THE SULPICIAN LAW ON DEBT: IMPLICATIONS FOR THE POLITICAL ELITE AND BROADER RAMIFICATIONS

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ABSTRACT

Although there may be topical elements in descriptions about senatorial debt in the first century BC, the phenomenon does appear to have been historical. This study attempts to trace the origin of long-standing senatorial debts and how senators may have been affected by the lex Sulpicia of 88 BC. This legislation targeted elite indebtedness by regulating at an extremely low level future allowable debt by senators, which effectively disqualified current members of the oligarchy from office. Had the law been successful, it is possible that Sulpicius and his supporters intended replacing incumbent senators with a new membership drawn from the equestrian order.

‘Impoverishment’, being poverty-stricken or broke, is a common enough description of members of the senatorial elite in republican Rome found in the literary sources from the mid-first century BC. Cicero and Sallust relate probably the most memorable of these descriptions:

Agitabatur magis magisque in dies animus forix inopia rei familiaris et conscientia sederum, quae utraque eis artibus auxerat quas supra memoravi. Incitabant praeatera corrupti civilis moris, quos pessuna ac diversa inter se mala, luxuria atque avaritia, vexabant.

More and more each day his (Catiline’s) headstrong mind was disturbed by his poverty (a shortage of familiar property), and a wicked conscience both of which he had added to by those activities which I noted above. Besides this, corrupt ways of the city acted as a stimulus, and luxury and avarice, the worst and different of evils between them, were adding to them (Sall. Cat. 5.7-8).

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And so there grew first a longing for money then a desire for power, as if these were the stuff of all evils (Sall. Cat. 10.3).

Postquam divitiae honori esse coeperet et eas gloria, imperium, potentia sequeratur, hebustere viri, pauperis pruere haben, innocencia pro malivolenta duæ coepit.¹

After wealth began to be an honour; and glory, ruling and power followed on behind, virtue faded away, poverty became shameful, and innocence began to be reckoned hatred (Sall. Cat. 12.1).

Igitur Sulla gentis patriciæ nobilis fuit, familia prope iam extincta maiorum ignavia.

... Sulla was from a notable patrician clan, whose family was now nearly extinct (in terms of public office) through the laziness of his ancestors (Sall. Jug. 95.3).

Although there are obvious topoi here used to create Catiline’s unmittingly negative character, and the sorts of men among whom he was likely to find support – the portrayal of Sulla too, has poverty as a factor accounting for his uncontrollable ambition – debt, which resulted in poverty or which threatened respectability, appears to be a highly pervasive theme. However, just how far back can this phenomenon be traced? Was it a state of affairs that surfaced only in the last generation of senatorial government in Rome, and hence a first-century topical element to be inserted into contemporary literary texts, or was its origin far older and far more insidious?

Sallust’s description of Catiline is certainly based on Cicero’s description, in much the same vein, of the followers of the conspirator (In Cat. 1.13: perditorum hominum; In Cat. 2.8: oppressus aere alieno). Catiline is said to have found followers among those who had squandered their inheritance, mortgaged their estates, whose money had dried up and whose credit limits had been exceeded, but who still retained the expensive tastes they had acquired in days of plenty (In Cat. 2.10). Debt and its various gradations feature prominently in the second speech against Catiline. Of six groups or types liable to support Catiline (In Cat.

2.18-23) four have problems relating to debts and the extent to which these might or might not be repaid. Some of this debt problem evidently dates to the time of Sulla’s establishment of colonies in the early 70s in the aftermath of the civil war and to veteran soldiers unable to cope with their new professions as farmers. Significantly, however, there is a further group whose debts seem to be of considerably older provenance:

\[\text{Qui iam pridem premuntur, qui numquam emergunt, qui parim inerct, parim male gerendo negotio, parim etiam sumptibus in vetere aere alieno vacillant, qui vadimonii, indicis, prorpiptione bonorum defequati permuli, et ex urbe et ex agris se in illa castra conferre disuntur.}\]

... those who have been in financial difficulties for years, who never surface, who are staggering under ancient debts partly from inertia, partly from poor business ventures, partly also from extravagant living, those who have been worn out by bail summonses, judgements against them, and enforced sales of their assets, and are said to be gathering together in Catiline’s camp from the city and the country (Cat. 2.21).

