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ABSTRACT of an M.Litt. dissertation presented by
W.M.F. Rundell, May 1976.

'P.Clodius Pulcher - Potentissimus Homo'

Recent scholarship has quite rightly emancipated Clodius from the role in which he used to be cast (a subordinate working on behalf of one or all of the Triumvirs), but beyond asserting his 'independence', has done little justice to his extraordinary career. For a few years during a critical phase of Republican history Clodius was an immensely important figure, arguably the most powerful man in Rome between 58 and the conference of Luca. This dissertation is a study of Clodius' power: its extent, how he achieved it and maintained it, what he hoped to gain by it, and how he lost it.

CHAPTER ONE shows how, almost accidentally, Clodius' fairly typical aristocratic career took a popularis turn. Persecuted by his inimici on the pretext of sacrilege (61BC), he discovered the value of mass popular support as a weapon in this type of senatorial infighting. For the first time, too (again almost by accident), he crossed swords with Cicero and found himself in the forefront of a campaign of invidia against the consul of 63 on account of the 'Catilinarian executions'.

CHAPTER TWO deals with the year 59, when Clodius was overshadowed by a united and determined triumvirate, and was therefore fairly constricted. It is interesting to notice how strongly his movements were influenced by consideration of the mood of the urban plebs. Clodius' main achievement this year was his adoption into a plebeian family and subsequent election to the tribunate.

Clodius' annus mirabilis is discussed in CHAPTERS THREE, FOUR, and FIVE. It is shown that his tribunician legislation, though 'popular' in every sense of the word, nevertheless fell short of being radical. There is little sign of aristocratic resistance, either to his legislative programme or to the exile of Cicero. It is suggested that an influential section of the nobility connived at both, seeing in Clodius not the half-crazed revolutionary portrayed by Cicero, but a valuable partner in the fight against triumviral regnum. By exploiting the resentment which the triumvirs' 'tyrannical' behaviour had generated, Clodius was able to maintain a curious position as, simultaneously, the darling of the urban plebs and (to Cicero's) great annoyance) the favourite of the aristocracy. His relationship with some of the Boni is discussed in detail in CHAPTER SIX.

CHAPTER SEVEN shows how the renewal of the Triumvirate in 56 wrecked the strategy by which Clodius had maintained his influential position. Attracted (as in 59) by the dynasts' power, Clodius took the risk of declaring in their favour. The gamble did not pay off: Caesar and Pompey, whom Clodius had let down in the past, were unenthusiastic, while Clodius' latest desertion upset his old allies among the Boni. He thus came to be regarded as a liability by all parties, retaining only his massive popularity with the urban plebs. In the end, therefore, he did come close to being a radical popularis but, as CHAPTER EIGHT shows, he achieved his greatest power through a skilfully handled combination of mass popular backing and the support (or at least indulgence) of some of the Senate's most influential members, - a unique position which, as a Claudius Pulcher, he was uniquely qualified to hold.

DECLARATION

This dissertation embodies the results of the higher study undertaken by me on the topic approved by the Senatus Academicus of the University of St Andrews in accordance with the regulations governing the Degree of Master of Letters in Arts.

I was admitted under Resolution of the University Court, 1967, number 9, to read for the degree of B.Litt. from October 1974, in terms of Ordinance B, Higher Study and Research (1974-5).

Candidate.

CERTIFICATE

I certify that William M.F. Rundell has spent no less than two academic years in full-time higher study towards the Degree of Master of Letters in Arts and that he has fulfilled the requirements under Ordinance D, Resolution 9 of the University Court of St Andrews (Regulations for Higher Study and Research). He is qualified to submit this dissertation for the Degree of Master of Letters (Classics and Ancient History).

Supervisor.

P. CLODIUS PULCHER
POTENTISSIMUS HOMO.

- A Dissertation by
W.M.F. Rundell.



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CHAPTER ONE: THE MAKING OF A POPULARIS

Clodius and History

Cicero remarked once that there was a certain dignity in the Senate's battles with the great tribunes of the past - the Gracchi, Saturninus, Sulpicius - for they at least were men of talent and high principle, worthy opponents (Har. Resp. 41). As for Clodius, 'quid est, quid valet?' Cicero thoughtfully provides the answers - at least to the first part of the question. Over and over again we are told what kind of person Clodius was, as Cicero runs through his enormous repertoire of insult and invective. The second part of the question - how important was Clodius? what was he worth? - is left unanswered. Deliberately, for there is a rhetorical trick here. Thanks to an improved understanding of Roman techniques of character assassination, Clodius' apologists have been able to discredit much of Cicero's defamatory portrait. But in a way this is missing the point, for the unspoken implications of Cicero's attack remain intact. The most damaging and most enduring aspect of Cicero's picture of Clodius is not so much the contention that Clodius was vicious or unscrupulous or debauched, but rather the impression (conveyed with masterly insidiousness) that he was inconsequential.

Denied access to the pantheon of 'reforming tribunes' Clodius does not fit easily into any other categories. He was neither a great general (like Caesar or Pompey) nor a republican hero (like Cato or Brutus). The difficulties for the historian in 'placing' Clodius have produced a response which would have gratified Cicero himself. In the first place, the temptation to follow the lead of Cicero, who affected not to take his rival altogether seriously, has proved irresistible.

Seneca regarded him as unexceptional: 'omne tempus Clodios, non omne Catones feret' (Ep. 97.10). Mommsen described him as a 'whimsical fellow', and the label has tended to stick.¹ Another solution to the identity problem, and in much the same vein, is the assumption that Clodius was simply a puppet worked by a hidden hand, a role which others had played before him. This theory appears to begin with the secondary sources,² but if we read between the lines it becomes clear that it derives ultimately from Cicero himself. For it would not have been possible for anyone (from Plutarch to Pocock) to represent Clodius as a subordinate agent of higher powers, unless Cicero had deliberately undervalued his political significance in the first place.

A perverse design begins to emerge. In reality Cicero was uncomfortably aware of the (to him) terrifying extent of Clodius' power in the years 58 to 56, so the question 'quid valet?' could not be answered directly without loss of credibility. The question is therefore tackled obliquely with the insinuation that Clodius was frivolous, irresponsible, a 'lightweight'. It was a successful gambit. For although modern writers have acquitted Clodius of subservience to the triumvirs and have exposed the exaggerations in Cicero's rhetoric, the aura of levity has yet to be dispelled. There is not a great deal to be gained, therefore, from pulling to pieces a rhetorical portrait which Cicero himself probably never expected people to believe anyway. There is the danger of over-reacting and one is liable to end up with an equally implausible hagiography.³ Both pictures are archetypes, and Clodius' career was so unique that he defies such easy categorization. It is far more to the point to see if Cicero's question - 'quid valet?' - can be supplied with an answer. Fortunately, Cicero's own account, which is littered with inconsistencies, enables us to solve the very

problems that it raises. The object of the present exercise is to extract from the evidence of Cicero (and to some extent of later writers) an estimate of the objectives, the real power, and above all the political significance of Clodius.

Clodius in the sixties

It is hardly worth trying to reconstruct the early stages of Clodius' career. The details are easily located⁴ - and just as easily discredited. Ciceronian moralizing dominates the stage from the word go, and the context in which the information is given raises serious doubts about the value of any of it. For example, Clodius is taken to task for wanting to secure a profitable quaestorian appointment to Syria in order to satisfy his desperate creditors.⁵ Whether this is fact or fiction hardly matters. Suppose it to be true, then Clodius is simply taking the almost obligatory path of youthful profligacy, and Cicero's tone of outrage is sheer humbug. This is shown by his defence of Caelius, who had spent an equally reprehensible youth. Cicero explains that youthful recklessness was the norm, wisely tolerated by the older generation, many of whom had followed the same pattern themselves: the young should be allowed their fling and would reform soon enough (Cael. 28ff., 42-3). The bankruptcy of Cicero's moral posture is evident.

The most important event of Clodius' early years was the conspiracy of Catiline.⁶ It is possible that Clodius was involved with Catiline at an early stage (Ascon. 50.12f.), but then so were lots of other young men 'ex omni ordine' (Cael. 11). When it came to the crunch, at any rate, Clodius supported the establishment and joined Cicero's band of young loyalists (Plut. Cic. 29.1). Unlike Catiline, Clodius had everything to lose by espousing revolution.

Catiline railed against the political monopoly of the 'pauci', Clodius was born to be one of them.⁷

The Bona Dea scandal

Clodius and Cicero came into more or less accidental collision at the time of the 'Bona Dea' affair, and the incident had enormous repercussions for both of them. Cicero first mentions the scandal briefly in a letter to Atticus. Although the episode later provided an inexhaustible fund of defamatory material, Cicero's tone here is unconcerned as he says to Atticus, with obvious sarcasm, 'I'm sure you're terribly shocked.' (Att. 1.12.3). At this stage, Cicero's indifference was probably a representative attitude, but it soon became clear that Clodius' peccadillo offered a useful opportunity (to anyone interested in taking it) to discredit the young man politically. And so, as Balsdon has shown beyond doubt, a religious infringement was turned into a major political issue by a factio of Clodius' inimici.⁸ The first person to bring the matter up in the senate was a praetorian, Q. Cornificius.⁹ Eventually it was decided that a court should be established according to a consular rogatio, but already there were divisions of opinion, from the consuls down. Messala was all for prosecuting Clodius, so was Cato, and they must have had a good deal of support. But Messalla's colleague, M. Pupius Piso, wanted to see the matter dropped, and at this stage an influential section of opinion was inclined towards leniency.¹⁰ Cicero, too, was growing more sympathetic towards Clodius and found the whole episode regrettable, for he was beginning to sense the political damage it might cause.

Cicero's fears were justified by the events. When the rogatio came to the vote Clodius intervened with a gang of supporters and tampered with the ballots. His opponents - Cato, Favonius, and

Hortensius among them - replied by breaking up the assembly and calling a meeting of the senate (Att. 1.14.5). Clodius had shown that he would not submit tamely to a witchhunt. It was perhaps deplorable that he should have used illegal methods to defend himself, but he was dealing with determined rivals, who readily responded in kind.¹¹ This was the turning-point in the whole affair. Clodius had overreacted and his dubious tactics strained the tolerance of the mass of uncommitted senators, who now showed their disapproval in the subsequent session by voting heavily in favour of the original consular bill. Clodius was furious and denounced his enemies before the people. But what had started as a minority campaign had by now attracted wide support and the senate were clearly determined that Clodius must be punished.¹²

Cicero, meanwhile, had somehow got himself involved. The wider implications of the affair had already caused him concern, and as it escalated into a major confrontation he saw, to his dismay, that the 'bonorum omnium coniunctio' established in the crisis of 63 was seriously threatened.¹³ He was no doubt averse to taking sides and could reasonably claim that he had no personal quarrel with Clodius,¹⁴ but he was surely upset by the cavalier disregard of Clodius and his cronies for constitutional procedure. When opinions began to polarize, it was clear that his allegiance must lay on the side of 'authority'. Exactly how Cicero showed his hand is not known; perhaps he did no more than vote with the majority of the senate for the consular motion, in the meeting following the disrupted comitia. At all events, he appears in Clodius' list of enemies immediately after that: 'Clodius contiones miseras habebat, in quibus Lucillum, Hortensium, C. Pisonem, Messallam

consulem contumeliose laedebat;¹⁵ me tantum comperisse omnia criminabatur.' (Att. 1.14.5). This last remark was an oblique but pungent reference to Cicero's 'summary justice' in executing Catilinarian ringleaders in 63.¹⁶ Now it does not necessarily follow that Clodius held strong ideological views about Cicero's role in that affair. Rather, he wanted to create the impression that a powerful clique in the senate was conspiring against him, and the executions of 63 provided a useful target at which to direct attacks on the arbitrary power of this senatorial cabal. Cicero's name was dragged in simply because it was the most convenient focus for the invidia which Clodius was stirring up.¹⁷ This was the most unfortunate repercussion of the Bona Dea affair. Clodius had struck a sensitive nerve, and Cicero was obliged to retaliate. Their relationship never recovered.

Potentissimus Homo

When at last Clodius came to trial he was acquitted by 31 votes to 25. Bribery was suspected, and Crassus may well have been involved.¹⁸ One of the most interesting features of the trial was that C. Julius Caesar, in a sense the 'victim' of the crime, refused to testify for the prosecution. The idea that Caesar held all the cards and was using them here to enlist a useful adherent is no longer credible.¹⁹ It is clear that Caesar was anxious to avoid confrontation with Clodius, but the reasons for his reluctance are less obvious. It is said that Caesar was wary of Clodius' huge popularity with the plebs, and this view derives a certain amount of support from the secondary sources.²⁰ It is possible, however, that Plutarch and Appian have been unduly influenced by hindsight,²¹ and the contemporary account suggests that Clodius' later relationship with the urban plebs should not be projected

back quite this far. As Lintott points out, the support which Clodius mobilized in 61 was of a very different character from the 'operae' of the fifties. It was not the 'Roman mob' that came to his rescue at the time of Bona Dea, but the 'barbatuli iuvenes', the young aristocracy led by C. Curio.²² Who was Caesar afraid of, then, if not the demos? The answer is suggested by Dio, who says that Clodius' acquittal was assured - and Caesar knew it - by his 'connections'.²³ If this sounds obscure or implausible we should remember that the jurors at Clodius' trial demanded a bodyguard 'ut de Clodio, potentissimo homine, liberius iudicaretur' (Schol. Bob. 85.28; cf Att. 1.16.5). It looks at first as if the scholiast, too, has fallen into the usual trap in presenting Clodius as a formidable power so early in the game. In fact, however, his description of Clodius (which, if accurate, would immediately explain Caesar's caution) is probably not far wide of the mark, and merits closer inspection.

In the early stages of his bid for the consulate, Cicero was very concerned to win the support of Domitius Ahenobarbus (cos. 54), 'in quo uno maxime ambitio nostra nititur' (Att. 1.1.4). At this stage (65 BC), Domitius' status was only quaestorian, but Cicero knew that his backing would open countless doors because he belonged to one of the republic's leading families.²⁴ In the same way Clodius, though only just embarking on his quaestorship, was a power to be reckoned with - but even more so than Domitius. The patrician Claudii, who supplied the first dynasty of Roman emperors, were arguably the most distinguished of all Roman families.²⁵ The word 'potentissimus' was applied also to a rather mediocre uncle of Clodius, C. Pulcher (cos 92).²⁶ 'Since he was a poor speaker and not prominent in the political struggles

of his day, his potentia must rest on his clientelae and his alliances within Rome'.²⁷ Clodius of course boasted the same assets and this is what Dio means by 'connections'. Caesar's unwillingness to make an enemy of Clodius begins to make sense, and his impressions were soon confirmed. The determination of Clodius' enemies and the extraordinary powers invoked against him (e.g. the suspension of important public business) are proof enough that he was a formidable rival. And Clodius won this round of the game. It is perhaps to be regretted that Cicero did not emulate Caesar's caution.²⁸ It is a pity, too, that while the importance of family ties in the republic's power structure is now generally acknowledged,²⁹ the immense auctoritas inherited by Clodius is not always given its due weight as a political factor. A mere glance at the pedigree of the gens Claudia, for example, is in itself enough to discredit the more extreme theories of Clodius as some kind of lackey; while the position occupied by the family at the heart of the Roman oligarchy makes nonsense of a simplistic view of the conflict in 61 and after, with Clodius and the plebs on one side and the nobiles massed on the other.³⁰ Any evaluation of Clodius' career must take his 'connections' into account.

Cicero and 'Invidia'

It was, therefore, inherited power rather than the support of the lower classes that saved Clodius in 61. But it was at precisely this point that Clodius began to make popular noises and, as Cicero put it later, 'a stupro est factus popularis' (Har. Resp. 44). When his sin first became an issue Clodius tried to extricate himself with a show of abject repentance.³¹ This device failed owing to the determination of his enemies and so he was forced to take more drastic

measures. His new strategy consisted in whipping up popular feeling against his persecutors by deploring their excessive potentia. It was a well-tried method, which Cicero himself had used successfully to defeat the agrarian bill of Rullus in 63, characterizing the proposals as an attempt to establish a regnum.³² Clodius offered the Catilinarian executions as an illustration of his point and the unfortunate Cicero was the most easily identifiable target. This called forth a response and a battle-royal developed. The events of 5th December 63 had provoked a storm of protest at the time, but resolute action by the Senate eventually silenced the critics. Now, however, as Cicero tore Clodius' reputation to shreds, Clodius retaliated with sneering attacks on Cicero's 'summary justice.' The Bona Dea affair with all its ramifications generated so much heat and publicity that dormant ill-feeling about Cicero's 'tyrannical' behaviour as consul suddenly turned into a really significant campaign, with Clodius as its leader. Clodius' influence was already substantial, and growing daily. His acquittal was a crucial victory and the campaign gathered momentum. Clodius, meanwhile, was becoming a popular figure.

Cicero was hounded by invidia almost for the rest of his life. He always represented the executions as a glorious deed, but his habit of shifting the blame on to the Senate as a whole shows that he was still embarrassed about it ten and twenty years later.³³ 'Invidia Ciceronis' became an important undercurrent running through Roman politics for a number of years and so requires a brief explanation. In December 63, on the Senate's advice, the consul Cicero had Lentulus, Cethegus and other alleged revolutionaries executed without further legal procedure. It was felt that the critical situation justified

extreme measures, but the fact remained that the executions infringed the liberty of Roman citizens. The right of appeal before the people was entrenched in the constitution as a fundamental privilege of citizenship. It was guaranteed, traditionally, by the oldest of all republican laws,³⁴ and was understandably something of a sacred cow. Execution without trial undoubtedly raised serious issues, but inevitably there was the danger that these issues might be exploited for partisan political objectives, and the two strands are not easily disentangled.³⁵

The immediate impact of the executions of 63 is difficult to gauge because the sources give conflicting accounts. That may reflect a real division of opinion on what was, after all, a very prickly issue. Thus Plutarch may well be right in saying that Cicero was escorted home by crowds of grateful supporters (Cic. 22.5); there were many who stood to lose from a Catilinarian victory. On the other hand, the poorer classes were not as fiercely loyal as Cicero liked to imagine, and Dio's account of a spontaneous wave of revulsion and dismay among the plebs is also very plausible.³⁶ For the issue, as Cicero recognized, created not only gloria but also invidia,³⁷ and brought to the surface popular resentment of the Senate's potentia. Cicero's defenders would of course exaggerate the worthlessness of his victims,³⁸ but an opportunity clearly existed for rivals to exploit the situation. The cause had at least a veneer of righteousness and its champions stood to win the favour of the masses.

Metellus Nepos and Julius Caesar leapt into the breach. Nepos prevented Cicero from making a 'retiring speech' at the end of 63 (Dio 37.38.1), and in the new year he was joined by Caesar in a move

to have Pompey brought back from the East 'to restore order' (37.43.1). The effect of this would be to enhance the prestige of Pompey (and of Nepos and Caesar) and so the proposal was popular with the plebs, obnoxious to the boni. The bill produced deep divisions and was eventually frustrated after both sides had resorted to violence. The dubious methods used by Cato (Dio 37.43.2, Plut. Cato 28.1f.) in his determination to thwart the measure provided further ammunition for attacks on senatorial potentia,³⁹ and things began to look dangerous. But the senatorial elite had centuries of experience in preserving their domination, and the threat of imminent revolution was defused by a particularly extravagant corn law moved by, of all people, M. Cato.⁴⁰ At the same time the senatus consultum ultimum was probably invoked (Dio 37.43.3; cf Suet. Iul. 16.1) and these timely measures seem to have produced the desired effect. The plebs were placated, Nepos slunk off to join Pompey in Asia, and Caesar was reconciled with the Senate.

For the time being, Cicero's position looked secure, but ill-feeling persisted under the surface.⁴¹ A letter from Cicero to Pompey in April 62 (Fam 5.7) reflects some anxiety, and around the same time Cicero found himself rebutting allegations of 'regnum' levelled at him by L. Torquatus (Sull. 21ff., 48). This was a serious charge and a well-tried method of producing invidia.⁴² But despite these yumbings there is no evidence of a really concerted campaign against Cicero. Unfortunately, as we have seen, the Bona Dea affair called up once more the spectre of invidia. During the lead-up to the trial Cicero was vilified by Clodius in his 'miseras contiones', but once the case was settled, Cicero seemed confident that the crisis had passed,

remarking to Atticus that he was now back in favour with the plebs, who had been placated by the result of Clodius' trial.⁴³ But Cicero's confidence in the summer of 61 was grotesquely misplaced, as the future would show. He records for Atticus his rapier-like exchanges with Clodius in the Senate (Att. 1.16.10), as though they were mere exercises in rhetoric. But he had already unleashed the scathing 'oratio in Clodium et Curionem' (Schol. Bob. 85f.) and could hardly expect Clodius to take it lying down. In any case, one of the most ominous by-products of the whole affair was Clodius' newly-established rapport with the urban plebs. It was his first experience of popular affection, and he found the sensation agreeable. From now on he consolidated this image by espousing the favourite 'popularis causa' of a citizen's right to trial or appeal, and by the beginning of the following year (60) Cicero was beginning to appreciate the serious implications of his confrontation with Clodius.

He informed Atticus in January that Clodius was scheming to renounce his patrician status and become a plebeian. Clodius' mounting influence is reflected in the stiff opposition which these plans provoked in certain quarters.⁴⁴ Cicero spoke now with concern about the failing health of the Republic and the dire implications of the Bona Dea episode. But it emerges on closer inspection that his first preoccupation was his own safety. In a single year, he observed gloomily, the 'duo firmamenta rei publicae' had been demolished (Att. 1.18.3), namely concordia ordinum and senatus auctoritas. What he really means is that the consensus of right-thinking people achieved in face of the crisis in 63 was now breaking down, as the Senate's handling of the affair was increasingly called into question. What was worse,

many of the boni were woefully apathetic about this threat (Att. 1.18.5-6). We can only assume that as the popularis lobby gained strength, it became increasingly unfashionable (or even dangerous) to stick one's neck out in support of Cicero's action. Hence the eloquent silence of the boni, and Cicero's understandable feeling of being betrayed and deserted (Att. 1.20.3).

His anxiety began to express itself in aggressive self-justification. In the summer he sent Atticus copies of a number of speeches delivered during his consulship and published now for the first time. He had written them at the insistence of his young supporters ('adulescentulorum studiis excitati') and had perhaps taken the opportunity to rework crucial passages, hoping in this way to stem the tide of criticism.⁴⁵ Further publications were in hand. Atticus and Cicero both wrote commentaria in Greek on the 'annus mirabilis' (Att. 1.19.10; Nepos Att. 18.6) and Poseidonius was also asked to supply a eulogy. These were followed up by a Latin version of the same story (Att. 1.20.6) and Cicero's efforts culminated in the epic poem 'de Consulatu meo', which must have been finished before December, when Cicero quotes from the Third book (Att. 2.3.4). And so it goes on.⁴⁶ One gets the impression that Cicero spent practically the whole year rehearsing the glorious tale of his consulship: 'Methinks he doth protest too much'.

Clodius, meanwhile, was still intent on his tribunate and Cicero wondered apprehensively where his furor might lead (Att. 2.1.4-5). As a further insurance, Cicero was busily cultivating the friendship of Pompey, still the darling of the masses. Cicero might hope to salvage something of his reputation in that quarter by parading this

alliance, but his enemies were doing their best to forestall him.⁴⁷ At the end of the year we find him weighing up the pros and cons of supporting the agrarian proposals of the incoming consul, Julius Caesar. Caesar's plans had no doubt already produced a fairly predictable polarization among the majority of senators, and in the normal run of things one would expect Cicero to gravitate naturally to the side of the boni, especially since Caesar, who had supported Nepos in 62, was an inimicus. But in fact his attitude was much more ambivalent, and he was clearly tempted by the opportunity to improve his rather insecure position. Support of the triumvirs' plans might further his aims of 'pax cum multitudine, senectutis otium' (Att.2.3.4). In the end, Cicero decided to stick to his old alliances - and bitterly regretted it. For the time being, it is enough to observe his preoccupations as the year drew to a close.

CHAPTER TWO: CLODIUS OVERSHADOWED

59 BC: The First Three Months

Clodius' intentions in 59 are particularly elusive, but the temptation to abandon all hope of making sense of his erratic behaviour should be strongly resisted. The events of this difficult year do not altogether defy logic, and interpretation is made a little easier if we keep in mind the invidia generated by the events of December 63. Resentment by the plebs of the excessive power of the Senate was a recurring feature of Roman politics.¹ Perhaps this was no more than a rationalization of the plebs' material discontents, but it was nevertheless a potent weapon. It has been shown how the Senate's handling of the Catilinarian affair produced just such a climate, and more recent events intensified it. As the new year opened, the unpopularity of the Senate in general and Cicero in particular offered their enemies easy access to the hearts of the people. As the months went by, however, the tables were turned. The Senate itself was subordinated to a regnum and the climate of ill-feeling shifted once again. The point is that there is an inextricable link between potentia and invidia, and the formula applies to individuals and groups alike.²

Popular disenchantment with the Senate is reflected straightaway in the plebs' support for Caesar's first lex agraria. It might be objected that the provisions of the law were in themselves enough to recommend it to the lower classes, but similar proposals from Rullus (63) and Flavius (60) did not evoke much enthusiasm.³ The fact is that, with the plebs as much as with the ruling class, the fate of a law might be determined less by its actual merits than by its political

implications. In the present case, the proposers of a law which promoted the interests of Pompey, still a popular hero, and provoked fierce opposition from the mandarins within the Senate whose power had fallen into disrepute, could reasonably count on widespread popular support.

The law was proposed 'immediately' (Plut. Caes. 14.2) and to begin with Caesar showed his willingness to go through the proper channels.⁴ These were sound tactics of course, because Caesar was then able to represent himself as a 'reasonable man' forced to adopt extreme methods in order to implement the popular will. The boni were placed in an unenviable position. They had no choice but to oppose the law because it would enhance the popularity and power of Caesar (Dio 38.2.3), but opposition could only increase their own unpopularity. Caesar is said to have challenged Bibulus before the people for his views on the law, and Bibulus replied that he would prevent it going through 'even if every one of you is in favour of it' (Dio 38.4.3). Whether or not the story is true, it is a good illustration of the kind of strategy which the triumvirs will have followed. Their cause would obviously benefit if it could be demonstrated that the boni were prepared to block even a measure approved by the whole people, whose constitutional status was thereby insulted. Cicero in particular was anxious to give his enemies no further opportunities to carp about the 'invidiosa potentia senatus' and it is interesting to observe his efforts, later, to distract Cato from his perilous intention to oppose the 'oath in legem'. He argued that it was perhaps not δίκαιόν to ignore the general will (Plut. Cato 32.8), and although Cato is unlikely to have been mollified by these democratic sentiments he had

the sense to realize that it was impolitic to be seen to oppose the wishes of the majority.

The triumvirs, therefore, held a strong hand, and we may take it that the rough treatment which their enemies received when the bill was put to the vote was a spontaneous demonstration of popular feeling rather than a piece of organized intimidation.⁵ The bill became law and the Senate were obliged under threat to take an oath of allegiance to its provisions. But if Caesar had skilfully exploited the popular mood to guarantee the success of his law, the boni for their part were not entirely without resource either. They aimed to create the impression that legitimate opposition was being stifled by violence, and Bibulus melodramatically offered his bare throat to the daggers of Caesar's partisans (Appian BC 2.11.37f.). It was tactics of this kind that eventually helped turn the tide of popular feeling, but for the time being the histrionics of Bibulus did not cut much ice with the plebs.

While resentment of the Senate apparently persisted, the campaign against Cicero himself seemed to take another step forward when C. Antonius came up for trial in the spring, probably on a charge of repetundae, and was convicted. The connection is not immediately obvious and it has been argued⁶ that Cicero's growing paranoia led him to view events too much in terms of his own problems; and that, in this particular case, his interpretation of the trial as a further veiled attack on his consulship was an oversimplification. But his 'paranoia' did not feed on nothing, and in fact the evidence suggests that he had good reason to be apprehensive about this latest development.

Antonius, though a reluctant enough accomplice, was Cicero's consular colleague in 63 and the official 'conqueror of Catiline'

(Dio 37.40.2). His conviction was welcomed in some quarters as retribution for the injustice suffered by the failed revolutionary: Catiline's grave was adorned with flowers, 'iusta Catilinae facta sunt' (Flacc. 95). If the courts convicted the man 'qui Catilinam signa patriae inferentem interemit' (Flacc. 5), then Cicero too might reasonably feel concern for his own safety. Cicero's opinion of the trial, as a transparently political affair arising from the prevailing mood of criticism, derives support from a consideration of the motives of the three accusatores, Caelius, Fabius Maximus, and Caninius Gallus. It is possible to trace connections between the young men who prosecuted Antonius and members of the triumvirate (Gruen o.c. 304f.), but that aspect should not be overemphasized: they may have been protégés of the dynasts at one time or another, but were not necessarily agents. More to the point is Gruen's description of the (304) as 'three young men eager for a sure killing', an angle which unfortunately he fails to develop. A successful and popular prosecution offered the ambitious young man a chance to win cachet and enhance his political standing. That was standard practice. Now Caelius' involvement in the Antonius case is later explained away in precisely these terms by Cicero, who excuses his 'cupiditas gloriae' (Cael. 74), and we are also told that Antonius was treated by his accusers with the utmost civility (Vat. 28), which rules out any question of a personal feud between the contestants. It is hard to avoid the conclusion that the outcome was regarded by contemporaries as beyond doubt - a 'sure killing' - and we may take it that evidence of provincial mismanagement was not the only factor that decided Antonius' fate. Cicero's interpretation of the trial was not, therefore, very far wide of the mark. His consular acta were

becoming increasingly unpopular and three ambitious young opportunists could not be blamed if they sought to cash in on this climate of opinion.

The role of the triumvirs is not quite so easy to pin down, but support of the prosecution would be a logical progression from the posture which they had adopted earlier in the year. During the battle for the lex agraria they endeared the plebs by capturing their mood of disenchantment with the arrogance of the Senate and, to some extent at least, the prosecution of Antonius reflected the same mood. Furthermore, the triumvirs were losing patience with Cicero. At one time he had looked like a potential ally, but their failure to enlist his support for Caesar's law - Plutarch says he was a prominent opponent (Cato 31.7) - was followed more recently by his refusal of the offer of a place on the law's 'select committee'.⁷ As their conflict with the mass of the Senate deepened it became clear that there was no room for neutrality, and Cicero's rejection of their overtures could be taken as a statement of allegiance to the other side. In any case, the value of his friendship was rapidly declining as his unpopularity increased: 'iam enim coeperat invidiosus consulatus esse Ciceronis, aegre ferentibus plerisque quod indemnatos cives R. iussisset in carcere strangulari' (Schol. Bob. 94.4). So although the triumvirs were probably not the organizers of Antonius' prosecution, they could see which way the wind was blowing and seem to have jumped on to the bandwagon.⁸ 'The dynasts could gain credit for applying needed justice' (Gruen o.c. 310).

At the trial Cicero commented ruefully on the 'temporum statum', a provocative gesture which was swiftly revenged by its victims.⁹ Clodius, whose attempts to become a plebeian had so far been successfully blocked, seized the moment and turned it to his own advantage. Caesar

was now easily prevailed upon to perform the ceremony of transitio in his capacity as pontifex maximus, Pompey assisting as augur, and within three hours of Cicero's ill-advised remarks Clodius was a plebeian (Dom. 41, Sest. 16; Suet. Iul. 20.4).

This is the first we hear of Clodius in 59. His activities in the first three months of the year are poorly documented, but may be reconstructed from probability and scraps of evidence. The scandal of 61 and his subsequent attempts at transitio had brought Clodius into conflict with leading boni. This in turn compounded his new-found popularity with the plebs, which drew further sustenance from his increasingly bitter attacks on Cicero, the current 'bête-noire' of the people. His attitude to the Lex Agraria and the prosecution of Antonius may therefore be reliably conjectured, but although he will surely have supported both causes, the evidence (or lack of it) suggests that he did not take an active role. He seems to have contented himself with caustic attacks on Cicero ('cynico consulari') and other eminent senators ('piscinarum tritonibus').¹⁰ But when the chance of transitio presented itself Clodius came out openly on the side of the triumvirs. He was intent on the tribunate not primarily for the sake of vengeance on Cicero, but rather because he now identified himself with the popularis causa, and the tribunate more than any other office offered the chance to convert popularity into power. He therefore joined forces with the triumvirs, and it should be remembered that they no less than Clodius stood to gain from the new alliance, and might hope in this way to consolidate their standing with the lower classes.

The first three months of the year did not really produce any

surprises. Alignments with the two opposing factions seemed to be sorting themselves out predictably enough, and both Cicero and Clodius seemed to be taking logical steps in their respective declarations of allegiance. We might now expect to see them taking more prominent roles, Cicero in the vanguard of senatorial opposition to the triumvirs, and Clodius supporting his new allies. Nothing of the kind actually happened. After defending Antonius, Cicero slipped away to the country and remained in virtual retirement for more than two months, reading, writing and enjoying otium.¹¹ He had reason of course to be apprehensive about Clodius' plans for him, and was worried too that his unpopularity might have unpleasant repercussions for his brother Quintus (Att. 2.4.2). But he could have coped with Clodius' threats if the boni had supported him, and the signs are that they did not. Within weeks of his outburst at the trial, Cicero was seriously thinking of accepting a legatio from his avowed enemies, the triumvirs. The attraction of this offer, apparently, was the prospect of getting away 'from this part of the world where people are tired of me,'¹² and there is surely a suggestion that it was not only Clodius and the plebs urbana who were 'tired' of Cicero.¹³ The reluctance of the Senate to stand by Cicero's acta had already upset him the previous year, and now the verdict against Antonius confirmed the impression that outspoken support for Cicero would not be a very profitable political stance. Cato, perhaps, was prepared to take the risk, but for the rest, Cicero wondered whether there were any optimates left.¹⁴ Even when the tide seemed to have turned against the triumvirs at the end of April, Cicero was still determined to stay out of politics because he felt that he could not rely on the 'ingrati animi' of the 'so-called

boni' (Att. 2.16.2). His bitter disappointment can only be explained if it is assumed that the boni had not fallen over each other to defend him when his attacks on Clodius and the triumvirs drew the inevitable, ominous response.

April: 'video iam quo invidia transeat'

Cicero had clearly retreated from the unequivocal and provocative stance he had adopted at the time of Antonius' trial. Oddly enough, so had Clodius. Early in April there was talk of his being sent on an embassy to Tigranes (Att. 2.4.2) and shortly afterwards we hear that this 'errand-boy's job' ('ieiuna tabellari legatio') was being offered him despite promises of a more important and more lucrative commission. The triumvirs were evidently intent on keeping Clodius out of the way to forestall his bid for the tribunate ('tribunatus ad istorum tempora reservatur') and for the same reasons he was not appointed to the land law's 'vigintivirate'. As Cicero observed, 'they're treating poor Clodius rather contemptuously' (Att. 2.7.2-3), and this extraordinary volte-face is not easily explained. It has been suggested that Caesar and Pompey did not really foresee Clodius' attacks on Cicero when they arranged the transitio and that they were now scheming to rescue the unfortunate orator.¹⁵ But the idea is full of difficulties. In the first place it is hard to see how the triumvirs could have been unaware of the likely consequences for Cicero of the transitio: it seems implicit in the story that Cicero was to be repaid for his outspokenness at the trial. But even if this possibility is admitted, it is highly unlikely that the triumvirs would expend much energy on Cicero's behalf, for by this time he had made his position abundantly clear. Besides, if they really were hampering Clodius for the sake of Cicero's safety

then one might expect the beneficiary of these schemes to show a little gratitude. But on the contrary, when Cicero sensed that Clodius was becoming an embarrassment to the triumvirs, he was delighted at their discomfiture. By the middle of April the dynasts were claiming that Clodius' transitio was void, but Cicero joked to Atticus that he would testify to its validity (Att. 2.12.1). The suggestion that the triumvirs were solicitous about Cicero's safety does not, therefore, carry much weight. It is far more likely that they were concerned for their own position, and their offers of embassies to both Clodius and Cicero were probably designed to forestall future attacks on their legislation.

In that case, however, the triumvirs' rapid disillusionment with Clodius has still to be explained. It is impossible to imagine them taking the initiative in alienating Clodius so soon after enlisting his support; unless Clodius himself had shown signs that he might not, after all, prove to be a reliable and effective ally; and one thing that would surely reduce Clodius' enthusiasm for the cause would be a fall-off in triumviral popularity. Clodius had a certain reputation both as a leader of the aristocratic iuventus (of Att. 1.14.5) and as a favourite with the city plebs, and could not afford to sacrifice his image for the sake of a pledge. An investigation of the attitudes towards the triumvirs prevailing among these two groups may cast light on Clodius' progressive disenchantment with the 'three-headed monster'.

