

## THE SABINUS CODE: A CONTRIBUTION TO THE DISCUSSION ON POLITICAL AGITATION ON ROMAN REPUBLICAN COINS\*

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### ABSTRACT

The article analyses the iconography of the denarii bearing the scene of the Punishment of Tarpeia, issued by L. Titurius Sabinus during the Social War, re-examines its previous interpretations and offers a new one, linking it with the internal political struggle between the Optimate faction related to the tribune of the plebs M. Livius Drusus and their opponents. The author suggests that the figure of the notorious traitress was used intentionally, in terms of the political struggle against Drusus himself or his former partisans who had been found guilty of parricide and exiled under the *Lex Varia*, in order to prevent them from returning to Rome.

**Keywords:** Roman Republican coinage; iconography; Titurius Sabinus; Tarpeia; punishment; Livius Drusus; *Lex Varia*

Images on coins are a tiny but powerful visual medium. Circulating in hundreds of thousands of copies far and wide and penetrating all social strata, their operating range must have been substantial. The exploitation of coins as vehicles of political ideas and agitation has long been examined and much debated,<sup>1</sup> the term propaganda being sometimes problematised due to its negative connotations with the WW2.<sup>2</sup> The use of this particular term when dealing with “dissemination of information – facts, arguments, rumours, half-truths, or lies – to influence public opinion”<sup>3</sup> seems hardly inappropriate; however, such effect has been doubted by some researchers due to alleged lack of interest with the coin design among the Roman masses.<sup>4</sup> At any rate, the enormous variability of silver coin types from the 130s BC onwards attests that the coin images clearly did matter – even if only for the issuers and narrow circle of the insightful.<sup>5</sup>

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<sup>1</sup> Charlesworth (1937); Grant (1950); Alföldi (1956); Sutherland (1959); Hamilton (1969: 196); Sutherland (1983); Crawford (1983); Newman (1990); Assenmaker (2016: 99); Kopij (2021).

<sup>2</sup> E.g., Wallace-Hadrill (1981: 20).

<sup>3</sup> Lannes Smith (s.a). See also Sutherland (1983: 74).

<sup>4</sup> Jones (1956: 15).

<sup>5</sup> Sutherland (1983: 80–82); Hölscher (1984: 16); Newman (1990: 63); Meadows, Williams (2001: 49).

Exploitation of coin image as a means of political (self-)advertisement during the time of the Late Republic,<sup>6</sup> most notably in the time of the Second Triumvirate,<sup>7</sup> and during the Roman Empire, is apparent.<sup>8</sup> The criticism<sup>9</sup> of Morstein-Marx's assumption that the Roman plebs was actually capable to understand the visual messages on the coins correctly<sup>10</sup> seems to neglect the fact that the coin image was not a self-reliant means of propaganda *per se* instead of considering them just a complementary part of more complex and complicated system of visual and verbal communication.<sup>11</sup> Indeed, not many of the coin images seem to be self-explanatory.

Besides the fact that the supposed impact on the audience cannot be assessed or measured,<sup>12</sup> the reservations seem to be based primarily on arguments *ex silentio*.<sup>13</sup> We know nothing about the process of creation of a coin image though they seem to depend fully on the moneyer.<sup>14</sup> We do not even know anything about the way the new types were introduced into the circulation, which theoretically might have been subject to some public occasions and presentations. The less information on the topic we have, the more we must rely upon study of individual coin types and their confrontation with other historical sources as well as one another.

Most recently, at least one of propaganda devices<sup>15</sup> has been identified in the case of practically all issues from the period 79–31 BC in the study of K. Kopij.<sup>16</sup> Thus, despite the intentions of the issuers do not always seem obvious, it is apparent that the coin image was increasingly becoming a medium of intensive political communication during the 1st half of the 1st century BC already.<sup>17</sup>

An interesting attempt to link a particular scene of the Punishment of Tarpeia on one of the denarii type of L. Titurius Sabinus, struck in 90 or 89 BC<sup>18</sup> during the Social War, to more particular events or even individuals of that time have been made by T. Welch<sup>19</sup> and by J. Neel more recently.<sup>20</sup> The first links its assumed message to the external conflict between Rome and her allies; the latter refuses its connection to the Marsic War and, turning the attention to the East and another important current issues – the forthcoming Mithridatic campaign, relates the Punishment scene with the death of general Postumius

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<sup>6</sup> Luce (1968); Evans (1992: 17–32); Farney (2007); Welch (2015).

<sup>7</sup> See esp. Newman (1990).

<sup>8</sup> Sutherland (1951); Sutherland (1983); Levick (1982); Elkins (2011); van Heesch (2018).

<sup>9</sup> Summarized by Woytek (2018: 370–374).

<sup>10</sup> Morstein-Marx (2004).

<sup>11</sup> Meadows, Williams (2001: 44–48).

<sup>12</sup> Newman (1990: 38); Evans (1992).

<sup>13</sup> Jones (1956); Wallace-Hadrill (1981); Crawford (1983).

<sup>14</sup> On scarce contemporary literary evidence see Woytek (2018: 368–370).

<sup>15</sup> Kopij (2021: 101–105). Most numerous are the categories of transfer and testimonial device and glittering generalities.

<sup>16</sup> I thank an anonymous reviewer for drawing my attention to this study.

<sup>17</sup> Woytek (2018: 365).

<sup>18</sup> On dating different from 89 BC (Crawford 1974) see Pedroni (2006); Woytek (2009) and especially Assenmaker (2016). Even if his dating is correct and the issues of Titurius Sabinus belong to 90 BC already, the proposed interpretation seems to correspond to the same event or its consequences in general as will be argued below.

<sup>19</sup> Welch (2015).

<sup>20</sup> Neel (2020).



**Fig. 1** AR denarius, L. Titurius Sabinus, 89 BC, *RRC 344/2b*  
 Courtesy of the American Numismatic Society, inv. no. 1976.999.15  
 Source: <http://numismatics.org/collection/1976.999.15>

Albinus and Titurius Sabinus with Sulla.<sup>21</sup> In the following text, I would like to propose another, hopefully more plausible explanation of this dramatic mythological scene.

All three types of the Titurius Sabinus denarii<sup>22</sup> bear the bearded head of the legendary Sabine king Titus Tatius on the obverses; the reverse of the first type portrays the famous Rape of the Sabine Women;<sup>23</sup> on the second type, the execution of the legendary traitress Tarpeia by the Sabines is shown;<sup>24</sup> on the third type, Victory in biga is depicted.<sup>25</sup> The multiple associations between the *monetalis*' name and his purported Sabine ancestor are explicit<sup>26</sup> and quite in accordance with contemporary fashion.<sup>27</sup>

<sup>21</sup> Neel (2020: 30–33). Her interpretation is based on the supposed similarity between Tarpeia and the Amazons and their ties to the East, which I find rather superficial. The Amazons are definitely not the only females portrayed with one breast exposed in Greek and Roman visual arts. Tarpeia is no fighter – a defining feature of an Amazon (hence the irony – she does not even die by an offensive weapon), her insidiousness seems to be the very opposite of the bravery of the Amazons (romantic reasons must have been secondary justification brought in by Propertius, otherwise the tricky promise of the Sabine bracelets/shields would not make much sense). Motivated by greed, she harms her own people – these features as well as the fatal end correspond not to the Amazons but to the mythological perfidious women and, indeed, also their iconography. I believe the internal and semantic analogies are no less valid and important as the external similarities. In the end, however, the female fighters as well as traitresses represent an anomaly and destabilization of the natural order which has to be eliminated. For more detail and arguments see Vacinová (2019).

<sup>22</sup> *RRC 344/1–3*. On the interpretation of these scenes see especially Evans (1992: 119–134).

<sup>23</sup> *RRC 344/1*.

<sup>24</sup> *RRC 344/2*.

<sup>25</sup> *RRC 344/3*.

<sup>26</sup> In this respect, Titurius actually used the head of the legendary Sabine king in the very same way as his closest contemporaries Silanus (*RRC 337/1*) and Pansa (*RRC 342/1–2*) – as well as many others – did, placing the objects or figures corresponding with their names on their coins (Silanus mask of Silenus, Pansa mask of Pan). In Titurius' case, however, we can see an absolute pun – the legend Sabin stands for the race of the legendary king Titus Tatius (identified by the ligature TA) as well as for the *monetalis* himself.

<sup>27</sup> Presentation of the gods and legendary heroes as patrons and ancestors of a particular family in order to boast about its long history and noble descent is a common feature, not only in the times of the

Less usually, the scenes on the first two types of Titurius' denarii are not only closely linked to the obverse image, but both are also connected mutually to each other, presenting two subsequent episodes of one mythological narrative. The thematic relation is so unambiguous and close that – given the cognomen of the moneyer – some scholars doubt the reverse scenes were meant to express anything other than the particular legendary story behind them.<sup>28</sup>

Contrary to the quite common motif of Victory in biga, the reverses of the first two of Titurius' types are rare in the Roman visual arts in general, and they even present the earliest surviving depictions of these particular scenes. Interestingly, both appear together on the frieze of the *Basilica Aemilia* a little later bearing more (the Rape) or less (Tarpeia) different iconography.<sup>29</sup> However, in contrast to the storytelling potential of the reliefs or wall paintings, the coins usually bear just symbols, and they do not present any means of continual narrative. Indeed, despite belonging to the same story, the scene of the Rape of the Sabine Women – pointing directly to the crucial moment of the procreation of the Roman nation and the essential role the Sabines played in it – seems to be in fact linked to the alleged Sabine origin of the moneyer declared on the obverse more closely than to the Punishment of Tarpeia on the other coin type.

The figure of Tarpeia definitely presents a negative counterpart to the positive paragon of the Sabine women.<sup>30</sup> If the scene of the Rape speaks of incorporation and reproduction,<sup>31</sup> the Punishment dramatizes its very opposite – elimination and annihilation. However, this point of view is hardly a sufficient reason to place Tarpeia on the coin. Her presence is even juxtaposed to the natural intention of the *monetalis* – J. Evans is quite right to ask: who would boast a traitress for an ancestor?<sup>32</sup> However, neither Tattius nor his Sabines are portrayed in a flattering way in this particular episode. Their only merit is the killing of the traitress. While the various traditions give the Sabines various reasons for doing so, and Tarpeia's motivations also changed during time in the literary sources, all agree on the merits of the case – the letting of an enemy into the city, i.e., an act of high treason. Thus, the interpretation of the reverse scene in more general terms as a cautionary example of the punishment of parricide appears to be right. Despite being

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Late Republic. These ethnic ties were, of course, often quite illusory, and there is no other evidence of the Sabine origin of the *gens Tituria* (Morel 1962: 32; Crawford 1974: 355; Farney 2007: 263; Evans 1992: 24; Meadows, Williams 2001: 38–41; Neel 2020: 4–6). On the families claiming Sabine *origo*, see Farney (2007: 79–124).

<sup>28</sup> Crawford (1974: 356) rejected the link between the legendary Sabine war and the current one. Burnett (1998: 170) concludes that the only relation between the Social War and the Roman coin images of that time seem to be the Victory types. Despite the motif of Victory in biga appearing too often on the coins to link it to any particular event, its concentration (in various arrangements) during the Social War is obvious and Welch (2015: 94) is rightly assuming a link to the current war, be it wishful thinking or an assurance of a forthcoming victorious end to the conflict or an echo of some partial victory.

