheering crowds had acclaimed the triumph of the new Africanus, only three years after he had swept over constitutional obstacles to a second consulship and the command against Numantia, he was confronted by a hostile mob shouting and jeering its anger; his prestige had slumped to the point where only two of the thirty-five tribes were to vote to give him a new command. No wonder such a man, faced with the tumultuous and howling evidence of the transformation in his fortunes, gave way to his anger in an outburst so revealing of scorn and wounded arrogance.

Yet these public humiliations were not the full measure of Scipio's misfortunes. By this time his marriage had become acutely unsatisfactory. His wife was Sempronia, sister of the dead Tiberius and the actively hostile Gaius Gracchus; she is said to have been unattractive, unloved and unloving; and she was childless: there was no heir to the line of Africanus.<sup>1</sup> From such a situation the Roman aristocrat had two well-established avenues of escape: divorce followed by another marriage, or the adoption of a son. Scipio would seem to have had every incentive for the former, and there is no clear difficulty in the way of either of these alternatives. Yet he took no action. Plainly he felt debarred from both courses. At his reasons it is possible only to guess. Perhaps the divorce of Sempronia would have entailed

<sup>1</sup> App. *B.C.* 1. 20. Other refs. to the marriage: p. 13 n. 2.

the return of her dowry, which is likely to have been substantial. In view of his enormous expenditure since 134, and of the low bounty paid to the troops from Numantia, it is unlikely that he had much ready money available and he may have been unwilling to face the sale of substantial property or the return of valuable estates.<sup>1</sup> As for the failure to adopt, it may be relevant that his own experiences as an adopted son seem not to have been wholly satisfactory. His relations with his new family, at least some of whom had regarded him as an unworthy successor to Africanus, were somewhat uneasy;<sup>2</sup> and he clearly felt a strong link with his mother Papiria, although she must have been divorced by Paullus very soon after Scipio was born.<sup>3</sup> Thus the circumstances of his own youth might have created a prejudice against adoption. But there is a second possible reason. In his censorship Scipio had solemnly, and no doubt biting, attacked those who, to secure the privileges of fatherhood, used adoption instead of producing children of their own.<sup>4</sup> If Scipio had resorted to adoption without first trying a second marriage his words would have been remembered. His enemies would not have failed to ridicule him, and what can be discerned of his character suggests that he was the last man wittingly to expose himself to ridicule, let alone at this particular time.

But even if these explanations are entirely wide of the mark, it is evident that something inhibited Scipio from taking a step which was both natural and, *prima facie*, highly desirable from his own point of view. It is possible, of course, that he was not displeased at the prospect of his own career being seen by posterity as the final brilliance of the line of Africanus; much more probably he found in the situation a sense of frustration and failure.<sup>5</sup>

Both the marital problem and the popular antagonism were now constant factors in the situation, but there is reason to believe that the unhappy experiences of early 131 represent the nadir of Scipio's

<sup>1</sup> Note the very small quantities of gold and silver he is said to have possessed at the time of his death in 129: Plin. *Nat. Hist.* 33. 141; (Victor) *De Vir.* III. 58. 11; 'Plut.' *Apophth. Scip. Min.* 1.

<sup>2</sup> pp. 20 and 36.

<sup>3</sup> pp. 13 and 32.

<sup>4</sup> Appendix II, no. 16; cf. Appendix IX.

<sup>5</sup> Another source of personal distress for Scipio was the death of his brother, Fabius Maximus Aemilianus, some time between the Numantine campaign and Scipio's own death in 129, when Fabius' son was in charge of the obsequies: Cic. *Pro Mur.* 75; Val. Max. 7. 5. 1.

political fortunes. He accepted the challenge of the changed situation and, bringing a new issue to bear upon the struggle, in a strange reversal of fortune emerged as the dominating figure among the majority in the Senate, in opposition to a minority whose popularity enabled them to win disproportionate influence in the assemblies. This is certainly the situation reached by the beginning of 129, but the actual course of the struggle in 131 and 130 is obscure. Nothing further is known about Scipio's activities in these years, and the few events which are recorded permit only an uneven and disjointed sketch.

