Łukasz Schreiber  
(Bydgoszcz)  
https://orcid.org/0000-0002-5515-7705

Factio Metelli in the Opposition to Caius Marius in 104 B.C.*

Factio Metelli w opozycji wobec Gajusza Mariusza w roku 104 przed Chr.

ABSTRACT

In the years 121–109, the representatives of the Caecilii Metelli family reached a dominant position in the Republic, gaining a number of honours. At the same time, this period was the consolidation of the status of the houses of the old aristocracy. Gaius Marius broke the monopoly of nobiles by winning consulate in 107 B.C., and three years later he was granted it again in absentia.

The attack on the senators associated with factio Metelli lasted for 104 years. The plebeian tribunes were the first to be activated, and three of them were against factio Metelli or the prerogatives of the Senate. The most important role among them was played by Gnaeus Domitius Ahenobarbus, who carried out a reform that changed the way in which pontiffs were appointed, and transferred this right from the collegium to the people.

Opponents of Marius decided to use the courts in political struggle. A number of trials that took place in the years 106–101 confirm this thesis. A particularly important role was played here by princeps senatus, Marcus Aemilius Scaurus, who after the death of Pontifex Maximus, Lucius Caecilius Metellus Dalmaticus, also became an informal leader of the entire faction.

The key to Marius’s weakening in later years was to take control of the strategic issue of the supply of grain to Rome and the provinces where the grain was delivered. Assuming that the primary objective of the house of the Caecilii Metelli in 104 was political survival, they certainly achieved their goal. But Marius, reelected as consul, also strengthened his position. The final decision was to be taken as late as in the year 100, which goes beyond the scope of that article.

Key words: Caecilii Metelli, Gaius Marius, Marcus Aemilius Scaurus, social history of Roman Republic

* The author expresses his deep gratitude to Sebastian Ruciński for his help and critical remarks during the work on the article.
PRELIMINARY REMARKS

The elected and – at the same time – the best citizens at the head of the state – in Cicero’s opinion this comprised the ideal system. Said system was to be based on the elite government, which should be as moderate as possible\(^1\). At the same time, not only admissible, but even advisable was the noble rivalry between all public figures and between the individual houses of the aristocracy. The most outstanding people of their time, with the greatest importance in the Senate and among the people, were called *principes civitatis*\(^2\).

So much for the theory. In practice, the rules of political life of Roman Republic at the turn of the second and first centuries B.C.\(^3\) were based on the competition of powerful and influential families (*gentes*), which accumulated wealth, attracted customers, sought positions for their representatives and sought alliances in blood ties, friendships (*amicitia*) and conjugal connections\(^4\). The aristocratic houses achieved superiority through the most experienced senators, most often consuls\(^5\). From the ancient chronicles emerges the image of a fierce, often ruthless struggle for the honour of the family and own reputation (*auctoritas*), prestige (*dignitas*) and glory (*gloria*), which took place in observance of unwritten rules.

Broader coalitions, going beyond the circle of a given family, were most often formed during elections and in cases of internal conflicts or external threats, mainly of a military nature. Due to the intensification of political disputes, for which the Gracchi brothers’ activity in 133–121\(^6\) was a symbolic caesura, there was a natural need to maintain such informal alliances for a longer period of time. As a result, the term *factio*, originally with neutral meaning\(^7\), entered the political dictionary of the Republic of

---


\(^3\) All the dates in the text refer to the times before Christ.


\(^7\) T. Macius Plautus, *Bacchides*, 843; *Cistellaria*, 493; *Rudens*, 1371; M. Porcius Cato Maior, *De agri cultura*, 126P; Cf. J. Korpanty, *Studia nad łacińską terminologią polityczno-
Rome. It was used on a large scale only during the period of civil wars, already then, however, in a pejorative sense. The earliest (given the chronology of the text, not the events) instance of the above appeared in the unknown author’s *Rhetorica ad Herennium*, but it did not gain larger audience until the 50s, in the political writings of the Gaius Sallustius Crispus and Marcus Tullius Cicero. It was also used by Gaius Julius Caesar, and we find it used once in the work by Aulus Hirtius. Titus Livius, who wrote his monumental work under Augustus, used it very rarely until 167. Contemporary science has adopted the term *factio* in order to use it to describe the parties operating in the Republic.

On the occasion of the elections for the most important offices, the political struggle in ancient Rome manifested itself most strongly, and it was on this subject that Sallust removed the bitter words that ‘the nobles passed the consulate from hand to hand within their own order’. This is a strongly exaggerated remark, because in no way could there be any handing over – there were too many competitors in relation to the number of winners. This can be seen in the research on the tomb of the distinguished Cornelii Scipiones family. Almost all its representatives, living in the third and second centuries, were buried in one place, and this was the time of the greatest political power of the house, from which...
the conqueror of Hannibal and Antioch III the Great originated. However, as many as half of the dead buried there are also unknown – we find no trace of them in the record of office holders. The conclusion is that one’s aristocratic ancestry alone was not enough to make a career in Rome. We may presume that Sallust meant that in the years 142–108 no politician who could not identify himself with consular ancestors (homo novus) was able to obtain consulate position\textsuperscript{17}. This aristocratic barrier was successfully broken as late as by Gaius Marius in 108, when he successfully applied for the consulate for the next year\textsuperscript{18}.

However, Marius did not shatter the existing political order at that time. This happened when, in 104, he took over the consulate again, thus breaking, if not the assumptions, then at least the spirit of *lex Villia annalis* of 180\textsuperscript{19}. The aforementioned act assumed the necessity of the lapse of ten years between holding the consulate and the possibility of applying for a second time. It can be said that Marius challenged the entire Roman political elite in 104. This situation has led to a deep reshuffle in the Senate’s balance of power and has given rise to a further stage in the Republic’s violent dispute in its public life\textsuperscript{20}. There is no reason, however, for Marius

\textsuperscript{17} The previous homo novus, who held the consulate, was in Quintus Pompeius: T.R.S. Broughton, *The Magistrates of the Roman Republic*, I, New York 1951–1952 [hereinafter: MRR I], p. 447.