At the time of Bona Dea Clodius drew most of his support from the 'barbatuli iuvenes', men of his own age and from similar backgrounds. Cicero disapproved of the moral laxity of the iuventus (e.g. Att. 1.18.2) and it is reasonable to imagine a degree of mutual impatience between

the generations, within the ruling class.¹⁶ At any rate, opposition to the triumvirs in 59 came, to begin with, from the likes of Lucullus, Cato, and so on, and it is probable at this stage that many of the younger men will have sympathized with the difficulties of Caesar, and even shared his exasperation with the boni. But the ruthless determination of the triumvirs became increasingly clear as the year went on. The obstinacy of their opponents necessitated strong-arm methods, and as the extent of their power became more and more obvious, disaffection began to percolate downwards through the senatorial ranks, and beyond. Already the Lex Agraria had been guaranteed by an oath in legem, extracted under threat. The next insult to the Senate came, probably, with the Lex Vatinia, whose provisions showed that the triumvirs were no longer prepared to make even a show of 'reasonableness'.¹⁷ Besides giving Caesar very substantial proconsular imperium, the law rode roughshod over traditional senatorial privileges, and illustrates the triumvirs' new, less conciliatory mood.¹⁸ It is difficult to know how the plebs felt about the Lex Vatinia; no doubt there will have been many who welcomed this latest affront to the Senate's prestige. Among the upper classes, however, the triumvirs' methods produced a more vigorous, more broadly-based opposition. Pompey was obliged to fill the forum with soldiers to 'help the people pass Vatinus' law' (Plut. Caes. 14.10), and for the first time Cato's ostentatiously non-violent and 'dignified' methods of protest began to make a favourable impression on the masses (ibid. 14.11-12).

It would be some time before this strategy would achieve final success, but for the time being there had been an impressive closing of the ranks within the senatorial class itself as quarrels were

patched up in face of the common enemy. From his 'retirement' Cicero gives us a strong impression of the triumvirs' ever tightening control at Rome (e.g. Att. 2.6.1) and before long there are signs that the younger generation were beginning to sympathize with their elders. Around the middle of April, Cicero learned through Curio (who was in a position to know the facts (cf Att. 1.14.5) that the iuventus had become 'inimicissima' towards the triumvirs (Att. 2.7.3, of 2.8.1), and there were rumours that even the land law's quinqueviri - originally supporters of the dynasts, one would imagine - were beginning to grow lukewarm (Att. 2.7.4). A few days later we find Cicero gleefully contemplating the triumvirs' fall from favour, and he relates their loss of popularity quite specifically to their arrogant display of power and contempt for the constitution.¹⁹ Cicero had reason to be pleased with the way things were going and one begins to see why the latest developments exerted such a ghoulish fascination on him. Until recently Cicero himself had been a favourite target for allegations of regnum and the abuse of power. But now the tables were turned and his sins were almost forgotten as the triumvirs' high-handed behaviour exposed them to precisely the same kind of odium. Young Curio, once a bitter opponent, was now Cicero's confidant and told him that he 'loathed the arrogance of the tyrants' (Att. 2.8.1). Metellus Nepos, who called for an end to Cicero's δυναστεία in 62 (Plut. Cic. 23.4) seems now to have had the same complaint against his old ally Caesar (Att. 2.12.2), and C. Memmius, another old campaigner against the stranglehold of the boni (Plut. Cato 29.5) was now similarly disenchanted with the triumvirs. The Senate's power had passed into other hands (Att. 2.9.1) - and with it the ill-feeling it attracted: 'video iam quo invidia transeat et

et ubi sit habitatura'.²⁰

Cicero himself, meanwhile, might reasonably feel that the present climate ensured him to some extent against personal danger, and he hoped now that Clodius would join the opposition to the triumvirate. Early in April Cicero detected signs that Clodius was falling out with his allies (Att. 2.7.3, 2.8.1) and by the 19th of the month it was confirmed that he would be standing for the tribunate as the avowed enemy of Caesar, pledged to rescind all his legislation (Att. 2.12.2). The triumvirs made desperate efforts to revoke Clodius' transitio, causing Cicero to remark with obvious relish, 'hoc vero regnum est'. There is no need to resort to the kind of convoluted theories that used to be invoked to explain Clodius' behaviour at this point, which is in fact perfectly rational.²¹ As long as people like Cato and Bibulus were no more than a recalcitrant minority standing in the way of acceptable legislation, then Clodius would naturally feel little inclination to join them. As time went by, however, and their power grew increasingly 'invidious', the triumvirs lost more and more friends to the other side. As Cicero said later in the year, 'si qui antea aut alieniores fuerant aut languidiores, nunc horum regum odio se cum bonis coniungunt' (QF 1.2.16). For the triumvirs the loss was not critical. They had certain definite plans which they intended to implement regardless of public opinion, and the popularity which circumstance threw in their way early in the year was a bonus which, if necessary, they could do without. Clodius was different. With most of his own class, even the iuventus, alienated from the triumvirate, the alliance held fewer attractions for him.

The Lex Vatinia, assuming it to be in March, would be a turning

point, exposing Caesar's large ambitions and, in its enforced passage, the triumvirs' absolute determination. As the atmosphere of confrontation deepened, Clodius found himself in a most disagreeable position, associated with an increasingly isolated factio. Admittedly there were compensations. The triumvirs were very much in control and perhaps there was something to be said for siding with the men of power. But Clodius lacked the triumvirs' imperviousness to public opinion, and it is obvious from the direction his career eventually took that the present alliance and its public image simply did not suit his political style. From Clodius' own point of view, there was far more to be gained by changing sides to join the iuventus and spear-head resistance to the detested regime.

Another factor influencing his decision would be the feelings of the urban plebs. Cicero felt that Clodius would forfeit popularity with the masses if he accepted the legatio offered by the triumvirs (2.7.2), but at this stage (early April) that may be no more than wishful thinking. But the resolute methods which the triumvirs were forced to employ provided their enemies with a very effective line in propaganda, and Cicero could predict with confidence that before long people would be wishing he was consul again (Att.2.9.2). Cato's moral posturing may already have started to make an impact and it could only be a matter of time before disenchantment spread to the people as a whole. At any rate, if Clodius showed signs of discomfort the triumvirs were quickly on their guard and, as we have seen, made efforts to get him safely out of the way. This in turn would increase Clodius' determination to abandon the coalition, and before long he was proclaiming himself 'inimicissimus Caesaris' (Att. 2.12.2).

The month of April, then, brought dramatic changes. As opposition mounted it became impossible for the triumvirs to conceal the hard fact of regnum and an uneasy silence prevailed in the city (Att. 2.13.2). Cicero no longer felt ^{threatened by Clodius.} He was confident that if Clodius joined the opposition to the triumvirate, then 'it would be absurd for him to attack me' (Att. 2.9.1). At the time it was a reasonable enough assumption, even if in the end it was proved wrong. At the beginning of the month Cicero was wondering whether there were any boni left, and he abandoned the capital to salvage what was left of his reputation. But within a matter of weeks, to Cicero's obvious delight, the wheel turned full circle,²² and it was the triumvirs now who were suffering from invidia. Cicero's confidence received another boost when Clodius changed sides, and by the end of the month his personal problems were behind him, and his chief concern now was that the triumvirs, finding themselves vilified in one speech after another, might resort to violence and repression (Att. 2.14.1). They were made uncomfortably aware that their legislative programme was vulnerable to attack,²³ and we soon learn who is tipped to lead this onslaught. Bibulus' supine methods were honourable but ineffective, but the Optimates' new recruit promised more resolute action: 'Nimirum in Publico spes est. Fiat fiat tribunus plebis!' (Att. 2.15.2).

Summer

When the tide began to turn in April Cicero foresaw the day when even Cato, who had not endeared himself to the plebs with his obstinate opposition to the first Lex Agraria, would be back in favour with the masses.²⁴ His prediction was soon to be fulfilled. Atticus left Rome at the beginning of May and Cicero told him later that it was

about this time that the dominatio, once so popular with the plebs, began to lose support in that quarter (Att. 2.21.1). He attributed the triumvirs' fall from grace to their 'iracundiam atque intemperantiam', which had been occasioned by the fact that they were 'furious with Cato'. This looks very much like a reference to Cato's spirited opposition to the Campana Lex, which provoked a violent response from the triumvirs. It is difficult to know how the plebs felt about the actual provisions of this second agrarian law. Cicero believed that most of them were hostile because only a minority (5000) stood to gain from it. But even if his calculations were wrong popular support for the law was by no means assured, for there were other factors involved. The fate of Rullus' bill in 63 showed that astute political arguments could turn the voters against even the most salutary of measures, and the triumvirs' numerous opponents at Rome no doubt followed the example set by Cicero in his speeches De Lege Agraria. At all events the triumvirs were not prepared to risk the oratory of Cato, and when he challenged the new law Caesar dragged him down from the Rostra and marched him off to prison (Plut. Cato 33.1). Nothing, of course, could have suited Cato better. The ruthlessness of the triumvirs was exposed once again and Cato's reputation as a martyr to free speech was secure. The plebs were evidently upset by the rough treatment handed out to Cato, and the popular mood was beginning to change.²⁵

Immediately after the Campana Lex was passed, Cicero detected a new air of resolution in Pompey's attitude. Previously only a 'reluctant Bolshevik' (Pocock's phrase), Pompey was now up to his neck in it, implicated too deeply in Caesar's unconstitutional methods to be able to retract. Cicero wondered what to expect next, and forecast a

spiralling process of unpopularity and repression. The more vigorous the opposition to the triumvirs became, the more ruthless their methods would have to be: hence even great^{-er} invidia (Att. 2.16.2, 2.17.1).

Cicero at last came back to Rome in June and found his estimate of the situation substantially right. The regime was in complete control ('tenemur undique') and fear was in the air. The only person brave enough to speak out was young Curio. His candid attacks drew 'enormous applause' (Att. 2.18.1) and seem to have encouraged others, for Cicero detected signs that 'anger was beginning to get the better of fear (2.18.2). It is true of course that we are at the mercy of Cicero's prejudices in building up this picture, and it may be rash to place absolute trust in (for example) his estimate of the popular mood at the shows and in the theatre.²⁶ But in the circumstances probability is on Cicero's side. It is the old problem of potentia and invidia. Earlier in the year the plebs could readily sympathize with a challenge to the entrenched power of the senatorial elite, but it soon became clear that power had fallen now into even fewer hands and the people as a whole gained nothing by it. The Opposition to the regnum lost control of affairs, but gained popularity and a widening circle of supporters. Cicero's account, therefore, is not at all far-fetched. We are also told - and this looks more like information than mere opinion - that universal hatred of the triumvirs led them in desperation to threaten reprisals against recalcitrants: 'Rosciae legi, etiam frumentariae minitabantur' (Att. 2.19.3). They planned, in other words, to suspend the privileges of the equestrian order and the lower classes, and if Cicero is not just making this up, it is a fair barometer of the triumvirs' credit in those sections of society.

There is no need of course to imagine that the dynasts had been altogether abandoned by their supporters among the lower orders. Cicero's claim that 'they have declared war on everyone'²⁷ sounds exaggerated, but his more cautious assessment of Pompey's standing certainly has the ring of truth: he is not only detested by the boni, says Cicero, but can no longer even count on the improbi to support him (Att. 2.21.3). The emphasis here seems correct, and Cicero's account probably reflects accurately enough the broad trends of popular feeling. Bibulus, meanwhile, was basking in undreamed of popularity (2.19.2). His edicts were received with rapture (2.21.4) and his speeches to the people were copied down and read by admirers (2.20.4). When he announced that the elections were to be postponed until October, Caesar thought he saw a chance to reverse the drift of popular feeling. His idea, apparently, was to denounce Bibulus' arbitrary decision before the plebs and so provoke ill-feeling. But the plan came to nothing and his furious rantings evoked no response at all from the people (2.21.5). 'Populare nunc nihil tam est quam odium popularium' (2.20.4).

While the triumvirs' reputation was plummeting to a new low, Cicero's own position, oddly enough, was getting worse instead of better. The time had surely come for him to step into the forefront of the 'opposition', and if even the ineffectual Bibulus could win such acclaim then the possibilities for Cicero were enormous. But in fact Cicero was obliged to remain on the sidelines, for his feud with Clodius, which forms a subplot to the main action, had taken an unexpected turn. Cicero believed that Clodius would stop hounding him once he deserted the triumvirs (Att. 2.9.1) but this turned out to be a miscalculation. Before long he had to admit that his earlier optimism was giving way

to indifference (2.17.2), and as the triumvirs' credit reached its nadir in mid-summer we find Cicero in a curiously neutral position (2.19.2). Clodius had resumed his threats (2.19.1, 2.20.2, 2.21.6) and the boni could not be relied upon to back Cicero up (2.16.2). The triumvirs for their part were in dire need of allies and were quick to spot the opportunity which Cicero's discomfiture presented. Caesar offered him a legatio and Cicero found himself sorely tempted to accept it. It is quite clear that he shares the general loathing for the regnum, but the advantages of powerful protection against a determined Clodius could hardly be ignored.²⁸ At the same time Pompey was showing Cicero every consideration - 'significat studium erga me non mediocre' - and undertook to extract a promise of good behaviour from Clodius.²⁹ In the present climate Cicero's dealing with the triumvirs could only be distasteful to him and he told Atticus of his embarrassment and distress.³⁰ But he was in no position to ignore their offers altogether.

Cicero had Clodius to thank for the rather grotesque position he now found himself in, and his readiness, despite everything, to consider the triumvirs' offers shows that he took Clodius' threats very seriously indeed. The situation recalls Cicero's difficulties at the end of the previous year (Att. 2.3) when invidia, and the insecurity it created, had compelled caution and prevented him from taking a prominent role in politics. This time Cicero's dilemma was even worse and Clodius' threats very nearly succeeded in driving him into the arms of the hated regnum. To his credit, Cicero acted shrewdly and almost extricated himself from this difficult position. Pompey's promises - for what they were worth - were accepted and Caesar's offers might be held in reserve in case of emergency. But at the moment Cicero considered

that it would be tactically unsound to accept triumviral offers, and turned down a place on the land-law's committee made vacant by the death of Cosconius.³¹ Meanwhile he had the sense to steer clear of the hazards of politics, concentrating instead on the lawcourts, where he might hope to retrieve some credit and win allies. He was inundated with work and soon began to reap the benefits,³² but the showdown with Clodius - 'ea contentio quae impendet' - was still a major preoccupation, and it is clear that Cicero was only making the best of a situation which was not of his own choosing. Clodius was calling the tune, and his threats were more menacing than ever (2.23.3).

But Clodius was not having it all his own way. In April he boldly declared himself 'inimicissimus Caesaris' (2.12.2) but subsequently never looked like living up to this promise. There is no sign of him in the roll-call of the triumvirs' enemies - Cato, Favonius, Bibulus, Curio³³ - and his apparent lack of interest in 'republicanism' is all the more surprising now that the triumvirate was no longer 'iucunda multitudini' (2.21.1). The fact is that Clodius, like Cicero, was not entirely master of his own situation. This does not mean of course that he was at the beck and call of the triumvirs - he had already demonstrated his independence - but it should not be forgotten that Clodius owed Caesar and Pompey a few favours. After all the difficulties that had been thrown in his way, it was they who arranged his transitio ad plebem. 'This was a considerable beneficium for which, according to Roman political mores, Clodius was expected to make return when his benefactors desired.'³⁴ The triumvirs might reasonably feel they had some claim on Clodius' cooperation (hence the pacta which Pompey arranged on Cicero's behalf) and, more to the point,

they had the resources to demand it. His provocative announcement of hostility may therefore have been followed by discreet reminders of his obligations, and Clodius was left in a situation almost as uncomfortable as that of Cicero, who describes it convincingly: 'cum videt quo sit inodio status hic rerum, in eos qui haec egerunt impetum facturus videtur; cum autem rursus opes eorum vim exercitus recordatur, convertit se in bonos' (2.21.1, August). Clodius was unable then to commit himself to one side or the other - but could at least console himself that he had managed to keep Cicero out of the limelight.

The Revelations of Vettius

The triumvirs were almost isolated. Their credit could hardly have been lower and they could no longer count on support from any section of society.³⁵ Their biggest headache was the younger Curio, whose vigorous propaganda had done more than anything else to turn so many against them.³⁶ For his pains Curio had won immense popularity with the plebs and with the boni, and towards the end of the summer it was decided that something must be done to sabotage this dangerous young man's spectacular reputation.

A plan was concocted which would expose Curio to 'aliquam suspicionem facinoris' and the informer Vettius was suborned for the purpose. Things did not go quite according to schedule (Curio spilled the beans to his father), but Caesar made the best of this slight upset to incriminate not only Curio but also a wide cross-section of the triumvirs' enemies. This at any rate is the way Cicero interpreted the affair as it unfolded before his eyes (Att. 2.24.2-4), but as usual there has been widespread reluctance to accept his evidence at face value. The strange case of Vettius has not exactly suffered

from neglect at the hands of modern writers, and various elaborate reconstructions have been suggested. But before these are discussed it is only right that Cicero himself should be given a fair hearing for, although he himself came round to a rather different interpretation when viewing the episode from a distance of two or three years, there is a lot to be said for his straightforward contemporary account which, as we shall see, leaves very few questions unanswered.

One of the keys to the whole episode is the mood at Rome in the summer of 59, and this may be briefly reviewed. It has been shown that the triumvirs were now desperately unpopular and, like any regime not governing by consent, they could only meet opposition with repression and so advance the growth of odium in a vicious spiral. Hopeful signs that resistance was growing bolder (Att. 2.18.2) brought with them fears of a violent backlash from the triumvirs, and threats of actual reprisals.³⁷ The climate of fear and loathing is revealed too in Cicero's decision to write to Atticus in a more cryptic vein, 'in case my letters themselves betray me' (2.20.3, cf 2.19.5), and Cicero wondered apprehensively whether the triumvirs' smouldering resentment might at last burst into flames (2.21.1). So far, he says, their reactions had been unpleasant but 'painless' - the threatened cancellation of the corn law would be a case in point - but it was beginning to look as though a violent confrontation could not be postponed for much longer, 'dominatio tanto in odio est omnibus'.³⁸

Vettius announced to the Senate, and later to the people, that a plot had been hatched against Pompey's life, and Curio was the ring-leader. Interpreting Vettius' disclosures against this background of impending violence, Cicero detected the hand of Caesar behind these

allegations. Immediately after the event he told Atticus that Vettius was due to come up before Crassus Dives on a charge of vis, that he was going to request permission to turn 'Queen's Evidence', and that if this was granted 'iudicia fore videbantur' (2.24.4). A while ago, Cicero goes on, we feared a massacre - 'modo caedem timueramus' - but it seemed now that the dynasts had thought up a slightly more subtle way of dealing with their critics. At this stage, anyway, it looked as though some of the triumvirs' most influential opponents, named by Vettius as accomplices to the plot, were going to face trial, and even political ruin. This would puncture the confidence of the opposition and, although Cicero is not quite explicit on the point, it is fair to deduce that he saw the Vettius affair primarily as a device by Caesar to improve the triumvirs' abysmal standing.³⁹ As it turned out, the prosecutions never got off the ground because Vettius was conveniently murdered. But there seems little reason to doubt that the major purpose of the scheme was to undermine resistance to the regime.⁴⁰

Even with Vettius dead, all was not lost for Caesar and Vatinius, for their attack was a two-pronged one. Vettius had made his disclosures in the first instance to the Senate, and it was hoped that judicial proceedings would follow. Next, Vettius denounced the plot before the plebs in a contio, supplying now an expanded list of 'conspirators' (Att. 2.24.3). The object here was probably to try and retrieve popular favour by convincing the people that the moral posturing of the boni was pure hypocrisy, as indeed it must be if they were prepared to resort to murder. Appian says that Caesar used the occasion to 'stir up popular feeling',⁴¹ and there are unmistakeable signs that

before very long the unholy alliance between plebs and boni did indeed break down, partly as a result, we may be sure, of the Vettius affair. Towards the end of the year, we learn that Pompey was back in favour with the masses, who practically lynched G. Cato when he stood up in a contio and called Pompey a dictator (QF 1.2.15, around November). By the end of the year Clodius himself was more firmly committed to the triumviral side, and proved it by blocking Bibulus' 'retiring oration' (Dio 38.12.3), which again suggests that the triumvirs had regained some of their old popularity with the urban plebs. Generally speaking, Caesar had reason to feel fairly satisfied with the outcome of his little plan, and in addition to these more obvious successes, other less conspicuous but equally valuable ends had been achieved, as we shall see.

Gruen has suggested that Pompey rather than Caesar was the originator of the plot (LGRR 96), but this is highly unlikely. Pompey was less than happy about his association with the hated regnum, and at this moment may have been thinking less in terms of improving the morale and credit of the alliance than of deserting it altogether. Pompey was temperamentally unsuited to 'tyranny' and was perhaps genuinely upset by the unconstitutional methods which the triumvirs had been obliged to employ. On a more mundane level he could not reconcile himself to his new unpopularity, and must surely have contemplated abandoning this uncomfortable partnership (Att. 2.21.3, 2.22.6, 2.23.2). Cicero, it is true, was inclined to think that the situation was so bad that detente was no longer possible,⁴² but others (such as Caesar) may have read the signs rather differently and seen Pompey's defection as an imminent possibility which must be forestalled. There can be little

doubt, therefore, that one of the objectives of the Vettius plot was to 'distract Pompeius from his ideas of rapprochement with the boni' (Seager, o.c. 529), and the prosopographic evidence seems to confirm this idea. The conspirators named by Vattius included L. Aemilius Paullus, M. Brutus, and Domitius Ahenobarbus, all of them names that 'might well make the adulescentulus carnifex fear that the past was catching up with him'.⁴³ Leading boni, such as Pompey's old inimicus L. Lucullus, were implicated along with these younger men, and it is inevitable that Vettius' revelations could have the effect of discouraging Pompey from any reconciliation with the Senate. Chances of rapprochement received a final blow when Vettius named Cicero as a party to the crime (Att. 2.24.3). Up to now Pompey and Cicero had remained on good terms (e.g. 2.21.3, 2.22.2, 2.23.2) and their friendship was more or less a sine qua non for any future negotiations between Pompey and the boni. But from now on Pompey showed no further signs of restlessness, and so here again Caesar could congratulate himself on a job well done.

Through the disclosures of Vettius, Caesar was able to reduce significantly the credit of his enemies with the people as a whole, while at the same time averting the danger of an incipient reconciliation between Pompey and the opposition. The triumvirate was thus strengthened internally and restored to popular favour. These are the main consequences of the Vettius affair and may fairly be taken for its main objectives as well. The success of the scheme depended essentially on incriminating the manus iuventutis whom Vettius denounced at the outset (Att. 2.24.2), for this group headed by the younger Curio held the key to the unique alliance between boni and plebs. Once they

were brought into suspicion, as events showed, the masses would be more amenable to triumviral propaganda and at the same time Pompey's failing loyalty to the coalition would be revitalized.

There were other repercussions besides, but one should be careful to distinguish final results from original intentions. Cicero himself, for example, came off badly because his friendship with Pompey, which he had valued as an insurance against the threats of Clodius, was seriously weakened by his implication in the plot. Pompey's promises of support soon went up in smoke and in later years Cicero tended to emphasize this unfortunate by-product, giving the impression that it was the *raison d'être* of the whole affair.⁴⁴ But Cicero was only an unfortunate casualty of a more wide-reaching plan, and obviously once Vettius began to name names then anyone who had enemies in the triumviral camp or whose name might add an air of authenticity to the allegations was likely to be in for trouble. Thus, for example, two of Vettius' 'victims' were candidates for high office and clearly stood to lose a great deal - but that does not mean, as some have suggested - that the principal aim of the whole plot was to sabotage the campaigns of anti-triumviral candidates (see Appendix A).

Any number of supplementary ends might be achieved if the organizers of the plan played their cards right; and in this connection it is worth considering the theories of Seager, who suggests that Clodius himself may be the plan's mastermind. On this analysis the main object would be to detach Pompey from Cicero and thus leave the orator stranded - and vulnerable to the forthcoming attacks of Clodius (Seager *o.c.*., esp 528). That is unlikely because Cicero was mentioned by Vettius only as a kind of afterthought to his

second list,⁴⁵ and so the incrimination of Cicero can hardly be taken as 'the Key to the nature of the design' (o.c.527). But the theory is not without its merits, and it is easy to see how Clodius, committed now to grudging support of the triumvirs, might take a keen interest in any plan to recover the affection of the masses. It is likely enough, therefore, that Clodius had a hand in the scheme, and one can readily picture him adding one or two names to the list for his own purposes: Cicero was not the only enemy of Clodius to be named by Vettius. The fact that he was not denounced by Vettius along with other prominent iuvenes is itself a tell-tale pointer to his current loyalties, while his attack on Bibulus in December confirms that his alliance with the triumvirs was now on a surer footing (Dio 38.12.3). It would probably be unwise, though, to draw more sweeping conclusions about Clodius' role (as Seager does) simply on the grounds that several Clodian inimici are featured in Vettius' denunciations. The trouble is that Vettius' list of a dozen or so names provides material for endless prosopographic speculation, and can be used to justify almost any reconstruction. But it should by now be clear what Caesar had in mind at the outset, and any ad hoc arrangements that were made as the affair progressed were merely expedients devised to extract the maximum advantage from an essentially straightforward scheme. (See now Appendix A.)

Cicero's consolations: the trial of Flaccus

The Vettius affair had the desired effect of reducing the dangerously high political temperature at Rome, and no more is heard of the violent confrontations that had seemed unavoidable only weeks before. The masses were no longer hostile to the triumvirate and by

the end of the year there had probably been a significant drift of popular feeling away from the party of Bibulus. But no one can have expected that curious alliance to last long, and for the boni the changed mood had its compensations. The verdict in the trial of Flaccus, which followed closely on the heels of Vettius' disclosures, indicates a new solidarity among the 'better classes' and no doubt the recent crisis had something to do with that. Flaccus was brought to trial de repetundis but, as Cicero did not hesitate to point out, the case - like that of Antonius earlier in the year - was a political one, a manoeuvre instigated by 'scelerati cives' (Flacc. 2). Flaccus had been praetor in 63 and the 'socio atque adiutore consiliorum periculorumque meorum',⁴⁶ so here was yet another oblique attack on Cicero's consulship. The case will no doubt have been in the pipeline for some months and it is likely enough that a prosecution was initiated at a time when victory may have looked certain. Like the trial of Antonius, therefore, the present case seemed to offer a good opportunity for a young man to make his name, and Cicero does not blame the accusator D. Laelius, any more than he blamed Caelius, for making this bid for popularity.⁴⁷

Flaccus' acquittal should evoke little surprise. The regnum of the triumvirs had gradually become the new target for the kind of invidia which had earlier attached to Cicero's name. Cicero's position had already improved since the verdict against Antonius in the spring⁴⁸ and while he further improved his standing through a policy of cultivated inoffensiveness (Att. 2.22.3, 2.23,3), the triumvirs' attempts to reverse their loss of support evidently made little headway with the classes who filled the juries. For his defence of Flaccus, Cicero

revived all the old clichés, representing the trial as an attack on the 'auctoritas senatus' (Flacc.4) and crediting the whole affair with much wider implications than it really deserved. The verdict, said Cicero in conclusion, ~~was~~^{was} not only on Flaccus but 'de omnibus bonis civibus ... de vosmet ipsis.'(99) He had no doubt represented Antonius' trial in the same light but this time, in the wake of the recent threats to the boni, Cicero's scaremongering found a more receptive audience. And to Cicero's delight the great Hortensius lent his prestigious name to the defence and spoke with approval of the campaign against Catiline in 63 (Att. 2.25.1). Cicero was jubilant and reacted to Clodius' threats with renewed confidence.⁴⁹ He was in fact quite mistaken, but as this difficult year drew to a close, Cicero could reasonably feel satisfied with the signs as he read them.

The triumvirs had in the end recovered their popularity with the masses at Rome, but managed to lose the support of just about everybody else. The boni, harassed and humiliated by the dynasts, had attracted a good many new adherents to their 'righteous' cause, but their brief flirtation with the plebs Romana was over. Clodius had not had a particularly successful year either, and seemed unable to commit himself to one side or the other. For the time being he was overshadowed by the triumvirs and found little opportunity to enhance his reputation. But one crucial victory had been achieved with the transitio, and Clodius could afford to mark time until the tribunate which would immortalize his name. In the end it looks as if Cicero had come off better than most. He had apparently survived the witchhunt that culminated with the verdict against Antonius and from that point on his reputation improved, quietly but steadily, to a point where people

talked enthusiastically of the good old days when he was consul - an understandable piece of nostalgia in view of the current humiliations.

But the mood was not to last, and in later years Cicero spoke with bitter amazement of the rapidity with which his allies deserted him when the spectre of invidia was conjured up once more by Clodius and laid at Cicero's door. It was not so much that Cicero overestimated his own resources, but rather than his calculations failed to take account of the massive influence that his enemy was about to acquire, which would send Cicero's supporters running for cover.

CHAPTER THREE: 'NAUFRAGIUM CIVITATIS' - FOUR LAWS

The Sources: some cautionary remarks

An unfortunate gap in Cicero's correspondence leaves us without any up-to-the-minute comment on the first vital months of Clodius' tribunate.¹ Major legislative business was initiated and completed, but we are given no opportunity to observe contemporary reactions. This is a serious handicap because Cicero's own life was affected so fundamentally by the events that, even with the best will in the world (which in any case he did not possess) he could never tackle the story of these months 'sine ira et studio'.² As far as we are able to reconstruct them, Cicero's initial responses to Clodius' legislative plans may well have been a good deal less straightforward than later versions suggest. Although the Lex Clodia de Collegiis was slated unmercifully by Cicero in later years, it appears that he made no efforts to prevent its passage into law. No doubt he was anxious to avoid antagonising Clodius any further but it seems likely, too, that he had no great objections to the law itself, and was apparently convinced that it was in his interests to let it go through.³ It is possible, as Dio suggests (38.14.2) that Clodius promised not to harm Cicero so long as he kept quiet: Cicero was not above making deals, and Clodius was certainly not above breaking them again. At all events it should be clear that the blistering indignation which characterizes Cicero's treatment of the Lex de Collegiis in his post-exile speeches does not accurately reflect his contemporary feelings, which were considerably more equivocal - and may well have remained so if the law had not been used against Cicero himself.

A brief word of warning is therefore in order. On any estimate

Clodius is the main protagonist of 58 while Cicero, his victim, is the chief chronicler of events, even though he spent most of the year at a great distance from Rome. The resulting picture could hardly be otherwise than distorted, but it is not hopelessly so. Cicero's account is still the best we have and, provided it is approached with caution, may yet yield an acceptable narrative. One or two rhetorical techniques should first be taken into account. For example, Cicero's exile would not have been possible without the acquiescence (to say the least) of a wide spectrum of people, and Cicero knew it. In the confidential medium of his correspondence, it is the role of the boni (or rather their non-role) that comes in for the bitterest criticism, while at his most desperate Cicero also blames his old friend Atticus, and even himself. But that would not do in public, and the speeches give a quite different emphasis to the story. Here, Cicero tends to 'concentrate' blame on to single and often different individuals, usually to achieve some ad hoc effect. Clodius himself, of course, is the chief victim, but in the Pro Sestio and In Vatinius his sins pale into insignificance beside those of Vatinius for he is the target at that particular moment.⁴ In both these speeches, furthermore, the figure of Julius Caesar lurks behind his 'adsecula' Vatinius, disguised with only the minimum of camouflage. This interpretation was later out of the question, again because of political conditions prevailing at the time, and so in 55 it is the luckless Piso who becomes prime target.

Piso had no personal quarrel with Cicero,⁵ and at the end of 59 Cicero could say 'consules se optime ostendunt' (QF. 1.2.16; cf Dio 38.15.6). He simply found himself in the unfortunate position of having to look either to his own interests or to those of Cicero,

and he chose the former course.⁶ Clodius made the consuls an offer they could hardly refuse (Sest. 24, Prov.Cons. 1f.) and in an early reconstruction of the story Cicero implies that they were rather reluctant partners in Clodius' schemes, 'trapped' by the arrangement they had made.⁷ Above all, the credibility of the later picture of Piso as the arch-villain of the piece is strained to breaking point by Cicero's remarks to his wife soon after his departure from Rome: 'Pisonem ut scribis spero fore semper nostrum' (Fam. 14.4.4). Piso's role in Cicero's exile, then, is quite clearly a later rationalization which gradually moves towards its climax in the distasteful speech of 55, and the whole case is a good illustration of some of the hazards we are likely to encounter in reconstructing the events of 58.

Clodian Legislation:

- (i) The Lex de collegiis restituendis novisque instituendis
(Ascon. 8)

The first batch of Clodian laws was passed on 4th January (Pis.9), which means that they must have been promulgated very soon after he took office as tribune on 10th December in the previous year. Clodius celebrated the new year with characteristic panache, and in ominous style, with the staging of the Ludi Compitalicii.⁸ With a certain bravado, he thus anticipated by three days the passage of a law which, when stripped of the layers of rhetoric and reduced to its bare bones, consisted in the restoration of the citizens' right of assembly. This right had been abrogated by a decree of the Senate six years earlier (Ascon. 7.14), and its withdrawal might be represented by populares as unwarranted, even unconstitutional behaviour on the Senate's part.⁹ Celebration of the Compitalia was in effect a breach of this new

ruling, and so the festival provided an obvious focus for protest against the Senate's decree. In 61 an unnamed tribune attempted to defy the ban but was saved from his folly by the redoubtable Metellus Celer (Fig. 8). But when Clodius revoked the Senate's ruling in 58, there are no signs of aristocratic opposition,¹⁰ and it is easy to see why. It was a sensitive moment: the triumvirs were still popular with the plebs and so the Senate (though they could with profit attack a law like the Lex Vatinia as an attempt at regnum) could not afford to supply their enemies with any more ammunition with which to attack the 'invidiosa senatus potentia'. They should not be seen opposing this popular measure. Besides, many (like Cicero) may not have seen it as anything more sinister than a rather cheap bid for popular favour, and if the reconstituted collegia could be exploited for political ends, there was nothing to stop the aristocracy joining in the game.

But why was the right of association suspended in the first place? To answer that question one must first consider the exact extent of the Senate's ban, and that is not an easy matter. The connection of Clodius' law with the Compitalia festival which was revived simultaneously has led to some confusion about the kind of collegia which the senatus-consultum of 64 was designed to suppress. In one account, the guilds thus disbanded are described as 'organizations of freedmen and slaves who celebrated in the vici the cult of the Lares Compitales and of other divinities, and gave annual games at the festival of the Compitalia'.¹¹ But this is by no means the whole picture. The term 'collegia compitalicia' used by Mommsen and others¹² is misleading because it illustrates only one aspect of the complex character of the collegia.¹³ The S.C. of 64 banned practically all collegia, some of

them very ancient (Dio 38.13.2), except for a few specified trade guilds, (Ascon. 75.15f.), and so it should be clear that the ban affected 'professional' as well as 'religious' groups.¹⁴ The confusion arises of course from the fact that the same collegium could (and usually did) have both a professional and a religious character, for the roles of the collegium as trade guild, religious brotherhood, and local association were 'not mutually exclusive but often interdependent.'¹⁵ Men working a particular trade tended to congregate in the same geographical area of the city¹⁶, and would also, in consequence, share in the cult of the Lares - local deities - at the crossroads (compita) of their particular neighbourhood. It is therefore easy to see how a professional guild would also in practice usually have both a regional and a religious character and it is difficult to disentangle the interwoven strands.

The discontinuation of the Ludi Compitalicii was therefore just one consequence, though an important one, of the Senate's suppression of the collegia. The Compitalia was a 'grass-roots' festival held annually a few days after the Saturnalia and based on the local cult of the Lares Compitales. It would naturally be presided over by local dignitaries, the magistri of the vici and of the collegia (Ascon. 7.11-14) and they would be assisted by the ministri of the cult, who were usually slaves.¹⁷ As far as the ruling classes were concerned, this potentially dangerous gathering, with its large complement of slaves, was perhaps one of the more undesirable manifestations of the right of association, and they were no doubt relieved when the games fizzled out as a result of the ban in 64.¹⁸ But there were clearly other factors involved.

The right of association in collegia was suspended because it

had been widely abused, and as well as bona fide trade guilds and the like, other less reputable organizations had grown up, posing a threat to law and order.¹⁹ The S.C. of 64 was in fact an early attempt to tackle a problem that was to become a persistent headache for the Roman government. The citizens' right to form collegia was no doubt in itself a Good Thing, but it seemed invariably to lead to trouble, and under the cloak of legality dissident or delinquent elements gained strength by forming themselves into groups.²⁰ It should be made clear, however, that if the collegia wielded political influence it was not by virtue of any inherent political privileges (cf. Waltzing 1.165), but simply as an inevitable consequence of being organized. In other words, like modern trade unions, the collegia were not so much a class apart as ordinary people assembled into groups and thus having a certain collective strength beyond the sum of their constituent parts.