<sup>29</sup> The range for the dating of the frieze itself is considerably wide, from the very beginning of the building in 179 BC (Hafner 1972: 140) to 64 AD. Most scholars, however, agree on the period of restoration of the monument by L. Aemilius Paullus and his son, i.e., 55–34 BC. For the survey of arguments see Arya (1996); Albertson (1990: 801–802).

<sup>30</sup> Morel (1962: 36); Kampen (1988); Kampen (1991).

<sup>31</sup> Welch (2015: 100).

<sup>32</sup> Evans (1992).

linked so closely from the perspective of the mythological narrative to the Rape of the Sabine Women, the scene of the Punishment of Tarpeia can stand on its own without its antecedent and vice versa – in terms of the Titurian coinage as well as in the literary sources.<sup>33</sup>

However, was it the legendary Sabine War or the deserved end of the treacherous girl the discussed coin image brought to mind at first glance? The figure of Tarpeia was rooted deeply not only in the mythological history of the city of Rome, but – and perhaps even more poignantly – in her geography and court executive.

## 1. Tarpeia and the *monumentum poenae ultimae*<sup>34</sup>

The *Saxum Tarpeium* had been confirmed as a place of execution by the Law of Twelve Tablets, i.e., for centuries in the time of Titurius. The earliest case of hurling a condemned from the Tarpeian Rock belongs to the days of Romulus,<sup>35</sup> numerous other examples of this form of capital punishment are scattered throughout the Roman mythological past as well as later history.<sup>36</sup> During the time of the Late Republic, this type of execution was applied to free people found guilty of parricide, high treason and other violations of *fides*.<sup>37</sup> The documented executions chronologically closest to the Titurius denarii belong to 88;<sup>38</sup> 86<sup>39</sup> and 84 BC.<sup>40</sup> However, the most notorious and remembered were probably the cases of Sp. Cassius<sup>41</sup> and M. Manlius,<sup>42</sup> both condemned for *perduellio*.<sup>43</sup> The threat of throwing an opponent from the Tarpeian Rock seems to have been a familiar and useful phrase in Roman political life – not to go far for an example, Drusus' words to Servilius Caepio can be cited here.<sup>44</sup>

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<sup>33</sup> Welch (2015: 78). For the scene of the Rape of the Sabine Women in the Roman visual arts, see Holden (2008).

<sup>34</sup> Liv. VI, 20, 12: *tribuni de saxo Tarpeio deiecerunt locusque idem in uno homine [sc. Manlio] et eximiae gloriae monumentum et poenae ultimae fuit*. See also Plut. *Cam.* 36, 8.

<sup>35</sup> Dion. Hal. *Ant. Rom.* II, 56, 3: αἰτίαν δὲ τῆς ἀναίρεσεως αὐτοῦ φέρουσι ... τὸ τε ὤμιον αὐτοῦ τὸ περι τὰς τιμωρίας τῶν ἐξαμαρτανόντων [καὶ αὐθαδεῖς], (Ῥωμαίων γάρ τινας ἐπὶ ληστεία τῶν πλησιοχώρων κατηγορηθέντας οὕτε ἀφανεῖς ἀνδρας οὕτε ὀλίγους ἐκέλευσεν ὤσαι κατὰ τοῦ κρημνοῦ τὴν δικὴν αὐτὸς μόνος δικάσας).

<sup>36</sup> For the list of cases including the references to the literary sources see Cadoux (2008: 215–217); see also David (1984: 136–138).

<sup>37</sup> Thein (2015: 177).

<sup>38</sup> A slave of Sulpicius who had betrayed his master and after having been freed he was immediately condemned to death by Sulla (Plut. *Sull.* 10, 2).

<sup>39</sup> Senator Sex. Licinius sentenced by Marius (Liv. *Perioch.* LXXX, 9; Plut. *Mar.* 45, 3) and a tribune convicted by the son of Marius (Cass. Dio fr. 102, 12).

<sup>40</sup> Former tribune of the plebs Sex. Lucilius sentenced by the current tribune P. Laenas (Vell. II, 24, 2). Notice the likeness with the name of the victim mentioned by Livy and Plutarch in the previous footnote.

<sup>41</sup> Dion. Hal. *Ant. Rom.* VIII, 78, 5: τοῦτο τὸ τέλος τῆς δίκης λαβούσης ἀγαγόντες οἱ ταμίαι τὸν ἄνδρα ἐπὶ τὸν ὑπερκειμενον τῆς ἀγορᾶς κρημόν, ἀπάντων ὁρώντων ἔρριψαν κατὰ τῆς πέτρας. αὕτη γὰρ ἦν τοῖς τότε Ῥωμαίοις ἐπιχώριος τῶν ἐπὶ θανάτῳ ἀλόγτων ἢ κόλασις.

<sup>42</sup> Liv. VI, 20, 12; VII, 10, 5; Val. Max. VI, 3, 1a.

<sup>43</sup> For more detail on their cases see Kaplow (2012); Neel (2015).

<sup>44</sup> *Vir. ill.* 66, 8: *Caepionem inimicum actionibus suis resistentem ait [sc. Drusus] se de saxo Tarpeio praecipitaturum*. See also David (1984: 161–162).



Fig. 2 AR denarius, Augustus, P. Petronius Turpilianus (*monetalis*), 19 BC, *RIC I<sup>2</sup> Augustus 299*  
 Courtesy of the American Numismatic Society, inv. no. 1937.158.380  
 Source: <https://numismatics.org/collection/1937.158.380>

Thus, the mere identification of the figure on the coin as Tarpeia must have first and foremost aroused substantial associations with the eponymous Rock and the crime of high treason, perhaps even more than with the particular myth of a deceived, treacherous girl itself.

It is worth mentioning that J. Evans and M. B. Dowling have interpreted the image of Tarpeia on the denarii of Petronius Turpilianus, struck 70 years later,<sup>45</sup> in the very same terms, i.e., as an independent symbol of treachery, and not a mere mythological narrative.<sup>46</sup>

The Tarpeian Rock towering above the Forum and the vicinity of other related institutions, especially the Carcer,<sup>47</sup> formed an intimidating area closely linked to the subject of crime and execution, called appropriately “a topography of punishment” by Purcel.<sup>48</sup> Contrary to the steady, permanent warning finger of the Tarpeian Rock, the coins bearing the scene of the Punishment of Tarpeia could be considered quite mobile and extremely convenient vehicles for communicating and spreading the same message.<sup>49</sup> What was their point then in the middle of one of the most turbulent periods of Roman history,

<sup>45</sup> *RIC I<sup>2</sup> Augustus 299*.

<sup>46</sup> Evans (1992: 128–129); Dowling (2006: 159) in further detail. Both convincingly argue that the figure of Tarpeia on Petronius’ denarii seems to refer to M. Egnatius Rufus, the praetor of 19 BC, who had been charged with preparing the assassination of Augustus and executed the very same year Petronius’ denarii were issued.

<sup>47</sup> See Cadoux (2008).

<sup>48</sup> For detailed evidence for the localization of the *Saxum Tarpeium* to the vicinity of the *Arx* and the temple of Juno Moneta instead of the south part of the Capitolium, see Wiseman (1979); David (1984); Purcel (1995); Kondratieff (2009: 327–328). It is quite tempting to speculate in what place exactly the slab depicting the Punishment of Tarpeia on the *Basilica Aemilia* frieze was placed in the interior of the building. Had it been the shorter eastern wall, it would have pointed to the *Arx* and the “actual” place of her death.

<sup>49</sup> In this respect, it seems inaccurate to present the images of Tarpeia on both types of the coins to be just two of the three surviving depictions of her punishment. Actually, there were thousands of them, circulating and distributing her image and its information far and wide.

abundant – as in the mythological past – with conflicts against external enemies as well as with internal struggles?<sup>50</sup>

As mentioned above, it has already been suggested that the emergence of the legendary Sabine war on the coins at the very time of the real conflict between Rome and her Italian allies during 91–88 BC is hardly coincidental. At first glance, such a parallel seems to be apparent and fully justified. On closer inspection, however, the resemblances look rather shallow and vague.

## 2. Tarpeia for the Italian Allies?

T. Welch investigates the scenes of the Rape of the Sabine Women and the Punishment of Tarpeia on Titurius' coins in terms of various ways of ethnic assimilation.<sup>51</sup> That may well be true in the case of the first scene. However, to what extent a successful mythological ethnic assimilation presented by the Rape of the Sabine Women could have reminded the Romans in the 1st century BC of the actual critical situation with the allies is hard to say.

The mythological Sabines represented direct Roman ancestors, and the very existence of Rome stood and fell with their assimilation at her very beginning – without the Sabine women, there would have been no Roman nation –, three kings of Rome were Sabines. Many Roman patrician as well as plebeian families prided themselves with Sabine origin, real or alleged,<sup>52</sup> but they would hardly put it above or even against their Romanness.<sup>53</sup>

As for the historical ethnic Sabines, there is no evidence of them revolting from the 3rd century BC onwards.<sup>54</sup> Having been fully enfranchised in 268 BC, they benefited from Roman citizenship and had stopped threatening Rome long before the Social War. Since the 2nd century BC, the Sabines in general became increasingly “naturalized” and represented one of the faces of Roman identity,<sup>55</sup> an admirable paragon of austere rural folk juxtaposed to Roman luxury lifestyle,<sup>56</sup> a synonym for manliness, bravery, and severity. The references to the Sabine legacy in general are far from being antagonistic in the 1st century BC.<sup>57</sup> It may be no accident that the fight between the Romans and Sabines does not seem to be presented in the Roman visual arts at all.

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<sup>50</sup> I avoid any attempt to seek an interpretation of the scene of the Punishment of Tarpeia on the *Basilica Aemilia* frieze in relation to some current event especially because it is a different type of media, and its date is far from being fixed (see, e.g., Kränzle 1991). Moreover, the Punishment of Tarpeia actually presents an integral part of the whole narrative on the frieze. Not only is it a natural sequence to the Rape of the Sabine Women (quite different in composition from that on the Titurius coins), it is apparently also related to the scene presenting a group of five women on the very same slab (see Carettoni 1961: 32). The coin images of Titurius are hardly that case, of course.

<sup>51</sup> Welch (2015: 92–102).

<sup>52</sup> The *gens Claudia* and its Sabine ancestor Attus Clausus being the most notorious example. On the early assimilation of the Sabines see Brunt (1969: 126).

<sup>53</sup> On other moneyers advertising their alleged Sabine descent on their issues, see Farney (2007: 82–97).

<sup>54</sup> Brunt (1969: 121–122); Farney, Masci (2018: 551–552).

<sup>55</sup> Dench (2005: 254).

<sup>56</sup> Dench (2005: 62).

<sup>57</sup> On the Roman ideas of typical Sabine virtues during the Late Republic see Farney (2007: 97–101); Dench (2005: 64–65); Welch (2015: 82–90).

