

ABSTRACT

Creatures of the Triumvirs: A Study of the Patron-Client Relationship in the Late Roman Republic

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Dr. Erich S. Gruen's article "P. Clodius: Instrument or Independent Agent?" addressed for the first time the problems inherent to viewing the clients of the Late Roman Republic as merely the puppets of their patrons. This study proposed to examine several major clients—Gabinus, Clodius, and Milo—to determine to what degree they operated under the guidance of their patrons and to what extent they exercised political independence. To do this, the careers of the clients and the primary sources were examined in detail to analyze the influence of the patrons in their respective political actions. In the process of the study, questions were raised about the changes the relationship underwent in the Late Roman Republic and the political role that the patron-client relationship still played. This study found that the clients operated with more freedom than was previously believed and had to contend with a political atmosphere in which alliances were made and sacrificed with equal rapidity.

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CREATURES OF THE TRIUMVIRS:
A STUDY OF THE PATRON-CLIENT RELATIONSHIP IN
THE LATE ROMAN REPUBLIC

A Thesis Submitted to the Faculty of
Baylor University
In Partial Fulfillment of the Requirements for the
Honors Program

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May 2016

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Patronage in Roman Society: A Brief Introduction

“[Romulus] placed the plebians as a trust in the hands of the patricians, by allowing every plebian to choose for his patron any patrician whom he himself wished...But Romulus not only recommended the relationship by a handsome designation, calling this protection of the poor and lowly a ‘patronage,’ but he also assigned friendly offices to both parties, thus making the connection between them a bond of kindness befitting fellow citizens.”

- Dionysius of Halicarnassus, *Roman Antiquities* 2.9.2-3, trans. E. Cary.

In his master work, *Roman Antiquities*, Dionysius of Halicarnassus describes the supposed origins of the Roman patron-client relationship. Like many things in Roman society, it was retroactively superimposed on the semi-mythical reign of Romulus. He goes on to expound the duties ascribed to each party in the relationship.¹ Patrons were to inform their clients about the laws, defend them when accused in court, prosecute in court when their client was wronged, and provide monetary assistance when needed. In short, as Dionysius states, “to secure for them both in private and public affairs...tranquility.”² In return, clients were to help pay the dowries of daughters, if needed; pay ransom; pay for monetary fines and losses to the State, not as loans but as gifts; and share in the public expenditures of their patron in office. For both, they should not accuse each other in lawsuits, witness, or vote against one another. Any man who did any of those outlawed things would be guilty of treason and could be killed with impunity. These relationships

¹ Dionysius of Halicarnassus *RA* 2.10; Drummond 1989 also lists a catalogue of the duties of the relationship.

² Dionysius of Halicarnassus *RA* 2.10.1, trans. E. Cary.

were hereditary and stayed within families for many generations. It was beneficial for illustrious patrician families to gather as many clients around them as possible. Of course, Dionysius paints a positive and narrow picture of the patron-client relationship. Even by his own day, this traditional connection had expanded with the borders of Rome and characterized the political system in the capital.

There are several identifiable problems with Dionysius' attempt retroactively to place the foundation of the patron-client relationship contemporary with the foundation of the Roman state under Romulus.³ Dionysius' aim was not necessarily an accurate historical description of the tradition, but rather to reconcile his Greek audience with the rule of Rome, which is evident when he draws connections between the Roman patron-client system and those of Greek city-states. The purpose of this thesis is not to refute the claims of Dionysius. We can take his description as a starting point, the probably un-real, idealized version of the system that features so prominently in the later history of Rome. This chapter will instead look at the evolution of the patron-client relationship in the second and first centuries BC, as the Republic approached the eventual reign of the emperors.

Dionysius sketches the patron-client relationship as a tool used to keep political peace within Rome. He also explicitly states that the relationship was between the plebians and the patricians, each filling a prescribed role in the reciprocal relationship. However, as we see it later in the Republic, the patron-client relationship was so much more complex than that. First of all, it was not merely between patricians and plebians, but could be patrician-patrician or plebian-plebian as well. Many wealthy senatorial families had vast networks of *clientelae*, but their clients also had clients and those clients

³ Drummond 1989: 89-94 describes them in full.

could have clients as well and on and on it went. An example that will be explored in depth in a later chapter is Clodius. As a member of the wealthy *Claudii Pulchri gens*, he and his family had many hereditary clients, but he was also at times the client of Pompey, Caesar, and Crassus, despite being a patrician himself.

In reality, the system of patronage evolved into something rather different from that described by Dionysius. Clients were expected to call on their patrons in the morning and accompany them to the Forum for prestige and occasionally protection. They were still expected to vote for their patron when he ran for office, but perhaps also in accordance with the patron's wishes even when he was not running. The aspects of the patron's duties changed. By 204, the *lex Cincia* outlawed the practice in which a patron accepted monetary recompense for defending a client in court, a task that had originally been assigned, according to Dionysius, as a part of a patron's obligations to his clients.⁴ In 139, the *lex Gabinia* instituted secret ballots so that the patrons could not ensure that their clients were voting according to their wishes. Clearly, by this point, the system, if it ever was as ideal as Dionysius's account claims, had begun to break down into a less reciprocal relationship.⁵ As Wallace-Hadrill points out in "Patronage in Roman Society," after the *lex Gabinia*, the patron-client system could not have been the driving force behind politics, but rather one of many.⁶

It was during the time of Marius and Sulla that the patron-client relationship exploded into something much larger and, to some, more menacing. The two political

⁴ Feig Vishnia 2012: 40.

⁵ Also see Damon 1997. Damon discusses the literary and theatrical trope of the Parasite as it pertains to the patron-client relationship and its downsides in the Roman world.

⁶ Wallace-Hadrill 1989: 70-71.

giants rose to confront each other each with a small army of *clientelae* and *amici* at their back. Marius reorganized the Roman army and enlisted paupers and even some slaves into the army's fighting ranks, a place usually denied to property-less Romans.⁷ The result was an army that depended on its commander for advancement and payment once the campaigns were over. It was this development that set the stage for Sulla's march on Rome and the eventual domination of politics by military giants. In essence, the armies themselves became large networks of clients that responded to the will of their commander with the hope of benefits conferred on them with his political advancement.

Pompey brought the domination via a patron-client system to a whole new level. Cicero himself states that Pompey was accustomed to boast that he had cities and kings and nations as clients.⁸ Pompey cultivated his relationships with other *nobiles* just as carefully. Pompey himself rose to power through the patronage of a powerful and ancient Roman *gens*, the Scipiones. He garnered more support by divorcing his first wife and marrying a Metella, the daughter of another formidable and long-lasting Roman *gens*.⁹ His father achieved the consulship in 89 and boasted the primary place in Picenum.¹⁰ It was from this region that Pompey raised an army of his own out of his clients and went to Sulla's aide as a private citizen.¹¹ He was not alone in holding a private army during this time; his future ally Crassus also had the resources and massive client base to do so. However, Pompey was still a young man who had not held office in

⁷ Plut. *Marius* 9.

⁸ Cic. *Ad fam.* 9.9.2: "*regum ac nationum clientelis quas ostentare crebro solebat.*"

⁹ Syme 1960: 30-31.

¹⁰ Seager 2002: 20.

¹¹ Plut. *Pomp.* 6.

Rome and had taken a few hits from his father's bad reputation, yet he was still able to raise a private army of clients.

During his tenure under Sulla as “the young butcher,” Pompey built up a reputation for success and gained even more clients to add to his prestige.¹² He did not follow the typical *cursus honorum*, yet still achieved the consulship in 70.¹³ Before that, he held a variety of military commands under Sulla and was famous for his successes. In 77, Pompey was sent to Spain to fight Lepidus, where he remained until the year before his consulship.¹⁴ Spain became one of the largest client bases for Pompey. In 72, the consuls L. Gellius Publicola and Cn. Cornelius Lentulus Clodianus ratified Pompey's grants of citizenship to Spaniards.¹⁵ This action opened up a sea of potential clients for Pompey and he made ample use of the opportunity.

The Late Republic saw powerful patrons of the Roman political scene rise to the top, Pompey, Crassus, and Caesar included. Their clients and alliances played increasingly large roles in political maneuvering. Despite Pompey's five total consulships, one of them held alone and only three years after the last, he could not hold office continually. The clients of these political giants became vehicles for achieving the political goals of their patrons when they were not in office. However, these clients and allies had political goals and agendas of their own and could not always be controlled by their patrons.

¹² Val. Max. 6.2.8: “*adulescentulo carnifice.*”

¹³ Broughton *MRR* 2.126.

¹⁴ Broughton *MRR* 2.90-124.

¹⁵ Cic. *Balb.* 19; Seager 2002: 35.

Contrary to the line of thought that has been taken by modern scholars, the clients of the major political figures in the Late Republic sometimes acted without the guidance of their patrons. Gabinius, one of the foremost clients of Pompey, followed a standard political career, but was also successful at reorganizing provincial administration and securing lasting peace in the eastern provinces. Ultimately, he was convicted in a trial in an effort to humble Pompey, his patron. Clodius is a standard example of a client dancing between several patrons and using their power to achieve his own ends. Milo is typically seen as a violent, mindless adherent, but he made it nearly to the consulship without Pompey's support and was also an example of a client dropped by his patron for political reasons. These three clients of the so-called First Triumvirate illustrate the patron-client relationship in the Late Roman Republic and its importance in the political sphere.

CHAPTER ONE

Gabinius

Aulus Gabinius stands as one of the most prominent politicians and clients of Pompey of his age. Gabinius incurred a negative reputation, particularly for his role with Pompey, in many of the ancient sources. Cicero, in particular, hated him for his role in his exile and many historians who came later were colored by the same view and attempted to blacken his reputation. Gabinius was a creative and active politician. He enjoyed Pompey's support, which enabled him to rise to high levels of office but he frequently acted independently. The patron-client relationship that existed between Pompey and Gabinius was dynamic and equally beneficial to both. Gabinius was a powerful politician in his own right and had plans independent of Pompey's wishes. Gabinius was always more than just "a man from the lap of Pompey" as Plutarch states.¹⁶ The purpose of this chapter is to explore the career of Aulus Gabinius and show that his actions were not merely the result of his connections with Pompey, but reveal a plan of his own and independence from the triumvirs.

Early Life

Aulus Gabinius was probably born around 110, although the actual date of his birth is unknown.¹⁷ A member of the *gens Gabinia* appears for the first time in 167 as the prefect of Scondra. For the next several generations, the Gabinii continue in politics

¹⁶ Plut. *Cato the Younger* 33.4.

¹⁷ Badian 1959: 93.

but none advance higher than the praetorship.¹⁸ Using nomenclature, Badian asserts that the *gens Gabinia* came from humble origin in Campania.¹⁹ Regardless of the murky evidence for Gabinius' forefathers, the evidence suggests that this Gabinius was the first to elevate his family to consular rank, a significant achievement in Roman politics. Two members of the *gens Gabinia*, who directly preceded him in politics, sided with Sulla during the bloody days of factional warfare that raged between Sulla and Marius. A relative of the consul Gabinius, probably his father, had an active military career, first as a quaestor in the East under M. Antonius, the father of the later triumvir, and then in southern Italy, where he fell during the Social War.²⁰ Gabinius began his career in the military, as had been customary for his family for generations and was first a military tribune in 86 and then served in Asia under the dictator Sulla in 81.²¹

Tribunate

Gabinius resurfaced in political life during his tenure as Tribune of the Plebs in 67, which was characterized by active legislation and a newfound association with Pompey, the first time they can be definitively linked.²² It is unclear when Gabinius first became a partisan and client of C. Pompeius Magnus, but Badian suggests several theories. Undoubtedly, they knew of each other, since both were aligned with Sulla;

¹⁸ Broughton *MRR* 2.570.

¹⁹ Badian 1959: 87.

²⁰ Huzar 1978: 27; Livy *Per.* 76; Badian 1959: 88 asserts that he also reached the praetorship prior to his campaigns during the Social War, since such commands were given to high-ranking and well-respected men.

²¹ Broughton *MRR* 2.55; Broughton *MRR* 2.78. Badian 1959 convincingly argues that the A. Gabinius noted in these two instances was the same Gabinius that later achieved the consulship, not his father, as had been previously believed.

²² Broughton *MRR* 2.144-145.

however, they never served together during that time. It is highly unlikely that Gabinius made substantial connections with Pompey at this time, since they seem to be constantly in different parts of the empire. It is possible that Gabinius joined Pompey in Spain, either as legate or quaestor, but there is not enough evidence to confirm or reject this idea.²³ In short, the sources do not tell us how Pompey and Gabinius made their connection. It may have occurred as late as the year of Gabinius' tribunate. What is known is that Gabinius was an invaluable asset to Pompey during that year and successfully advanced Pompey's agenda several times.

Gabinius' first law was to strip L. Lucullus, the general and prominent statesman who was concluding the Mithridatic War, of his provinces and part of his army. The law gave them instead to the consul for that year, Glabrio.²⁴ Although at face value the law may not seem to benefit Pompey, it was intended to pave the way for his assumption of the Mithridatic command, which Pompey greatly coveted. Gabinius' tribunate is best-known for the *Lex Gabinia de bello piratico*, which was undeniably a move in Pompey's favor. The law gave Pompey the authority to wage war against the pirates, which by that point had become a grievous problem in the Mediterranean and were interrupting shipping to Rome. It granted Pompey an unprecedented command, including proconsular *imperium* over the entire Mediterranean and fifty miles inland so he could root out pirates both on the sea and land. To do this, he was also given the power to raise up to twenty legions' worth of troops, five hundred ships, fifteen legates, and a credit of six thousand

²³ Badian 1959: 95. The only evidence that exists for this situation is the appearance of the name 'Gabinius' in inscriptions in Spain and Narbonese Gaul and Badian's conclusion that the "circle" of Pompey—including M. Piso, L. Afranius, and A. Gabinius, among others—was formed during this time.

²⁴ Broughton *MRR* 2.144. All of Gabinius' legislation in the year of his tribunate is recorded by Broughton. More detailed versions of the laws can be found in Rotondi 2015: 371-374.

talents.²⁵ As might be expected, Pompey's opponents in the senate opposed the measure and attempted to block it, which led to more radical movements and legislation on Gabinius' part.

Two of Gabinius' other laws were attempts to combat the opposition of Pompey's enemies. One of Gabinius' fellow tribunes, L. Trebellius, vetoed the law granting Pompey the command over the pirates. Pulling from the example of the Gracchi brothers, who had held votes to remove magistrates from office when they opposed a vote of the people, Gabinius called the tribes to vote on the *Rogatio Gabinia de magistrate L. Trebellio abrogando*. This would have stripped L. Trebellius of his tribunate if, during the voting, he had not withdrawn his veto and relented in his opposition. A similar stand-off occurred with the consul C. Calpurnius Piso. Piso also opposed Gabinius' efforts on Pompey's behalf and Gabinius drew up a vote that would remove the consul from power but Pompey was apparently able to win him over and the vote never occurred.