\textsuperscript{18} MRR I, p. 550.


to oppose the whole senate or the united nobilitas. Such a statement would suggest a misunderstanding of the complicated divisions within the rival houses of the Roman aristocracy. It is equally wrong to reduce politics in Roman Republic to a struggle between the Populares and the Optimates, for there have never been only two factions, and using these terms is completely misleading when we analyse events in the short term. Therefore, in further parts of this article, the terms ‘Populares’ and ‘Optimates’ will not be used.

THE POSITION OF FACTIO METELLI BEFORE MARIUS’S SECOND CONSULATE

The Caecilii Metelli family was considered the most powerful in the entire Roman aristocracy in the last decade of the second century, as directly noted by Marcus Velleius Paterculus. The six sons of Quintus Caecilius Metellus Macedonicus and his brother Lucius Caecilius Metellus Calvus, all of whom reached the consulate between 123 and 109, are a proof to the above statement. It should be added that five of them celebrated in: Elity w świecie starożytnym, ed. M. Cieśluk, Szczecin 2015, pp. 144–147. The emphasis on the exceptionally important role of the events of 104 in the political changes in the decline of the Republic has been highlighted in the past by E.S. Gruen (E.S. Gruen, Politics and the Courts in 104 B.C., ‘Transactions and Proceedings of the American Philological Association’ 1964, 95, pp. 99–110. Of fundamental importance is also his other work: E.S. Gruen, Roman Politics, pp. 163–177). The greatest influence on the proper perception of the social history of the Republic from the period of the so-called ‘domination of Marius’ in the years 108–100 was exerted by such eminent experts on the subject as F. Münzer (F. Münzer, op. cit., pp. 283–297) and E. Badian (E. Badian, Foreign Clientale (264–70 B.C.), Oxford 1958, p. 198 and next; E. Badian, Marius and the Nobles, ‘Durham University Journal’ 1964, 36, pp. 141–154; E. Badian, Studies in Greek and Roman history, Oxford 1964, pp. 34–53; E. Badian The Death of Saturninus, ‘Chiron’ 1984, 14, pp. 101–147). For obvious reasons, the analyses made by Marius’s biographers are also a great support for research into the events of 104. The most important ones are: T.F. Carney, A Biography of C. Marius, Chicago 1961, pp. 32–35; P. Kildahl, Caius Marius, New York 1968, pp. 105–107; R. Evans, Gaius Marius. A political Biography, Pretoria 1994, pp. 78–82, 152–168; M. Labitzke, Marius. Der verleumdete Retter Roms, Münster 2013, pp. 102–123.

Velleius Paterculus, Historiarum ad M. Vinicium consulem libri duo [hereinafter: Vell.], 2.11.3: Ut paulo ante Domitiae familiae, ita Caeciliae notanda claritudo est. Quippe intra duodecim ferme annos huius temporis consules fuere Metelli aut censores aut triumpharunt amplius duodecies, ut appareat, quemadmodum urbius imperiorumque, ita gentium nunc flo rerere fortunam, nunc senescere, nunc interire (‘As I commented, a short time ago, on the glory of the family of the Domitii, let me now comment upon that the Caecilianii. Within the compass of about twelve years during this period, the Metelli were distinguished by consulships, censorship, or triumph more then twelve times. Thus it is clear that, as in the case of cities and empires, so the fortunes of families flourish, wane, and pass away’ transl. F.W. Shipley).
their triumphs, four were censors and one became Pontifex Maximus\textsuperscript{22}. This gives an impressive vision of influence and meaning of the house on the foundation of which a powerful faction was built, known by the historians as \textit{factio Metelli}\textsuperscript{23}.

Initiated in the penultimate decade of the second century, migration from the North Sea peoples, mainly Celtic-speaking Cimbri\textsuperscript{24}, followed by Teutons, Tigrini and Ambrones\textsuperscript{25}, led these tribes first to the central Danube, to conclude in a confrontation with the republic on the Tiber in the near future. In the first period, Rome fought unsuccessfully. Between 113 and 107, three consuls have suffered fairly severe failures in Gaul\textsuperscript{26}. These failures undermined the political position of Caecilii Metelli.

The position of the powerful family was weakened by the consul 109 and his colleague in the office of Quintus Caecilius Metellus Numidicus, Marcus Junius Silanus\textsuperscript{27}. It was probably his unsuccessful campaign of 108\textsuperscript{28} that opened the way to the consulate for the great opponents of Caecilii

\textsuperscript{22} Achieved magistrates by the sons of Quintus Caecilius Metellus Macedonicus (cos. 143) and Lucius Caecilius Metellus Calvus (cos. 142): Quintus Caecilius Metellus Balearicus (cos. 123, cens. 120) Lucius Caecilius Metellus Dalmaticus (cos. 119, cens. 115, Pont. Max. c. 114), Lucius Caecilius Metellus Diadematus (cos. 117), Marcus Caecilius Metellus (cos. 115), Gaius Caecilius Metellus Caprarius (cos. 113, cens. 102), Quintus Caecilius Metellus Numidicus (cos. 109, cens. 102). Only Diadematus made no triumph, see MRR I, p. 512, 523, 525, 528, 529, 531, 534, 535, 541, 545, 554, 556.


\textsuperscript{27} MRR I, p. 545.

\textsuperscript{28} Asconius Pedianus [hereinafter: Ascon.], 68 and 80C; T. Livius, \textit{Ab urbe condita libri} [hereinafter: Liv.], \textit{Periochae} [hereinafter: Per.], 65.
Metelli, Gaius Marius and Lucius Cassius Longinus\textsuperscript{29}. The devastating defeat of Longinus showed that failures are not attributable to single-faction politicians and thus helped to rebuild factio Metelli forces. The turning point of the situation was the massacre of the Roman armies in the Battle of Arausio (modern day Orange)\textsuperscript{30}, which initially led to an outbreak of panic in Rome\textsuperscript{31}. This catastrophe took place on 6 October 105\textsuperscript{32}. The Roman army was led by Quintus Servilius Caepio, then proconsul of Cisalpine Gaul and, then consul, Gnaeus Mallius Maximus. The defeat was partly caused by the insubordination and arrogance of proconsul Servilius Caepio, who refused to cooperate with consul Mallius Maximus and did not intend to recognise his authority\textsuperscript{33}.