Thus, there hardly seems to be any reason to consider the Sabines, mythological or real, an archetype enemy of Rome in the time of Titurius. The scene of the Rape of the Sabine Women – the Sabine men absenting – definitely implies more the birth of the Roman nation than that of a war. Indeed, the scene of the Punishment presents the Sabine men killing a Roman girl, but actually for the sake of Rome; it can hardly be considered a hostile act against the Romans.

Moreover, there are substantial differences as for the alleged allusions of the mythological scenes on Titurius' denarii to the current situation. Contrary to the mythological conflict, Rome was not the aggressor or direct instigator of the Social War – the roles were quite reversed. The same goes for the possible association of Tatius' Sabines with the *socii*, the former being an enemy that turned into a friend, the latter a friend that turned into an enemy. Last but not least, the very reason for the uprising was not ethnic assimilation but the granting of Roman civil rights, i.e., an incorporation of the *socii* into the Roman citizen body, a legal act that does not primarily deal with ethnic blending – though it naturally does not impede it.

Thus, the eventual association of the Sabines on Titurius' denarii with the Italian allies of the 1st century BC in a *pars pro toto* manner seems problematic. Hostile Sabines do not even feature on the first coin type; we can see just their women as passive victims and future Roman matrons. On the second type, the Sabines are attacking Tarpeia who presented a substantial menace to the Romans at that moment. Even the palm branch placed under the chin of Titus Tatius on obverses of some varieties<sup>58</sup> indicates that the Sabine king hardly stood for a foe on Titurius' coins.<sup>59</sup>

The only negative figure presenting a “real” enemy remains to be that of Tarpeia. Subsequently, the scene of her punishment has been read as a warning to potential traitors during the Social War<sup>60</sup> – an interpretation one could hardly oppose with cogent arguments. However, who are those suspects, those hypothetical renegades? It has been supposed the answer is – the Italian allies, but I do not think it is so obvious for several reasons.

First, if such a warning against treachery was addressed to the *socii*, i.e., non-Romans, to what extent would they have been able to decipher that message properly?<sup>61</sup> T. Welch rightly calls the images on Titurius' coins “totemic moments” distilled from both mythological stories,<sup>62</sup> but they hardly present universally comprehensible patterns. J. Evans aptly reminds that “propaganda will only persuade people who are actively engaged in the culture”.<sup>63</sup> The intelligibility of these scenes must have been strictly limited only to those who knew the stories behind them.<sup>64</sup>

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<sup>58</sup> *RRC* 344/1b and 2b.

<sup>59</sup> Cf. Crawford (1974: 356 and 605) considering the palm branch to be an allusion to Roman success in the Social War.

<sup>60</sup> Evans (1992: 125 and 128).

<sup>61</sup> On the understanding of the coin image in general see esp. Woytek (2018).

<sup>62</sup> Welch (2015: 79).

<sup>63</sup> Evans (1992: 6).

<sup>64</sup> I see no deeper inner contentual link between the image of Roma enthroned on shields and the Punishment of Tarpeia suggested by Neel (2020: 22). Whatever the number of shields in both scenes, Roma is resting after a victorious battle – the shields are most likely trophies captured from defeated enemy and she is not wearing the helmet to declare the war is over and her work is done. Thus, the



Contrary to the common religious ground shared by all Italic tribes<sup>65</sup> and apart from the deities that appear on the Roman coins as well as on the issues of allies during the time of the Social War (Dioscuri, Mars, Victory), both “Sabine” scenes depicted on Titurius’ denarii present legends bound exclusively to the Roman past.<sup>66</sup> Especially the figure of Tarpeia, despite having plentiful Greek analogies concerning a girl punished for betrayal of her own kin (missing in the visual arts, however), was conjoined tightly with the mythological history as well as with the contemporary geography of Rome.

But we can hardly assume that both discussed stories – and even less so their depictions – were broadly familiar outside the boundaries of the City. As for the reverses of the first type, a recipient unfamiliar with the story would have probably been able to recognize a relatively wide-spread iconographical paradigm of an abduction of women.<sup>67</sup> The number of two females on the denarii, dictated by the limited space, might have been considered specific and thus might have recalled, e.g., the abduction of the daughters of Leucippus – quite a frequent and notorious representation in Greek and Etruscan arts<sup>68</sup> – more than any other mythological girls. Since we can see no fight on the coin, only an insider knew that the Rape meant a prelude to war. The image of a woman kneeling between two warriors, who attack her with their shields, with no direct parallel in the visual arts, must have been far more puzzling to an ignorant recipient.

Indeed, the story of Tarpeia might have been known to some members of the Italian elites who were in closer touch with their Roman *hospites* and whose knowledge of Roman culture was not limited only to military or administrative matters as in the case of “ordinary” Italian soldiers incorporated into the Roman war machinery. Good former relations between the Italian elites and Roman aristocracy are attested, including the Marsic nobles and later leaders of the insurgents Q. Poppaedius Silo (with Livius Drusus)<sup>69</sup> and T. Vettius Scato (with the Pompeii).<sup>70</sup> However, these men had made their decisions before the Titurius coins were issued.

Secondly, if Crawford is right in dating the Titurius coinage to 89 BC, i.e., the second year of the war, it is hard to find any potential traitor to whom the supposed warning coded in the image of Tarpeia could have been addressed. The enfranchised Etruscans and Umbrians hardly had any further reasons to revolt. The rebels were gradually losing, retreating, surrendering, negotiating,<sup>71</sup> and many of the Italian leaders were even already dead.<sup>72</sup> At the end of 89 BC, the Romans were so self-confident and sure of their upcoming victory that they even decided to remove their military cloaks.<sup>73</sup> Thus, although the

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scene is related more to the resting Heracles or Ares of the Ludovisi type who are – contrary to Tarpeia – also warriors. Ares is not wearing the helmet in this situation either.

<sup>65</sup> For a general survey on this topic including the bibliography see, e.g., Stek (2009: 17–34).

<sup>66</sup> And Sabine past of course – however, the mythological as well as historical Sabines became part of the Roman nation long ago.

<sup>67</sup> Already present in the visual arts of Magna Graecia and Etruria for ages, though with a slightly different iconography.

<sup>68</sup> Cf. *LIMC* III: Dioskouroi, nos. 199–214; Dioskouroi / Tinas Cliniar, nos. 79–82; *LIMC* VI: Lynkeus I et Idas, nos. 10–12.

<sup>69</sup> Plut. *Cat. Mi.* 2, 2; Val. Max. III, 1, 2.

<sup>70</sup> Cic. *Phil.* XII, 11, 27. On the actual ethnicity of Scato see Dart (2009: 221).

<sup>71</sup> Gabba (1994: 124); Dart (2014: 163–165).

<sup>72</sup> Dart (2014: 146 and 154–155).

<sup>73</sup> Liv. *Perioch.* LXXIII, 8.

fighting continued and the war was far from having been won, there were hardly any loyal allies left in Italy in 89 BC to be deterred from joining the rebellion by the image of the brutally punished traitress on the brand new issue of the denarii. The dice had been cast long before and the allies were about to face completely different decisions now.<sup>74</sup>

However, if 90 BC is the year Titurius' coins were struck, as suggested by Assenmaker,<sup>75</sup> the possibility that many still loyal *socii* might join the rebellion was quite high.<sup>76</sup> Especially during the first part of the year, the rebels achieved important victories and they were exercising immense pressure on the still loyal communities to join them.<sup>77</sup> The threat that the Etruscans and Umbrians might also rise against Rome (some of them even did)<sup>78</sup> was so serious that the *Lex Iulia* was passed in October 90 BC to placate them by granting citizenship to the allies that remained faithful to Rome.<sup>79</sup>

Still, thirdly, the imagery of the Late Republican coinage was used as a means of personal or political advertisement first and foremost in terms of the Roman society. The messages of coin images were addressed primarily to Roman citizens, i.e., to the voters and potential supporters or political opponents. There is hardly any reason to assume that the Titurius denarii were an exception in this respect. The moneyer might have presented himself as being of Sabine descent, but first and foremost he was a Roman magistrate. And indeed, as argued above, the scenes on his denarii are strictly Roman, portraying the Sabine king, and his men and women (two and two), all inseparably involved in the building of the Roman nation.

Had the information presented through the scene of the Punishment of Tarpeia been addressed to the allies, one would not expect such a particularly Roman motif, but rather a more universally comprehensible one, perhaps also a more confrontational and explicit scene similar to the famous contemporary Italian issues portraying a bull charging the she-wolf, or an appeal to the observance of the former alliance treaties confirmed by a common sacrifice and other Italian coin types.<sup>80</sup>

There is no doubt that the Titurius coins circulated all around Italy and even farther,<sup>81</sup> – the very letters A(*rgento*) PV(*blico*) on some specimens confirm that they were minted to cover the war expenses<sup>82</sup> – and, of course, the Italians did “read” their images too, but in a more or less different way than the Romans did, depending on their own skills and limited by their own cultural background.

Thus, the true addressees able to identify the coin images properly and interpret their messages in a correct way must have been the Romans themselves. Both narratives on the Titurius denarii were familiar enough to them not only from literary and oral sources, but

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<sup>74</sup> For discussion to what degree the *Lex Pompeia* enfranchising the communities of *Transpadana* and the *Lex Plautia Papiria* might have – but more plausibly did than not – eroded the determination of some to continue fighting, see Brunt (1965: 95–96); Mouritsen (1998: 167).

<sup>75</sup> Assenmaker (2016).

<sup>76</sup> Brunt (1965: 94).

<sup>77</sup> For the most detailed survey of the progress of the war situation during 90 BC see Dart (2014: 126–147).

<sup>78</sup> Dart (2014: 143–147).

<sup>79</sup> Brunt (1965: 94); Dart (2014: 143–147 and 172–176).

<sup>80</sup> Burnett (1998: 170).

<sup>81</sup> Welch (2015: 79).

<sup>82</sup> Barlow (1977: 299–301 and 1980: 206).

also from other depictions<sup>83</sup> and above all – from the stage. We know of an unpreserved historical drama the *Sabinae*<sup>84</sup> by Ennius, and the dramatic frontal posture of Tarpeia in visual arts may remind of a theatrical ambience as well.<sup>85</sup>

### 3. Tarpeia for the Romans

The exploitation of the “Sabine” scenes as various models for ethnic assimilation<sup>86</sup> seems to be secondary at least, if ever considered by the Romans in such a modern way. More plausible seems the assumption that the images on Titurius’ denarii were to encourage the Romans during the hard times of the Social War, to remind them of their heroic past and the dangers Rome resisted, to assure of her survival and an enduring glory, and perhaps also to anticipate reconciliation with the *socii* and the promise of a punishment for the unfaithful ones.<sup>87</sup>

On all accounts, it would again be the allies, in this case even the rebelling ones, to be identified with the figure of Tarpeia. Aside from the objections discussed above, in that case we should ask for whom the figures of the Sabine executioners stand.