At the censorial elections held in 131 the successful candidates were for the first time both plebeians. The inevitable inference that they had been rival candidates is amply confirmed by their identity, for they were Metellus Macedonicus and Q. Pompeius. This result, though scarcely likely to have given much pleasure to Scipio, probably represents an even division of honours as between the Gracchans and their opponents; for Pompeius had been an extremely vigorous opponent of Tiberius, while Metellus is likely already to have gone over to the Gracchans. But it would be unwise, not to say implausible, to assume that this election was wholly dominated by the contest between the Gracchans and their opponents. About the conduct of the census itself remarkably little is known; it is not even known whether it was affected by the past antagonism of the censors towards each other. Nothing at all is recorded about Pompeius, and Metellus figures in only two episodes, though both were rather sensational. One of them was his famous speech urging that in order to maintain the safety of Rome it was the duty of all men to marry and to beget children,<sup>1</sup> a theme which came not inappropriately from Metellus in view of 'that numerous cohort which called him father',<sup>2</sup> but which is likely to have grated upon the ears of Scipio. The other incident, very different in kind, arose because Metellus excluded from the list of senators one of the tribunes of the plebs, C. Atinius Labeo. In retaliation Atinius arrested Metellus and prepared to have him

<sup>1</sup> Livy, *Epit.* 59; Gell. 1. 6. 1 f., 7 f. (erroneously 'Numidicus'); Suet. *Aug.* 89. 2; ORF<sup>2</sup>, fgs. 4-7, pp. 107 f. The speech was evidently satirized by Lucilius, 676 f. M. Cf. Berger, 'A Note on Gellius, N.A., I, 6', *AJPh* 67 (1946), pp. 320 f.

<sup>2</sup> Plin. *Nat. Hist.* 7. 143; cf. 7. 59.

hurled from the Tarpeian Rock. This untoward eventuality was prevented, as no doubt everyone concerned had anticipated, by the veto of other tribunes, but they did not intervene when Atinius went on to confiscate and consecrate Metellus' property. The fundamental issue in this dispute was probably whether or not the tribunate should automatically confer membership of the Senate; but whether it was in any way linked with the struggle between the Gracchans and their opponents it is impossible to say.<sup>1</sup>

The Gracchans enjoyed further successes. M. Perperna, almost certainly of their faction,<sup>2</sup> was one of the consuls elected for 130, and although his colleague, L. Cornelius Lentulus, probably did not share these associations (he is no more than a name, but no such name is ever linked with the Gracchans), when Lentulus died in office the suffect elected in his place was an Appius Claudius Pulcher, perhaps a cousin of the Princeps Senatus.<sup>3</sup> But the Gracchans also suffered serious loss in the deaths of two notable leaders. During 130 P. Crassus Mucianus, campaigning in Asia, was defeated in battle and killed; and at about this same time Appius Claudius himself, the Princeps Senatus, died. Mucianus' place as Pontifex Maximus was taken by his brother, P. Mucius Scaevola, and the two vacancies on the agrarian commission were filled by M. Fulvius Flaccus and C. Papirius Carbo, able and energetic men but not comparable to their predecessors in seniority and prestige.<sup>4</sup> The death of Claudius in particular is likely to have impaired the fortunes of the Gracchans. This may have been evident at the consular elections for 129, when they perhaps won neither place;<sup>5</sup> but in any case the weakening of the Gracchan leadership cannot but have facilitated the attack on the agrarian commission which Scipio was preparing for 129.

By the end of 130 the complaints of the Italian allies about the activities of the agrarian commission had reached considerable proportions. They came in part, no doubt, from wealthy Italians who

<sup>1</sup> Livy, *Epir.* 59; Plin. *Nat. Hist.* 7. 143 f.; Cic. *De Domo*, 123. Additional Note ZB, p. 354.