The phrase \textit{in vetere aere alieno} is important here. These are not the debts of Sullan colonists, but rather of a habitual and long-lasting nature and, hence, logically the object of a \textit{lex Sulpicia} dated to 88. Plutarch refers to Publius Sulpicius, tribune of the plebs in 88,\textsuperscript{3} in both his lives of Marius and Sulla, and in the latter he also includes the information that:

... he passed a law which forbade any senator from incurring debts of more than two thousand drachmas, though when he died he was in debt to the tune of three million. This man was now set loose on the people by Marius and after shaking everything up by force he proposed a number of vicious laws including the transfer of the Mithridatic command to Marius (Sull. 8.2).

\textsuperscript{2} For example, the debts of P. Cornelius Sulla, nephew of the dictator, who was a consular candidate in 66, but whose victory in the polls was disallowed because of bribery (Cic. \textit{Sull.} 56).

No other extant source mentions this law, which is problematic. If historical, it ought to have appeared in Livy's account, but whereas the other laws of Sulpicius feature in the epitome (Per. 77), this particular item was presumably overlooked, perhaps being considered of no interest to the intended readership of such an abbreviated account.  

_Cum P. Sulpicius, tribunus plebis auctore C. Mario perniciosas leges promul-gasset, ut exules revocarentur et novi cives libertini in tribus distribuerentur et ut C. Marius adversus Mithridatem Ponti regem duces crearetur._

When the tribune of the plebs, Sulpicius, passed pernicious laws authored by Marius, that exiles be recalled and that new citizens and freedmen be distributed among the tribes, and that Marius be declared commander against Mithridates king of Pontus ...

Broughton has no qualms about the historicity of a law about debt; and Plutarch's evidence does not reflect poorly on Sulpicius and, therefore, does not seem to have originated in propaganda generated by one group or another – pro- or anti-Sulla. Nonetheless, it would seem logical to suppose that Sulpicius' law, if Plutarch's evidence is accurate, was directed against Sulla, and others like him in the senatorial order. Sulpicius had been at odds with Sulla since both took office, and the consul was to be stripped of his proconsular command against Mithridates and that command was to be transferred to Marius by means of a _plebiscitum._ The tribune was following the precedent set by T. Manlius Mancinus at the beginning of 107 (Sall. _Ing._ 73.7) when Marius' former general, and possibly his _patronus_, Q. Caecilius Metellus Numidicus, was also deprived of his command against Jugurtha by the use of a plebiscite in the _Concilium Plebis._

If the youthful Sulla was constantly in debt, a situation that can be deduced from Sallust's account, there were also anecdotes, which claimed that he acquired much wealth later on from dubious sources (Plut. _Sull._ 2.4). Of course, that tradition may have been established by

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4 In Plutarch's _Marius_ (35.4) only the _plebiscitum_ regarding the transfer of the Pontic command to Marius is mentioned. On the four proposals, albeit in brief, C. Williamson, _The Laws of the Roman People_ (Ann Arbor 2005) 330-31. On the similarity of the accounts in Plutarch and Livy, see Powell (note 3) 454-55.


6 Note that an ancestor of Sulla, P. Cornelius Rufinus (cos. I 290, cos. II 277) was expelled from the senate because, ironically, he possessed too much moveable wealth (Plut. _Sall._ 1).
Sulla himself to romanticise his younger days, but it is certainly possible that Sulla avoided canvassing for the aedileship in about 98 because he did not have much money to throw around. Yet, he won his praetorship place a few years later, says Plutarch (Sull. 5.2), through blatant bribery and that may have forced him into debt. His subsequent proconsulship in the new province of Cilicia may also have not been sufficiently lucrative to pay these off before the Social War began.

On the other hand, a debt totalling two thousand drachmas is a relatively small amount, and should not have troubled either Sulla or other members of the political élite. It is tiny in comparison to Sulpicius’ own reputed liabilities, but was it meant to be ludicrously small? There is always the possibility that adverse propaganda is present in the literature and that there might also be an ironic element in Plutarch’s comment. Therefore, we first need to establish whether or not Sulpicius’ debt was unusually high, and if so why?