Comparing Titurius’ Tarpeia with her image on the above-mentioned denarii of Petronius Turpilianus, it is noteworthy that the treacherous maiden is depicted in an almost identical position – facing and kneeling amidst the pile of shields with her arms outstretched – but the figures of her executioners are removed on the Petronius issues.<sup>88</sup> Their elimination makes good sense within the context of Evans’ interpretation which links the scene with Egnatius’ trial. Considering that justice was dispensed by the Roman authority and not by an enemy in his case,<sup>89</sup> it seems quite obvious why the Sabines had to be omitted. Moreover, zooming in on the figure of Tarpeia, the coin image becomes a more general symbol of a punished traitor.<sup>90</sup> At any rate, eventual identification of Tarpeia’s executioners on Titurius’ coins with the loyal *socii* makes hardly much sense.

Tarpeia, the daughter of a Roman commander, deliberately letting the enemy enter her city for a reward commits parricide. The point is that – contrary to her – the Italians were not Romans. Although many of them violated former pacts with Rome, their disloyal acts are hardly comparable to high treason. Tarpeia’s transgression breaks more substantial limits. Betraying her family and her own people, violating the social rules as well as

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<sup>83</sup> On the iconographic paradigms of both scenes see Vacinová (2019), including other bibliography and discussion.

<sup>84</sup> La Penna (2000: 246–249).

<sup>85</sup> However, the frontal rendering of her figure, confronting the viewer and not the attackers, with her dishevelled hairstyle may also remind of an apotropaic Medusa, as well as Tarpeia’s screaming mouth and staring eyes on the coins of Petronius Turpilianus.

<sup>86</sup> Welch (2015: 80 and 93–97).

<sup>87</sup> Evans (1992: 125).

<sup>88</sup> On the position of the figure and submission and humiliation of the enemies and criminals see Barton (2003: 352).

<sup>89</sup> Given the fact that Egnatius was killed in prison and not by being thrown from the Rock (Vell. II, 91, 4), I believe that the figure of Tarpeia should be understood as a symbol for parricide and not this particular way of execution.

<sup>90</sup> Evans (1992: 128–129).

transgressing gender norms and the natural and divine order she represents apparently a quite different and more damnable kind of enemy – an inner menace, the utmost peril that comes not from the outside, but from the very inside of the community and has to be eliminated. Thus, we should start searching for a suspect among the Romans themselves.<sup>91</sup> Can we find any during the turbulent times of the Social War?

### 3.1 *Socialis belli auctor*<sup>92</sup>

The very outbreak of the Social War is inseparably associated with the plebeian tribune of 91 BC M. Livius Drusus, his controversial enfranchisement bill and his death. The bill granting Roman citizenship to the Italian allies, proposed by Drusus in the autumn of 91 BC, was the final step of an elaborately designed and sophisticated “package deal”<sup>93</sup> of reforms, drafted by him during his tribune office, which considerably affected Rome as well as the whole of Italy.<sup>94</sup> Drusus had been acting as *senatus propugnator*<sup>95</sup> for most of his career and all his preceding political movements were carefully arranged and backed by the faction headed by M. Aemilius Scaurus and L. Licinius Crassus (for more on this group see below in this text).<sup>96</sup> However, the fatal citizenship bill seems to be an exception made on Drusus’ sole account,<sup>97</sup> undertaken probably after the sudden death of Crassus.<sup>98</sup> For various reasons the proposal of enfranchisement not only provoked a deep resentment all across the Roman society, but it also deprived Drusus even of the support of his partisans, thrusting the tribune into political isolation.<sup>99</sup> Moreover, the

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<sup>91</sup> Unless we consider the hardly plausible possibility that the warning was directed towards Roman deserters, who were not a few, willing or forced, especially in 90 BC (e.g., for the desertion of captured Romans after the taking of Nola by the rebels, see Dart 2014: 129).

<sup>92</sup> Liv. *Perioch.* LXXI, 3–4: *Eorum [sc. Italicorum] coetus coniurationesque et orationes in consilii principum referuntur, propter quae Livi Drusus inuisus etiam senatui factus uelut socialis belli auctor ...*  
<sup>93</sup> Badian (1962: 225–226). On Drusus’ political programme and his reforms in more detail see, e.g., Gabba (1976); Weinrib (1970); Hands (1972); Tweedie (2011); Dart (2014: 70–75).

<sup>94</sup> Unfortunately, none of the sources presents a consistent chronology of the events. The ancient references are fairly scattered and fragmentary, especially those concerning the final phase of Drusus’ tribunate. Despite some scholars’ attempts to reconstruct more or less plausible scenarios, their conclusions remain purely hypothetical (some going even against the sources). All Drusus’ bills and movements were controversial, jeopardizing various interests and strata of Roman – and not only Roman – society in different respects and as such they were antagonized. The vagueness of the sources is so fundamental in certain respects that some scholars (Mouritsen 1998: 120–126; Steel 2013: 38–40) – another extreme – even doubt that the enfranchisement bill concerned all the Italians or that it was even introduced by Drusus in the Senate. Contra see Tweedie (2011: 583): “the universality with which the ancient writers claim that Drusus offered Roman citizenship to the allies cannot be the product of rumour alone”.

<sup>95</sup> Cic. *Mil.* 7, 16. See also Ascon. *Corn.* 61 [p. 69 Clark]: ... *leges pro optimatibus tulisset*. Tweedie (2011: 574); Mouritsen (1998: 115).

<sup>96</sup> On Scaurus as an architect of some of Drusus’ proposals see Bates (1986: 275).

<sup>97</sup> Gruen (1965: 61).

<sup>98</sup> Gabba (1976: 133).

<sup>99</sup> The reasons for the loss of his usual backing in the Senate might have been an incidental outbreak of hostilities that terrified and stiffened even those senators who were originally on his side and agreeable to the citizenship bill (Steel 2013: 40–41; Dart 2014: 89). For the fear that the carrying of the bill would make Drusus too powerful providing him with too many indebted Italians, see Badian (1967: 216); Kendal (2012: 118); Dart (2014: 79). For Drusus’ violence as the reason his partisans did not support his last bill, see Logghe (2016: 154–158).

Senate condemned not only his enfranchising bill but consequently<sup>100</sup> invalidated the entirety of Drusus' preceding political programme<sup>101</sup> on the proposal of consul L. Marcus Philippus.<sup>102</sup> Shortly after, probably in the middle of October 91 BC,<sup>103</sup> Drusus was murdered in his own house.<sup>104</sup>

Drusus' failure to impose the enfranchising law and his death certainly meant the allies lost their champion and the last chance of obtaining Roman citizenship in a peaceful way. That notion was probably deepened by the refusal of the Italian deputation by the Senate on the very eve of the war.<sup>105</sup> Although the eruption of hostilities (the massacre of all Romans present in Asculum)<sup>106</sup> cannot be considered a direct reaction to Drusus' violent death,<sup>107</sup> the failure of the enfranchisement bill and the tribune's assassination are generally recognized as accelerators of the rebellion by most modern scholarship. For the ancient authors, the fatal connection between both events was even more distinct.<sup>108</sup>

As stated above, the exact chronology of the final phase of Drusus' tribune office and the very beginning of the war remains unclear. Ironically enough, the actual chain of events is not of such importance for the purpose of this article. Much more relevant is the "parallel reality" – Drusus' public image which was substantially affected and deliberately distorted by various detractions, allegations, and propaganda of tribune's opponents.<sup>109</sup>

Blaming Drusus for inducing the war on Rome was to a great extent a natural continuation of a long political struggle between the *equites* and the Senate as well as between various senatorial factions.<sup>110</sup> However, the animosity occurred not only on a political basis, but also on a personal level, especially between Drusus and his former double brother-in-law Q. Servilius Caepio<sup>111</sup> and the presiding consul L. Marcus Philippus.<sup>112</sup>

The very moment the hostilities turned former allies and their supporters into enemies of Rome, Drusus' proposal of the enfranchising law, controversial enough at the very moment of its introduction, certainly must have appeared to "be reflecting a policy of self-interest and treachery harmful to the state".<sup>113</sup>

The rumours and charges had begun to spread during Drusus' life already and his activities, real as well as alleged, were substantially exaggerated and purposely misinter-

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<sup>100</sup> Diod. Sic. XXXVII, 10, 3 stating that Drusus deliberately did not veto this proposal implies that he was still alive and holding the tribune office.

<sup>101</sup> Gabba (1994: 111–113); Tweedie (2011); Morrell (2015).

<sup>102</sup> On possible reasons – *contra auspicia, per uim, per saturam* and without *promulgatio trinundinum* – in a more detailed discussion see Lintott (1968: 140–143); Dart (2014: 90–92).

<sup>103</sup> On approximate dating see Salmon (1962: 114); Mouritsen (1998: 129) dares to be more exact.

<sup>104</sup> Vell. II, 14, 1; App. Civ. I, 5, 36; Ampel. 19, 6 and 26, 4; Oros. Hist. V, 18, 7; Liv. Perioch. LXXI, 4.

<sup>105</sup> App. Civ. I, 5, 34–35. On the embassy and possible reasons for its failure see Kendall (2012).

<sup>106</sup> Liv. Perioch. LXXII, 2; Flor. Epit. II, 6, 9; Vell. II, 15, 1.

<sup>107</sup> On discussion see Dart (2014: 95–97).

<sup>108</sup> Vell. II, 15, 1: *Mors Drusi iam pridem tumescens bellum excitauit Italicum*.

<sup>109</sup> On the means of political fight see, e.g., Morstein-Marx (2012).

<sup>110</sup> Plin. Nat. XXV, 21, 52 states *Drusumque ... optimates uero bellum Marsicum inputauere*.

<sup>111</sup> Drusus had married and divorced Caepio's sister, Caepio had married and divorced Drusus' sister Livia; on a plausible time of the split between both men see Badian (1957: 325–328); Dart (2014: 71–73).

<sup>112</sup> Ascon. Corn. 61 [p. 69 Clark]. On the political career and background of L. Marcus Philippus see Gruen (1966: 62–63 and 1968: 210).

<sup>113</sup> Gabba (1976: 132).

preted by his enemies. Drusus' friendship with the Marsic aristocrat and later leader of the rebels, Q. Poppaedi Silo, was essentially a fact,<sup>114</sup> though far from unusual.<sup>115</sup> However, especially the relations between Drusus and the allies in general must have appeared highly confidential and suspicious. He had definitely been aware of the preparations for the assassination of the consuls Philippus and Caesar planned by the Latins during *feriae Latinae* on the Alban Mount<sup>116</sup> in the spring of 91 BC, because he warned both intended targets,<sup>117</sup> – just a short step from becoming a suspect of participation in the plot itself.

Drusus' apparently close relationship with the allies gave rise to rumours that he had promised them Roman citizenship in exchange for their political support. He reportedly even bound the *socii* with a sacred oath promising him their allegiance and gratitude. Indeed, had the enfranchising law been passed, the possibility that Drusus might have gained an enormous body of political supporters would have become quite a real scenario.<sup>118</sup> The text of the oath, preserved by Diodorus, appropriately illustrates the situation and – if really forged by Drusus' enemies – presents a highly developed means of a sophisticated political struggle and manipulation.<sup>119</sup> Another literary source, perhaps even a contemporary one, a speech quoted in the *Rhetorica ad Herennium*, also takes for granted that the Italian rebellion must have been aided by the Roman supporters.<sup>120</sup>

The integral parts of the opponent propaganda might have been also various prophecies and portents that somehow must have referred to Drusus because he is reported to be

<sup>114</sup> Poppaedi Silo was said to be a friend of Drusus and to spend many days in his house (Plut. *Cat. Mi.* 2, 2). However, some scholars cast doubt on the credibility of this allegation and consider it a later work of propaganda (e.g., Mouritsen 1998: 137 and 125, n. 51). By contrast, Dart (2014: 76–77) even considers Poppaedi Silo to be the main instigator of the insurgency, who was lobbying Drusus for the enfranchising bill in exchange for the political support of Drusus by the Marsi.