<sup>2</sup> p. 192.

<sup>3</sup> p. 192.

<sup>4</sup> Crassus: Cic. *Rep.* 1. 31; Vell. 2. 4. 1 (*proconsul*); other refs. *MRR* i, p. 503. Claudius: Cic. *Rep.* 1. 31; App. *B.C.* 1. 18; he died early enough for the censors of 131-130 to name a successor as Princeps Senatus: *MRR* i, p. 500. For their successors see *MRR* i, p. 503.

<sup>5</sup> C. Sempronius Tuditanus was definitely not a Gracchan: App. *B.C.* 1. 19. There is no significant information about the political associations of his colleague, M'. Aquillius.

forfeited Roman *ager publicus* on which they, like wealthy Romans, had encroached; and probably resentment could be aroused among the lower orders because the redistribution of land benefited Romans only. More important, however, were the disputed cases, where boundaries were in question, or where land alleged to be Roman *ager publicus* was claimed by the Italians to be rightfully theirs. The agrarian commissioners used their judicial powers to decide such cases and thereby created a great deal of resentment among the Italian aristocracies; more serious still, it could be asserted with much plausibility that this form of Roman judicial activity violated the treaty-rights of the allies.<sup>1</sup>

The complaints were seized upon by Scipio as a powerful weapon for use against the Gracchans. It does not follow that they were simply exploited cynically to that one end. Quite apart from obligations towards clients and questions of legal justice, there were powerful reasons for heeding the Italians, reasons with some appeal to the ordinary citizen as well as to the statesman. The allied states made a massive contribution to the Roman armies, and if through resentment they were, for example, lethargic in levying the contingents for which they were asked, this could prove an acute embarrassment, especially in view of the difficulties so frequently experienced in the Roman levy itself.

In the early months of 129 Scipio began his attack, which evidently was planned to minimize the opposition by proceeding step by step, instead of attacking the whole agrarian programme at once. Details are disputed, but events seem to have followed roughly the following course. Scipio first laid a proposal before the Senate. Presumably this was the occasion of his speech against the *lex iudiciaria* of Tiberius Gracchus (a speech of which the only surviving excerpt seems totally irrelevant to the declared subject).<sup>2</sup> The Senate accepted the proposal, which evidently drew attention to the infringement of the treaties, on that ground declared illegal the commissioners' exercise of judicial power in respect of citizens of the allied states, and declared that until Tiberius' law could be suitably amended such jurisdiction should be

<sup>1</sup> App. *B.C.* 1. 18-19; Cic. *Rep.* 1. 31; 3. 41; *Schol. Bob. Mil.*, p. 118 Stangl.

<sup>2</sup> Appendix II, no. 53. Fraccaro, 'Oratori', pp. 393 f., attempts to establish the relevance of the fragment.

exercised only by the consul C. Sempronius Tuditanus.<sup>1</sup> Whether or not it was known already that Tuditanus was to conduct a campaign in Illyria, his departure for the war effectively stopped judicial proceedings for the time being.

This alone would have been sufficient to arouse the wrath of the Gracchans; but Scipio prepared to take the attack a stage further, probably by attempting actually to amend or repeal Tiberius' *lex iudiciaria*, and thereby formally to curtail or annul the judicial powers of the commissioners.<sup>2</sup> The Gracchans, seeing in this a deliberate attempt to halt the redistribution of land, resisted vigorously. Tension rose, apparently to a pitch comparable to the climaxes of 133. At a *contio* Scipio faced a Gracchan mob shouting 'kill the tyrant'—thus adopting the polemic of their opponents. His reply reveals much, both about himself and about the bitterness of the dispute: 'Naturally those who are enemies of their own country wish to destroy me first; for Rome cannot fall while Scipio stands, nor Scipio live when Rome has fallen.'<sup>3</sup> It was on that same evening, it seems, that he was escorted

