

POMPEY AND CICERO: AN ALLIANCE OF CONVENIENCE

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POMPEY AND CICERO: AN ALLIANCE OF CONVENIENCE

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## INTRODUCTION

Pompey and Cicero were two of the most important men in the history of Roman politics, and their relationship merits investigation. The decisions both men made decisively altered the fate of Rome and its empire, and many of those decisions were affected by their attitudes toward each other. Cicero supported bills favorable to Pompey and defended Pompey's clients in the courtroom throughout his career. Likewise, Pompey was the man most responsible for Cicero's long-desired return from exile in 57 B.C. A study of Pompey and Cicero is also important because it helps to explain aristocratic politics during an important period in Roman history. It is well known that Pompey and Cicero collaborated to achieve political goals, but the precise nature of their relationship is in need of a comprehensive examination that takes into account both ancient historical narratives and modern interpretations of these histories and describes the relationship within the context of the events of the time. As a consequence, the story is told chronologically from the violent events of their childhood until Pompey's death during the struggle against Caesar.

This study is drawn from a wide variety sources, but the most important is Cicero himself. Cicero's letters to friends and family members, political speeches, and judicial orations are invaluable records of the times written by one of Rome's most important political figures. Cicero was a prolific writer of personal letters. Hundreds of his letters to contemporaries have survived and are a valuable resource on his private thoughts. Cicero's political speeches and judicial orations are also important because they reveal how Cicero wished to present himself to the Roman people and

how he viewed the important political issues of the time. Although they are filled with indispensable historical information, Cicero's writings are even more important records of his own opinions and perceptions of important events during the period.

Besides Cicero, the fullest accounts of the period are provided by Plutarch, Dio Cassius, and Appian. All three men were Greeks who wrote in the second and third centuries A.D. Plutarch wrote biographies of famous Romans and paired them with Greek counterparts in *The Lives of Noble Greeks and Romans*. Though more interested in the lessons to be learned from his biographies than historical accuracy, Plutarch provides useful information concerning the public and private lives of both Pompey and Cicero. Dio Cassius wrote the multi-volume *History of Rome* from its founding, and Appian wrote about the civil wars of the Late Republic. Although neither Plutarch, nor Dio Cassius, nor Appian witnessed the events described first-hand, they did have access to numerous contemporary historical narratives that are now lost. *The Conquest of Gaul* and *The Civil War* by Julius Caesar are important contemporary works that shed light on his relationship with Pompey and Cicero and provide valuable information regarding the political crisis that led to civil war. Suetonius's second century A.D. biography of Caesar likewise provides important details about Caesar and his relationship with Pompey. Sallust and Livy were both contemporaries of Pompey and Cicero who wrote important histories of the period but whose works survive mostly in fragments. Finally, the *Compendium of Roman History* by Velleius Paterculus and *Memorable Deeds and Sayings*, a book filled with historical anecdotes, by Valerius Maximus, are also used.

In recent times, Cicero's extensive and often revealing writings have made him attractive as a biographical subject. Stockton's *Cicero: A Political Biography* provides exceptional analysis of Cicero's political career but does not substantially



address Cicero's relationship with Pompey. One of the most recent biographies of Cicero is *Cicero: The Life and Times of Rome's Greatest Politician*, by Anthony Everitt. Though equally readable and more insightful concerning Cicero's private life, sources are cited more sparingly. Pompey has been the subject of fewer treatments outside of general histories of the Late Republic, but there are good biographies about the great general in English. The best treatment of Pompey's political career is Robin Seager's *Pompey the Great: A Political Biography*. Seager's biography masterfully assimilates contradictory primary source information to produce a treatment that is both thorough and concise. Another important biography of Pompey is Peter Greenhalgh's two-volume work, *Pompey: The Roman Alexander* and *Pompey: The Republican Prince*. It is well-written and provides a good account of Pompey's military career but uses a system of citation that makes it hard to identify the sources used.

Innumerable modern general histories depict the lives and political careers of Pompey and Cicero. *The Last Generation of the Roman Republic*, by Erich S. Gruen, provides a comprehensive analysis of the Post-Sullan settlement, extensive information about the alliances and connections between important Roman families, and useful details concerning the political trials of the period. Gruen's exhaustive research makes his book essential reading on Pompey, Cicero, and many other men from the period. Another valuable history of the Late Republic is Ronald Syme's classic, *The Roman Revolution*. Syme's book focuses on the Emperor Augustus, but provides good insight into Pompey's career as well. Like Gruen's study, it is very well-researched and an excellent source for further research.

Both ancient and modern historians have generally seen the relationship through the lens of their last few miserable weeks together during the civil war and

Cicero's subdued eulogy of Pompey when he had learned of his death. Echoing Cicero's own attacks on Pompey, which were the product of frustration with Pompey's conduct of the war, Plutarch describes heated confrontations and general acrimony.<sup>1</sup> Dio Cassius dubiously reports that Cicero verbally attacked Pompey at the same time that he was seeking Pompey's help against the attacks of Publius Clodius Pulcher,<sup>2</sup> and had previously conspired to kill Pompey.<sup>3</sup> Modern historians have emphasized different aspects of the relationship. Syme, for example, refers to Cicero as being "pathetically loyal"<sup>4</sup> to Pompey even after Pompey had betrayed him. Stockton, on the other hand, believes that Cicero "felt strong ties of personal gratitude to and respect for Pompey."<sup>5</sup>

The only book currently in print that directly addresses the relationship is *Pompey and Cicero: The Politics of Friendship*, by Beryl Rawson. Rawson's book is well-researched and provides an excellent analysis of the subject. Rawson sees the relationship as fundamentally similar to the views expressed in this paper but treats the topic too narrowly and does not explain the relationship between Pompey and Cicero and the men who made up the Roman political establishment. This paper will provide an in-depth analysis of both the relationship between Pompey and Cicero and its role within the political climate of the last years of the Republic.

The central argument of this paper is that in spite of Cicero's frequent claims that a friendship existed between Pompey and himself, their relationship was formed and substantially remained until the end an alliance of convenience. Pompey and Cicero worked closely together on occasion and appear to have enjoyed each other's company, but an analysis of the public actions of both men toward each other can

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<sup>1</sup> Plut. *Cic.* 38.cf. Dio 38.12.

<sup>2</sup> Dio 38.17.4.

<sup>3</sup> *Ibid.*, 38.9.2.

<sup>4</sup> Ronald Syme, *The Roman Revolution* (Oxford: Oxford University Press, 1939), 45.

<sup>5</sup> David Stockton, *Cicero: A Political Biography* (Oxford: Oxford University Press, 1971), 258.

almost always be explained in relation to political necessity. The complementary nature of their skills and attributes as well as their shared frustrations in dealing with the *optimates* necessitated continual political cooperation despite the many strains that repeatedly threatened the relationship. Pompey and Cicero remained political allies because they understood and exploited the political resources that that each man could bring to the relationship.

## CHAPTER I

### THE EARLY YEARS: 106 – 71 B.C.

Pompey and Cicero were born in 106 B.C., during the consulship of Q. Servilius Caepio and C. Atilius Serranus. The period of their childhood was a pivotal time for the Republic, as the political assassinations and public unrest of the last years of the second century B.C. escalated into civil wars. The two men reacted very differently to the events surrounding them. While years later the horror of what had happened in the civil wars and proscriptions of the eighties remained clear in Cicero's mind, Pompey embraced the chaos and established himself as the most important political and military figure of the era. The evidence for a relationship between Pompey and Cicero during the early years of their careers is largely circumstantial. Cicero's letters do not begin until 69, and there are virtually no references to a relationship before that point. However, an examination of their respective families and the connections both municipal families enjoyed in Rome reveals that they likely knew one another very well during their youth.

Both Pompey and Cicero were born to wealthy municipal families. As Plutarch states, Pompey's family was a very important family in Picenum.<sup>1</sup> It had become a force in Rome as well, having reached the consulship in 141. Pompey's father, Cn. Pompeius Strabo, was elected to the consulship in 89 and played an important role in the Social War. Despite the fact that his family was relatively new to

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<sup>1</sup> Plut. *Pomp.* 6; Pompey's ability to recruit a private army in Picenum demonstrates the influence of the Pompeii.

the ranks of the political elite, Pompey was a *nobiles* and had access from an early age to influential politicians and intellectuals. Although Cicero's family had not reached the consulship, it was likewise a respected family in Arpinum with strong connections to the Roman elite. Although Cicero and his brother did not share C. Marius's inclination for *popularis* politics, there was a connection between the two families. Marius Gratidianus, who reached the praetorian rank, was Cicero's cousin and the adopted son of Marius's brother.<sup>1</sup> In addition, Cicero knew the great orators Lucius Licinius Crassus and Marcus Antonius, also likely through his connection with the Marii, and was closely linked to the prominent senator M. Aemilius Scaurus.<sup>2</sup>

Both families were well acquainted with Rome's political elite, and they appear to have established relationships with the same families. One such link between their two families was Marcus Terrentius Varro, who was a close friend of Pompey all the way until Pompey's death. Likewise, Varro and Cicero were students under the same teacher, and Varro was very active in securing Cicero's return from exile.<sup>3</sup> Pompey and Cicero were also undoubtedly well acquainted with Q. Mucius Scaevola. Cicero studied under Scaevola, and Pompey married his daughter.<sup>4</sup> Last but not least, it appears that for a time both Pompey and Cicero lived in the Carinae neighborhood in Rome.<sup>5</sup> In sum, it is very unlikely that they could have lived in the same neighborhood and socialized in the same circles and not at least been acquainted with each other.

The years of their childhood were precarious years for the Republic. After fighting a long and humiliating war against the cunning Jugurtha of Numidia, Rome

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1 Stockton, *Cicero*, 5.

2 Anthony Everitt, *Cicero: The Life and Times of Rome's Greatest Politician* (New York: Random House, 2001), 31.

3 Allen Ward, "The Early Relationships between Cicero and Pompey until 80 B. C.," *Phoenix* 24, no. 2 (Summer 1970), 123-4.

4 *Ibid.*, 125-6.

5 For Pompey, Suet. *Gram.* 15; for Cicero, Cic. *Q.Fr.* 2.3.7 & Plut. *Cic.* 8.

then faced a far more serious war whose final victory was won on Italian soil. Caius Marius, who, like Cicero, was born in the small town of Arpinum, became a popular hero and used his popularity to secure consulships in 107 and every year between 105 and 100. After his subordinate Lucius Cornelius Sulla succeeded in capturing Jugurtha and thus ending the war in Numidia, Marius led the Roman war effort against the fierce tribes of the Cimbri and Teutones, defeating the Teutones at Aquae Sextiae in 102 and the Cimbri at Vercellae the following year.<sup>6</sup> Italy had been saved, but worse was to come. The turbulent years Pompey and Cicero experienced as children were simply a prelude to the carnage that would engulf the Roman world during their adulthood.