Sulpicius had entered the cursus honorum quite recently, although probably aged about thirty-five in his tribunate. A quaestorship may possibly have been held in the Social War period, but is unattested. At a later date, politicians incurred considerable debt in pursuing a public career, but usually only in the quest for the higher offices: praetorship and consulship. Sulpicius cannot have acquired his debts from this

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7 The extent of bribery may be gauged by Plutarch’s suggestion (Sull. 5.2) that the voters already expected lavish entertainments given by aediles in the early 90s.
8 Cilicia, home to many pirates, was not the sort of settled and prosperous region easily to be milked of its wealth by rapacious governors. Sulla was accused of repetundae on his return to Rome, but the trial was aborted due to lack of prosecution evidence (Plut. Sull. 5.6; MRR 2.18 and n. 6).
9 If we assume that a drachm is the equivalent of a denarius, and in Plutarch’s day worth 4 sesterces, hence the debt in HS = 8 000, Sulpicius’ debt at 12 million HS was enormous.
10 Sulpicius’ only other official position may have been as legate in the Social War (MRR 2.30-31 and n. 18, 2.37, 2.624), perhaps serving on the consilium of Pompeius Strabo. Cf. H.B. Mattingly, ‘The consilium of Cn. Pompeius Strabo in 89 BC,’ Athenaeum 53 (1975) 262-65.
11 Note the comment, in the context of discussion of the first century BC, of M. Jaczynowska, ‘The economic differentiation of the Roman nobility at the end of the Republic,’ Historia 11 (1962) 490-91: ‘People got into debt chiefly to attain a governorship. Competition became more and more acute, the costs of elections rose, debts increased — senators were able to recover money only during the governorship won at so high a price. Not all could hold out this contest:
source at so early a stage in his public career. But can he have accumulated heavy debts from other demands incurred perhaps in his tribunate? Again we happen to know from Plutarch that Sulpicius had a bodyguard of six hundred equites whom he is supposed to have called his ‘anti-senate’ (Plut. Sull. 8.2; Mar. 35.2). Besides these supporters, however, there were three thousand armed men (Plut. Sull. 8.2, less specific in the Marius) who may in fact have been paid retainers, essentially mercenaries. Aristocrats certainly travelled with armed slaves as bodyguards, the most famous instance of the consequence of such a practice being the fight on the Via Appia between the guards of Clodius and Milo in January 52. But it was unique to have an armed guard in the city and it presumably cost a great deal for the manpower and the weapons. It must have been costly to finance this novelty and it was, moreover, illegal. Prior to his tribunate, Cicero, who mentions him frequently, does not portray Sulpicius negatively; and any charge of extravagant living was never directed against him. Thus, it may be as well to conclude that the accumulation of debts emanated from very expensive demands in the tribunate. Furthermore, Sulpicius, like other members of the élite, would not have had such huge amounts of capital available to pay for his guards; and would necessarily have borrowed heavily to finance this expenditure.

In his tribunate Sulpicius was almost certainly not a senator. Even if he had served out a quaestorship, which was not needed for a senatorial career prior to Sulla’s leges Corneliae, his adlection to the senate would only officially have occurred at the termination of the censorship of P. Licinius Crassus and L. Iulius Caesar, some time during his own troubled tribunate in 89.13 This fact at once removes any chance of irony in Plutarch’s comment about Sulpicius’ massive debts since if we now re-read that statement it takes on a much more sinister tone: that senators could not become indebted but non-senators could. And if that situation were to be enshrined in law it would have very serious repercussions for the Roman republic and its ruling élite.

fortunes of some nobles increased, though some among them incurred bankruptcy.’

12 E.g. De Orat. 2.88-89, 3.147; Brut. 201-03, 207, 304.
13 The censors took office in 89, and their term expired after roughly eighteen months. Sulpicius’ adlection as quaestorius could easily have been blocked on account of his agitation. As tribunicius he would have had automatic access to the senate, but hypothetically enrolled officially only in the next lectio senatus, which took place in 86.