Cicero tends to emphasize the 'regimental' flavour of Clodius' gangs and makes a great fuss about him enrolling members for the revived collegia 'by districts, by centuries, and by decuries'.²¹ Brunt therefore concludes that 'Clodius organized collegia on a local basis in paramilitary units'. ('Roman Mob' 23). But this is only part of the story for Cicero and Brunt both neglect to point out that the internal structure of the collegia was inherently paramilitary in character. As Waltzing shows, the 'corporati' were regularly divided and subdivided in much the same way as the army and tended to have roughly parallel hierarchies of officials.²² This would obviously increase their effectiveness as political pressure groups, especially since the collegia would usually also have a regional character in their relation to a

particular vicus, and so have formed subdivisions of the urban tribes (cf. VRR 82). But none of this was Clodius' doing, and however much Clodius brought out the disruptive potential of the collegia, he was only exploiting characteristics that were already there.²³

In the same context it is worth pointing out briefly two other quite standard features of collegiate practice which in Cicero's account are made to look like Clodian innovations. Cicero repeatedly mentions the 'occupation of temples' by Clodius' henchman in his catalogue of the disasters of 58, but it should be remembered that the collegia regularly met in public temples for 'business' as well as religious reasons.²⁴ Secondly, there was nothing extraordinary or revolutionary (as Cicero implies) in the recruitment of slaves or freedmen into the collegia. Slaves were freely admitted and could even rise to the highest offices;²⁵ and this is hardly surprising since a majority of artisans in the city would be of servile origin.²⁶

The Lex de Collegiis, then, was not intrinsically an innovative piece of legislation, but the reversal of a short-lived ban on the right of assembly. The collegia were an integral part of the political scene and it was up to politicians of every persuasion to make what use of them they could. Cicero's brother was well aware of the political value of the collegia and advised the aspiring candidate for high office to ingratiate himself with their 'principles' (Comm. Pet. 30), while Cicero himself later claimed that the collegia had added their influential voice to the campaign for his restoration.²⁷ In 58, however, the campaign against Cicero clearly derived a great deal of its strength from collegiate elements and this in itself explains Cicero's disparaging attitude to the collegia which supported Clodius. There can be no

doubt that Clodius established new collegia as well as reviving the old ones, and as author of the law he will have had a certain influence over these organizations. The rest of his legislation tended to consolidate this position of patronage, and we may be sure that the collegiate organization was of great help to him in the pursuance of his plans for Cicero. Exactly how Clodius used the collegia to achieve his ends will be discussed later, but for the time being, it should be clear that Cicero's account of them cannot be read 'in vacuo' but must be set against background information which puts the collegia in their proper perspective.

(ii) The Lex Frumentaria

Clodius' Lex Frumentaria is the most notorious of all Roman corn laws and is generally regarded as a crucial factor in the demoralization of the plebs and the degeneration of the racial stock.²⁸ All earlier legislation in this field was brought to its logical conclusion with the Lex Clodia, which decreed that 'frumentum populo quod antea senis aeris ac trientibus in singulos modios dabatur gratis daretur'. (Ascon. 8.15). By abolishing all charges for the state rations of grain Clodius easily overtrumped Cato, who had himself produced a generous Lex Frumentaria four years earlier, and for Clodius this new law 'was the prime source of the enormous popularity he enjoyed with the plebs so long as he lived'.²⁹ From the point of view of Clodius' popular image the 'symbolic' value of this final step was obviously immense, but in real terms the value of this benefaction to its recipients may not have been quite so staggering. Cicero of course laments the great loss to the treasury (Sest.55), but his unqualified statements about the law's financial implications should be treated with caution. The least we

can do is compare the Lex Clodia with earlier examples of grain legislation, and see if some rough estimate can be made of its relative economic significance.

In its origins and in its early years the Lex Frumentaria is a quintessentially 'popularis' measure whose champions include most of the great names of popularism.³⁰ More recently, conservative elements had begun to appreciate its tactical value, so that it became to some extent a political weapon used by either side.³¹ But one gets the impression that the propertied classes, though reconciled to corn laws for the sake of expediency, remained nevertheless deeply suspicious of what was, after all, a form of redistribution of wealth - which was of course anathema.³²

The first major corn law was passed by C. Gracchus, who was subsequently criticized for 'exhausting the treasury' (Sest. 103). That was, however, a standard complaint against all legislation of this kind, and such claims were not only politically motivated but all too often were a long way from the truth as well.³³ But although the Gracchan law did not bring financial ruin on the state, it undoubtedly did involve an element of subsidy. It provided a ration of five modii of corn per month at the rate of 6 1/3 asses per modius.³⁴ Now the price to the customer even in a corn producing region was, in the 70's, about twice as high on average as this Gracchan rate,³⁵ and when large amounts were requisitioned from Sicily the charge may have been as high as 4 Sesterces per modius.³⁶ The Romans were not of course dogged by inflation to quite the same extent as we are, but all the same these later price levels would be somewhat higher than the going rates at the time when Gracchus passed his law. It has been conjectured that

the Gracchan rate was roughly in line with current mean retail prices in the countries of production,³⁷ so that the subsidy in effect covered transport and storage costs. State control of this traffic would also eliminate the profits of the middleman and thus have a further reductive effect on prices, so taking all this into account the Gracchan price was probably somewhat lower than current market rates. The element of subsidy would gradually increase as real prices edged upwards, for it was taken for granted that the Gracchan price was fixed.³⁸ This in itself was a great blessing because in times of shortage the market rates could soar quite dramatically.³⁹ It should be clear, then, that on any estimate Gracchus' scheme is fairly described by Cicero as involving 'magna largitio' (Offic. 2.72) and that the cost to the state gradually increased in subsequent years.

The Lex Sempronia apparently made subsidized corn available to the entire citizen body,⁴⁰ but by the time of Cicero's consulship eligibility had been very considerably reduced, extending only to 'ingenuous proletarii'.⁴¹ Cato's law of 62 probably had the effect of widening the circle of recipients to include 'freedmen domiciled in Rome and new migrants to the city' (IM378). Cato was astute enough to realize that it was no longer safe, in the prevailing climate of popular discontent, to exclude either of these groups (which were both numerically very significant) from the government doles. This extravagant law cost the state 1250 talents per annum,⁴² though it is not clear whether this was the additional cost or the new total for expenditure on the frumentatio. Either way, the plebs might well gasp at Cato's φιλανθρωπία (Plut. Cato 26.1), though needless to say the great Cato is not personally vilified as a spendthrift: the blame is shifted on to the objects of

his generosity, described soon afterwards by Cicero as 'hirudo aerarii misera ac ieiuna plebecula.'⁴³

By taking the final step of abolishing all charges for the grain rations Clodius naturally secured his reputation as a hero in the eyes of the people, and as an irresponsible demagogue in the eyes of more sober commentators. But one is obviously entitled to question how extravagant this new law really was. Clodius' law did not in itself increase the numbers of the plebs frumentaria,⁴⁴ but simply increased the state grant to wipe out a price which was already heavily subsidized. Even if it is assumed that the government purchased grain for as little as 3 sesterces per modius (cf. above) then the abolition of the cost to the consumer of one and a half sesterces would simply involve the doubling of the state's frumentatio budget.⁴⁵ Cicero complained that as a result of the Lex Clodia the corn distributions now swallowed up 'practically one fifth of our revenues' (Sest.55), but it is arguable that the handouts sanctioned by Cato's law accounted for a roughly similar percentage of the current national income.⁴⁶ This is of course the merest speculation and critics could argue (perhaps rightly) that Cato's law itself anticipated the imminent enrichment of the aerarium and so the cost should not be reckoned as a percentage of the lower vectigalia of 63/2. The enormous increase in income following the final defeat of Mithridates would easily absorb the cost not only of Cato's corn law, but also of the abolition of portoria in 60 and the loss of revenue from the Ager Campanus a year later. Clodius' opponents might well feel that this latest scheme was going too far. But such statistical evidence as we have - and it is admittedly meagre - suggests that Clodius' law was not after all outrageously prodigal and 'it is difficult

to believe that even the Lex Clodia ... seriously endangered the finances of the Republic.⁴⁷

Finally, it is worth making the point that there was in practice no such thing as an 'irresponsible' corn law. Politics never entirely got the better of economics, and the most idealistic proposals were always tempered with realism. The law of Gracchus, for example, was not conceived in isolation but was connected with the rationalization of the finances of the new Asian province.⁴⁸ In the years of genuine stringency from the social war to the mid-sixties, the state was unable to be very generous and the best that could be managed was the rather meagre Lex Terentia Cassia of 73.⁴⁹ Cato's law, as we have seen, took account of imminent increases in provincial revenues, while Clodius presumably felt that the state's newly acquired riches could be spread around still further without much danger to the treasury. And Clodius' concern for the economic realities did not, as we shall see, stop at that.⁵⁰

(iii) Modification of the Leges Aelia et Fufia⁵¹

Dio sees this law simply as a device by Clodius to ensure that his forthcoming plans to get rid of Cicero would not be hampered by the kind of quasi-religious delaying tactics used by Bibulus in the previous year (38.13.6). This is of course only part of the story and it looks as if Dio has been unduly influenced by Cicero's own interpretation of this particular Lex Clodia. But it is nevertheless true that this measure did facilitate Cicero's removal, and that will account for the extravagant language with which it is regularly condemned by its 'victim'.⁵² Unfortunately, Cicero's torrential rhetoric does not make it any easier for us to gauge the law's precise effects, and his

sweeping statements give us an oversimplified picture.⁵³ When Cicero's account descends to the level of detail (as it occasionally does) we are on slightly surer ground, and there is no doubt a kernel of truth in the repeated claim that the law provided 'ut omnibus fastis diebus legem ferri liceret'.⁵⁴ In other words Clodius lifted the ban on carrying legislation on dies fasti, and so increased the amount of legislative time available to the popular assembly. The picture is filled out by Asconius and Dio, who both say that Clodius removed the right to 'watch the heavens' on those days when the people were voting.⁵⁵ The essential feature of this law, then, was the removal of certain restrictions attaching to the comitia tributa, and in consequence legislative procedure at the popular level would be made somewhat easier.

So far, so good. But there were, besides, deeper implications in this abrogation of the magisterial prerogative of obnuntiatio. The right of obnuntiatio had, as Astin points out (o.c. 442f) acquired a special importance in recent years. In 67, when Trebellius attempted to use his tribunician veto against the Lex Gabinia, Gabinius successfully revived the procedure used by T. Gracchus against his uncooperative colleague Octavius (Ascon. 72.10f., Dio 3630). It was thus brought home to the Senate that the old device of employing a rival tribune was no longer a foolproof safeguard against undesirable legislation, and it is significant that this procedure was not even attempted in 59.⁵⁶ All of which will help explain Cicero's belief that the Leges Aelia et Fufia had been devised by earlier generations as a safeguard 'contra tribunicios furores' (Red Sen 11). For whether or not that was the original intention of these laws, it does seem that the right of obnuntiatio which they confirmed had come to be regarded primarily as

a kind of alternative to the tribunician veto.⁵⁷

There is of course an obvious connection between Clodius' law and the recent activities of Bibulus, who had used to maximum effect precisely those prerogatives of office which the new Lex Clodia sought to revoke. One could indeed argue (and no doubt Clodius did) that Bibulus had abused the rights conferred by the Leges Aelia et Fufia for party political ends, and had left only confusion: for his obnuntiatio had not actually stopped laws being passed, but merely created doubts as to their validity. To this extent the Lex Clodia might be represented as a salutary measure which curbed the overtly political use of religious sanctions and streamlined the work of the assembly. But it would be naive in the extreme to see it as no more than disinterested reform,⁵⁸ for like most of the Leges Clodiae this law has an exceedingly complex character.

In the first place, as Cicero soon found out, this enactment would expedite Clodius' own legislative activities over the next twelve months, and that in itself was a good enough reason for its existence. Secondly, it might be worth considering whether the law carried any retrospective implications. Clodius, after all, was at this stage on good terms with the triumvirs and might hope to secure their continued cooperation if he could somehow validate the legislation of Caesar and Vatinius and so reduce the uncertainty surrounding their acta of 59.⁵⁹ It is interesting here to observe the close correlation between both known features of the Lex Clodia (allowing legislation on dies fasti, forbidding obnuntiatio on comitial days, cf. above) and the tactics actually employed by Bibulus.⁶⁰ It seems likely, too, that retrospective legislation was not per se technically inadmissible, and one is tempted to believe that

this particular law looked backwards as well as forward - if only because the bold ingenuity of such a move is so typically Clodian.⁶¹ Finally, it should be obvious that in restricting the extent to which magistrates could interfere with the activities of the comitia tributa, the Lex Clodia enhanced the effective power of the people as a whole at the expense of the oligarchy. It thus has a certain ideological tinge, but in the last resort one cannot escape the fact that, in its every aspect, the law above all else advanced the interests of its author.⁶²

(iv) Restrictions on the censors' powers

The last in the present series of Clodian laws was, like all the rest, an unmitigated disaster in the opinion of Cicero, who did not however oppose it at the time. Like the Leges Aelia et Fufia, the censorship was 'abolished' by Clodius.⁶³ So much, at any rate, for the later propaganda. The facts are supplied by Asconius, who quotes the provisions of this Lex Clodia as 'ne quem censores in senatu legendo praeterirent, neve quo ignominia afficerent, nisi qui apud eos accusatus et utriusque censoris sententia damnatus esset' (8.24f.). The Ciceronian version is admittedly distorted, but Gruen overcompensates for Cicero's prejudices when he represents Clodius' law as a quite genuine attack on the abuse of privilege (LGRR 257). He describes the new restrictions on ensoria nota as 'salutary' - but for whom? It was not the forces of conservatism that need fear exclusion from the Senate by the censors. Censorial prerogatives may well have been abused for political purposes, but as with the Lex Aelia et Fufia, the victims were more likely to be 'furiosi tribuni' than supporters of the oligarchy; and it is surely no coincidence that the censors' old powers were

were restored almost immediately after Clodius' death.⁶⁴

Here again, as in the previous Lex Clodia, there is a veneer of ideology. The unmodified censoria potestas infringed the rights of the people because their elected representatives could in theory be arbitrarily expelled from the Senate. But as well as nibbling away at the power of the oligarchy - and simultaneously improving his own popular image - Clodius created by means of this law yet another safeguard against attempts to thwart his own legislative plans.

The luckless Piso, consul in 58, was later taken to task for not breathing a word of disapproval 'tantis in naufragiis civitatis' (Pis.9). But if Piso let Clodius get on with it, he was not the only one, for there is no evidence of senatorial opposition to these four laws. We have seen that, for all Cicero's rantings, the Leges Clodiae when taken individually were not revolutionary in character. There was nothing new in using a Lex Frumentaria to boost one's popularity, and criticism of Clodius' corn law is based for the most part on jealousy (because of the effectiveness with which Clodius used this gambit) and annoyance (because Clodius beat everyone else to it). Restoration of the right of assembly was hardly in itself a particularly radical measure, since the right had long existed and been suspended only six years earlier. The other two laws were slightly more ominous, but the restrictions on censoria nota were far less severe than Cicero makes out. The law on obnuntiatio was perhaps the most suspicious of the four, but it left a wide range of other religious sanctions intact, and in any case such tactics were not in the monopoly of the boni but available to all.⁶⁵

Clodius knew better than to alienate the Senate completely by

espousing 'novae res' or by relying on anything so stark as a Lex Vatinia to ensure continued supremacy. His first package of legislation shows signs of an impressive grasp of political method, in that it not only secures him immediate personal advantages, but also brings a variety of long-term benefits. The corn law brought immense popularity, and the lex de collegiis provided a means of channelling it, an organisational structure that would enable Clodius to draw the maximum advantage from his patronage of the city plebs. On a more subtle level, all the laws have a common thread which shows just how much Clodius had learned from the ups and downs of the previous year. The triumvirs had started off in 59 as favourites of the people, but had fallen from grace when the people realized the the 'invidiosa senatus potentia' was simply being transferred from one oligarchic cabal to another even smaller one, with no advantage to the plebs: 'cum ea non ad populum sed ad tris homines immoderatos redacta sit, quid iam censes fore?' (Att. 2.9.2). The point is that the plebs were delighted with triumviral attacks on the power of the Senate, not simply for the fun of it but because, as Cicero's remark surely confirms, they themselves hoped this would lead to some improvement in their own political status: consequently they were soon disappointed by the triumvirs. Clodius did not disappoint them. His laws added up to an extension in the power of the people - enough to win their gratitude and admiration, yet not so far-reaching as to damage irretrievably his reputation in the Senate-house or destroy his prospects of a conventional political career. It was a fine balance. From now on, Clodius would be a major power to be reckoned with, in or out of office.⁶⁶

CHAPTER FOUR:

THE EXILE OF CICERO, AND THE STRANGE BEHAVIOUR OF M. CATO

'The triumvirs next used Clodius to remove from Rome two men whose presence was embarrassing: Cicero and Cato'. So Scullard¹, reflecting the old idea of Clodius as a 'puppet tribune' under orders from the men of power. Such agents did no doubt exist at one time or another, but were not usually recruited from the highest nobility. Still less were they expected to take legislative initiative on anything like the scale of Clodius recent programme, which contained little (if anything) for the triumvirs but massively enhanced his own power. The idea that Clodius was simply the willing agent of a plan masterminded by Caesar no longer carries any conviction, and scarcely needs refuting here.²

Clodius' independence should then by all means be stressed - but not at the expense of eliminating the triumvirs from the picture altogether. Lintott, for example, is quite right to emphasize that Clodius had his own reasons for dealing with Cicero (VRR 191) and needed no prompting from anyone else. But that is not to say, as Lintott seems to assume, that the triumvirs themselves might not also have reasons for wanting Cicero out of the way.³ The old picture of Clodius as a subordinate in the arrangement of Cicero's exile was based ultimately on the belief that Cicero was regarded by the triumvirs as a threat to their legislation of 59, and there is really no need to abandon this belief simply in order to demonstrate Clodius' independence. The validity of the triumviral acta was called into question by the praetors Memmius and Domitius as soon as the new year opened (Suet. Iul. 23; 73; Schol. Bob. 130.9). Acrimonious debate ensued, and Caesar's protracted vigil just outside the pomerium shows just how seriously he took this

challenge.⁴ Cicero, obviously, might prove a particularly dangerous opponent if he joined the praetors' campaign, and so when it became clear that Clodius was after his head, Caesar had in effect two courses of action to choose from. Either he could win Cicero's gratitude (and thus secure his cooperation) by rescuing him from Clodius, or he could safeguard his interests simply by letting Clodius have his way. It is worth considering the kind of factors that influenced Caesar's decision.

Cicero was not expecting trouble. He had made a deal with Clodius (Dio 38.14.2) and kept his side of the bargain. In any case, he felt confident of his resources in the event of a showdown (QF 1.2.16, Dio 38.16.1). Clodius opened the year in dramatic style, but had made no new moves since the first week in January, and Cicero may have been lulled into a false sense of security by two months of relative quiet. But he should not really have been surprised when Clodius struck at the end of February with a new rogatio proposing the penalty of outlawry on anyone who put to death a citizen without trial.⁵ In reaffirming the principle behind C. Gracchus' Lex de capite civis (which itself confirmed a far more ancient dogma) Clodius' latest measure follows his earlier programme with a certain logical continuity. On the level of political philosophy, the first Leges Clodiae could be represented as clarifying the rights of the sovereign people: the 'right to share in the profits of empire, the right to form associations, and the right to take their proper share in government without arbitrary interference from above. The new proposals developed the same theme with perfect consistency, by guaranteeing the personal rights of the individual citizen. But it could not escape anyone's notice that the rogatio de capite civis raised more than purely academic issues. It may indeed

have been 'a criminal law of no mean significance',⁶ but as usual the motives of its author were complex. With these proposals Clodius announced unequivocally the re-opening of the old campaign against the consul of 63, and this time it would be more than just a battle of words. For the second time (cf. above p.128) Clodius reanimated 'invidia Ciceronis', but now the moral arguments of Cicero's critics were going to be translated into law, provided Clodius could get his measure passed.

The rogatio became law towards the end of March (cf. n.5, above) and Cicero withdrew from Rome immediately. In later years he always represented the passage of this law as the work of a violent majority, hired thugs in the pay of Clodius, who had exploited his own Lex de Collegiis to assemble a private army from the dregs of the city (e.g. Dom. 54, Sest. 34, Pis. 9, De Leg. 3.25, etc.). There may indeed have been some element of 'stage management', and we have seen how the revived collegia offered certain organisational advantages to the astute politician of whatever party.⁷ But to say that the law was carried 'vastato ac relicto foro et sicariis servisque tradito' (Sest. 53) is tantamount to claiming that Clodius' proposals found no genuine support among the mass of the people, and that is frankly unbelievable. The executions of December 63 had evoked spontaneous and immediate revulsion among large sections of the people, and the wave of ill-feeling against Cicero was perpetuated in a campaign which he took very seriously indeed. This continued to escalate, and the recriminations got uncomfortably close to home when Cicero's consular colleague was packed off into exile in the spring of 59. Cicero felt, and perhaps with some justification, that he was being treated ungenerously but he certainly

did not treat invidia Ciceronis as an insignificant political force. When unpopularity found more suitable victims in the shape of a triumviral regnum, Cicero was mightily relieved and did not conceal his delight. But this could only be a temporary reprieve, and if a good proportion of the plebs supported the anti-Ciceronian lobby even in 60 BC, it is hard to imagine how plebian support for the new Lex Clodia could have been much less than total. For in the interim the leader of the campaign against Cicero had extended his influence over the 'contionarius populus' to an infinite degree.

There is little reason to doubt that the Lex Clodia de capite civis, with its implied verdict on Cicero, met with widespread popular approval. Not since the exile of Numidicus had anyone left Rome under such a cloud of ill-feeling.⁸ And even Cicero despite himself, seems occasionally to admit the fact, talking for example about the 'tempestas' to which he yielded, or the 'wave' of animosity that compelled his departure.⁹ Circumstantial evidence points the same way. Crassus, for example, must have recognized the strength of popular opinion and knew better than to disregard it. Consequently, while giving some support through his son to Cicero's cause, he himself 'went along with the multitude' (Dio 38.17.3). The campaign was above all a people's movement, and any politician who was sensitive about his popular image must at least pay lip-service to the current feelings of the masses.

It is hardly surprising, then, that Caesar chose to abandon Cicero rather than risk incurring invidia by rescuing him. Nor was that the only risk involved if Caesar made the mistake of taking Cicero's side. More subtle factors were involved. Lintott characterizes Caesar's behaviour at this point as 'symptomatic of a neutral unwilling to offend

an ally (VRR 191), but this begs a question: why was Caesar so reluctant to 'offend an ally' such as Clodius, who had hardly shown himself the most reliable of supporters? The answer of course is that Clodius' enormous influence over the city plebs made him such a formidable power that, if Caesar opposed him then Caesar must expect to lose more than just the favour of the masses. His legislation itself was at stake, and he had far more to lose by alienating Clodius than by abandoning Cicero. Plutarch tells us that Caesar made a speech to the people deploring the execution of citizens without trial (Cic. 30.5), but Dio's more detailed version supplies an extra twist to the story: here, Clodius assembled a contio outside the pomerium and actually asked Caesar for his opinion (38.17.1f.). In the circumstances, he could hardly do otherwise than agree that Cicero had indeed transgressed the law by executing Lentulus and Cethegus, and to this extent (as Plutarch says) 'Caesar cooperated with Clodius in expelling Cicero from Italy' (Caes. 14.17). For, given the popular mood, Caesar was in no position to withhold his support for the Clodian measure. There is a certain indefinable element of coercion here, and Caesar showed his reluctance with a half-hearted plea for mercy, regretting the retrospective character of the new Lex Clodia (Dio 38.17). Caesar 'cooperated', certainly, but by requiring him to give his views on the issue before the assembled people (whose minds were no doubt already made up), Clodius did not really give him any other option.

This much we can reconstruct from the secondary sources, and in fact Cicero's own account tells much the same story. The triumvirs' acta were under fire and so 'they were reluctant to antagonize a popular tribune'.¹⁰ Consequently, when Clodius boasted that he had

their support in his plans for Cicero, they were simply in no position to dissent, and 'non infitiando confiteri videbantur' (Sest. 39-40). This eloquent silence was, perhaps, the full extent of their participation in Cicero's removal but (pace Lintott) that is not quite the same thing as 'neutrality'. For, as Cicero makes clear, it was the triumvirs' failure to speak up for him, rather than Clodius' threats, that was the crucial factor in his voluntary withdrawal: 'me vero (movit) non illius oratio sed eorum taciturnitas' (Sest. 39).¹¹

It might be argued in the triumvirs' defence that Cicero was deliberately exaggerating Caesar's responsibility for his exile for political reasons of his own.¹² But if Caesar's implied cooperation was just a Ciceronian invention designed to give extra bite to anti-triumviral speeches, then one would expect some change of emphasis following Cicero's reconciliation with the triumvirs in the mid-fifties. In that case the evidence of the post-Luca speeches is all the more striking, for although Cicero goes out of his way to provide Caesar with 'mitigating circumstances', he never attempts to deny Caesar's part in bringing about the exile.¹³ In 55, Cicero says quite explicitly that he 'can not really blame Caesar for putting his own interests before mine', since it was known that 'there was going to be a battle over whether his achievements of the previous year would be allowed to stand'.¹⁴ The story of Cicero's exile is subjected to repeated mutations according to the political demands of a particular moment, but the role played by Caesar is documented with remarkable consistency.¹⁵

Pompey's unfortunate connivance is best known from the tear-jerking story preserved by Plutarch (Cic. 31.2f.), who tells how Cicero went to plead with him but failed to find his man, Pompey having made

off by the back door as Cicero came in the front. Like Cicero himself, Plutarch is inclined to be too soft on Pompey, excusing him because he was 'under orders' from Caesar.¹⁶ In a less indulgent vein, Dio implicates Pompey far more directly, saying that Cicero was later restored by 'the very man who had been chiefly responsible for his removal'.¹⁷ That is a little unfair, but Pompey cannot claim neutrality any more than Caesar. Like Caesar, he condemned Cicero by failing to support him, and furthermore he had his own reasons for doing so. It was, as we have seen, probably one of the intentions and certainly one of the results of the Vettius affair that the coniunctio of Pompey and Cicero was subjected to a near fatal strain.¹⁸ And although Pompey showed signs of renewed goodwill towards Cicero a few months after his exile, Cicero was still wondering in October whether he could really be relied upon.¹⁹

The triumvirs were by no means the only ones who were compromised over the question of Cicero's exile. Clodius skilfully emasculated potential opposition to his proposals by making it clear that it was in nobody's interests to take the side of the 'tyrannum atque ereptorem libertatis' (Sest. 109). One of his major tasks was to 'neutralize' the consuls, for they were both on good terms with Cicero,²⁰ and could create formidable difficulties if they chose to support him. Their cooperation must therefore be purchased with concrete rewards and it is no coincidence that the Lex de Capite civis was brought forward at exactly the same time as another law providing Piso and Gabinius with the much sought-after provinces of Macedonia and Syria respectively.²¹ Both, consequently, failed to speak out for Cicero when asked for their opinion on Clodius' proposals.²²

There are, indeed, some signs of resistance. Pompey was approached by a delegation of influential senators who urged him to commit his resources to rescuing Cicero. Pompey made the unctuous reply that he could not possibly take the field against a tribune of the people, but would be prepared to change his mind if a senatus consultum empowered the consuls to 'defend the Republic'. (Pis.77). But significantly, no decree of the Senate was forthcoming, implying that the group which petitioned Pompey did not represent a majority. Nor is this surprising, for they were not so much a 'deputation of optimates'²³ as a group of people who had personal reasons for disliking Clodius and were understandably reluctant to see him extend his power still further.²⁴ Apart from these there were few who were prepared to stick their necks out for Cicero's sake, and for Cicero it was the indifference shown by the boni which always left the most bitter taste when he recalled the episode. The triumvirs and the consuls, as Cicero is sometimes generous enough to acknowledge, at least had good practical reasons for abandoning him, but if only the boni had rallied round him, as he had confidently expected just a few weeks earlier, all might yet have been saved. Their treachery was unforgivable.²⁵

Naturally, Cicero takes care not to attack the boni in public, and praises the Senate for their ineffectual gesture of putting on mourning in 58: 'vos me ... ^{quoad} ~~quod~~ licuit defendistis'.²⁶ But Cicero did not believe this for a moment and his letters are full of bitter remarks about the 'perfidy' of the 'so-called boni'.²⁷ It is hard to escape the fact (though Cicero rarely develops the point this far) that failure to speak out for Cicero more or less implied tacit support for Clodius, and Dio hints that in some cases there was more involved than

the fear of Clodian reprisals: 'it was not just that some failed to oppose Clodius: there were others who actually backed him up, who had seemed to be among the most active of Cicero's supporters'.²⁸ Cicero claimed that there were 'fortissimi viri' who favoured armed resistance to Clodius, but apart from the delegation mentioned above (n.24), the only person who suggested that Cicero should stay and fight it out was L. Lucullus, who clearly belonged to the same category as the other four (Plut. Cic. 31.4). The only really solid support for Cicero came from the young nobility, and from his most faithful allies the equestrian order (Plut. Cic. 31.1). To begin with, this lobby enjoyed the valuable backing of two distinguished senators, Hortensius and Curio (Dio 38.16.2), but they soon saw the error of their ways when Clodius brought them before a contio, just to let them know how the plebs felt about opponents of the Lex de capite civis.²⁹ The next we hear of Hortensius, he was advising Cicero to bow to the inevitable rather than risk starting a civil war (Dio 38.17.4) - and Hortensius was joined here by none other than M. Cato (cf. Plut. Cato 35.1).

Cato is surely the last person we should expect to find advising acquiescence. Cicero occasionally doubted his political good sense,³⁰ but he was nevertheless 'one in a million',³¹ and could invariably be relied upon to resist doggedly any attack on the authority of the Senate - which is precisely how Cicero represented the Lex de capite civis. Cato was always in the vanguard of the resistance when the status quo was threatened: the first to be hauled off to prison (Plut. Cato 33.1), the last to agree to any innovation (Dio 38.3.1). Nor was he afraid of incurring the hostility of the masses, and about a year ago Cicero had only with the greatest difficulty talked him out of opposing the

oath in legem on Caesar's Lex Agraria (Plut. Cato 32.8). Strangely, the tables were now turned and it was Cato who was advising the line of least resistance. His attitude here is quite uncharacteristic and demands a good explanation.

Cicero explains later that Cato did not offer resistance because he knew it would achieve nothing, but would simply deprive the state of another valued citizen (Sest. 61). Besides, Clodius had plans for him too. Cato was to all intents and purposes exiled to Cyprus, though his sentence of banishment was thinly disguised as a beneficium.³² But this is just not good enough. It is true that Clodius and the triumvirs had ample reason for wanting Cato out of the way, but it is impossible to believe that Cato would have gone meekly off to Cyprus without a word of protest - unless he saw nothing to protest about. The point is that the task of organizing the wealth of Cyprus was not 'a bailiff's errand' (CAH 9.527), but an important and prestigious commission. Such honours were hotly contested, as the forthcoming Egyptian saga would show, and Cato might well feel flattered to be given such responsibility at a comparatively early stage of his career. He was just as ambitious as the next man, and the teutonic efficiency with which he attacked the job in hand certainly justified Clodius' choice.³³ One slight difficulty is presented by Plutarch, who insists that Cato actually did object when Clodius offered him the job (Cato. 34.5). But Plutarch's hero is an archetype, quite unlike the real Cato, and one wonders how far he is just assuming what Cato's likely reaction would be.³⁴ In reality it is hard to believe that Cato felt insulted by Clodius' offer: he tackled the job with terrific gusto and later celebrated his homecoming in ostentatiously triumphal style (Plut. Cato 39.1f). It would be unfair

to say that Cato voluntarily entered into a deal with Clodius; hardly anyone did. But Clodius went to considerable lengths to prepare the ground for his Lex de capite civis, and potential opponents were each dealt with in their own way. For some, popular invidia was a sufficient disincentive; in the case of Caesar 'terror iniectus de eius actis' did the trick; the consuls were unashamedly bought off; and Cato? Clodius was astute enough to realize that crude threats were not enough in his case: past form showed that this would only stiffen his resistance. Cato had to be handled with kid gloves. In the event, he was offered a job to do in Cyprus, and when the time came for Cicero's supporters to stand up and be counted, Cato was not among them. That is no coincidence, and Cicero's 'commiserations' are, to say the least, misplaced.³⁵ The full implications of this brilliant Clodian ploy were only revealed later when Cicero challenged the validity of Clodius' laws and attempted to destroy the records of his tribunate. Cato, fresh from his great achievements, could not countenance this because his Cyprian acta would have to go, along with the rest of the Leges Clodiae. Consequently, he strongly opposed Cicero (Plut. Cato. 40.1, Cic. 34; Dio 39.22.1), causing the orator to remark cryptically that 'nonnulli in eodem (Clodius) defendendo suo plus otio quam communi prospexerint'.³⁶

Abandoned on all sides, Cicero had little choice but to skulk off into exile, leaving Clodius to finish the job by passing a new measure, the Lex de exilio Ciceronis, defining the draconian terms of his banishment. This was directed 'ad hominem' and was probably technically invalid for that reason (cf. Att. 3.15.5), a point which was to be used by Cicero's supporters in the negotiations for his recall. Cicero later sneered at Clodius because 'indemnatum me exturbares privilegiis

tyrannicis iuberis' (Dom. 110). This was not entirely true because Cicero left of his own free will,³⁷ but by accusing Clodius of 'tyrannical' behaviour he neatly countered the propaganda to which he himself had been subjected. After Cicero left Rome, Clodius demolished his house and erected on the site, 'in conspectu totius urbis', a shrine to Libertas (Dom.100) - a particularly vicious symbolic gesture which later caused Cicero all sorts of problems. For the time being, this final touch somehow highlights once again the essentially 'popular' character of the campaign against the consul of 63.

CHAPTER FIVE: THE TROUBLES OF POMPEY

The problem of historicity is complex enough when Cicero is reporting on the first three months of 58. But then at least, for all his prejudices, he was an eyewitness. The difficulties increase enormously for the succeeding period of a little over a year, during which Cicero was in exile. Some attempt, nevertheless, must be made to reconstruct the remaining months of Clodius' tribunate, and to begin with it may be worth looking at another aspect of the Cyprus affair which has not yet been discussed. According to Oost (o.c. 99) 'the undoing of Ptolemy and the eviction of Cato were accomplished by two separate and distinct enactments of the people'. Add to this the remark of Badian (JRS 1965, 116) that the measures 'were part of a series dealing with foreign affairs, a domain that populares had traditionally tried to wrest from the Senate' - and we are left with the strong impression that Clodius was following the well-trodden popularis via of dealing directly with the plebs in matters of foreign policy. If so, he ran a grave risk of upsetting the Senate, which had long enjoyed de facto supremacy in this area of government (cf. Polyb. 6.13) and was particularly sensitive to any encroachments. One recalls Ti. Gracchus' personal initiatives in exploiting the wealth of Pergamum, and Badian stresses that 'it was his dealings with the Pergamene envoy that led immediately to the charge that Tiberius was aiming at a regnum, and thus to his downfall'.¹ His brother followed suit when he reorganized the Asian tax system without reference to the Senate.² Saturninus may have gone a good deal further than these 'one-off' raids on senatorial supremacy in this field, perhaps introducing the principle of popular control over routine provincial administration.³ As for Clodius, the tenor of his earlier laws up to and including the Lex de capite civis, may well suggest that in true popularis tradition

he too brought his plans for Cyprus directly to the comitia tributa, without consulting the Senate at all. Oest (cf. above) clearly takes this assumption as axiomatic, and when he comes across the statement of Velleius that Cyprus was annexed 'by decree of the Senate', he dismisses it as 'plainly erroneous'.⁴ But can we, after all, take it for granted that Clodius by-passed the Senate simply as a matter of course?

Velleius deserves a hearing, because the only solid evidence against him comes from Plutarch, who says that Clodius took his proposals 'straight to the people'.⁵ Plutarch's version appears more plausible simply because it harmonizes with the general picture described by Cicero, whose account of Clodius in power obviously conditions our idea of probability, and for that matter, Plutarch's.⁶ Cicero depicts the scene in 58 as an archetypal confrontation: Clodius the demagogue and his armed mobs versus the Rest, who were cowed into silence and submission by the constant threat and occasional eruption of violence. The normal institutions of the Republic - the Senate, the courts, the assemblies - were paralysed by the Clodian gangs, and the state was subjected to a reign of terror and anarchy.⁷ But in reality the situation was far more complex than that, as Cicero himself was uncomfortably aware. His 'public' version of the story shows how he was left marooned because potential supporters were too terrified to come to his rescue, but in private he complained of betrayal by his allies, and we have seen that they were not so much intimidated as compromised. Clodius' strategy was more subtle than mere thuggery, and once it is accepted that he did not rely exclusively on coercion to ensure the cooperation of others in his schemes, then it is not really so unthinkable that he should on this occasion choose to take a conventional line. For it is unlikely that there would be many objections to the proposed annexation per se,⁸ and since Clodius was

offering the commission to one of the most influential and well-loved boni, it is hard to see what end would be served by wantonly offending the Senate, where Clodius could be reasonably sure of getting majority approval for his scheme. The object of the exercise was to secure the 'neutrality' of Cato, and the whole plan might have been wrecked if Clodius had failed to consult the Senate.⁹

At all events, Clodius was for the moment in a position to dispense valuable Honores, and those who were on the receiving end (Piso, Gabinius, - and Cato) all cooperated with him in one way or another. Cato advised Cicero not to offer resistance and most of the boni followed his lead, instead of rallying round the unfortunate consular, as Cicero had so trustingly expected. Not surprisingly, this was for Cicero the most upsetting aspect of the whole episode, and he could never forgive the 'perfidy' of the boni, whose indulgence towards Clodius looked horribly like conspiracy. This ghastly suspicion haunted Cicero for years (with good reason, as we shall see) and is itself an important influence on his later reconstructions of these events. Fears of collusion between Clodius and the boni led Cicero to emphasize to the point of distortion Clodius' lawlessness and his disrespect for traditional procedure, in a desperate attempt to break the unholy alliance.