<sup>115</sup> The good connections between the Roman senators and Italian nobles were common aspects of the public as well as private life of the elites (Tweedie 2011: 576).

<sup>116</sup> For a discussion on the reasons for the assassination see Dart (2014: 81–83). The reason why Drusus intercepted was probably the same as the argumentation of the unspecified Gaius Domitius trying to avert Poppaedi Silo from the Marsic march against Rome, mentioned by Diod. Sic. XXXVII, 13, 1 (ὁ δὲ Δομίτιος ὑπολαβὼν ἔφησεν ἀκινδυνότερον αὐτὸν καὶ κάλλιον τεύξεσθαι τῆς πολιτείας, ἂν μὴ πολεμικῶς ἐπὶ τὴν συγκλητὸν παραγένηται· ταύτην γὰρ βούλεσθαι τὴν χάριν δοῦναι τοῖς συμμάχοις μὴ βιασθεῖσαν ἀλλ' ὑπομησθεῖσαν) – the murder of Roman consul would certainly bury all hopes for a peaceful solution to the demands of the allies.

<sup>117</sup> Flor. *Epit.* II, 6, 8–9; *Vir. ill.* 66, 12.

<sup>118</sup> Gabba (1994: 113); Kendal (2012: 118); Dart (2014: 79).

<sup>119</sup> Diod. Sic. XXXVII, 11: Ὀμνημι τὸν Δία τὸν Καπετώλιον καὶ τὴν Ἑστίαν τῆς Ῥώμης καὶ τὸν πατρῶον αὐτῆς Ἄρην καὶ τὸν γενάρχην Ἥλιον καὶ τὴν εὐεργέτιν ζῶων τε καὶ φυτῶν Ἴην, ἔτι δὲ τοὺς κτίστας γεγενημένους τῆς Ῥώμης ἡμῆους καὶ τοὺς συναυξήσαντας τὴν ἡγεμονίαν αὐτῆς ἥρωας, τὸν αὐτὸν φίλον καὶ πολέμου ἡγήσεσθαι Δρούσω, καὶ μὴτε βίου μῆτε τέκνων καὶ γόνων μηδεμιᾶς φείσεσθαι ψυχῆς, εἰ μὴ συμφέρη Δρούσω τε καὶ τοῖς τὸν αὐτὸν ὄρκον ὁμόσασι. εἰ δὲ γένωμαι πολίτης τῷ Δρούσου νόμῳ, πατρίδα ἡγήσομαι τὴν Ῥώμην καὶ μέγιστον εὐεργέτην Δρούσον. καὶ τὸν ὄρκον τόνδε παραδώσω ὡς ἂν μάλιστα πλείστοις δύνωμαι τῶν πολιτῶν. καὶ εὐορκοῦντι μὲν μοι ἐπίκτησις εἴη τῶν ἀγαθῶν, ἐπιορκοῦντι δὲ τάναντια. Although not being considered a Greek translation of the Latin original (on its analysis based on gods called to witness see Rose 1937) there is hardly any reason to question the existence of the oath itself, though made more probably by Drusus' arch-enemy Philipus with clear intention to discredit his opponent (Mouritsen 1998: 6). Opposite meaning presents Dart (2014: 80). On the authenticity of the oath see Carlà-Uhink (2017: 364, n. 581).

<sup>120</sup> *Rhet. Her.* IV, 9, 13 and see also Caplan (1968: 260–261, n. c) for the uncertainty about the authorship of the quoted extract. For such interpretation see Gabba (1994: 120); Steel (2013: 81).

afraid of them.<sup>121</sup> The inauspiciousness was also one of the arguments for the annulment of Drusus' laws,<sup>122</sup> initiated by Philippus who was also holding the office of augur.

The mere allegations of inciting the Italians and promising them citizenship in exchange for their support<sup>123</sup> would have been enough to charge Drusus with treason – the very accusation his former adherents were to face quite soon. From the perspective of the following events, the proposal of the enfranchising bill must have been considered an act of treachery and – figuratively speaking – opening the gates of Rome to the enemy, i.e., literally the very same offence Tarpeia had committed. The difficulties and pains of war Rome almost immediately faced certainly augmented such an impression and the public opinion and Drusus' enemies especially could have hardly found a more apt and effective expression for Drusus' activities than the image of a notorious traitress.

In that light, the unexplained death of Drusus might have also been regarded as a sort of a punishment. In spite of the reluctance of the Senate to examine his murder<sup>124</sup> – or more plausibly augmented by this fact – various speculations arose. Quite naturally, the prime suspects became Drusus' arch enemies L. Marcus Philippus,<sup>125</sup> Q. Servilius Caepio, and his successor in the tribune office for 90 BC, Q. Varius Severus Hybrida.<sup>126</sup> Nevertheless, some of the allies were also blamed. According to Appian, the Etruscans and Umbrians were reportedly considering killing Drusus during an unspecified meeting of the Senate. Drusus knew that and being worried he tried to avoid the crowds.<sup>127</sup> Dart interprets this passage directly as an accusation of the Etruscans<sup>128</sup> and we cannot be sure that the propaganda did not try to raise such a notion too. The information that Drusus, being afraid of the allies, pretended an illness and drank a goat's blood probably belong to the same type of an offensive political ammunition.<sup>129</sup> An image of a traitor making a deal with an enemy and being killed by him instead of the promised reward would have reminded of the fate of Tarpeia even more poignantly.

Thus, if the redating of the Titurius issues suggested by Assenmaker<sup>130</sup> is right, we might expect the image of Tarpeia struck in 90 BC could have presented part of the campaign directed personally against the murdered tribune and his “foreign policy”.

### 3.2 The *Lex Varia*

However, Drusus is far from being the only candidate to be identified with the figure of Tarpeia on the Titurius coins. There are a whole bunch of other suspects – the members

<sup>121</sup> Oros. *Hist.* V, 18, 3–6 lists prodigies including blood flowing from breads, a flashing ball of fire, a rain of stones and pieces of brick, a golden ball rolling from heaven to earth and covering the sun.

<sup>122</sup> Ascon. *Corn.* 61 [p. 69 Clark]: *contra auspicia*.

<sup>123</sup> Liv. *Perioch.* LXXI, 1 (*socios et Italicos populos spe ciuitatis Romanae sollicitauit, iisque adiuuantibus per uim legibus agrariis frumentariisque latis*); Flor. *Epit.* II, 5, 8–9.

<sup>124</sup> Cic. *Mil.* 7, 16: *Nihil de eius morte populus consultus est, nulla questio decreta a senatu est.*

<sup>125</sup> Ampel. 19, 6 and 26, 4.

<sup>126</sup> Cic. *Nat. deor.* III, 33, 81.

<sup>127</sup> App. *Civ.* I, 5, 36.

<sup>128</sup> Dart (2014: 93). See also Harris (1971: 212–215, 217–218 and 222–229); Sisani (2007: 62–64).

<sup>129</sup> Vir. *ill.* 66, 11: *Vnde Liuuius anxius, ut Latinorum postulata differret, ... repente in publico concidit siue morbo comitali seu hausto caprino sanguine, semianimis domum relatus.* According to Plin. *Nat.* XXVIII, 41, 148, Drusus drank goat's blood to pretend he had been poisoned by Caepio. However, Pliny does not specify the occasion.

<sup>130</sup> Assenmaker (2016).

of the senatorial faction which supported the steps Drusus made as a tribune and which participated to a greater or lesser extent in the political programme he promoted – or perhaps more correctly – he was an effective means of promotion. The group is traditionally referred to as the “Metellan” faction<sup>131</sup> despite no member of the Metelli of special significance seems to have been active during the second half of the 90s BC and the very existence of an organized political group centred around the Metelli at that time has been considered pure construct by some scholars.<sup>132</sup> The most important figures of the Senate faction siding with Drusus were M. Aemilius Scaurus, L. Licinius Crassus, Q. Lutatius Catulus, Q. Servilius Caepio, M. Antonius Orator, L. Aurelius Cotta, P. Sulpicius Rufus, C. Iulius Caesar Strabo Vopiscus, L. Iulius Caesar and Q. Pompeius Rufus.

The allegation that Drusus brought the enemy and war on Rome made the position of all persons related to the deceased tribune extremely vulnerable immediately after the outbreak of the war. Not only they presented useful scapegoats blamed for being responsible for the conflict; the charge of collaboration with the enemy became a lethal weapon in the hands of their political opponents. The infamous law launched against those who either openly or secretly – or, according to Asconius, through advice and assistance<sup>133</sup> – aided the Italians<sup>134</sup> was proposed for this purpose and established by the plebeian tribune Q. Varius Severus Hybrida<sup>135</sup> at the beginning of 90 BC.

### 3.3 Prosecutions of 90 BC

One of the first<sup>136</sup> and most prominent political figures prosecuted under the *Lex Varia* was M. Aemilius Scaurus,<sup>137</sup> the *princeps senatus* and one of the main co-authors of Drusus’ reform programme.<sup>138</sup> He had been confronted unsuccessfully by Varius at a *contio*<sup>139</sup> and subsequently prosecuted by his (and Drusus’) enemy Servilius Caepio for *crimen proditionis*.<sup>140</sup> Given the fact that Caepio, as a legate under the consul Rutilius Lupus,<sup>141</sup> must have left Rome at the beginning of the war season – never to come back –, the trial with Scaurus should be dated to early 90 BC.<sup>142</sup> The sentence is not reported in the sources. *Princeps* might have received an acquittal thanks to his outstanding position in the Senate as well as his great popularity among the plebs,<sup>143</sup> or the judgement was

<sup>131</sup> Used first by Badian (1957), accepted by Gruen (esp. 1968: 103–134) and others.

<sup>132</sup> For summary of its criticism see esp. Luce (1970: 174–178); Kallet-Marx (1990: 130–134); Cagniard (1991: 296–297).

<sup>133</sup> Ascon. *Scaur.* 19 [p. 22 Clark]: *ut quaereretur de iis quorum ope consiliouae socii contra populum Romanum arma sumpsissent.*

<sup>134</sup> App. *Civ.* I, 5, 37: κατὰ τῶν τοῖς Ἰταλιώταις ἐπὶ τὰ κοινὰ φανερώς ἢ κρύφα βοηθοῦντων.

<sup>135</sup> App. *Civ.* I, 5, 37; Cic. *Brut.* 89, 305; Val. Max. VIII, 6, 4.

<sup>136</sup> Badian (1969: 467); Bates (1986: 276).

<sup>137</sup> On Scaurus’ case see esp. Gruen (1965: 62–63); Badian (1969: 467–468); Bates (1986: 276).

<sup>138</sup> Bates (1986: 274–275); Kallet-Marx (1990: 125).