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Assuming that the lex Sulpicia was aimed against Sulla, and presumably against other senators as well, the small total of allowed debts suggests a potential meltdown in the composition of the governing élite. So was this law, so casually mentioned in a single source, a dire threat to the state’s governance, in fact its very existence? One might argue that since it failed there was no need to mention this measure. But note how the reference to L. Appuleius Saturninus has also crept into the coverage of events in 88. Saturninus passed laws that could have crippled senatorial government, and it is claimed that Sulpicius modelled his legislation and his mode of action on the earlier tribune. There may well be a connection here, for Plutarch has an interesting comment (Comp. Lyseond & Sulla 2):

It is no wonder that Sulla came to rule when such men as Glaucia and Saturninus drove out of the city those like Metellus, when the sons of consuls were killed in the forum [Sulpicius] when silver and gold purchased arms and men to use them [Sulpicius] and laws were passed with fire and sword against all opposition [Sulpicius].¹⁴

Remarkably, there are three references to Sulpicius in this one passage. The son of Sulla’s consular colleague, Q. Pompeius Rufus, was killed in a riot organised by Sulpicius and his followers. Plutarch clearly believed that Sulpicius had hired his mercenary bodyguard, which thus provides the evidence for Sulpicius’ debts. The presence of the armed men plainly accounted for the passage of these laws, which in Livy’s epitome are described as perniciosae. Note, too, that Sulla was probably meant to follow Metellus Numidicus into exile once he had been superseded by Marius. Furthermore, in Plutarch’s Marius (35.1):

... Sulpicius, who in all things was an admirer and copied Saturninus, except that Sulpicius said that his predecessor had been too timid and hesitant in his political measures.¹⁵

Sulpicius may be accused of many things but hardly of lacking either a radical approach to politics or of being afraid to offend others in public life. The legislation of Saturninus and his senior colleague C. Servilius

¹⁴ For a discussion of the activities and legislative programme of Saturninus and Glaucia, see Evans (note 3) 99-131; R.J. Evans, Gaius Marius: A Political Biography (Pretoria 1994) 116-27.
¹⁵ The Marius has been considered a later publication than the Sulla: C.P. Jones, ‘Towards a chronology of Plutarch’s works’, JRS 56 (1966) 68.
Glaucia was bold, brash and highly innovative. So there may have been a perception here, even if it emanates from a hostile source such as Sulla’s autobiography, that Sulpicius’ legislation was potentially just as damaging as that of Saturninus and Glaucia. But the unique, and very dangerous, factor in the civil disturbances of 88 was that Sulpicius now possessed an army on the streets of the city, while the government, in other words the senate, was utterly defenceless. Saturninus either did not have access to, or did not contemplate the use of, arms a decade before. The lawlessness into which the city descended in the middle of 88, therefore, casts a different hue on Sulla’s dramatic response from his camp in Campania where he was in charge of the siege of Nola.16 Scholars have been universally critical of Sulla’s march on Rome yet have overlooked the fact that the city was in the hands of Sulpicius’ armed supporters. Sulla’s fellow consul Pompeius Rufus gave his full support (App. BC 1.57), though it took fierce fighting on the Esquiline before the mercenaries were overcome. Sulla’s soldiers came from legions levied in the traditional fashion, presumably almost entirely Roman, since they were fighting against the socii and not likely to have viewed with any enthusiasm the commandeering of the political process by Sulpicius.

Returning to the question of senatorial debt, it does appear, or it could certainly be argued that Sulpicius, by passing this law, aimed at nothing less than the complete destruction of a weakened Roman senate composed by then of much less than 300, many of whom were severely financially embarrassed. The Social War exacerbated the problem of elite debt. Most senators had been active in the field either leading or serving in the armies. On the conclusion of the war, debts needed to be collected (App. BC 1.54) from, it can be assumed, mostly equestrian moneylenders. The situation was tense. The praetor urbanus, a certain A. Sempronius Asellio (pr. 89),17 did not rule as Cicero suggested (In Cat. 2.21) often occurred – proscriptione bonorum -- that is, that the debts were forcibly collected; on the contrary, Asellio kept on deciding these suits in favour of the debtors – his senatorial colleagues. There was a riot.

Cum aera alieno oppressa esset civitas A. Sempronii Asellon praetor, quantum secondum debitores ins diebat, ab his, qui saemiserant, in foro occisus est.