All the same, even if every allowance is made for Cicero's 'rhetorical motives' (and for the fact that he was not actually in Rome during the period which he describes so graphically), it remains likely that Clodius really did go quite a long way beyond his tribunician competence. His distribution of the consular provinces seems to have been entirely a personal initiative, and Cicero makes a point of showing how Clodius thus robbed the Senate of a prerogative confirmed by C. Gracchus himself (Dom. 24). Elsewhere he tells how Clodius consecrated the site of his

demolished house, and asks 'qua lege?' (Har. Resp. 33), again implying that Clodius was pushing his luck to dabble in religious affairs.¹⁰ We are told, too, how Clodius combined his penchant for religious and foreign affairs by ejecting the current priest of Magna Mater at Pessinus in favour of a candidate of his own, and arranged the whole transaction 'by a tribunician law'.¹¹ None of these initiatives, of course, was as important as the proposals for Cyprus, and on this major issue Clodius may well have chosen a more conciliatory approach. But it would be pointless to deny that Clodius' readiness to conclude arbitrary deals for his personal advantage must have been distasteful to a great many senators. For some of the principes, acquiescence brought its own rewards, but there will have been others who watched Clodius with growing suspicion. His dubious methods and steadily mounting influence would not endear Clodius to the rank and file of the Senate, still less to his personal inimici; and although Cicero's talk of a 'consensus bonorum omnium' is patently exaggerated,¹² it is easy to imagine a growing lobby of 'moderate' upper class opinion which felt that Clodius had gone too far. His exile of Cicero had probably alienated most of the equites, while the country people who had so despised the triumvirs (Att. 2.13.2) and favoured orderly senatorial government, would probably take a dim view of anything resembling demagogy.¹³

By the beginning of the summer, anyway, Atticus thought he detected signs of an imminent change that ought to encourage the despondent Cicero.¹⁴ Now it is fair to assume that any change for the better from Cicero's point of view must entail some diminution in the spectacular power of Clodius, and one can only guess how this might have been effected. It is surely not unreasonable, assuming a growing disenchantment with Clodius in certain quarters, to imagine that what Atticus foresaw was an

alliance between Pompey and some of the optimates.¹⁵ Such a rapprochement would not be particularly easy for either side in view of the humiliations brought upon the Senate by the regnum, and the suspicions which the Vettius affair had planted in the mind of Pompey. Nevertheless, the basis for an alliance was there. Even before Cicero's exile, there had been a senatorial delegation to Pompey seeking a common front against the plans of Clodius (see above, p.68), and by this time many more will have shared their concern. Pompey himself (if Clodius had not already started his campaign of persecution¹⁶) may have begun to wonder what the volatile Clodius would do next, or perhaps he was just tired of his present rather defensive political stance. He could expect to win friends among the upper classes in general by spearheading an attack on Clodius, and if this attack included a campaign for the restoration of Cicero, another valuable ally might eventually be gained.

Cicero's later account confirms the impression that a senatorial backlash was indeed on the way, and was going to start with a demand for the recall of Cicero. For Clodius, things looked dangerous: the Senate was beginning to reassert its old authority and wanted Cicero back; Clodius' tribunate was 'on the verge of collapse' and decent opinion was being mobilized against him by Pompey.¹⁷ It would be a serious blow for Clodius if Pompey actually succeeded in revoking his law against Cicero. It was a critical moment and called for resolute action.

It may be that Pompey started the ball rolling by challenging the validity of Clodius' tribunate (and hence his laws) on the ground that his transitio ad plebem, which had been arranged at a time when Bibulus was 'watching the skies', was illegal. But if Pompey thought this would upset Clodius, he was in for a rude shock. Clodius came back with the well-known riposte that, if his adoption was invalid because of the

servatio, then so was all the triumvirs' legislation. His logic was unassailable and he proceeded to demonstrate it by bringing Bibulus before a contio and asking him to confirm that he had observed servatio throughout the passage of the Julian laws. His testimony was corroborated by the augurs, who were likewise interrogated before the assembled people. (Dom. 40, Har. Resp. 48). It was an extraordinary piece of bluff but the gamble paid off. For Pompey was 'the chief gainer by the Julian legislation' and had most to lose by its annulment.¹⁸ Clodius' little 'tableau' had knocked the bottom out of any attempts to question the legality of his tribunate - at least by Pompey. This would in turn reduce the risk of an alliance between Pompey and members of the Senate who had been opposed to the triumvirs in 59, for Clodius' masterstroke had the effect of highlighting just where Pompey's true interests lay. When all was said and done, his fate was still inextricably bound up with the hated regnum, and Clodius had made sure that the point was not lost on any who might have thought of joining him.

Clodius had learned valuable lessons from the anomalous political conditions of the previous year. It had become apparent then that the stark fact of the triumvirs' dominatio tended to overwhelm the more predictable patterns of polarization. The iuventus were reconciled with the boni, populares like Nepos and Memmius rallied to defend the ruling order against tyranny, 'invidia Ciceronis' petered out, and for a while even the plebs urbana were at one with the Optimates in their loathing of the regnum. And now, by forcing Pompey to look to his own interest, Clodius reminded the Senate that their enemies were still at large (and in league), their laws still intact. His plan worked like magic and he was now in a position to attack Pompey more directly. By the time Cicero wrote to Atticus about his earlier hopes, the possibility

of a reconciliation between Pompey and the Senate seems to have come and gone. Clodius had acted outrageously towards Pompey by releasing the young Tigranes, yet his brazen behaviour did not draw the Senate and Pompey any closer together.¹⁹ On the contrary Clodius' attacks on Pompey had the Senate in transports of delight,²⁰ and Clodius could once again breathe easily.

By exposing the continued reality of the triumvirate, Clodius was able to achieve a bizarre, almost unimaginable position: a popularis tribune flaunting considerable personal power yet backed, or at least indulged, by some of the Senate's most venerable members. Cicero later expended great energy in pointing out to the boni the absurdity (as he saw it) of this situation,²¹ but that in itself shows just how seriously he took it. Besides, the mutual toleration between Clodius and the boni was not really so strange as Cicero would have us believe. Beneath the veneer of demagogy Clodius had taken care all along not to alienate the Senate irredeemably, and more recent criticism of his tribunate in some quarters, will have convinced him further of the importance of 'keeping in' with some at least of his own class. And here he was on strong ground, for as a Claudius Pulcher he belonged to the very heart of the oligarchy which had been humiliated by the triumvirate and, as Clodius tried to show, was still threatened by the three tyrants. There were, after all, good reasons why some senators should feel that they had something in common with Clodius.

The rest of the year was by no means uneventful, but nothing really disturbed the new alignments. A proposal for Cicero's restoration was aired in June by the tribune L. Ninnius, who was probably activated by Pompey, and wisely chose a day when Clodius was not in the Senate. But

he was vetoed, and there the matter rested for quite some time (Sest.68, Dio 38.30.3). Clodius, meanwhile, continued with his agreeable game of persecuting Pompey and entertaining the aristocracy. His bravado knew no limits and he spoke now of his ambitions to build a portico on the Carinae (where Pompey lived) to match the one on the Palatine, on the site of Cicero's old house (Har. Resp. 49). In August a plot against Pompey's life was uncovered, and the revelations proved so traumatic that the general retired to his house, only to be at once subjected to a siege by one of Clodius' freedmen.²² But as Plutarch makes clear, it was not so much the hostility of Clodius that really upset Pompey but the apparent glee with which the Senate watched his sufferings (Pomp. 49,3). They were getting their own back.

In the meantime Atticus was still doing his best to encourage Cicero, but although support for his cause was growing, nothing much came of it, and in September Cicero was still pessimistic, and worried about his brother Quintus (Att. 3.17). A month later the tribune designate Sestius made known his proposals for Cicero's recall (which he evidently intended to present as a rogatio) but Cicero was less than satisfied because they did not guarantee the return of his property, an important factor both economically and 'symbolically'; presumably this was the best that Sestius could manage (Att. 3.20). The most encouraging news was the sight of the tribunes framed a measure for Cicero's recall in November, but Cicero saw its fate as a foregone conclusion, and was soon proved right (Att. 3.23). He apparently felt that the passage of that kind of rogatio through the Comitia Tributa could only be achieved by the use of violence,²³ but whether he means counter-violence to balance the use of coercion by Clodius, or coercion to force through a measure which the plebs genuinely disliked, it is difficult to say. By this time, Clodius' annus mirabilis

was coming to an end. He had shown all along a brilliant grasp of the political situation and the possibilities which it offered. Consequently, his power had become immense. It now remained to be seen whether he could hold on to it.

CHAPTER SIX: CLODIUS AND THE BONI

The fortunes of Cicero

Even though Clodius' year of office was drawing to its close, the future looked no less bleak to the doleful exile in Dyrrachium (Att.3.24, 3.25). But, Cicero assures us, the new year brought with it a renewal of confidence as the republic emerged from the darkness and gloom (Red. Sen. 5). One of the incoming consuls, P. Lentulus Spinther, was a strong supporter of his, and at once made it known that his first priority was a full debate on the question of Cicero's exile.¹ There were some who regarded the sentence of exile as so patently illegal that countermeasures would be superfluous,² but to be on the safe side, Lentulus made efforts to pass a formal Senatus consultum for Cicero's recall.³ The Senate, naturally, would have voted overwhelmingly in his favour - says Cicero - but unfortunately their unanimity was never put to the test because the tribune Atilius intervened before a vote could be taken, 'asking permission to review the position overnight'.⁴ The Senate were up in arms over this outrageous request - 'clamor senatus, querelae, preces' - yet they acceded to Atilius' request on the strength of a dubious promise that he would make no further delays. This was a downright lie, and Atilius managed to thwart all further moves in Cicero's favour for the remainder of January (Sest. 74).

On the popular level it was the same story. Before the end of 58 the tribune Q. Fabricius announced a rogatio proposing Cicero's restoration, and this would become law on 23rd January if the popular assembly voted in its favour. But Fabricius' proposals never got as far as the vote because violence intervened. Clodius' bands of supporters, stiffened by a troupe of gladiators thoughtfully loaned by brother Appius (Sest. 85, Dio 39.7.2), attacked their rivals with tremendous gusto and many lives

were lost in the ensuing fracas.⁵ Once again we get conditional clauses from Cicero: the law would have been passed but for the violence of the Clodians (Red. Sen. 22). This is all very well, but in the absence of a vote we cannot simply take it for granted that the measure would have gained the unanimous approval of the plebs. Plutarch says that the people were 'beginning to change their mind' about Cicero (Cic. 33.4), which implies (no doubt correctly) that the laws that forced Cicero into exile had originally enjoyed widespread popular support. It is hard to see why, in the meantime, the people should have come round to supporting Cicero. It is surely unlikely that they had so quickly become disenchanted with Clodius, their greatest benefactor, and it is in any case doubtful whether Cicero's apologists had had much opportunity to put his case to the plebs, whose sympathies could not be counted on at present. It might be argued that Clodius would not have needed to resort to violence if he had been confident of majority support in the Comitia Tributa,⁶ but that is slightly missing the point. The truth is that both sides were absolutely determined to have their way and 'democratic' principles, and procedures, did not enter into it. Clodius would not stop at violence to frustrate a disagreeable measure even if it enjoyed the approval of the majority, - but Cicero was equally ready to extract by force what could not be won by general consent.⁷ Consequently, the element of violent confrontation was there from the start on January 23rd, and if either side had come unarmed they would simply have handed victory on a plate to their rivals. As it was, Cicero's man Fabricius 'occupied' the temple of Castor before daybreak (Sest. 75; the verb has a military flavour), while Sestius 'man um sibi ... et copias comparavit' (Sest. 84). Clodius, admittedly, won a resounding victory, but that was not because his opponents were utterly defenceless. They were merely inadequately

prepared, and they soon learned from their defeat.

After a brief moment of optimism (Att. 3.26), Cicero's correspondence once more exudes an atmosphere of sepulchral gloom (3.27), and he can hardly be blamed for his despondency. Although his cause was no doubt supported by wide sections of society - the equestrian order, the 'silent majority' in the Italian countryside and municipalities, and the 'respectable' classes in general - it seems likely that proposals for his restoration were not greeted with such enthusiasm by the plebs at Rome. That was only to be expected perhaps, but the attitude of the Senate was rather more puzzling and gave greater cause for concern. One imagines that some way might have been found to overcome the tiresome delaying tactics of Atilius, yet the Senate appeared to be treating this mendacious and quite insignificant tribune with exemplary forbearance. Does one detect a certain lack of enthusiasm for the Ciceronian cause? This would not be altogether surprising, for, to begin with, the feelings of the masses had probably not changed much from a year ago, when many senators were reluctant to be seen supporting the unpopular consul of 63. Since then, Cicero's case had been taken up by Pompey, a persona non grata in some sections of the Senate, and now the situation was still further complicated by the 'understanding' between Clodius and some of the boni. Sometime in February, the tribune Milo attempted to bring Clodius to trial under the Lex Plautia de vi, but 'a consul, a praetor, and a tribune' refused to accept charges and the matter was dropped.⁸ Milo probably did not expect dramatic results, but the swift demise of this judicial attempt helped to show which way the wind was blowing. Clodius, though a privatus, was going to be a difficult nut to crack, and it would be many months before Cicero's cause saw much progress.

By the middle of the summer, however, the future once more looked

bright for Cicero. No very dramatic changes need have taken place, for the gradual progress to victory of the Ciceronian party can only really be explained on the assumption that the great mass of senators were not moved by very strong feelings either way on this issue. The majority seemed happy to acquiesce in the decisions of whichever faction was in the ascendant at the time. Thus in January they had let Atilius have his way, though later in the year the same tribune was easily induced to back down over the question of Cicero's house (Att. 4.24.). Many may have begun to feel that Clodius was being unnecessarily vindictive, but for the uncommitted senator it was perhaps mainly a question of balancing the hostility of the plebs against the increasing pressure from Cicero's supporters. The great army of 'locupletes' (cf. Att. 1.19.4) was being mobilized by the leaders of Cicero's campaign. There were demonstrations of solidarity and votes of confidence in his consular acta. We hear of the 'motus municipiorum et coloniarum omnium, ea decreta publicanorum ea conlegiorum'. The silent majority were standing up to be counted and it must have become clear to many senators that, even if the plebs urbana was still implacable, they could ill afford to ignore the weight of 'decent' opinion.⁹ By the time the Ludi Apollinares came round (early July) majority opinion in the Senate was on Cicero's side, and decrees were passed in his favour (Sest. 117).

Shortly afterwards a bill for Cicero's restoration was promulgated by all but three of the magistrates,¹⁰ and was to be submitted to the Comitia Centuriata on 4th August. At the same time the Senate issued a secondary decree 'ut cuncti ex omni Italia qui rem publicam salvam vellent ad me unum ... restit — vendum et defendendum venirent'. (Red. Sen. 24, cf. Dom. 73). This clarion call to the Italian voters leaves little room for doubt that the urban plebs remained generally hostile towards Cicero.

Their reluctance is further illustrated by the efforts made to 'talk them round' once the Senate had decided in Cicero's favour. Nepos, of all people, saw to it that the Senate's opinion was made known to the plebs 'a principibus civitatis' (Red. Sen. 26), among whom was Pompey, who rehearsed Cicero's past services to the state and was joined by Lentulus and Isauricus.¹¹ Above all, the choice of assembly was clearly judicious rather than honorific. The famous Numidicus had been recalled by a tribunician bill passed in the concilium plebis, but such a procedure may have been too hazardous in the present case. The 'Centuriata' was the assembly 'quae maxime maiores comitia iusta dici haberique voluerunt' (Red. Sen. 27), and despite reforms to the old Servian model, the assembly of centuries had not lost its distinctly timocratic bias.¹² Meanwhile, elaborate safeguards were devised to ensure the success of the bill. There was to be no 'watching of the skies' (Sest. 129), opposition would be judged 'contra rem publicam' (Red. Sen. 27), and the senators themselves would act as 'rogatores', 'diribitores', and 'custodes tabellarum' (Pis. 36). The Italian landowning classes heeded the Senate's call and flocked to support a man who had, after all, always had their interests at heart. At last the measure came to the vote, and though not actually there in person, Cicero later assures us that the Campus Martius had never witnessed such a 'splendid' crowd, nor such unanimous approval for any measure.¹³ The outcome of the vote could hardly be in doubt, and Cicero arrived back in Rome on September 4th, exactly a month after the passage of the magistrates' bill.

A battle of wits

Within a matter of days Cicero was back in the saddle, proposing that Pompey be given overall control of the corn supply for five years, to sort out the 'annonae caritas' (Att. 4.1.6, Dom. 9f.). Clodius alleged

that the scarcity had been deliberately engineered by Pompey (Plut. Pomp. 49.8) but 57 had undoubtedly been a lean year. The reasons were complex, ranging from underproduction to excessive demand. Both prices and supply were subject to amazing fluctuations and the 'avaritia' of speculators did not make things any easier (Dom.11). The price hit a temporary low when Cicero returned (Sen. 34, Dom. 15) and naturally he could not resist the temptation to gloat (Quir. 18). The boast backfired when prices rocketed two days later - and Cicero was blamed by the crowd for the shortage.¹⁴ However, Cicero extricated himself quite deftly with the proposal about Pompey, which was a direct hit at Clodius, whose henchman Cloelius had been entrusted with the corn supply in 58 (Dom. 25). The new arrangement offered Cicero the hope that Clodius' influence over the plebs might eventually be undermined, and losing control over this vital commodity was a real setback for Clodius. Cicero now pressed home the advantage by asking the Senate for permission to re-occupy his house, which the blasphemous Clodius had consecrated^{as} a shrine to Libertas. This prickly question was referred to the pontifices, who decided in Cicero's favour on 29th September. A few days later, the Senate arranged for compensation, and Cicero was later able to boast that his house was rebuilt at public expense.¹⁵

From Clodius' point of view, the fact that Cicero had returned at all was bad enough. To make matters worse, he now seemed to be scoring all the points. But Clodius did not give up easily and when the battle was resumed he proved as resourceful as ever. His latest pose is as self-appointed spokesman of the Optimates, lamenting Cicero's conversion to the popular side (sic), as demonstrated by his proposals for Pompey:¹⁶ 'We thought your restoration would bring a return of the Senate's authority, but you betrayed us the minute you arrived' (Dom.4). There was

really no answer to such barefaced misrepresentation, and besides there were no doubt a few senators who were only too ready to swallow Clodius' alarmist stories of a grand popularis alliance between Cicero and Pompey. Within a few days of his homecoming, Cicero's initial optimism was wearing off: 'iam quidem qui nos absentis defenderunt incipiunt praesentibus occulte irasci aperte invideri'.¹⁷ Meanwhile with characteristic bravado Clodius was doing his best to maintain the hostile mood of the plebs, informing them that, even though the pontifices had decided in his (Clodius') favour, the evil Cicero was bent on occupying the shrine of Liberty by force. He finished on a dramatic note, urging the people 'suam libertatem vi defendant' (Att. 4.2.3.), and it appears that his tactics were no less effective for being quite shameless.

Clodius obviously had no intention of burying the hatchet and already a ferocious battle had developed. Each side took turns to test the reactions of Senate and people, and the next move came from Clodius, whose gangs invaded the site of Cicero's house and dispersed the builders working on it (November 3rd). The Senate at once expressed strong disapproval - 'decrevit enim Senatus qui meam domum violasset contra rem publicam esse facturum' (Har. Resp. 15) - and Cicero felt that at last Clodius had overreached himself. He was now facing trial de vi for the second time this year, and Cicero did not give much for his chances when the case came to court (Att. 4.3.2). But it never did. The question of a trial was raised in the Senate on November 14th, but Clodius' supporters used delaying tactics to prevent a vote (Att. 4.3.3). The idea was that if Clodius could hold out till the curule elections he might then secure an aedileship and with it a magistrate's immunity. And despite the counter-measures of Milo (4.3.4) and the eagerness of the consul designate Marcellinus for a trial (QF. 2.1.2), Clodius stalled

successfully until the end of January, 56, when he was elected aedile.

Clodius had won this leg of the battle. It was all very well for the Senate to pass sanctimonious resolutions (above, Har. Resp. 15): they had likewise shown their disapproval of Clodius in 58 by putting on mourning, but it did Cicero no good. Something more concrete was called for, and it is significant that for all the Senate's show of moral solidarity, no Opimius emerges from their midst to call a halt to lawlessness and intimidation. There was Milo of course, but he did not come from the oligarchy or anything like it. He was a protégé of Pompey and his 'miranda virtus' and spirited application of the principle 'vim vi repellere licet' is specifically contrasted with the indolence of the nobility.¹⁸ Clodius' filibuster had no doubt benefited from the support of his gangs: on one occasion they created a 'diversion' outside the curia and the Senate had to adjourn (QF 2.1.3). But he did not owe this victory to violence alone. Clodius was not even present when his impending trial was first mooted in the Senate, yet he had enough influential support to survive the pressure that was being exerted by Milo, Sestius, and Marcellinus. Nepos 'talked out the time', aided and abetted by Appius and (almost certainly) by Hortensius as well.¹⁹ And presumably there were others. Clodius' warnings about Cicero and Pompey may have found a receptive audience among some of the boni, and friends in high places helped Clodius escape trial for another year.

The Egyptian question

The first months of the new year (56) were given over to the fierce debate as to who should be given the job of restoring Ptolemy Auletes to his Egyptian throne. Recognized in 59 as 'socius et amicus populi R.' (MRR 2.188), the unpopular Ptolemy had been hounded out of Egypt a year later and since then had been in Rome bringing pressure for his restoration.²⁰

At the end of 57 the strongest claimant for the job was the consul Lentulus Spinther, who had been assigned the province of Cilicia for the following year. He seemed to be home and dry when a senatus consultum empowered him to restore Auletes (Fam. 1.1.3; cf. Dio 39.12.3), but in January the question was reopened in the Senate.

'All parties realized that anyone commissioned to restore Ptolemy by military force would inevitably acquire a dominating position' (Eden o.c. 353). Lentulus himself knew that, and so had enthusiastically supported Cicero's proposal giving the cura annonae to Pompey, in the hope that this would eliminate him from the race (Plut. Pomp. 49.9). But Pompey retained his interest in this valuable appointment and was apparently supported in his claim by Ptolemy himself,²¹ whose agents at Rome openly handed out bribes in order to encourage members of the Senate to decide in Pompey's favour (Fam. 1.1.1). To make matters worse for Lentulus, Ptolemy's numerous creditors at Rome, who were naturally anxious to see the king back in power, were also bringing pressure to have the commission transferred to Pompey.²²

There were others, however, who favoured neither claimant. The boni remained implacable towards Pompey, but may also have been reluctant to see the job go to Lentulus, whose consular candidature had been supported by Caesar (Caes. BC 1.22.4), Lentulus had, moreover, led (with Pompey) the campaign for Cicero's restoration, and, more recently, supported his proposals giving extensive imperium to Pompey through the corn commission. Cicero himself was able to see through Pompey's pretence of supporting Lentulus in January 56 (Fam. 1.2.3), but to the boni it may have looked as though the popularis coalition which Clodius had warned them about was now scheming for greater powers still. Quite suddenly, their fears were dispelled when the tribune C. Cato unearthed

a Sibylline oracle to the effect that the King should not be restored 'by force' (i.e. with an army; Dio 39.15). That put paid to the ambitions of both Lentulus and Pompey, and one is entitled to question whether this convenient announcement came as much of a surprise to many of the boni. It can hardly be pure coincidence that Clodius himself was a member of the Sibylline priesthood (Har. Resp. 26), while C. Cato had already shown his hand by supporting Clodius' powerful friends in their attempts to postpone his trial.²³ There is little reason to doubt that the same group was now behind this new twist to the Egyptian story, and there will have been great relief in the Optimate camp when it became clear that neither of the unwanted claimants was going to win a powerful commission.

The affair dragged on, and the various interested parties offered their alternative suggestions. But now that the real danger had been averted subsequent debate on the issue was on a more 'academic' level, and served only to illustrate the strengths and weaknesses of various senatorial factions. Crassus, for example, suggested that three legati be appointed to restore the King, 'nec excludit Pompeium' - thus showing that his feelings for Pompey fell short of devotion; a moderate group - Hortensius, Lucullus, and Cicero - proposed that Lentulus should go ahead as originally instructed, only without an army; Bibulus ruled out both contestants, proposing for the job three legati 'ex iis qui privati sunt' (Fam. 1.1.3). Although Bibulus' suggestion was rejected on a vote (Fam. 1.2), it was evidently favoured by the more senior senators (1.1.3). By contrast, Pompey's interests were supported by an insignificant band - Afranius, Volcacius (1.1.3), and Caninius (Plut. Pomp. 49.10) - and the Senate, wary of an attempt to augment Pompey's power, quickly scotched the suggestion that he should restore Ptolemy with the aid of two lictors (Dio 39.16.2). Lentulus, meanwhile, remained unpopular with most of the consulares (Fam. 1.5b.2), and in February C. Cato went one step

further than Bibulus with the 'nefaria promulgatio' that his Cilician command be taken away from him (QF.2.3.1). Here again there are signs of collusion between Bibulus (and perhaps other consulares), C. Cato, and of course Clodius, who had good enough reasons for disliking Lentulus. But the majority of senators were not quite so ill-disposed towards Lentulus, and the consul Marcellinus succeeded in getting Cato's measure thrown out (QF. 2.4.4). The situation reached an impasse - perhaps no one really expected anything else - but at least the 'state of the parties' had been somewhat clarified.

Violence in theory and practice

Much to his relief no doubt, Clodius got his aedileship in January and was now in a position to turn the tables on Milo, who was duly indicted on the same charge he had levelled against Clodius (Dio 39.18.1). It should be clear that the issue was exclusively political and carried no moral implications whatsoever. Violence was becoming an everyday component of political life, and it is interesting to note how casually Cicero remarks that he expects Lentulus' opponents to get their way 'per vim'.²⁴ This worsening climate must be borne in mind in any assessment of Clodius' relationship with the boni. It is too easy to fall into the trap of equating the boni with the conservative 'establishment' of the present day, and imagining that they were staunch defenders of the law who would quickly tire of Clodius' anarchic methods. Gruen, for example, believes that Pompey won the regard of the Senate in 57 by curbing Clodian violence to ensure the restoration of Cicero: 'He was once more the champion of law and order, the leader of the establishment against radicals, and disruption.'²⁵ Lintott, similarly, imagines that in 56 Caesar 'must have feared that an excess of violence [by Clodius] might lead to a reconciliation of Pompey with his optimate detractors'.²⁶ Behind both

these theories lies the assumption that the use of violence in politics was abhorrent to the boni, and therefore Clodius' methods were bound to alienate not only his 'victims' but also, eventually, those whom he claimed to support. Nothing could be further from the truth. The boni stood for oligarchy, not 'law and order'. The ruling classes had always been ready to use violence in defence of their privileges,²⁷ and there is really no reason to imagine that they viewed Clodius with pious disapproval. Indeed, if Clodius could represent himself convincingly as the defender of the optimates against the power-hungry Pompey and his band, then he might confidently expect the support of many influential senators. Besides, Clodius was not alone in his use of violence. Others had been quick to jump on to the bandwagon, and Milo and Sestius already had armed gangs by the beginning of 57.²⁸ Since the débâcle on 23rd January 57, they had taken care to improve their forces, and were becoming more than a match for Clodius, as events would soon show.

Milo was to be tried by iudicium populi,²⁹ and made his first appearance on 2nd February (QF 2.3.1). For his next appearance (7th) Clodius had organized an unpleasant reception, and he turned the trial into an ordeal for Pompey. Pompey attempted to speak in Milo's defence but was drowned out by the barracking of Clodian supporters. He was then subjected to a gruelling question and answer routine arranged by Clodius, who would ask the crowd a variety of pointed questions, all designed to feed Pompey's growing paranoia (Mil. 40, Dio 39.18f., esp. QF 2.3.2). To start with, Clodius had to make sure that Pompey was not gaining any points from his handling of the corn supply, and so he asked the plebs 'quis esset qui plebem fame necaret?' 'Pompey', they replied.³⁰ Clodius next asked the crowd who should be given the Egyptian commission, and they answered that Crassus should. This was fuel for Pompey's

suspicious that a grand senatorial conspiracy was operating against him, and would do nothing for his flagging confidence. Whether Crassus and Clodius really were in league at this point is open to debate,³¹ but it would be enough for Clodius to let Pompey think they were: and he did (QF.2.3.4).

But Clodius' rivals were learning fast, and he too was heckled when he got up to speak. Worse followed. The 'Clodiani' spat at Pompey's adherents, who retaliated with a charge and dispersed them, winning the day at last. This was undoubtedly an important victory for the enemies of Clodius, and speaks well of Milo's talents as organizer and tactician. But its significance does not extend beyond the immediate sphere of sectional violence, and the outcome of this particular round should not be taken as an indication of the feelings of the people as a whole. One might be tempted to see the fight in terms of the 'sane majority' triumphing at last over Clodius and his dwindling band of renegades, but Pompey himself was under no such illusion. On the contrary, the whole episode left him with the distinct impression that the 'contionarius populus' was against him, and consequently he was now planning to bring in further reinforcements from the country. If he could not win the approval of the masses, he could at least protect himself and perhaps hold his own against Clodius, provided his forces were up to scratch.

Nor was Pompey's credit in the Senate any higher. There was a meeting immediately after the battle with Clodius, and Cicero deliberately stayed away so as not to give offence to Pompey's optimate critics, 'nam is carpebatur a Bibulo, Curione, Favonio, Servilio filio' (QF 2.3.2). Next time, the Senate gathered they issued a decree expressing disapproval of 'ea quae facta essent ad VII Id.Feb.' but of course that was directed just as much at Pompey and Milo as at Clodius. The point was not lost

on C. Cato, who proceeded to attack Pompey with a vicious speech, even condemning his 'betrayal' of Cicero in an attempt (presumably) to isolate him still further. The harassed general replied, reasonably enough, that he had a right to protect his life, and even suggested that Crassus was scheming against him (QF.2.3.3). But clearly, Pompey was on the defensive.

Later he poured out his troubles to Cicero, complaining about the support which Clodius and Cato were getting from the likes of Curio, Bibulus, and 'other detractors of mine'. Worse still, he suspected that the pair of them were being encouraged by Crassus' money. That may have been just morbid speculation, but whether or not Crassus really was involved, Pompey certainly cannot be blamed for his pessimistic mood when he unburdened himself to Cicero in February. The hostility of the nobiles was beyond question, the Senate as a whole were at best lukewarm, and the iuventus offered no encouragement (Q F.2.3.4). As Gruen points out, the only people whom Pompey could count on 'were almost in every instance men of the lesser nobility, novi homines, and those who belong to the lower ranks of the Senatorial order' (Historia 1969, 89). In the other corner, ranged against this lacklustre team, we find a coalition boasting some of the Senate's most illustrious names. Clodius was still doing well out of his attacks on Pompey, which had won him the esteem of the oligarchy almost two years earlier. For the time being there was no reason for him to change direction.

The conference of Luca

Things were coming to a head - 'magnae mihi res iam moveri videbantur' (QF.2.3.4). Violence escalated, but more familiar territory was also explored. Three court cases followed in quick succession, and although the results were inconclusive they at least served to illustrate

the allegiances of various groups, and may even have given some encouragement to Pompey and Cicero. The first victim, or intended victim, was P. Sestius, the tribune of 57 who had (allegedly) been badly wounded in the brawl on January 23rd. Sestius was now prosecuted by Clodius on a charge of vis and we need not waste our sympathy on him because, despite Cicero's protestations, Sestius was no innocent bystander (cf. Sest. 84) but probably took a leading role in the violence that marred his tribunician year (cf. Dio 39.8.1).³³

Sestius was acquitted on March 11th (QF.2.4.1) but if Cicero was encouraged by the verdict he will have appreciated the need for caution when Sex. Cloelius was also acquitted on a similar charge at the end of the month (QF.2.4.6, Cael. 78). For this case we are given a breakdown of the jury's voting patterns, and it makes interesting reading. The senators on the panel voted heavily for Cloelius 'out of hostility towards Pompey'.³⁴ The equestrian jurors were non-committal, while the tribuni aerarii were all for convicting ^{the} disreputable defendant. The 'middle ground', in other words, remained suspicious of Clodius and all that he stood for, while the Senate continued to favour him.

Next in line was M. Caelius, whose case came up at the beginning of April. The background is confusing, and so are the charges, but somewhere amid the confusion lies an attack on Pompey by the Clodian party.³⁵ But nothing came of it and Caelius was acquitted like the others. One gets the impression of something like an unspoken agreement that the stalemate must be preserved, since if either side won a significant victory in the courts, there were bound to be violent recriminations. Consequently, the trials continued, but without producing any important victims.³⁶

Cicero seemed reasonably happy with the way things were going

(QF.2.4.6). Clodius was keeping up the pressure in the courts, but without success, and otherwise did not seem a very formidable threat. For the triumvirate, however, a crisis was only just round the corner, and its repercussions for Clodius (and everyone else for that matter) were going to be enormous. There is no room here to grapple with the controversial problems surrounding the conference of Luca.³⁷ Its importance to Clodius lay in the fact that the triumvirs emerged once again as a unified force in politics, and in consequence the strategy which he had been pursuing with such success for the past two years became suddenly impracticable. Clodius found himself changing direction once more, and not surprisingly some of his old friends among the aristocracy began to question his real value as an ally. Things were never quite the same again.

Trouble had been brewing for the triumvirs for some time. Ever since 58, Crassus had shown little inclination to fend for his harassed partner, and by this time Pompey's disappointment had turned to distrust, even hostility (QF.2.3.4). Crassus' recent meeting with Caesar at Ravenna (Fam. 1.9.9) must have looked suspiciously conspiratorial, but Pompey had already shown signs of disenchantment with the alliance. He was probably behind the tribune Lupus, who caused a stir at the end of 57 by reopening in the Senate the question of Caesar's Campanian law.³⁸ Pompey was perhaps emboldened by the supplicatio, which the Senate had just voted Caesar for his Gallic victories (Caes. BG 2.35.4), a double-edged honour if ever there was one, since in a sense it marked the end of the war.³⁹ For the time being Pompey made little headway, but those senators who had derived such enjoyment from his discomfiture must have been growing increasingly aware that the powerful proconsul of Gaul was perhaps a more suitable target than Pompey, whose fortunes were at a

very low ebb. Caesar gradually took over from Pompey as the Senate's whipping-boy, and in March Cicero secured the acquittal of Sestius largely by turning his defense speech into a tirade against Vatinius, and through him, Caesar himself. At last, Domitius Ahenobarbus declared open war by announcing the programme on which he was standing for the consulate of 55. He intended not only to relieve Caesar of his command ('*adempturum ei exercitus*') but also to 'do what he had failed to do in his praetorship' - in other words, to revoke Caesar's consular acta.⁴⁰

Domitius no doubt represented a powerful senatorial group, and must have looked an unbeatable candidate. His threats could not be ignored - not at least by Caesar, who stood to lose a great deal. But as Cary has shown, the same did not apply to his triumviral partners, and for Pompey, whom life had been treating rather badly for the past two years, things were suddenly looking up.⁴¹ Domitius' plans put Pompey in a strong bargaining position. There were clear signs that the boni were turning their guns on Caesar, and in that case Pompey might hope, despite everything, to be reconciled with his old 'obtrectatores'. Alternatively, if Caesar was going to ask for his help - and Caesar needed it - then Pompey could name his terms. Cicero, meanwhile, who had already declared against Caesar in March, could not resist jumping on the bandwagon. Meeting on April 5th, the Senate started the day's business by approving a generous allocation of funds for Pompey's annona budget (QF.2.5.1). This was Cicero's cue, and he launched his attack on the 'arcem illius causae' (Fam. 1.9.8) by questioning once again the validity of the Campanian law.⁴² And even if Cicero unduly emphasizes his own part in precipitating the crisis, his Campanian sententia would at least have the effect of further highlighting, for Caesar's benefit, the strong position in which Pompey found himself. Pompey was able to sit

back and watch and showed no signs of displeasure when Cicero met him that night after dinner.⁴³ A full debate on the Lex Campana was scheduled for the following month, but in the event nothing came of it. Luca intervened and the triumvirate emerged once more as a powerful unit to cast its shadow over Roman politics.⁴⁴

'Non est credibile quae sit perfidia in istis principibus'⁴⁵

Following the conference of Luca, the political conditions of 59 were to some extent repeated, and that was bad news for Clodius, who had achieved his greatest power at the expense of a disunited triumvirate. It would be a little while before Clodius started losing influential support within the Senate, but the tide had begun to turn, and it is an appropriate moment to review briefly the strange alliance of Clodius and the boni.

Clodius had begun his career recklessly enough, stirring up trouble for Lucullus in the east (68), scheming for Catiline's acquittal in a notorious repetundae case (65), and serving an apprenticeship in electoral corruption (63).⁴⁶ Finally, of course, there was the Bona Dea scandal (61). This latest peccadillo might well have blown over - had it not offered Clodius' enemies the perfect opportunity to sabotage his reputation and, perhaps, destroy him politically. And his enemies, it appears, included at that time Cato, Favonius, Hortensius, and 'multi praeterea boni' (Att. 1.14.5). Clodius used bribery and intimidation to extricate himself, and the episode is supposed to have hardened his popularis convictions (Har. Resp. 44). Later on, when some of the boni opposed his transitio, Clodius sought help in other quarters, attracted no doubt by the power of the triumvirate, and early in 59 he was amusing himself with satirical attacks on 'fishpond senators' (Att. 2.9.1).