<sup>1</sup> App. B.C. 1. 19. The interpretation adopted here is essentially that offered by Hardy, *Six Roman Laws*, p. 39, Last, *CAH* ix, pp. 42 f., and Scullard in Marsh, *Hist. of the Roman World*, p. 408, all of whom emphasize the objections to the idea that the decree suspended entirely the judicial functions of the commissioners. Geer, 'Notes on the Land Law', *TAPhA* 70 (1939), pp. 32 f., suggests that because the decree of the Senate was intended only as the preliminary for a *rogatio* which in fact was never voted upon, it was ineffective; but this seems to conflict too sharply with Appian's account. Gabba, *Appiani B.C. Liber Primus*, pp. 60 f., holds that Scipio secured the passage through the assembly of an *obrogatio*, transferring the judicial powers of the commissioners to the consuls (similarly Bilz, *Die Politik*, pp. 74 f.); but there is no good reason for doubting that the decision was taken only in the Senate, and it is hard to believe that, as Gabba suggests, Appian's words mean that the *ἐπιμας*, not the Senate, was persuaded by Scipio. That the work of the commission did continue is indicated by Dio, fgt. 84. 2 and App. B.C. 1. 21; cf. Livy, *Epit.* 59.

<sup>2</sup> *Schol. Bob. Mil.*, p. 118 Stangl indicates that Scipio's defence of the allies was left incomplete by his death. App. B.C. 1. 19 and Cic. *Rep.* 1. 31 both suggest he had further plans. Cf. also the mutilated notice in Obsequ. 28a: . . . *dissensione in legibus ferendis*. . . Since there was great public tension and *contiones* were being held (below) it is likely that Scipio was sponsoring legislation. Cic. *Rep.* 6. 12 implies a proposal to make Scipio dictator, which would indeed account for the tension, and for the outcry 'Kill the tyrant'; but in view of the total lack of other evidence this should be regarded as an anachronism which Cicero has allowed to slip into this highly coloured passage.

<sup>3</sup> Appendix II, no. 54. This probably happened on the last day of Scipio's life, being the same incident as that mentioned in Plut. C. *Grac.* 10. 5 (Fulvius . . . τὴν ἡμέραν ἐκείνην ἐπὶ τοῦ βήματος τῷ Σκιπίωνι λελοισθημένον) and Oros. 5. 10. 9 (*Africanum pridie pro contione de periculo salutis suae contestatum, quod sibi pro patria laboranti ab improbis et ingratis denuntiari cognovisset*). Cf. also App. B.C. 1. 19, where his opponents are reported to have alleged that he intended to cause bloodshed in order to destroy the Gracchan law. Another indication of

home by a massive crowd of supporters.<sup>1</sup> He retired to his room, intending, it is said, to compose another important speech, which was to be delivered the next day. In the morning he was found dead.<sup>2</sup>

No inquiry was held into the cause of death,<sup>3</sup> and the funeral oration written by Laelius seems to have implied that it was natural; but whether he really believed this or was trying to avoid some scandal it is impossible to say.<sup>4</sup> Rumours of murder were rife: Cornelia, Sempronia, Gaius Gracchus, M. Fulvius Flaccus, and Carbo are all mentioned as suspects;<sup>5</sup> ten years later Carbo's prosecutor, the orator L. Licinius Crassus, was to state bluntly that Carbo had been an accomplice in procuring the death of Scipio.<sup>6</sup> A counter-charge is preserved: that Scipio committed suicide because he knew he could not achieve what he had promised.<sup>7</sup> The truth cannot now be recovered: possibly no one was certain even at the time.

extreme tension is Obsequ. 28a, which says of a prodigy of 129, *angues duo . . . civilem caedem portenderunt*.