Pompey and Cicero received their first taste of life in the army during the Social War (91 – 88), when much of Italy rose in revolt over the issue of Roman citizenship. The war, which received its name in reference to Rome's Italian allies, was sparked when the people's tribune M. Livius Drusus, who supported the claims of Italians to citizenship, was assassinated in the midst of an intense political struggle over the allocation of Rome's trial juries. Drusus's attempts to add equestrians to the senatorial order had led to resentment among the senators and fears among equestrians that he would transfer trial juries to the senate.<sup>7</sup> Drusus ultimately alienated both sides and was assassinated. With little chance now of obtaining the franchise, the Italians revolted and declared the creation of a new Italian state. The Italians initially held the upper hand, defeating the consul L. Julius Caesar and capturing the city of Nola.<sup>8</sup> In the face of defeat, however, the senate passed two bills, the *lex Julia* and the *lex Papia*, which extended Roman citizenship to the cities which had stayed loyal to Rome and promised citizenship to those willing to lay down their

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6 Dio 27; Plut. *Mar.* 15-27.

7 App. 1.35-6.

8 Ibid., 41-2.

arms.<sup>9</sup> As a result, support for the rebel cause was undermined, particularly in Etruria. The Romans were finally able to crush the rebellion in 88, due in no small part to the campaigns of L. Cornelius Sulla and Pompey's father Cn. Pompeius Strabo.

During the first year of the war, Strabo served as a legate of P. Rutilius Rufus. Although he suffered an early defeat, Strabo was able to recover and defeat the Italians at Firmum by sending a detachment behind them to burn their camp while he attacked.<sup>10</sup> As consul in 89, Strabo captured the important city of Asculum.<sup>11</sup> Following the siege of the city, Strabo conferred Roman citizenship upon a Spanish cavalry squadron and commemorated the event in an inscription that has been preserved.<sup>12</sup> The inscription enumerates members of Strabo's *consilium* during the siege and clearly displays his son Pompey's name. Cicero might have served on Strabo's *consilium* as well, but his name is conspicuously missing on the inscription. As Cicero later wrote, he had fought in Strabo's army during the war. While recounting an exchange between Strabo and P. Vettius Scato, the commander of the Marsian army, Cicero used the phrase "me praesens," suggesting that he was present during the discussion.<sup>13</sup> Ward follows Cichorius's assertion that since Cicero would not likely have been present for a meeting between two generals, he must have heard the story in the *consilium*.<sup>14</sup> The absence of Cicero's name from the inscription is explained by the fact that Cicero had already left Strabo's army before the siege of Asculum and joined Sulla's army, thus accounting for Plutarch's statement that he fought for Sulla.<sup>15</sup> It is by no means certain that Pompey and Cicero served together in Strabo's *consilium*, but if established, it would be impossible to claim that Pompey

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9 Ibid., 49.

10 Ibid., 1.47.

11 Ibid., 47-8.

12 Ward, "Early Relationships," 121-3.

13 Cic. *Phil.* 12.27.

14 Ward, "Early Relationships," 121-3.

15 Plut. *Cic.* 3.

and Cicero had no relationship during their youth.

Perhaps the most important political consequence of the Social War was the rise of L. Cornelius Sulla. Sulla was a patrician who, though impoverished in his youth, to gain appointment as a military tribune on Marius's staff in Numidia.<sup>16</sup> Sulla personally apprehended Jugurtha and thus played a decisive role in bringing the Numidian War to a close, but Marius neglected to give him any credit.<sup>17</sup> During the relative quiet of the 90s, Sulla served as praetor in Rome and more notably as propraetor in Cilicia. In 89, Sulla took over command of the war in southern Italy and through an impressive string of victories effectively ended rebel resistance in southern Italy. The Social War was over by 88, but its legacy endured throughout Italy for decades.

As the war in Italy was winding down, Rome received troubling news from the East. Mithridates VI, king of Pontus, had overrun the province of Asia and had ordered the execution of over 80,000 Roman citizens living in the province.<sup>18</sup> Ambitious politicians in Rome quickly saw the tragedy as an opportunity for immense financial gain, political prestige, and military glory. Sulla's victories in the Social War secured his election to the consulship and made him the obvious man to send to Asia. He was duly selected for the command by the senate, only to see it taken from him by popular legislation proposed by P. Sulpicius, a tribune, and given to Marius in exchange for Marius's support for Sulpicius's voting distribution bill.<sup>19</sup> Sulla was beyond furious at being robbed of what he felt was rightly his and left Rome before the vote, headed for his army at Nola. When he arrived at the camp, he explained the injustice both he and his army had suffered and the lucrative campaign that had been

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16 Plut. *Sul.* 4.

17 Ibid., 4.

18 App. *BC* 1.55.

19 Ibid., 1.55-6.



stolen from them. As a result, Sulla had little trouble convincing them to follow him to Rome to take back the command by force. Ignoring all senatorial envoys along the way, Sulla's army forced its way into Rome and hunted down every Marian they could find.<sup>20</sup> Marius narrowly escaped capture and made his way to Africa, while Sulla reclaimed his command, presided over elections in Rome, and left to confront Mithridates in Greece.

As soon as Sulla left, Marius and his supporters made plans to retake the capital. Aided by the death of Strabo, the consul L. Cornelius Cinna and Marius seized Rome in 87 and unleashed a violent eradication of Sulla's partisans.<sup>21</sup> Blood ran through the streets of Rome for days. Marius died early in his seventh consulship in 86, but Cinna remained in firm control of the government and was elected as consul every year until his death in 84.

Meanwhile, the war in the East progressed slowly but on the whole favorably for Rome. After capturing Athens, Sulla decisively defeated Mithridates at Chaeronea in 86 and again at Orchomenos the following year.<sup>22</sup> Distressed about news he was hearing from Rome and eager to return, Sulla agreed to a treaty that allowed Mithridates to stay in power and set about reorganizing the province of Asia. Both sides prepared for an inevitable clash when Sulla returned to Italy.

When Sulla landed at the port of Brundisium in southern Italy during the spring of 83, Rome's political elite were forced to decide whether they would actively support Sulla, actively oppose him, or attempt to stay neutral.<sup>23</sup> The consuls L. Cornelius Scipio Asiaticus and C. Norbanus led the "Marian" resistance, which included the consuls of 82, M. Papirius Carbo and Marius's son Marius the younger,

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20 Ibid., 1.58-9.

21 Ibid., 64-74.

22 Plut. *Sul.* 12-21.

23 App. *BC* 1.84.

as well as Cn. Domitius Ahenobarbus and M. Junius Brutus. Cinna had been killed during the previous year by mutinous troops. By and large, the *boni*, or the proponents of aristocratic supremacy in Rome, supported Sulla and rallied to his cause. Sulla's most prominent adherents were L. Licinius Lucullus (who remained in Asia during the war), Q. Lutatius Catulus, Q. Caecilius Metellus Pius, and M. Licinius Crassus. Metellus Pius and Crassus recruited their own private armies and joined Sulla when he arrived in Italy.<sup>24</sup> Though only twenty-three years old at the time, Pompey followed their example and, despite the previous hostility between Pompey's father Strabo and the *boni*, raised an army of clients from his own home region of Picenum, and joined Sulla with three legions.<sup>25</sup> Unlike many of the other men who joined Sulla, Pompey's actions cannot be explained as a consequence of any partiality toward Sulla or his cause. To Pompey, the civil war offered an opportunity for political gain. If he picked the victorious side, he knew he could expect a prominent position in the post-war political arrangement. Pompey likely had few doubts that Sulla's war-tested army would prevail.<sup>26</sup>

Pompey immediately set out to join Sulla, facing and overcoming heavy resistance along the way. Though heavily outnumbered, Pompey won two important battles and arrived in Sulla's camp as a proven commander whose loyalty could be trusted. In a symbolic display of his appreciation and in acknowledgment of Pompey's military conquests, Sulla greeted Pompey as *imperator*, or the commander-in-chief.<sup>27</sup> Moreover, Sulla also offered his own step-daughter, Aemilia, in marriage to Pompey and placed Pompey in command of the war in Sicily, where the consul Carbo had fled after the Marian cause had collapsed in Italy. Pompey's constitutional position was

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24 Plut. *Cras.* 6.

25 Plut. *Pomp.* 6.

26 Robin Seager, *Pompey the Great: A Political Biography*, 2<sup>nd</sup> ed. (Malden, MA: Blackwell, 2002), 26.

27 Plut. *Pomp.* 6-7.

made legitimate for the first time when he was invested with praetorian *imperium*. Pompey quickly tracked Carbo down, executed him, and proceeded to pacify the island.<sup>28</sup> Pompey's time in Sicily was short, but it presented him with an excellent opportunity to extend his *clientelae* outside of Italy. Pompey enforced strict discipline upon his army while in Sicily and treated the Sicilians justly. Despite the fact that the city of Himera had sided with the Marians, Pompey spared the city from retaliation after the intervention of Sthenius, the most important man in Himera.<sup>29</sup> Sthenius remained Pompey's client long after the war.

Soon after the brief war in Sicily, Sulla ordered Pompey to invade Africa, where Cn. Domitius Ahenobarbus and King Hiarbas of Numidia continued to carry the standard of Marian resistance. In the space of only forty days, Pompey defeated Domitius and Hiarbas in battle, ordered Domitius's execution, and conquered the province of Africa.<sup>30</sup> The executions of Carbo, a presiding consul who had been closely associated with Pompey and his father before the war, and Domitius were controversial actions that earned him the reputation of an *adulescentulus carnifex*, or "butcher boy."<sup>31</sup> Nevertheless, Pompey's loyalty to Sulla and the *boni* was unquestioned and his fame as a conqueror was secure.

The end of the war in Italy marked the beginning of a period known as the proscriptions. Sulla, now serving as dictator, published a list of enemies of the state, whose properties were forfeited and whose lives could be taken with impunity from prosecution by the attacker.<sup>32</sup> Soon Sulla's supporters began adding names to the lists

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28 Ibid., 10.

29 Ibid., 10.

30 Ibid., 13.

31 Val. Max. 6.2.8; The execution of Domitius, Carbo, and Brutus, combined with his role in Lepidus's rise and fall, prompted Syme to claim that Pompey's career was "prosecuted, in war and in peace, through illegality and treachery." Ronald Syme, *Roman Revolution*, 28.