But tradition allowed a man to have his fling, and many of Rome's

brightest stars had squandered their youth, only to show themselves later the staunchest supporters of the oligarchy. Such, precisely, is Cicero's plea for Caelius (see above, p.3) - and how much more true this would be in the case of Clodius, a son of Rome's most prestigious family. As the year wore on, Clodius seemed to be following the classic pattern. He fell out with the triumvirs to become 'inimicissimus Caesaris'. The boni for their part were nothing if not placable (as Cicero flatters them, Prov. Cons. 38) and readily welcomed Clodius back as their 'una spes' (above, p.28). Later in the year, admittedly, Clodius retreated from this extreme position,⁴⁷ towards a kind of limbo - without however declaring openly for the triumvirs.

The next year (58) opened with a salvo of popularis legislation, but Clodius took care not to alienate his own class irretrievably. The law by which Cicero was exiled raised few objections in influential quarters and there is no escaping the implications of that. Some degree of collusion between Clodius and a powerful senatorial group must be imagined, and it is not difficult to see why. For one thing, Clodius was in a position to dispense favours, and by offering valuable commissions to Cato and the two consuls he may have placated a formidable group. But more important still, the substantial and newly-consolidated power which Clodius derived from the plebs urbana could make him an effective opponent of the triumvirate. Already at the time of Cicero's exile, Clodius seems to have demonstrated his potential in that area: we gather that Caesar's 'terrorde eius actis' was provoked as much by Clodius as by Memmius and Domitius (above p.66 with n.13). If Clodius could more or less compel Caesar and Pompey to cooperate with him, then his value to their opponents might be limitless. Soon afterwards, Clodius declared openly against Pompey, thus cementing his loose alliance with the boni, and indeed,

a skilful exploitation of the jealousies, hostilities, and strange alignments created by the triumvirs' 'invidious' power was to remain Clodius' most effective gambit for a number of years.⁴⁸

The alliance continued and does not require detailed documentation. The lack of enthusiasm among the boni for Cicero's recall, did not go unnoticed by Cicero himself, who owed his eventual restoration to a pressure group which may have represented a wide spectrum of opinion but was led by political nonentities or enemies of Clodius (above p.85f.) Amid the jubilation of his homecoming, the invidia of some senators struck a sour note. He was given permission to repossess his house but was powerless to do so in face of Clodius' threats. But so far from rallying to Cicero's defence, some of the boni joined hands to rescue his enemy from an impending prosecution (above, p.88f.) Most recently, Cicero had taken care to avoid a clash with the boni on the issue of Milo's trial. He sensed their hostility towards the defendant, and his impressions were soon confirmed when Sex. Cloelius escaped a charge of vis, thanks to strong support from the senatorial element on the bench (above, p.93f.)

One can imagine Cicero's pique as Clodius' collaboration with the boni apparently deepened. Already in 57 he was trying to crack the alliance with dire warnings of the revolutionary plans which Clodius (supposedly) had up his sleeve.⁴⁹ By the following spring the note of urgency has increased, the warnings are more articulate. The long and contemporary-sounding digression on optimates and populares in the speech 'pro Sestio' (March 56) demonstrates with irresistible logic that Clodius was the enemy of 'all good men', a term used to denote everyone who stood for order and decency regardless of their rank.⁵⁰ The forces of righteousness are warned of the dangers of apathy, rebuked for their excessive forbearance in face of Clodius' outrages, and supplied with a battle-cry:

'si leges nonvalerent, judicia non essent ... praesidio et copiis defendi vitam et libertatem necesse esse'.⁵¹

The warnings are repeated in the speech 'De Haruspicum Responsis', where the call for solidarity is sounded over and over.⁵² Cicero does not name names (preferring the vagueness of 'boni viri' and similar terms), but there is no mistaking his message. And his analysis of the conflict between boni and triumvirs is no less astute in its observations for being ineffectual in its results. Cicero makes it clear (and he is probably right) that it was Clodius who was perpetuating discordia and he alone who profited from it (40f), but there is little sign that the boni were coming round to Cicero's way of thinking. His desperate appeals were reinforced by a lurid biography of the fiendish tribune (42f), but he acknowledges with feigned surprise (and genuine dismay) that Clodius' attacks on Pompey continued to draw applause from men who ought to know better.⁵³ It was all uphill work for Cicero and the best he can do is repeat his warnings, that the boni are digging their own graves by indulging Clodius (46f). And yet, in so doing he cannot help disclosing the intimacy of the relationship which he is trying to destroy.⁵⁴

The year wore on and Cicero stuck doggedly to his campaign, his repertoire little changed. His task remained the same - to close the rift between boni and triumvirs and so leave Clodius stranded.⁵⁵ Some time after Luca,⁵⁶ Cicero claimed that the boni were at last beginning to see the error of their ways ('quod tamen mihi iam suspicari videntur', Har. Resp. 46), because the faithless Clodius had publicly announced his reconciliation with Pompey (Har. Resp. 51). Clodius is supposed to have heaped praise on his former enemy and declared himself 'illi esse amicissimum', but one is entitled to doubt his sincerity; it is hard enough to imagine him keeping a straight face. For the moment it is

unlikely that Clodius categorically abandoned his optimate friends, and as we have seen Cicero continued to behave as though the alliance was still intact.⁵⁷ But before the year was out, Cicero's hopes had taken a turn for the better.

CHAPTER SEVEN: DECLINE AND FALL

Cicero was 'up to his neck in it', as he remarked to his brother Quintus.¹ His enthusiasm had once again got the better of him, and his 'Campanian' initiatives of April turned out a source of embarrassment in May. He tactfully missed the scheduled session on the Campana Lex, and is shortly afterwards to be found supporting Caesar's interests in the debate 'De Provinciis Consularibus'.² Cicero justified this abrupt change of direction with scathing remarks on the treachery of the boni (Att.4.5.1) and not surprisingly his sincerity has been doubted.³ But in all fairness, though the question of personal safety could hardly be ignored, Cicero had ample reason to feel disillusioned with men who supposedly shared his political outlook but had consistently failed to back him up.⁴ The disappointments and frustrations of the last few years sharpened Cicero's critical faculties, and as well as his carping about the faithlessness of the boni,⁵ he now began to question the moral and political value of the alliance which he had just abandoned. The boni, he felt, not only lacked integrity ('fides'), but stature as well ('gravitas').⁶ The contest between boni and triumvirs was no longer even: 'summa dissensio est, sed contentio dispar' (Fam. 1.7.10). But it was not merely a matter of physical resources: 'nam qui plus opibus armis potentia valent, perfectissime tamen mihi videntur stultitia et inconstantia adversariorum ut etiam auctoritate iam plus valerent' (Fam. 1.7.10). The boni were simply not the men they used to be (Fam. 1.9.17).

The element of self-justification must of course be taken into account. To his correspondent Lentulus, Cicero's desertion of the optimate cause may itself have looked like 'perfidy', and a good explanation was obviously called for. One feels, nevertheless, that Cicero's conclusions were more than just subjective. He was genuinely glad of his renewed

friendship with Caesar (QF.2.10, 11, 13: Fam. 7.5) and not simply because it guaranteed his safety. Cicero comments on Caesar's 'humanitas ac liberalitas' (Fam. 1.9.12) and there seems to be an implied contrast with the snobbery and narrow elitism of the boni, whose negative 'policy' of retrenchment compared unfavourably with Caesar's energetic and resolute outlook. Caesar's credit was rising daily and the value of his patronage was becoming evident to men of ambition.⁷ So although Cicero regretted the Republic's 'servitus' (Att. 4.6.1) he at least had reason to feel that he had chosen the lesser of two evils.

None of which made things any easier for Clodius, who was facing the same kind of problems that had dogged him in 59 (cf. above, p.33f). Like Cicero he may have felt that alliance with the sluggish aristocracy no longer offered much of a future. The renewed power of the triumvirate must have looked an attractive alternative, and Clodius no doubt envied Cicero his association with the rising star of Caesar. However, it was one thing for Cicero to abandon the boni - they, after all, had abandoned him - but quite another for Clodius, whose relationship with the senatorial elite had been more intimate and much more rewarding. His old friend C. Cato lost no time in transferring his loyalties to the triumvirate (Dio 39.27.3, Livy Per. 105), but for Clodius it was not as simple as that. He had to consider not only his standing with the boni, but his popular image as well, and for some time he floundered irresolutely.⁸ But later in the year, when his enemy Marcellinus was whipping up popular invidia over the dynasts' manipulation of the elections, Clodius at last showed his hand, speaking to the plebs in support of Pompey and Crassus (Dio 39.29). He was, consequently, almost lynched by the upper classes, but was rescued by the mob. Though a little vague, Dio's story here seems to imply that, while Clodius' influence over the plebs remained undiminished

his reputation in the Senate had plummeted. This would hardly be surprising in view of his sudden and unexpected pledge of support for Pompey, and Crassus: the boni were no doubt delighted by Clodius' 'treachery' in 59, when he failed to stick with the triumvirs despite their beneficium to him, but it would be a different matter when they had a taste of it themselves and found their own trust betrayed.⁹

Clodius thus made his valuable popular assets available to the triumvirs at a difficult moment, and no doubt they were grateful. But at the same time he had severely, perhaps irreparably, damaged his reputation with the boni, and to make matters worse it soon became clear that he ran the risk of alienating the people as well if he continued to support the triumvirs. It was the same old problem. In their determination to secure office for 55, Crassus and Pompey were obliged to use strong arm methods which demonstrated beyond question the full extent of triumviral control.¹⁰ This in turn gave their opponents the perfect opportunity to create invidia against the dominatio, and before long a determined band led by Cato and Favonius was deliberately provoking confrontations that would highlight the triumvirs' absolute power and so bring them into disrepute with the masses.¹¹

The triumvirs made some perfunctory efforts to reverse the swing of popular feeling,¹² but the effects soon wore off and Crassus fell heavily from favour when he started levying troops for the eastern wars.¹³ For the triumvirs of course, popular disfavour was an occupational hazard which they were prepared to countenance, but the same rule did not apply to Clodius, who could not afford to ignore the feelings of the city plebs. He was in a difficult position, and in the present state of politics the best thing he could do was to keep a low profile. Consequently, Clodius is nowhere to be seen amid the drama of the electoral contest in 55, and

shortly afterwards he was looking for a chance to leave the country.¹⁴ We hear very little of Clodius for well over a year and it must be assumed that he continued to lie low. The electoral campaign of 54 was marred by the corruption and intimidation which had now become the norm. The masses were comprehensively bribed as they went to the polls (QF. 2.15.4; Appain BC 2.3.19) - but not, apparently, by Clodius.

For the time being it was important that he should commit himself as little as possible either way. Some time in 54, however, he was unavoidably drawn into a controversy over the question of electoral corruption. M. Cato (pr. 54) was determined to root out bribery, but his measures did not go down at all well with the *μισοθραυτικὸς ὄχλος*, the chief beneficiaries of the kind of malpractice which Cato aimed to curb. (Plut. Cato 44.4). Furthermore, his 'holier than thou' manner gave some the impression that he was trying to take government into his own hands.¹⁵ Sensing the drift of popular feeling and ever-ready to uphold the 'privileges' of the common man, Clodius threw in his lot with Cato's critics, and thus identified himself with Pompey (ibid. 45.2). This should not necessarily be taken as a final declaration of intent. Popular feeling oscillated to and fro,¹⁶ and Clodius would be reluctant to take sides at such a precarious moment. All the same, one wonders whether Clodius really was still the darling of the aristocracy at the end of 54, as Cicero implies when he writes to Lentulus.¹⁷

Meanwhile, as Clodius drifted away from the boni, his enemy Milo was gaining acceptance in aristocratic circles, and at the end of 55, he was married to Fausta Cornelia, daughter of Sulla the dictator (Att. 4.13.1). Now, Milo's pedigree was by no means distinguished and his political 'programme', as Cicero concedes (Mil. 34-5), consisted solely in unrelenting opposition to Clodius - but evidently it was paying off. One would

of course expect Milo to be popular with many of the senatorial 'moderates', Cicero's exercitus (cf. Fam. 1.9.13), who had long been suspicious of the turbulent Clodius. But Milo's illustrious marriage suggests the decline of Clodius' credit in rather more elevated circles, and the recent disagreement between Clodius and Cato seems to confirm that Clodius' long association with the boni was at last breaking down. But if his optimate friends were growing cool towards Clodius, it was not because he had categorically declared allegiance to Pompey and Caesar (he had not) but rather because, as Cicero had repeatedly warned, he was utterly unreliable. By contrast, Milo's reassuringly consistent record showed him to be a much safer bet, and in any case his rather indifferent family connections made him more malleable than Clodius could ever be, and seemed in themselves a guarantee against the excessive 'independence' (a Claudian weakness) that had finally led Clodius to alienate too many people. From now on, the extent to which Clodius was progressively disowned by the aristocracy is accurately reflected by the extent to which the same class increasingly embraced Milo.

At the same time, Clodius' relations with the triumvirs gave him little cause for satisfaction. In 54, admittedly, he joined hands with Pompey against Cato, but it was less an alliance than a temporary coincidence of interests: real harmony was out of the question after what had gone before.¹⁸ Caesar might prove more approachable, and Clodius must have cast envious eyes at Cicero, whose blossoming friendship with the great man was doing wonders for his confidence as he piled up 'gratia' and 'dignitas' by defending Caesar's partisans (QF.2.16.1). But it sounds as if Caesar had no great love for Clodius, and Cicero must have been counting on his support when he boldly asserted (July 54) 'sin aliquis erumpet amentis hominis furor, omnia sunt ad eum frangendum

expedita'.¹⁹ Soon after, we learn that Clodius had written to Caesar, presumably anxious to regain his valuable favour. But Caesar refused even to write a reply (QF. 3.1.11).

Ominous signs ushered in the critical year of 53. The frontiers of the empire were menaced by Gauls and Parthians, while at home the elections were still bedevilled by φιλονεικία and it was not until July that Domitius Calvinus and Valerius Messalla at last became consuls to end a series of interregna.²⁰ This year saw the death of Crassus, which wrecked the triumvirate, but in fact old friendships were already breaking down some time before that, and allegiances were gradually being redistributed. The previous autumn Cicero proclaimed (for the umpteenth time) his affection for Caesar - but also disclosed that he was no longer on good terms with Pompey (QF. 3.1.9, 3.1.15). For his part, Pompey had fallen out with Milo by the time it became clear he would be contesting the consulship of 52 (QF. 3.6.6, Nov. 54) and Milo was evidently in no hurry to resuscitate their friendship.²¹

Clodius was in an even worse position than Pompey. Not surprisingly, he was running short of friends. In the early fifties Clodius had been a much sought-after ally and all parties competed for his valuable friendship. But by now he had let everyone down at one time or another, and had become more of a liability than an asset. In 53 a young friend of Caesar, M. Antonius, apparently tried to kill him (Phil. 2.21, 2.49) and was presumably not acting on personal initiative alone: there was evidently no chance of a reconciliation with Caesar. In the senatorial camp things did not look any more promising, and Clodius could not even count on his old friend Curio, whom Cicero asked to help with Milo's consular campaign (Fam. 2.6). Cicero's assertion that Milo had the backing of the 'vulgus

as *multitudo* is highly questionable,²² but by this time (mid-53) he could justifiably claim that Milo was supported in his candidacy by the boni. Cicero was full of confidence and there are signs that he had regained some of his old influence in the Senate.²³ His dogged efforts to galvanize the 'better' classes against Clodius were at last paying off, and Asconius confirms ~~what~~^{what} we should in any case by now suspect, that Milo 'pro melioribus partibus stabat' (30.17, cf. 31.4).

Clodius found himself once more on the same side as Pompey - *faute de mieux* - supporting the consular canvas of Plautius Hypsaeus and Metellus Scipio (Ascon. 30.14, 48.14; Schol. Bob. 169.15). It is unlikely that he had much enthusiasm for this alliance, but by now he was left with few alternatives. During the last year of his life Clodius drifted like a refugee, his movements often dictated by factors beyond his control. It was a far cry from the heady days of authentic power that had started with his tribunate.

But one avenue still remained. Years ago, Clodius had set himself up as a patron of the city plebs, and they had a great deal to thank him for. He had consistently supported their interests, and indeed, it was partly Clodius' overriding concern with his popular image that had led to his apparently erratic form in his dealing with the various sections of the ruling class.²⁴ Clodius' political reputation was shot to pieces, but he had up his sleeve a bold, almost revolutionary scheme which might yet reverse his luck. He was standing for the praetorship of 52 and planned, if elected, to redistribute freedmen throughout the 35 voting units in the *Comitia Tributa*. Translated into law, these proposals would enhance dramatically the voting power of Clodius' vast clientela in the city, a high proportion of whom will have been freedmen.²⁵ This would in turn consolidate further his hold over the *Comitia Tributa*, and make

him an almost invincible power in the field of legislation - a power whose cooperation must be requested (or purchased) by the rest of the Senate.

It was not an original idea. A policy offering such immense political profits had inevitably had a good many exponents - the first of whom was none other than Clodius' own irreverent ancestor, Appius Caecus.²⁶ Most recently the tribunes P. Sulpicius (88) and C. Manilius (66) had given the subject an airing, but their efforts were strenuously resisted and, like all the others, ended in failure. Cicero himself, in common no doubt with a majority of the upper classes, was deeply suspicious of the implications of such a law, and elsewhere he records his approval of a restrictive measure passed in 169 (de Orat. 1.38). He regarded Clodius' current plans with absolute horror, claiming that they threatened to 'hand us over to the power of our slaves', and for once his scaremongering is not altogether without foundation.²⁷

For his part, Clodius was enough of a politician to be able to anticipate the polarizing effect of such an overtly demagogic measure, and although there are signs that he had been pondering the idea for some time,²⁸ it is significant that the rogatio de libertinis did not take real shape until 53.²⁹ Clodius may well have hoped to avoid resorting to this 'last-ditch' gambit, but by now it was the only chance left to him. His latest plans thus signalled a final break with his earlier political style, which for all its flamboyance was never in a true sense revolutionary, but carefully calculated and often conciliatory. In the final stage of his career then, Clodius became the archetypal radical tribune of the people, and this explains why men like Hortensius, M. Cato, and M. Marcellus are to be found supporting Milo at the trial of 52 (Ascon. 34.6). For most of the time there is not a lot to be said for Sallust's simplistic picture

of class warfare as a dominant theme in the history of the collapsing republic. But for this limited period the analysis had its relevance, and Cicero's picture of Milo as the 'bonorum praesidium' has the ring of truth about it (Mil. 94-5).

Milo's candidacy was backed by the 'summo consensu populi Romani' (Mil.25), and Clodius for one took it very seriously indeed. At first he tried traditional procedures to undermine his enemy's petitio (hence the speech ('de Aero Alieno Milonis'), but in the circumstances it was inevitable that violence would play the decisive role in this campaign. The elections for 52 were more desperately fought than ever before. There were murders practically every day (Dio 40.48.1) and at least one of the consuls of 53 was wounded (ibid. 46.3; Schol. Bob. 172116). Once the new year arrived (52) Clodius' only hope was to prevent an election altogether, and he disrupted the comitia by every means available, knowing Milo to be a certain winner.³⁰ Events moved to their inevitable vicious climax, and on the eighteenth of January (Ascon. 31.12f.) Clodius was murdered by Milo at Bovillae.

The fantastic sequel to his assassination may well give a distorted picture of Clodius' standing with the plebs: death made a martyr of him and as it were compounded his status as a popular hero. But the impression persists that Clodius was still the darling of the masses. It remains only to consider the true extent of Clodius' influence with the urban plebs, and to discover what he hoped to gain by it.

CHAPTER EIGHT: THE POPULAR POLICY OF CLODIUS

Aristocratic attitudes towards the Plebs

Cicero consistently represents Clodius as the leader of a fanatical minority. There was a time, he concedes, when the plebs had reason for discontent, but now 'nihil est quod populus a delectis principibusque dissentiat: nec flagitat rem ullam, neque novarum rerum est cupidus'. On the contrary, the people are anxious to retain the benefits of otium and so, in the absence of any general revolutionary enthusiasm, rabble-rousers like Clodius are obliged to fall back on 'pretio ac mercede' and have only as much support as they can afford to hire (Sest. 104). There is something to be said for Cicero's analysis, not least that it is corroborated by history: the fate of radical programmes at Rome indicates an overall tendency to conservatism. Calls for land-division, for example, a fairly standard component of revolutionary policy in the Greek world,¹ met with only a lukewarm response from the Roman plebs urbana. The first agrarian reforms attempted at Rome were ascribed to Sp. Cassius, 'the archetype of subversive proposers of agrarian laws'.² His proposals to redistribute ager publicus arrogated by wealthy proprietors led to the charge of regnum, and his execution by the whole people.³ His fate somehow symbolizes the Roman's rejection of extremist solutions based on the redistribution of property.

More recent confirmation of Cicero's views came in his own consulship, when he successfully defended the agrarian status quo against Rullus. His case to the plebs was admittedly presented with great ingenuity, and the 'De Lege Agraria' speeches show Cicero at his deceitful best. But Cicero did not owe his victory solely to his talents for misrepresentation. The plebs were not utterly mindless and one feels that Cicero's arguments genuinely struck a chord with them. He urged

them to hold on to their otium - the material and political privileges of city life - and pledged himself to defend these rights (Leg. Agr. 2. 9; 71; 102). Another Lex Agraria bit the dust. Soon afterwards the downfall of Catiline seemed to offer Cicero a further assurance of the conservatism of the plebs. This time a less legitimate threat was posed to property and to the fides upon which free enterprise rested. But once again, despite Catiline's seductive promises of 'novae tabulae', the plebs ultimately preferred the security offered by Cicero to the vicissitudes of revolution (Sall. BC 31; 48; cf. Cic. Cat. 4.17).

The plebs' resistance to social change is paralleled, too, by an apparent reluctance to assert themselves politically. Time and again they are reminded of the 'ancestral' powers which they have forfeited, through apathy, to an oligarchy. There is, for example, an unmistakeable note of exasperation when C. Memmius (tr. pl. III BC) asks 'vos Quirites in imperio nati aequo animo servitutem toleratis?' (Sall BJ 31.11). A dozen years later, the attempts of Saturninus and Glaucia to re-establish the theoretical hegemony of the people fizzled out with sickening rapidity once the ringleaders were removed. In yet another bid to galvanize the plebs, Licinus Macer (tr. pl. 73) contrasted the 'ius a maioribus relictum' with 'hoc a Sulla paratum servitium' (Sall Hist. 3.48.1), and warned the plebs not to confuse otium with servitium (ibid. 13). But appeals to the people to take cognisance of their true political role were evidently less attractive than the lifestyle offered by the patronising Cicero, who seems after all, on the strength of history, to have had good grounds for his belief in the cautious temperament of the urban plebs.

But as usual Cicero gives us only one side of the story, and it may be that he has mistaken for contentedness the poor man's terror of losing the little that he has. For the lot of the plebs was hardly

idyllic, life was not all 'pax, tranquillitas, otium'.⁴ Discontent and overcrowding must have grown steadily more acute as a desperate peasantry abandoned agriculture and poured into Rome, 'privatis atque publicis largitionibus excitata'.⁵ Sallust, at any rate, suggests more realistically that the plebs were indeed ready for radical changes in 63,⁶ though in the end they were talked round by Cicero's alarmist propaganda. Having shown a grudging 'loyalty', they could be forgiven for feeling cheated when the crisis passed and they found themselves no better off; the hardships of recent immigrants and the recently manumitted were particularly severe because they probably did not qualify for cheap corn under the Lex Terentia Cassia. The popular mood clearly offered tempting possibilities to the likes of Julius Caesar (Plut. Cato26.1), and it was borne in on the aristocracy that some kind of concession must be made to defuse an explosive situation. This was the background to one of the Republic's most extravagant grain laws, passed at the suggestion of M. Cato, who was afraid that the destitute would resort to revolution (Plut. Caes. 8.6).

The desired effect was apparently achieved, and one is reminded of the warnings of Macer: the plebs were too ready to trade sovereignty for a handful of corn, the 'price of slavery', and they ought to be on their guard against the 'delenimenta' which a cynical oligarchy used to maintain its supremacy (Sall. Hist. 3.48.19f). But Cato's ploy was effective, and one is tempted to argue that the corn dole, so far from being the stock in trade of popular tribunes, was in fact a gambit favoured by the aristocracy (and used successfully) to counter the appeals of the radicals. But neither is this the whole truth.

The ruling classes were, by and large, wealthy proprietors for whom redistribution of wealth in any form was obviously to be avoided

at all costs. Cicero no doubt echoed the views of the upper classes as a whole with his scathing criticism of the agrarian proposals of L. Marcius Philippus (tr. pl. ca. 104), who had made a speech 'ad aequationem bonorum pertinens - qua peste quae potest esse maior?' (Off. 2.73). Cicero believed passionately in the sanctity of private property and railed against agrarian proposals which 'labefactant fundamenta reipublicae' (ibid.; cf. 1.21). If on the other hand an agrarian measure did not threaten property rights, then there would be no ideological objection.⁷ The same kind of rules applied to corn laws. The wastefulness of C. Gracchus lex was deplored as a drain on the treasury, but the more moderate handouts of M. Octavius were considered quite salutary.⁸ The truth is, then, that the aristocracy had an equal distaste for agrarian reforms and frumentary laws, while at the same time recognizing the political value of each. But the impression persists (and Cato's law of 62 seems to confirm it) that in practice, if concessions to the plebs became unavoidable, then the corn dole was regarded as the lesser evil - and for good reasons.

It hardly needs stating that the grain handouts worked to the exclusive advantage of the urban plebs (cf. Van Berchem o.c. 34), and it is inevitable that there will have been some conflict of interest between the plebs rustica and the plebs urbana.⁹ It is extremely unlikely that this division of interest will have escaped the notice of the aristocracy, who were quick to learn ways of preserving their supremacy. In theory of course, the power of the urban voters, heavily outnumbered by the rural tribes in the Comitia Tributa, was rather limited.¹⁰ But the reality was different in the post-Sullan age, when the censors repeatedly failed to complete their work. In all probability, 'peasants who had drifted to Rome remained in their old rural tribes; certainly those who had migrated since the census of 69 will have done so'.¹¹ As a result

the interests of the urban sector came increasingly to dominate the legislative assemblies, and one is inclined to agree with Stavely that this development was 'if not inspired, at least abetted by those conservative elements who sought a way of reasserting their control over the tribal assembly.'¹² One begins to discern a kind of logic. The urban voter was certainly more accessible, and probably more easily placated. In practical terms, therefore, the manipulation of an urban-orientated assembly was likely to prove relatively simple. And if the city plebs could be encouraged to appreciate the benefits of life in the capital, there was a good chance that the more alarming radical schemes would be rejected.

Hence, of course, Cicero's apostrophizing of the joys of otium in 'De Lege Agraria', which essentially reflects a general aristocratic preference for keeping the plebs well fed and on the spot. It is a notion which harmonizes well with Cicero's theoretical attitudes towards the plebs as expressed in his philosophical works. Though basically contemptuous of the lower orders, Cicero appreciates the value of well-timed concessions by the aristocracy. He states quite candidly that, for the purpose of preserving oligarchy and privilege, the rumblings of the plebs should be defused by pre-emptive doses of food or token political concessions. In this spirit, Cicero commends the institution of provocatio by Poplicola, 'qui modica libertate populo data facilius tenuit auctoritatem principum' (De Rep. 2.55), and variations on the theme are plentiful.¹³ One begins to see why Licinius Macer was so bitter about the 'dalenimenta', or 'palliatives', handed out by the aristocracy.

Cicero's feelings give us a rough standard for the views of the upper classes as a whole, and it is easy to see how someone like M. Cato would fit into this picture. There are of course differences of political

style. Cato is described by Dio as a *δημεραστής* (37.22.2), and it is undeniable that he had a certain histrionic gift for exciting popular sympathy, appearing on several occasions in the role of 'the martyr to principle.'¹⁴ But in fact Cato never fooled the people for terribly long, and against his 'popular' records must be set his known intransigence towards political deviants - his hard-line speech in the Catilinarian debate was extremely influential - and his arbitrary disregard of the popular will when it conflicted with his own aristocratic ideas.¹⁵ It is unlikely, therefore, that Cato was really regarded by Clodius as a serious rival for the affections of the plebs (As Lintott suggests, VRR 194). Cato was first and foremost an astute politician and his Lex Frumentaria was certainly not a demonstration of his love for the plebs, but rather a practical illustration of the same philosophy that underlies Cicero's attitudes towards the lower classes.

Cicero's own approach was only superficially different. He may indeed (at least until 63) have had a better rapport with the people than Cato did.¹⁶ He liked to represent himself to the plebs as a 'popularis consul' pledged to uphold their privileges, and his *novitas* perhaps lent credibility to this claim.¹⁷ But on Cicero's interpretation the word 'popularis' is interchangeable with the word *optimatus*, since the defence of 'salus populi' is more or less synonymous with the preservation of the status quo.¹⁸ Like Cato, Cicero was aware of the value of popular support and was prepared to resort to flattery in order to gain it.¹⁹ But there was absolutely no question of surrender, for Cicero any more than for Cato, on crucial issues like the redistribution of wealth or the extension of popular power.

Clodius the revolutionary: a Ciceronian fantasy

Clodius was altogether different - so we are assured by Cicero.

Time and again he is represented as a second, more successful, Catiline - 'felix Catilina'.²⁰ According to Cicero the new collegia were recruited from the same degenerates who had supported the failed revolutionary, so that the temple of Castor became the 'receptaculum veterum Catilinae militum' (Pis. 11; cf. Red. Quir. 13). There was of course a superficial connection in that Clodius took a prominent role in the campaign against Cicero's execution of Catilinarian ringleaders. But Cicero wilfully obscures the moral and political issues behind this movement when he describes its adherents as men 'qui odio reipublicae, quod eam ipsis invitis conseruaram, inimicissimi mihi fuerunt (Red. Quir. 21; cf. Flacc. 99.) Furthermore, the allegations that Clodius achieved the same objectives which Catiline did not live long enough to fulfil - vis, caedes, direptis, incendium - are rarely more than vague, and the implied connection in the ultimate aims of the two men is confined to the realms of innuendo.²¹ The alleged association between the two men turns out on investigation to be a calculated deceit.

To begin with, the actual evidence for the personal relationship of Catiline and Clodius is meagre and inconclusive. In the mid-sixties Catiline was acquitted in a trial de repetundis and an arrangement with his prosecutor, P. Clodius, was suspected (Ascon. 9.17). Naturally, Cicero makes the most of this titbit (Har. Resp. 42, Pis. 23) but he himself almost accepted a part in this game of praeuariatio (Att. 1.2.1, cf. Caes. 14). In any case, this shred of evidence has to be balanced against the likelihood that Clodius had earlier attacked Catiline through the courts with an accusation of incestum, while Plutarch tells us that Clodius joined Cicero's 'consularis exercitus', the loyalists who supported him in 63.²²

But there were more fundamental differences between the two men.

Catiline was a nobilis of rather indifferent pedigree seeking access to Rome's highest magistracy. Having failed to win dignitas within the system, he aimed at a comparable position through revolutionary methods.²³ Catiline was honest enough to admit that his 'popularem' was little more than a means to power,²⁴ and his reliance on tactical methods appropriate to a coup (e.g. Sall. BC 27) betrays the fact that there was no sizeable groundswell of popular backing. Such support as he did attract came almost exclusively from the countryside, and in the end he failed to mobilize significant support from among the city plebs.

The appeal of Clodius, by contrast, has a totally urban flavour (esp. Dom. 49) and his techniques were those of the mass movement rather than of careful strategy. If (as Cicero repeatedly claims) he did draw support from the dregs of the city, then so far from reconstituting the 'copiae Catilinae' he was succeeding precisely where Catiline had failed. Most important, however, Clodius was not a member of an obscure family with a chip on his shoulder, but belonged to the very core of those 'pauci' whose stranglehold on power was so bitterly resented by Catiline.²⁵ His carping about the oligarchy may well have attracted an ambitious young novus like Caelius (Cael. 11), but will not have impressed a Claudius Pulcher.

Having exposed the flaws in Cicero's association of Catiline and Clodius, we may now be in a position to make a less sensational evaluation of Clodius' relationship with the plebs, his methods, the extent of his support, and (if it can be abstracted) his political philosophy. But unfortunately further warnings are called for, because much of our information on Clodius' political aims and methods derives from precisely the same context in which we are told of Clodius' similarity to Catiline. Most of the defamatory picture of Clodius is built up from speeches made

by Cicero at a time when (to his horror) Clodius was in cahoots with some of the senate's most eminent members. Cicero had to demonstrate that Clodius' continued power was a threat to the lives and property of those who countenanced it, and in the absence of solid evidence, wild allegations would suffice: hence the idea of Clodius as a revolutionary in the mould of Catiline, and a good deal more besides (e.g. Dom.12-13). It was suggested, for example, that if Clodius could get away with confiscating Cicero's property on the strength of a privilegium, then there was nothing to stop him doing the same to anyone else. But despite wild allegations that Clodius aimed to take possession of the whole country 'from the Janiculum to the Alps',²⁶ the actual evidence for his deprivations is nugatory.²⁷

Another factor prejudicing Cicero's treatment of events was his perpetual embarrassment at his 'voluntary' exile. If his withdrawal from Rome in 58 was not to be mistaken for a confession of guilt, then it was necessary to emphasize that Clodius' use of violence left him with no alternatives: hence the prominence of vis in Cicero's reportage of that episode (e.g. Red. Quir. 13, Sest. 34). An equally sticky problem was the apparent indifference to his fate shown by members of his own class. In private he criticized them bitterly, but in public he praised their loyalty and sympathy, explaining their failure to rescue him, once again, in terms of the threat of violence.²⁸ It was, as we shall see, an unconvincing excuse.

The problem of violence is obviously pivotal to any assessment of Clodius' career, and there would of course be no point in denying that coercion and intimidation had an important place in Clodius' political repertoire. But the question is not whether Clodius used violence, but rather, whether he depended on violence to achieve his ends in the absence

of widespread or spontaneous popular support. And before that question can be tackled, a proper context must be provided - background information against which to assess the Ciceronian narrative. The unwary reader might be forgiven for imagining that Clodius was the first Roman ever to use violence in politics, but the truth is that violence was an integral - almost indispensable - component of political activity at Rome, and examples of its use can be found for every generation of the Republic.

The apparently inextricable place of violence in the fabric of political life is explained by Lintott. 'The outstanding feature of the domestic politics of the early Republic was the struggle of the orders, in which ... violence and non-violent physical pressure had dictated the course of events, and the marks of the physical confrontation of patres and plebs remained fixed in the constitution'. (VRR 175). The tribunate, whose holder was protected by the gruesome oath of sacrosanctitas, was an institution rooted in violence, while the 'struggle of the orders' was in a sense not so much a fait accompli but an ongoing state of conflict, often dormant but always capable of further mutations. And beyond the class struggle lay the still more ancient principles of 'natural justice' and 'self-help', whereby the individual was entitled to use force in his own defence: 'vim vi repellere licet'.³⁰

Bearing all this in mind, two points are worth mentioning. First, if violence was rampant in the late Republic, it was only a matter of scale. The phenomenon itself was hardly novel, and its prevalence need not be interpreted as a new and disturbing symptom of 'moral decline'.³¹ Secondly, and more important, the record of history shows that violence could be as much an ally of the establishment as its enemy. Vis was certainly not in the monopoly of 'demagogic' agitators, but, if anything,

the defenders of the status quo were less inhibited than their opponents in their resort to violence - and usually more successful, too. The fate of the Gracchi and their supporters is too well-known to need repeating, and Livius Drusus was similarly repaid by his opponents for using violence in the passage of his laws: the oligarchy always won in the end. More recently they had reacted with swift resolution when Manilius' Lex de Libertinis was approved by the Comitia Tributa at the end of 67. Manilius seems to have anticipated the methods of Clodius - 'subnixus libertinorum et servorum manu' - but was evidently no match for the counter-attack launched by Domitius Ahenobarbus, whose determination to stamp out 'populares insanias' cost the lives of 'large numbers of Manilius' followers'.³² Similarly, Nepos' bill for the return of Pompey in 62 had widespread popular support but he anticipated violent opposition from the Senate and so occupied the forum with armed supporters. Cato boldly obstructed, and though in trouble for a while, he eventually gained the upper hand. His victory over armed opponents was not, presumably, won by auctoritas alone.³³ In many respects then, the struggles of the 60's prefigure the kind of tactics used later by Clodius and his rivals, and indeed there were few aspects of Clodius' repertoire which did not have precedents.³⁴

It should by now be clear that Cicero's own attitude to violence in politics was typically ambivalent. 'Vis Chadiana' was of course subjected to endless blistering condemnation, but if the aristocracy used violence in defence of its supremacy, that was quite another matter. It was a question of whose side one was on. Cato's opposition to Nepos in 62, which some took as a sign of *ἰσχυρῶς* (Plut. Cato 29.1), is seen by Cicero as proof of Cato's 'incredibilis virtus', while Milo's use of gladiators to promote Cicero's own restoration is cited as an

example of the justified use of violence.³⁵ Cicero behaves and speaks, in other words, as though vis were a morally neutral factor which was good or bad according to who was using it, and this subjective approach seriously devalues his theoretical abhorrence of violence in political life (De Leg. 3.42). It is obvious that Cicero's selective disapproval of violence will have to be treated with a measure of caution.