16 Roughly the middle of the year since Sulla went on to supervise consular elections for 87 before departing on the Mithridatic command.
When the community (α: the best men) was oppressed with debts, A. Sempronius Asellio the praetor, because he kept giving the cases to the debtors, was killed in the Forum by those who did the lending (Liv. Per. 74). 18

Appian gives a more elaborate version, probably based on the original Livy.

He was making a sacrifice to Castor and Pollux in the forum, and there was a crowd standing around as there usually was in such a ceremony. Then someone threw a stone at him, and he dropped the libation bowl and ran towards the temple of Vesta. But they got ahead of him and stopped Asellio from entering the temple and when he had fled into a bar they cut his throat. While in office as praetor and pouring out a libation and wearing the sacred gilded uniform customary in such events, Asellio was killed at the second hour in the centre of the forum in the middle of a sacrifice. The senate offered a reward to any citizen, freedom to any slave, immunity from prosecution to any accomplice who testified to the conviction of the murderers. But nobody came forward. The moneylenders suppressed everything (BC 1.54).

Sulpicius' law on senatorial debt comes immediately after this episode and there must be a causal relationship, since the two are very close chronologically, certainly within a matter of months of one another.

The return of the exules (Liv. Per. 77) deserves a brief excursus at this point. These were political figures, mainly junior, who had been exiled under the lex Varia, and at least one is known to have been a close friend of Sulpicius. This was C. Aurelius Cotta, later to become consul in 75. Like all exiles from Rome, Aurelius Cotta was not a senator and hence not bound by this new law, even if he had incurred debts as a result of his enforced absence. Of course, not many politicians were condemned as a result of accusations brought under the lex Varia de maiestate, 19 but in the course of the 80s many left Italy because of the unstable political climate. It is notable that, of the successful group which supported Sulla in 82, very few were actually members of the senate. Sulla had been declared a hostis, and this status must also have applied to prominent individuals such as Q. Caecilius Metellus Pius, Ap. Claudius Pulcher, L. Licinius Lucullus. If Sulpicius’ plan was to see former friends return to

18 Cf. Val. Max. 9.7.4; App. BC 1.6.54; MRR 2.33.
19 For the lex Varia and trials which were generated as a result, see MRR 2.26-27. The accusation was that of encouraging the socii to rebel.
I the city and to positions of power they would also have benefited from his law on debt. And what about this unique 'anti-senate'? No previous radical tribune had been associated with this sort of constitutional or administrative invention. The theme is likely to belong to the realms of negative propaganda, but if Sulpicius had support from equites fed up with senatorial debt, then there may have been a perception that such an 'anti-senate' not only posed a threat, but also could be an alternative government.20

The causes for the murder of Sempronius Asellio and the promulgation of the lex Sulpicia may therefore be traced only as far back as the Social War and therefore a recent phenomenon. However, there are some earlier episodes that may be related and indicate that élite debt was an entrenched problem. For example, in the censorship of 115/114 32 senators, a number which represents more than 10% of the political élite, were relegated.21 There is no extant source which hints at the reason behind this mass and very dramatic removal. Previous censors, given their reputations for strict practices, cannot be accused of a laxity in standards and allowing the emergence of widespread discreditable behaviour to such an extent that an action was necessary only in 115. The affair then is something of a mystery.22 The three censorships prior to 115 were held, in each case, by politicians famous for their severity. In 131 Q. Caecilius Metellus Macedonicus and Q. Pompeius were censors, but just C. Atinus Labeo, a tribunicius, is known to have been excluded from the senate list (Liv. Per. 59). In 125 L. Cassius Longinus Ravilla and Cn. Servilius Caepio (Frontinus, Ag.1.8; Cic. In Verr. 2.1.143; Resc. 84; Vell. 2.10.1) and in 120 L. Calpurnius Piso Frugi and Cn. Servilius Caepio (Frontinus, Aq.1.8; Cic. In Verr. 2.1.143; Resc. 84; Vell. 2.10.1) and Q. Caecilius Metellus Balaricus held the censorship, but not a single expulsion from the senate is known. That mystery should now be exposed as a debt problem, a shameful enough charge for it to have been concealed, as Sallust suggested (Cat. 12.1). A 10% expulsion of senators was a colossal blow to élite prestige. When coupled with a sustained loss of senatorial membership over the next fifteen years in wars against, among others, the Cimbri and Teutones, and in various political condemnations, the

20 As such, this argument runs contrary to that proposed by E. Badian, 'From the Gracchi to Sulla', Historia 11 (1962) 232-33.
21 The censors were L. Metellus Deltumaticus (or Diadematus) and Cn. Dominius Ahenobarbus (MRR. 1.534).