32 Plut. *Sul.* 31.

and people found themselves proscribed because they possessed valued property.<sup>33</sup> Confiscated property was then sold at embarrassingly low prices, due to the massive influx of property on the market at once, to favorites of the dictator. In a few exceptional cases, old scores were settled as people added the names of their rivals to the list. It was a period of violence and lawlessness that left an unmistakable impression on Pompey, Cicero, and their generation. Cicero never forgot the men who had built fortunes through participation in the proscriptions and took every chance he got in the future to remind them of what they had done.<sup>34</sup>

It was in this atmosphere that Cicero started his career in the law courts. Cicero's first published speech, in defense of P. Quinctius in 81, concerned a property dispute between Quinctius, Cicero's client, and S. Naevius, who was a former business partner of Quinctius's brother. The case demonstrated the battle lines that existed across Italy at the time: Quinctius was a Sullan, and Naevius was a Marian. The case gave Cicero an opportunity to put his rhetorical abilities on full display. Even better, Cicero found himself up against the most celebrated defense attorney of the day, Q. Hortensius. As was to be a common theme in his career, Cicero rested much of his case on darkening the character of Naevius.<sup>35</sup> After explaining his view of the events of the case, Cicero closed with a portrayal of the rusticity and frugality of his own life.<sup>36</sup> The outcome of the case is unknown.

Cicero then took on a much more prominent, though controversial, case, in which he found himself up against the interests of the dictator. The facts of the case are simple: Sextus Roscius was murdered in Rome, and his death was blamed on his

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33 Ibid., 31.

34 Beryl Rawson, *The Politics of Friendship: Pompey and Cicero* (Sydney: University of Sydney Press, 1978), 29. Rawson lists Verres, Crassus, and Catilina as men whom Cicero attacked most vigorously.

35 Cic. *Quinct.* 13-4.

36 Ibid., 92-4.

son, Roscius of Ameria.<sup>37</sup> The killing was part of a conspiracy between two rival kinsmen of the murdered Roscius and Sulla's powerful freedman, L. Cornelius Chrysogonus. Although the proscriptions were over when the murder occurred, Roscius's property was forfeit to the state and sold to Chrysogonus for a fraction of its true value.<sup>38</sup> In return for his cooperation, Ti. Roscius Capito was given three landed estates, and the son of the murdered Roscius was ejected from his property.<sup>39</sup> When protests to Sulla went nowhere, Roscius's attackers were emboldened to attempt to murder him. And when that was unsuccessful, he was charged with the murder of his father.<sup>40</sup> Cicero's case appeared to be solid, but he knew that with the reopening of the courts the people desired a return to the rule of law and thus wanted a conviction.<sup>41</sup> To make matters worse, Cicero had to be very careful in his criticisms. Cicero displays remarkable judgment in his arguments and clearly understood that he did not possess free speech.<sup>42</sup> According to Cicero, the case came down to two inescapable facts: there was absolutely no motive nor any evidence that Roscius killed his father,<sup>43</sup> and the identity of the true murderers could be found by simply following the flow of money.<sup>44</sup> "Cui bono?" Cicero asked the praetor. Roscius was ultimately acquitted.

Following the trial, Cicero withdrew from the law courts and traveled to the East for two years. It is not known whether Cicero's criticisms of Sulla's government compelled him to leave or if he left of his own volition. In all probability, Cicero was much too insignificant to receive much notice from the dictator.<sup>45</sup> Nevertheless, his Eastern adventure was a welcome distraction from the disturbances of Rome and an

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37 Cic. *Rosc. Am.* 28-9.

38 *Ibid.*, 6, 21.

39 *Ibid.*, 23.

40 *Ibid.*, 26-7.

41 *Ibid.*, 11.

42 *Ibid.*, 9, 28.

43 *Ibid.*, 37-82.

44 *Ibid.*, 84-88.

45 G.C. Richards, *Cicero: A Study* (Westport, CT: Greenwood Press, 1970), 25.

opportunity to polish his rhetorical skills. Cicero and his brother Quintus joined his friend Atticus in Athens where he was inducted into the Eleusinian Mysteries. Cicero attended lectures from the rhetorician Demetrius the Syrian and the Philosopher Antiochus of Ascalon in Athens and received instruction from the rhetorician Molon and the Stoic philosopher Posidonius on the island of Rhodes.<sup>43</sup> After a trip to Delphi, Cicero returned to Rome, rejuvenated and ready to start his political career.

During the summer of 77, Cicero ran for election to the quaestorship for the following year. He was duly elected and was assigned to Sicily. As quaestor, Cicero was essentially an assistant to the governor of the province and also held certain financial responsibilities. Cicero's year as quaestor was relatively quiet when compared to the accomplishments of Pompey thus far in his career, but he made connections that would bear fruit a few years later, when the Sicilians chose Cicero to represent them in their prosecution of C. Verres.<sup>44</sup> Most importantly, Cicero had now earned a place in the senate. Cicero does not appear to have been very active during the last years of the decade, but it was at this time that Pompey received his toughest assignments to date.

Following Pompey's conquest of Africa, the Sullans effectively controlled the entire Republic outside of Spain, where Q. Sertorius had established a base for the defeated Marians. In Sulla's view, Pompey had executed his assignments well but his services were no longer needed. Accordingly, Sulla ordered Pompey to disband his entire army except for one legion, which would then be inherited by his successor in Africa. But Pompey had no intention of losing his bargaining chip without compensation. Directly in defiance of Sulla's order, Pompey transported his army to Italy and met the dictator face to face. Hoping to placate the young conqueror, Sulla

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46 Plut. *Cic.* 4-5.

47 Cic. *Verr.* 1.11-2, 1.14-5,

gave Pompey his cognomen “Magnus” in recognition of his outstanding achievements, but Pompey had his eye on a triumph. Though a Roman commander could not claim a triumph for victory in a civil war, Pompey had also defeated King Hiarbas of Numidia and could therefore claim a triumph over Africa. When Sulla balked at the suggestion, Pompey reminded him that “more people worshiped the rising than the setting sun.”<sup>45</sup> Pompey’s bold words and the presence of his army ultimately won him a triumph from the reluctant dictator in March of 81.<sup>46</sup> Taking full advantage of the spectacle of a triumph, Pompey attempted to ride into Rome in a chariot pulled by four elephants he had acquired in Africa.<sup>47</sup> His plan failed, however, when the elephants would not fit through the city gate.

By 80, Pompey had taken advantage of civil war and taken his place among the foremost men of the Roman State. Though still in his mid-twenties and having never held a Roman magistracy, Pompey had broken into Rome’s ruling class. His status was further cemented when he married Mucia, a member of the powerful Caecili Metelli family, after the death of Aemilia.<sup>48</sup> Pompey understood that he had attained his current position largely through the support of Sulla and the Sullan cause, but he had also demonstrated that he was not afraid to cross the dictator when it suited his own cause. In the revolt of the consul Lepidus, Pompey was to continue his policy of loyal independence.

During the summer of 79, Rome held its first free elections in years. By then Sulla had finished his constitutional reforms and had resigned as dictator. Sulla had only months to live, but he remained a fixture in the forum and watched closely over

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48 Plut. *Pomp.* 14.

49 E. Badian, “The Date of Pompey’s First Triumph,” *Hermes* 83, H.1 (1955): 115-16. Although it is generally agreed that Pompey’s triumph took place on 12 March, the year of the triumph is in question. The speed of Pompey’s campaigns in Sicily and Africa and the likelihood of an intercalary month make 81 possible, and Pompey’s clear incentive to hold the triumph as soon as possible strengthens this date.

50 Plut. *Pomp.* 14.

51 Plut. *Sul.* 33.

the settlement he had created. Pompey once again defied Sulla when he supported the consular candidacy of M. Aemilius Lepidus. Pompey summoned his growing *clientelae* in support of Lepidus and against Catulus, who was Sulla's preferred candidate.<sup>49</sup> Both Catulus and Lepidus were elected to the consulship and were at odds throughout the year.

Pompey was once again presented with an opportunity for political gain when Etruria rose in revolt. The revolt was driven by famine and resentment from the civil war, and demonstrated that the Marian cause had not been forgotten. Both consuls were sent to fight the rebellion, but the consuls fought amongst themselves, and Lepidus was assigned to Transalpine Gaul. During the summer, the senate summoned Lepidus to Rome to hold the consular elections. Lepidus, however, placed himself at the head of the Etrurian rebels and marched against Rome.<sup>50</sup> Unwilling to place the defense of the city completely in the hands of Catulus, the senate passed the *senatus consultum ultimum* and empowered Pompey to recruit an army and support the consul as Catulus's *legatus pro praetore*.<sup>51</sup> Pompey handled the war with the same consummate skill that had characterized his military career thus far. Lepidus's legate M. Junius Brutus was betrayed by his army and handed over to Pompey, while Lepidus fled to Sardinia. Lepidus died soon after, and Brutus was executed on Pompey's orders.<sup>52</sup> The revolt was over almost as soon as it started and Pompey was once again the hero of the Sullan cause.

Yet following his victory, Pompey once again refused to disband his army when Catulus ordered him to do so. Rather than a serious threat of civil war, Pompey's actions are best understood as an attempt to secure a command in the

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52 Plut. *Pomp.* 15.

53 Ibid., 16.

54 R.E. Smith, "Pompey's Conduct in 80 and 77 B.C.," *Phoenix* Vol. 14, no. 1 (Spring 1960): 9.

55 Plut. *Pomp.* 16.



ongoing war against Sertorius in Spain, which Q. Metellus Pius had been waging unsuccessfully for two years.<sup>53</sup> The command was attractive to Pompey because it offered a chance to add to his growing list of *clientelae*, increase his financial resources, and further augment his already unparalleled military reputation. Perhaps already envisioning the challenges that Pompey would face in Spain, both of the newly elected consuls, D. Junius Brutus and Mam. Aemilius Lepidus Livianus, refused to take on the command. Late in 77, the senate granted Pompey proconsular *imperium* for the war against Sertorius, although he was to share the command with Metellus Pius.

The Sertorian War proved to be a much more difficult endeavor for Pompey than any of his previous commands. The rugged nature of the Spanish land and Sertorius's skills in guerrilla warfare ended any hopes of a quick victory. In addition, Pompey did not believe that he had the resources to fight the war. In a letter to the senate from 74, Pompey told them that the situation had become dire.<sup>54</sup> To make matters worse, morale in the army had dropped to the point that Pompey did not believe that he could control it. The senate responded quickly, reinforcing his army and providing much-needed supplies. The war gradually began to turn in Pompey's favor until Sertorius was assassinated by M. Perperna, one of his legates, in 72. With Sertorius out of the way, Pompey quickly mopped up all opposition and put the war to an end. Despite the difficulties that Pompey encountered in Spain, he was able to derive considerable benefit from the war. He came in possession of Sertorius's private correspondence, but prudently decided to destroy it to avoid the turmoil that would result from its contents being published in Rome. More importantly, Pompey established a loyal base of *clientelae*, many of whom would follow him throughout

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56 Seager, *Pompey the Great*, 32; Peter Greenhalgh, *Pompey: The Republican Prince* (Columbia: University of Missouri Press, 1981), 38.