Clodius and Violence

The history of Clodian violence begins with the notorious Bona Dea episode. Threatened with political extinction by a determined group of rivals, Clodius fought back with equal determination. What started as a fairly standard case of aristocratic in-fighting eventually developed, almost by accident, into a major confrontation, and Clodius' career took a new turn. He undoubtedly employed quite dubious methods to get himself off the hook, but it is arguable that he was entitled to protect himself against victimisation, and his opponents for their part did not hesitate to use equally illegitimate tactics when, for example, they broke up the assembly to forestall a vote in Clodius' favour.³⁶ Subsequently, one gets the odd hint that Clodius had some kind of organized support at his disposal,³⁷ but it does not add up to very much. In 59, the enemies of the dynasts clearly felt that Clodius could be a great asset to them, and Cicero looked forward with glee to the young man's imminent 'conversion' (e.g. Att. 2.15.2). He certainly regarded Clodius as a more dangerous weapon against the triumvirs than the ineffectual Bibulus, but it may be premature to explain Clodius' value to the boni in terms of his talents in the field of urban violence. Clodius' influence with the city plebs was considerable, and that in itself would be an extremely useful contribution to the campaign against triumviral dominatio. But at this stage the war against the triumvirs

was essentially a war of propaganda, and there is little to suggest that Clodius was in any position to challenge, on a physical level, the armed might of the regnum.

The following year, however, Clodius was able to bend the triumvirate to his will, and subsequently he launched a direct and sustained attack on one of its members. He now wielded authentic power, and he owed this new pre-eminence to a skilfully conceived programme of legislation. A major factor in Clodius' success was the Lex de Collegiis, which enabled him to consolidate the massive support which he now commanded in the city and to turn this clientela into an effective force in politics. It has been shown that this Clodian law was not essentially innovatory, but exploited features inherent in the collegiate structure, in particular their regional and 'paramilitary' character. Clodius was certainly not the first to recognize the political potential of the collegia, and there was nothing to stop others from exploiting it. At any rate, Clodius does not deserve to be blamed for his resourcefulness, which was hardly inconsistent with Roman political mores. Cicero, admittedly, saw things in a different light, but he had a personal axe to grind. Apparently he failed to foresee that the re-formed collegia would be used against himself (cf. Att.3.15.4). If they had not been, his account would probably be very different, but as it is we must, as usual, read between the lines.³⁸

In later life Cicero declared magnanimously that he still had faith in the plebs Romana. For it was not they (he claimed) who had attacked him in 58, 'sed vincula soluta sunt et servitia concitata'. He was simply repeating what had become the authorized version of his exile, namely that Clodius, unable to count on majority support (or anything like it), had used his Lex de Collegiis to levy an army of slaves and

jailbirds on whom he relied quite exclusively for the furtherance of his lunatic schemes.³⁹ This, really, is the crux of Cicero's whole case against Clodius, but immediately we run into difficulties. For one thing, it should be remembered that, as a matter of rhetorical convention, the word 'slave' might be stretched to include freedmen or for that matter anyone on the other side.⁴⁰ It is obviously important that we should know something of the social composition of the 'Clodiani', but Cicero's sweeping statements are not very helpful. Even at the best of times Cicero probably did not make much effort to distinguish slaves from ingenui: for example, his contemptuous survey of the 'sordid' professions ends with the very dubious remark that a workingman's wages are a 'pledge of his slavery'.⁴¹ With that kind of attitude, it is unlikely that he went to great lengths to discover the true status of Clodius' supporters. Occasionally the picture is modified and we are told, more plausibly, that the 'Clodiani' included slaves - along with others who were, of course, the most degenerate and worthless of the free population. But already the credibility of his account has been diluted.⁴²

Waltzing, nevertheless, is inclined to accept Cicero's story at face value and writes off the Clodian collegia as 'régiments de misérables'⁴³ In one sense he may be right, for in the virtual absence of what we would call a middle class, the urban plebs would perhaps be accurately described by Waltzing's pleasing phrase. But the implication in Cicero that Clodius deliberately sought out the most desperate elements of all should be treated with extreme caution. It is often observed that contemporary aristocratic writers (like Cicero himself) are too ready to brand popular movements as 'the dregs', 'the rabble', 'mere savages', and so on.⁴⁴ For the Ciceronian period, unfortunately, we have no independent

documentary evidence against which to balance these upper-class prejudices,⁴⁵ but Cicero's own account, if studied carefully, itself yields a certain amount of solid information that seems to undermine the general impression he is trying to create.

On more than one occasion, Cicero discloses that Clodius depended heavily on the support of shopkeepers and small manufacturers ('tabernarii' and 'opifices'). If an important assembly was being held - perhaps the vote on the rogatio de capite civis was a case in point, the tabernae would be ordered closed to ensure a good turnout.⁴⁵ This class were of course 'egentes atque imperiti' (Cat. 4.17), but one imagines that they were a cut above the day-labourers, the unemployed, and the criminals. These subtleties, however, seem to have escaped Cicero, who shows little inclination to raise his account above the level of generalisation. For although the tabernarii rejected the call to revolution in 63, preferring their meagre ration of material security, the plebs as a whole are still bunched together in Cicero's derogatory phrases - 'opifices et tabernarios et illam omnem faecem civitatum' (Placc. 18) - and the habit is typical of a whole class.⁴⁷

So far it emerges that when Cicero is making unspecific rhetorical attacks on Clodius, his allegations are inconsistent and unreliable. His reflections on the degeneracy of Clodius' supporters and their indiscriminate use of violence in the manner (supposedly) prefigured by Catiline simply reek of prejudice: a compound of the general prejudices of his class and his personal hatred of Clodius. This kind of invective cannot be treated as serious evidence. Having considered Cicero's version of the character of Clodius' support, we can now proceed to his evidence on the collegia in action in the voting assemblies.

At its most extreme, the picture is of armed forces - slaves, of

course - occupying the forum and terrifying the wits out of the ordinary voter: thus 'armati homines forum et contiones tenebant, caedes lapidationesque fiebant' (Sest. 34). But there are several variants, and the lack of consistency argues against accepting any of them! We are told, for example, that the law exiling Cicero was passed 'vastato ac relicto foro et sicariis servisque tradito' (Sest. 53). But the idea that Clodius emptied the forum and used a handful of thugs for the voting can hardly be reconciled with his habit of closing the tabernae, which was designed on the contrary to release very large numbers of ordinary voters.⁴⁸ Again, the law on Cyprus was supposedly passed 'per vim', but if that was so one wonders why Cato, its 'victim', did not lay on his customary performance (Dom. 53). In a later account of the same episode we find Clodius' supporters actually voting - 'eisdem operis suffragium ferentibus' - which suggests that the copiae were not after all disfranchised slaves.⁴⁹ Furthermore, if Clodius owed his legislative success entirely to the techniques of intimidation and corruption, then his control over the decisions of the Comitia Centuriata ought to have been equally secure. Yet though Clodius himself was elected aedile for 56 by that assembly (naturally), Cicero jeers at the lack of success of his henchmen in curule elections (Sest. 114), and it is clear that he did not have things all his own way.⁵⁰ Failure in one assembly and not the other cannot easily be reconciled with the notion that Clodius relied exclusively on coercive methods. If on the other hand he owed his influence in the Tributa to the support of a comfortable majority, then (given the aristocratic bias of the Centuriata) this discrepancy in performance would be less difficult to explain.

Of course, there is no need to imagine that Clodius was an innocent as a babe in the techniques of electoral manipulation; his

methods at the time of Bona Dea have already been noticed. But there was ever a thin line at Rome between 'the acceptable face of corruption' and outright criminality - that was the great problem facing legislators. The patron-client, master-freedmen relationships concealed a degree of legalized bribery, while the various regulations governing electoral procedure offered scope for the imaginative politician. For example, the presiding magistrate of an assembly had a variety of useful prerogatives at his disposal, such as the right to establish a quorum in each tribal voting unit: 'if, as sometimes happened, there were fewer than five present in some of them, he appointed men from another tribe to vote in the empty unit'. Obviously, this privilege could be turned to good use.⁵¹ Generally speaking, we may take it for granted that Clodius had an expert's knowledge of the traditional repertoire of electoral 'techniques' and made the best possible use of them: but that was what Roman politics were all about. At any rate, there is little to suggest that his methods were any more dubious than those of, say, Cato, much less the triumvirs, whose use of bribery and force in 55 is abundantly attested.⁵²

It is easy enough, then, to discredit Cicero's more random accusations. But we must also consider those specific and well-documented occasions when violence unquestionably dictated the course of events. On 23rd January 57, for example, Fabricius' proposal for Cicero's recall was due for a hearing but never came to the vote because violence intervened. But if Clodius had his gladiators, there is no doubt that his opponents were armed as well, and both parties were so determined that there was really never any question of a free vote (see now p.82f. for the full story). Dio's assertions that the majority favoured Cicero (39.7.2) are pure conjecture, and probably based on Cicero's own

speculations about the likely outcome of a vote (Red. Sen. 22). One way or another, the proceedings were disrupted, and the question 'cui bono?' is not easily answered. The one conclusion which can legitimately be drawn is that at this stage of the game Clodius' use of violence was more effective than that of his rivals. But the balance was soon redressed.

Some time after Cicero's restoration, Clodian gangs attempted to burn Milo's house down, but were evidently less well-armed than their enemies, because when Q. Flaccus counter-attacked, 'occidit homines ex omni latrocinio Clodiano notissimos' (Att. 4.3.3). Milo's supposedly reluctant resort to violence - 'when all else had failed' - is justified by Cicero on the grounds that there was no other way for the Republic to be saved.⁵³ This is either delusion or distortion, and Cicero gives his own game away, Milo alone, we are told, knew how to deal with a bandit 'qui urbem totam, qui curiam, qui forum, qui templa omnia caede incendiisque terreret' (Har. Resp. 6, cf. Sest. 86). The boni by contrast were 'for some reason rather slow to react' (Sest. 100). But it has been shown conclusively that the ruling classes needed no lessons in the art of protecting their respublica - if they felt it was threatened.⁵⁴ Besides, if Milo and Sestius really did represent 'the Republic' against a hireling minority, then one wonders why they themselves had to rely on hired support. There is no getting away from the fact that Milo and Sestius, just like Clodius himself, represented purely sectional interests, and of course once this is established, we may concede that Cicero and his allies were no less justified than Clodius in using violence to achieve their ends. The main thing is to accept that the struggle was 'secular' and there is no place for Cicero's ridiculous moralizing.⁵⁵ The limited objective value of Cicero's pious denunciations becomes

progressively more apparent. Cicero himself, after all, had to answer accusations that he had engineered his restoration 'per familias comparatas et homines armatos' (Sest. 127) and the claim is really no more nor less plausible than his own protestations. Each side had its slogans, and there is little to choose between them.⁵⁶

Milo turned out to be a formidable rival. Following his victory over the incendiarists in November 57, he succeeded for a while in holding up Clodius' election to the aedileship by occupying the Campus Martius 'cum manu magna'. Clodius' supporters were too terrified to go near the place - a strange display of cowardice from the 'operae' which had so recently terrorized the whole city; though of course, if Clodius' supporters were ordinary unarmed citizens then their reluctance to face the battalions of Milo would be easier to understand.⁵⁷ Shortly afterwards, Milo scored yet another success when he appeared before the assembly on 7th February 56. It was around this time that Pompey told Cicero he was out of favour with the plebs, and Cicero explained this as a consequence of his alliance with Milo (QF.2.4.5). Milo's unpopularity would explain why the supporters of Clodius came off better in the shouting match on this occasion. The crowd made no secret of their feelings towards Clodius' enemies, yet when their heckling was answered, with a physical attack they were easily dispersed by the 'Miloniani' (see above p. 93f). Once again it looks very much as though Milo, unable to rely for support on personal popularity, was backed mainly by a well-disciplined private army.

And so it goes on. Asconius regarded Clodius and Milo as evenly-matched opponents (30.15f.) and it is obvious that neither could afford to put himself at a serious disadvantage. However, such evidence as there is invariably points to a certain difference of emphasis - Milo

tending to rely on well-organized, 'professional' forces, Clodius depending rather on mass support (cf. n.57). After the débâcle in February, both sides augmented their contingents, but Cicero was confident that Milo had the edge.⁵⁸ Again, in the battle at Bovillae Clodius was hopelessly outnumbered. He was travelling with an entourage of about thirty armed slaves (Ascon. 31.20), a remarkably small band for the times. For by the fifties, bodyguards had become more or less de rigueur, and even the irreproachable Atticus had kept a troupe of gladiators until C. Cato bought them off him in 57 (Att. 4.4a.2, QF, 2.4.5)⁵⁹. According to Cicero, the meeting at Bovillae was engineered by Clodius to give him the opportunity of murdering his arch-enemy (Mil. 31f). This is sheer fantasy. Milo had at least ten times as many men as Clodius (Ascon. 35.1) and his 'magnum servorum agmen' included professional fighters, star gladiators among them.⁶⁰ Most likely the meeting was just an accident, but the respective strengths of the rival forces was perhaps not accidental. Milo's apparent need for a large corps of skilled fighters to protect him, even though his enemy had only a small band of amateurs, may well be yet another indication of the relative extent to which the two men could rely on the support of the people as a whole. The deduction is at any rate consistent with the picture which we have been able to build up so far.

It gradually becomes clear that Cicero's picture of Clodius as the leader of an extremist and violent minority is fatally undermined by internal contradictions. Unfortunately, it is difficult to be much more positive than that because, obviously we cannot really expect Cicero himself to supply us with direct evidence of Clodius' popularity with the great majority of the urban plebs. The best we can do is to speak in terms of probabilities, and the discrepancies in Cicero's account

have already provided plenty of those. A few other scraps which seem to support a more favourable evaluation of Clodius' popular standing may be considered in the same context. It has been noticed already that Cicero's restoration was arranged by means of the *Comitia Centuriata*, and the process was further safeguarded by additional precautions: all of which betrays a lack of confidence in the outcome of a vote in the popular assembly. And so, though Cicero himself affected to be honoured by this unusual procedure, we are entitled to draw a less flattering conclusion (see now above, p.86). Addressing the plebs on his return from Greece, Cicero trod very warily indeed. He deliberately played down the role of Clodius in his exile (Red. Quir. 10) and reassured his audience that his 'vengeance' would consist only in setting a good example (ibid. 21-2). Perhaps he felt it important, for the sake of future good relations with the plebs to reestablish that he was not planning a vendetta against Clodius. Finally, of course, there are the unprecedented scenes that took place after Bovillae.

Clodius' death was followed by spectacular rioting (*Ascon.* 32f.). The Clodiani turned the Senate-house into a funeral pyre for their hero, and order was not restored until a senatus consultum ultimum authorized Pompey to bring troops into the city. Even then, the supporters of Clodius could not restrain themselves from making an uproar at Milo's trial, undeterred by the grim cordon of soldiers (*Ascon.* 41.24). Milo himself went to earth until the troops were brought in (*Dio* 40.49.4) and was 'hated by the great majority of the people' (*Asc.* 37.18, cf. *Appian* BC 2.22.82f.) The aftermath of Clodius' death is not of course the best context in which to judge the relative popularity of Clodius and Milo, but even so, the hysterical reaction of the plebs cannot be reconciled with the Ciceronian picture of Clodius as the leader of an

unrepresentative gang of thugs who terrorized the mass of 'decent' citizens. There is little indication, either, that the common people shared Cicero's view of Milo as a heroic tyrannicide who acted 'libertatis omnium causa' (Mil. 80), and it is clear that Milo's extravagant investments in 'entertainments' (Ascon. 315f., Mil. 95) had done little for his popularity rating. The death of Clodius, after all, did no more than exaggerate a situation already prevailing.

A 'Nobilis' and a Claudius

Even Cicero's outrageously prejudiced reporting cannot in the end disguise the fact that Clodius enjoyed the genuine support of a majority among the urban plebs - and the conclusion is hardly a surprising one. We can now go back to the beginning and reconsider Cicero's opinion that in the year 56 the plebs would not follow the call to revolution because they had 'never had it so good'. (Sest. 104). How in that case did Clodius manage to attract such a wide following? In fact, the problem is not nearly as intractable as Cicero makes it look, and his argument is full of holes. In the first place, Cicero has omitted to mention that if the plebs were contented in 56, they owed their happy condition above all to Clodius. Cicero imagined himself to be a 'popularis consul', but it is not hard to see why he was unable to command the adulation reserved by the plebs for Clodius, if one compares Clodius' positive approach with Cicero's patronizing complacency.

It is clear from Cicero's reflections in the late sixties on his beloved 'concordia' that the plebs do not figure in his scheme as a distinct ordo with a right to some kind of political significance of its own. Unlike the equites, locupletes, and senators, the plebs were not regarded as potential components of this great partnership, but rather as a potential source of trouble, which must occasionally be

placated. Even at his most benevolent (that is, when he is talking about the imaginary denizens of his ideal state, and not the real-life 'faex Romuli') Cicero cannot help being paternalistic. The citizens would be happiest, he claimed, if governed by the 'best men', who would look after their interests and relieve them of all political responsibility.⁶ He evidently felt that something like this utopian situation prevailed in the Rome of his own day, explaining the failure of Catiline in terms of the plebs' 'attachment to otium' (Cat. 4.17). It never even occurred to him that the plebs may have had aspirations which the ruling classes had not yet satisfied for them, and it is typical of his limited vision that (for example) he took it for granted that the plebs supported Milo's bid for the consulship, simply because of his 'magnificentia munerum' (Fam. 2.6.3).

With an aristocrat's myopia, Cicero could not envisage any other alternative to the status quo apart from Catilinarian revolution. Clodius owed his great power precisely to his realization that other possibilities existed between these two poles. By contrast with Cicero and Cato, he made concessions to the people voluntarily, not at the very last moment under threat of revolution. He improved social benefits, restored the right of association, protected the people's representatives from excessive interference by the nobility, and invited the plebs themselves to take their part in the process of government. He gave the masses a degree of material security, and political respectability, and so, unlike Catiline, he did not ask them to forfeit their otium, but on the contrary enhanced it. Cicero rightly claims that the plebs would not abandon the benefits of city life for revolution. But his subsequent conclusion - ergo the plebs did not support Clodius - relies on the assumption that Clodius was a revolutionary. And he was not.

It is undeniable, of course, that violence figured prominently in Clodius' political repertoire, and there is no need to try and white-wash him on that account. A great deal can be explained away if it is put in its correct context, but one is still left with the impression that Clodius used force more readily, more resourcefully, and more effectively than many of his contemporaries. What he relied on, however, was the coercive potential of a mass movement, and the Lex de Collegiis enabled him to exploit this potential to its limit. Milo, by contrast, clearly depended much more on trained fighters and careful strategy.

Nor did Clodius stake his political position exclusively on the plebs. He was an immensely powerful figure between 58 and 56 (even Cicero could not deny that) and owed his power to a unique combination of popular backing and the support, or at least indulgence, of an influential section of the nobility. Whenever the Roman aristocracy sensed a threat to its own supremacy, suspicion quickly gave way to resolute action: in that case, the Senate's failure to stand in the way of Clodius' legislative proposals may be taken as an indication that his concessions to the plebs did not after all add up to a truly radical programme. And if Cicero could proclaim that the plebs were generally contented and 'non revolutionary' in 56, then the ruling classes had Clodius to thank for this agreeable state of affairs. One wonders, even, how Licinius Macer would have interpreted Clodius' achievement: a real advance towards democracy? or just a more generous (and therefore more 'revisionist') case of delenimenta?

Meanwhile Clodius himself, unlike the Gracchi or Saturninus who seem to have envisaged their political future in terms of repeated tribunates, had already moved on to the curule aedileship and still had a foot on the cursus honorum at the time of his death.⁶² Nor did he

ever espouse the truly revolutionary causes of land reform or the redistribution of wealth. History had shown that this was a hazardous path and Clodius knew that he personally could gain very little by following it. As a wealthy nobilis he had better reasons than most for wishing to preserve the existing social and political order, and as if to demonstrate where his vested interests really lay, he paid a fortune for a magnificent house on the Palatine just a few months before his death.⁶³

It is worth remembering the cynical opinions of Sallust on the subject of politicians and their slogans: 'quicumque rem publicam agitavere honestis nominibus ... bonum publicum simulantes pro sua quisque potentia certabant' (BC 38.3). As far as Clodius is concerned, it is fair to say that, whatever else his legislation sought to achieve, it is undeniable that every single enactment in some way or another tended to enhance his own power and safeguard his position.⁶⁴ It is unlikely that Clodius himself would resent such a reflection, for he was an ambitious man. Of course, it would be ungenerous to deny that Clodius must have enjoyed an excellent rapport with the plebs, and probably felt a degree of real affection, even responsibility, towards them, too. But he was intelligent enough to realize that undiluted popularism was a dangerous course, which he eventually espoused (at his peril) only when all else had failed. He achieved his greatest power, between 58 and the conference of Luca, through an ingenious balance of mass popular support and a carefully maintained, mutually advantageous relationship with members of the aristocracy.

Clodius was born into the ruling elite, and it should evoke no surprise that his political objectives, though pursued with great energy and amazing resourcefulness, fell in the last resort within the

conventions of his class and of the times. At his best, Clodius was not a 'petty gangster', and 'irresponsible demagogue', still less 'a revolutionary and a maverick',⁶⁵ but a nobilis par excellence - brilliant, charismatic, a born leader of men. Indeed, with his lifelong attention to the creation of clientelae, his independence, and his flamboyant, unorthodox style, he can be identified, even more precisely, as a typical Claudius Pulcher.

FOOTNOTES

CHAPTER ONE:

1. 'Römische Geschichte', 5th edn. (1869), 3.296.
The most serious doubts on Clodius' sanity in Cicero are in paradox.4, but the theme lurks behind most of Cicero's attacks. The notion offers the advantage that one does not have to take information at its face value: thus Mommsen (ibid. 294-6) does not take seriously Clodius' attacks on the leges luliae in 58 (an influential view) or his espousal of radical policies ('playing the ultrademocrat', ibid 321, cf.206).
2. So Gruen, Phoenix 1966, 121 with n.2
3. A good example is the witty essay of E.S. Beesly in 'Catiline, Clodius, and Tiberius', London 1878, 38-83. Beesly has a healthy contempt for Cicero's prejudices and his iconoclastic approach is remarkable for its time. Unfortunately his delightfully written account is vitiated by the fact that Beesly has his own axe to grind, and tries to exalt Clodius further than the evidence permits.
4. See esp. Har. Resp. 42f and Lenaghan's commentary 163f.: Fröhlich in RE IV.82; and a very good account by Lintott in 'P. Clodius - Felix Catilina?', Greece and Rome 1967, 157f. (= FC).
5. In Clod. et Cur. frags 7 and 8 in Schol. Bob. 87.
6. Fortunately we have Sallust's word for this (BC 4.4) as well as that of Cicero, who had an obvious personal interest.
7. The alleged connection with Catiline is dealt with at greater length below, p.119f. Cicero's studied vagueness in his references to Clodius' friendship with Catiline suggest that he had little solid information to go on. It is perhaps significant that what is left of the invective 'In Clodium et Curionem' contains no reference to this, and so the idea may well be a later concoction.
8. Balsdon's treatment of the underlying issues in 'Fabula Clodiana', Historia 1965, 65-73, can hardly be improved upon, though for a really precise elucidation of the sequence of events Gelzer's account (in 'Cicero, ein Biographischer Versuch', Wiesbaden 1969, 110f.) is also invaluable; of. the remark of Beesly op.cit. 47: 'if Clodius had not been politically obnoxious [in some quarters] the affair would never have been exalted into a cause célèbre: Dio, too, makes it clear that Clodius' opponents had other reasons for their attack beyond the religious issue: μισοῦντές τε ἔθελον . . . τὸν Κλωδίον (37.46.1).
9. Att. 1.13.3: not one of 'nostri', says Cicero, meaning the consulares, who spoke first. Was Cornificius trying to ingratiate himself with Clodius' enemies?
10. 'boni viri precibus Clodi remouentur a causa', Att. 1.13.3.

11. This is Clodius' first attested use of coercion in politics and in this case it was clearly a matter of self-preservation, in response to an unscrupulously engineered threat to his career. His gang was a 'force for his own protection' ('Schutztruppe' : Gelzer op.cit.110)
12. Hence the decision to hold up provincial appointments etc. until the rogatio had been passed (1.14.5). The idea, as Balsdon suggests (o.c. 68), was presumably to 'prevent Clodius ... slipping away to a province and evading trial'.
13. See now Att. 1.16.6 for Cicero's pessimistic reflections, later, on the implications of the trial for his beloved concordia; cf. 1.17.9, 1.18.3
14. 'non odio adductus alicuius', Att. 1.18.2
15. L. Lucullus was Clodius' brother-in-law and had a bone to pick with him because of his mutinous behaviour as a member of his staff in the east (Dio 36.14.4, Plut. Luc. 34.1f.) The rest, to whom Cato and Fagunius can be added, were political allies.
16. See Shackleton Bailey's note ad loc., i.311: cf ps-Sallust 'inv. in M. Tullium' 3: 'qui vero nihil poterat ... de eo tibi compertum est'.
17. as Cicero recognizes: 'cum enim ille ad contiones confugisset in iisque meo nomine ad invidiam uteretur, etc.' (Att. 1.16.1)
18. Att. 1.16.5 It is all very well to discount allegations of corruption as 'standard invective' (Gruen 'The Last Generation of the Roman Republic' 1974, 275), but the story begins not in a speech but a contemporary letter, and Cicero names names - or at least pseudonyms. There is no reason to try and whitewash Clodius in this respect: it was a matter of self-preservation and for all we know the other 25 jurors might have been bribed as well, by his rivals. The prosecution was taken in hand by 3 Cornelii Lentuli, apparently in pursuance of a private feud (Gruen LGRR 274 and n.52). It is unfashionable nowadays to identify 'Calvus ex Nanneianis' with Crassus (Gruen Phoenix 1966, 121-2; Wiseman CQ 1968, 297f; though cf Shackleton Bailey ad loc., i 316) but he still seems the best candidate: partly because 'illum laudatorem meum' (Att. 1.16.5) is not easily explained otherwise; partly because large sums of money were said to be involved (Schol. Bob. 91.25f. says each of the 31 pro-Clodian jurors received between three and four hundred thousand HS); partly because it is so obviously in character. This does not mean of course that Clodius was henceforth a yes-man to Crassus, as Marsh (CQ 1927, 30-36) believes.
19. The point is well-made by Gruen Phoenix 1966, 120-1, that Caesar was acting under pressure.
20. Plut.Caes.10.10, Cic. 29.6; Appian BC 2.14.52; but not, as Gruen claims, Dio, who actually says something different: see below.

21. Thus also Gruen (LGR 274): 'Clodius' frenetic but appealing career had won popularity with the plebs'. But what career? Up to now Clodius had spent most of his time abroad.
22. Att. 1.14.5; Lintott FC 160; Cicero saw in the incident an opportunity to improve the moral standards of the 'iuventus', meaning obviously the young nobility: Att. 1.18.2
23. διὰ τὴν ἑταιρείαν : 37.45.1
24. When Domitius was thwarted of the consulship in his rightful year (55), Cicero commiserated with him as one 'qui tot annos quos habet designatus consul fuerit'. (Att. 4.8a.2)
25. The Claudii Neroni, whose last representative was Nero, were descended from the youngest son (Ti. Claudius Nero) of the great Appius Caecus (cos. 307) whose second son (P. Claudius Pulcher, cos. 249) sired the Pulchri, the most consistently influential branch. See the stemmata in RE 3.2665 and Drumann-Groebe 2.140. Caecus was the 'tritavus' of Clodius (Drumann-Groebe 2.172 n.9), that is to say, was 6 generations back. Each intervening generation produced consuls; in the second century for example, 3 Claudian brothers were consuls within 8 years (185, 184, 177); and according to Suetonius the family notched up 28 consulships, 5 dictatorships, and 7 censorships (Tib. 1f.) Despite falling on hard times financially, the orphaned Appius (cos. 54) had no difficulty in marrying off his sisters (without a dowry in at least one case: Varro RR 3.16.1-2) to highly eligible partners - L. Lucullus, Q. Metellus Celer, and Q. Marcius Rex. For more on the Claudii see now Babcock AJP 1965 1f, Gruen LGR 97, and Ogilvie 'A commentary on Livy I-V' 273-4.
26. Cic. Brutus 166, Planc. 51
27. Rawson 'Eastern Clientelae of the Claudii' Historia 1973, 234. This excellent article details exhaustively areas of Claudian influence. Huge clientelae were a family tradition: see esp. references on p.220.
28. As it was, Cicero was always deferential towards the family as a whole, and would often compare the worthless Clodius unfavourably with his illustrious ancestors: e.g. Cael. 34, Har. 27.
29. e.g. Syme Roman Revolution 7: 'However talented and powerful in himself, the Roman statesman cannot stand alone, without allies, without a following'; and op.cit. ch 2 passim.
30. as found e.g. in Plut. Caes. 10.6f.
31. Att. 1.13.3 'boni viri precibus Clodi remouentur a causa'; 1.14.5, 'ad pedes omnium singillatim accidente Clodio'.
32. esp. Leg.agr. 2.24, though the theme runs all through the second speech. As a younger man, Cicero had attracted sympathy in his prosecution of Verres by alleging that the defendant was protected by the 'dominatio regnumque iudiciorum', Verr. 1.35.

33. Boasting: e.g. Dom. 95 'sed erat res post natos homines pulcherrima'. Shifting the blame: e.g. Mil. 8 on cases of justifiable killing of political enemies, Cicero cites the examples of Servilius Ahala, P1 Nasica, L. Opimius, 'aut me consulte senatus' (52 BC); cf. Phil. 2.18 (43 BC) 'comprehensio sententiarum mearum, animadversio senatus'. In 56 he wrote to the historian Lucceius, asking him to be kind to Cicero in his treatment of the Catilinarian affair (fam. 5.12). Defence of his actions seems implicit in the guiding principles he envisaged for the consuls: 'omnis salus populi suprema lex esto' (De Leg. 3.8)
34. Valerius Poplicola is supposed to have passed the first law in the Comitia Centuriata 'ne quis magistratus civem R. adversus provocationem necaret neque verberaret', De Rep. 2.53f, though Cicero believed that the law may have been older still. It had in more recent times been guaranteed by C. Gracchus, and was traditionally the sine qua non of 'Populism', as Cicero said himself, Dom. 77. On provocatio see now Wirszubski 'Libertas as a political idea at Rome' 24f.
35. Of course this is a perennial political problem, illustrated again in the Bona Dea issue. Were Lucullus and the others so very concerned about religio? On a more topical note, one is entitled to question whether the Watergate revelations provoked genuine moral outrage or simply offered a convenient way of discrediting an opponent. Sallust (BC 38.3) believed that self-interest lurked behind every 'cause', but that may be taking cynicism too far.
36. Dio 37.42.2, cf 37.38.1. Dio's reconstruction here (as so often in this period) makes a lot of sense. Cicero himself said later, rather revealingly, that 'non nulli' (rather than 'omnes') called him the 'conservatorem istius urbis', Att. 9.10.3
37. Att. 1.19.6 'iunctam invidia ac multorum inimicitias eximiam quandam atque immortalem gloriam consecutus sum'.
38. e.g. Sall. BC 22.1f. on atrocities supposedly committed by Catiline: it was suspected such stories were invented to dispel the 'Ciceronis invidiam quae postea orta est'.
39. Cato's τυραννίς was denounced by Nepos: Plut. Cato 29.1.
40. Fear of revolution is attested by Plutarch: διδὸν καὶ κάτων φόβηθεις μάλιστα τὸν ἐκ τῶν ἀπόρων νεωτερισμόν, etc. (Caes. 8.6, cf Cato 26.1). Cato's corn law is discussed more fully below, p. 53f.
41. In June 61 Cicero told Atticus that he was now more popular with the plebs 'than I was when you left' (Att. 1.16 .11) Atticus left Rome for Epirus at the end of 62 (see Shackleton-Bailey's note on Att. 1.12, 1.297) So we can take it that Cicero was out of favour with the plebs at that time.

42. cf. above n.32. Later critics of Cicero employed the same technique, bringing him into disrepute by claiming that he had taken the law into his own hands, like a tyrant: thus e.g. Clodius' jibe in 61 'quousque hunc regem feremus?' (Att. 1.16.10); Sest.109 'tyrannum atque ereptorem libertatis'; ps-Sall. Inv. in M. Tullium. 5, 'erepta libertate omnium nostrum vitae necisque potestatem ad te unum revoceras?' See now remarks below in Chapter II, init. ^{ay} ^
43. Att. 1.16.11 (cf. n.41) The remark proves beyond doubt that Cicero had been unpopular and so Clodius will have had plenty to work on. Apparently, however, the immensely popular verdict of the trial 'exorcised' the plebs' ill-feeling towards Cicero ('missus est sanguis invidiae sine dolore') despite the fact that he had ruined Clodius' alibi at the trial, and he now recounts the 'amazing' fact that he is greeted at the games 'sine ulla pastoricia fistula'.
- 44.4 Att. 1.18.4, 1.19.5; Dio 37.51.1. Clodius agent, the tribune Herennius, was repeatedly vetoed by his colleagues and the opposition was led by Metellus Celer; cf. Har Resp. 45.
45. Att. 2.13. Among these were the speech of 5th December, and his defence of Rabirius, which also centred on the rights of citizens in a crisis situation. In the newly published pro Rabirio the 'S.C.U.' is justified as the state's refuge in times of crisis (4), and the powers it confers are significantly divided thus: 'summum in consulibus imperium, summum in senatu consilium', emphasizing that the consul is no more than the executive arm of the Senate, where the real power of decision lies.
46. See now Gelzer 'Cicero' 117f, where this phenomenon is exhaustively catalogued. Some claimed that it was these writings, rather than the events they described, that really made enemies for Cicero (Pis. 72f) but that is rather unfair. Cicero would not have become so obsessed by his consular acta unless they were under heavy fire.
47. Att. 1.19.7, 1.20.2, and esp. 2.1.6-7: Pompey spoke approvingly 'de meis rebus, in quas eum multi incitarant'

CHAPTER TWO:

1. At various times, popular leaders encouraged the plebs to redress the position by claiming their 'ancestral' political rights: e.g. C. Memmius in III (Sall. Bj 31), and Licinius Macer in 73 (Sall. Hist. 3.48).
2. cf the remarks of Meier 'Res Publica Amissa' 109
3. On the Flavian law, 'quae nihil populare habebat praeter actorem' (Att. 1.19.4) see Shackleton Bailey's note ad loc., i.336
4. see Vat. 15, where Cicero later compares Caesar's methods with those of Vatinius, and the Scholiast adds 'commiserat autem senatui causam suam C. Caesar, id est ut de lege agraria patres iudicarent'. (Schol. Bob. 146.19)

5. Plut. Cato 32, 3-4; Caes. 14.9, where Cato and Bibulus seem to be in real danger from the plebs; Dio 38.6.3.
6. Gruen 'The trial of C. Antonius' in Latomus 1973, 301f.
7. the 'quinqueviri': prov. cons. 41; cf. Velleius' remark that Cicero alienated the triumvirs by rejecting their offers of employment (2.45.2)
8. In the same spirit Vatinius deliberately excluded Antonius from the benefits of his new and equitable law on jury selection (Vat. 27). It would have been bad tactics to make things any easier for the unfortunate man.
9. Suet Iul. 20.4 following Cic. Dom 41; Dio (38.10.4) says he attacked Caesar directly as the originator of the prosecution. He may have done, but such invective does not necessarily prove that Caesar really was the mastermind behind this trial. Whether Cicero spoke cryptically or not, the significance of his stance would not be lost on the hearers.
10. This emerges later when Cicero says that because the triumvirs were falling from grace, Clodius would no longer be able to gain points from volleys like this: Att. 2.9.1
11. See now Gelzer 'Cicero' 125f; at one point we find Cicero extolling the virtues of mackerel fishing. (Att. 2.6.1), a strange hobby for one who had spent half the previous year complaining about 'piscinarii'.
12. 'ab hac hominum satietate nostri', Att. 2.5.1.
13. cf. Att. 2.6.2, where he compares wistfully the agreeable situation at Antium, 'ubi me interpellat nemo, diligent omnes'.
14. Cato 'qui mihi unus est pro centum milibus'; but 'quid enim nostri optimates, si qui reliqui sunt, etc.' (Att. 2.5.1.)
15. Seager, 'Clodius, Pompeius and the exile of Cicero' in Latomus 1965, 519ff.
16. This is of course no more than a generalization. Domitius Ahenobarbus had been a model youth (Ascon 45.8f) and for that matter M. Cato was not much older than Clodius himself.
17. The dating (late March) is that of Meier in Historia 1961, 68ff. This is not the place to discuss the controversial chronological issues, though Pompey's remark 'oppressos vos tenebo exercitu Caesaris' (Att. 2.16.2, end April) is a good argument for an early date. Meier's arguments are more or less accepted by Shackleton Bailey, i.408.
18. Among other things, the law empowered Caesar to appoint legati without consulting the Senate, an unprecedented provision. Cicero later says to Vatinius 'eripueras SENatui provinciae decernendae potestatem,

imperatoris deligendi iudicium, aerari dispensationem', adding that it was not the will of the populus that the Senate should forfeit these prerogatives (Vat. 35-6)

19. 'qui auspicia, qui Aeliam Iegem, qui Iuniam et Liciniam, qui Caeciliam et Didiam neglexerunt, etc.' (Att. 2.9.1); their unpopularity is also said to be partly 'culpa Catonis' - a reference perhaps to Cato's moral victory in opposing the Lex Vatinia, above.
20. Att. 2.9.2, where Cicero also speaks of 'invidiosa, senatus potentia ... ad tris homines immoderatos redacta'. Some joked that it was not the consulate of Bibulus and Caesar but of Julius and Caesar (Suet. Iul. 20.2, Dio 38.8.2)
21. Thus e.g. Marsh 'The policy of Clodius' CQ 1927, 30ff, who explains Clodius' anti-Caesarian posture as 'probably a device of Caesar and Crassus to extort Pompey's consent to the banishment of Cicero' (32 n.1). Seager's explanation ('Clodius, Pompeius and the exile of Cicero', Latomus 1975, 519f) that Clodius was thus warning the triumvirs not to interfere (by their offers of legationes, etc.) with his planned revenge on Cicero, takes too narrow a view and fails to explain Cicero's genuine delight at Clodius' 'conversion'.
22. 'orbis hic in republica est conversus', Att. 2.9.1.
23. 'cum has actiones Εὐχναρπέττους videbit', Att. 2.14.1.
24. 'videbis brevi tempore magnos non modo eos qui nihil titubarunt, sed etiam illum ipsum qui peccavit, Catonem', Att. 2.9.2
25. Plut. Cato 33.3. Dio's version (38.1ff), in which the triumvirs' legislative plans are consistently supported by the plebs, is not very reliable at this point, and he fails to distinguish two separate agrarian laws.
26. Audience reactions are described at length in Att. 2.19.3: Caesar's entry greeted by a deadly hush, Curio's with loud cheers. cf. 2.21.1: 'sibilis vulgi'.
27. 'hostes omnibus', Att. 2.19.3
28. Att. 2.18.3. It is worth pointing out incidentally that Caesar is quite clearly angling for Cicero's support with these offers, rather than just (as e.g. Seager suggests, o.c. 521) trying to get him out of the way. Cicero is offered the choice of a post on Caesar's staff of a libera legatio and explains that the former is more attractive because 'et munitior est, et non impedit quo minus adsim cum velim' - 'it wouldn't stop me from being in Rome whenever I wanted'.
29. Att. 2.19.4. This 'pacta', which supposedly guaranteed Cicero's safety, is mentioned repeatedly (2.20.1, 2.21.6, 2.22.2, etc.), though Cicero knew Clodius well enough not to place absolute trust in the arrangement.