Pompey's selection of Gabinius as his friendly and active tribune was not an unusual or inexplicable one. Indeed, Gabinius had a lot in common with Pompey: both men rose to political power through military service during the days of Sulla and beyond; Pompey's rise had only been faster and more dramatic.²⁶ Pompey had long-standing connections with the tribunate as well, beginning when he and Crassus restored the office to its full power after Sulla's death and made it once again an expedient step on the political ladder.²⁷ Pompey made it his practice to have friendly tribunes in power in a

²⁵ Plut. *Pomp.* 26.

²⁶ Seager 2002: 30-39.

given year. Especially during the years in which he was not personally in office, the tribunate offered Pompey a powerful vehicle to pass legislation and even override the senate when necessary. Gabinius proved himself an active and dedicated tribune from the outset, to Pompey's benefit, but also to his own.

In addition to his legislation for Pompey, Gabinius carried out another program of his own that has no evidence for Pompeian involvement. This legislation set the stage for Gabinius' interactions with the *publicani* in the East during his governorship of Syria. He passed two other laws during his tribunate. The *Lex Gabinia de senatu legatis dande* was a law that set aside the month of February for the senate to hear foreign delegations. Evidently, this law was intended to decrease the time that the delegations remained in the city, awaiting a hearing from the senate, during which time they could bribe the magistrates and increase the corruption.²⁸ The second law, the *Lex Gabinia de versura Romae provincialibus non facienda*, forbade the issuing of loans to provincials. Judges were required to reject the loans as invalid and a fine could be tacked on in addition.²⁹

Gabinius' tribunate was his first claim to fame and it set the stage for his later exploits, both in Rome and in Syria and Egypt. During his year in office, he made his name known around the city, actively promoted legislation, and proved himself a useful ally for Pompey. He also began to make powerful enemies among the nobility, particularly the *optimates*, who resented his laws and the disruption of Lucullus' command. Still, the alliance with Pompey early in his career opened doors for his later successes, but also determined his actions in subsequent years. It appears that, during his

²⁷ Seager 2002: 37.

²⁸ Rotondi 2015: 374.

²⁹ Rotondi 2015: 373; Cic. *Att.* 5.21.12; 6.2.7.

tribunate, Gabinius operated both for Pompey and for himself, setting up legislation that would have ramifications on his command in Syria. His alliance with Pompey was a shrewd move on both of their parts: Pompey acquired a loyal and effective tribune, Gabinius a powerful patron and backer for future elections. They both found the relationship mutually-beneficial, enough so that the connection continued into Gabinius' later posts.

Praetorship and Consulship

After the conclusion of his tribunate, Gabinius reaped some rewards for his support of Pompey. For the next three years, he was a legate of Pompey through a number of military campaigns, including some in Judaea and other eastern provinces.³⁰ Gabinius had already proved his skill in war and leadership positions on the front and he continued to gain experience under Pompey, leading the advance across the Euphrates to the Tigris.³¹ In 61, five years after he held his famed tribunate, Gabinius became praetor with Pompey's support.³² Three years after that, again with the aid of Pompey, Gabinius reached the consulship of 58, the first in his family to achieve the highest office in Rome.³³ As with his tribunate, he was not idle in his power.

Gabinius, as it has already been shown, had already distinguished himself by the time he reached the consulship of 58. Gabinius was certainly a candidate backed by the triumvirs, particularly Pompey, with whose support he rose to the chief office in the

³⁰ Broughton *MRR* 2.156-170; Dio 37.5.2; Jos. *BJ* 1.140; *AJ* 14.56.

³¹ Broughton *MRR* 2.160.

³² Broughton *MRR* 2.179.

³³ Broughton *MRR* 2.193.

Roman Republic.³⁴ His consular partner was another ally of the triumvirs: Piso, the father-in-law of Caesar. Gabinius had already advanced Pompey's interests during his tribunate and had been part of his staff on his campaigns in the eastern empire and Piso had obvious familial connections to Caesar; both would likely be friendly to the triumvirs. Plutarch goes so far as to call Gabinius "the most extravagant of Pompey's flatterers" at this time.³⁵

However, Gabinius had grown powerful as Pompey's client and others were not so keen to have a blatant supporter of Pompey in office. The year 59 BC, just before Gabinius took office but after he had already won the election, saw the first of his trials. He was charged *de ambitu* by C. Porcius Cato under the *Lex Tullia de ambitu* for bribery during the consular elections.³⁶ The case never actually came to trial since the praetors in charge of the *quaestio de ambitu* refused to hear the case for several days. Although the triumvirs were widely unpopular in 59 for their heavy-handed tactics, the atmosphere in Rome had warmed to them since the exposed plot on Pompey's life in September and C. Cato's accusation in the senate that Pompey was the "unofficial dictator" did not go over well.³⁷ Still, this was only the beginning of the charges levelled at Gabinius that were actually meant to injure the triumvirs. His final trial in 54, in which he was condemned, was only the last and most successful in a string of accusations.

Gabinius dodged prosecution, through the help of his connections with Pompey, and entered his consulship alongside L. Calpurnius Piso. Another major figure plays a

³⁴ App. *BC* 2.14.51; Cic. *In Pis.* 3; Plut. *Pomp.* 48.

³⁵ Plut. *Pomp.* 48, "ἄνδρα τῶν Πομπηίου κολάκων ὑπερφυέστατον."

³⁶ Alexander 1990: 123; Cic. *Q.F.* 1.2.15.

³⁷ Cic. *Att.* 2.24.3; *Q.F.* 1.2.15, "privatum dictatorem."

significant role in politics during this same year, one that will be covered in Chapters Two and Three; Clodius was a tribune in 58 as well. Pursuing his hatred of Cicero, Clodius determined to have the orator exiled in that year and used his execution of the Catilinarian conspirators without a trial as an excuse. Clodius was bent on seeing this through and, in effect, bribed the consuls to support or look the other way during his attacks on Cicero.³⁸

Using his power as tribune, Clodius passed a law, the *Lex Clodia de provinciis consularibus*, that overrode the senatorial designation of provinces for the consuls and granted instead Macedonia and Cilicia, two very desirable provinces.³⁹ Later, with the *Lex Clodia de permutatione provinciarum*, he exchanged Gabinius' province Cilicia for Syria, a fairly new province that would provide a springboard off which to launch a campaign against the Parthians.⁴⁰ In return, the consuls were not to interfere with his prosecution of Cicero. In fact, Gabinius took a leading role in the exile of Cicero while Pompey, who had been repeatedly assuring the orator that Clodius would not harm him, looked the other way.⁴¹ Fearing the prosecution, Cicero chose to flee Rome and was convicted *in absentia* by the *Lex Clodia de exilio Ciceronis*.⁴² In turn, Cicero added Gabinius to his list of *inimicii* alongside Clodius himself.⁴³

³⁸ Williams 1978: 200.

³⁹ Rotondi 2015: 393-394.

⁴⁰ Rotondi 2015: 394.

⁴¹ Cic. *Att.* 2.5.2; 2.19.1.

⁴² Rotondi 2015: 394-396.

⁴³ Cic. *Pis.* 3.

This episode illustrates several important points about the political climate of the period. First, all three of the politicians involved had ties of varying degrees to Pompey. By this point, Clodius was mostly operating under the auspices of Pompey and his associates, since Caesar and Pompey had engineered his transition from patrician to plebeian the year before. Gabinius was obviously an ally of Pompey and was in office with another ally of the triumvirs. Cicero did not always declare himself an ally of Pompey and frequently put distance between them, but he still had ties to Pompey and had received numerous assurances that Clodius would not harm him. Ultimately, Pompey had to sacrifice either Clodius or Cicero for his own ends and he chose Cicero to keep Clodius friendly to him, at least for the time being.⁴⁴ This type of episode would later be repeated in the late stages of the clash between Clodius and Milo, addressed in the following chapters.

At the same time, Clodius and Gabinius should have theoretically been on the same side, since both maintained close ties to Pompey during this period. Later, Clodius would assert his independence, but not until after Cicero was safely out of Rome. However, their ties to Pompey did not necessitate ties to each other. Clodius still essentially had to bribe Gabinius and Piso with favorable provincial assignments in order to keep their support for Cicero's exile. Naturally, one can assume that if Pompey had truly been firmly against the exile of Cicero, Gabinius and Piso would not have supported the action, but Pompey's tacit support did not presuppose theirs.

During this time, Clodius was growing alarmingly powerful. He occasionally operated with the triumvirate when it suited his interests, but more often he acted with a faction of his own. After the affair with Cicero was sealed and the orator had gone into

⁴⁴ Seager 2002: 100.

exile, Clodius turned on Pompey and his associates.⁴⁵ He criticized Caesar's actions during his consulship as invalid because they were done under unfavorable auspices.⁴⁶ He also threatened Pompey's arrangements in the East, which he had worked so hard to achieve, and so intimidated him with his threats of violence that Pompey remained in his house from fear.⁴⁷ Gabinius had to choose sides between the tribune, whom he had joined to exile Cicero, and Pompey. Both had become powerful political entities. Gabinius chose to remain a partisan of Pompey and went so far as to clash with Clodius' gangs in the streets with contingents of his own.⁴⁸ The capital, not for the last time with Clodius around, erupted into violence and political gang warfare. Despite their violent opposition, Gabinius does not seem to have gotten on Clodius' bad side in later years.

Near the end of Gabinius' consulship, Pompey and other politicians, including many of the *optimates* who agreed that Clodius was becoming too powerful, wanted to check his might by recalling Cicero. Going against his patron this time, Gabinius blocked the motion for the remainder of his consulship. This opposition, held even against his patron, is not difficult to understand. Gabinius, like many Roman politicians, probably wanted his activities as consul to remain untouched and serve to bolster his reputation even after he left office. He was certainly not challenging Pompey, merely attempting to keep Cicero in exile while he had power over it—while he was still consul. It is probable that he knew that the resistance would not hold after he left office and there

⁴⁵ This episode is discussed in length in the next chapter on Clodius.

⁴⁶ Plut. *Pomp.* 49.

⁴⁷ Rotondi 2015: 397; Cic. *Haur. Res.* 28-29.

⁴⁸ Cic. *Sest.* 34, 55.

is no record that he actively campaigned against the motion in the next year. It was enacted the year after.⁴⁹

As a result of Gabinius' support of the exile of Cicero, he earned himself a bitter enemy. In the many speeches that followed his return, Cicero abused Gabinius and his fellow-consul Piso to no end. He charged Gabinius with everything from debauchery and femininity to betrayal and abuse of the State during his consulship.⁵⁰ He continued to abuse Gabinius into his tenure in the province of Syria and beyond, never letting up on his hostility until Gabinius likewise was exiled, to the orator's glee. Although some of the charges laid at Gabinius' door may have been based in fact, Cicero's harangues against one of the men who helped exile him cannot be taken without consideration. Gabinius may have been prone to luxury, as Cicero stated, or possessed any number of other faults, but most of these cannot be proven by the historical record and do not play into the overall estimation of his political career. What is known is that Gabinius did support Clodius against Cicero and earned a bitter enemy for it, but he was not acting against Pompey's interests.

Provincial Command

Once his consulship came to a close, Gabinius set out to take up his provincial assignment in Syria. He had profited greatly from his deal with Clodius. Syria was a fairly new province in the East and the area still required some work to be considered settled, and Gabinius had unlimited *imperium*.⁵¹ This would enable Gabinius to show off

⁴⁹ Rotondi 2015: 400.

⁵⁰ Cic. *Sest.*; *Dom.*; *Haur. Res.*

his military and political skills while also adding to his wealth and prestige. Gabinius' governance of the province, though, was a mix of heavily-criticized actions and innovative politics. The area in question was only recently pacified. The ancient province of Syria encompassed modern Lebanon and parts of modern Syria and Turkey. It was directly north of Judaea, an area not yet incorporated into the Roman Empire as a province, but ruled by client kings of Rome. Syria bordered the powerful Parthian Empire and had only been taken and organized by Pompey during the latest Mithridatic War five years before.⁵²

During the first year of Gabinius' governorship, he had to deal with problems not in Syria but in Judaea. Pompey had already become involved with the quarreling royal family during his time in the east when Aristobulus and Hyrcanus were contending for the kingship and had favored Hyrcanus.⁵³ Pompey's siege of Jerusalem had ended with Aristobulus' capture and Hyrcanus' reestablishment as high priest.⁵⁴ Gabinius had served with Pompey during his campaign in the East and had been in charge of securing the city and payment during peace-talks with Aristobulus.⁵⁵ Pompey had made Judaea a tributary of Rome and had torn down the walls of Jerusalem after the three-month siege, but had left most of the internal political system intact.

Already familiar with the problems of the Judaeian monarchy, Gabinius was immediately confronted by a renewed civil war between Aristobulus' son Alexander and

⁵¹ Cic. *Dom.* 23.

⁵² Williams 1978: 201.

⁵³ Jos. *AJ* 14.29.

⁵⁴ Jos. *BJ* 1.154.

⁵⁵ Jos. *AJ* 14.56.

Hyrchanus, which he brought to a successful conclusion in Hyrchanus' favor.⁵⁶ In a departure from Pompey's policy of non-interference, Gabinius chose to reorganize the political structure of the client kingdom.⁵⁷ He instituted five councils, also called *synhedria*, and divided Judaea into five districts with different ruling centers, Jerusalem still being the primary one. Each district was governed by a council and the region as a whole was governed by the Great Sanhedran in Jerusalem. Hyrchanus was once again established as high priest and given charge of the temple in Jerusalem.

Gabinius' reorganization brought stability to a region that had seen two civil wars in five years. The pliable, but unproductive Hyrchanus had already demonstrated his inability to hold onto his position and maintain peace in the region. The change was also popular with the local aristocracy and the people, who had asked Pompey for a priestly rule in 63.⁵⁸ This reorganization was an innovation in Rome's policy of the governance of client-states. The typical *modus operandi* was to leave the client-king in place unless loyalty came under suspicion. If that failed, the region was usually made a province. However, as Williams points out, Gabinius' reorganization of the Judaeian government conformed to the Roman policy of ensuring stability in provinces and client-states.⁵⁹

Gabinius began his governorship already under fire from Cicero who had returned from exile with a vengeance. Naturally, furious with both Gabinius and his fellow-consul Piso, Cicero attacked both of the politicians, calling them "monsters of depravity" and

⁵⁶ Jos. *AJ* 14. 82-90.

⁵⁷ Jos. *AJ* 14. 90-91; Williams 1978: 202.

⁵⁸ Jos. *AJ* 14. 41, 91.