<sup>1</sup> Cic. *De Amic.* 12. Cicero says *senatu dimisso*; either this is incorrect or the Senate had met after the *contio*, which is entirely possible.

<sup>2</sup> Livy, *Epit.* 59; Oros. 5. 10. 9; Vell. 2. 4. 5; App. B.C. 1. 20; Plut. C. *Grac.* 10. 5; *Rom.* 27. 5; (Victor) *De Vir.* Ill. 58. 10; Cic. *Pro Mil.* 16; *Schol. Bob. Mil.*, p. 118 Stangl; Val. Max. 5. 3. 2d.

<sup>3</sup> Cic. *Pro Mil.* 16; Livy, *Epit.* 59; Plut. C. *Grac.* 10. 6; Vell. 2. 4. 6; Val. Max. 5. 3. 2d; Plin. *Nat. Hist.* 10. 123. Such a variety of comments upon this suggests that Plutarch, loc. cit., may be correct in reporting that an inquiry was sought but was prevented by popular opposition.

<sup>4</sup> *Schol. Bob. Mil.*, p. 118 Stangl = *ORF*<sup>2</sup>, Laelius, fgt. 22, p. 121. Cf. Gabba, *Appiani B.C. Liber Primus*, pp. 63 f. The fragment is extremely corrupt but almost certainly contained the word *morbus*, which strongly suggests a reference to a natural death; for a plausible restoration see Badian, *JRS* 46 (1956), p. 220. Carcopino, *Autour des Gracques*, pp. 83 f., attempts not only to prove that death was natural but to identify a particular cause, but his arguments are inconclusive (Fraccaro, *Athenaeum* 9 (1931), pp. 311 f. = *Opusc.* ii, pp. 69 f.). Renard, 'L'Assassinat de Scipion', *RUB* 37 (1931-2), pp. 483 f., attempts to prove assassination.

<sup>5</sup> App. B.C. 1. 20 (Cornelia and Sempronia); Livy, *Epit.* 59; Oros. 5. 10. 10 (Sempronia); *Schol. Bob. Mil.*, p. 118 Stangl (Sempronia and Gracchus); Plut. C. *Grac.* 10. 5 f. (Fulvius and Gracchus); Cic. *Ad Quint. Frat.* 2. 3. 3; *Ad Fam.* 9. 21. 3 (Carbo); Cic. *Rep.* 6. 12 and 14 (relatives). Murder also mentioned or implied in Cic. *De Fat.* 18; *De Amic.* 12; *Pro Mil.* 16; *De Nat. Deor.* 3. 80; Val. Max. 4. 1. 12; 5. 3. 2d; 8. 15. 4; Vell. 2. 4. 5 f.; (Victor) *De Vir.* Ill. 58. 10; Plut. *Rom.* 27. 5; Plin. *Nat. Hist.* 10. 123.

<sup>6</sup> Cic. *De Orat.* 2. 170.

<sup>7</sup> App. B.C. 1. 20; Plut. *Rom.* 27. 5.

Papirius Carbo were appointed, in conjunction with the younger Gracchus, to divide the land. As the persons in possession neglected to hand in lists of their holdings, a proclamation was issued that informers should furnish testimony against them. Immediately a great number of embarrassing lawsuits sprang up. Wherever a new field adjoining an old one had been bought, or divided among the allies, the whole district had to be carefully inquired into on account of the measurement of this one field, to discover how it had been sold and how divided. Not all owners had preserved their contracts, or their allotment titles, and even those that were found were often ambiguous. When the land was resurveyed some owners were obliged to give up their fruit-trees and farm-buildings in exchange for naked ground. Others were transferred from cultivated to uncultivated lands, or to swamps, or pools. In fact, the land having originally been so much looted, the survey had never been carefully done. As the original proclamation authorized anybody to work the undistributed land who wished to do so, many had been prompted to cultivate the parts immediately adjoining their own, till the line of demarcation between public and private had faded from view. The progress of time also made many changes. Thus the injustice done by the rich, although great, was not easy to ascertain. So there was nothing but a general turn-about, all parties being moved out of their own places and settling down in other people's.