57 Sal. *Hist.* 2.98.

his life. Chief among them was M. Oppius Balbus, who belonged to one of the most important families from Gades. Balbus earned Roman citizenship through distinguished service.<sup>55</sup> Having wrapped up the Sertorian War, Pompey received orders from the senate to return to Italy immediately. A new and potentially more serious threat had emerged on Rome's doorstep.

In 73 a group of gladiators escaped from a gladiator school in Capua and started what became in time a servile insurrection. Led by their leader, Spartacus, the gladiators eventually defeated armies led by the consuls Lentulus and Cassius, the governor of Cisalpine Gaul.<sup>56</sup> Then, with freedom just across the Alps, the gladiators returned to plunder Italy. To face this growing threat, the senate appointed Crassus to as supreme commander in Italy. Crassus followed Spartacus to Calabria and attempted to construct a ditch across the entire peninsula and trap him there. Spartacus, though, was able to escape, and for a time it looked as though he could threaten Rome.<sup>57</sup> In a state of panic, the senate recalled Pompey to Italy, and Pompey wasted little time in answering the call. Crassus was eventually able to destroy Spartacus's army in battle and effectively end the revolt, but Pompey arrived in time to capture some survivors from the slave army and claim that he had "dug the war up by the roots."<sup>58</sup>

In 71, Pompey and Cicero found themselves in very different positions. Pompey had completed yet another extraordinary command and returned to Rome in full expectation that he would be granted a second triumph. For Pompey, however, only the consulship would be worthwhile after his accomplishments on behalf of the Roman people. Cicero, by contrast, had yet to really establish himself in Roman politics. His appearances in the courts had put his talents on display, and his

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58 Cic. *Balb.* 5-6.

59 Plut. *Cras.* 8-9.

60 Plut. *Cras.* 10-11.

61 Plut. *Pomp.* 21; *Cras.* 11.

quaestorship in Sicily had helped him to create a foundation of support for future electoral success. Both men could look forward to the future. For Pompey had built a record of military success that nobody else in Rome could match, and Cicero would soon establish himself as the foremost defense attorney in Rome.

In conclusion, between their births in 106 and Pompey's return from Spain in 71, Pompey and Cicero grew up and began their public careers in the midst of civil war and social dislocation. The widespread violence and disruption to public life served as a stimulus for Pompey to launch his military career, while at the same time repressing Cicero's ambitions in the courts. The almost unchecked chaos of the period was the type of atmosphere a young adventurer could exploit to full advantage, but it was precisely the breakdown of law and order that Cicero feared and abhorred. With the return of stability in Italy, Cicero was able to start his political and judicial careers successfully, while Pompey continued to accumulate accolades in the provinces. It remained to be seen if their careers would converge and a political relationship would form. Despite the extreme paucity of evidence, however, there are clues that at least some basis for future cooperation was established during this period.

## CHAPTER II

### WAR AND CONSPIRACY: 70 – 63 B.C.

Although Pompey and Cicero were certainly acquainted with one another in 70, a political relationship had yet to be established. Over the course of the next seven years, however, Cicero would realize the advantages that a relationship with Pompey could bring. Cicero had already established himself in Rome's courts and would become Rome's foremost advocate during this period, but he had high political ambitions. Though a sympathizer of the *optimates* cause at heart, Cicero ran for the highest political offices in the Republic during this period and knew that he would have to broaden his base of support to overcome his status as a *novus homo*. Pompey had returned to Rome in 71 as the victor of the Sertorian war with a broad base of clients throughout Italy and Spain and military accomplishments that no other senator could match. Pompey and Cicero began a tentative relationship during this period that was based on the skills and advantages that each man brought to the table. This relationship, however tenuous, laid the foundation for a lasting relationship firmly rooted in political calculation.

Having achieved exploits in the field of combat unrivaled by any Roman since Sulla, Pompey believed that he had earned the right to run for Rome's most prestigious and powerful magistracy. In 70 B.C. Pompey was thirty-five years old and still technically too young for the consulship. The Romans had shown themselves

willing in the past to make exceptions under extraordinary circumstances,<sup>1</sup> but Pompey was not yet even a senator.<sup>2</sup> Although Pompey's military accomplishments were probably enough to secure his election, Pompey also likely added a popular cause to his candidacy: the restoration of the powers of the tribunes of the people.<sup>3</sup> Sulla had severely restricted their powers during his dictatorship by repealing their traditional right to veto any legislation harmful to the people of Rome, restricting their veto powers, and banning election to further magistracies after serving as tribune.<sup>4</sup> The cause of the tribunes was popular and had been discussed for several years. Along with immense popular support, however, Pompey added the latent threat posed by his army, which he did not disband until after the election.<sup>5</sup> The tactic had worked before, when Pompey had gone against the orders of Sulla and pressed his claims to a triumph.<sup>6</sup> Nevertheless, most people thought that any other office than the consulship would be inadequate after his accomplishments and he was duly elected with Crassus as his colleague.<sup>7</sup>

The consulship of Pompey and Crassus was long remembered for both the acrimonious relationship between the consuls and the important legislation passed during that year. They were able to fulfill Pompey's campaign promise and collaborate on a bill early in the year that restored the *tribunicia potestas*.<sup>8</sup> Another bill, the *lex Aurelia*, gave equestrians the right to serve on trial juries, which had been

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1 See especially the cases of P. Cornelius Scipio Africanus, Liv. *Ab Urb. Con.* 28.38.6; T. Quinctius Flamininus, Liv. *Ab Urb. Con.* 32.7.9-12; and P. Cornelius Scipio Aemilianus, Vel. Pat. 1.12.3.

2 App. *BC* 1.121.

3 Plut. *Pomp.* 22; App. *BC* 1.121; Cic. *Verr.* 1.45.

4 App. *BC* 1.100; Liv. *Per.* 79. The bar on subsequent offices was lifted in 75.

5 App. *BC* 1.121.

6 Plut. *Pomp.* 13-14.

7 Plut. *Cras.* 12; *Pomp.* 22; Liv. *Per.* 97. Plutarch claims that Crassus was elected with Pompey's active support. There is no reason to suppose that Crassus was not capable of gaining election without resorting to aid from his rival. See Seager, *Pompey the Great*, 36, n.77.

8 Plut. *Pomp.* 22; Cic. *Verr.* 1.44.

filled exclusively by senators since Sulla's dictatorship.<sup>9</sup> Neither Pompey nor Crassus gave this bill unqualified support, but Pompey's previous statements while consul-elect and the fact that he did not openly resist its passage likely signified his approval.<sup>10</sup> Rather than demonstrating any hostility toward the senatorial class, Pompey's support of popular causes should be seen as an attempt to strengthen his popularity with the people and identify himself as a candidate open to reform.<sup>11</sup> Crassus likewise understood how popular a bill that restored the powers of the tribunate would be and refused to let Pompey alone win the gratitude of the people. Even Cicero, despite his personal distaste for the power of tribunes, recognized that the office had become an integral part of the Roman constitution. The *tribunician potestas* had been much-discussed in recent years, and he understood that it would likely have been addressed at some point.<sup>12</sup> The real question was who would get the credit. In denying this means of popular support to an ambitious demagogue, Pompey had done what was necessary.

Whatever good will had been established between Pompey and Crassus during the elections and their brief legislative collaboration was destroyed by mutual hostility and resentment. A certain degree of antagonism had existed between them since the civil war over a decade earlier, and the occasion of the war against Spartacus had simply brought this conflict to the surface.<sup>13</sup> Pompey had celebrated a triumph during the previous year for his victory in the Sertorian war, and Crassus was probably fortunate to receive an ovation for conquests in a servile war (a triumph was out of the

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9 Plut. *Pomp.* 22; Liv. *Per.* 97; Vel. *Pat.* 2.32.3; Asc. 67C; 78C.

10 Cic. *Verr.* 1.45; Pompey also promised to address corruption in the courts and in the provinces in his first speech as consul elect. For Pompey's cooperation with equestrians and desire for popular support, see Stockton, *Cicero*, 42.

11 Erich S. Gruen, *The Last Generation of the Roman Republic* (Berkeley: University of California Press, 1974), 28.

12 Cic. *De Leg.* 23-6. By the time Cicero made these comments, he had already suffered exile at the hands of the powerful tribune P. Clodius Pulcher.

13 Plut. *Cras.* 7. For their rivalry during the 70s, see Gruen, *LGRR*, 40-1.

question), but the common perception persisted that Pompey had stolen Crassus's glory following his defeat of Spartacus.<sup>14</sup> Crassus was extremely wealthy, well respected in both senate and law courts, and a competent military commander.<sup>15</sup> For all of these reasons Crassus remained a serious competitor for political power. The rivalry first expressed itself in the form of competing public celebrations. Pompey symbolically returned the horse he had been given at public expense along with other equestrians at a public ceremony and used the opportunity to remind the people of his martial exploits.<sup>16</sup> This action was well received by the assembled crowd and gained him immense applause. Not to be outdone, Crassus staged a sumptuous public feast in which 10,000 tables of food were set up and grain was distributed to the people.<sup>17</sup> There was no further legislative cooperation between the consuls, and their mutual hostility became plain for all to see.<sup>18</sup> However, by the end of the year they began to feel public pressure to put aside their differences. When asked by a member of the crowd at an assembly of the people to end their dispute before they left office, Crassus seized the opportunity to upstage Pompey and extend a conciliatory offer.<sup>19</sup> Pompey quickly responded with a display of kindness in return. Though publicly reconciled, their rivalry continued.

While possible reforms in the composition of trial juries were being discussed in the senate, the issue was thrust into the spotlight by a high-profile extortion trial during the summer of 70. C. Verres had been a notoriously corrupt governor in Sicily during the last three years and faced prosecution *de pecuniis repetundis* upon his return to Rome. Verres's depredations had fallen particularly hard on some of Sicily's

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14 Plut. *Cras.* 11.