⁵⁹ Williams 1978: 202-203.

attempting to have them recalled from their provinces.⁶⁰ Gabinius was not recalled from Syria, but he was denied a *supplicatio* for his successes in his provincial governorship, which had only occurred once before, according to Cicero, much to the pleasure of the orator.⁶¹

Gabinius' treatment of the *publicani* in Judaea is one of the more puzzling actions of his governorship. Pompey had initiated the collection of tribute by the *publicani* after his involvement in the war between Aristobulus and Hyrcanus in 63. There is ample evidence that Gabinius worked against the *publicani* in Judaea and Syria in Cicero's letters and speeches, but the degree to which he interfered with their interests has been debated. Certainly, a group of *publicani* came before the senate to abuse Gabinius.⁶² Cicero, whose power base partially consisted of the *equites* and *publicani*, swiftly took up this accusation. In his *De Provinciis Consularibus*, he claims that Gabinius' treatment of the *publicani* in the east stems from his arrogance and cruelty.⁶³ From a portion of *De Provinciis Consularibus*, some scholars have concluded that Gabinius expelled the *publicani* from Judaea, but Braund has succinctly and correctly argued for a later date on the expulsion.⁶⁴ If Gabinius did not expel the *publicani* from Judaea and Syria, he did refuse to hear their complaints, nullify contracts, and generally interfere with their activities.⁶⁵ This was certainly not a typical part of Pompey's policy; he usually kept a

⁶⁰ Cic. *Prov. Cons.*, translation by R. Gardner.

⁶¹ Cic. *QF*. 2.7.1.

⁶² Cic. *QF* 2.12.2.

⁶³ Cic. *Prov. Cons.* 11.

⁶⁴ Braund 1983: 243; Cic. *Prov. Cons.* 10.

⁶⁵ Cic. *Prov. Cons.* 10.

good relationship with the *equites* and was allied with Crassus, the well-known powerhouse for that class. In effect, Gabinius was interfering with another part of Pompey's organization of the east.

As Williams also argues, his obstruction of the *publicani* connects with Gabinius' laws during his tribunate.⁶⁶ He had already enacted laws that forbade granting loans to provincials and required the senate to hear provincial delegations in February. During his governorship, Gabinius enforced his own new laws. However, Williams' argument that he did this solely in the interest of the provincials falls a bit flat.⁶⁷ It has already been shown that Gabinius had a firm grasp on the importance of alliances and the ability to increase efficiency in the provincial governing systems. Williams has claimed that Gabinius developed a deep concern for the welfare of the provincials, but this does not hold with the character of Gabinius.⁶⁸ He was, above all, a political opportunist, as were many in politics during the Late Republic. His alliance with Pompey gave him the support to reach the consulship; his momentary alliance with Clodius gave him his province. Concern for the provincials is not a substantial reason for Gabinius to risk the political hostility of a class with powerful friends.

I propose a different explanation for Gabinius' opposition of the *publicani*. He recognized that the tax-farming contracts held by the *publicani* were not only inefficient but extracted much more money from the provinces than was necessary. He had already shown a propensity for efficiency, especially in his reorganization of Judaea. Thus, he impeded the workings of the *publicani* in his own province and in Judaea, where he also

⁶⁶ Williams 1978: 204.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

had a lot of influence. Cicero's explanation faulting his cruelty and arrogance do not hold up in reality and probably only stemmed from his intense desire to ruin Gabinius. On the other hand, Josephus praises Gabinius' "great and brilliant deeds during his term as governor."⁶⁹

In 56, Gabinius was on his Parthian campaign and had already crossed the Euphrates when he changed course and made for Egypt instead.⁷⁰ The restoration of Ptolemy Auletes followed, the most controversial of Gabinius' activities during his entire political career. The Egyptian Question was one of the main affairs of the fifties and involved all of the leading politicians in that era and the Senate.⁷¹ All three members of the triumvirate were interested in its outcome, but Pompey eventually took the leading role. The Egyptian Question had its roots in the events of 80. Although others claimed the throne, Ptolemy Auletes was supported by the Romans and successfully took power in that year. Supposedly, he was the bastard son of Ptolemy IX Lathyros, and an unknown Egyptian woman, perhaps a concubine. However, he may actually have been the son of Ptolemy IX Lathyros and his wife and sister Cleopatra IV.

His reign from the beginning was a tumultuous one with growing criticism from his subjects. Early in his reign, the Romans annexed Cyrene, Egyptian land that had been willed to the Romans by Ptolemy IX Lathyros, and Auletes did not object in the least to this acquisition. Up until this point, the Romans and the Egyptians had largely ignored one another. The Senate had no desire to annex the Egyptian territory, despite Crassus'

⁶⁹ Jos. *AJ* 14.104, translation by Thackeray.

⁷⁰ Jos. *AJ* 14.98.

⁷¹ For further reading on the Egyptian Question and the trials that followed see the commentary on Cicero's *Pro Rabirio Postumo*.

attempts to do just that, which was distant and would require more resources to manage, but they were asked to mediate dynastic conflicts. Ptolemy Auletes sought a closer relationship to Rome and desired to cement his position as king by becoming an ally of Rome with powerful patrons that could act on his behalf. In 59, Caesar and Pompey helped him become a *socius et amicus* of Rome and both benefited monetarily from the event, perhaps with some compensation for Crassus as well. The king was increasingly unpopular with the Alexandrians since taxes were high to cover the tribute and bribes to Rome. In 58, the tribune Clodius promulgated a bill to annex Cyprus, Egyptian land ruled by Ptolemy Auletes' brother that was important for Rome's grain supply.⁷² Ptolemy Auletes made no objection to Rome annexing that territory either. The Alexandrians forced him out that same year in retaliation and installed his daughter, Berenice IV, and either another daughter or his wife, Cleopatra VI Tryphaena, but the latter died just a year later.

Ptolemy Auletes fled to Rome and installed himself in his patron Pompey's Alban villa. He then commenced the very costly process of attempting to convince the Senate to restore him to his throne. He took out loans from a number of financiers in Rome, including Rabirius Postumus, for bribes. Before long, his creditors must have realized that they would need to restore him to his throne in order to see payment for any of his loans. Pompey and many other influential senators were energetic on his behalf but there were also a number of opponents in the Senate. The Egyptians heard of his efforts and sent a delegation to plead their case with the Senate but most were mysteriously killed, probably by Ptolemy Auletes himself, before they reached the hearing. A Sibylline

⁷² Rotondi 2015: 393-394.

oracle surfaced forbidding a military restoration and, since the Senate did not wish to invade Egypt, they decided against the restoration by military means.

Meanwhile, the Egyptians decided that their queen, Berenice IV, should take a husband and Gabinius tried to guide their decision from his province. They finally chose Archelaus, a familiar of both Pompey and Gabinius. In Rome, leading politicians were struggling for the assignment but the Senate could not come to a decision. Finally, Lentulus Spinther was chosen to lead a non-military expedition to restore Ptolemy Auletes. The situation in the East was escalating. From his province, Gabinius reported that Archelaus was encouraging piracy in the eastern Mediterranean, endangering his province, and interrupting grain shipments. Finally, in the summer of 56, Gabinius marched to Egypt with the army that was prepared to launch an attack on the Parthians.

It is not entirely clear what induced Gabinius to march on Egypt. During his trial in 54, the prosecution claimed that he had been paid 10,000 talents by Ptolemy Auletes.⁷³ However, this amount of money could not be realized after the trial even after the sale of all of his worldly possessions, including his villas outside of Rome, leading to the trial of Rabirius Postumus to cover the rest. If he was indeed paid the enormous sum of 10,000 talents, where could the money have gone? However, it is not likely that he was paid so much money. The Egyptian coffers, which the king did not have access to at that point, did not hold 10,000 talents and it is unlikely that he was able to borrow so much in Rome after having already borrowed enormous amounts for other bribes. Instead, the amount of the payment was probably exaggerated to achieve a conviction during the trial. Gabinius argued that he had only been paid enough for the upkeep of the army. It is

⁷³ Cic. *Rab. Post.* 30-31.

probable that he benefited financially from the event but within the normal limits of Roman bribery, not such an outlandish sum.⁷⁴

Another consideration is reported in Cassius Dio. According to him, Gabinius received a letter from Pompey carried by Ptolemy Auletes ordering him to restore the king to his throne.⁷⁵ While this is certainly possible, the detail is not recorded in any history before that of Cassius Dio. This certainly coincides with Pompey's actions up until this point. Pompey was a patron of Ptolemy Auletes and housed him in his villa during his pleas to the senate. In fact, Pompey himself wanted the assignment to restore the king to his throne. Perhaps if Pompey realized that the senate was not going to grant him the assignment or restore Ptolemy Auletes at all, he would have ordered Gabinius to do it. Since the letter is only recorded in a later history, though, and one that seeks to smear Gabinius' reputation, the detail cannot be firmly asserted.

In his defense, Gabinius declared that he restored Ptolemy Auletes in the interests of his province and the republic.⁷⁶ Although this is frequently dismissed in the ancient sources and some modern ones as well as a weak defense fabricated to get him off of the charge, it is not unlikely. Throughout his career, Gabinius had shown a desire to govern correctly and efficiently. He had already reported an increase in piracy spurred on by the new king of Egypt and those pirates would threaten both his province and the grain supply, always a topic of anxiety. Even if he did not receive a letter from Pompey ordering him to restore the king, Gabinius knew that it was in Pompey's best interest and would be supported by his patron. Therefore, it is not outrageous to believe that Gabinius

⁷⁴ Williams 1985 fleshes out this point.

⁷⁵ Dio 39.56.3.

⁷⁶ Cic. *Rab. Post.* 20.

acted in the interest of his province and the state, perhaps influenced by the monetary reward but on his own prompting.

Gabinius did restore Ptolemy Auletes to the throne of Egypt.⁷⁷ Encouraged by his cavalry commander Marcus Antonius, Gabinius swept south into Egypt and fought the Egyptian army. Gabinius' army was successful and, by most accounts, Archelaus was killed during the battle. Ptolemy Auletes was quickly reestablished on his throne, certainly by the 24th of June in 55 BC but probably by April of that year, and the creditors returned demanding payment for his loans. The coffers of Egypt, though, did not hold enough to satisfy the enormous amount of money Ptolemy Auletes had borrowed to convince the Romans to restore him. The money was instead exacted from the populace and Gabinius eventually had to leave a contingent of the army in Alexandria to keep the peace. Gabinius returned to his province but faced heavy criticism there by opponents who said that he left Syria with little security and left it vulnerable to piracy. Gabinius did, on his way back from Egypt, have to contend with Alexander again, who had stirred up another revolt, but it was quickly put down.⁷⁸ Not long after that, Gabinius returned to Rome after handing the province over to the triumvir Crassus.⁷⁹

Prosecution and Exile

Gabinius was not deceived about the state of his popularity in Rome. He snuck back into Rome under the cover of darkness and immediately faced hostility.⁸⁰ The

⁷⁷ Cic. *Rab. Post*; Williams 1985.

⁷⁸ Jos. *AJ* 14.100-101.

⁷⁹ Jos. *AJ* 14.104.

⁸⁰ Cic. *QF* 3.1.15, 24; 3.2.1-3.

equites, Cicero, and Pompey's opponents in the Senate had turned popular opinion against him and were preparing a number of cases.⁸¹ From the time he was devoid of his proconsular *imperium*, Gabinius was caught up in the numerous trials that dotted 54 in the struggle for power between Pompey's associates and opponents. Each side brought the clients of the other to trial but Gabinius was the culmination of this trend.

Gabinius was first charged under the *Lex Cornelia de maiestate* for the restoration of Ptolemy Auletes without the Senate's approval.⁸² By some accounts, L. Lentulus Niger, whose father had lost to Gabinius in the consular elections, and Appius Claudius Pulcher led the defense, by others it was L. Cornelius Lentulus.⁸³ Cicero, though violent in his hatred of Gabinius, was persuaded by Pompey to serve only as a witness for the prosecution and his testimony was so light that Gabinius actually thanked him afterwards.⁸⁴ Pompey advocated on his behalf by paying out bribes and soliciting the jurors.⁸⁵ Gabinius had violated the *senatus consultum* by restoring Ptolemy Auletes and also the law that forbade promagistrates from leaving their provinces. Although this probably would have been enough to convict Gabinius, he was acquitted narrowly with a vote of 38-32.⁸⁶ Cicero gives several reasons for Gabinius' first acquittal. L. Lentulus Niger bungled the prosecution and failed to secure the easy conviction and the people in Rome were afraid that Pompey would attempt to seize the dictatorship if his efforts to

⁸¹ Cic. *QF* 2.12.2; 3.2.1-3.

⁸² Alexander 1990: 145.

⁸³ Cic. *QF* 3.1.15, 24; 3.2.1-3. Alexander 1990: 145, L. Cornelius Lentulus prosecuted. Gruen 1974, L. Lentulus Niger and App. Claudius Pulcher prosecuted.

⁸⁴ Cic. *QF* 3.7.1-3.

⁸⁵ Cic. *QF* 3.3.2-3; 3.4.1.

⁸⁶ Cic. *QF* 3.3.2-3; 3.4.1.

secure Gabinius' acquittal were futile.⁸⁷ Gabinius was acquitted on the first charge but two more were still to come.⁸⁸

Gabinius was charged next under the *Lex Julia de Repetundis* for accepting bribes from Ptolemy Auletes for his restoration and for extorting large sums of money from the Syrian people.⁸⁹ He was accused by the *publicani*, and C. Memmius and L. Ateius Capito led the prosecution. Pompey threw all of his resources into the defense of Gabinius at this trial, probably knowing that it was the main chance for conviction. The fear had worn off that Pompey would seize the dictatorship and the people were furious that he had been acquitted the last time, so much so that they had convicted one of Gabinius' freedmen directly afterwards.⁹⁰ They were determined to convict the second time around. Pompey delivered a *supplicatio* on Gabinius' behalf and Caesar, waging his war in Gaul, sent a letter. A delegation from Alexandria arrived to testify that Gabinius had received no funds for the restoration.⁹¹ Pompey pressured Cicero to defend but this time he would not take no for an answer. Heedless of Cicero's reputation, he insisted that he defend Gabinius at the trial.⁹² They staged a reconciliation and Cicero was to lead the defense. It was certainly a blow for Cicero. He had been reporting Gabinius' abuses for the entire duration of his governorship and now that Gabinius was charged with those same things, he was to defend him.

⁸⁷ Cic. *Att.* 4.18.

⁸⁸ Alexander 1990: 145-149; Gruen 1974: 260-357; Fantham 1975.

⁸⁹ Alexander 1990: 148; Cic. *Rab. Post.*

⁹⁰ Cic. *QF* 3.4.1;

⁹¹ Cic. *Rab. Post.* 31.

⁹² Cic. *Rab. Post.* 32. Cicero had earlier claimed that it would ruin his reputation to defend Gabinius after he had preached against him for so long (Cic. *QF* 3.5.5, 8).

Unfortunately for Gabinius, despite the efforts of his triumviral patrons, he was found guilty. Their efforts in the trial actually rebounded on the triumvirate. They knew very well that this was a battle between them and their enemies in the senate, culminating in the trials after a series of political difficulties for Pompey. Gabinius was the most prominent adherent of Pompey and had been politically powerful in the recent years. The public was outraged at Pompey's obvious manipulation of the proceedings, particularly in soliciting Cicero. Gabinius was shown no mercy. He was exiled and fined the 10,000 talents that he had supposedly received from Ptolemy Auletes for his restoration. The enormous sum could not be realized and C. Rabirius Postumus was likewise tried on the same charge for receiving some of the money promised to Gabinius.⁹³ The outcome of this trial is unknown.