19. The Italian allies who complained of these disturbances, and especially of the lawsuits hastily brought against them, chose Cornelius Scipio, the

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destroyer of Carthage, to defend them against these grievances. As he had availed himself of their very zealous support in war he was reluctant to disregard their request. So he came into the Senate, and although, out of regard for the plebeians, he did not openly find fault with the law of Gracchus, he expatiated on its difficulties and urged that these causes should not be decided by the triumvirs, because they did not possess the confidence of the litigants, but should be assigned to other courts. As his view seemed reasonable, they yielded to his persuasion, and the consul Tuditanus was appointed to give judgment in these cases. But when he took up the work he saw the difficulties of it, and marched against the Illyrians as a pretext for not acting as judge, and since nobody brought cases for trial before the triumvirs they remained idle. From this cause hatred and indignation arose among the people against Scipio because they saw a man, in whose favour they had often opposed the aristocracy and incurred their enmity, electing him consul twice contrary to law, now taking the side of the Italian allies against themselves. When Scipio's enemies observed this, they cried out that he was determined to abolish the law of Gracchus utterly and for that end was about to inaugurate armed strife and bloodshed.

CHAP.  
III  
Scipio  
Aemilianus  
assists the  
Allies

20. When the people heard these charges they were in a state of alarm until Scipio, after placing near his couch at home one evening a tablet on which to write during the night the speech he intended to deliver before the people, was found dead in his bed without a wound. Whether this was done by Cornelia, the mother of the Gracchi (aided by her daughter, Sempronina, who though

His mysterious death

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married to Scipio was both unloved and unloving because she was deformed and childless), lest the law of Gracchus should be abolished, or whether, as some think, he committed suicide because he saw plainly that he could not accomplish what he had promised, is not known. Some say that slaves under torture testified that unknown persons were introduced through the rear of the house by night who suffocated him, and that those who knew about it hesitated to tell because the people were angry with him still and rejoiced at his death.

So died Scipio, and although he had been of extreme service to the Roman power he was not even honoured with a public funeral; so much does the anger of the present moment outweigh gratitude for the past. And this event, sufficiently important in itself, took place as a mere incident of the sedition of Gracchus.

21. Even after these events those who were in possession of the lands postponed the division on various pretexts for a very long time. Some proposed that all the Italian allies, who made the greatest resistance to it, should be admitted to Roman citizenship so that, out of gratitude for the greater favour, they might no longer quarrel about the land. The Italians were ready to accept this, because they preferred Roman citizenship to possession of the fields. Fulvius Flaccus, who was then both consul and triumvir, exerted himself to the utmost to bring it about, but the senators were angry at the thought of making their subjects equal citizens with themselves.

For this reason the attempt was abandoned, and the populace, who had been so long in the hope of

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is true that the latter honour me with every mark of courtesy and affection. When the stream of callers has ceased to flow, I wrap myself up in literature, and either write or read. A few also turn up to listen to me as to a man of learning, because I am just a little more learned than themselves. After that I devote all my time to my personal comfort. I have now mourned the loss of my country more sadly and for a longer time than ever a mother the loss of her only son.

But, as you love me, take care of your health, lest I eat you out of house and home while you are on your back, for I am determined to show you no mercy, even if you are laid up.

## XXI

CICERO TO THE SAME

Rome, October, 46 B.C.