15 Ibid., 7-8.

16 Plut. *Pomp.* 22.

17 Plut. *Cras.* 12.

18 Suet, *Iul.* 19.

19 Plut. *Cras.* 12; *Pomp.* 23; App. *BC* 1.121.

most powerful citizens, including Sthenius of Thermae. Sthenius had hosted such men as Gaius Marius, Pompey, and Cicero and was one of the most important men in Sicily.<sup>20</sup> Having incurred Verres's implacable wrath, Sthenius fled to Rome and recounted a tale of unrestrained greed. Sthenius had invited Verres to stay in his home on a number of occasions and had even allowed Verres to make away with several pieces of art from Sthenius's personal collection. But Sthenius flatly refused to help him when Verres attempted to gain possession of priceless ancient sculptures that had adorned a park in Thermae for decades and denounced Verres in a meeting of the local senate. In response, Verres colluded with Sthenius's friends, falsely charged him with forgery of public documents, and declared that he would judge the case personally. Sthenius realized that he had no chance to escape conviction and sought justice in Rome.<sup>21</sup>

Cicero was eager to prosecute Verres and applied to take on the case. Four months before the case was set to begin, a preliminary hearing was held to decide who would prosecute the case was held before a council of senators. Cicero reminded the council that he had served as *quaestor* in Sicily only five years before and rested his case upon the fact that he enjoyed the support of virtually the entire province. According to Cicero, the Sicilians had approached him repeatedly and pleaded with him to come to their aid.<sup>22</sup> Moreover, Cicero skillfully tied his opponent, Q. Caecilius, to Verres. Not only would Verres rather have had Caecilius as his prosecutor, but the same interests that had backed Verres were setting up Caecilius to ensure that Verres would be acquitted.<sup>23</sup> Cicero's prosecution of the case indicates that his arguments were well-received and persuasive.

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20 Cic. *Verr.* 2.2.110.

21 Ibid., 2.2.85-93.

22 Cic. *In Caec.* 2-4, 11-12, 14-5, 65.

23 Ibid., 28-35.



Having been selected to prosecute the case, Cicero requested time to travel to Sicily and investigate the case. Over the course of only fifty days, Cicero traveled around Sicily and gathered a powerful case against Verres, which catalogued shocking crimes against both Roman citizens and Sicilians. The powerful forces backing Verres were revealed when L. Caecilius Metellus, the propraetor of Sicily in 70, impeded his investigation every step of the way.<sup>24</sup> And Cicero knew that the situation would not improve once he returned to Rome. Q. Hortensius, Verres's defense advocate, was returned as consul in the summer elections along with Metellus's brother Q. Metellus.<sup>25</sup> To make matters worse, M. Metellus would become praetor of the extortion court in 69.<sup>26</sup> Verres, the Metelli, and Hortensius were confident that they could draw out the case into 69 and attain an easy acquittal.<sup>27</sup>

In response, Cicero changed how the case would be tried. Instead of long orations to open the trial, Cicero proceeded to present his evidence and introduce his witnesses immediately. The case that Cicero built against Verres was overwhelming. According to Cicero, Verres was "no common thief, but a violent robber; no common adulterer, but the ravager of all chastity; no common profaner, but the grand enemy of all that is sacred and holy; no common murderer, but the cruel butcher of our citizens and our subjects."<sup>28</sup> Cicero enumerated offense after offense throughout a career marked by unrestrained abuse of power. As a quaestor in Achaëa, Verres had dared to rob the Temple of Apollo on Delos.<sup>29</sup> Verres's career of extortion and maladministration continued throughout his stint as a legate in Asia, as a praetor in Rome, and as the propraetor of Sicily. Among other offenses, Cicero alleged that

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24 Cic. *Verr.* 2.2.64, 139.

25 Ibid., 1.26-31.

26 Ibid., 21.

27 Ibid., 1. 26-31, 34, 2.1.30-1.

28 Ibid., 2.1.9.

29 Ibid., 1.2.46-8.

Verres had extorted legacies from Sicilians,<sup>30</sup> tortured and executed Roman citizens,<sup>31</sup> taken priceless objects from Sicilian cities,<sup>32</sup> and despoiled Sicilian temples.<sup>33</sup> Despite alleged bribery of the jury<sup>34</sup> and the opposition of Q. Hortensius, Cicero's prosecution was ultimately successful. Verres went into exile soon after his speech.<sup>35</sup>

But Cicero did more than convict a provincial governor of extortion. During the process of the trial, Cicero revealed the fact that the true defendant in the case was not Verres, but the senatorial jury who would render judgment in the case.<sup>36</sup> If Verres were acquitted, the whole system whereby senators sat on juries would be proven corrupt and the integrity of the senate would be severely scrutinized. In fact, this very question was being debated in the senate during the trial. According to the terms of the *lex Aurelia*, which had been discussed but not yet passed at the time of the trial, juries would be divided equally among senators, equestrians, and *tribuni aerarii*.<sup>37</sup> Cicero fully exploited the possibility that the bill could be defeated in his oration, but it is doubtful that Cicero believed that this was still possible, especially since Q. Lutatius Catulus, who was one of the preeminent champions of the interests of the senatorial class, had already accepted the need for judicial reform.<sup>38</sup> For Cicero, the issue served the purpose of shaming the senate into convicting one of their own. As he told them, they should hate Verres because he had thought he could bribe them.<sup>39</sup> The trial of Verres was a triumph for Cicero and left him as the preeminent orator in

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30 Ibid., 2.2.19-24.

31 Ibid., 2.7-8, 13, 49-63.

32 Ibid., 2.2.50.

33 Ibid., 1.13-4, 2.2. 7, 9, 11.

34 Ibid., 2.16, 36.

35 Everitt, *Cicero*, 75-79.

36 Cic. *Verr.* 2.177-8.

37 The *tribuni aerarii* were most likely those who possessed the property qualification for the equestrian order but were not enrolled in the equestrian census; see T.P. Wiseman, "The Definition of 'Equus Romanus' in the Late Republic and Early Empire," *Historia* 19, no.1 (Jan. 1970): 71-2; see also Gruen, *LGRR*, 29-30.

38 Cic. *Verr.* 1.44.

39 Ibid. 1.42.

Rome.

The conviction of Verres was undoubtedly a noteworthy achievement for Cicero, but it may be seen as a triumph for Pompey as well. Pompey's connections in Sicily were extensive and well known. Sthenius had become Pompey's client while Pompey was in Sicily to prosecute the war against the Marian consul Cn. Papirius Carbo. Pompey had acquitted him of charges that he had been aiding the Marians.<sup>40</sup> When Sthenius fled Sicily, he went immediately to the consuls, L. Gellius Publicola and Cn. Cornelius Lentulus Clodianus. Both men were friends of Pompey.<sup>41</sup> When the consuls failed to take action, Sthenius then went to M. Lollius Palicanus, who was a known Pompeian from Picenum.<sup>42</sup> Moreover, Pompey's Sicilian *clientela* also included Sex. Pompeius Chlorus, whom Cicero calls "a man of the highest character, whose merit has long earned him Roman citizenship, and is nonetheless to be reckoned the most important and distinguished of Sicilians."<sup>43</sup> Chlorus served as the defense for a Sicilian whose legacy Verres was attempting to extort.<sup>44</sup> Another Sicilian, Cn. Pompeius Theodorus gave evidence against Verres as well. Cicero explicitly links this man to Pompey,<sup>45</sup> and in all likelihood Pompey had granted Theodorus his citizenship. In sum, Pompey's *clientela* had been angered by Verres, and Pompey had every reason to ensure they were vindicated. There is no evidence to support the supposition that Pompey had anything to do with Cicero's appointment to prosecute Verres. Cicero's previous quaestorship and the requests made by contacts he had met in Sicily suffice to explain his role in the case. It is possible to say, however, that their political interests converged for the first time in the Verres trial. Cicero's

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40 Ibid., 2.2.113.

41 Gellius and Lentulus had ratified citizenship grants Pompey had made in Spain in 72; Cic. *Balb.* 19.

42 E. Badian, *Foreign Clientelae: 264-70 B.C.* (Oxford: Oxford University Press, 2000), 282.

43 Cic. *Verr.* 2.2.23.

44 Interestingly, Q. Metellus later conferred citizenship to the defendant, Dio of Halaesa; Cic. *Verr.* 2.2.20.

45 Ibid., 2.2.102.

victory over Verres was a victory for both Pompey and his *clientela*.

During the years following his triumphant prosecution of C. Verres in 70, Cicero continued his ascent through the magistracies that together made up the *cursus honorum*. Cicero served as an *aedile* in 69. Among his responsibilities was the staging of several public games including the *Ludi Romani*. Cicero did not take the opportunity to spend as lavishly as other senators,<sup>46</sup> but his first-place finish in the praetorian elections in 67 demonstrates that he had not failed to keep his name in the public discourse.<sup>47</sup> Meanwhile, an old problem had resurfaced and required the attention of Rome's most eminent soldier.

By 67 piracy in the Mediterranean had become an intolerable problem. Although the problem was nothing new in the first century B.C., the breakdown of law and order in the eastern Mediterranean as a result of the Mithridatic wars had led to a noticeable rise in piracy. Although they were based in Cilicia, a vast network of pirates had joined together and cooperated in operations that involved large fleets and spanned the Mediterranean.<sup>48</sup> Rome's archenemy King Mithridates VI of Pontus had been supporting the pirates financially and directing them against Roman interests.<sup>49</sup> Unlike simple brigands, the pirates were highly mobile and difficult to track.<sup>50</sup> Travelers at sea and inhabitants of the coastlines were alike in grave danger.<sup>51</sup> The port of Ostia (Rome's own harbor) had been attacked, and several other Italian cities had been burned.<sup>52</sup> A favorite tactic of the pirates was to seize important Romans or even entire coastal cities and demand a large ransom for their surrender.<sup>53</sup> Perhaps

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46 For Caesar's lavish spending during his aedileship, see Suet. *Iul.* 10.

47 Plut. *Cic.* 9.1; *Cic. Leg. Man.* 1-2; *Cic. Off.* 2.59; *Cic. Mur.* 40.

48 Dio 36.21.1; Plut. *Pomp.* 25.

49 Plut. *Pomp.* 24.

50 Dio 36.21.3.

51 *Cic. Leg. Man.* 55.