Despite his exile, there was a third charge brought against Gabinius under the *Lex Tullia de Ambitu* for his conduct during his consular elections.⁹⁴ He had been immune from prosecution as a magistrate and then promagistrate since that time. He could not stand for the defense because he had already left Rome for exile. A number of Pompey's connections were actually set to prosecute him, including his brother-in-law P. Sulla and his nephew C. Memmius, while Pompey was still supporting Gabinius.⁹⁵ The charge was probably kept in reserve in case the other two prosecutions did not succeed or it was lost in the shuffle of more serious charges. After the conviction *de repetundis*, the trial was dropped and never came to court.

⁹³ Cic. *Rab. Post.*

⁹⁴ Alexander 1990: 148-149.

⁹⁵ *Ibid.*

Gabinus' involvement in politics largely ended there with his exile. In 49, with the outbreak of the civil war, he was recalled from his five-year exile and joined the army of Caesar, not Pompey.⁹⁶ The cause for his change of allegiance is unknown. Perhaps he was disappointed by Pompey's help and failure to recall him from exile or disliked Pompey's new allegiance with his former enemies, the same ones who had tried and condemned Gabinus. It is very possible that Gabinus simply could not stomach serving under those who had engineered his exile. Next to nothing is known of his exile and the cause of his shifting allegiance cannot be determined. Gabinus survived most of the civil war but, according to Dio Cassius, "died of some disease" before its final conclusion.⁹⁷ Pompey had already been killed by the reigning Ptolemy.

Conclusion

For a man of a rather unremarkable family, Gabinus had a stunning career. His natural military and political skills were augmented by Pompey's patronage and allowed him to reach the highest office and become a true force of politics. However, Gabinus was not a drone of Pompey, out to achieve only what his patron demanded of him. Nor was he the cruel and greedy man that Cicero frequently ranted against while he was governor in Syria. Gabinus had plans of his own and frequently acted without Pompey's guidance. He carried out many deeds at Pompey's urging, but he also demonstrated his own skills in military and political matters. This is particularly evident during his governorship in Syria, when he reorganized the settlement in Judaea only five years after Pompey had first put it in place.

⁹⁶ Cic. *Att.* 10.8.3.

⁹⁷ Dio 42.11.4.

Gabinus has frequently been painted as the creature of Pompey and the other triumvirs but his political movements do not always align with this view. When not explicitly ordered by Pompey, Gabinus was free to act on his own and, at times, he even opposed Pompey's wishes, such as with the recall of Cicero. It is most likely that Gabinus' most infamous act, the restoration of Ptolemy Auletes, was done on his own volition, though with the understanding of support from the triumvirs. The support of Pompey allowed him to rise to the top of politics for his time but it was also ultimately his downfall. In order to injure Pompey more, his opponents brought Gabinus, his most visible client, to court and succeeded in convicting him. Even Pompey's support could not save him. Gabinus and Pompey's relationship represents a traditional form of the patron-client relationship, not mindless obedience but a give and take of services. Pompey lent Gabinus his support in campaigning and trials and in return Gabinus executed some of Pompey's wishes. They benefited each other. Gabinus' originality is exactly what made him so prominent and so valuable.

CHAPTER TWO

Clodius

Clodius is one of the most prominent figures of his time, both in modern scholarship and in the political atmosphere of his day. He embraced the unconventional as a means of getting ahead and accomplishing his lofty goals, but he stood out most for his arrogance, particularly early in life. Starting out as the third son of a senatorial family that had placed their stamp on politics long before, he built himself a faction that threatened even Pompey's standing and made him a force to be reckoned with. Before Erich S. Gruen's article, "P. Clodius: Instrument or Agent?", Clodius was viewed as the creature of the triumvirs, operating under their instructions and heavy hand. Further review of the ancient sources clearly shows that Clodius was not merely the tool of the triumvirs, but a factional leader in his own right who aligned with various other powerful figures to achieve his own ends. This revolution in the consideration of Clodius set the stage for a similar review of other clients of the same period, two of which have been reexamined in this study.

Early Life

Clodius stands unique in this study as the only one to come from a firmly consular family. The Claudii were well-known throughout Republican Rome and into the imperial period as giants of politics and equally so for their tendency to sense changing winds. "There was no epoch of Rome's history but could show a Claudius intolerably arrogant...or grasping personal power..." as Ronald Syme states in *The Roman*

Revolution, a quote that sums up the activities of the family.⁹⁸ Clodius belonged to the Pulcher branch of the family, which had longstanding preeminence. His father had achieved the highest ranks of office in Rome: the praetorship in 89, the consulship in 79. Clodius was born Publius Claudius Pulcher in 93, the third son in the family.⁹⁹ His two older brothers, Appius Claudius Pulcher and Gaius Claudius Pulcher both entered politics and reached high office, the consulship and the praetorship respectively. The number of his sisters is debated, but Hillard irrefutably cites three, Clodia Regi, Clodia Luculli, and Clodia Metelli who was probably the “Lesbia” of Catullus.¹⁰⁰ Hardship struck the family in 76 when Appius Claudius Pulcher, their father, died abroad after an illness in 78 while fighting in Macedonia. As Hillard also remarks, the provincial appointment should have been an opportunity for him to regain any financial losses he’d sustained in the costly process of campaigning for higher office.¹⁰¹ In his *De Re Rustica*, Varro has Appius Claudius Pulcher, the oldest of (pater) App. Claudius Pulcher’s sons, say that he was left as a pauper with two brothers and two sisters to care for, confirming the financial hardship into which the family had fallen after the father’s death.¹⁰²

Still a young man, Clodius burst onto the scene and made a name for himself with his prosecution of a Vestal Virgin for incest with Cataline.¹⁰³ Although both parties were

⁹⁸ Syme 1960: 19.

⁹⁹ On the birthdate of Clodius see Hillard 1973: 508. The birth year of Clodius can be pinpointed to 93 by Cicero’s comment that he could have stood for the praetorship a year earlier than he did (*Cic. Mil.* 24). He stood for the praetorship of 52, but could have stood for 53, placing his birth year in 93, but Hillard also admits the possibility of 92.

¹⁰⁰ Hillard 1973: 505.

¹⁰¹ Hillard 1973: 506.

¹⁰² Varro *RR* 3.16.2; one sister was already married.

acquitted, the case would have been a high profile one. Clodius was accused of many instances of debauchery and evil in his youth, mostly by Cicero, including incest and revolt. Certainly, he forged his own path through the lowest levels of politics and cared little for the familial connections secured by the marriages of his sisters. In general, the Claudii were not known for their loyalty, except to each other.

Broughton next records him as a member of his brother-in-law Lucullus' personal staff in 68 on his campaign against Mithridates in Cilicia, where he began the alienation of his in-laws.¹⁰⁴ According to Cicero, Plutarch, and Dio, Clodius exacerbated Lucullus' troops' discontent with their commander and the long campaign because he wanted a better place on the staff.¹⁰⁵ When that ploy failed and Lucullus marched against Mithridates, he fled to the staff of his other brother-in-law, Q. Marcius Rex.¹⁰⁶ Upon his return from the east, Lucullus divorced his wife Clodia and charged her with incestuous relations with her brother Clodius after an investigation returned this result, a charge that would be repeated by Cicero numerous times in later years.¹⁰⁷ This particular scandal deserves some attention. Many scholars have taken the two sources that cite it at their word, Cicero and Plutarch, and likewise accused Clodius of incest. Although Clodius' figure does not lack for debauchery and the accusation could possibly be true, one must also take into account Lucullus' anger at his familial connection for stirring up mutiny

¹⁰³ Broughton *MRR* 2.114.

¹⁰⁴ Broughton *MRR* 2.140.

¹⁰⁵ Cic. *Har. Resp.* 42; Plut. *Luc.* 34.1-2; Dio 36.14.3-4, 17.2.

¹⁰⁶ Gruen 1974: 97.

¹⁰⁷ Gruen 1974: 98; Cic. *Mil.* 73.

amongst his troops. The accusation could be potentially true or could be the product of an angry husband and another attempt to besmirch Clodius' already hazy figure.¹⁰⁸

Bona Dea Affair

Clodius built a faction of his own and, still a young man who had not yet achieved any of the ranks on the *cursus honorum*, he was a force in his own right, enough of one to make major players like Pompey and Caesar hesitate to anger him. Nowhere is this better shown for his early career than the trial that followed the *Bona Dea* scandal of 61. The rites of the *Bona Dea* festival were hosted by the wife of the *pontifex maximus* in her husband's house and only women, including the Vestal Virgins, were permitted to attend. According to Cicero's letters, Clodius attempted to infiltrate the festival clad in women's clothing in order to seduce Caesar's wife, Pompeia, but was discovered and barely escaped with the aid of a servant girl.¹⁰⁹ The event caused a public scandal, naturally, and it came to a trial for sacrilege. Caesar remained aloof from the trial, only serving as a witness, and Clodius was acquitted because of a bribed and disreputable jury.¹¹⁰ The force behind this bribery points to Clodius' significant connections. Cicero states that Crassus, the same man who would later comprise the third part of the so-called triumvirate with Pompey and Caesar, threatened and bribed the jury into acquitting

¹⁰⁸ Arthur Keaveney and Wiseman are particularly guilty of taking the sources at face-value and accusing Clodius of particularly reprehensible acts, although Keaveney does not go as far as Wiseman and claim that Clodius also had relations with his brothers (Keaveney 1992: 132; Wiseman 1969: 55 n. 4).

¹⁰⁹ Cic. *Att.* 1.12.3. It is significant that this letter was penned before the inception of the feud between Cicero and Clodius and thus lacks the venom that comes to be associated with Clodius' name in all of Cicero's later writings.

¹¹⁰ Cic. *Att.* 1.16.1-6; Gruen 1974: 98; Alexander 1990: 116.

Clodius against a water-tight case.¹¹¹ Cicero did participate in the trial and it appears that he was the one that nearly destroyed Clodius' case. Cicero testified that Clodius had come to see him mere hours before the scandal and was not far from the city, as he had claimed, leaving Clodius without an alibi.¹¹² This event sparked the enmity between the two political figures that would have ramifications in the years to come.

It would be natural to suspect that Clodius would have alienated Caesar with the scandal, but it was not so. Two years later in 59, Caesar was one of the driving forces behind Clodius' adoption by a plebian family. It was only when, during his tribunate, Clodius set to work trying to undo the laws enacted under Caesar's consulship that the two came into real conflict.¹¹³ In 59, Caesar had his own problems to worry about, between personal enemies and debt, and was all too happy to depart for his provinces.¹¹⁴ However, Caesar also did not need to make any more enemies and Clodius had the potential to be a very powerful one, as was shown later in his feud with Cicero. Clodius had already become popular with the people, a demagogue in the making, and had just been elected to his first significant office to prove it. As both Plutarch and Dio Cassius attest, Caesar denied knowledge of anything to do with the scandal in order to appease Clodius' supporters, who were clamoring for his acquittal.¹¹⁵ Clodius was also well-connected among the aristocracy. Although his two older brothers had not yet achieved high office, their force is evident in later events and they were still connected by marriage

¹¹¹ Cic. *Att.* 1.16.

¹¹² Ward 1977: 207.

¹¹³ Cic. *Att.* 2.12.2.

¹¹⁴ Tatum 1999: 68.

¹¹⁵ Gruen 1966: 121; Plut. *Caes.* 10.6; Dio 37.45.1.

to at least two powerful families. This alone may have been enough to prevent his participation in the trial.¹¹⁶ What was more, Crassus, already famous for his wealth and influence, backed Clodius and would have made a dangerous adversary for Caesar. Even though Caesar relented, the *Bona Dea* scandal did make Clodius a powerful enemy in the person of the famed orator Cicero. Furious at Clodius' acquittal, Cicero began to attack the demagogue and Clodius did not forget the role Cicero had played in his trial.

Patrician to Plebian

In 60, Clodius returned from his service as a quaestor in Sicily under Vergilius.¹¹⁷ According to Cicero, his brother-in-law Q. Caecilius Metellus Celer, the consul in 60, was reigning him in for the time being.¹¹⁸ Clodius' acquittal at the *Bona Dea* trial had not sat well with the *nobiles*. Directly after it, Cato persuaded the Senate to pass a law concerning bribery in court cases, a *Rogatio de repetundis*, that could not have been directed at anyone other than Clodius.¹¹⁹ What followed was an all-out war between the senate and the *Equites*, who naturally opposed the measure since it was aimed at equestrians seated on the jury. It ultimately failed.¹²⁰ The consul of 61, M. Pupius Piso, was stripped of Syria, the province he had been assigned, by Cicero; Tatum interprets this as retribution for his support of Clodius that year, a conclusion that Cicero's letter

¹¹⁶ Tatum 1999: 69.

¹¹⁷ Broughton *MRR* 2.184.

¹¹⁸ Cic. *Att.* 2.1.5.

¹¹⁹ Cic. *Att.* 1.17.3, 8; Rotondi 2015: 25.

¹²⁰ Cic. *Att.* 2.1.8.

supports.¹²¹ In his *In Clodium et Curionem*, Cicero states that Clodius was broke after the bribery of the trial and that he had been promised a quaestorship with Piso in Syria, which would have been lucrative.¹²² This, then, was the atmosphere under which Clodius served his quaestorship in Sicily and returned to Rome. Cicero's letters from that time are filled with barbs directed at Clodius and accounts of their various verbal exchanges in the senate. Their feud had certainly not cooled with Clodius' year-long absence.

Beginning during his tenure in Sicily, Clodius plotted to hold the tribunate, a powerful office particularly in the hands of the man already cited as a demagogue.¹²³ In order to do this, he hoped to attain a *transitio ad plebem*, which is a little-understood process in which a patrician becomes a plebian. During the Late Republic, many plebian families claimed that a *transitio ad plebem* had occurred earlier in history in order to claim relationship with a patrician *gens* and add prestige to the name. Clodius wanted to use the process in a similar way and make himself a plebian.¹²⁴ A tribune, C. Herennius, proposed it early in 60 on Clodius' behalf but it ultimately was vetoed by a tribune.¹²⁵ Clodius' persistence in seeking his *transitio ad plebem* drove away yet another of his

¹²¹ Cic. *Att.* 1.16.8; Tatum 1999: 87.

¹²² Cic. *In Clod. Et Cur.* Fr. 8; according to Cicero, he was using the promise of a province to secure his debts with his creditors.

¹²³ The tribunate could only be held by plebians and the *gens Claudia* was undeniably of patrician status. Thus, the office was unavailable to him without a class transition.

¹²⁴ Slagter 1993: 8-9 (dissertation, "Transitio ad Plebem"); Tatum also includes a lengthy discussion of the difficulties of determining the validity and process of the *transitio*. Cicero complains about the many families who tried to claim patrician ancestry through this method in the Late Republic.