Do you really mean it? Do you think you are mad to imitate the thunderbolts (as you call them in your letter) of my eloquence? <sup>a</sup> Mad indeed, if you could not do so successfully; but seeing that you even beat me, you ought to jeer at me rather than at yourself. So there is no need at all for your quotation from Trabea; the fiasco was rather my own. But be that as it may, how do I strike you in my letters? Don't I seem to talk to you in the language of common folk? For I don't always adopt the same style. What similarity is there between a letter, and a speech in court or at a public meeting? Why, even in law-cases I am not in the habit of dealing with all of them in the same style. Private cases, and those petty ones too, I conduct in a more plain-spoken

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fashion, those involving a man's civil status or his reputation, of course, in a more ornate style; but my letters I generally compose in the language of everyday life.

But anyhow, my dear Pactus, how did it ever suggest itself to you to say that there had never been a single Papirius who was not a plebeian? Why, there have been patricians of the lesser clans, <sup>a</sup> the first of whom was L. Papirius Mugillanus, who was censor with L. Sempronius Atratinus, having previously <sup>b</sup> been the same man's colleague as consul, 312 years after the foundation of the City. But you were then called Papisii.<sup>c</sup>

After him there were thirteen who occupied the curule chair before L. Papirius Crassus, who was the first not to be called Papisius. He was appointed dictator, with L. Papirius Cursor as his master of horse, 415 years after the foundation of the City, and four years afterwards consul with C. Duilius. He was followed by Cursor, <sup>d</sup> a man who held very many offices of state; there followed L. Masso, who held the rank of aedile, then a large number of Massones; indeed I wish you had the busts of all these patricians.

The Carbones and the Turdi came next, but they <sup>3</sup> were plebeians, and I think you may well disregard them; for with the exception of that C. Carbo, <sup>e</sup> who was slain by Damasippus, not one of them was a true and loyal citizen. We all knew Cn. Carbo, and his brother the jester; was there ever a more rascally pair? Of this friend of mine, Rubria's son, I say

<sup>a</sup> Slain in 82, having been tribune of the plebs in 90, and one of the authors of the Lex Plantia Papiria, which gave the Italians the citizenship of Rome.

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nothing. He had three brothers, Gaius, Gnaeus, and Marcus Carbo.

But Marcus, a big thief, on the accusation of P. Flaccus, was condemned for his misdeeds in Sicily; Gaius, on being accused by L. Crassus, is said to have taken a dose of cantharides <sup>a</sup>; he was not only a turbulent tribune of the plebs, but was suspected of having assassinated P. Africanus.<sup>b</sup> But as for this Carbo, who was put to death by our friend Pompey in Lilybaeum, there was never, in my opinion, a greater scoundrel. It was his father again who, on being accused by M. Antonius, is supposed to have evaded condemnation by means of shoemaker's vitriol.<sup>c</sup> So I think you had better go back to your patrician forbears; as for the plebeians, you see what a troublesome crew they were.

## XXII

CICERO TO THE SAME

Rome, July, 45 B.C.

I like modesty, others prefer freedom, in speech. <sup>1</sup> And indeed the latter opinion was held by Zeno, <sup>d</sup> a man, I assure you, of penetration, although our Academy quarrels fiercely with him. But, as I say, the Stoics hold that we should call everything by its proper name. This is their argument—nothing is obscene, nothing shameful in the saying of it; for if there be anything scandalous in obscenity it is either in unexceptional dramatic passages; and if not in the thing, <sup>e</sup> a fortiori it cannot be in the word (§§ 2-4); therefore there is no such thing as impurity anywhere, and 'the wise man will call a spade a spade.' <sup>f</sup> Tyrrell. Cicero also ridicules the prurient detection of obscenity where there is none.

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X. Later, after I had been entertained with royal hospitality, we continued our conversation far into the night, the aged king talking of nothing but Africanus, and recollecting all his sayings as well as his deeds. When we separated to take our rest, I fell immediately into a deeper sleep than usual, as I was weary from my journey and the hour was late. The following dream came to me, prompted, I suppose, by the subject of our conversation; for it often happens that our thoughts and words have some such effect in our sleep as Ennius describes with reference to Homer,<sup>1</sup> about whom, of course, he frequently used to talk and think in his waking hours. I thought that Africanus stood before me, taking that shape which was familiar to me from his bust rather than from his person. Upon recognizing him I shuddered in terror, but he said:

"Courage, Scipio, have no fear, but imprint my words upon your memory.