<sup>139</sup> On the *contio* see Carney (1962: 315–316).

<sup>140</sup> Cic. *Scaur.* 1, 4: *ab eodem* [sc. Q. Servilio Caepione] *etiam lege Varia custos ille rei publicae* [sc. Scaurus] *prodicionis est in crimen uocatus.*

<sup>141</sup> And shortly also under Marius after the consul had been killed at Tolenus River on 11 June 90 BC.

<sup>142</sup> Badian (1969: 467).

<sup>143</sup> Sufficiently demonstrated during the *contio* with Varius already: *uoce ita omnium commutauit animos ut ab ipso etiam tribuno dimitteretur* (Ascon. *Scaur.* 20 [p. 22 Clark]) and *cuius admiratione populus commotus Varium ab illa dementissima actione pertinaci clamore depulit* (Val. Max. III, 7, 8). See also forced acquittal of Saturninus a mere 10 years earlier (Diod. Sic. XXXVI, 15, 3).



not rendered at all due to the death of his prosecutor in July 90<sup>144</sup> or – less plausibly – of Scaurus himself.<sup>145</sup>

Another suspect, Q. Pompeius Rufus, having been prosecuted by Philippus, also defended himself<sup>146</sup> probably successfully because he was elected consul for 88 BC.<sup>147</sup> M. Antonius Orator seems also to have been acquitted, or at least not convicted.<sup>148</sup>

Of the other, less lucky victims of the *Lex Varia*, Appian names three: a L. Calpurnius Bestia who had fled from Rome even before his case was heard,<sup>149</sup> C. Aurelius Cotta and a L. Mummius (or more plausibly L. Memmius).<sup>150</sup>

Despite the limited knowledge on these prosecutions, it is highly inaccurate to deduce that “few of the prosecutions ended in conviction”.<sup>151</sup> The sources seem to speak otherwise although names of only four persons condemned under the *Lex Varia* have been preserved and only in the cases of Cotta and Memmius the whole course as well as the verdict of the trial are reported.<sup>152</sup> Cotta defended himself with a speech written by L. Aelius Stilo,<sup>153</sup> but having been reviled by the *equites* he had left the City before the sentence was delivered.<sup>154</sup> It happened *non multis ab eo tempore mensibus*<sup>155</sup> after the tribunician elections of 91 BC, i.e., sometime during the spring of 90 BC and apparently after Bestia had left (ἐπ’ ἐκείνῳ).<sup>156</sup>

We are informed that Memmius was sentenced too, we even know the place of his banishment – the island of Delos where he died – but further details are lacking. Appian does not even specify the details of the “trickery” or “wicked deceit” that cost Memmius his stay in Rome – it is just stated that he was condemned by the *equites* despite having been promised acquittal by them.<sup>157</sup> About the other convicts we know even less.

However, Gruen implying that these exiles were less important and less influential people underestimates the seriousness of the charge and its consequences.<sup>158</sup> In general, he is right that less influential people are usually more vulnerable. But these “less important” ones barely presented the main target and the very reason the *Lex Varia* had been

<sup>144</sup> Caepio was killed having been tricked and ambushed by Poppaedius Silo in July 90 BC (App. *Civ.* I, 6, 44).

<sup>145</sup> Scaurus seems to outlive Caepio and die between November 89 and February 88 BC (Tansley 2003).

<sup>146</sup> Cic. *Brut.* 89, 304.

<sup>147</sup> Gruen (1965: 65). On his following fate see Stone (2002: 209).

<sup>148</sup> Gruen (1965: 68); Badian (1969: 468); Bates (1986: 276).

<sup>149</sup> App. *Civ.* I, 5, 37: Βηστίας μὲν οὐδ’ ὑπακούσας ἐκὼν ἔφευγεν ὡς οὐκ ἐκδώσων ἑαυτὸν εἰς χεῖρας ἑχθρῶν. Cf. Gruen (1965: 64–65).

<sup>150</sup> App. *Civ.* I, 5, 37. The last one Appian calls the conqueror of Greece (Μούμμιος δ’, ὁ τὴν Ἑλλάδα ἐλὼν) – obvious nonsense discussed by Gruen (1965: 66); Wiseman (1967); Kelly (2006: 24 and 91) and others. Badian (1969: 469) proposed a Mummius Achaicus, descendant of the very conqueror of Corinth otherwise unknown to us from the written record. The reading “Memmius”, however, seems to be correct given that Sisenna fr. 31 [Cornell] mentions him as Drusus’ *consiliarius* and Cic. *Brut.* 89, 304 refers to him together with Q. Pompeius Rufus, another person prosecuted under the *Lex Varia* – on discussion see Wiseman (1967). This Memmius was also *triumvir monetalis* in 109/108 BC (*RRC* 304).

<sup>151</sup> Steel (2013: 83).

<sup>152</sup> Badian (1969: 467).

<sup>153</sup> Cic. *Brut.* 56, 205.

<sup>154</sup> App. *Civ.* I, 5, 37; Cic. *Brut.* 88, 303; 89, 305.

<sup>155</sup> Cic. *De orat.* III, 3, 11.

<sup>156</sup> App. *Civ.* I, 5, 37.

<sup>157</sup> App. *Civ.* I, 5, 37: αἰσχροῦς ἐνεδρευθεὶς ὑπὸ τῶν ἰππέων ὑποσχομένων αὐτὸν ἀπολύσειν κατεκρίθη φεύγειν καὶ ἐν Δήλῳ διεβίωσεν.

<sup>158</sup> Gruen (1968: 68); for criticism of his approach see esp. Badian (1969: 466–470).

fabricated for. The mere fact that such illustrious persons as Scaurus were attacked should be sufficient – and we do not even know the result of his case. The very passing of the *Lex Varia* must have been quite a turbulent event since the other tribunes were prevented from vetoing it.<sup>159</sup> Apparently, the law was a dangerous and powerful weapon constructed to paralyse the “Metellan” faction and both involved sides were clearly aware of that.

As for the recorded convicts, Cotta, despite Cicero referring to him as one of the most outstanding orators of his generation, defended himself with a speech written by someone else,<sup>160</sup> which seems to be indicative. Perhaps, he was still too young and lacking *auctoritas* in the 90s.<sup>161</sup> He failed in defending his uncle Rutilius Rufus in a notorious trial several years before<sup>162</sup> and, more importantly, he ran for tribune and failed against Q. Varius quite recently. Still, Cotta was apparently a prospective successor to Drusus,<sup>163</sup> and his defeat in the elections due to *invidia*<sup>164</sup> in favour of Varius was an ominous sign of the future turn of events.

Due to uncertain identity of the other two condemned, it is hard to make conclusions as to their importance. According to Sisenna, a Memmius was Drusus’ *consiliarius*,<sup>165</sup> but he might have even been Drusus’ colleague in the tribune office.<sup>166</sup> As for Bestia, he was more probably son of the infamous consul of 111 BC than the very man that caused the disaster at Arausio.<sup>167</sup>

At any rate, Appian introduces these three names in close succession of his statement that, immediately after the passing of the Varian law, the accusers attacked the most distinguished among the senators (αὐτίκα τοῖς ἐπιφανεστάτοις τῶν βουλευτῶν ἐπεγράφωντο κατήγοροι).<sup>168</sup> Moreover, it seems that Appian’s choice of the convicts was not accidental. He names Bestia, who fled without even attending the court; then, Cotta follows, who did attend the trial and defended himself but having been intimidated he finally also had left before the verdict was reached; finally, Memmius is portrayed as willing to cooperate with his prosecutors, but he fails and having been deceived he is also banished. It seems that we are actually presented with three different ways of facing the charge (avoiding – desperate self-defence – cooperation), all with the very same result – the exile, and that we should consider Bestia, Cotta and Memmius mere representatives of those who were to leave the City. That Appian is not concerned with Scaurus, Strabo and Antonius in this part of the text seems to confirm the general assumption that none of these was convicted.

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<sup>159</sup> App. *Civ.* I, 5, 37. That might probably have been one of the reasons for its cancellation by the *Lex Sulpicia* a little later. However, were the *Lex Varia* considered to pass *per uim*, the victims should have been allowed to return and the *Lex Sulpicia* concerned with the exiles would not be needed at all. We do not have the slightest indication that it happened, and the case of Cotta seems to confirm that.

<sup>160</sup> Cic. *Brut.* 56, 205.

<sup>161</sup> Kallet-Marx (1990: 135).

<sup>162</sup> Between 95 and 92 BC, for the revised dating of the process see Kallet-Marx (1990).

<sup>163</sup> Gruen (1968: 219); Badian (1969: 481); Keaveney (1979: 454); Stone (2002: 194).

<sup>164</sup> Cic. *De orat.* III, 3, 11.

<sup>165</sup> Sisenna fr. 31 [Cornell]: *Lucium Memmium, socerum Gai Scriboni, tribuni plebis, quem Marci Liui consiliarium fuisse ...* According to the critical apparatus, however, the MSS. read *tribunum* while *tribuni* is Roth’s conjecture.

<sup>166</sup> For Memmius as a tribune colleague of Drusus in 91 BC see Gruen (1965: 67); contra Wiseman (1967: 165) arguing Memmius to be father-in-law of C. Scribonius Curio, the tribune of 90 BC.

<sup>167</sup> Gruen (1968: 219); Kelly (2006: 183).

<sup>168</sup> App. *Civ.* I, 5, 37.

It can be assumed that there were many other unrecorded victims of the *Lex Varia* not only because, according to Cicero,<sup>169</sup> there was no other court acting in Rome between 90 and 89 BC due to war operations.<sup>170</sup> Despite it being quite plausible that the *Lex Varia* was not used against Drusus' political supporters exclusively – which might explain the prosecution of the very author of this law<sup>171</sup> who was definitely no friend of Drusus – it is clear that the *Lex Varia* had originally been proposed and effectively used with the intention to attack and paralyse the senatorial political faction formerly associated with Drusus and to get the opposition out of the way<sup>172</sup> and that many other men were prosecuted and banished for the very reason the law had been orchestrated.<sup>173</sup>

As for the number of victims expelled from Rome under the *Lex Varia*, according to Asconius literally *multi* were banished by this law because of their connections – real or alleged – to the rebels.<sup>174</sup> Appian clearly states – despite a certain exaggeration – that the purpose of the *Lex Varia* was to accuse all the powerful men (τοὺς δυνατοὺς ἅπαντας)<sup>175</sup> and that the people were troubled by being deprived of such men who had done so many deeds (τοιῶνδε καὶ τοσάδε εἰργασμένων)<sup>176</sup> – apparently not just those three unfortunates known by their name, discussed above. Cicero was present at the court *many times* listening to the orators at the courts<sup>177</sup> – apparently more than a few.<sup>178</sup>

Indirect evidence presents the *Lex Sulpicia*. This law, which was passed in 88 BC (and invalidated shortly after Sulpicius had been killed after Sulla had occupied Rome the very same year)<sup>179</sup> was intended to recall exiles.<sup>180</sup> It has been widely discussed who these outcasts allowed to return to Rome might have been. The main complication is presented by the claim of the author of the *Rhetorica ad Herennium* that both the bill (rejected by Sulpicius when first proposed)<sup>181</sup> and the law, a little later enforced by Sulpicius himself with apparently slight alterations to the wording,<sup>182</sup> were concerned with exiles who had been not allowed to defend themselves at the trial and had been evicted from the City by force.<sup>183</sup> If we understand these formulations literally,<sup>184</sup> and not just as phrases of party propaganda,<sup>185</sup> the identification of the exiles banished under the *Lex*

<sup>169</sup> Cic. *Brut.* 89, 304.