¹²⁵ Cic. *Att.* 1.18.

brothers-in-law. He had caused a rift years before with Lucullus, but Metellus Celer now also grew frustrated with his attempts to make himself a plebian and grew cold.¹²⁶

By 59, it was clear that Clodius' political fortunes were not as strong as they had once been. In his quest to transition to plebian status, he had lost another important connection in the senate, Metellus, and angered many of the leading *nobiles* with his unusual tactics. Perhaps his influence with the plebs was not completely lost, but it had not been an advantage to him in his efforts and his movements had been blocked by tribunician veto. He needed the office. At the same time, Pompey was blocked repeatedly in the senate by his opponents and was seeking new allies.¹²⁷ Plutarch asserts that their connection began there, with Pompey in need of allies and Clodius in need of more political clout.¹²⁸ In 59, Clodius secured the avenue by which he could legally be made a plebian. Cicero appeared as the defense in the trial of his fellow consul, C. Antonius, and used it as an opportunity to launch invectives at the triumvirs, Caesar in particular.¹²⁹ In retaliation, that same day, Pompey and Caesar arranged for Clodius' adoption by the plebian Fonteius.

Clodius was finally made a plebian through a process known as *adrogatio*, since legally he was *sui iuris*, meaning that he could manage his own affairs. *Adrogatio* had to be ratified by a vote of the *comitia centuriata*, the general assembly of the people, which was impossible for Clodius to attain without the support of his powerful patrons. Caesar

¹²⁶ Cic. *Cael.* 60; Cicero states after Metellus' death that he'd wanted to kill Clodius with his own hand to keep him from ruining the state.

¹²⁷ Plut. *Pomp.* 42.

¹²⁸ *Ibid.*

¹²⁹ Cicero himself states this in *Sest.* 116, *Prov. Cons.* 45-46.

called the assembly in his power as consul in that year and supported its legitimacy in his role as *pontifex maximus*; Pompey presided as augur.¹³⁰ Caesar promulgated the *rogatio de adrogatione* for Clodius and, within that day, Clodius was made a plebian, a goal he had been trying to reach for more than a year.¹³¹ Despite Cicero's objections, Clodius was adopted by the plebian Fonteius, a man of around twenty—far younger than Clodius, in fact. As can be surmised from his name, Clodius did not become Fonteius' heir but continued in his own name, but the plebian version of it.¹³² Clodius had achieved his end and was eligible to stand for the tribunate.

Tribunate

In the rather short span of time that had passed between the *Bona Dea* scandal and Clodius' transition from patrician to plebian, the power balance had shifted several times. With Caesar's consulship, power had slowly returned to the triumvirate. Clodius no longer wielded the kind of political power that he had had early in his political career—he had angered too many people with his scandals for that—but he was not an insignificant figure. Again, Clodius' connections must be stressed and he had considerable, if diminished, sway with the people, as would rapidly be shown by his tribunate. For the moment, he was a convenient political tool to employ against Cicero. By this point, the triumvirates had reasserted their power in the political sphere. For 58, the consular elections returned L. Capurnius Piso, Caesar's father-in-law, and A.

¹³⁰ Broughton *MRR* 2.187-192.

¹³¹ Tatum 1999: 104.

¹³² Tatum 1999: 104-105; Cic. *Dom.* 34-42.

Gabinus, a loyal ally of Pompey.¹³³ With a tight grip on the consulship, it was almost assured that the triumvirs would have a favorable year, but tribunician power was significant and Clodius had already proved his effectiveness with the people. Under the umbrella of the triumvirs, he was effectively guaranteed to be elected to the tribunate and the dynasts had secured another potent ally.

Clodius stood for the tribunate of 58 shortly after his transition to plebian status and was duly returned, as expected. He immediately launched an ambitious program upon entering the office. The year 58 as a whole was a significant one in Roman politics. A. Gabinus, Pompey's man in the consulship, was making waves of his own with legislation on Pompey's behalf.¹³⁴ Clodius began with the *Lex Clodia frumentaria*, a law that would distribute grain to the people without cost and naturally a popular one in the *comitia*.¹³⁵ The grain dole had been in place earlier in the history of the Republic, but Clodius changed the cost from six and one third *asses* to nothing, costing the state an immense amount of money.¹³⁶ His next law was the *Lex Clodia de iure et tempore legum rogandarum* which modified the Aelian and Fufian laws so that rallies could be held on feast days with no interference of *obnuntiatio* or *intercessio*. This was followed by the *Lex Clodia de collegiis* to revive the *collegia* which had been suppressed by the *senatus consulta* of 64 BC and create new ones. The next was the *Lex Clodia de censoria*

¹³³ Broughton *MRR* 2.193.

¹³⁴ See Chapter One.

¹³⁵ For a catalogue and description of all the laws mentioned, see Broughton *MRR* 2.196; Rotondi 2015: 393-398.

¹³⁶ Cic. *Pro Sest.* 25; the note in the Loeb cites 70,000,000 sesterces per year.

notione, a significant law that confined the issue of censorial nota to those specifically accused before them.

The beginning of Clodius' legislative program, the four laws cited above, were specifically designed to augment his own career. The *Lex Clodia frumentaria* was obviously designed to curry favor with the *concilium plebis*, a voting body that was crucial to his success as a tribune since they were the ones to ratify his legislation. The tribunate was an office with numerous advantages for an ambitious politician, chief among them the ability to propose legislation directly to the assembly. Naturally, all of Clodius' laws were ratified in this way, via plebiscite. The second law, the *Lex Clodia de iure et tempore legum rogandarum*, hampered a political weapon that could be used against him, the *obnuntiatio*, by which another magistrate could break up his assembly with the claim of bad omens.

The third, the *Lex Clodia de collegiis*, was especially important because the *collegii* frequently formed into blocs in favor of one politician or another. Clodius was already known for his forceful tactics and he would become even more so during his feud with Milo. The *Lex Clodia de censoria notione* was probably a measure for his future security. Clodius had joined the ranks of the senate after his tenure as quaestor, but could be expelled from that governing body by a decision of the censors, who policed the wealth and behavior of the senators. With his numerous scandals, Clodius was a prime target for the censors, particularly if they were *nobiles* and hostile to him or one of his new patrons.

Thus far, Clodius had done nothing to anger Caesar and Pompey and his legislation may have even been useful to them, especially since Pompey drifted towards

more populist methods when in coalition with Caesar. Clodius turned his significant powers against his *inimicus*. According to Cicero, Pompey had insisted that Clodius swear an oath to not harm Cicero during his tenure as tribune.¹³⁷ One may easily doubt the validity of that statement, especially with Cicero constantly attempting to justify his intimacy with the triumvir. Pompey certainly did not put forth much of an effort to keep Cicero out of exile. Exactly how much power he could have mustered on the orator's behalf is shown the next year when he was recalled. What was more, Gabinius, the well-known ally of Pompey, was fully behind Clodius in the motion. Chapter One has already established that Gabinius had independence and legislation of his own, but it is still doubtful that he would have supported Clodius so fully if Pompey was hostile to the idea. Perhaps Cicero's displeasure with the triumvirate had become tiresome to Pompey. Alternatively, he could have seen no current use for the orator or deemed it more important to have Clodius on his side. If the latter is the case, this is another example of sacrificing one client or ally to hold onto another. This theme arises again with Milo in Chapter Three.

For Clodius, the time for revenge had come. He passed the *Lex Clodia de capite civis Romani*, which decreed exile for any magistrate who executed a Roman citizen without a trial.¹³⁸ The implication of the law was clear. During his consulship in 63, Cicero had executed several members of the Catilinarian Conspiracy without a trial for attempting to overthrow the government.¹³⁹ It was the orator's greatest weakness and the action he had spent the subsequent years after the conspiracy defending. Clodius seized

¹³⁷ Cic. *Pro Sest.* 7.

¹³⁸ Rotondi 2015: 394-395.

¹³⁹ Broughton *MRR* 165.

it as his opportunity. The *concilium plebis* voted on the 20th of March and Cicero fled Rome to avoid prosecution, going into voluntary exile with the certainty of conviction.¹⁴⁰ Five days after the vote, on March 25th, Clodius promulgated the *Lex Clodia de exilio Ciceronis*, which reiterated the contents of the original law but mentioned Cicero by name.¹⁴¹ It was ratified by a vote of the *concilium plebis* on April 24th and went into effect, exiling Cicero four hundred miles from the city.

It is easy to see why Clodius used his tribunate to prosecute Cicero. After the *Bona Dea* scandal, when Cicero had destroyed Clodius' alibi, the two had become implacable enemies and Cicero had not ceased his diatribes against the tribune, a thread that continues into his later writings. With these laws, Clodius removed a stubborn and well-respected political enemy, clearing the way for future activities. After the expulsion of Cicero, Clodius and his band carried out the destruction of Cicero's Palatine *domus*, which, as Tatum points out, must have been situated very near Clodius' own ancestral villa in an elite neighborhood.¹⁴² Clodius then had the ground levelled and built a shrine to Liberty over the site, which absorbed the portico of Catulus.¹⁴³ This action resulted in a debate upon Cicero's return from exile, which will be addressed later.

Clodius had expelled Cicero from the city even before the beginning of the summer. Most of his tribunate was still before him and he had not finished his legislative program. Gabinius, the consul, had supported him in his effort to exile Cicero because of his own personal enmity for the famed orator. His consular colleague, L. Capurnius Piso,

¹⁴⁰ Rotondi 2015: 395-396.

¹⁴¹ *Ibid.*

¹⁴² Tatum 1999: 164.

¹⁴³ *Cic. Dom.; Att.* 4.2.5; Tatum 1999: 164.

had not interfered. In payment for allowing him to carry out the exile under their watch, Clodius promulgated the *Lex Clodia de provinciis consularibus* to assign Macedonia and Cilicia to Piso and Gabinius respectively, both profitable provinces. He later issued another law, the *Lex Clodia de permutatione provinciarum*, changing Cilicia, the province assigned to Gabinius, to the even more profitable Syria.¹⁴⁴

Clodius promulgated a total of four more laws during his tribunate whose memories have survived. Several will be addressed later. The *Lex Clodia de rege Ptolemaeo et de insula Cypro publicanda* was made to annex Cyprus as a province, an activity of which Cato was placed in charge.¹⁴⁵ This law, but more specifically Cato's assignment, was yet another ploy by Clodius to achieve his political ends. With it, Cato, a staunch *optimatus* and ever the opponent of Clodius, was sent away from Rome for a significant length of time. Thus, by the end of his tribunate, Clodius had rid himself of two political opponents: Cicero and Cato.

Conflict with Pompey

It was also during his tribunate that Clodius turned against his very new ally Pompey. The powerful man had been crucial to Clodius' aim to transition from patrician to plebian status, but Clodius, as has been shown, used his tribunate to build up support of his own. The tribune had been known for his mercurial nature, much like the rest of his family, and strict independence in political alliances. Once he surpassed his former power and succeeded in his ultimate goal of exiling Cicero, Clodius began to tamper with

¹⁴⁴ Rotondi 2015: 393-394.

¹⁴⁵ *Ibid.*

Pompey's settlement in the East. The question of why Clodius would attempt an attack on Pompey naturally arises from this discussion. Pompey, still the senior component of the so-called First Triumvirate, was in no way weak. The year 59 had seen the ratification of Pompey's eastern settlement against heavy senatorial opposition under Caesar's auspices. That battle had driven him into coalition with Caesar and Crassus, who together dominated Roman politics. Clodius, as has been shown, had very recently aligned with the triumvirate in order to successfully transition from the patrician to the plebian class and Pompey had been the driving force behind that change.

Numerous scholars have taken Appian at his word that after the banishment of Cicero, Clodius "compared himself with Pompey."¹⁴⁶ Peter Greenhalgh is among these, who characterizes Clodius as "dangerously intoxicated" by his success against Cicero and other matters of his tribunate.¹⁴⁷ He goes further and subscribes Clodius' actions against Pompey to Crassus' desire to see Pompey in an uncomfortable position. While Crassus may have not attempted to stop Clodius from tampering with Pompey's *acta*, there is no evidence to suggest that he put him up to it. Greenhalgh, like many other scholars before and after him, assumed that the actions of a client (Clodius) must be directed by a patron (Pompey or Crassus). It is far more likely, though, that Clodius was once again playing his own ends. Pompey had been useful in the preceding years for Clodius, but he must have seen some benefits that would outweigh his continued friendship with Pompey. What did Clodius, the demagogue and most powerful tribune of his time, the man who

¹⁴⁶ App. *BC* 2.15 (ἐπαιρόμενός τε καὶ τῷδε ἀντιπαρεβάλλετο ἤδη καὶ Πομπηίῳ τὸ μέγιστον ἐν τῇ πόλει κράτος ἔχοντι). Translation taken from the Loeb edition.

¹⁴⁷ Greenhalgh 1982: 10.

had just succeeded in ousting two of his enemies from Rome, need? The answer lies not in his tribunate but what he expected from the following years.

Clodius was not bulletproof. In the several years preceding his tribunate, he had created a religious scandal, become a demagogue, sided with the populist triumvirate, and exiled Cicero. In the process, he undoubtedly angered the *nobiles*, particularly with the recent exile of Cicero, a man who could typically be found among their number. Clodius was immune to prosecution or other such punishment during his tribunate, but that was half-over and could not be repeated. There would be a year gap during which he would run for the aedileship and could be liable for prosecution. Or worse, if he became a great enough threat, the powerful members of the senate could marshal their considerable political influence and block him from higher office. His attack on Pompey, then, was a calculated attempt not to side with the *optimates* and pull a complete switch in his political career—Clodius was the consistent demagogue—but perhaps to make himself tolerable. In a way, with his attacks on Pompey, he evened out his political jabs. Among the *optimates*, this could be enough to keep him a tolerable scoundrel. They may not like him and he may have exiled Cicero, but he also made Pompey's position uncomfortable. Clodius was a capable enough politician to realize that there would be considerable backlash against him once he left office and, as we will see, he was prepared to meet it with even more radical tactics.

His attack on Pompey began with the *Lex Clodia de rege Deietare et Brogitare*.¹⁴⁸ While in the East, Pompey had set up Deiotarus as king, a friend of Rome, and the priest of the cult of Magna Mater in Pessinus.¹⁴⁹ Clodius' law took the priesthood away from

¹⁴⁸ Rotondi 2015: 397.

Deiotarus and gave it to Brogitarus, likewise recognizing him as a king and ally of Rome. Cicero would later claim that Clodius received compensation for this change and that is not wholly unfounded.¹⁵⁰ Changes in kingship abroad were almost always accompanied by some sort of compensation for the politician who was most active. Other examples around the same time period include Gabinius' restoration of Ptolemy. It is true that he was criticized for the bribe, but it was the rumored extreme amount, not the fact of a bribe, that caused the outrage.¹⁵¹

At about the same time as this law, Clodius also conspired to gain possession of Tigranes. Pompey had installed his father, Tigranes, as king in Armenia after the Mithridatic War and taken the son as hostage back to Rome.¹⁵² He was held at L. Flavius' house, a friend of Pompey's, from where Clodius simply walked out with Tigranes. Flavius could do nothing against the *sanctitas* of the tribune.¹⁵³ Clodius attempted to send Tigranes back, but the voyage was interrupted by a storm and he sent Cloelius to retrieve him. Flavius went as well and the two parties met on the Appian Way, leaving M. Papirius, an intimate of Pompey, dead. This final event caused a rupture between Clodius and Pompey.¹⁵⁴ The Senate took no action against Clodius for

¹⁴⁹ Cic. *Haur. Res.* 28-29.