Servilius Caepio was not only the head of a powerful patrician home, but also, most likely, married in Caecilii Metelli. F. Münzer suggested that he might have been married to a third of Metellus Macedonicus’s daughters\textsuperscript{34}, which would explain problems of factio Metelli. Nevertheless, the odium of disasters fell on all the houses of the old aristocracy. The energetic actions of Consul Rutilius Rufus, who was staying in Rome, partially limited the political losses suffered by the house of the Caecilii Metelli. Theoretically, he was the only representative of factio Metelli among the consuls of 106 and 105\textsuperscript{35}.

\begin{thebibliography}{9}
\bibitem{29} MRR I, p. 550.
\bibitem{30} Cf. e.g. G.C. Sampson, \textit{op. cit.}, pp. 130–141; R. Evans, \textit{Fields of Death: Retracing Ancient Battlefields}, Barnsley 2013, pp. 133–138.
\bibitem{32} Plutarchus [hereinafter:Plut.], \textit{Lucullus}, 27.8.
\end{thebibliography}
The recruitment process organised by him\(^{36}\), the gladiatorial games\(^{37}\) and the efficient running of the elections have minimally calmed the situation in the capital.

**THE SUCCESSES AND PLANS OF GAIUS MARIUS**

Undoubtedly, in 107–100, Gaius Marius surpassed all his contemporaries in terms of merits and political significance, as evidenced by the fact that the Roman people hailed him as ‘the Third Founder of Rome’\(^{38}\). The first *homo novus* in thirty-four years in the role of consul became the object of antipathy for the part of the *nobilitas*\(^{39}\). After all, he was a man from a poor family. From the source information available to us, it appears that Marius was born in a poor house in the countryside, and his father lived most likely from the cultivation of land near Arpinum\(^{40}\). Although he had had to receive a traditional Roman education, it certainly did not match the education of the sons of the most prominent houses of the Roman aristocracy\(^{41}\). Marius began his career as a client of Caecili Metelli and benefited from their support, in 109–108 he was a *legatus* of Metellus Numidicus during the Jugurthine War\(^{42}\). Nevertheless, during his plebeian tribunate, he spoke

---


\(^{37}\) Cf. D. Słapek, *op. cit.*, pp. 110–112, 120–121. Rufus was also the author of the first military textbook, which may have been written as a result of the defeats inflicted on Rome by the peoples of the North: Front., *Strat.*, 4.2.2; Valerius Maximus, *Factorum et dictorum memorabilium libri novem* [hereinafter: Val. Max.], 2.3.2.

\(^{38}\) Plut., *Marius* [hereinafter: Mar.], 27.5.


\(^{40}\) Vell., 2.11.1; C. Plinius Secundus Maior, *Naturalis historia*, 33.150; P. Cornelius Tacitus Caecina, *Annales*, 2.38; Plut., *Mar.*, 34.4; Cass. Dio, 26.89.2; Augustinus Aurelius, *De civitate Dei libri XXII*, 2.23.1.


Factio Metelli in the opposition to Caius Marius in 104 B.C.

out against the house of his patrons\textsuperscript{43}. This could not have won him the support of the aristocracy. Their antagonism was deepened by Marius’s demagogic political programme, which he announced when running for his first consulate in 107, and which, worst of all, he did not abandon when elected to office\textsuperscript{44}.

Thanks to the capture of Jugurtha, a Numidian monarch, in 105 Marius, as proconsul, ended the war in North Africa with success\textsuperscript{45}. His undoubted success coincided with the defeat of the legions in the Battle of Arausio. Therefore, it became a common demand of public opinion to entrust him with the command of the war against the barbarians of the north, whom the Romans of that time probably regarded as Gauls\textsuperscript{46}. The election of Marius as Consul \textit{in absentia} for 104 turned out to be one of the turning points in the history of Roman Republic. It is worth noting that both the


\textsuperscript{46}  This is evidenced above all by the gruesome ritual that was applied for the last time in the history of the Republic, which consisted in burying the Gaul pair alive at the Forum Boarium: Plut., \textit{Moralia} [hereinafter: \textit{Mor.}], 283F–284C. For more on the subject of rite, cf. e.g. K. Latte, \textit{Römische Religiongeschichte}, München 1960, pp. 256–258; M. Beard, J. North, S. Price, \textit{Religions of Rome. Historia}, transl. M.J. Baranowski and L. Olszewski, Oświęcim 2017, p. 109. Also other antique authors considered Cimbri and Teutons as Gauls, cf. e.g. Sall., \textit{BI}, 114.3; Oros., 5.15.9; Flor., 1.38.1.
Senate and Rutilius Rufus, consul of 105, did not question the result of the consular elections for the following year\(^{47}\). The latter would have had the right to do so as a magistrate president of electoral assembly. The pressure of public opinion was probably so strong that the consul had to approve the appointment of Centuriate Assembly, even though he was Marius’s personal enemy\(^{48}\) and was politically connected with Caecilii Metelli\(^9\) family.

During the aforementioned elections for 104, Gaius Flavius Fimbria was second after Marius\(^{50}\). This is how he distanced Quintus Lutatius Catulus, for whom this was the third consecutive failure to apply for consulate\(^{51}\). It is known that Flavius Fimbria obtained the aforementioned magistrate at a rather late age, as an excellent lawyer with authority among senators\(^{52}\). However, there are no clear grounds for assessing whether Fimbria was a candidate in agreement with Marius. The attempt to prove such an alliance based on the cooperation between Marius and the sons of Fimbria, which took place during the civil war in 87 (i.e. 17 years later!), is unreliable\(^{53}\). The events of 106 may evidence against such cooperation, when Marcus Gratidius, who not only came from Arpinum, like Marius, but also had family ties with him, issued a bill of indictment against Flavius Fimbria\(^{54}\).