<sup>170</sup> Esp. Seager (1967: 39); Badian (1969: 452–458); Gabba (1994: 114).

<sup>171</sup> Cic. *Nat. deor.* III, 33, 81.

<sup>172</sup> App. *Civ.* I, 5, 37. Badian (1969: 450).

<sup>173</sup> On the possible role of Marius and his support of Varius see Stone (2002: 198).

<sup>174</sup> Ascon. *Corn.* 65 [p. 73 Clark]: *cum multi Varia lege inique damnarentur, quasi id bellum illis auctoribus conflatum esset.*

<sup>175</sup> App. *Civ.* I, 5, 37.

<sup>176</sup> App. *Civ.* I, 5, 38: Ἐπιπολάζοντος δ' ἐς πολὺ τοῦ κακοῦ κατὰ τῶν ἀρίστων, ὃ τε δῆμος ἤχθετο τοιῶνδε καὶ τοσάδε εἰργασμένων ἀνδρῶν ἀθρόως ἀφαιρούμενος.

<sup>177</sup> Cic. *Brut.* 89, 305.

<sup>178</sup> On the key role of Caesar Strabo as an opponent of Varius and a defender of those investigated under his law see Stone (2002: 198).

<sup>179</sup> Keaveney (1979: 457) suggested that it was Sulla who annulled the law on the exiles.

<sup>180</sup> Liv. *Perioch.* LXXVII, 1: *P. Sulpicius trib. pleb. auctore C. Mario perniciosas leges promulgasset, ut exsules reuocarentur.*

<sup>181</sup> On the possibility that the first draft was presented by Caesar Strabo see Stone (2002: 203–204).

<sup>182</sup> On Sulpicius' reversal of opinion in that case as well as on his political and personal wavering see esp. Badian (1969: 481–490); Lintott (1971); Mitchell (1975); Keaveney (1979: 455–457); Powell (1990); Stone (2002).

<sup>183</sup> *Rhet. Her.* II, 28, 45: *exules quibus causam dicere non licuisset ... ui eiectos.*

<sup>184</sup> Gruen (1965: 72–73).

<sup>185</sup> Keaveney (1979: 455–456).

*Sulpicia* with the outcasts condemned by the *Lex Varia* seems to be quite problematic since we know from Appian and Cicero that at least some of the convicts did defend themselves during their trial.

However, it is beyond doubt that at least some victims of the *Lex Varia* actually were prevented or intimidated to such an extent that they actually could not have pleaded till the end (Bestia and Cotta). More importantly, as Lewis aptly reminds,<sup>186</sup> the *Lex Varia* itself passed *per vim* and the tribunician veto was ignored.<sup>187</sup> Thus, all the convicts might have been technically considered expelled by force.<sup>188</sup> Even the terminology used by both Appian and Cicero is consistent with that of the *Lex Sulpicia* presented in the *Ad Herennium*.<sup>189</sup>

The arguments linking the “Sulpician” exiles with the victims prosecuted and banished under the *Lex Mamilia* for collaboration with Jugurtha in 109 BC,<sup>190</sup> supporters of Saturninus expelled in 100 BC<sup>191</sup> or even with the Italians themselves expelled by the *Lex Licinia Mucia*<sup>192</sup> are hardly tenable.<sup>193</sup>

Thus, none of the sources implies that the victims of the *Lex Varia* were just a few. Indeed, were their number so negligible, the passing of special laws (to condemn them as well as to recall them) would hardly make any sense; the individual outcasts might well have been recalled individually. At any rate, the Sulpician law was too ephemeral, and the exiles had to wait until Sulla’s second march on Rome.<sup>194</sup> It is reported that his triumph in 81 BC was accompanied by a procession of grateful returning exiles. Many of them had been certainly banished during the wild years of Cinna’s regime and it is hard to say how many of them had been convicted under the *Lex Varia*, however, we know of at least one for sure – C. Aurelius Cotta.<sup>195</sup> And he could hardly have been the only one.

### 3.4 Prosecutions of 89 and 88 BC

Although the major attack against the “Metellan” faction is to be dated into the first half of 90 BC, the prosecutions under the *Lex Varia* continued during 89 BC. Nevertheless, the *Lex Plotia iudicaria* was passed in 89 BC bringing an important change into the structure of the courts, till now composed of the *equites* exclusively.<sup>196</sup> From now on, the *nobiles* (together with eventual plebeian representatives) also participated in the juries.<sup>197</sup> This fundamental change undoubtedly not only saved some remaining potential victims of the *Lex Varia*, but also enabled the prosecution of Q. Varius under his own

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<sup>186</sup> Lewis (1998: 198).

<sup>187</sup> App. *Civ.* I, 5, 37: τὸν μὲν δὴ νόμον ἀπαγορευόντων τῶν ἐτέρων δημάρχων μὴ τίθεσθαι, περιστάντες οἱ ἱππεῖς σὺν ξιφιδίους γυμνοῖς ἐκύρωσαν.

<sup>188</sup> Lewis (1998: 198).

<sup>189</sup> Lewis (1998: 198, n. 20); Stone (2002: 204–205).

<sup>190</sup> Kelly (2006: 93–100).

<sup>191</sup> Lintott (1971: 453).

<sup>192</sup> Badian (1969: 487–490).

<sup>193</sup> Keaveney (1979: 456–457).

<sup>194</sup> On Sulla’s possible attitudes to Drusus see Keaveney (2005: 39–40).

<sup>195</sup> Kelly (2006: 99). Cic. *Brut.* 90, 311, Sen. *Dial.* XII, 16, 7.

<sup>196</sup> Ascon. *Corn.* 70 [p. 79 Clark].

<sup>197</sup> On the arrangement of the courts see Gruen (1968: 221); Brennan (2000: 387).

law.<sup>198</sup> Since we do not know the charge, little can be said about Varius' trial. A revenge of the "Metellan" faction, especially Caesar Strabo, appears quite plausible.<sup>199</sup> At any rate, it seems that with his tribuneship terminated, Varius lost the support of the *equites*.<sup>200</sup> He might have been used, or misused, for some reasons (personal or political) due to his will to cooperate with the *equites*. His personal preoccupation with pursuing the supporters and friends of Drusus, especially Scaurus, seems to be apparent, but the case of deceived Memmius comes to mind in connection with Varius' final fall. Despite some suggesting a death penalty in his case,<sup>201</sup> Varius was more likely "just" exiled as were some of his victims,<sup>202</sup> though he apparently did not survive for long and did not die peacefully.<sup>203</sup> Nevertheless, more essential is the very date of his trial. Considering the sources, it seems to depend on the dating of another important trial.

Cicero informs us that the first trial under the *Lex Varia* after the courts had been changed was that of Pompeius Strabo.<sup>204</sup> The reference to the *Lex Plotia*, which passed in the second year of the war, means that he must have been prosecuted in 89 BC or later. It creates some problems. As a consul of that year not only he possessed immunity, but he spent most of that year out of Rome.<sup>205</sup> The elections for 88 BC even had to be postponed due to his absence and he was not present in Rome until he finally took Asculum in November 89 BC.<sup>206</sup> Thus, he would have to be prosecuted in 88 BC after his consulship finished.<sup>207</sup> Given the fact that Pompeius Strabo was a victorious commander awarded the only triumph of the war (25 December 89 BC), it is not easy to imagine what possible charge could have been brought against him. Gruen<sup>208</sup> suggested Pompeius Strabo was prosecuted later in 88 BC for refusing to hand over command to Q. Pompeius Rufus and even being suspected of his murder.<sup>209</sup> It makes hardly any sense since the *Lex Plotia* was established in the second year of the war,<sup>210</sup> moreover, the trial of Varius should then have to be dated to late 88 BC too, which is also hardly acceptable.

Thus, Badian successfully questioned the identity of the suspect and suggested the commutation of Cn. Pompeius for Cn. Pomponius, the tribune of 90 BC.<sup>211</sup> This solves some problems. However, considering that Cicero describes this man as *nobilitati per-*

<sup>198</sup> On Varius' career and his family in more detail see Weinrib (1990).

<sup>199</sup> According to Val. Max. IX, 2, 2, Strabo's later death was considered to be Marius' revenge for Varius. On the interpretation see Gruen (1968: 217 and 220); Carney (1962: 316); Luce (1970: 183); Stone (2002: 198–199); Weinrib (1990).

<sup>200</sup> On Varius' connection to Marius see Weinrib (1990).

<sup>201</sup> Gruen (1965: 69); Cloud (1994: 513, n. 104); Weinrib (1990).

<sup>202</sup> Seager (1967: 41) and Badian (1969: 461–465) including the discussion on possible charges.

<sup>203</sup> Val. Max. VIII, 6, 4; Cic. *Nat. deor.* III, 33, 81. Stone (2002: 198, on his death 200, n. 46); Kelly (2006: 184). Nevertheless, both references, i.e., *pendere* (Cic.) and *laqueis constrictum* (Val. Max.) – despite Valerius probably speaking metaphorically (Kelly 2006: 184) – seem to imply hanging or strangulation, but hardly as a form of an official punishment linked to his trial.

<sup>204</sup> Cic. *apud* Ascon. *Corn.* 70 [p. 79 Clark]: *Memoria teneo, cum primum senatores cum equitibus Romanis lege Plotia iudicarent, hominem dis ac nobilitati perinuisum Cn. Pompeium causam lege Varia de maiestate dixisse.*

<sup>205</sup> On the movements of Pompeius Strabo during 89 BC see Dart (2014: 154–157).

<sup>206</sup> Badian (1958: 231, n. 5); Katz (1977: 50).

<sup>207</sup> On the date see Badian (1969: 466).

<sup>208</sup> Gruen (1965: 70).

<sup>209</sup> App. *Civ.* I, 7, 63; Liv. *Perioch.* LXXVII, 8; Vell. II, 20, 1.

<sup>210</sup> Ascon. *Corn.* 70 [p. 79 Clark].

<sup>211</sup> Badian (1969: 470–474).

*inuissum*,<sup>212</sup> it is hard to accept that Pomponius was one of the tribunes<sup>213</sup> who tried to veto the draft of Varius' law<sup>214</sup> and who later supported Caesar Strabo<sup>215</sup> as Keaveney and Stone suggest.<sup>216</sup> Thus, Gruen<sup>217</sup> and Lintott<sup>218</sup> seem to be right considering him a Varian prosecutor or at least a supporter of Varius. The crux of the matter seems to be the interpretation of the Cicero's term *nobilitas*.<sup>219</sup> Keaveney and Stone relate it to Sulla's party, which was hostile to some members of the "Metellan" faction and to Caesar Strabo particularly.<sup>220</sup> However, in 89 BC, Sulla spent most of the year campaigning in Campania still fighting the rebels, not his fellow-citizens yet.<sup>221</sup> If there were any members of the *nobilitas* profiting from the *Lex Plotia* and the subsequent change of the courts in Rome that year, these must have been the members of the "Metellan" faction, still potentially threatened by the *Lex Varia*.