¹⁵⁰ *Ibid.*

¹⁵¹ See Chapter One.

¹⁵² Tatum 1999: 170.

¹⁵³ *Asc. Mil.* 47; *Plut. Pomp.* 48; *Cic. Dom.* 66.

¹⁵⁴ *Cic. Att.* 3.8.3; 3.10.1.

the Tigranes affair, though it was done without an official law put in place, either through the senate or through a plebiscite.¹⁵⁵

Clodius became violent and denied Pompey access to the Forum, terrorizing the triumvir so completely that he was penned inside his own house.¹⁵⁶ Gabinius, the consul that had until recently supported him and had been rewarded by Clodius with a good province, chose Pompey's side in the brewing feud with Clodius.¹⁵⁷ Their gangs clashed in the streets and blood flowed in Rome, a spectacle that would not be unusual in the succeeding years. Clodius' powers had been manifested to their fullest. Even before the end of 58 and Clodius' tribunate, Pompey and the *optimates* were agitating for Cicero's recall as a measure to check Clodius' might. The result would be a fierce clash with Milo and, eventually, Clodius' violent death.

Clodius has frequently been held up as the first example of a client that did not work solely for his patron. Indeed, Clodius seems to rarely work for a patron. He changed political alliance as only a Claudius Pulcher could and he built himself a successful faction separate from both the might of the *optimates* and the triumvirate. Occasionally, he aligned with one side or the other to carry out his ends, but those periods were always quickly followed by Clodius reasserting his independence and political clout. In the study of the Late Republican period, his name is synonymous with violence, but he should be viewed also as an adept politician who was willing to use whatever means to achieve his ends.

¹⁵⁵ Cic. *Haur. Resp.* 46.

¹⁵⁶ Cic. *Dom.* 66.

¹⁵⁷ See Chapter One.

CHAPTER THREE

Milo and Clodius

Titus Annius Milo was almost the complete antithesis of Aulus Gabinius. The latter followed a rather traditional path through the *cursus honorum*, albeit with some radical measures. Milo, however, rose to prominence not on any political program of his own but through violence and his opposition to Clodius. Modern historians tend to take a hatchet to Milo's reputation in historical accounts. Ronald Syme calls him a "brutal and vicious person" married to "the dissolute daughter of Sulla" and many others follow his line of thought, sketching Milo as the muscle in Pompey's organization and nothing more.¹⁵⁸ However, this reading of Milo is two-dimensional and does not do justice to his political career. True, most of his time in the spotlight was spent in gang warfare but he had the backing of many of the powerful people in politics at the time. While Gabinius can be displayed as an ingenious politician and beneficial client, Milo's history shows the large role that convenience plays in patron-client relationships. He carried his work out all too effectively but was eventually abandoned by Pompey—despite his best efforts to win him back—though not by Cicero. Whereas Gabinius was destroyed because of the danger of Pompey's power, Milo did not see the returns for his faithful service to Pompey and was given over as a peace offering to the Clodiani with no resistance from his patron.

Early Life

Titus Annius Milo was born in Lanuvium, a town in Latium southeast of Rome and a little off of the Via Appia, to the *gens Papia*, not a wealthy or well-known Roman

¹⁵⁸ Syme 1960: 39.

gens. Sometime in his early life, Milo was adopted by his maternal grandfather into the *gens Annia*, which had produced at least one consul and several others of senatorial status.¹⁵⁹ This gave him the name T. Annius Papianus and Cicero later reveals that he took the name Milo after the famous athlete from Croton.¹⁶⁰ Next to nothing is known about Milo's youth and early career. He was dictator of Lanuvium in an unknown year and the rest of his beginnings are obscure. His rise to the tribunate is similarly unclear, but he burst onto the scene in 57 as a result of his violent engagements with Clodius' street gangs.

Milo's Tribunate and the Recall of Cicero

When he assumed his position as a tribune in 57, Milo was still not a force in politics. There are no known pieces of legislation passed by him during his year in office and, unlike Clodius or Gabinius, he does not seem to be a tribune capable of or willing to mobilize the populace to support some political action. In Gruen's terms, he was political "small fry" like many of Pompey's other clients at this time. The circumstances surrounding his tribunate and his response to them make his term remarkable. During his tribunate in 58, Clodius made waves among the senators and passed a large amount of legislation with the support of the populace. He cast himself as a true demagogue and, by 57, had built a large following of his own, for the most part independent of the other power players. In 58, the other senators had been content to sit back and allow him to terrorize Pompey and Caesar. He engineered the trial and exile of Cicero and attempted

¹⁵⁹ Asc. *Mil.* 57C.10-15 makes this claim.

¹⁶⁰ Cic. *Att.* 6.4.

to disrupt Pompey's settlements in the east. By 57, the senators began to fear that Clodius was becoming too powerful.

As soon as Clodius stepped down from his office and the protection that the tribunate granted him, the senators and Pompey began their counter-moves against him. First on the agenda was the recall of Cicero. Gabinius during his consulship in 58 had supported Clodius in his campaign against the famed orator and Clodius had succeeded in a conviction and exile.¹⁶¹ At the time, Pompey had been in support of Cicero's exile as well and had engineered the circumstances that allowed Clodius to stand as a tribune.¹⁶² Near the end of 58, Pompey and the senators were already agitating for the recall of Cicero but Gabinius successfully blocked that movement until the end of his term in office. Therefore, in 57, the time was ripe for the orator's recall. It would be an especially sharp jab to Clodius since he had engineered the action and Cicero was still his *inimicus*. However, it was not going to be an easy thing to accomplish.

Naturally Clodius, although a private citizen, did everything he could to prevent the orator's recall and make life difficult for those involved. Cicero himself recognized the danger that Clodius posed even without an office for he had proved before that he was not afraid to use violence to achieve his ends. In addition, Clodius' brother, Appius Claudius Pulcher, was a praetor that year and continued to support his brother against Cicero.¹⁶³ Cicero rested his hopes for recall on elected tribunes who were friendly to

¹⁶¹ See Chapters One and Three.

¹⁶² When Cicero spoke out in court against the current situation of politics, meaning the domination of Pompey and his allies, Pompey and Caesar had presided over Clodius' adoption by a plebian family, thus becoming Clodius instead of P. Claudius Pulcher.

¹⁶³ Broughton *MRR* 2.200; Cic. *Att.* 4.2.3.

him: Sestius, Curtius, Milo, Fadius, and Atilius.¹⁶⁴ However, out of these only Milo and Sestius were effective allies and both Curtius and Atilius—known as Serranus—seem to have gone over to the other side. Clodius had made many enemies during his tribunate, but there were still many senators who gloried in Pompey’s troubles and did not miss Cicero. His recall would be an uphill battle for Pompey and Cicero’s allies.

With the new magistrates in office, the political fight between Clodius and his supporters and Pompey and Cicero’s allies began. The tribune P. Sestius was writing a bill for Cicero’s recall even before he entered office.¹⁶⁵ The details are rather murky as to who put forward the bill and which of the tribunes supported it. Tatum and Broughton both record that eight tribunes led the bill on January 23rd but the text does not confirm the names of the supporting tribunes.¹⁶⁶ Cicero only confirms that the tribune C. Messius promulgated a bill for Cicero’s recall before the senate.¹⁶⁷ Presumably, this is the bill that was supported by seven other tribunes, but one of them, Q. Fabricius, also wrote and promulgated another bill.¹⁶⁸ The senators quarreled over the legitimacy of Clodius’ original law and how to best bring back Cicero. L. Aurelius Cotta, the consul of 65, delivered his opinion first that Clodius’ law against Cicero had been unconstitutional and could be easily annulled by the senate. Pompey agreed with this view but insisted on an accompanying decree of the senate to make Cicero’s position absolutely secure.

¹⁶⁴ Cic. *Q.F.* 1.4.3. The editor comments on the confusion with the last name. Broughton’s *MRR* lists Sex. Atilius Serranus Gavianus as a tribune for that year and he must be the one referred to by Cicero but later he appears in *Att.* 4.2.4 as Serranus and works against Cicero. The editor also comments that Curtius was previously friendly to Cicero, but went over to Clodius in this year.

¹⁶⁵ Cic. *Att.* 3.20.3.

¹⁶⁶ Broughton *MRR* 2.201-202; Tatum 1999: 177.

¹⁶⁷ Cic. *P. Red. In Sen.* 21.

¹⁶⁸ Cic. *Sest.* 78.

According to Cicero, the senate agreed on this plan of action but Clodius still had strong supporters in the Senate, namely Cicero's former friend and current tribune Serranus, who caused such a delay that the matter could not be heard until the time to vote on the Tribunes' bills.¹⁶⁹

Cicero spends the next several sections of his speech on behalf of P. Sestius describing the violence that occurred on January 23 when the vote was slated for the bill. Tribune Q. Fabricius entered the Forum early, but Clodius and his supporters had arrived even earlier and attacked his party, slaying and wounding many. Clodius had armed slaves and borrowed his eldest brother's gladiators to disrupt the proceedings of the senate.¹⁷⁰ No doubt Cicero grossly dramatized the incident, reporting that bodies clogged the Tiber and blood was mopped up with sponges in the Forum, but this was a large outbreak of Clodian violence and sparked the rivalry and contention between Milo and Clodius. A number of others were attacked during this event and even Cicero's brother Quintus was forced to flee the Forum under threat of death. Milo arrested the gladiators, brought them before the senate, and interrogated them but Serranus opposed his fellow tribune and freed them.¹⁷¹ From that point on, Milo was considered Clodius' enemy. Clodius and his gangs even went so far as to attack his house.

Milo did not, at first, resort to large bands of armed slaves and gladiators to battle Clodius' renewed political violence and terrorism. Soon after the attack, he charged Clodius under the *Lex Plautia de vi*, obviously for the rioting that occurred on the 23 of

¹⁶⁹ Cic. *Sest.* 73-75.

¹⁷⁰ Cic. *Sest.* 85; App. Claudius Pulcher was preparing for a gladiator show, not an unusual occasion for a praetor.

¹⁷¹ Cic. *Sest.* 85.

January.¹⁷² The trial never occurred, however, because a consul, a praetor, and a tribune—Q. Caecilius Metellus Nepos (cos.), Ap. Claudius Pulcher (pr.), and either Serranus or Numerius—issued laws that prevented it.¹⁷³ Although Cicero calls them “*sceleratorum*”—scoundrels—and abuses their actions, he does not dispute that the action was legal.

It was at this point that Milo gathered his own gangs of fighters to confront Clodius, both to protect himself and—Cicero claims—to protect the state.¹⁷⁴ In Milo’s defense, Clodius did appear to be increasing his terrorism in the face of the attempt to recall Cicero. His opponents were not to be daunted. The government was allowed to operate again concerning matters that did not involve the recall of Cicero, but Clodius and his gang did not cease their violence. When Sestius went to the consul to report bad omens, which would have stopped all judicial proceedings for the day, Clodius’ band attacked him.¹⁷⁵ This occurred despite the lack of evidence that anything relating to Clodius or Cicero was being brought to the Assembly and with complete lack of regard for the tribune’s *sacrosanctitas*. Sestius was gravely injured and barely escaped with his life. Cicero states in *Pro Sestio*, the speech in defense of the same tribune, that he fell from the wounds and lay as if dead and thereby escaped actual murder, but in a letter to

¹⁷² Alexander 1990: 128 gives a summary of the trial.

¹⁷³ Cic. *Sest.* 89 does not name the three that obstructed the trial, presumably because his audience would be fully aware of their names. Alexander 1990: 128 identifies the consul and the praetor. Tatum 1999: 179 identifies all four names. It is highly unlikely that the unnamed tribune would be anyone other than Serranus or Numerius Rufus (Gracchus) since these are the two that Cicero names as his opponents. According to Cicero, all of the other eight tribunes were on his side in this matter.

¹⁷⁴ Cic. *Red. Sen.* 19.

¹⁷⁵ Cic. *Sest.* 78-79.

Quintus, Cicero says that Bestia saved Sestius from death.¹⁷⁶ They then sought to kill one of their own members, Q. Numerius Rufus Gracchus, to “allay the indignation aroused by the crime of Clodius,” but he escaped with a basket over his head.¹⁷⁷ After this, Sestius joined Milo in collecting an armed band for his own protection.

The tenor of the scene changed. Clodius could no longer run rampant through the city with his armed retinue and determine the actions of the government. Milo and Sestius gathered a band of gladiators and armed slaves able to rival that of Clodius.¹⁷⁸ It was not assured that he had the strongest force in the city. Tatum asserts that the gangs of Milo and Sestius were actually considerably stronger than those of the Clodiani and were victorious in more of their battles.¹⁷⁹ Many of the magistrates and senators, frustrated with Clodius’ continued violence, supplied monetary and physical support to the newly formed gang, which made them better supplied than Clodius’ popular force.¹⁸⁰ The violence and clashes of street gangs persisted and dominated politics through the spring of that year and, although they successfully postponed the issue of Cicero’s recall, certainly did not dispel the attempt as a whole.¹⁸¹

Meanwhile, the increased violence stirred up more and more ill-will against Clodius. Caesar, who along with Crassus had been opposing Cicero’s restoration, finally

¹⁷⁶ Compare Cic. *Sest.* 79, and *Q.F.* 2.3.6.

¹⁷⁷ Cic. *Sest.* 82.

¹⁷⁸ Cic. *Q.F.* 2.5.3.

¹⁷⁹ Tatum 1999: 179.

¹⁸⁰ Cic. *Red. Sen.* 22.

¹⁸¹ Tatum 1990: 180.

relented and gave Pompey his blessing for the motion.¹⁸² Pompey went into immediate action. He was the chief driving force behind the decree that finally recalled Cicero from exile. As magistrate in Capua, he convinced the town to put forth a decree calling for Cicero's return, a much easier affair than in Rome since there was no one to veto such a motion. He then traveled throughout Italy and convinced many other cities to pass similar decrees on behalf of Cicero.¹⁸³ Clodius' efforts were failing. In the light of the continued persistence of Cicero's current allies, Clodius' bill, which directly named Cicero, looked less legal and less appetizing to the senate body.

Finally, Lentulus Spinther initiated a senatorial decree to the effect that all men in Italy who treasured the health and safety of the Republic should gather in Rome in support of Cicero's recall. This decree likewise put Cicero under the charge of the governors of provinces and allies so he would be returned safely.¹⁸⁴ According to Cicero's albeit very biased account in the *Pro Sestio*, even the people were on the side of the senate and those who had engineered the passing of the bill for Cicero's recall.¹⁸⁵ Clodius had apparently lost his grip on them as well. Despite all of his attempts to stop it, Cicero's allies would succeed in recalling him. Only Clodius voted against the motion in the senate, even his friends followed the tide of popular opinion.¹⁸⁶

Pompey was the chief driving force behind the recall of Cicero, but Milo's violent opposition to Clodius' street gangs enabled the legislation to succeed. Before Milo took

¹⁸² Cic. *Fam.* 1.9.9.

¹⁸³ Cic. *Red. Sen.* 29.

¹⁸⁴ Cic. *Red. Sen.* 24; *Sest.* 128.

¹⁸⁵ Cic. *Sest.* 116-123.