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*patres conscripti* were left sufficiently weakened in *auctoritas* to open the way for Saturninus and Glaucia to confidently launch, and to very nearly succeed in, their bid for power in 100. It is likely that the senatorial élite drifted downwards to about 200 in this period, and probably continued to decline in number throughout the 90s and 80s until a restoration was begun by Sulla in 81.

To judge from Cicero’s description then, Sulpicius was not a radical in the modern sense of the word. Yet his law on senatorial debt was certainly revolutionary and would appear to be the second frontal attack on senatorial supremacy in little more than a decade. Sulpicius is not accused of seeking personal pre-eminence; indeed, he is taken to be the tool of a devious Marius in some sources. His actions may be linked to the exile of Cotta by the *lex Varia* and, therefore, become merely another example of thrust and counter-thrust in Roman political life. However, the hiring of mercenaries, even if ultimately ineffective against Sulla’s citizen veteran soldiers – the Sulpician forces seem to have melted away, does suggest some forward planning before the initiation of the legislation. If a politician needs 3,000 armed men to pass laws about debt, exiles being repatriated, and voting tribes for new citizens, it means that he expects trouble from his opponents and means to overcome them. Perhaps we can see here a genuine attempt by a rather straight-laced and conservative politician to re-instil old-fashioned values into the ruling élite. The *lex Sulpicia* on senatorial debt would have immediately disqualified most if not all of the current senators and opened the way for a regeneration of the government, something along the lines envisaged by Saturninus and Glaucia, if their legislation is any guide to their future intentions. It is worth noting that Marius, who seems to have been behind Sulpicius’ law, or was at least credited with some element of guidance here, was probably not in debt. In the 90s his wealth was famous with ownership of a fabulous villa at Baiae, later the home of Sulla’s closest supporter L. Licinius Lucullus, and by then

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23 Casualties among high-ranking senators included M. Aurelius Scaurus (cos. suff. 108) and L. Cassius Longinus (cos. 107), convictions in various sensational lawsuits, including the *quaestio Mamilliana*, included L. Opimius (cos. 121) and L. Calpurnius Bestia (cos. 111), and from *maiestas* trials Q. Servilius Caepio (cos. 106) and Cn. Mallius Maximus (cos. 105).

24 Appian’s account (*BC* 1.57-58) suggests that Sulpicius had ‘hastily armed troops’ against Sulla’s army, yet at the same time suggests that the fighting was between two armies.

25 For this legislation and its possible effect, see Evans (note 14) 123-25; *MRR* 1.575-76.
notorious for its luxury (Plut. Mar. 34.2). After the failed coup of Saturninus and Glaucia, was Marius making a second attempt at preeminence or even sole power?

It should also be remembered that Sulpicius had been connected via Cotta and others to Livius Drusus; and a part of the legislative programme of that tribune in 91 had been precisely to tackle bribery, which, says Appian, was by then rampant in public life (BC 1.35). It is again possibly relevant that the question of an enlarged senate with copious equestrian membership should have been so prominent (App. BC. 1.35). Livius Drusus was also not a member of the senate in 91; and it may be that his circle was already talking about a change in the composition of the political élite by the addition of a more honest and a less financially fragile element. True, Cicero has nothing to say about reforms in this area, but then he has little at all to say about Drusus, and only positive comments about Sulpicius. In his discussion of Sulla’s lex usciaria of 88, Frank discussed the financial element of Drusus’ legislative programme, which allowed for a controlled debasement of the denarius (Pliny, NH 33.46). However, an answer to the question of why such an action by the Roman government was needed by 91 was not attempted, although it is now possible to advance cogent reasons for the undertaking. Debasement of the currency occurs when there is a crisis, of which none appears to be attested for the 90s prior to the start of the Social War, or when demand outstrips supply. In a recent article I have argued that Iberia, the source of much of Rome’s silver in this period, suffered a catastrophe because of the invasion of the Cimbri in 105/4 and a widespread uprising against Roman rule led by the Celtiberians, and that peaceful conditions were only gradually restored, perhaps not before the end of the Social War. The problems caused presumably by a shortage of Iberian silver was further compounded by the strains on the Roman economy caused by the Social War, which led to severe financial problems among the senatorial élite. The murder of Sempronius Asellio can, therefore, also be placed into a realistic context, no longer ‘the strange incident’ noted by Frank, and illustrates that senatorial debt had become a very pressing issue by 89 BC, and that it was indebted senators who wanted relief from largely equestrian