As a tribune of 90 BC, Pomponius could not have been prosecuted before 89 BC and there is hardly any reason to dismiss the possibility that his trial was the first one after the *Lex Plotia* had passed in 89 BC and that it – plausibly very shortly – preceded that of Varius. Some suppose that Varius must have been charged as soon as the situation allowed it, i.e., in early 89 BC, immediately after losing his immunity.<sup>222</sup> This is speculative since we do not have a more accurate date for the *Lex Plotia*; at any rate, the passing of a law depriving the *equites* of their monopoly in the courts was hardly a smooth process and the establishing of the new courts also must have taken some time.

Nevertheless, in 89 BC, the situation for the *nobiles* improved considerably in comparison to the previous year – the *Lex Plotia* allowed their presence in the courts and thus probably prevented some of them from condemnation; moreover, it even enabled the elimination of their arch-enemy Q. Varius. However, they were far from taking the upper hand. All above, none of the convicts exiled in 90 BC was allowed to return to Rome despite vehement efforts to arrange their return. Caesar Strabo seems to have tried particularly hard in this respect<sup>223</sup> and there can be barely any doubt that there was no less ardent resistance to pardon the persons found guilty of instigating the war and of collaboration with the enemy. This very argument must have represented an effective pretext

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<sup>212</sup> Cic. *apud* Ascon. *Corn.* 70 [p. 79 Clark].

<sup>213</sup> On the other tribunes of 90 BC see Gruen (1968: 216–217); Stone (2002: 199, n. 42 and 43) for quite different characterisation based on the same sources.

<sup>214</sup> App. *Civ.* I, 5, 37.

<sup>215</sup> Quint. *Inst.* VI, 3, 75.

<sup>216</sup> Keaveney (1979: 458); Stone (2002: 199). The identification of the tribune of 90 BC and Strabo's supporter is far from being certain since Quintilian does not give Pomponius' praenomen. See Lintott (1971: 448, n. 4).

<sup>217</sup> Gruen (1968: 217).

<sup>218</sup> Lintott (1971: 448).

<sup>219</sup> Cic. *apud* Ascon. *Corn.* 70 [p. 79 Clark].

<sup>220</sup> Keaveney (1979: 458–459); Stone (2002: 199, n. 39). On the development of political relations between Sulpicius, Sulla and Marius see Keaveney (2005: 46–47).

<sup>221</sup> Dart (2014: 158–161). Besides many victories in Campania, he also laid siege to Nola – actually his camp before this city was the point from where he started his march on Rome in 88 BC. We may assume that he was in Rome in the late part of the year when running for consul together with Pompeius Rufus. At the same time, i.e., in late 89 or more probably in early 88 BC, he married Caecilia Metella, widow of Scaurus.

<sup>222</sup> For further discussion on a more exact date of the *Lex Varia* see, e.g., Gruen (1965: 59–60); Seager (1967); Mouritsen (1998). Stone (2002: 198) considers Varius to be Marius' man.

<sup>223</sup> Stone (2002: 197–200).

to block any rehabilitation and return of many undesirable potential opponents. It seems to be apparent also from the events of the following year, when the war was essentially over and the majority of the Italians ceased to be enemies. Sulpicius, the former member of the “Metellan” group, at first dismissed the bill of the law recalling the exiles back<sup>224</sup> and after he finally enforced almost the same law a little later, it was annulled shortly after his death. There are no reports of any of the convicts returning during 88 BC.<sup>225</sup>

#### 4. Conclusion

According to Sydenham and Crawford, the denarii of Titurius Sabinus were issued in 89 BC, i.e., at least one year and a few months after the death of Drusus and probably less than a year after the harshest trials under the *Lex Varia* in 90 BC against alleged traitors of Rome who made their pacts with the enemy. The Social War was still raging in 89 BC, despite its result being increasingly predictable during that year, and this most arduous disaster since the Hannibalic wars, which cost so many lives and exhausted the *aerarium*,<sup>226</sup> was constantly presented as a consequence of Drusus’ attempt at the enfranchisement of the allies or even their conspiring within the frameworks of continuing internal political struggle. The allegation of treason became a pretext for political persecution of the former Drusus faction from the very beginning.

In December 89 BC, the stakes were quite high. With the Social War slowly nearing its end, attention started to turn to the East and the elections for the following year were linked to the future and deeply desired command of the campaign against Mithridates.<sup>227</sup> Pompeius Rufus and Sulla spent most of 89 BC fighting the Italians. However, Caesar Strabo was probably a pretender to the consulship too, laying his groundwork already in 89 BC;<sup>228</sup> and he was present and quite active in Rome, being busy with gangs fighting in her streets during that year. There can be hardly any doubt that successful arrangement of a return of the exiles, many prominent and influential men, would have substantially affected the elections. A political support from the grateful returnees might have been one of the motives for Sulpicius proposing his bill in 88 BC.<sup>229</sup> Sulla entering Rome in 81 BC, accompanied by the most distinguished and influential citizens who called him their saviour and father for bringing them back home,<sup>230</sup> was more successful in this respect.

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<sup>224</sup> *Rhet. Her.* II, 28, 45.

<sup>225</sup> Kelly (2006: 98).

<sup>226</sup> Oros. *Hist.* V, 18, 27. It is actually the Titurius coins that bear the letters A(*rgento*) PV(*blenco*) pointing to a special source of the bullion. The outrageous murder of the urban praetor Asellio by creditors (Val. Max. IX, 7, 4) also refers to the financial crisis of 89 BC.

<sup>227</sup> On the literary sources see Badian (1958: 230); for the competition for the Mithridatic command see, e.g., Luce (1970: 186–188); Powel (1990: 452–460).

<sup>228</sup> There is still no agreement whether his illegal candidature for the consulship belongs in 89 or 88 BC, on survey of opinions see Stone (2002: 201).

<sup>229</sup> Kelly (2006: 98).

<sup>230</sup> Plut. *Sull.* 34, 1: Ὁ μέντοι θρίαμβος αὐτοῦ ... μείζονα κόσμον ἔσχε καὶ κάλλιον θέαμα τοὺς φυγάδας. οἱ γὰρ ἐνδοξότατοι καὶ δυνατώτατοι τῶν πολιτῶν ἐστεφανωμένοι παρείποντο, σωτήρα καὶ πατέρα τὸν Σύλλαν ἀποκαλοῦντες, ἅτε δὴ δι’ ἐκείνων εἰς τὴν πατρίδα κατιόντες.

Thus, the presence of the mythological cautionary example on the brand-new coin issue of 89 BC – the second largest issue of that year<sup>231</sup> – is hardly a coincidence.<sup>232</sup> The image of Tarpeia seems to be launched against the former adherents of Drusus, renegades condemned and exiled under the *Lex Varia* for high treason, to block their potential rehabilitation and return to Rome – undoubtedly a brilliant and effective instrument of manipulation of public opinion. If so, even the political preferences of Titurius Sabinus would appear quite clear.

In case that Titurius' coinage was struck in 90 BC already, as Assenmaker suggested,<sup>233</sup> we can assume that the picture of Tarpeia was pointing to Drusus, the instigator of the allies, as well as against his adherents who were just facing the prosecutions for the crime of high treason under the *Lex Varia* during that year. If directed personally against Drusus, the picture of the Punishment of Tarpeia would have reminded of his fatal ending in a manner similar to Brutus' notorious issues celebrating the assassination of a tyrant about 50 year later.

At any rate, Tarpeia, enhanced with her close connections to places of executions of the particular crime, stands here (or more accurately kneels before the observer) as a mythological embodiment of high treason and its deserved punishment. Assuming that her image was used intentionally on the coins, we can link it easily with both possible dates for Titurius' issues and with particular historical events and characters. In terms of propaganda, the use of the scene clearly falls into the category of *scapegoating*.<sup>234</sup>

The purpose of the coin image was primarily commemorative until the half of the 1st century BC<sup>235</sup> but it hardly makes the above suggested interpretation of the Punishment of Tarpeia as a part of political struggle anachronistic. It is as much confrontational as the very contemporary scenes on the denarii of the allies, based on the Roman coinage in all respects,<sup>236</sup> which brought in the famous, openly antagonistic image of a bull crushing the she-wolf, rightly considered by Burnett to be “the first coins produced as propaganda in the sense that their existence and the symbols they bore were intended to convey a simple and strong message, of common identity and hostile distinction from a specific enemy.”<sup>237</sup>

Moreover, the way of communicating the message – a mythological event mirroring and commenting on a current political situation – corresponds entirely to another particular coin image issued only a few years later. In 82 BC, C. Mamilius Limetanus struck his famous denarii portraying the moving scene of the Return of Odysseus, with the hero being greeted by his old faithful dog Argus<sup>238</sup> on the reverse.<sup>239</sup> This peculiar moneyer's choice (besides necessary claiming his descend from the king of Ithaca) has been considered an allusion to the return of the Marian exiles,<sup>240</sup> or – more plausibly – a celebration

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<sup>231</sup> 279 reverse dies according to Crawford (*RRC* 344/2a–c).

<sup>232</sup> Titurius' issues present about half of the reverse dies used in 89 BC. Barlow (1980: 206).

<sup>233</sup> Assenmaker (2016).

<sup>234</sup> For its features see Kopij (2021: 104).

<sup>235</sup> Meadows, Williams (2001: 42).

<sup>236</sup> Burnett (1998: 167–168).

<sup>237</sup> Burnett (1998: 170).

<sup>238</sup> Hom. *Od.* XVII, 290–327.

<sup>239</sup> *RRC* 362/1.

<sup>240</sup> Carney (1959: 82).





Fig. 3 Reverse of AR serrate denarius, C. Mamilius Limetanus, 82 BC, *RRC 362/1*: Return of Odysseus  
 Courtesy of the American Numismatic Society, inv. no. 1948.19.112  
 Source: <https://numismatics.org/collection/1948.19.112>

of Sulla's return to Rome in 82 BC, portraying Sulla as Odysseus being welcomed by the old loyal ones, punishing his enemies and restoring order.<sup>241</sup>

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<sup>241</sup> Luce (1968: 38–39); Zehnacker (1973: 572).

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#### SABINOVA ŠIFRA: PŘÍSPĚVĚK DO DISKUSE O POLITICKÉ AGITACI NA MINCÍCH ŘÍMSKÉ REPUBLIKY

Článek analyzuje ikonografii a význam scény potrestání Tarpeie na denárech L. Tituria Sabina ražených za Spojenecké války, shrnuje dosavadní interpretace a nabízí nový výklad spojený s vnitřním politickým bojem mezi skupinou senátorů soustředěnou kolem tribuna lidu M. Livia Drusa a jejími oponenty. Autorka předpokládá, že postava nechvalně proslulé zrádkyně vlastního národa nalezla na mincovním obraze využití v rámci politické kampaně a představuje samotného Drusa nebo jeho přívržence odsouzené na základě Variova zákona do vyhnanství pro zločin velezrady, s cílem zabránit jejich omilostnění a návratu do Říma.

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