¹⁸⁶ Cic. *Red. Sen.* 26.

up arms against Clodius, no business could be done in Rome without Clodius' approval, which meant that no legislation could be carried for Cicero's sake. It was only Milo's opposition, which successfully stalled Clodius' reign of terror, that enabled Pompey and the other senators to work on behalf of Cicero and finally secure his recall through legal means. Milo's role in recalling Cicero from exile earned him the orator's gratitude and friendship for the rest of his career. On this basis, Cicero would eventually defend him in court when he was tried for the murder of Clodius.

Milo's participation in these events also sparked enmity between him and Clodius and retribution quickly followed. Clodius certainly realized the importance of Milo's opposition and responded with attacks on him and Cicero shortly after the orator's triumphant return to Rome. This particular round of violence began in November and escalated even beyond the vigor with which Clodius was accustomed to operate. According to Cicero, Clodius attacked his brother Quintus Cicero's house and set it ablaze.¹⁸⁷ He went so far as to openly ambush Cicero on the Sacred Way and the orator rescued himself by retreating into Tettius Damio's house while his attendants fended Clodius' gang off.¹⁸⁸ These attacks and the ones that followed alienated some of Clodius' allies and supporters as he approached new heights of violence. The day after his ambush of Cicero, Clodius stormed one of Milo's houses in broad daylight and was met by Q. Flaccus and a band of Milo's adherents from his house. The Clodiani were fended off and the violence, according to Cicero, was fierce enough to threaten Clodius' life.¹⁸⁹

¹⁸⁷ Cic. Att. 4.3.2.

¹⁸⁸ Cic. Att. 4.3.3.

Second Conflict

By this point, Clodius was running for aedile of 56 and the elections were slated to occur. Naturally, Milo had no intention to allow Clodius to enter office once more. If he could do so much damage as a private citizen, the terrorism could escalate further when he could legally import gladiators into the city for the games he would host as aedile. Furthermore, once he was elected aedile—as it was probable he would be given his level of support—he would be immune from prosecution. Milo and Clodius' other enemies planned to bring him to trial before he could assume the immunity of office. Clodius threatened violence if the elections were postponed. Milo posted the trial resolution, which included the recent violence against Milo and Cicero. Milo also declared that he would watch the skies for omens on all election days, which would prevent them from taking place at all.¹⁹⁰ On the nineteenth, Milo occupied the Campus during the night with a large band and Clodius did not dare to show himself and so the elections were postponed. Q. Caecilius Metellus Nepos, a Clodian supporter, attempted to stop Milo's resistance and, in an endeavor to conduct the elections, instructed him to be in the Forum in the morning instead. Milo succeeded once more in postponing the elections. The cycle continued for subsequent election days, to Clodius' frustration.¹⁹¹

In December of 57, L. Racilius, tribune of 56, again approached the question of Clodius' trial after a bitter speech against the ex-tribune's illegal actions.¹⁹² In Cicero's

¹⁸⁹ *Ibid.*

¹⁹⁰ *Cic. Att.* 4.3.2-3.

¹⁹¹ *Cic. Att.* 4.3.4-5.

account, most of the senate advocated for trying Clodius before continuing with the elections but Clodius still retained some staunch optimate supporters, namely C. Porcius Cato and Cassius, two of the tribunes elect for 56. Clodius also spoke on his own behalf before the meeting was broken up by members of Clodius' gang, who, according to Cicero, were fighting with Milo and his supporter Q. Sextilius' own soldiers outside the senate house.¹⁹³ Although they had some support to bring Clodius to trial, Milo and his allies ran into a dilemma. According to Cassius Dio, the quaestors who made up the jurors had not been elected due to Milo's postponement and thus the trial could not be held.¹⁹⁴ Q. Caecilius Metellus Nepos, the consul of 57, obstructed any trial held before the election of the quaestors and so Milo did not succeed in indicting Clodius *de vi*. The elections were finally allowed to continue and Clodius was duly elected aedile on January 20, a fact that alarmed Cicero to no end.¹⁹⁵ As a magistrate, he could no longer be prosecuted.

Clodius' Prosecution of Milo

Only a few weeks after his election as aedile, Clodius began to prosecute Milo *de vi*, the same charge for which he had nearly stood trial a month before.¹⁹⁶ Milo had stepped down from office at the end of 57 and the two adversaries had, in some ways, switched circumstances. The trial commenced on February 20 with Clodius prosecuting and C. Porcius Cato and P. Vatinius, the future praetor of 55, supporting him. Pompey

¹⁹² Cic. *Q.F.* 2.1.2.

¹⁹³ *Ibid.*

¹⁹⁴ Dio 39.7.4—39.8.

¹⁹⁵ Cic. *Q.F.* 2.2.2; *Sest.* 95.

¹⁹⁶ Cic. *Sest.* 95; *Q.F.* 2.3.1-4.

and Cicero both stood on Milo's side and the trial effectively turned into a trial of Pompey, rather than Milo. When Pompey stood to speak, he was shouted and insulted by Clodius' gangs and Milo's side returned the favor when Clodius tried to speak. In response, Clodius leveled more abuse at Pompey in a question and answer game with his trained crowd. This trial and the contention surrounding it predominantly revolved around the continued Egyptian Question of Ptolemy's restoration.¹⁹⁷ Crassus was nominally on the side of Milo due to his alliances, but Cicero clarifies that he had no goodwill for him and was squarely against Pompey's involvement in the Egyptian Question. Clodius' gangs called for Crassus to settle Ptolemy's restoration rather than Pompey.¹⁹⁸ A riot broke out in the Forum and the trial was postponed.

The problems between the clients, at this point, were caused mostly by problems between Pompey and Crassus. The so-called First Triumvirate was breaking apart at the seams. Pompey confided to Cicero that he feared a plot on his life.¹⁹⁹ It was also believed that Crassus, while nominally a close ally of Pompey, was backing both C. Cato and Clodius and supplying the latter with money and resources from his deep pockets. The two power-players were wrestling over prestige and the illustrious command to restore Ptolemy to the throne of Egypt. This played out not between them, but between their subordinates, Clodius and Milo in this case. As was the trend during these late years of the republic, when Pompey gained too much power, the senators were all too happy to play along with his enemies and humiliate him. In this particular case, as it would be in the final trial as well, it was the trial of Milo.

¹⁹⁷ See Chapter One on the Egyptian Question.

¹⁹⁸ Cic. *Q.F.* 2.3.1-4.

¹⁹⁹ Cic. *Q.F.* 2.3.4.

As the day for the resumption of Milo's trial approached, both sides were gearing up for the promised violence. Milo maintained his force. In lieu of the threats on his life, Pompey was bringing up men from the country to support and protect him and additional men from Gaul, presumably sent by Caesar, were expected as well. Clodius was likewise adding men to his gangs.²⁰⁰ Pompey was criticized at a senate meeting and Milo's gangs blamed for the violence that occurred on the day of the trial, since Clodius was ejected from the Rostra. C. Cato also promulgated bills against Milo and Lentulus of unknown content, but certainly hostile. These were obstructed by Lentulus, the consul, who blocked all comitial days to prevent the bill.²⁰¹ C. Cato joined the rather large number of prominent statesmen employing gladiators as personal guards. Cicero states that Pompey's popularity had reached a new low because of the violence and particularly Milo's involvement.

Milo's trial was scheduled to resume on the Nones of May.²⁰² By this point, though, the conference of Luca had already been held and Clodius and Milo were—nominally, at least—on the same side.²⁰³ Their patrons, Crassus and Pompey, had reconciled and there was no need for them to continue to fight one another. Naturally, this reversal did nothing to expunge the enmity that had already sprung up between the

²⁰⁰ Cic. *Q.F.* 2.3.4.

²⁰¹ Cic. *Q.F.* 2.5.2-3.

²⁰² Cic. *Q.F.* 2.6.4. That is, May 7th.

²⁰³ Tatum 1999: 204n, there are various interpretations of this. Gruen 1974: 299 believes that the senate was finally fed up with Clodius' vengeance and withdrew their support. According to Tatum, several others overlook the importance of Luca in this affair. I side with him. Cicero's clear dating puts the intended trial squarely after Luca, which reaffirmed the alliance between Clodius and Milo's allies. It makes the most sense to attribute the dropping of the prosecution to this. In addition, the senate's displeasure with Pompey had already been felt—enough to satisfy his enemies—and there was no need to carry the prosecution further to prove that point.

two men. Despite the fact that that it was dropped, the trial was not ineffective in the political sphere. By that time, it had effectively crushed Pompey's dreams of restoring Ptolemy and had roused up popular opinion against him, to the satisfaction of his enemies.²⁰⁴ Clodius' condition certainly improved markedly, both through the trial and the conference at Luca. He had regained some senatorial approval through his opposition to Pompey and had clearly already been working in some respect with Crassus at the time of the trial. The result of the conference at Luca left him without his most substantial opposition: Pompey and Milo. On the other side, Milo's situation had improved—he was no longer on trial—but the stain of the ongoing violence remained.

Soon after this change in the political scene, Sestius, the ally of both Cicero and Milo in the effort for the orator's recall, was brought to trial. Sestius had frequently worked closely with Milo in his violent opposition to Clodius and this trial was linked with the other events surrounding it, including Milo's own trial *de vi*. Cicero, Hortensius, M. Crassus, and Licinius Calvus stood for Sestius' defense.²⁰⁵ They were opposed by a number of people curiously connected with Clodius. In fact, Cicero states bluntly that Clodius was behind the prosecution, effectively a substitute for condemning Milo since Sestius had participated in the same activities.²⁰⁶ Cicero's defense speech on behalf of Sestius also contains a rather absurd amount of references to Milo and his deeds for the republic, further reinforcing the idea that Sestius was tried as a doppelgänger for Milo's

²⁰⁴ Cic. *Q.F.* 2.2.3.

²⁰⁵ Alexander 1990: 134.

²⁰⁶ Cic. *Vat.* 41.

abortive trial.²⁰⁷ Sestius was acquitted.²⁰⁸ Many more trials followed that of Sestius and Cicero rejoiced that a number of his *inimici* were condemned, probably some of Clodius' thugs.²⁰⁹ Milo was not inactive during this string of trials and brought a certain Sex. Cloelius to trial in March. According to Cicero, he bungled the prosecution and Cloelius was acquitted, to the great dismay of the populace at large.²¹⁰

In the trial of Sestius, Clodius, at least according to Cicero, was on the opposite side of his patron Crassus, who had been and would continue to be his supporter. It is not difficult to understand why this would occur. Trials in Rome were notoriously messy affairs and the prosecution and defense was mostly determined by political connections. Even Cicero and Clodius occasionally found themselves both defending the same man, as occurred in 54 with the trial of Scaurus.²¹¹ The line-up of advocates does not necessitate political connection *between* the advocates, merely between the advocate and the defendant. Clodius may have backed the prosecution of Sestius because of the failed trial of Milo or because Sestius had also violently opposed him. Backing the prosecution also put him in opposition with Cicero, which may have also been a driving motive for his background participation. Crassus' participation in the defense also does not necessitate a break. He had worked with Cicero closely in the past, both as advocates for the causes

²⁰⁷ Cic. *Sest.* Tatum 1999: 206-207 believes that Clodius was not behind the prosecution of Sestius for numerous reasons. Gruen takes the opposite and rather standard line and takes it for granted that Clodius was part of the prosecution. Although it cannot be entirely confirmed and Cicero cannot be necessarily relied upon as a witness when it comes to Clodius, there is no reason to believe that Clodius did not play some role in the trial. His friends seem rather too invested for him to have stayed out completely.

²⁰⁸ Cic. *Q.F.* 2.4.1.

²⁰⁹ So Gruen 1974: 305.

²¹⁰ Cic. *Q.F.* 2.5.4.

²¹¹ Alexander 1990: 143.

of the *equites*, and was united with him again frequently before the Conference at Luca, as Ward demonstrates.²¹²

Elections and Clodius' Death

After the eventful year of trials, Milo played a less central and less crucial role in politics. This was the period of his fall from grace, already begun with the *de vi* trial but completed with the expiration of Pompey's goodwill. As a benefit from the conference at Luca, Pompey had gained Clodius as an ally, a significant force in politics in of himself and commanding the votes of tribunes for at least the upcoming year and probably more in the future. Clodius could also be relied upon to bring force to Pompey's service when needed. Milo began to be a bit superfluous, although he continued to reap the benefits of his alliances, at first, and held the praetorship in 55, only the year after his trial.²¹³ His tenure in office was unremarkable. Cicero still maintained his ties, however. In one of his most dramatic roles during this lull, Milo accompanied Cicero to the Capitoline and guarded him as he removed the tablets of the *lex Clodia de exsilio Ciceronis*.²¹⁴ Clodius naturally opposed this measure, another in a long string of back and forth between the orator and Clodius, but he did not prevent it.

Milo returned to the political scene full-force when he ran for the consulship of 52. Clodius was running for the praetorship of the same year and naturally the rivals began to clash violently once more, both opposing each other's candidature. Both Pompey and Clodius supported P. Plautius Hypsaeus and Q. Caecilius Metellus Pius

²¹² Ward 1977: 254-255.

²¹³ Broughton *MRR* 2.215.

²¹⁴ Dio 39.21.1-4.

Scipio Nasica, the two running against Milo for the consulship.²¹⁵ Clearly, Milo had finally lost even Pompey's support. He had, in fact, become more of a liability than an asset to Pompey, who had gained Clodius for an ally and was trying to distance himself from Milo's reputation for violence. Milo had good cause to fear Pompey and for his own position during this time. The threat of Pompey's potential dictatorship was still hanging over Rome. That development would certainly injure Milo's standing but, if he did anything to prevent it, he would certainly experience Pompey's open hostility, which could be worse.²¹⁶ Despite this, Milo was certainly not powerless or an insubstantial candidate. He still enjoyed the wholehearted and considerable support of Cicero, as well as that of many of the *boni*—Cicero calls them the “honest men”—and some support among the people for his lavish games.²¹⁷ In short, he had a considerable power base throughout all of the classes. Cicero's main worry for Milo was not Clodius at all, but rather his lavish expenditures which left him deep in debt.²¹⁸

So Clodius worked strenuously to get himself and the two other consular candidates elected. According to Cicero, he had full direction of their candidacies and feared that his praetorship would be completely ineffectual if Milo were consul, a fear that was not unfounded.²¹⁹ He resorted to many rather unsavory tactics, including the usual rampant bribery, and finally began to threaten Milo's life openly. The two

²¹⁵ Broughton *MRR* 2.233-235.

²¹⁶ Cic. *Q.F.* 3.6.6.

²¹⁷ Cic. *Q.F.* 3.6.6; 3.7.2.

²¹⁸ Cic. *Q.F.* 3.7.2.

²¹⁹ Cic. *Mil.* 25.

competitors erupted into violence once more.²²⁰ At one point, Clodius tried to rush into the voting area and was repulsed and put to flight by Milo and his gang.²²¹ In this atmosphere of unbridled violence, the elections could not be held, as had become the norm for several years by then.²²² Both Clodius and Milo continued their canvassing.