30. 'displiceo mini nec sine summe scribo dolore', 2.18.3
31. Att. 2.19.4: as Cicero says, 'sunt enim illi apud bonos invidiosi, ego apud improbos', and so by accepting, 'meam retinuissem invidiam, alienam adsumpsissem'.
32. 'studia in nos hominum et opes nostrae augeantur', 2.22.3; people even reminisced nostalgically about his consulship, 2.23.3
33. cf. Att. 2.18.1 where Cicero says that young Curio (an old friend of Clodius) was 'the only one' who spoke out. Why didn't Clodius join him, if he was so hostile to Caesar?
34. Lintott 'P. Clodius-Pulcher - Felix Catilina?', Greece and Rome 1967, 162.
35. 'sentiunt se nullam ullius partis voluntatem tenere', Att. 2.21.5.
36. see e.g. Att. 2.18.1, 2.19.3; cf. Vat. 24, where Curio, in a reference to 59 BC, is described as 'auctorem publici consilii in libertate communi tuenda maxime liberum'.
37. 'mortem et electionem quasi maiora timemus', Att. 2.18.1; reprisals against plebs and equites, 2.19.3.
38. Att. 2.21.1. Note Cicero's persistent fear that something was bound to 'erupt', a word with distinct connotations of violence, the only outcome which Cicero could now foresee: 2.20.5, 2.21.1, 2.22.6; cf. 2.21.5, after explaining the dynasts' complete alienation, Cicero goes on, 'eo magis vis nobis est timenda'.
39. For special reasons the blame was later shifted on to Vatinius, who was no doubt also involved, but the object was still described as 'to remove and bring to ruin leading men in the state' (Vat. 24), by a rogatio establishing a special tribunal where Vettius could give evidence against the supposed conspirators (Vat. 26); cf. Flacck. 96 'nos iam ab indicibus nominamur, in nos crimina finguntur, nobis pericula comparantur'; named as an accomplice himself, Cicero was happy to be associated with the boni 'in eodem periculo' (Sest. 124).
40. This view finds support, too, in the meagre accounts of Suetonius (Iul. 20.5) and the Scholiast (139.21), where the plot is seen as an attack by the triumvirs on influential opponents. Plutarch mentions it only in his life of Lucullus and here again its *raison d'être* is the successful opposition of the βελτίστοι, which the plot is designed to cripple: Lucull. 42.7-8. Mommsen (RG, 5th edn, 3.204) follows this interpretation, seeing it as a threat to 'die Haupter der Aristokratie' through criminal proceedings; cf. Tyrell ad loc. (i.320), who thinks it likely that 'the authors of the plot were the triumvirs, who wished to get rid of some of the leading optimates.'

41. ἘΠΕΤΡΑΧΥΝΕ Τὸ ΠΑΝΘΟΣ Appian BC 2.12.43f.
42. see esp. 2.23.2, where Pompey is desperately unhappy and looking for some solution ('medicina') but 'ego posse inveniri nullam puto'.
43. Paullus was the son of M. Lepidus, who had been destroyed by Pompey; Brutus was the son of one of Lepidus' legati, killed by Pompey at Mutina; Pompey had also put to death a close relative of Domitius: see now Seager o.c. 526-7 for details.
44. Cicero refers repeatedly to the efforts of certi homines to wreck his 'coniunctio' with Pompey, thus e.g. 'hanc nostram coniunctionem ... certi homines fictis sermonibus et falsis criminibus diremerunt', Dom. 28; cf. Sest. 41, 67; Pis. 77; Cicero's account suggests that Vettius' disclosures did not immediately ruin their friendship (Att. 2.24.5, and even later, though less reliably, QF 1.2.16) but were followed by an unrelenting and eventually successful campaign to this end: first the Vettius affair and then ('postea') further unsavoury allegations, Sest. 132-3.
45. 'me non nominavit, sed dixit consularem disertum ...' 2.24.3.
46. Flacc. 1, and for Flaccus' role in the suppression of the conspiracy see also Schol. Bob. 167.23.
47. This is the best explanation for Laelius' part ^{as} accusator. It is true that the family had longstanding connections with Pompey (see 'Laelius' no. 6, and his father no. 5, in RE 12.413; cf. Schol. Bob. 98.3f.) but that may not be especially significant. Perhaps Pompey merely encouraged Laelius to take this chance around the time of Antonius' conviction, when Cicero's relationship with the triumvirs was at its worst. Laelius was backed by the subscriptor Ap. Decianus, for whom a good popularis pedigree can be found: Cicero suggests he was emulating his father (frag. 111, Schol. Bob. 95), who had made efforts to avenge Saturninus and Glaucia.
48. He mentions two cases brought against A. Thermus, both of which he defended successfully: Flacc. 98. The implication is that this was a victory against the 'Catilinarians', but the precise connection is not known, cf. RE 15.1966 'Minucius' no. 61.
49. 'firmissima benevolentia hominum muniti sumus', Att. 2.25.2; cf. QF 1.2.16.

FOOTNOTES - CHAPTER 3

1. There are no letters between QF. 1.2, around November 59, and Att. 3.1, late March 58, by which time Cicero was on his way into exile.
2. In this connection it is interesting to compare Cicero's later attitude to the Bona Dea affair (moral outrage) with his immediate reactions as the scandal first came to light (a sort of jaded amusement). In the case of 58, we have only the 'later attitude'.
3. He later takes Atticus to task, rather ungenerously, for allowing him to make this mistake: Att. 3.15.4.
4. At one point Cicero even suggests that Clodius in 58 was only following the bad example set by Vatinius in the previous year (Vat. 35f; cf. 14, 23, etc.)
5. Indeed, he may have been prosecuted by Clodius in 59: Val. Max. 8.1.6.
6. So did Caesar, and Cicero does not blame him: Pis. 79-80.
7. 'provinciarum foedere irretiti', Red. Quir. 11; cf. Plut. Cic. 31.4.
8. These were actually presided over by Sex. Cloelius (not 'Clodius', see Shackleton Bailey, CQ 1960, 41f.), 'familiarissimus Clodii', Ascon. 7.
9. The right of association may have dated back to the Twelve Tables: Brunt 'The Roman Mob', Past and Present 35 (1966) 3ff, esp. 22&n. 71.
10. cf. Waltzing 'Etude Historique sur les Corporations' 1.96; a half-hearted attempt to stop the games was made by an obscure tribune (L. Ninnius: Ascon. 7.21) but that was all.
11. Taylor 'Voting Districts of the Roman Republic', 145.
12. e.g. in the article on 'Lares Compitales' in RE 12.810; Lenaghan 'Commentary on Cicero's speech De Narspicum Responsis', 115.
13. Waltzing (1.98f.) even suggested (quite plausibly) that the term was an invention of Mommsen's, based largely on a 3rd century AD inscription and certainly not applicable to the Republican era.
14. cf. Treggiari 'Roman Freedmen in the Late Republic', 171.
15. Lintott 'Violence in Republican Rome' (= VRR), 78. Lintott's discussion of the collegia (77-83) is invaluable.
16. Waltzing 1.105, Brunt 'Mob' 15.

17. Dion. Hal. 4.14.1-4. The validity of his account for the late Republican period has been doubted, but epigraphic evidence suggests he is right: e.g. CIL 1.570, an inscription of 98 BC naming ministri of the Lares. These are surely slaves, judging by the names of some of them - e.g. Alexander, Nestor, Philotaerus, etc.
18. 'Qui iudi sublati collegiis discussi sunt', Ascon. 7.14.
19. Ascon. 75.15: cf. Waltzing 1.90.
20. For later examples of this perennial problem, see e.g. Suet. Aug. 32.1, Pliny Ep. 10.34, Tertullian Apol. 38.1 (250 years later!); cf. McMullen 'Enemies of the Roman Order', 165-167.
21. The relevant quotes are assembled by Treggiari, o.c. 173.
22. Waltzing 1.358 ff. e.g. 358 n.6 on the 'collegium Fabrorum et Centonariorum' at Milan, grouped into 12 'centuries', each of which was subdivided into several 'decuries'; other inscriptions record collegiate 'Fasti' listing officials in much the same way as the Consular Fasti (362f.); officials and members were variously designated - e.g. magistri, quinquennales, curatores; the rank and file were called, e.g. 'populus' or 'milites caligati' (366).
23. And if the collegia were not potentially disruptive before Clodius' law, why the ban of 64?
24. See now Waltzing 1.210-11.
25. Waltzing 1.346ff, with copious epigraphic evidence. See e.g. CIL 6.167, Republican era, the collegium of 'Piscinenses Lanii' whose magistri were a slave and a freedman; 1.1406, a college of fullers with 4 Quinquennales: 3 freedmen, 1 slave.
26. Brunt 'Mob' 15-16; and esp. Treggiari, ch. 3 passim.
27. On this extravagant claim, see now Brunt 'Mob' 22, n. 65.
28. e.g. Van Berchem 'Les Distributions de blé et d'argent a la plèbe Romaine sous L'Empire', 19-20; Heaton 'Mob Violence in the late Roman Republic', 13; Scullard 'From the Gracchi to Nero', 120.
29. Brunt 'Mob' 21. The law was so popular that, as Asconius observes (8.13), Cicero took care not to mention it in his catalogue of ruinous Clodian legislation, Fig. 9. It is likewise missing from another uncomplimentary review of Leges Clodiae, Prov. Cons. 46.
30. e.g. C. Gracchus, Saturninus, Livius Drusus. A good survey of corn laws from Gracchus to Cato is given by Brunt 'Italian Manpower' (= IM) 376-8.
31. 'instrument politique entre les mains de partis', Van Berchem 15; Licinius Macer (tr. pl. 73) warned the plebs not to be taken in by palliatives offered by the oligarchy in the form of cheap grain: Sall. Hist. 3.48.19.

32. Gracchus' law, which Cicero deplored for its extravagance, is dealt with in a discussion of the redistribution of resources in general, Offic. 2.72-3
33. See now the section on 'inopia' in Crawford 'Roman Republican Coinage', 2.634f.
34. IM 376; as from about the middle of the 2nd cent. BC there were 4 asses to a sestertius, 16 to a denarius, Crawford o.c. 621-5.
35. Frank 'Economic Survey of Ancient Rome' 1.402, giving an average price in Sicily of 3 HS/modius for 73-70 BC.
36. ibid. 1.329
37. Van Berchem 18.
38. Rostovzeff s.v. 'Frumentum', RE 7.148; R. believes that 6 1/3 asses was originally equivalent to 'a lowish market rate for the Gracchan period', but even if that were so at the time of the law's enactment, it is clear that in the Clodian period the market price was well above the subsidized rate (cf. n.35).
39. Frank mentions the lean year of 74 when Cicero had to pay 20 HS/modius - in Sicily: o.c. 1.402.
40. This is implicit in the story of the parsimonious consular Piso Frugi claiming his ration along with the rest: Tusc. Disp. 3.48.
41. IM 378
42. Plut. Caes. 8.6, Cato 26.1. This is equivalent to 7½ million denarii or 30 million sesterces.
43. Att. 1.16.11. Heaton says that Cato's law 'eventually meant the ruin of the state treasury' (64), but that is pure invention. Frank calculated, on the basis of 1250 T. as the revised total cost, that Cato's law increased the number of recipients from 40,000 to 200,000 (Frank 1.329, followed by Gruen LGRR 385-6), which means that the new cost would be five times as great as the old. Brunt (IM 378) thinks Plutarch's figure refers only to the additional cost of the new law, but seems to agree that the new recipients greatly outnumbered the old; in which case the cost of the scheme pre-62 would be only a fraction of the new cost, and so whichever way one looks at it Cato's law involved a massive increase in government expenditure.
44. Admittedly the number of recipients did increase as a consequence of the law, but that is not quite the same thing. And even here Clodius does not deserve all the blame. It is said (e.g. Van Berchem 19) that the Lex Clodia brought the peasantry pouring into the city to enjoy the life of ease. There is something in this (Appian BC 2.120) but the exodus from that country is a phenomenon that predates this law by many years, as shown by Sall. Cat. 37.7; cf. IM 109f. Secondly, the so-called 'flood of manumissions' (IM 380) might have started with Cato's law, which extended the dole to freedmen living at Rome.

45. And if the full price was 4 sesterces, then the removal of the subsidy would require an increase in government expenditure of only 60%. Compare this with the proportion by which Cato's law probably increased the budget, n.43.
46. Pompey claimed (Plut. Pomp.45.4) to have added 85 million drachmas (= denarii) to Rome's existing provincial revenues of 50 million denarii; on these figures see now Crawford o.c. 695, and Badian 'Roman Imperialism in the Late Republic', 78, who rightly explains (n.11) that Plutarch's Τέλη = vectigalia. At the time of Cato's law, in other words, the vectigalia were worth 200 million HS, or a little over 8000 Talents. Cato's law cost 1250 T. (= 30 million HS) that is about 14% (cf. Frank o.c. 1.329). However, if we accept Brunt's idea that this represents the extra cost, then the new total cost would represent a slightly higher percentage of the vectigalia. Now by the time Clodius' law was passed these revenues had increased dramatically to 540 million HS, and so it could be claimed that the Lex Clodia, which Cicero says took almost 20% of the vectigalia, did little more than ensure that a roughly similar proportion of the revenue from the provinces continued to be used for the benefit of the plebs. In terms of real money the new total cost would be a little over 100 million HS - assuming of course that 'quinta prope pars' in Sest. 55 is not an exaggeration, which it quite possibly is.
47. Crawford o.c. 638.
48. See now Badian 'Roman Imperialism' 47-8, who notes here the appearance for the first time of the 'theory of the systematic exploitation of the provinces for the benefit of the Roman people'. That may be too schematic a view; I am not sure about the word 'theory'; but there is no doubt that grain distributions were never expected to be paid for out of thin air.
49. cf. the apologetic speech of C. Cotta to the plebs in 75: Sall. Hist. 2.47.
50. See below, ch.4, on the annexation of Cyprus.
51. See now the following: Mommsen, 'Römisches Staatsrecht' (1st edn.) 1.33-37; Weinstock 'Clodius and the Lex Aelia fufia', JRS 1937, 215f; Balsdon, 'Three Ciceronian Problems' JRS 1957, 15f; Sumner 'Lex Aelia Lex Fufia' AJP 1963, 337f; Astin 'Leges Aelia et Fufia' Latomus 1964, 421 f.
52. e.g. 'qua una rogatione quis est qui non intellegat universam rem p. esse deletam' ! (Sest. 33)
53. e.g. 'sustulit duas leges Aeliam et Fufiam' Har. Resp. 58; 'lex lata est ... ut Lex A. Lex F. ne valerent' (Sest. 33).
54. Sest. 33, cf. Prov. Cons. 46; Sumner o.c. 351.

55. Ascon. 8.17f, Dio 38.13.6; whether these popular meetings included electoral comitia (so Weinstock o.c. 216f) or were only the legislative assemblies (so Sumner 352) is another question.
56. Next year the tribune Ninnius tried to veto the Compitalia but that is the last we hear of attempts at intercessio in 58 (Ascon. 7.21).
57. cf. Weinstock o.c. 216; Vat. 18 'quae leges saepe numero tribunicios furores debilitarunt et represserunt'; Ascon. 8.20 'obnuntiatio enim qua perniciosis legibus resistebatur'. Astin (o.c. 423f) is sceptical of Cicero's theory re the origin and purpose of these laws, but Cicero may well be right. The privilege of obnuntiatio was as old as the Republic itself (Mommsen 1.34), and initially of course its character would be religious rather than political. However, the formulation of laws confirming it as a statutory right belonged to a much later period (cf. Ascon. 8.20 'obnuntiatio ... quam Aelia lex confirmaverat') and may indeed have represented, as Sumner says (346) a response by the Senate to a tribunician challenge; and his attractive suggestion that the challenge in question was Ti. Gracchus need not be thrown out of the window simply because of Cicero's vague remark that the law was 'a hundred years old'. (Pis. 10).
58. Gruen appears to take this view: IGRR 255-7.
59. This could also, by a crooked logic, have the effect of confirming Clodius' own position since his transitio, carried by a Lex Curiata while Bibulus 'obnuntiated', was technically void; cf. Prov. cons. 46 'si plebeius, contra auspicia'. Cicero's whole argument in this tortuous passage makes a good deal more sense if it is assumed that the Lex Clodia was retrospective.
60. Bibulus not only 'watched the skies' but also, as a double check, he declared all remaining dies comitiales to be fasti (Dio 38.6.1).
61. The question of retroactivity is discussed at some length by R. Driscoll 'L. Appuleius Saturninus', unpubl. diss., St. Andrews 1975, Appendix R. He points out, for example, that a Lex Sempronia of 123 allowed the prosecution of Popilius Laenas for condemnation 'in iussu populi' of Gracchan supporters ten years earlier; see esp. p. 136. Elsewhere (p.8) it is noted that the text of the Lex Repetundarum on the Tabula Bembina includes a clause (line 74) excluding the possibility of retrospective prosecutions: the fact that this exclusion needs to be made at all is suggestive. Returning to our own period, we may note Velleius' version of the Clodian law which led to Cicero's exile. This decreed outlawry on anyone 'qui civem R. indemnatum interemisset' (2.45.1, see also Dio 38.14.4); we know in any case that the law was retrospective because Caesar expressed disapproval of this aspect of it (Dio 38.17.2). Disapproval was one thing - but it was never suggested subsequently, in the campaign to bring Cicero back, that Clodius' law was invalid due to its retrospective character.
62. There is some controversy about the law's long-term survival.

- 62(cont'd). The Senate suspended the old *Leges A.F.*, just as if the *Lex Clodia* did not exist, when Cicero's recall was voted (Red Sen 27, Sest. 129); Milo 'obnuntiated' against the aedilician elections in 57 (Att. 4.3.3f.) and Sestius in the same year 'obnuntiavit consuli' (Sest. 79). But it should not cause surprise that Clodius' enemies denied the law's existence - there was a great contention about the validity of everything done in 59/8. Later, Cicero refers back to 59 'cum esset etiam tum in republica lex A. lex F.' (Vat.18) and although this speech is not an especially reliable source, this quote may confirm Mommsen's view that the law was for a while contested but finally accepted (ibid. 1.35 with n.1 and 2).
63. 'sublata est' (Pis. 9); cf. Prov. Cons. 46 ('de civitate sublato'), Sest. 55 ('de republica tolleretur').
64. Dio 40.57. For an example of the censorship as a weapon of party politics note Metellus Numidicus' declared intention (on election to the censorship in 102) to exclude Glaucia and Saturninus from the Senate: Appian BC 1.28, Sest. 101; cf. the case of the trib. Atinius Labeo, excluded from the Senate by another 'censorious' Metellus in 131: Livy Per. 59, Dom. 123.
65. Thus in 55, Pompey 'heard thunder' to forestall Cato's election to the praetorship: Plut. Cato 42.4.
66. As Cicero recognized: QF 1.4.3, Mil. 88.

CHAPTER FOUR:

1. 'From the Gracchi to Nero' 121; cf. the account of Cary in CAH 9.525-6.
2. See now Gruen 'P. Clodius - instrument or independent agent?' in Phoenix 1966, 120-30.
3. Gruen makes the same assumption. He asks the question 'instrument or independent agent' as though it were necessary for him to be one or the other. But if the triumvirs supported Clodius here, that does not make him their puppet.
4. Lintott thinks it unlikely that their laws were in any real danger (Greece and Rome 1967, 165; VRR 143f) but although Bibulus had not got far in persuading the Senate to annul the *Lex agraria* early in 59 (VRR 143 n.6), a great deal had changed since then, and by January 58 the triumvirs could hardly be confident of majority support in the Senate. See now Meier 'Res Publica Amissa' 285, showing conclusively that Caesar really was concerned for the survival of his laws. He hung on at Rome with his army for as long as possible - till bad news from the north compelled his departure around mid-March.
5. Velleius 2.45.1, Dio 38.14.4. The date: the rogatio became law simultaneously with the *Lex de provinciis consulum* (Sest. 25), which

- 5 (cont'd) was passed a day or two before Cicero wrote Att.3.1, viz. about 20th March: it must therefore have been proposed at the end of February.
6. Gruen LGRR 244; and Gruen rightly points out that in later years Cicero concentrated his pique on the 'privilegium in hominem' since he could hardly question the principle behind the present law (246).
7. And Cicero's regrets (Att. 3.15.4) at not offering resistance to the Lex de Collegiis also suggest that the revived collegia in some way helped Clodius pass the present law.
8. 'neque post Numidici exilium aut reditum quisquam aut expulsus invidiosius aut receptus est laetius', Velleius 2.45.3.
9. Prov. cons. 18; Pis. 72, where Cicero disputes Piso's explanation of 'fluctus illos', but does not deny that there was a wave of ill-feeling.
10. 'tribunum popularem a se alienare nolebant' (Sest. 39). The implication, surely, is that they just could not afford to alienate Clodius.
11. For similar accounts see now Red. Sen. 32: 'erat alius ad portas ... quem ego inimicum mihi fuisse non dico, tacuisse cum diceretur esse inimicus scio'; Har. Resp. 47: Clodius claimed that Caesar would support him with his army and 'eum nemo redarguebat'.
12. It is probable for example that the 'Pro Sestio' was concocted as an oblique attack on Caesar, and might therefore be expected to give a distorted picture. The speech is peppered with innuendo, which the Scholiast is quick to spot - e.g. on Sest. 42: 'et C. Caesarem perstringit invidia, et tamen nihil accusat exerte' (130.7)
13. e.g. Prov. Cons. 42: Cicero acknowledges Caesar's difficulties and explains his acquiescence in Clodius' schemes as a result of 'terror iniectus Caesari de eius actis'; this 'terror' is listed along with 'ruina atque incendium civitatis' and 'metus caedis bonis omnibus', with the clear implication that Clodius was to blame for all these 'conditions'; c.f. ibid. 18, where Cicero replies to objections that, he of all people, ought not to be supporting Caesar: he does not deny that he has good reasons for enmity, but provides a string of historical precedents for rapprochement of old inimici; cf. Balb. 61.
14. 'adducta res in certamen te consule (58) putabatur, utrum quae superiore anno ille gessisset manerent ... Cur ego non ignoscam si anteposuit suam salutem mese?' Pis. 79f.
15. Sest. 39 and Prov. Cons. 42 (see notes 10 and 13) both hint at Clodius' part in increasing Caesar's paranoia about his legislation. Having once chosen to abandon Cicero, Caesar would then of course have an interest in keeping Cicero out of Rome in case he should repay the favour: this will explain why Caesar's permission was evidently required

- 15 (cont'd) before Cicero could return - e.g. Att. 3.18.1, Sest. 71, Pis. 80; it looks as though Caesar laid down certain conditions, Quintus being required to 'stand bail' for his brother's good behaviour: Fam. 1.9.9.
16. Plut. ibid; cf. Att. 10.4.3 for Pompey's own defence.
17. 38.30.1. Cicero himself admits that Pompey 'paid more attention to bringing me back than to keeping me here in the first place' ('ille restituendi mei quam retinendi studiosior', Att. 8.3.3). When Cicero proposed Pompey for the 'cura annonae' in 57 he was asked 'cur ornat eum a quo desertus est?' (Dom 29) and his reply does not really excuse Pompey; cf. Pis. 74.
18. see now above, ch 2. n. 44
19. Fam. 14.2.2; and Cicero might well have his doubts for Pompey's change of heart was due less to any real sympathy for Cicero than to his own discomfort in the face of Clodius' threats.
20. 'consules se optime ostendunt' QF 1.2.16, Dec. 59; cf. Dio 38.15.6.
21. Sest. 24-5, Prov. Cons. 1-2; they made the best of their opportunity, and both returned to Rome in the mid-fifties to face repetundae charges.
22. Dio 38.16.5f.; again, 'neutrality' was probably the full extent of their crime here and Cicero's later embellishment of their roles has already been exposed as rhetorical licence, above p. 45-6
23. As Gelzer describes them, o.c. 137.
24. The four envoys were: Q. Fabius Sanga, who had uncovered Catilinarian plans through his clients the Allobroges, and passed them on to Cicero in 63 (RE 6.1867, 'Fabius' 143); L. Lentulus Crus, accusator in the Bona Dea trial (Schol. Bob. 85.16); M. Lucullus, brother of Clodius' enemy Lucius, and evidently a supporter of Cicero in 63 (e.g. Dom. 132): these three all had reason to be afraid of Clodius' growing power, and sympathy for Cicero would be at best a secondary motive; finally L. Manlius Torquatus, perhaps the least obvious anti-Clodian of the group, but an old friend of Atticus and a man whom Cicero regarded highly both before and after this event (RE 14.1199f., cf. LGRR 134 n.50).
25. cf. Att. 4. 8a.2, where Cicero compares the misfortunes of Domitius in 55 with his own crisis in 58, seeing the same factors at work - 'vel quod ab iisdem (the triumvirs) ... vel quod viri boni nusquam'. He implies that the apathy of the boni was just as important a factor in his decision to leave Rome as the triumvirs' tacit support of Clodius.
26. Red. Sen. 11; cf. Dom 56, Sest. 26, Pis. 17.
27. e.g. Att. 3.15.2, 4.3.5, 4.5.1; Fam. 1.6.2, 1.7.2, 5.12.4; in Fam. 1.9.13 he implies that it was the leading members of the Senate ('duces') rather than the rank and file ('exercitus') who really let him down.

28. 38.17.6; cf. Cicero's own rather telling remarks to the plebs, explaining his voluntary departure: 'cum viderem ex ea parte homines, cuius partis (i.e. the boni) nos vel principes numerabamur, partim quod mihi inviderent partim quod sibi timerent, aut proditores esse aut desertores salutis meae ...', Red. Quir. 13.
29. Dio 38.16.5; the equus L. Lamia, meanwhile, who had very creditably stuck to his guns, was booted out of the country as a warning to his colleagues: Red. Sen. 12.
30. e.g. the well-known remark about Cato behaving as though he lived in Plato's Republic rather than 'in Romuli faece' (Att. 2.1.8)
31. 'unus est pro centum milibus', Att. 2.5.1.
32. 'quasi per beneficium Cyprum relegatur', Dom 65. This is the authorized version of the story: e.g. 'Clodius got rid of Cato under the semblance of an honourable mission', CAH 9.527.
33. Plut. Cato 36.2. Oost ('Cato Uticensis and the annexation of Cyprus' CP 1955, 98-109, esp. 104 f.) says Cato was ruthless in ensuring that Rome derived the maximum financial benefit from the annexation and 'acquiesced in cold-blooded highway robbery' (107). The treasury was enriched to the tune of 7000 talents (Plut. Cato 38.1) and the whole adventure has been described as the 'most disgraceful act of Roman imperialism apart from the Gallic war' (Badian, Roman Imperialism 77). But that is a modern viewpoint, for although Cicero himself deplores the betrayal of faith with Ptolemy (Dom. 20), 'it is clear that much political argument in the late Republic was over the question of who should exploit the Empire, not whether it should be exploited' (Crawford o.c. 2.634).
34. Plutarch did not necessarily invent ^{this} their detail himself: in writing a life of Cato, he had any number of hagiographies to draw upon, most of them (one imagines) absurdly idealistic; cf. MacMullen 'enemies of the Roman Order' ch 1 passim; Oost (o.c.) also helps puncture the myth about Cato, and about Brutus as well.
35. Cicero sympathized with Cato's plight in being bundled off to Cyprus (Sest. 60-1), but there is at least a hint of sarcasm in his fulsome praise; cf. Att. 3.15.2, where one gets the impression that in his darkest moods Cicero did indeed feel that Cato had betrayed him.
36. Prov. Cons. 24. The details of the Cyprus episode are discussed by Oost o.c. and Badian 'M. Porcius Cato and the annexation and early administration of Cyprus' JRS 1965, 110-20. Both rightly emphasize the connexion between this law and the earlier Lex Frumentaria, which was not conceived 'in vacuo'. The annexation of Cyprus (moral issues aside) was thus an intelligent measure designed to provide an extra injection of cash into the treasury, cf. above p.54f on the economic background to Clodius' corn law.

37. For which he rebukes himself throughout the exile letters, Att. 3 passim, later turning self-reproach into glorification by claiming that his gracious exit 'saved the Republic': Red. Sen. 33, Quir. 13, Dom. 64, Sest. 43, etc.

CHAPTER FIVE:

1. 'Roman Imperialism', 21-2.
2. for references see MRR 1.514
3. See now the discussion of the Cnidos text and its likely correspondence with the old Delphic 'pirate law', by Hassall, Crawford and Reynolds, 'Rome and the Eastern provinces at the end of the 2nd century BC' in JRS 1974, 195-220; its implications are also considered by Driscoll o.c. 24-33, esp. 31f. on the blatantly 'popular' bias of the law, which, 'assumes complete authority to decide the basic questions of policy'.
4. Vell. 2.38.6 'senatus consulto, ministerio Catonis ... facta provincia est'; for Oost's comments, o.c. 110 n.13.
5. ΠΡΟΣΕΛΘΩΝ ΕΥΘΥΣ ΕΙΣ Τὸν Δῆμον Cato 34.5. Livy just says that 'a law was carried' (Per. 104); Dio, while certainly implying that this was very much a Clodian initiative, does not say that Clodius failed to consult the Senate (38.30.5); and the Scholiast's version is in the same vein (133.5).
6. And it is interesting to note that, for all his innuendo (e.g. Sest. 57), Cicero himself does not come right out and say that Clodius by-passed the Senate. And yet if Clodius had really done so over such an important matter, we should surely have never heard the end of it.
7. Red. Sen. 3-7, Quir. 14, Dom. 5-6, 49, 54f, Sest. 34, Pis. 11 etc. 'Clodius carried on an unparalleled reign of violence', says Heaton ('Mob violence in the Late Roman Republic', 69) and goes on to give the details, regurgitating Cicero's account without demur. The same impression of violence and intimidation is conveyed by Smith ('Failure of the Roman Republic', 94), who does not once mention Clodius but makes a vague reference to his (alleged) political style with this comment on the plebs after Saturninus: 'Later they attached their services to one or other of the demagogues who organized their gangs to attain by force what reason and eloquence might have been unable to procure'. Is that really true of, say, the exile of Cicero?
8. Indeed, if we can believe Plutarch, the scheme was already in the air, and there were many candidates for the coveted job: Cato 34.4.
9. It might be objected that, in the tradition of the Gracchi and Saturninus, Clodius would naturally ignore the Senate in order to assert the principle of popular sovereignty over foreign affairs. Clodius' 'principles' will be discussed in the last chapter, but for the moment

it is enough to say that Clodius was not the man to jeopardize his own careful arrangements for the sake of some popularis dogma.

10. cf. Dom. 51 on Clodius' religious ordinances; the consecration of Cicero's house is also represented as 'supervision of public works' ('operum publicorum exactio') likewise with the implication that Clodius was overstepping his authority.
11. i.e. (one assumes) by plebiscitum, which was not good form for dealings of this kind. The new incumbent (Brogitarus) was then confirmed as king, hence 'appellati reges a populo ...' (Sest. 56); cf. Har. Resp. 28f; on Clodian interests in this part of the world, see now Rawson, Historia 1973, 236.
12. Cicero asks why the Senate were powerless against Clodius, despite 'consensu tam incredibili bonorum omnium' (Sest. 36) but does not come up with a good answer. This is the 'public' version; in private, Cicero admitted ruefully that there was anything but a 'consensus' among the boni.
13. Besides, Cicero was genuinely popular in these circles; cf. now his remark that Clodius' friends 'were rejected at the polls and condemned in the courts' (Dom. 49). This may be no more than a reference to the troubles of Vatinius, who failed to win the aedileship this year, and had to seek Clodius' help when he was arraigned for contravening the Lex Licinia Iunia (or de ambitu? Sest. 135 with Schol. Bob; Vat. 33). At any rate, this indicates what we should in any case expect, that Clodius' credit was low among the respectable classes who filled juries and dominated the comitia centuriata.
14. Att. 3.8.3, written at the end of May, when Cicero discusses Atticus' prediction that there was about to be some 'motus in re publica'.
15. cf. Att. 3.8.3: Atticus had had a conversation with Pompey just before he made this forecast.
16. Plutarch suggests that Clodius started baiting Pompey just for the fun of it (Pomp. 48.8). That is not entirely implausible, but it is more likely that Clodius' attacks were retaliatory.
17. 'emergere auctoritatem vestram e fluctibus illis servitutis, reviviscere memoriam ac desiderium mei vidit,' Har. Resp. 48; 'tuo praecipitante iam et debilitato tribunatu', Dom. 40; Pompey 'eodem tempore improbes auctoritate sua compresserit, bonos excitarit', Red. Sen. 29. The details are of course exaggerated ('servitutis', etc.) but the basic picture rings true.
18. The point is well made by Marsh, CQ 1927, 33-4: one bright spot in an otherwise uninspiring article.
19. Att. 3.8.3. Clodius arranged the release, from the house of the praetor Flavius, of Pompey's hostage Tigranes. Details are supplied by Asconius (47.10f.) and it was a serious business. Flavius went in pursuit of his charge and only just escaped with his life from a

skirmish with the redoubtable Cloelius: 'pugna facta est in qua multi ex utraque parte ceciderunt', including an equestrian friend of Pompey's.

20. Plut. Pomp. 49.1, Cic. 33.1; 'in ipsum Cn. Pompeium invehi coepit, inibat gratiam a nonnullis'. (Har. Resp. 48-9); Dio (38.30.1f.) sees the Tigranes episode as the first thrust: this is what made Pompey take up Cicero's cause and challenge Clodius, and so on. He may be right; it is impossible to know who started the ball rolling. But once the two of them were at odds with each other, the rest of the story must surely conform roughly to the detailed accounts in Dom. 40 and Har. Resp. 48.
21. e.g. Har. Resp. 46, Prov. Cons. 47; private reflections, e.g. QF 2.3.4. Clodius' relationship with the boni is discussed more fully in the next chapter.
22. Sest. 69, Pis. 28, Mil. 39, and esp. Ascon. 46.20f.
23. 'multitudine comparata', Att. 3.23.5.

CHAPTER SIX:

1. Quir. 11. As usual, there are 'personal' reasons: like the delegation in Pis. 77, Lentulus had an interest in cutting Clodius down to size. As aedile in 63 he had been 'omnium meorum consiliorum particeps' (Red. Quir. 15) and so was 'inimicus Clodio' (Mil. 39). See now RE 4.1392f, esp. 1394: Munzer does not however mention Dio's remark (39.6.2) that as a juror in the Bona Dea trial Lentulus voted for the prosecution.
2. This sententia was L. Cotta's: Dom. 68, Sest. 73, De. Leg. 3.45; Cotta also had his reasons for talking an anti-Clodian line: he too had supported Cicero in 63, cf. 'Aurelius' 102 in RE 2.2485f.
3. Pis. 34, cf. Att. 3.26. It is not clear whether his colleague Nepos actually supported Lentulus (Cicero thanks him for his 'mitissima oratio', Fam. 5.4.2, cf. Sest. 72) or merely refrained from opposition. He and Cicero had their differences, and despite Cicero's wheedling manner in Fam. 5.4, Nepos firmly took Clodius' side against Milo in February.
4. 'cum fieret sine ulla varietate discessio ...' (Sest. 74); 'ea die confecta res esset, nisi ...' (Red. Quir. 12). Atilius' request was the 'polite' form of veto, but no less effective for that.
5. Sestius was wounded, Quintus was left for dead; Red. Quir. 14f, Sest. 75f., Mil. 38, Schol. Bob. 125, etc; Clodius is said to have removed the steps of the Temple of Castor - see now Taylor 'Roman Voting Assemblies', 41, for speculations on the 'technical' reasons for this act of vandalism.
6. This is the implication of Dio's version: 39.7.2.
7. cf. remarks on Att. 3.23.5, above, end of ch.5; this becomes clearer as time goes by.