26 For Cicero’s comments on Drusus, see De Orat. 1.12; Brut. 222; De Off. 1.108; Plane. 33.
creditors. This would further explain Cicero’s description of Drusus as
nobilissimus vir senatus propagator ... paene patronus (Pro Mil. 16),
and why Sulla felt obliged to cancel some debts in 88, surely in response to
Sulpicius’ attack on the Roman élite.
Moreover, going further back in time to the mass expulsion of
senators in 115, this at least suggests that the threat of insolvency among
the élite was already a pressing issue. Appian’s mention (BC 1.22) of
three notorious senatorial bribe-takers, dating before the lex iudiciaria of
Gracchus, suggests debt problems as much as avarice:

Gracchus transferred the law courts, which had been discredited
because of bribery, from senators to equites, censuring the former
especially with the recent examples of Aurelius Cotta, Livius
Salinator, and M. Aquillius (the conqueror of Asia), all notorious
takers of bribes who had been acquitted by the jurors.

The problem therefore already existed but had not yet perhaps reached
the proportions it may have reached by 115. The introduction of the
ballot in elections about 137 must certainly have contributed to the
increase in bribery, with its knock-on effect on the moveable wealth of
senators. Earlier expulsions from the senate may indicate that the
problem goes even further back. For example, it is clear from the
sources that elections in the 180s were fiercely competitive and coin­
cided with senatorial expulsions during censorships; and that they may
have been common electoral bribery in these years. The lex Calpurnia
of 149 certainly points to senators recouping debts from overseas appoint­
ments, but the problem clearly intensified and the acquittal of accused
exacerbated the situation. Compounding the problem is the undoubted
additional factor of those who were not in debt scoring points against
those who were, hence the expulsions from the senate in censorships.
If there was a determining factor in the question of debt among the
political élite, it is the pursuit for public office in a competitive

29 Evans (note 3) 133-34. It is also possible that, in the wake of Drusus’ failure
to extend Roman citizenship, Sulpicius, seeing that this extension of the
franchise was about to happen, was also keen to show the new citizens,
especially those aspiring to join the élite, that debt caused by corruption and
extravagance would not be tolerated. This certainly fits in with his reputation as
austere. Thanks are due to an anonymous referee for pointing me in the
direction of this idea. However, the number of new senators was to be strictly
regulated by the leges Cornelianae, which stipulated that all ex-quaestors were to
become members of the senate. There is no evidence for any other form of
admission to the senate following Sulla’s dictatorship in 81.
environment. Wealth from foreign acquisitions brought a great pool of suitable candidates for office. Bribery became a way of trying to ensure success, but it was precisely that success that could also bring the insoluble problem of debt. The situation was clearly not new to Roman public life; and Sallust and Cicero’s evidence for poverty-stricken members or would-be members of the senate in the 1st century BC should not obscure that fact.30

30 In 70-69 the censors L. Gellius Poplicola and Cn. Cornelius Lentulus Clodianus expelled 64 senators, including the consul of 71 P. Cornelius Lentulus Sura and the ex-quaestor C. Antonius Hybrida (cos. 63); Liv. Per. 98: censors aspersam censuram egerunt, quattuor et sexaginta senatu motis, MRR 2.126-27. Debt was presumably the primary motive for removal. The senatorial total by 70 may have been above 300, based on the automatic annual admission of twenty quaestorii added to the rump which convened at the end of 82 beginning of 81. The expulsion may therefore have been as high as 25%.
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