This was the political situation as Rome entered the year 52 without any prominent magistrates. The beginning of the year saw many portents of evils to come, including an owl captured in the city and many thunderbolts.²²³ On the January 17, Clodius left Rome for Aricia, which was situated on the Appian Way. On January 18, Milo left Rome for Lanuvium, his hometown, early in the morning in order to appoint a *flamen*, one of his duties as dictator of the town.²²⁴ Clodius was travelling with a rather small band for him, about thirty armed slaves and several friends. Milo was travelling in a carriage with his wife, Fausta, and a friend named Fufius and a large number of armed gladiators. The two parties encountered each other near Bovillae and the rearmost slaves of each group got into a scrap. During the fight, one of Milo's well-known gladiators pierced Clodius in the shoulder with a spear and the wounded man was carried to a tavern in the town. According to Asconius, Milo believed that his survival would be even more of a danger to himself so he ordered his slaves to drag Clodius from the tavern and kill

²²⁰ Dio 40.46.3; 40.48.2; Cic. *Mil.* 43.

²²¹ Cic. *Mil.* 41.

²²² Dio. 40.48.1-2.

²²³ Dio 40.47.1-3.

²²⁴ Asc. *Mil.* 31.15. The entire incident is recorded in Asconius' commentary 31, as well as in Cicero's original speech. There was already some contention over exact dating in antiquity, as Asconius addresses in his commentary. The Fenestella reports that Milo set out for Lanuvium on the 17th of January but the *Acta* and Cicero's speech both date it to the 18th, as does a later letter of Cicero (*Att.* 5.13.1), in which Cicero still counts the number of days since Clodius' murder over a year and a half later.

him, which was swiftly done.²²⁵ The rest of Clodius' slaves were wounded or dead and so the body was left on the road. Sex. Teidius, a senator, found the body on his way back to Rome and ordered that it be conveyed into the city in his litter.

The arrival of the body in Rome caused rioting and uproar among the plebs. Fulvia, Clodius' widow, insisted on displaying the body's many wounds and lamented loudly. People flocked to Clodius' house where it was displayed, including some well-known senators. Those senators incited the people even further and eventually they took the body to the rostra to display the wounds to everyone. The body was taken into the senate house and cremated inside, ultimately burning down both that building and the neighboring basilica. The houses of both Lepidus and Milo were attacked by the same crowd but they were fended off. The crowd rioted and called for Pompey alternately as consul and dictator. Milo's reputation was resuscitated somewhat by the burning of the curia, a significantly worse offense than the murder of Clodius in the eyes of many, and he returned to Rome on that night. Undaunted, Milo continued canvassing for the consulship. Pompey was given power and the authority to recruit troops from all over Italy to see that the state did not come to harm.²²⁶

Trial of Milo

Clodius' friends and relatives initiated proceedings against Milo. Several applied to Pompey for the production of Milo's slaves who had been present on the Appian Way and his wife, Fausta. Several countered with demands that they should also produce Clodius' slaves. As it turned out, the slaves in question were manumitted by Milo just

²²⁵ Ibid.

²²⁶ Asc. Mil.; Cic. Mil.

after the incident for protecting him against an attempt on his life. The upshot of this was that they could not be put to torture. Milo was still attempting to stay in Pompey's good graces and offered to give up his candidacy for the consulship, if he desired, but was rebuffed by him again. Pompey was made consul without a colleague.²²⁷ Almost immediately, he brought two bills before the senate, one concerning violence with particular reference to recent events and another about bribery. Pompey forced these through over the opposition of a tribune friendly to Milo. The tide of popular opinion turned, at the urging of Pompey and other leading statesmen, against Milo.

Milo was charged under a total of four laws: *lex Pompeia de ambitu* for his consular campaign, *lex Licinia de sodaliciis* again for his consular campaign, *lex Plautia de vi* for the murder of Clodius, and *lex Pompeia de vi* for the murder of Clodius, by two young men both named Ap. Claudius Pulcher.²²⁸ He was convicted on all counts, but the trial under Pompey's new law *de vi* was the most significant of them. Both of the Cladii Pulchri were part of the prosecution along with Marcus Antonius and P. Valerius Nepos. An impressive number of witnesses turned out against Milo, including Clodius' widow. Cicero naturally took the lead on Milo's defense and he was joined by M. Claudius Marcellus. On the first day of the trial, Marcellus was so terrified by the uproar raised by Clodius' mobs that Pompey had to bring a guard on the second day so the evidence could be heard.

The prosecution claimed that Milo had set an ambush for Clodius on the Appian Way and that the murder was premeditated on his part. Cicero, the only one to speak from the defense, rejected M. Brutus' suggestion that he claim that Clodius' murder was

²²⁷ Broughton *MRR* 2.233-234.

²²⁸ Alexander 1990: 151-153; Asc. *Mil.* 31.

in the best interests of the state and instead flipped the prosecution's argument. As is evident in his published speech, Cicero claimed that Clodius had, in fact, set the ambush for Milo and Milo's subsequent murder of Clodius was only self-defense. Furthermore, Milo was unprepared for battle because he had his wife with him and not all of his slaves were equipped. However, Cicero's speech was greeted with jeers from the Clodiani and he spoke with his less than usual force. Asconius takes a middle line between these arguments and states that neither side ambushed the other. The parties met on the road completely by chance and Milo seized the opportunity to rid himself of Clodius.²²⁹ The truth is impossible to discern concretely now, though the situation lends itself more towards Asconius' argument since both were rather unprepared for a full skirmish, Clodius with few troops and Milo with his wife and less-armed men. Regardless, the prosecution triumphed, aided greatly by the populace and Pompey's anger at Milo. He was overwhelmingly, although not unanimously, convicted and exiled to Massilia, with possible confiscation of his property.²³⁰

The other trials *de vi*, *de ambitu*, and *de sodaliciis* followed after his exile and he was convinced *in absentia*.²³¹ Several trials against others who had participated in the fight on the Appian Way ended in acquittal except for Sex. Cloelius who was convicted under Pompey's law *de vi* for moving Clodius' body into the senate house.²³² Milo never returned to politics after his exile to Massilia. Caesar recalled many of the exiles once he came to power, but Dio states that Milo was the only one not reinstated in Rome.

²²⁹ Asc. *Mil.* 31-42; Cic. *Mil.*

²³⁰ Alexander 1990: 151-152.

²³¹ Alexander 1990: 152-153.

²³² Alexander 1990: 153-155.

Because of this, he joined a rebellion in 48 against Caesar and destroyed the land around Capua. Several in Rome tried to join his opposition but arrived and found that he had died in Apulia.²³³

Conclusion

The end of Milo's career is a striking example of the risks inherent in the patron-client relationship at that time. Pompey made use of Milo only when he was beneficial to his own agenda but ultimately, Milo was expendable. At first, he was praised for countering Clodius' rule by violence and make Cicero's recall possible. When the violence persisted and the clashes between Clodius and Milo's gangs continued, Milo bore the brunt of the negative reputation. Although he had done Pompey beneficial services in the past and had been supported by him through much of his career, Milo was abandoned by his patron and did not reap the rewards of the connection. This illustrates one of the key dangers to a client: he was replaced by someone better suited to his position. In this case, it was Clodius, a man at least as effective at employing violence for political gain. When Clodius was grafted onto Pompey's side after the Conference at Luca, Milo lost all support from the so-called triumvirate. Although he attempted to reconcile himself with Pompey and even offered to give up consular ambitions, it was to no avail. Milo's penchant for violence caught up with him after he murdered Clodius on the Appian Way and he was convicted. Not only did Pompey not lend him any aid during the trial, he actively incited the populace against Milo and promulgated the law that convicted Milo.

²³³ Dio 42.24.1-25.3.

CONCLUSION

Gabinus, Clodius, and Milo serve as an ideal case study for the patron-client relationship during the Late Roman Republic, especially in regard to the so-called First Triumvirate. All three of them represent different types of clients. Gabinus followed the classic path of a Roman politician: he served as a tribune, rose through the ranks with the support of a powerful patron, and eventually held a proconsulship in the east. Some of his methods placed him squarely in the post-Gracchan Late Republic, such as his ambitious use of the tribunician powers to silence Pompey's supporters, but he followed a traditional path.

Clodius came from an old, patrician *gens* and used his family's ample prestige and his own large following to build a reputation and a faction for himself. His alliances were fluid, his nature mercurial, and his methods radical. Clodius used whatever means necessary to achieve his ends and was notable, if not unique, among the power players of the Late Republic. Milo, like Clodius, employed violence and other radical methods, but, unlike the other two, he relied almost entirely on Pompey for support. Milo was not notable in politics except for his rivalry with Clodius and association with Pompey. When he lost that, he lost his standing.

For roughly fifteen years, Gabinus, Clodius, and Milo were at the center of politics in Rome and are therefore prime examples that can be used to explore the patron-client relationship. Because all of their careers had ended, by death or exile, by the end of 52, we can avoid the issue of the civil war, which saw numerous and massive shifts in alliances as the politicians scrambled to choose the winning side. Therefore, their careers

are convenient for this kind of study because they all fit squarely in the period of the Late Republic.

These clients, their careers, and movements have all been examined in the preceding chapters. Gabinius became an important and influential supporter of Pompey during his tribunate in 67, when he secured the pirate command for Pompey over considerable opposition. This was the beginning of a career-long relationship with Pompey, which saw him reach the consulship under the support of his patron. Gabinius proved himself an able and efficient administrator during his tenure in Syria, when he reorganized the government in Judaea and made powerful enemies by obstructing the tax-farmers. Those actions were direct contrasts to Pompey's movements in the east, but their alliance was maintained and Gabinius restored Ptolemy to the throne of Egypt, perhaps on Pompey's order or only with the knowledge of his support. Ultimately, Gabinius was tried for extortion because of the Egyptian Question and exiled, despite the efforts of Pompey, in 54.

Clodius was born into the *gens Claudia Pulchra*, a longstanding and well-connected patrician family. He made a name for himself early on with his scandals and built a faction of his own as a demagogue. With the support of Pompey and Caesar, he transitioned to plebian status so he could hold the tribunate. His connection with Pompey was intermittent. It only held for a few months during his tribunate, during which he attacked and exiled Cicero, before turning his arsenal against Pompey. Milo, an insignificant tribune with a penchant for violence, was marshalled by Pompey against Clodius. The two battled repeatedly in the streets while their patrons, Pompey and Crassus respectively, wrestled for power. The Conference at Luca nominally reconciled

the two sides, but the feud between Clodius and Milo could not end so easily. With Clodius now reconciled to Pompey, he no longer needed Milo and wanted to distance himself from the latter's violent reputation. When a clash on the Appian Way ended with Clodius' death, Milo was tried for murder and received no help from Pompey. Despite Cicero's efforts, he was convicted and exiled.

Although the patron-client relationship played an important role in Roman politics throughout the Republic, the idyllic scene described by Dionysius of Halicarnassus was never reality. Both the patrons and the clients had to contend with the difficulties inherent in the political situation of the Late Republic. If alliances in Rome were ever stable, they became even less so in this period. Since the Social War and the time of Sulla and Marius, the political scene was dominated by several power players vying for control and supremacy, and exerting their significant influence to achieve their ends. Figures like Pompey, Caesar, Crassus, Cicero, and Cato built up enormous client bases and formed alliances with one another that were constantly changing. Their clients had to deal with the precarious nature of their positions and simultaneously attempt to further their own career.

Gabinius, Clodius, and Milo are examples of the dangers that the clients faced during their careers. Gabinius managed to reach the highest levels of Roman government with Pompey's support and made significant political contributions, especially in the east. He was an active and influential client and politician in his own right. However, because of his alliance with Pompey and the movements he made on his behalf, he acquired Pompey's enemies and made some of his own. Ultimately, he was prosecuted and exiled in order to punish Pompey and check his power. Pompey's efforts and the fear of an

impending dictatorship spared Gabinius during the first trial, but anger against Pompey had reached a boiling point by the second and he was exiled. He reappeared under Caesar during the Civil War. There is no evidence for the reason behind his shift in alliance. Perhaps he thought that Pompey had not done enough to save him or he resented Pompey's own shift in alliance to become the champion of the *optimates*. Whatever the reason, he did not return to his former patron after his exile.

Clodius was consistently the independent one of the three. His family had a reputation for mercurial loyalties, although they consistently remained loyal to the *gens* and each other. Clodius showed off his rebelliousness early and curried favor with the populace while simultaneously sabotaging his brother-in-law Lucullus' high-profile command against Mithridates. This *modus operandi* continued into his tribunate and beyond. Pompey and Caesar facilitated his transition to plebian status because of their anger with Cicero, who was occasionally allied with Pompey. Once in office, Clodius held onto that alliance long enough to exile Cicero before he again broke his ties and turned on Pompey. Until his death, Clodius was the perfect example of a client who did not always operate with the blessing of his patron and used his connections with his patrons as much as he was used by them.

Milo rose to power with Pompey's support in order to combat Clodius, who was terrorizing Rome with his violence and threatening Pompey's life. Milo effectively opposed Clodius and enjoyed Pompey's support for several years because of it. However, the Conference at Luca changed alliances once again and put Clodius at Pompey's disposal. Then, if he wanted a violent player, Pompey could turn to Clodius, who was more established in the political sphere and even accepted by the *nobiles*

because of his *gens*. Milo had incurred a reputation for violence and was more of a liability to Pompey than an asset. Therefore, Milo was sacrificed to appease the *Clodiani* and maintain Pompey's reputation, now that he was reconciled to some degree with the *nobiles*. Cicero, another ally of Milo, did not abandon him so easily, but with Pompey's active campaign against Milo, the orator did not succeed in his defense.

It has already been shown that the clients of the Late Republic did not always operate under the guidance of their patrons and that there were many risks inherent in the system for them. Equally interesting are the interactions between the clients during this period. As three prominent politicians, they were bound to interact sometimes and frequently did. These situations clarify the points already made about the clients. The battles between Clodius and Milo are stark examples, since they continued even after their patrons had reconciled. The alliances of patrons are not a useful prediction of alliances among clients. At some points, patrons were forced to choose between their clients, who were constantly at odds with each other, as in the situation between Clodius and Milo. Likewise, the relationships between these major players were not cut and dry. Gabinius and Clodius were both enemies of Cicero and engineered his exile, while Milo fought ardently for his recall, but all were, at various times, Pompey's clients. These interactions illustrate the necessity of viewing the patron-client relationship—and the Roman political system—with all of its complexities.

By the time of the Late Republic, the patron-client relationship had been around for centuries, perhaps since the time of Romulus. It was still an active and crucial part of the political system in the Late Republic, but the circumstances of the period necessitated adaptations within it. Gabinius, Clodius, and Milo were all key political figures during

the Late Republic and the clients of the so-called First Triumvirate. Before Erich Gruen's article, "P. Clodius: Instrument or Independent Agent?" most scholars viewed clients as the creatures of their patrons with little or no political will of their own. This study of Gabinius, Clodius, and Milo has shown that they acted independently more often than was previously believed. These particular cases exemplify the clients' relationship to a system of alliances that was mercurial in nature and in which clients could serve as the targets for hostility directed at their patrons.

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