Marius decided to use his spectacular success, which regaining his highest magistrate position undoubtedly was, in two ways. The first was to gain the military glory he had always wanted. At that time he remained

\(^{47}\) Cf. Sall., Bi, 114.4; Vell., 2.12.1; Diod. Sic., 36.3.1; Cass. Dio, 27.94.1.
\(^{48}\) Plut., Mar., 28.5.
\(^{49}\) On the relationship between Publius Rutilius Rufus and Caecilii Metelli, cf. footnote 33.
\(^{52}\) Cic., De off., 3.77; Pro Planc., 12; Brut., 129; cf. G.V. Sumner, The Orators in Cicero’s Brutus: Prosopography and Chronology, Toronto 1973, p. 76.
\(^{53}\) Other opinions are presented e.g. by R. Syme, Revolution, p. 96, footnote 88; E. Badian, Foreign, p. 201, footnote 9; E.S. Gruen, Roman Politics, pp. 187, 190. The opinion on Marius’s agreement with Fimbria can only be supported by the latter’s private antagonism with Marcus Aemilius Scaurus: Cic., Pro M. Fonteio oratio [hereinafter: Pro Font.], 24; cf. D.F. Epstein, op. cit., p. 107.
\(^{54}\) Cic., Pro Font., 24, 26; Brut., 168; Val. Max., 8.5.2. The annual date of the trial remains unclear, cf. M.C. Alexander, Trials in the Late Roman Republic, 149 BC to 50 BC, Toronto 1990, p. 31.
the only hope for the Republic, which even his political enemies admitted. Still, before he returned from Africa to Rome, he had been appointed the governor of Gaul and was commanded to wage war against the barbaric tribes\textsuperscript{55}. The second objective was to bring down his political opponents. In Marius’s career this was an important novelty, because during his first consulate, apart from military reforms, he did not show any interest in political and social matters. This time, throughout the year 104, he decided to support or even take patronage of the attack on the senators connected with factio Metelli\textsuperscript{56}. Mutual hostility was deepened by Marius’s earlier relations with Caecilii Metelli.

**THE OFFENSIVE OF MARIUS’S FOLLOWERS**

The scarcity of the source material makes it not easy to judge who was the first to escalate the conflict – Marius or the senators gathered around the house of the Caecilii Metelli. One point can be assumed with a high degree of probability; the plebeian tribunes who took office on 10 December 105 were the fastest to activate\textsuperscript{57}. Three of them opposed the representatives of factio Metelli or the whole aristocracy, because they opted for limiting the prerogatives of the senate, although each did so for a different reason.

Lucius Marcius Philippus, the least fierce and the most calculating member of the group\textsuperscript{58}, proposed the adoption of agrarian law. Eventually, the bill did not reach the contio, as Philippus withdrew his rogatio, which he did probably due to the scale of resistance he encountered\textsuperscript{59}.

The second tribune, which should be mentioned in this context, was Lucius Cassius Longinus, son of the consul of 107\textsuperscript{60}. He came from a family that for years was considered reluctant towards the house of the Caecilii

\textsuperscript{55} Cf. Cic., *Pro legem Manilia oratio* [hereinafter: *Pro leg. Man.*], 60; *De provinciis consularibus* [hereinafter: *De prov. cons.*], 19 and 32; Sall., *Bl*, 114.3; Vell., 2.12.2; Flor., 1.38.5–6 in R. Evans, *Gaius Marius*, pp. 81–82.


\textsuperscript{57} Cf. Cic., *ad Att.*, 1.1.


\textsuperscript{59} Cic., *De off.*, 2.73; cf. MRR I, p. 560; E. Flaig, *op. cit.*, pp. 176–177.

Łukasz Schreiber

Metelli\textsuperscript{61}. On his initiative, a law was passed which entailed the expulsion from the Senate of anyone who had been convicted on Centuriate Assemblies or whose empire had been taken away by the people. Probably thanks to this he wanted to eliminate Quintus Servilius Caepio\textsuperscript{62} and maybe also Gnaeus Mallius Maximus. In 104, the then princeps senatus, Marcus Aemilius Scaurus\textsuperscript{63} and the former consul Marcus Junius Silanus\textsuperscript{64} were brought before the court. The plebeian tribunal, Gnaeus Domitius Ahenobarbus\textsuperscript{65} fought to regain the position of his family\textsuperscript{66}. In the case of Scaurus’s accusation, it could also be revenge. A few years earlier, princeps senatus had blocked Ahenobarbus from joining the College of Pontiffs in place of his late father\textsuperscript{67}. However, there was no particular hatred in the tribune’s proceedings, only regular political practice, which was willingly used by many young, talented people dreaming about brilliant public career. At the same time, Ahenobarbus has become known as a man of principle and honour. When one of Scaurus’s slaves came to him in secret and promised to reveal the secrets of his master, he did not express any interest in the proposal, and the servant was ordered to be sent back to the master\textsuperscript{68}.

One might think that for Domitius Ahenobarbus the reform changing the way in which pontiffs were appointed was more important. He pushed through \textit{lex Domitia de sacerdotiis}, according to which the election of priests (augurs, pontiffs, decemvirs and epulones) was no longer a matter of co-optation, but a result of partially free elections\textsuperscript{69}. The tribune proposed

\textsuperscript{61} Cf. E.S. Gruen, \textit{Roman Politics}, pp. 141, 155, 161–164.
\textsuperscript{63} Cic., \textit{Pro rege Deiotaro} [hereinafter: \textit{Pro Deiot.}]. 31; Ascon., 21C; Plut., \textit{Mor.}, 91D; Val. Max., 6.5.5; Cass. Dio, 27.92.1.
\textsuperscript{64} Ascon., 79–80C; cf. M.G. Morgan, \textit{op. cit.}, pp. 211–212; B. Marshall, \textit{op. cit.}, pp. 419–423.
\textsuperscript{66} Cf. Vell., 2.11.3.
a mechanism known to us only in relation to Pontifex Maximus – when the vacancy occurred, each priest had to propose a candidate, and one candidate could be proposed by no more than two of them. Then 17 out of 35 tribes were drawn, which made the final choice. The Romans called it a ‘smaller part of the people’ vote (minor pars populi)\(^70\). This reform has given the proposer considerable popularity.