8. The magistrates in question were, respectively, Nepos, Appianus, and Atilius (Sest. 89); cf. Dio 39.6.3, who also says that Clodius was supported by 'several of those in office'. A second unsuccessful attempt to bring Clodius to justice followed later in the year. (Mil. 35, and see below) and Milo's repeated failure in this sphere presumably forms the basis of Cicero's favourite claim that the iudicia were 'abolished' during Clodius' supremacy (Red. Sen. 19, Quir. 14, Sest. 85, etc.). The fact that the charge was vis is of course of no significance as a pointer to Clodius' political methods. Clodius later returned the favour, indicting Milo on the same charge, but for the pair of them it was just a case of the pot calling the kettle black.
9. For details see now Dom. 74 and Pis. 41; as for Cicero's claim that he was supported by the collegia, it is not altogether incredible. As Brunt says (Roman Mob' 22 n.65), 'some must have done so, perhaps those with middle class officers'; besides, as Waltzing says (1.178), the collegia were open to offers.
10. The dissenters were Appianus, Atilius, and another tribune Numerius: Att. 4.1.4, Pis. 35, Ascon. 11. Nepos had evidently relented by this time. (Red. Sen. 25, Sest. 130; cf. Dio 39.8.2) and that may well have been a crucial factor.
11. Quir. 16; cf. Sest. 107, 130, Pis. 34. Cicero's claim that the public showed their affection for him at the spectacula cannot, however, be taken as serious evidence (Sest. 117ff.) He says he was cheered at the Apollinares and at the games of Nasicus, but such demonstrations need not have been spontaneous. He admits that Appianus held contiones to sound out opinion, and the crowds were hostile to Cicero, but their sentiments are attributed to a hire-clique of degenerates: 'erat reclamatum semivivis mercennariorum vocibus' (Sest. 126). The 'subjectiveness' of the treatment hardly needs pointing out.
12. That was as it should be, in Cicero's view: De Rep. 2.39, De Leg. 3.44. On the 'Centuriata' see Taylor 'Roman Voting Assemblies', 85ff, Staveland 'Greek and Roman Voting and Elections', 122ff.
13. Sen. 28, Dom. 75, Pis. 36; the adjective 'splendidus' itself implies affluence; cf. Plut. Cicel 33.5; the voters' 'unanimity' is not however mentioned in the speech 'ad Quirites'.
14. Att. 4.1.6, Dom. 11-12; cf. VRR 10f, on the use of 'flagitatio'; Cicero names Clodius as 'seditionis instimulator' here, but (though he certainly capitalized on the situation) the plebs were genuinely distressed. See now Dio 39.9.2; Brunt 'Roman Mob' 25-6.
15. He claims this was a unique honour (Att. 4.2.2., Har. Resp. 15, Pis. 52) but Asconius disagrees: 13.4f.
16. Cicero finds himself answering the charge 'te ad populum contulisti' (Dom. 4) and is reminded by Clodius that Pompey's new command was unconstitutional because extra ordinem (Dom. 18).

17. Att. 4.1.8. He was not very satisfied, either, with the miserly compensation awarded in respect of his property - invidia was behind that too: Att. 4.2.5, Fam. 1.9.5.
18. 'numquam enim cuiusdam invidi et perfidi consilio est usus, nec inerti nobili crediturus', Att. 4.3.5.
19. Att. 4.3.3: 'familiari tuo' is usually, and I think rightly, identified with Hortensius (e.g. RE 8.2477, Tyrell-Purser 2.13). Hortensius was an old friend of Atticus (Nepos Att. 5.4) and Cicero quite often complains of his 'perfidy'. (e.g. Att. 4.6.3 on 'iniuria illius'). One cannot help noticing that Clodius' friends seem of a rather higher calibre than his enemies; except for Marcellinus, who again has personal reasons (Bona Dea: RE 4.1389).
20. A delegation representing Ptolemy's opponents had been sent from Alexandria, but most of its members were murdered en route to Rome, the rest when they got there (Dio 39.12f); for more details see now Appendix 5 of Austin's commentary on 'Pro Caelio' and Lenaghan's commentary on 'De Haruspicum Responsis', 149f. On the Egyptian question in general see also Eden, 'Cicero ad Fam. 1.1.2' in Rhein. Mus. 1962, 352f, and Shatzman, 'The Egyptian Question in Roman politics, 59-54 BC', Latomus 1971, 363f.
21. According to one version, Pompey had helped him in getting rid of the Alexandrian envoys, cf. Austin o.c. 152 n.3.
22. Fam. 1.1.1, 1.5b.2, QF. 2.2.3; Shatzman o.c. 365-6.
23. QF. 2.1.2. The same Cato had risked his neck by calling Pompey a dictator in 59: QF. 1.2.15.
24. Fam. 1.4.3; and he doesn't mean Clodius but the Pompeian Caninius: QF. 2.2.3.
25. 'Pompey, the Roman aristocracy, and the conference of Luca', Historia 1969 (71-108), 79.
26. Greece and Rome 1967, 168.
27. They were also usually better at it than their opponents. The point is developed in greater detail below, Chapter 8.
28. cf. above, p.83; more recently Milo and C. Cato had both been involved in some scandal involving a band of gladiators, QF. 2.4.4.
29. i.e. before the Comitia Tributa, though see Gruen's reservations, LGRR 298, n.139.
30. It is reasonable to suppose (despite the dramatic success story reported by Plutarch, Pomp. 50.3) that Pompey had not yet had time to overcome supply problems, so perhaps Clodius was better off without the cura annonae: it was easier to criticize Pompey's 'incompetence' than to excuse Clodius'.

31. This is certainly the best evidence there is for collusion between Crassus and Clodius, who presumably had some influence over the way the plebs were answering his questions. There is no justification for the kind of edifice constructed by Marsh (CQ 1927, 30-36), who imagines a lifelong connection between the two men, with Clodius of course subordinate. But it would certainly be entirely in character for Crassus at this moment to be supporting the side which was popular in every sense of the word (with plebs and boni); this would, as it were, exercise his connection with the triumvirate.
32. QF. 2.3.4: 'vehementer esse providendum ne opprimatur contionario illo populo a se prope alienato ... Itaque se comparat, homines ex agris accersit'; a month later, Pompey was still out of favour 'apud perditissimam illam atque infimam faecem populi' (= 'apud plebem'; we will do well to disregard Cicero's epithets), QF. 2.4.5.
33. For background see the 'argumentum' in Schol. Bob. 125-6. P. Vatinius was among the prosecution witnesses (125.17) but the defence boasted a more distinguished line-up: Hortensius and Crassus (125.25) not to mention Cicero himself. Those two had shown themselves 'consistently ambiguous': see e.g. Hortensius' 'moderate' line on Egypt (above, p. 91); perhaps Crassus was trying to allay Pompey's suspicions. Defending Sestius, in any case, was not the same thing as attacking Clodius.
34. 'Pompei offensio' (QF 2.4.6). Pompey's henchmen were, therefore, unpopular with the Senate owing to their association with Pompey. By contrast, Pompey was unpopular with the plebs owing to his association with Milo: 'apud ... faecem populi propter Milonem suboffendit' (QF. 2.4.5). He just can't win!
35. See now Austin's commentary, appendices 5 and 6, also Gruen, *Historia*, 1969, 88-9, esp. nn. 79 and 80.
36. For more details, see now LGRR 304-5.
37. The most important articles are: Cary 'Asinus Germanus' CQ 1923, 103-7; Balsdon, JRS 1957, 15f; Lazenby 'The conference of Luca and the Gallic war' *Latomus* 1959, 67f; Gruen, *Historia* 1969, 91-3; Mitchell, 'Cicero before Luca', *TAPA* 1969, 295f.
38. QF. 2.1.1. Lupus filled his speech with 'nonnulli aculei in Caesarem'; for his association with Pompey, cf. Fam. 1.1.3.
39. cf. Lazenby o.c. 68: this meant that Caesar's Transalpine province would again (theoretically) be on the market for the consuls of 55.
40. This second point, for some reason, is usually overlooked: 'L. Domitius consulatus candidatus palam minaretur consullem se effecturum quod praetor nequisset', Suet Iul. 24.1; and for Domitius' intentions as praetor, ibid. 23.1.
41. Cary o.c.; Stockton 482 'Pompey's interest in defending the acta of 59 was very thin'.

42. Balsdon questions, no doubt rightly, how far this move really contributed to a crisis which was in any case inevitable; if Cicero was exaggerating his own role, it would not be the first time. However, this Campanian initiative was Cicero's (Stockton 475 f, contra Balsdon), and Mitchell (o.c. 301f) underestimates the importance to Caesar of the Campanian issue. For, whatever the truth about the numbers which Campanians could accommodate (compare Att. 2.16.1 with Suet. Iul. 20.3), it is undeniable that the Campanian question always generates heat when it is raised. It must have been an asset worth controlling; cf. Fam. 8.10.4 showing that not all the land had been distributed even in 51.
43. QF. 2.5.3. Gruen believes that Pompey was behind Cicero's proposal, and was just bluffing Caesar (o.c. 91). But surely Pompey was prepared to leave the triumvirate (a partnership he had never much enjoyed) if something better came up.
44. The significance of the conference itself is questioned by Lazenby, and there is certainly room for doubt over what, if anything, was actually decided there. But the essential fact remains that, however briefly, the three were again working in concert, and as such were an invincible force.
45. Att. 4.5.1: Just one of Cicero's many disparaging comments on the boni in 56; cf. Fam. 1.7.7, 'incredibilis hominum perversitas'; 5.12.4 'multorum in nos perfidiam', etc.
46. The list would be longer if we could believe Cicero's fantastic catalogue in Har. Resp. 42-3, against which must be set the fact that Clodius may have been friendly with Cicero in the sixties, and is said to have joined his 'consularis exercitus' in 63 (Plut. Cic. 29.1).
47. under coercion? above p. 33-4.
48. Hence Cicero's explicit warnings to those 'qui illum Pompeio inimicum gaudebant, ob eandemque causam in tot tantisque sceleribus conivebant' (Har. Resp. 52). Perhaps at this point some attempt should be made to define the term boni. It is difficult to know how many senators actively supported Clodius, though some kind of backing is attested at one time or another from some very influential names: Hortensius, Bibulus, Favonius, Curio, Cato, etc. More to the point, perhaps, a far larger number at least 'connived' (as Cicero says above), and (apart from Pompey's insignificant group) the only senators who actively opposed Clodius had good personal reasons: the Lentuli, Luculli, etc. (above chapter 4, p.68 with n. 24; p.69)
49. Mass murder of senators, redistribution of property, etc. (Dom.13).
50. Sest. 96-143. On the definition of 'optimus quisque', a group apparently embracing everyone but lunatics and criminals (i.e. Clodius ad co.) see esp. 97f.
51. Sest. 84-6. At the end of the speech the theme is resumed with a series of rhetorical flourishes (Sest. 139).

52. 'sit discordiarum finis' (46); 'tollatur haec e civitate discordia' (55); 'nostrae nobis sunt inter nos irae discordiaeque placandae' (63).
53. 'homines sapientissimas gravissimosque' (46).
54. e.g. 'etimne in sinu atque in deliciis quidam optimi viri viperam illam venenatam ac pestiferam habere potuerunt?' (50)
55. Thus Prov. Cons. 18f, 38; Balb. 60
56. The chronology of the year is confused and various dates are offered for the speech Har. Resp.: see esp. the exhaustive discussion in Lenaghan, o.c. 22-28, who puts it in May.
57. cf. n.55 above; and esp. the end of Prov. Cons., where Cicero remonstrates bitterly with those 'qui meum inimicum ... texerunt' (47; cf 24); evidently the boni were still prepared to defy Cicero's careful logic and uphold Clodius' acta while condemning those of Caesar (45-6); cf. also Fam. 1.9.17-18. Of course, if Har. Resp. is placed after Prov. Cons. in August (so Gelzer o.c. 174 and n. 55, following Stein), then Clodius' alleged reconciliation with Pompey may by that time have taken place.

CHAPTER SEVEN:

1. 'in hac causa mihi aqua haeret', QF 2.6.2
2. June 56, cf. Gelzer o.c. 169.
3. He himself admitted feeling 'rather ashamed' about this volte-face ('subturpicula mihi videbatur esse παλινοδία) and Shackleton Bailey regards his attacks on the boni as 'hardly more than a smokescreen for the true reason of his recantation, namely the dangers of the coalition just re-established at Luca'.
4. The Optimates' dalliance with Clodius has been considered above, but the rot set in earlier still: see e.g. Att. 1.186f., 1.20.3, 2.1.7 (60 BC) for Cicero's complaints that, since Catulus' death, he was left holding the fort for the apathetic boni.
5. cf. Chapter 4, n. 27 for refs.
6. 'si esset fides, si gravitas in hominibus consularibus; sed tanta est in plerisque levitas ...' (Fam. 1.7.7.)
7. See e.g. Cicero's letters to the young Trebatius, Fam. 7.5-18, esp. 7.17; cf. Domitius' wistful remark as cos. 54: 'no one ever asks me for a military tribunate' (QF 2.14.3); cf. Suet Iul. 27, Appian BC 2.3.17.
8. Cicero comments in August 56 on his 'levitas' and 'imbecillitas', Fam. 1.7.7.
9. There may also have been an element of coercion in Clodius' change of direction. His brother Appius, who had been in consultation with

Caesar (QF 2.5.4) may have received a conditional guarantee re the consulship of 54 (cf. Wiseman, 'The Ambitions of Q. Cicero', JRS 1966, 112 and n. 5809) and so put pressure on Clodius to cooperate. There is some evidence of Clodius taking an apologetic line with Pompey: Schol. Bob. 170.17f.

10. 'tenent omnia', Cicero rightly observed (QF. 2.8.3; cf. Fam. 188.1, Att. 4.8a.2.). Referring to elections of 55, Gruen claims that 'even when the triumvirs were operating in solid conjunction they could not run roughshod over Roman politics' (LGR 147), but this is demonstrably untrue and refuted by the stark fact that Pompey, Crassus and Vatinius were 'elected' instead of Cato and Domitius. On their electoral tactics, see now Plut. Pomp. 52.2f, Crassus 15.3f, Cato 41.2f; Dio 39.31-2.
11. see e.g. Dio 39.34, where Cato parades himself as a martyr to free expression; 39.36.1, where Ateius 'exhibits' the wounded Gallus to the crowd, (both anti-triumviral tribunes) and *δεινὸς ὄψας ἐξέταραξεν*.
12. The plebs were pampered with bloodcurdling entertainments in Pompey's new theatre (Dio 39.38, Plut. Pomp. 52.5f) and with banquets and largesse from Crassus (Plut. Crass. 2.3).
13. Dio 39.39; consequently the people 'praised Cato and the others'.
14. He asked the triumvirs' permission to go on a libera legatio to Byzantium: QF 2.8.2, early Feb., 55.
15. Plut. Cato 44.11: he was the object of *φθόνος* i.e. invidia.
16. Earlier the same year, Pompey was still unpopular following his consulship, and also because of his protection of Gabinius, whose disobedience of the Sibylline oracle re Egypt was interpreted by some as the cause of the disastrous flooding in the city (Dio 39.59f).
17. Justifying his defence of P. Vatinius, Cicero says 'quoniamque illi haberent suum Publium, darent mihi ipsi alium Publicum ... (Fam. 1.9.19, Dec. 54). The excuse would suffice for the absent Lentulus, but is unlikely to reflect accurately the contemporary scene.
18. In November 54, Cicero still spoke of an arrangement between Pompey and Clodius as only a likely possibility: QF. 2.16.1.
19. QF. 2.15.2: it is perhaps symptomatic of Clodius' growing isolation that Cicero could speak in these aggressive terms even though he was already reconciled with Clodius' brother Appius. (QF. 2.11.2, cf. Fam. 1.9.4).
20. Dio 40.17.1; cf. Fam. 7.11.1, Plut. Pomp. 54; on the 'craze for office' as a factor in the decline of the political system, see now Polyb. 6.57.5, Sall. BJ 4.8, Dio 40.46.2.
21. He may even have plotted to assassinate Pompey (hardly an original idea!): Mil. 65-7, Ascon. 50.22f.

22. The claim is based on the fact that Milo had squandered a fortune (or to be more accurate, three fortunes, *Ascon.* 31.5) on placating the masses (*Fam.* 2.6.3), but is probably wishful thinking. Even more far-fetched is Appian's claim (*BC.* 2.3.20) that the plebs favoured Milo because of his part in restoring Cicero in 57.
23. It emerges at Milo's trial in 52 that the tribune Plancus had been complaining about Cicero's power: 'cotidie meam potentiam invidiose criminabatur, cum diceret senatum non quod sentiret sed quod ego vellem decernere' (*Mil.* 12). If Cicero's influence in the Senate had indeed revived to such an extent, we have further proof that senatorial support for Clodius had evaporated.
24. His recent contretemps with Cato, e.g., was prompted by concern to maintain for the urban plebs one of the traditional privileges of otium. (*Plut. Cate* 45.2)
25. As early as 70 BC, freedmen may have accounted for up to 70% of the city population (*Brunt IM* 387). Since then two corn laws had 'set off a flood of manumissions and freedmen composed an even larger proportion of the plebs frumentaria: *ibid.* 380; see also Treggiari o.c. 31-6, less inclined to give definite figures, but agreeing that the percentage was very high. The fact, incidentally, that Clodius chose this particular approach as a way of regaining power, itself surely proves that his popularity in the city was still enormous.
26. *Plut. Popl.* 7. For the full story and details of subsequent attempts, see now Taylor 'Voting Districts of the Roman Republic', ch 10 passim. and Treggiari o.c. 37-50.
27. *Mil.* 87, cf. 76; see also Treggiari o.c. 50 on the planned Lex Clodia: 'it seems likely that it arranged to enrol freedmen in the same tribes as their patrons since Cicero complained that people like himself would have been controlled, which means outvoted, by their own freedmen'.
28. Cicero alleged in 56 that Clodius was responsible for arson in the aedes Nympharum, which housed the censorial records (*Cael.* 78; cf. *Mil.* 73, *Parad.* 31). For a possible connection between this and his present plans, see now Clark's commentary on 'Pro Milone', p.63.
29. This is clear from *Mil.* 87, 'incidebantur iam domi leges ...': cf. *Ascon.* 52.18, *Schol. Bob.* 173.3.
30. *Ascon.* 31.5f, *Schol. Bob.* 172.18. The point is that if there were no elections in 53 then Milo, if elected consul in 52, would himself preside over the next round of elections, i.e. the praetorian contest in which Clodius was himself a candidate; and Clodius could not expect much sympathy in that case.

FOOTNOTES - CHAPTER 8

1. cf. Polyb. 6.9.9 on γῆς ἀναδρασμός as a consequence of mob-rule, and see Walbank's commentary ad loc.
2. Ogilvie, Commentary on Livy 1-5, 338. See also Lintott, 'The Tradition of violence in the annals of the early Roman Republic', *Historia* 1970, 12-29, esp. 18f.
3. The story is of course full of 'back projections', the trial before the populus, e.g., being an obvious anachronism (Ogilvie, o.c. 345). But that in itself throws light on Roman attitudes.
4. Leg. Agr. 2.102. The ghastly plight of the urban poor is grimly documented by Yavetz 'The Living conditions of the Roman plebs', *Latomus* 1958, 500f; cf. Brunt, 'Roman Mob', 11-13.
5. Sall. BC 37.7, cf. Varro RR 2, praef. 3; Brunt *IM* 109f, 380.
6. BC 37: cf. Plutarch's equally explicit remarks: revolution was imminent owing to the inequitable distribution of wealth (Cic. 10.5).
7. Thus, e.g., while favouring 'the deletion from the bill of all provisions detrimental to private interest' (Att. 1.19.4), Cicero had no basic quarrel with the proposals of Flavius (60 BC), and even sounds enthusiastic about draining off the 'sentina urbis' (using here the same disparaging phrase for which Rullus had received such a drubbing in Leg. Agr. 2.70). The same goes for the rest of the senate who probably opposed Flavius because they felt that his bill would make Pompey too powerful (Att. 1.19.4). Interestingly, the plebs themselves were not enthusiastic about Flavius' schemes, either: see Shackleton Bailey 1.336.
8. Off. 2.72. It should be clear, incidentally, that a lex frumentaria inevitably involves some element of redistribution: hence the story of Piso Frugi in Tusc. Disp. 3.48.
9. See VRR 178-81 for reflections on this 'schism', and evidence of reformers' dependence on country voters throughout republican history - Sp. Cassius, the Gracchi, Saturninus; one might add Catiline.
10. Taylor calls them 'second-class citizens' (*Roman Voting Assemblies*, 64f.)
11. Brunt *IM* 312-3, cf. Stavely o.c. 136-7; on the censors' problems see now *IM* 104f and 700 f.
12. Stavely o.c. 201. A relatively small number of immigrants from the country could exert considerable influence in the rural tribes, which as a rule would be below full strength when voting.
13. cf. Cicero's approval of the reforms of Servius: it was right that the plebs should have the franchise, but Servius wisely ensured that its real value would be limited, 'ne plurimum valeant plurimi' (De

Rep. 2.39); similarly Cicero rejects Quintus' extremist ideas about the tribunate, defending it as a 'temperamentum' (compromise) 'quo tenuiores cum principibus aequari se putarent': the arrangement ensures 'ut auctoritati principum cederet' (De Leg. 3.24-5); Cicero frames his idea laws on voting procedures with the idea that 'Lege nostra libertatis species datur, auctoritas bonorum retinetur' (De Leg. 3.38).

14. His techniques of obstruction were designed to provoke a vicious and (preferably) autocratic reaction, which would thus highlight his own consciously moral pose: see e.g. Plut. Cato 28.1 (opposition to Nepos in 62), Cato 33.1-3 (opposition to the triumvirs in 59), Cato 42-3 (Ditto in the elections of 55).
15. Thus in 62 Nepos denounced Cato's undemocratic behaviour in obstructing the will of the majority (Plut. Cato 29.1), and later in the year he was almost ejected from the Senate on the grounds of tyranny' (29.7); in 59 Cicero tried to persuade Cato to take the oath on the Lex Agraria because, he said, it was not δίκαιόν to oppose the generally expressed will of the people: Cato evidently saw nothing wrong in it (32.8).
16. One gets this impression from e.g. the anecdote about the theatre sects in Plut. Cic. 13.
17. Leg. Agr. 2.1ff.; cf. Jonkers' commentary on De Lege Agraria, 57-9.
18. Compare Leg. Agr. 2.7f with Sest 97; 138.
19. Compare the fulsome tone of Red. Quir., or Leg. Agr. (where the plebs are called 'optimorum genus', Leg. Agr. 2.70) with the less complimentary tone elsewhere (e.g. Att. 1.16.11, where they are called 'illa contionalis hirudo aerari misera ac ieiuna plebecula'; cf. 1.19.4, Off. 1.150).
20. Dom. 72; cf. Pis. 14: 'qui enim interfuit inter Catilinam et eum cui tu (Piso) senatus auctoritatem, salutem civitatis totam rem publicam .. vendidisti?'
21. e.g. Red. Sen. 6, Quir. 14, Dom 5f, 17, Sest. 34.
22. For the trial of Fabia, a vestal with whom Catiline was implicated in 73, see the evidence collected by Gruen, LGR 271; for 63, Plut. Cic. 29.1; Ascon. (50.12f) has Clodius behaving ambiguously in 63, initially attracted to Catiline, then abandoning him.
23. Plut. Cic. 10.2: 'they took to revolution not for the general good but purely for the sake of personal gain'. Polybius' reflections on φιλαρχία and the 'disgrace inherent in obscurity' are rather apposite here (6.57.6).
24. Sall. BC 35.3' quod ... statum dignitatis non obtinebam, publicam miserorum causam pro mea consuetudine suscepti'.

25. See the speech in Sall. BC 20, esp. 20.7.
26. Mil. 74: another attempt to prove a 'Catilinarian connection'?
27. See Dom. 60f on confiscation of Cicero's own property. That much we can certainly believe, but apart from a rather imaginative story in Dom. 115, the only worthwhile information on 'direptio' comes after Clodius' death, and is unimpressive (Mil. 74-5)
28. e.g. Dom. 55f (boni powerless because the consuls were 'bought'); cf. Sest. 25, 32, 100.
29. see Lintott, *Historia* 1970, 12f. on violence in the early Republic.
30. see now VRR chapters 1-4, where the organic role of violence in the life of the Republic is fully treated.
31. see VRR, Appendix A, 209f, for exhaustive documentation of violent incidents.
32. Ascon. 45.7f. Cicero is full of praise Mil. 22; cf. Dio 36.42.
33. Plut. Cato 27-8, Dio 37.43. In general, the determination of the aristocracy makes nonsense of the excuses which Cicero makes for their inactivity in 58 (cf n.28).
34. cf. now Shatzman, 'Senatorial wealth and Roman politics', p.46 and n.122, also p.222.
35. Sest. 62, de off. 2.58; Cicero's approval of Domitius in 67 has already been noted (n.32); cf. Dom. 91 for praise of Scipio Nasica; Att. 3.23.5, and above p. 80 for Cicero's readiness to employ a 'multitudo' to get the law against him repealed: is this any more justified than Clodius' (alleged) use of violence in having the law passed in the first place?
36. For full details, see above, p.4f. The phrase 'operae comparantur' (Att. 1.13.3) is completely neutral, and simply implies that both sides marshalled their supporters. It is not evidence for 'gangs' of the type used in the fifties: at this stage, as we have seen, Clodius' main support came not from the plebs but from the 'adulescentes nobiles' typically an ultra-conservative group (cf. Lintott, *Historia* 1970, 24f.)
37. e.g., the jurors at his trial requested a bodyguard (Att. 1.16.5), and a little later Cicero joked to Atticus about Clodius and his 'signifer Athenio' (Att. 2.12.2); the word 'signifer' perhaps suggests a paramilitary force, while Athenio (a pseudonym for Cloelius, it is assumed) had been the leader of a slave revolt.
38. On the collegia in general, and Clodius' law, see now p.46f.
39. De Leg. 3.25; cf. e.g. Dom. 53f ('omnia per servos latronesque gessisses' etc.), Sest. 34, Pis. 11.

40. Cicero elsewhere admits it is standard practice to ridicule the contiones of one's enemies as composed of 'exsules, servos, insanos', Acad. Pr. 2.144. See now Treggiari o.c. 174-5, and esp. 265f (appendix 4).
41. 'ipsa merces auctoramentum servitutis', De Off. 1.150.
42. See e.g. Dom. 54, 79; Pis. 9 'collegia ex omni face urbis ac servitio concitata'. But Cicero knew very well that there was a difference between slave and free, as is shown by the interesting contrast in these two parallel statements, one to the senate, one to the plebs: 'cum viderem servos ... nominatim esse conscriptos' (Red. Sen. 33); 'cum homines ... conscribi centuriari vidissem'. (Red. Quir. 13).
43. o.c. 1.97; cf. Heaton o.c. 69f; probably the most uncritical account of these years in existence.
44. Brunt 'Roman Mob', 24; Yavetz 'Plebs and Princeps', 7; esp. Rudé, 'The Crowd in History', 6ff.
45. For his own sphere (18th cent. France and England) Rudé has shown that disparaging aristocratic labels do not stand the test of documentary evidence: see o.c. 198ff for details (on the evidence of judicial records etc.) re the occupational status, addresses, etc. of rioters arrested in various disturbances. It is tempting to apply his conclusions to Cicero's Rome, but we cannot do so automatically.
46. Dom. 54, 89; cf. Acad. Pr. 2.144, where closing tabernae is mentioned as a regular tactic of 'seditiosi tribuni' - it was used after Clodius' death by his henchman Munatius (Ascon. 40.21); cf. Waltzing o.c. 1.175f. The taberna, incidentally, was not just the medium of retail trade but would usually double as a workshop: 'Few articles were mass-produced. Most were made in a small workroom and sold by the maker in the shop in front' (Treggiari o.c. 91). Since there was very little large-scale industry, these craftsmen-shopkeepers would obviously account for a large proportion of the working-class population, perhaps a majority.
47. c. Sall. BC 50.1, 'opifices ac servitia', as though there were no difference between the two. As Brunt notes ('Mob' 24f), the words egentes and perditi were more or less synonymous in Cicero's vocabulary.
48. By the same token, another version in which bribery is substituted for intimidation is equally specious. Thus Sest. 106 on contiones 'ad quas nemo adibat incorruptus, nemo integer': if Clodius was obliged to bribe his supporters he is unlikely to have encouraged high attendance figures. Also, the Lex de Collegiis with its clause novisque instituendis suggests the intention to organize large numbers, whereas Cicero pictures Clodius as chief of a small cabal of hirelings; cf. Treggiari o.c. 175 rejecting the notion that the operae were bribed: 'the genuine discontents of the poor in Rome might have sufficed by themselves to keep these bands together.'
49. Sest. 57. On the other hand, it is claimed elsewhere that the voting was left entirely to slaves: e.g. Piso's appointment to Macedon

carried 'nullo ferente suffragium libero' (Pis. 57). This is a ludicrous suggestion, and no doubt taken with a pinch of salt by Cicero's audience. Clodius would not have risked wresting this prerogative from the Senate (as Cicero says he did) unless to transfer it to the plebs in the Comitia Tributa. To exclude both parties from the decision would be political lunacy, and, since Clodius had already taken great care to ingratiate the plebs, singularly pointless as well.

50. Clodius is supposed to have 'controlled' curule elections in the late 60's (Har. Resp. 42). But even if that is true (unlikely) it is an aristocratic habit, and predates his popularis period. It is fairly obvious that Clodius' influence over the centuriata was very limited in the 50's. At the height of Clodius' power, that assembly voted Cicero's recall, and two bitter enemies won consulships (Lentulus Spinther, Lentulus Marcellinus).
51. Taylor, 'Roman Voting Assemblies', 76. This reconstruction of procedure (based on Sest. 109) is now confirmed in the 'Tabula Hebana', Taylor o.c. 161. Stävely's interpretation of this passage ('Greek and Roman voting and elections' 209) is unnecessarily sceptical, and too 'Ciceronian'. Cicero himself mentions this Clodian habit only by way of praeteritio, a sure sign that he lacked solid evidence.
52. Compare now the methods of: Cato, at the comitia on Nepos' rogatio in 62 (Plut. Cato 28); Clodius, at the comitia on the consular rogatio in 61 (Att. 1.14.5); the triumvirs, at the electoral comitia of 55 (e.g. Plut. Pomp. 52.3). cf. also Milo's questionable methods of blocking the aedilician comitia in 57 (Att. 4.3.4f); Cato's interference in the aedilician elections of 54 when it looked as if his cipher Favonius was going to be defeated (Plut. Cato 46.2f); and Cato's approval of bribery in the election of Bibulus in 59 (Suet Iul. 19.1).
53. e.g. Red. Sen. 19f, Sest. 87, De Off. 2158; cf. Mil. 92f.
54. see above p.123; the continued good relations between Clodius and many of the boni (above p. 99f.) show that they did not share Cicero's fears for the safety of the state - further proof of the subjectivity of Cicero's account.
55. In private Cicero was more candid, admitting e.g. in QF. 2.3.4 that Pompey and Milo were building up their forces, 'ut etiam Catonis rogationibus de Milone et Lentulo resistamus' - a straightforward case of using violence to prevent the passage of an unwanted measure.
56. cf. Vat. 40; Vatinius in a contio deplored the fact that Milo 'gladiatoribus et bestiariis obsedissem rempublicam'.
57. The impression that Clodius relied primarily on mass support, Milo primarily on arma draws some confirmation, too, from the different tactics they employed on this occasion. Milo simply occupied the Campus, but Clodius held 'contiones furiosissimae', implying attempts to galvanize maximum support for his cause (Att. 4.3.4). Indeed, the only occasion on which Milo is found addressing a contio at all is after Clodius' death, when he assembled a collection of hangers-on, country voters, and others who had been heavily bribed. The idea was to produce some sort of popular resolution in his favour, but he was thwarted when

the 'unbribed section' of the plebs (τὸ ἀδιδάφθορον) broke the meeting up: Appian BC 2.22.79f, cf. Dio 40.49.5.

58. 'multo sumus superiores ipsius Milonis copiis', and that was before the addition of a 'magna manus ex Piceno et Gallia' - clients, freedmen and slaves, presumably - which was expected to arrive at any time (QF.2.3.4); cf. Gelzer 'Roman Nobility' 93-5 on Pompey's extensive clientelae in Picenum. On Milo's use of specially recruited forces, cf. n.56, also Caes. BC 3.21.4.
59. See VRR 83ff for more details on bodyguards. It is interesting to compare the size of Clodius' force here with that of Faustus Sulla, Milo's brother-in-law, who in 54 had a retinue of 'CCC armati' (Ascon. 20.11).
60. Ascon. 31.26-32. Clodius' servi, not surprisingly, were mostly massacred. See now Lintott, 'Cicero and Milo', JRS 1974, 68f.
61. 'quibus (optimatibus) rem publicam tuentibus beatissimos esse populos necesse est vacuos omni cura, et cogitatione aliis permissio otio suo' (De Rep. 1.52); cf. ibid. 3.45, where all agree that democracy and its variants are the very worst form of government.
62. cf. Gelzer's comments on the value of the aedileship to 'career politicians', 'Nobility' 110f.
63. See now the 'economic prosopography' on Clodius in Shatzman, 'Senatorial Wealth and Roman Politics', 324-8, esp. 327.
64. This conclusion applies, at any rate, to all the important laws i.e. numbers 1-9 in Broughton's list (MRR.2.196); 10-12 are of little consequence.
65. Respectively, Heaton o.c., preface; Taylor 'Voting Districts' 146; Lintott, Greece and Rome 1967, 169.

APPENDIX A: THE VETTIUS AFFAIR

A glance at Vettius' lists reveals a happy hunting ground for the prosopographers.

Curio leads the conspirators (Att. 2.24.2), the triumvirs' most successful critic and therefore an obvious candidate. Paullus and Brutus are discussed in n.43 to Chapter 2, but on a more general note it may be observed that Paullus was a reliable optimate and a supporter of Cicero in 63 (making him obnoxious to Clodius?): Fam. 15.13,2, Shackleton-Bailey 1.400. Brutus' 'relationship' (via his mother) with Caesar complicates matters further and all sorts of ingenious suggestions have been advanced to explain his inclusion (e.g. as a double-bluff by Caesar). Another suggestion is that these three were named in a subtle (?) attempt by Caesar to win them over to his side, as he eventually did 9 years later: see McDermott 'Vettius ille noster index' in TAPA 1949, 351ff, esp. 365. This seems a pointless speculation. Lentulus Niger and his son are also many-sided characters - the son presumably a member of Curio's manus iuventutis, the father not only a candidate for next year's consulship but also one of the accusatores in the Bona Dea trial (cf. RE 4.1391). Bibulus, who had achieved near apotheosis by doing remarkably little, was a thorn in the triumvirs' side and his inclusion needs no further explanation (though it was seen by many, including Cicero, as a weak link in Vettius' tale).

Lucullus was added to the list when Vettius came before the people, with whom he was not popular. He was an inimicus of Pompey and of Clodius. The tribune C. Fannius was a leading opponent of the triumvirs (Broughton MRR 2.189, Shackleton Bailey 1.402) and an enemy of Clodius into the bargain (Att.2.24.3). Domitius needs no introduction and has been mentioned in the text in his 'aspect' as an enemy of Pompey. He was also a candidate for the praetorship, and in any case a lifelong Optimate. Considering for a moment that one of the objectives was to swing popular opinion against the boni, it is interesting to notice how unpopular names like Domitius and Lucullus were now associated with others who were popular, like Bibulus and Curio, in order to bring the latter into disrepute. For good measure (and for a variety of reasons, as we have seen) Cicero was thrown in at the last minute along with M. Laterensis, who had recently abandoned his candidature for the tribunate rather than swear to a clause in the Campana Lex (Att. 2.18.2), and so was fair game.

The idea of the Vettius affair as a device to ruin the electoral prospects of anti-triumviral candidates is fine as far as it goes, but it should now be clear that this is only a small part of the whole story. It is, however, a popular theory: see now Taylor 'The Date and Meaning of the Vettius affair' *Historia* 1950, 45-51, followed more or less by Rowland 'Crassus, Clodius and Curio in the year 59 BC', *Historia* 1966, 217-223. Taylor's theory is supported by a bold but quite unnecessary rearrangement of the order of letters 2.18 - 2.24. Her 'anameixis' is (strangely) accepted without demur by Gelzer ('Cicero' 129f) but as Seager has shown it is based on a rather shaky collection of assumptions (o.c. 525, n.1; cf. Shackleton Bailey 1.395). Meier,

Appendix A (Cont'd):

on the other hand, retains Taylor's interpretation of the 'meaning' of the plot but does not accept her theories, placing the event just before the tribunician elections which he suggests (plausibly) took place in August (o.c. 93-96).

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and in references to Cicero's works, the author's name is not usually cited.