XI. "Do you see yonder city, which, though forced by me into obedience to the Roman people, is renewing its former conflicts and cannot be at rest" (and from a lofty place which was bathed in clear starlight, he pointed out Carthage), "that city to which you now come to lay siege, with a rank little above that of a common soldier? Within two years you as consul shall overthrow it, thus winning by your own efforts the surname<sup>2</sup> which till now you have as an inheritance from me. But after destroying Carthage and celebrating your triumph, you shall hold the censorship; you shall go on missions to Egypt, Syria, Asia and Greece; you shall be chosen consul a second time in your absence; you shall bring a great war to a successful close; and you

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are called States. Their rulers and preservers come from that place, and to that place they return."

XIV. Though I was then thoroughly terrified, more by the thought of treachery among my own kinsmen than by the fear of death, nevertheless I asked him whether he and my father Paulus and the others whom we think of as dead, were really still alive.

"Surely all those are alive," he said, "who have escaped from the bondage of the body as from a prison; but that life of yours, which men so call, is really death. Do you not see your father Paulus approaching you?"

When I saw him I poured forth a flood of tears, but he embraced and kissed me, and forbade me to weep. XV. As soon as I had restrained my grief and was able to speak, I cried out: "O best and most blameless of fathers, since that is life, as I learn from Africanus, why should I remain longer on earth? Why not hasten thither to you?"

"Not so," he replied, "for unless that God, whose temple<sup>1</sup> is everything that you see, has freed you from the prison of the body, you cannot gain entrance there. For man was given life that he might inhabit that sphere called Earth, which you see in the centre of this temple; and he has been given a soul out of those eternal fires which you call stars and planets, which, being round and globular bodies animated by divine intelligences, circle about in their fixed orbits with marvellous speed. Wherefore you, Publius, and all good men, must leave that soul in the custody of the body, and must not abandon human life except at the behest of him by whom it was given you, lest

<sup>1</sup> *Templum* originally meant a region of the sky marked off for purposes of divination.

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shall destroy Numantia.<sup>1</sup> But, after driving in state to the Capitol, you shall find the commonwealth disturbed by the designs of my grandson.<sup>2</sup>

XII. "Then, Africanus, it will be your duty to hold up before the fatherland the light of your character, your ability, and your wisdom. But at that time I see two paths of destiny, as it were, opening before you. For when your age has fulfilled seven times eight returning circuits of the sun, and those two numbers, each of which for a different reason is considered perfect,<sup>3</sup> in Nature's revolving course have reached their destined sum in your life, then the whole State will turn to you and your name alone. The senate, all good citizens, the allies, the Latins, will look to you; you shall be the sole support of the State's security, and, in brief, it will be your duty as dictator to restore order in the commonwealth, if only you escape the wicked hands of your kinsmen."<sup>4</sup>

Laelius cried aloud at this, and the rest groaned deeply, but Scipio said with a gentle smile: Quiet, please; do not wake me from my sleep; listen for a few moments, and hear what followed.

XIII. "But, Africanus, be assured of this, so that you may be even more eager to defend the commonwealth: all those who have preserved, aided, or enlarged their fatherland have a special place prepared for them in the heavens, where they may enjoy an eternal life of happiness. For nothing of all that is done on earth is more pleasing to that supreme God who rules the whole universe than the assemblies and gatherings of men associated in justice, which

<sup>2</sup> *τέλειος ἀριθμός*; compare Plato, *Timaeus* 39 D. The idea of "perfect numbers" goes back to Pythagoras.

<sup>4</sup> There was a suspicion that Scipio's death (in 129 B.C.) was due to the party of the Gracchi.