Domitius Ahenobarbus pushed his proposals through thanks to favourable political circumstances and the fact that the then Pontifex Maximus, Lucius Caecilius Metellus Dalmaticus, brother of Metellus Numidicus, died during his term of office. Ahenobarbus was chosen as his successor both at the College of Pontiffs and as Pontifex Maximus\(^71\). This was certainly a shock to many of senators favouring Roman tradition. In turn, the death of Pontifex Maximus must have been a great blow to the house of the Caecilii Metelli. After all, their most eminent representative and, as it seems, the leader of the entire faction passed away. Only the following years proved that Quintus, younger brother of the deceased, turned out to be an exceptionally efficient politician. He was rehabilitated after a triumph in 106, which restored his popularity among the people\(^72\), and after a few years he emerged from the shadows to play a leading role in the fight against Marius.

**THE RESPONSE OF CAECILIUM METELLI**

As has already been mentioned, a few weeks after the defeat of the legions in the Battle of Arawio, the election of Gaius Marius* in absentia* as consul of 104 was carried out in a silenced political dispute. However, we

---

\(^70\) Cic., *De leg agr.*, 2.16 in L.R. Taylor, *Roman voting assemblies from the Hannibalic War to the dictatorship of Caesar*, Ann Arbor 1966, p. 82. The mechanism described above was in force in the selection of Pontifex Maximus probably from the beginning of the third century, and the first one that was assuredly appointed under it was Publius Licinius Crassus in 212: Liv., 25.5.2-4; MRR I, p. 271.


\(^72\) Sall., *Bell. Iug.*, 88.1: Metellus interea Romam profectus contra spem suam laetissimis animis accipitur, plebi patribusque, postquam invidia decesserat, iuxta carus ‘Metellus meanwhile returned to Rome, were, contrary to his expectation, he was received with great rejoicing; for the feeling against him had died out and he found himself popular with people and senators alike’; transl. J.C. Rolfe. Nevertheless, it is known that the voters who chose him as their consul also considered Metellus Numidicus to be an impeccable person, immune to the temptations of gold: Sall., *BI*, 43.1.
should not confuse the support of some of the houses of the old aristocracy with the unanimity of the nobiles. Senators associated with factio Metelli protested against Marius taking over the second consulate. They also thought Quintus Caecilius Metellus Numidicus was the actual winner of the war against Jugurtha. Many traditionalists among the patres conscripti were discouraged by the consul himself as early as on 1 January 104, when, after the triumph, he arrived to participate in the Senate affairs clad in armour. The attitude of Lucius Cornelius Sulla, quaestor of Marius during the war in Numidia, who was proud of his wealth, also aroused disgust. However, the most serious doubts were raised about the legality of Marius’s election. He took up office again only four years after his previous term. Formally, there was no direct violation of lex Villia annalis. The act prohibited not so much the repeated holding of consulate within ten years from the previous term of office, but rather the reapplication for the office. Meanwhile, Marius’s consulate was in a way imposed on him. Despite this, the opinion among the researchers is divided and in the literature on the subject is present a thesis that the consulate in 104 was obtained illegally.

Not only Marius, but also his opponents decided to use the tribunals and plebeian tribunes in their political struggle. A number of trials that took place in the years 106–101 confirm this thesis. Marius and his demagogic supporters were to be dealt with by the 106th judicial reform, which was most likely the broader political plan of factio Metelli. Under the lex Servilia iudicaria authored by Servilius Caepio, the infamous commander from the Battle of Arausio, the equites were eliminated from the college adjudicating at the de repetundis tribunal; from now on, only the senators were to judge him.
One of the plebeian tribunes in 104 could have been Gnaeus Pompeius Strabo, later consul in 89. This original theory by E. Badian\textsuperscript{81} was accepted with approval in the literature on the subject\textsuperscript{82}. Regardless of his position that year, Pompeius Strabo made two moves in 104, one of which theoretically put him in a position to resist the Marius, and the other suggested close ties with the house of the Caecilii Metelli. He decided to bring his former commander Titus Albucius (praetor of 105?) to court. The announcement of such a step has already been widely received with disgust. The Romans thought that such an attack on a former superior was inappropriate. Cicero certifies that praetor should be like a father to his quaestor\textsuperscript{83}. This is probably why the prosecution was ultimately headed by Gaius Julius Caesar Strabo Vopiscus\textsuperscript{84}.

In the face of these events, Pompeius Strabo chose a different target and carried out a brutal attack on Quintus Fabius Maximus Eburnus, consul of 116, whom he accused of filicide. Eburnus was sentenced to exile and spent the rest of his life in Nuceria\textsuperscript{85} as a result of the trial. Given Pompeius Strabo’s method, as well as the many years that have passed since his praetor term\textsuperscript{86}, one can doubt his close ties with Caecilii Metelli, although this is not entirely excluded; especially, if he were to be considered an agent of Aemilius Scaurus. He bore a great grudge against Fabius Maximus Eburnus since the consular elections he had lost to him\textsuperscript{87}.


\textsuperscript{83} Cf. Cic., \textit{Divinatio In Caecilium} [hereinafter: \textit{Div. Caec.}], 61; \textit{De or.}, 2.200-201. On the relationship between the praetor and the quaestor, cf. also M. Gelzer, \textit{op. cit.}, p. 76.

\textsuperscript{84} Cic., \textit{Div. Caec.}, 63; \textit{In Pis.}, 92; Pro M. Aemilio Scauro oratio [hereinafter: \textit{Pro Scaur.}], 40; \textit{De off.}, 2.50; Tusculanorum disputationum ad Brutum libri quinque [hereinafter: \textit{Tusc.}], 5.108; Suet., \textit{Divus Iulius}, 55.2; cf. L.A. Thompson, Pompeius Strabo and the Trial of Albucius, ‘Latomus’ 1969, 28, 4, pp. 1036–1039.

\textsuperscript{85} Cic., Pro L. Balbo oratio, 28; M. Fabius Quintilianus [hereinafter: Quint.], \textit{Declamationes maiores} [hereinafter: Decl. Mai.], 3.17; Val. Max., 6.1.5; Oros., 5.16.8. One has to agree with M.C. Alexander (cf. \textit{Trials}, pp. 31–32, footnote 2) that the accusation of Fabius Maximus Eburnus by Pompeius Strabo could have taken place shortly after the Battle of Arausio, so theoretically December 105 is also a possible date.