52 Dio 36.22.2; *Cic. Leg. Man.* 33.

53 Plut. *Pomp.* 24; for Caesar's brush with pirates, see Plut. *Caes.* 2; Suet. *Iul.* 4, 74; for the pirates' capture of P. Clodius Pulcher, see Dio 36.17.2-3; *Cic. Har Resp.* 42.

most ominous of all, Rome was being steadily cut off from its supplies of corn and other commodities.<sup>54</sup> The senate had created commands in the past to combat the pirates, but none of them had achieved lasting success.<sup>55</sup>

In 67 A. Gabinius came forward with a far-reaching and exceedingly ambitious plan to end the pirate problem once and for all. An ex-consul was to be given *imperium aequum*, or power equal to that of any provincial governor, for three years.<sup>56</sup> The commander's power was to cover the entire Mediterranean and up to fifty miles inland. He would command a fleet of 200 ships and name fifteen *legati* to assist him. In addition he would have almost unlimited funds and the power to recruit a force as large as he needed.<sup>57</sup> The staggering power that the command would confer on the commander was not a serious problem, since the command of Antonius in 74 provided a comparable precedent. The real contention surrounded the naming of a commander to conduct the operation.<sup>58</sup> Indeed, everyone knew from the moment that Gabinius introduced the bill that Pompey would receive the command. The nature of the ensuing debate would presage the character of future Roman politics over the next decade. There were two camps: Pompey and his supporters (and thus the majority of the *plebs urbana*) on one side and the senate, which was diametrically opposed to Pompey obtaining the command, on the other. The ensuing debate resulted in such bitter dissension that the tribune Gabinius and the consul C. Calpurnius Piso were nearly killed.<sup>59</sup> The respected senator Q. Lutatius Catulus, Q. Hortensius, and the

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54 Dio 36.23.1.

55 For M. Antonius's command in 102, see Liv. *Per.* 68; Cic. *Leg Man.* 33; for his son M. Antonius Creticus, see Liv. *Per.* 97; Vell. 2.31.3-4; for the campaign of P. Servilius Vatia Isauricus, see Liv. *Per.* 90,93; Vell. 2.39.2; Suet. *Iul.* 3.

56 Vell. 2.31.2; Velleius's statement is unequivocal. The precise extent of the powers the commander would assume, however, is disputed. See also Tac. *Ann.* 15.25; Tacitus suggests that Pompey possessed *imperium maius*, which conferred power greater than the all provincial governors. See Seager, *Pompey the Great*, 45-6 for further discussion.

57 Dio 36.23.4; Plut. *Pomp.* 25.

58 Dio 36.24.1.

59 Plut. *Pomp.* 25.

tribune L. Roscius Otho lent their voices as well to the senatorial position that less power should be concentrated in Pompey's hands.<sup>60</sup>

For his part, Pompey feigned reluctance to accept the command, but was in secret determined to obtain it.<sup>61</sup> Deeming it far more honorable to accept a great position against his will, he preferred to let public opinion and men favorable to his cause do the work for him. The lone assenting voice in the senate was that of C. Julius Caesar.<sup>62</sup> Unlike Gabinius, who was a close adherent of Pompey throughout his career, Caesar likely cared little if the bill increased the power of Pompey. To Caesar the *lex Gabinia* represented a popular cause with which to align himself in the hopes that it would increase his reputation among the people.<sup>63</sup> With a run for the consulship approaching, Cicero must also have realized the possible benefits of supporting the bill. There is no evidence that Cicero directly supported the measure, but his effort to associate himself with Pompey in a similar command one year later suggests that he may have regretted letting the opportunity slip away.<sup>64</sup>

In any event, despite intense *optimata* resistance, Gabinius was able to skillfully harness Pompey's popular appeal and pass the bill in the Plebian Assembly.<sup>65</sup> Pompey was confirmed as the promagistrate who would carry out the command, and an additional bill was passed that increased his available resources to five hundred ships, one hundred twenty thousand infantry, five thousand cavalry, twenty-four *legati*, and two *quaestores*.<sup>66</sup> The markets signaled their confidence in Pompey with an immediate decrease in the price of grain.<sup>67</sup>

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60 Dio 36.30-36; Plut. *Pomp.* 25; Cic. *Leg. Man.* 52.

61 Dio 36.24.5.

62 Plut. *Pomp.* 25.

63 Plut. *Caes.* 4; Gelzer, *Caesar*, 33.

64 Cic. *Leg. Man.* 63-4; Cicero certainly supported the bill after Pompey's command proved successful.

65 Dio 36.37.1; Plut. *Pomp.* 26.

66 Plut. *Pomp.* 26.

67 *Ibid.*, 26.

After he had been informed of the results of the vote, Pompey set about with consummate skill assembling the forces and strategy necessary to clear the sea of pirates. He first divided the Mediterranean into thirteen separate sectors and provided a legate for each zone. Each legate was provided with separate detachments and able to work independently of Pompey's fleet. Once the great pirate fleets had been destroyed and resistance in the Mediterranean had been virtually swept away, Pompey defeated the main fleet off the coast of Cilicia and set about placing their coastal strongholds under siege. Seeing no prospect of holding out, the pirates surrendered themselves and their strongholds. Rather than ordering mass executions, Pompey devised a scheme to transplant them into cities in inland Asia Minor, which remained desolate following two decades of war, and give them land.<sup>68</sup> To the astonishment of Rome, Pompey carried out the entire operation in three months and left the Mediterranean secure for the moment from the depredations of pirates.<sup>69</sup>

Having successfully dealt with the pirates, Pompey cast his gaze farther east in the hopes of obtaining an even more lucrative command. Since his consulship in 74, L. Licinius Lucullus had conducted a largely successful war against Mithridates VI of Pontus in Asia Minor and Armenia. Lucullus, however, was never able to capture Mithridates, and by 67 the war seemed far from over. Some plebian tribunes in Rome even voiced concerns that he would never lay down his command.<sup>70</sup> Lucullus's problems were compounded when P. Clodius Pulcher, a young officer in his army and Lucullus's own brother-in-law, exploited discontent within the army and nearly sabotaged his command.<sup>71</sup> Lucullus's failure to end the war and inability to control his army left the door open for his removal, but his fate was ultimately sealed by his

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68 Dio 36.37; Plut. *Pomp.* 26-8.

69 Cic. *Flac.* 28-9.

70 Plut. *Luc.* 24.3.

71 Plut. *Luc.* 34; Cic. *Har. Resp.* 42.

administration of the province of Asia. Due to a combination of penalties prescribed by Sulla a decade earlier and interest payments imposed by the Roman *publicani* in subsequent years, many Asian cities had lost possession of a great deal of state land and other property, and men had been forced to sell themselves into servitude to pay their debts.<sup>72</sup> Through a number of measures, Lucullus was able to pay off their debts and facilitate the return of property to its previous owners. However, in the process he made bitter enemies among the *publicani*, who returned to Rome and vigorously supported his removal as commander in the East.<sup>73</sup> By early 67, Lucullus had been stripped of Cilicia, Bithynia, and Pontus, and the latter two provinces had been assigned to the consul M'. Glabrio.<sup>74</sup> Lucullus's position had been completely undermined and a permanent replacement for the war was now sought.

Pompey was the clear choice to take over the war against Mithridates. First of all, he already possessed *imperium aequum* throughout the Mediterranean and was in Cilicia when the discussions concerning the Eastern command were held. He had military and naval forces under his command and chosen *legati* commanding them.<sup>75</sup> Secondly, Pompey had earned an unrivaled reputation as a military commander. His conduct of the war against the pirates had only increased his prestige and reinforced his status as the man to trust when the security of Rome was at stake. The Eastern command, in return, offered Pompey an opportunity for further military glory, financial enrichment, and a chance to dramatically extend his list of *clientela*. Having already inherited his father's clients in Italy and Cisalpine Gaul and established important connections in Sicily, Africa, Spain, and Transalpine Gaul, Pompey now

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72 Plut. *Luc.* 20.1-2.

73 Ibid., 20.3-4.

74 Dio 36.2.2; 36.15.1.

75 Cic. *Leg. Man.* 50.



had the chance to add eastern kings to his *clientela*.<sup>76</sup>

Early in 66 the tribune Gaius Manilius introduced a bill that proposed the transfer of the command against Mithridates, as well as the provinces of Cilicia, Pontus, Bithynia and other Asian provinces to Pompey.<sup>77</sup> He received the power to negotiate independently with foreign nations, would hold his Mediterranean command simultaneously, and he would be able to draw on the forces he had used for the war against the pirates. If the *lex Gabinia* had not conferred *imperium maius*, or power surpassing all promagistrates, to Pompey, it is probable that Manilius's bill did so.<sup>78</sup> Just as the *lex Gabinia* in 67, the *lex Manilia* provoked obstinate opposition from the senate. For the *optimates*, Lucullus's removal was a humiliation they were determined to prevent. In their opinion, Lucullus had already won the war, and it was intolerable for Pompey to receive the credit for it.<sup>79</sup> Catulus and Hortensius once again voiced grave concerns that Pompey was receiving an inordinate amount of power.<sup>80</sup> The senate as a whole, however, was not as united as it had been the previous year. Caesar once again spoke in support of Pompey's cause, but this time he was not alone.<sup>81</sup> A distinguished list of former consuls now joined him. Among them, according to Cicero, were C. Scribonius Curio, Cn. Cornelius Lentulus, C. Cassius, and P. Servilius Isauricus, who had recently served as proconsul of Cilicia.<sup>82</sup> Perhaps Pompey's most important supporter was Cicero himself.

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76 Pompey's father, Cn. Pompeius Strabo, possessed large estates and widespread power in Picenum, and it was from this region that Pompey recruited a private army during Sulla's civil war; Plut. *Pomp.* 6; Vel. Max. 5.2.9. The family also maintained ties elsewhere in Italy. Strabo had passed a bill during his consulship in 89 that had given Transpadane Italy Latin Rights; Ascon. 3C. In 51, Cicero recognized Pompey's continued interest in the area; Cic. *Att.* 5.11.2. Strabo had also enfranchised a group of Spanish cavalymen, known as the *turma Salluitana*; *ILS* 8888. For Pompey's connections in Sicily, see above. For Pompey's *clientela* throughout the Western Mediterranean, see E. Badian, *Foreign Clientelae 264-70 B.C.* (Oxford: Oxford University Press, 1958), 228-9, 267-284, Appendix B (i) & (ii) a.

77 Dio 36.42.4; Plut. *Pomp.* 30.

78 Seager, *Pompey the Great*, 51.

79 Plut. *Pomp.* 30.

80 Plut. *Pomp.* 30; Cic. *Leg. Man.* 51-2.

81 Dio 36.43.2.

82 Cic. *Leg. Man.* 68.

Cicero served as praetor in 66. Achieving election to the praetorship was an important step in his career and the crowning achievement for many senators. The fact that there were only eight annual praetors added great prestige to the office. Moreover, election to the praetorship also meant that Cicero was now eligible to run for the consulship in 64. Cicero spent his praetorship in Rome as the president of the *quaestio de repetundis*, which tried provincial governors for extortion. However, he is only known to have presided over one case: the trial and conviction of L. Licinius Macer.<sup>83</sup> Gaius Manilius was brought before Cicero's court with only a few days left in the year, and Cicero appeared to accept the case.<sup>84</sup> He informed Manilius that he would have only one day to prepare, but when the people showed their displeasure at this breach of protocol Cicero backed down. He justified his actions with the explanation that he was actually doing Manilius a favor by not deferring the case to the incoming praetor. Nonetheless, the case never materialized, and Manilius successfully evaded the charges. In reality, Cicero likely had no intention of trying Pompey's man. Only months before Cicero had eulogized Pompey before a public assembly and strongly supported Pompey as a candidate for the Eastern command.