\textsuperscript{86} Pompeius Strabo became praetor probably in 94 or 93, cf. MRR III, p. 166.

Marcus Aemilius Scaurus, as princeps senatus and an excellent speaker, grew at that time to become the most powerful representative of factio Metelli. As such, he conducted a relatively independent politics and chose the tribunals at the places where he struck political opponents. It is known that he filed lawsuits against Gaius Flavius Fimbria and Gaius Memmius, both unsuccessful\(^8\); these should be dated probably between 104 and 102\(^9\). In addition to his retaliation for his activities as a plebeian tribune in 111\(^9\), Memmius’s accusation could have involved blocking his chances of achieving consulate for 103 or 102.

We have little information about the trial against Lucius Valerius Flaccus, probably another quaestor who had forgotten about good principles\(^9\), whom Marcus Aurelius Scaurus, wanted to accuse. Given the layout of Cicero’s text\(^9\) and the fact that it regarded the province’s governorate during the praetor’s term, it is most likely that the trial took place between 105 and 102. Scaurus did not, however, acted as prosecutor, and, like Pompeius Strabo, was forced to withdraw his complaint and the sentence itself was acquitted. It is possible, however, that this fact brought Flacus closer to Marius, in agreement with whom he applied for consulate for the year 100\(^9\).

THE ANNONA PROBLEM

Political rivalry in 104 emerged, according to tradition, during court clashes, elections, allocation of provinces by the Senate and the demagogic activity of the plebeian tribunes. In these considerations, the majority of research includes deliberations on elections and trials, as these are the most reflected in the sources. It is probably connected with the focus of the senators themselves on these matters, as evidenced by the reading of


\(^8\) Cic., Pro Font., 24.
\(^9\) Cf. E.S. Gruen, Roman Politics, pp. 174–175.
\(^9\) MRR I, p. 544.
\(^9\) MRR I, p. 584. After assuming the office, his position was to be so weak that, according to Plutarch (Mar. 28.5), Marius treated him ‘more like a servant than a colleague’.
Cicero’s correspondence. Naturally, the common Roman citizens had other problems, and two extraordinary and fundamental issues came to the fore. The issues were the war with the ‘barbarians’ in the North and the collapse in grain supplies.

In 104, the war with the Cimbri, Teutons, Tigurini and Ambrones was limited to a few battles with local tribes. Therefore, the problem of grain supply became the major challenge for the Senate and the clashing factions. Rome drew these supplies it from three provinces, among which in Africa the war had just ended, and two others, Sicily and Sardinia, were ravaged by riots and local conflicts. The situation was additionally aggravated by the rampant and emboldened gangs of pirates, who often took over the already irregular transports. It must not be forgotten that northern Italy had been feeding of the legionnaires defending the capital against the invasion of the barbarians tenth year in row, and, after their defeats, the city was plundered by raiders; as a result, prices rose even higher.

Certainly, it was crucial for the house of Caecilii Metelli and the other enemies of Marius to effectively deal with the problem of annona. In the first step, Lucius Appuleius Saturninus was removed from the duties of the quaestor of the Ostia Antica Port, and was replaced by the aforementioned Marcus Aemilius Scaurus. A clear signal for the plebs and many patres was the fact that the function normally assumed by persons of around thirty years of age was taken up by the princeps senatus himself.

Many details indicate that persons associated with the factio Metelli were behind the accusations against the governors of the provinces, from which the most grain was imported. Care was taken to ensure that the case of the pillaging of Sardinia by Titus Albucius, who had committed such extortions that he was going to be accused by his own quaestor, the

---

94 This has been noticed much earlier, cf. e.g. J. Linderski, *op. cit.*, p. 5, Wrocław–Warszawa–Kraków 1966.
95 We know about officer Marius Lucius Cornelius Sulla’s campaign against Tectosages: Plut., *Sull.*, 4.1; Vell., 2.17.3.
96 Rome and Italy drew their grain from Africa, Sicily and Sardinia: Cic., *Pro leg. Man.*, 34.
99 Cic., *De Haruspicium Responsis*, 43; *Pro P. Sestio oratio*, 39; Diod. Sic., 36.12.
100 Albucius was the governor Sardinia and Corsica in 105. He was probably praetor that year, cf. MRR I, p. 560; T.C. Brennan, *op. cit.*, pp. 476–477.
aforementioned Pompeius Strabo\textsuperscript{101}, became high-profile. In 103, he was brought before the \textit{de repetundis} tribunal\textsuperscript{102}, and he was a senator who had political ties with Marius\textsuperscript{103}. Albucius was convicted and spent the rest of his life in Athens\textsuperscript{104}. His successor remains unknown\textsuperscript{105}, but we know nothing about further riots in Sardinia and Corsica.

The slave uprising broke out in Sicily and the corruption charges were brought against the governor Publius Licinius Nerva, praetor of 104\textsuperscript{106}. He was dismissed from his post, and the only source information indicates that he, too, could have remained in the circle of Marius’s followers\textsuperscript{107}. The former governor of Sicily was succeeded by a brother-in-law of Quintus Caecilius Metellus Numidicus, Lucius Licinius Lucullus, praetor of 104\textsuperscript{108}, whose task was to suppress the slave rebellion. His successful war campaign ensured the smooth suppression of the riots in Campania. During his term as praetor, Lucullus fought against a small uprising of slaves in Italy\textsuperscript{109}.

**ELECTORAL COMPETITION**

These events showed that the influence of \textit{factio Metelli} in the Senate was still powerful, and that it was this group that took on the burden of rivalry with Marius and his followers. The problem for the house of the Caecilii Metelli was the fact that the result of the election was to be decided by the middle class instead of several dozen families. However, in Rome there was supposedly a common belief that the next year would bring a military

\textsuperscript{101} Cf. footnote 82.


\textsuperscript{103} Cf. E.S. Gruen, \textit{Roman Politics}, pp. 171–172.