Although he had failed to come to Pompey's aid the year before, Cicero lent the full force of his eloquence to secure the Mithridatic command for Pompey. In his first public address to the people, Cicero attempted to prove that Pompey was the only man worthy of the command by reason of his sublime military accomplishments and outstanding moral rectitude. Cicero recounted Pompey's innumerable military exploits in Italy, Sicily, Africa, Spain, and his most recent campaign covering the entire Mediterranean to support his claim that Pompey alone possessed a sufficient

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<sup>83</sup> Plut. *Cic.* 9.1-3; Cic. *Att.* 1.4.2.

<sup>84</sup> Plut. *Cic.* 9.4-6.

degree of knowledge and ability to take on the present war.<sup>85</sup> Moreover, a man of Pompey's integrity was paramount when executing a command that presented such a wide scope for financial advancement and necessitated a well-disciplined army.<sup>86</sup> Pompey alone possessed the prestige to overawe foreigners and induce them to surrender to Rome.<sup>87</sup> Lastly, Pompey seemed to enjoy the favor of the gods, which was seen as an essential attribute of Roman commanders.<sup>88</sup> According to Cicero, Pompey "stands alone as one whose merit has surpassed in glory not only his contemporaries but even the annals of the past."<sup>89</sup> There was no other candidate whose qualifications matched the scale of the task.

*De Lege Manilia* was an eloquent and well-written speech that must have done Pompey much credit, but one must also remember that it was primarily a political speech. In fact, the intended beneficiary of the speech was none other than Cicero himself. The assembled body of plebs to whom the speech was delivered was already well-acquainted with Pompey's qualities and exploits, and their regard for him could not have been any higher before the speech was delivered. Cicero had several reasons for delivering the speech, with the most important ones having nothing to do with the favor of Pompey himself. Cicero was above all looking to fortify his support among the *equites* and augment his appeal to the Roman *plebs*. The state of disruption that defined Asia's financial state and the plight of Roman merchants who conducted business there were among the first topics discussed in the speech. After claiming to be close to Rome's merchant class, Cicero proceeded to take up their cause as his own. He framed the entire speech around the need to ensure the safety of Asia and its

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85 Cic. *Leg. Man.* 28-35.

86 *Ibid.*, 36-42, 64-7.

87 *Ibid.*, 43-6.

88 *Ibid.*, 47-8.

89 *Ibid.*, 27.

resources for the good of both the merchant class and Rome itself.<sup>90</sup> According to Cicero, the appointment of Pompey is necessary to secure Rome's most important foreign source of revenue as well as the people whose task it is to farm its taxes.<sup>91</sup>

*De Lege Manilia* also illustrates an important theme which defines Cicero's career during this period: he was willing to seek support from whoever he believed useful in furthering his interests. Whether or not he approved of the unparalleled powers the *lex Gabinia* and the *lex Manilia* had given Pompey, Cicero understood that advocacy of measures favorable to Pompey would lead to the support of the people, with whom Pompey enjoyed unrivaled popularity.<sup>92</sup> With a campaign for the consulship fast approaching, Cicero could not afford to disregard the opinion of the people. As Cicero well understood, to be successful in an election there was "no surer password than the favour shown or pretended of Pompeius."<sup>93</sup> At this point in his career, Cicero saw no reason to declare his political allegiance. This "double role," as Dio Cassius calls it, was necessary for the *novus homo* to maintain the support he needed to gain election to the consulship.<sup>94</sup>

Beyond its political utility, the speech was without doubt an important step in the relationship between the two men. Even if Cicero's primary purpose was to use Pompey's name for political advancement, there is no reason to doubt that Cicero meant his heartfelt praise for Pompey's accomplishments. Pompey, in return, had to notice the role Cicero had played in securing his command. The importance of the speech should not be exaggerated given the limited nature of their relationship during Pompey's command in the East,<sup>95</sup> but it is significant that Cicero's motives for giving

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90 Ibid., 4.

91 Ibid., 6, 11, 14-19.

92 Q. Cic. *Comm.* 51.

93 Syme, *Roman Revolution*, 29.

94 Dio 36.43.5.

95 The earliest documented correspondence between Pompey and Cicero dates to 62.

the speech are the same values that ultimately came to define the relationship. Indeed, one may see *Pro Lege Manilia* as the self-interested foundation of an association that would over time develop into a relationship based on political opportunism.

Ultimately Cicero's rhetoric, powerful supporters in the senate, and the overwhelming approval of the people were enough to pass the bill and procure the command for Pompey.<sup>96</sup> When Pompey was notified that the bill had passed, he once again professed reluctance to undertake the burden of another major war and expressed a desire for a peaceful life in the countryside.<sup>97</sup> Not even his friends believed him. Pompey took up his command and began the task of tracking down and eliminating Mithridates immediately and did not return to Rome until late 62.

By the summer of 65, Cicero had already begun planning for his anticipated run for the consulship. In a letter to Atticus from July, Cicero gives his opinion of his likely opponents and raises the possibility of electoral support from Pompey.<sup>98</sup> Pompey was obviously fighting in the East at the time, but he undoubtedly had agents actively attending to his cause in Rome. For his part, Cicero continued to align himself with Pompey and those who supported his cause. One of these followers, the popular tribune C. Cornelius, was arraigned on charges of *maiestas*, or treason, by five distinguished ex-consuls during the summer of 65.<sup>99</sup> Cicero agreed to defend C. Cornelius, who as a tribune in 67 had incurred the wrath of the senate for proposing two pieces of legislation which attempted to address the abuse of senatorial power.<sup>100</sup> Cornelius's first bill had concerned the senate's failure (contrary to law) to bring decrees involving the exemption of senators from specific laws before the people for

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96 Plut. *Pomp.* 30.

97 Ibid., 30.

98 Cic. *Att.* 1.1.1-2.

99 Asc. 60C.

100 Dio 36.38.4-36.39; Asc. 57C-58C.

ratification,<sup>101</sup> and the other controversial proposal had been a bill that simply forced praetors to follow the edicts they published before their tenure of office.<sup>102</sup> The actual charge that brought about Cornelius's prosecution for *maiestas* was that he had read the text of his speech on the rostra himself,<sup>103</sup> rather than allowing it to be presented by a herald.<sup>104</sup> Though certainly against precedent, Cicero was able to argue successfully that it was not illegal.<sup>105</sup> It was Cornelius's Pompeian connection, however, that was likely most decisive. He had served as Pompey's *quaestor* in Spain during the Sertorian war and quite possibly supported the *lex Gabinia* in 67.<sup>106</sup> Consequently, Cornelius's connection with Pompey formed one of the most important themes in Cicero's speech and ultimately helped to gain his acquittal with several votes to spare.<sup>107</sup> Although the case does not produce any evidence for direct cooperation between Pompey and Cicero, it is another case where Cicero deliberately associated himself with Pompey and his associates. Cicero had once again delivered a popular speech that was well received by the *plebs*.<sup>108</sup>

During the summer of 64, Cicero presented himself as a candidate for the consulship. Thus far in his career Cicero had shown himself remarkably astute in building a base of support that would be necessary to win a consular election. Cicero had posed as a champion of the *equites* both as a public magistrate and as an advocate in the courts.<sup>109</sup> Cicero had also shown great foresight in his support of Pompey's cause. According to his brother Quintus, Cicero's speeches on behalf of Manilius and

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101 Asc. 58C.

102 Ibid., 59C.

103 Cornelius likely did this to avoid the interposition of a veto by another tribune to prevent the bill from being read.

104 Asc. 60C-61C.

105 Ibid., 61C, 71C-72C.

106 Asc. 57C; Rawson, *Politics of Friendship*, 78, n.21.

107 Asc. 81C.

108 Cic. *Q. Fr.* 8.3.3.

109 Cic. *Verr.* 2.2.181.

Cornelius had succeeded in building a great deal of popularity among the *plebs*.<sup>110</sup> At the same time, Cicero had been careful to conciliate the *optimates* and ensure that they did not see him as a radical. While defending Cornelius, for example, Cicero had made a point of treating the ex-consuls prosecuting his client with respect.<sup>111</sup> And even in his advocacy of the *lex Manilia*, Cicero had been careful to praise qualities that all Romans should applaud. Overall, Cicero could present himself as a suitable candidate for everyone, especially when compared to his competitors.

By the time of the elections in July, the race had become a contest between Cicero, C. Antonius Hybrida, and L. Sergius Catilina, who had been a controversial character in Roman politics for several years. During Sulla's dictatorship, he was alleged to have killed his own brother and had his name placed on the proscription list later.<sup>112</sup> According to Cicero, Catilina had also cut off the head of a popular Roman senator and carried it through the city.<sup>113</sup> There were a number of other rumors current about Catilina, including an alleged plot to murder the consuls L. Manlius Torquatus and L. Aurelius Cotta in 65.<sup>114</sup> Despite his sordid reputation, Cicero had briefly considered defending him in an extortion case during the summer of 65, which had disqualified Catilina from running for the consular elections for 64, and possibly canvassing with him before the elections.<sup>115</sup> This, however, did not happen. Antonius had come from a prominent plebian family that had produced consuls for generations, but his reputation was little better than that of Catilina. Antonius had been prosecuted for extortion during his propraetorship in Macedonia and expelled from the senate by

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110 Q. Cic. *Comm.* 51.