\textsuperscript{104} Cic., \textit{Tusc.}, 4.109. The case whether the conviction also involved exile or whether Albucius’s decision to go to Athens was voluntary remains unclear, cf. T.F. Carney, \textit{Was Rutilius Exile Voluntary or Compulsory?}, ‘Acta Juridica’ 1958, 1, p. 243; E.S. Gruen, \textit{Roman Politics}, pp. 171–172; M.C. Alexander, \textit{Trials}, pp. 67 and 68 footnote 3.

\textsuperscript{105} Cf. T.C. Brennan, \textit{op. cit.}, pp. 476–477. We can presume that consul Lucius Aurelius Orestes, whose father triumphed over the province of Sardinia in 122, was taken into account as the successor to Albucius, cf. MRR I, p. 518.


\textsuperscript{108} MRR I, p. 564.

clash with hordes of ‘barbarians’, so no-one could imagine a commanding officer other than Marius\textsuperscript{110}.

Shortly before the elections, information from the military camp in Cisalpine Gaul, where soldiers spent the winter, reached the capital. A homosexual scandal came to light which resulted in the murder of Marius’s nephew committed by a lower rank commander who defended himself against harassment. The commander-in-chief not only acquitted the killer, but also honoured him, which brought upon him his own sister’s dislike, and at the same time won the respect of the voters, who once again granted him consulship \textit{in absentia}\textsuperscript{111}. A statement by Plutarch (μετιόντων δὲ πολλῶν καὶ ἀγαθῶν τὴν ὑπατείαν)\textsuperscript{112} shows that the competition for the consular post for the year 103 was much less fierce than a year later. This suggests that Marius’s dominant position would be at this point beyond question. It also remained clear that the second consul would have to take part in a difficult war without hope of loot and would remain in the shadow of the leader of Arpinum. It may be that some candidates had for this reason given up their efforts to obtain the highest office in the country. This information may be the key to understanding why the Centurial Assemblies have chosen Lucius Aurelius Orestes as their second consul\textsuperscript{113}. Sources are silent about him and we can only presume that he was the son of a consul of 126. If he were a candidate in opposition to Marius, one would expect that the same opposition would try to establish him, as it did a year later, as a consul of equal rank to Marius, and send him to war. Perhaps the lack of source information is due to the fact that Aurelius Orestes did not enjoy good health and died in the second half of the year\textsuperscript{114}. It seems, however, that at the end of the second century Orestes and his family were not without importance, although it is difficult to determine with which group they should be associated. We know, however, that the father of Lucius Aurelius Orestes, consul of 126\textsuperscript{115}, was a superior to the later princeps senatus, Marcus Aemilius Scaurus\textsuperscript{116} in Sardinia. It should also be remembered that the consul of 103 was the third representative of this branch of \textit{gens}.

\textsuperscript{110} Plut., \textit{Mar.}, 14.6; Eutrop., 5.1.3.
\textsuperscript{112} Plut., \textit{Mar.}, 14.7: \textit{Here many men of great merit were candidates for the consulship (...) (transl. B. Perrin)}.
\textsuperscript{113} MRR I, p. 562.
\textsuperscript{114} Plut., \textit{Mar.}, 14.7 z R. Evans, \textit{Gaius Marius}, pp. 82–83.
\textsuperscript{115} MRR I, p. 508.
\textsuperscript{116} Liv., \textit{Per.}, 60; \textit{De viris illustribus urbis Romae} [hereinafter: \textit{De vir. ill.}], 72.3.
ŁUKASZ SCHREIBER

Aurelia, who reached the highest position in the state\textsuperscript{117}, which proves his significant political importance and a large number of clients. The lack of source references to Orestes\textsuperscript{118} is probably partly the result of the general scarcity of sources and the expiry of the family – perhaps because of the premature death of Orestes during his term of office as a consul\textsuperscript{119}.

There is nothing certain about the effects of the praetors’ elections. Lucius Valerius Flaccus could have been elected that year, if we assume that he held that position for three years before his consulate in 100\textsuperscript{120}. One unfaithful source also states that some Glaucia was a praetor, but Gaius Servilius Glaucia, praetor of 100, must be excluded in this context\textsuperscript{121}. There is also a supposition that the next one might have been the otherwise unknown Vibius, who later served as propraetor\textsuperscript{122} in Messena.

On the other hand, the election of the plebeian tribunes brought no decisive victory for either side. As the events of the following year showed, Marius could rely on Lucius Appuleius Saturninus or Gaius Norbanus\textsuperscript{123}. The opposition to the consul forced to the positions of tribunes persons related to various aristocratic houses: Titus Didius, Lucius Aurelius Cotta, Lucius (Antistius?) Reginus and Marcus (?) Bebius (Tamfilus?)\textsuperscript{124}. Twenty-four military tribunes were also elected each year, most often young

\textsuperscript{117} Consul of 157 Lucius Aurelius Orestes was probably the grandfather of consul of 103, cf. MRR I, pp. 446–447.

\textsuperscript{118} The only representative of the family we hear about after the death of Lucius Aurelius Orestes was, as we may presume, his granddaughter Aurelia Orestia, mentioned by Valerius Maximus (9.1.9) in the context of her marriage to Lucius Sergius Catilina, praetor of 68.

\textsuperscript{119} Plut., Mar., 14.7.

\textsuperscript{120} Cf. T.C. Brennan, \textit{op. cit.}, p. 743.

\textsuperscript{121} \textit{De vir. ill.}, 73.2.

\textsuperscript{122} MRR I, p. 563.


\textsuperscript{124} MRR I, pp. 563–564. The most obvious are the connections between Didius and \textit{factio Metelli}, cf. also: E. Badian, \textit{Foreign}, p. 195, footnote 1; E.S. Gruen, \textit{Roman Politics}, p. 165; M. Vardelli, \textit{op. cit.}, p. 80. With regard to Cotta, a number of issues need to be taken into account: the joint consulate of his father, Lucius Aurelius Cotta (cos. 119) with Lucius Caecilius Metellus Dalmaticus and their cooperation at that time, cf. e.g. J. van Ootegh, \textit{Les Caecilii}, pp. 106–107; P. Bicknell, \textit{op. cit.}, pp. 327–328; I.W. Merkulow, \textit{Lex maria tabellaria 119 B.C.: к вопросу о взаимоотношениях Гая Мария с кланом Метеллов}, ‘\textit{Antiqvitas Ivventae}’ 2014, 2, pp. 124–137; marriage of his uncle to his sister Publius Rutilius Rufus: Cic., \textit{Brut.}, 115; \textit{De or.}, 1.229; \textit{ad Att.}, 12.20.2; cf. F. Münzer, \textit{op. cit.}, p. 313; finally, we know that he was a friend of Quintus Lutatius Catulus (cos. 102): Cic., \textit{De or.}, 3.42. Reginus and Bebius, on the other hand, made their record in the sources with a single activity in 103 against Mariuz’s tribunes: the first one defended Quintus Servilius Caepio before Norbanus, and the other tried to block one of Saturninus’s bills: Val. Max., 4.7.3; \textit{De vir. ill.}, 73.1.
people from aristocratic houses. Probably the oldest of those elected in 104 and the only one known to us was Lucius Cornelius Sulla, who came to Rome to watch over Marius’s interests\textsuperscript{125}.

If we look at the election in terms of Marius’s rivalry with \textit{factio Metelli}, the leader of Arpinum had much more reasons to be satisfied, as he won the consulate for the third time. People supported by him also entered the competition for positions of plebeian and military tribunes. In this context, the successes of the Caecilii Metelli were very modest. Even if Aurelius Orestes was to be deemed a senator associated with their faction, he could not or did not want to undertake any confrontational actions against Marius. As the events of 103 showed, the situation was saved by the fact that two outstanding young people, Titus Didius and Lucius Aurelius Cotta, were among the selected plebeian tribunes.

CONCLUSIONS

In 104, the aim of the house of the Caecilii Metelli was to maintain political influence in the Senate and to rebuild a tarnished position among the plebeians. They were not broken by the second consulate term of Marius, which elevated him and the people associated with him to the highest positions in the country. Although not without losses, \textit{factio Metelli} survived despite a powerful attack of all enemies who became active on this occasion and the death of the most prominent living member of the family, Pontifex Maximus, Lucius Caecilius Metellus Dalmaticus. It can be noticed, however, that in 104 the targets of the attack were not so much the senators of the powerful house of the Caecilii Metelli as all their closest collaborators, of which the strongest and most frequently challenged was Marcus Aemilius Scaurus. For this reason, he needed an office, even of such a low rank as the quaestor, which, however, kept him safe from being prosecuted before the tribunals.

Nevertheless, the mighty Caecilii Metelli have managed to do more than just survive. The key to Marius’s weakening in later years was to take control of the strategic issue of the Rome’s grain supply and the provinces where the grain was delivered. Although we are not certain about the connections between all the actors on the political scene at that time, we may think that at the turn of 104 and 103 three of Marius’s people were removed from their posts and replaced by at least two senators connected with \textit{factio Metelli}.

\textsuperscript{125} Plut., \textit{Sull.}, 4.1.
The events of 104 were also the basis for creating a broader coalition against Marius, the results of which can be seen in subsequent years. Of utmost importance, however, was taking the lead by Quintus Caecilius Metellus Numidicus, who only came out of the political shadow after the death of his older brother. This, however, goes beyond the timeframe adopted in this article.

REFERENCES


Alexander M.C., *Trials in the Late Roman Republic, 149 BC to 50 BC*, Toronto 1990.


Łukasz Schreiber

Łapicki B., Poglądy prawne niewolników i proletariuszy rzymskich, Łódź 1955.
Łoposzko T., Ruchy plebejskie w Rzymie (od Grakchów do Cezara), Lublin 1982.
Ooteghem J. van, Caius Marius, Bruxelles 1964.
Ooteghem J. van, Les Caecilii Metelli de la République, Bruxelles 1967.
Ooteghem J. van, Lucius Licinius Lucullus, Bruxelles 1959.
Ooteghem J. van, Lucius Marcius Philippus et sa Famille, Bruxelles 1961.
Pina Polo F., Contra arma verbis: Der Redner vor dem Volk in der späten römischen Republik, Stuttgart 1996.
Rowland R.J., The Date of Pompeius Strabo’s Quaestorship, ‘Classical Philology’ 1968, 63, 3.
W latach 121–109 przedstawiciele rodu Cecyliuszy Metellusów osiągnęli dominującą pozycję w Republice zdobywając szereg zaszczytów. Okres ten był jednocześnie utrwalением statusu domów starej arystokracji. Monopol nobiles złamał Gajusz Mariusz zdobywając konsulat na rok 107, a w trzy lata później przyznano mu go ponownie in absentia. Przez cały 104 rok trwał atak na senatorów związanych z factio Metelli. Pierwsi zaktywowali się trybuni plebejscy, a trójka z nich wystąpiła przeciwko factio Metelli albo prerogatywom senatu. Najważniejszą rolę spośród nich odegrał Gn. Domicjusz Ahenobarbus przeprowadzając reformę zmieniającą sposób powoływania pontyfików i przenosząc to prawo z kolegium na lud.


Kluczem do osłabienia pozycji Mariusza w późniejszych latach, stało się przejęcie kontroli nad strategiczną kwestią zaopatrycia Rzymu w zboże i nad prowincjami, w których to zboże było dostarczane. Zakładając, że podstawowym celem domu Cecyliuszy Metellusów w roku 104 było polityczne przetrwanie, z pewnością osiągnęli oni swoje zamierzenie. Ale pozycję umocnił także Mariusz, ponownie wybrany na konsula. Ostateczne rozstrzygnięcie miało nadejść dopiero w roku 100, co wykracza poza ramy tego artykułu.

Słowa kluczowe: factio Metelli, G. Mariusz, M. Emiliusz Skaurus, historia społeczna Republiki Rzymskiej
Łukasz Schreiber – born in 1987. Graduate of the Nicolaus Copernicus University in Toruń and the Kazimierz Wielki University in Bydgoszcz. Author of the book *Sulla 138–78 p.n.e. (Zabrze–Tarnowskie Góry 2013)*. The main subject of his research interests is the period of the late Roman Republic and its social history. E-mail: lukasz_schreiber@wp.pl.