111 Asc. 61C.

112 Plut. *Cic.* 10.

113 Asc., 84 C.

114 Sall. *Bel. Cat.* 18.6; Asc. 83C; Asc. 92C.

115 Cic. *Att.* 1.2.1.

the censors in 70 on account of large debts.<sup>116</sup>

The consular elections of 64 were notoriously corrupt. A bill was proposed to address the blatant bribery employed by Antonius and Catilina, but the tribune Q. Mucius Orestinus interposed his veto.<sup>117</sup> The bill had received considerable *optimata* support, which was encouraging for Cicero, who suspected that Crassus and Caesar were funding the campaigns of Antonius and Catilina. Cicero knew that he could not compete with Crassus's resources, but he could exploit *optimata* fears about the instability of Catilina. Shortly after the anti-bribery bill was defeated, Cicero addressed the senate and launched a blistering attack against both of his opponents. Cicero called Antonius a "brigand in Sulla's army"<sup>118</sup> and rehashed the shocking deeds Catilina had allegedly committed during the proscriptions.<sup>119</sup> Cicero's speech *in toga candida* ultimately helped to consolidate *optimata* support and secure his victory in the elections.<sup>120</sup> Cicero came in first at the polls and received C. Antonius as his consular partner.<sup>121</sup>

When Cicero took up office in January of 63, he hoped to forge a *concordia ordinum*, or harmony of the orders. Rather than promoting the interests of either the *equites* or of the senate, Cicero hoped to be a consul that both classes could stand behind.<sup>122</sup> Cicero's plans were seriously tested in January when the tribune P. Servilius Rullus introduced an agrarian redistribution bill.<sup>123</sup> The plan called for the selling of public land in Italy and the provinces for the purpose of raising money, which would then be used to purchase privately owned land on a voluntary basis.

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116 Asc. 84C.

117 Ibid., 83C.

118 Ibid., 88C.

119 Ibid., 90C.

120 Stockton, *Cicero*, 83.

121 Asc. 94C.

122 Cic. *Att.* 1.18.3; *Re Pub.* 1.3-4.

123 Dio 37.25.4; Plut. *Cic.* 12.



Pompey's veterans (after he had returned from his Eastern command) would be the primary beneficiaries of the law, but Rome's *plebs urbana* would also be included in the allotments. The real area of contention, however, was the fact that the bill called for a board of ten men, who would serve for five years, to supervise the operation. And Rullus would preside over the vote for the board, which would be selected by only seventeen tribes. All candidates for the board would have to be present to canvass in person.<sup>124</sup>

Cicero opposed the bill for several reasons, but he based his disapproval on the central notion that the bill was bad for Pompey. First of all, Pompey was excluded from being on the board of ten since he could not possibly appear in person to run for office.<sup>125</sup> Cicero argued that Pompey should be able to provide for his own veterans. Moreover, the bill overstepped Pompey's command, since it called for the sale of land in Pompey's provinces in Asia Minor. This would infringe upon Pompey's rights to include the land in his own future settlement of the region.<sup>126</sup> These arguments were successful in killing the bill in the end, but there is reason to believe that Cicero had misrepresented Pompey's interests. As long as there would be men on the commission to uphold Pompey's interests, the fact that he was excluded from membership on the board was not important. Moreover, money from Pompey's conquests would go toward the settlement of his veterans. This would still allow Pompey to provide for his men, no matter who was overseeing the allotments. Moreover, it is quite likely that Pompey had been behind the bill from the beginning.<sup>127</sup> He later supported a very similar bill after his return. Cicero had succeeded in suppressing Rullus's bill, but he had been forced to show his hand. Cicero had taken a position in alignment with the

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124 Cic. *Leg Agr.* 54.

125 Ibid., 23-25.

126 Ibid., 51-2.

127 Seager, *Pompey the Great*, 69.

*optimates*, or aristocratic conservatives, in his opposition to agrarian redistribution and the establishment of an executive board of senators with wideranging powers to carry it out.

Shortly afterwards, the tribune Titus Labienus charged C. Rabirius with *perduellio* for a crime that had taken place nearly forty years before. The crime the charges referred to was the execution of the popular tribune L. Appuleius Saturninus on the orders of the consul C. Marius in December 100.<sup>128</sup> *Perduellio* was an archaic accusation of treason that called for an equally archaic judicial procedure. According to the procedure, two judges chosen by lot would preside over the case. In practice the whole thing turned into a farce. Caesar, who was generally believed to be behind the prosecution, and L. Julius Caesar, his distant kinsman, were somehow chosen as the judges.<sup>129</sup> If found guilty, Rabirius faced crucifixion. At the heart of the case was the senate's use of the *senatus consultum ultimum*, which had been the justification for the slaying of Saturninus. The *s.c.u.* was the Roman equivalent to a declaration of martial law, which instructed all magistrates holding imperium near Rome 'to see that the state suffers no harm.' Caesar and Labienus were not challenging the senate's right to use the *s.c.u.* They were simply trying to show that its use had been used to kill a tribune, who was supposed to be inviolable and sacrosanct. There was nothing stopping the senate from using the *s.c.u.* to assert its dominance and infringe upon the rights of Roman citizens in the future. More practically, the trial allowed Caesar and Labienus to pose as the champions of the Roman constitution and the rights of Roman citizens.<sup>130</sup>

Cicero stood as Rabirius's defense counsel and provided a rebuttal that encapsulated the senatorial point-of-view. When he had finished his personal attack

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128 Suet. *Iul.* 12.

129 Dio 37.26-27.

130 Stockton, *Cicero*, 91-7.

against Labienus, Cicero recalled that it was in fact C. Marius, the leader of the popular party, who had been most responsible for Saturninus's death.<sup>131</sup> Rabirius had simply joined Marius and other senators in suppressing a dangerous threat to the state.<sup>132</sup> Above all, the *s.c.u.* was a necessary mechanism to protect the State "against men of violence and revolutionaries, against evils from within, against plots devised at home."<sup>133</sup> Cicero ended his speech with the assertion that Labienus's prosecution was "an attack upon the Republic" and affirmed that in the same situation he would do exactly as Marius had done.<sup>134</sup> Rabirius was convicted of the crime, but the sentence was never carried out. With his point made, Caesar was likely behind a signal sent from the Janiculum, which, due to another archaic procedure, ended the public meeting immediately.<sup>135</sup> As confusing as the trial of Rabirius may have seemed at the time, its relevance soon became apparent. Within a matter of months Cicero would enact the *s.c.u.* himself to defend Rome from the designs of a dangerous popular leader.

During the final weeks of 63, a plot was exposed that threatened Cicero's life and the very existence of the State. Catilina had built a considerable following in Rome amongst malcontents and young aristocrats, as well as Sullan veterans throughout Italy. Many of them had lost their land or gambled away their money and saw Catilina as a revolutionary leader who could achieve a cancelation of debts. Catilina led a group of men who began to plot nothing less than the assassination of Cicero and the overthrow of the Republic. As Cicero was later informed, the plot included P. Cornelius Lentulus Sura, a praetor in 63. There was even suspicion that the consul Antonius was involved. Cicero was informed of the plot by Fulvia, who

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131 Cic. *Rab. Perd.* 27-30.

132 Ibid., 21-2.

133 Ibid., 33-4.

134 Ibid., 35.

135 Dio 37.27-28.

was the mistress of C. Curius, one of the plotters. When Cicero had ascertained that Catilina and his associates planned to carry out their plot on the day of the summer elections in July, he had the elections postponed and informed the senate what he had learned. Cicero did not have enough credible evidence to arrest Catilina, but he signaled to everyone the fact that he feared for his life when he hired a bodyguard and, during the elections, conspicuously wore a breastplate. When the elections were held, Catilina was again blocked from the consulship. Catilina now made the decision, if he had not before, that armed violence would be necessary. There was little that Cicero could do at the time, but he kept in contact with his informant and waited until he could assemble enough evidence to arrest the plotters.<sup>136</sup>

Matters came to a head in October when Crassus, who had been suspected of dealing with Catilina in the past, brought him letters that warned of a plot. There were soldiers in Etruria under the command of Manlius waiting for the signal to march against Rome. Cicero now had the evidence he needed to take action. Cicero convened a meeting of the senate early the next morning and informed them of the latest news. The senate finally grasped the seriousness of the situation and passed the *senatus consultum ultimum*. Unfazed, Catilina remained in the city and held a meeting with his associates. Once again Cicero was informed of the proceedings, and on 8 November he convened the senate again. To everyone's surprise, Catilina attended the meeting and defended himself against Cicero's claims that Catilina and his co-conspirators had formed another plan to kill Cicero. Yet the senate failed action against Catilina, who was able to leave the city following the meeting and meet up with Manlius's army in Etruria. Meanwhile, Lentulus, who was in charge of the plot in Rome, then made a serious error. He sent a letter to a delegation of Allobroges, a

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<sup>136</sup> App. *BC* 2.2-3; Plut. *Cic.* 10-11.

Gallic tribe in Transalpine Gaul, and requested that they raise a revolt in Gaul while Catilina and Lentulus carried out their plans. Cicero had been previously informed of Lentulus's overtures to the delegation, and had soldiers ready to arrest the Gauls. Armed with this evidence, Cicero once again convened the senate and carried out the arrest of suspected members in the plot.<sup>137</sup>

When the conspirators had been arrested an intense debate then followed in the senate. The *s.c.u.* had invested Cicero with the power to do with conspirators as he wished, but he reasoned that a consensus of the senate would make his actions more legitimate and less open to questioning in the future. Cicero was convinced that the threat to the Republic was too great to allow the men to stand trial. Instead, he advocated their immediate execution and the vast majority of the senate agreed with him. Caesar, however, stood up and delivered a speech that echoed the point he had made months before during the trial of Rabirius: the senate should be careful in its use of the *s.c.u.* Rather than executing the men, Caesar advocated placing the men permanently in houses throughout municipal Italy. Caesar's speech was effective and induced many to change their opinions, until Cato responded with a more eloquent argument of the advice of Cicero: Rome was encircled by the enemy, and for the safety of the Republic they must be executed. After Cato's speech the senate regained their determination to execute the conspirators. Cicero left the senate and carried out the executions.<sup>138</sup>

Cicero's fellow consul, Antonius, was entrusted with the command to march against Catilina and his army even though he had been suspected of complicity in the plot. Antonius followed his orders, though he left the fighting to his legate, Petreius. Early in 62 Catilina's army was defeated in a bloody battle in which Catilina fought to

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<sup>137</sup> App. *BC* 2.4; Plut. *Cic.* 12-19.

<sup>138</sup> Plut. *Cic.* 21-2; *Caes.* 8; Sall. *Bel. Cat.* 51-5; App. *BC* 5-6.

his last breath.<sup>139</sup>

Cicero's consulship saw an important change in his relationship with Pompey. Before his consulship, Cicero had openly identified himself with Pompey and his associates on a number of occasions, but in 63 the interests of the two men had started to diverge. Having achieved election to the consulship due to the support both Pompey and the *optimates*, Cicero began to display a marked departure from the political philosophy which had guided his rise to power over the last seven years. He was much more conspicuous in his espousal of interests more closely aligned with the *optimates* than he had been in the past. Cicero's stance regarding Rullus's agrarian reform bill and the trial Rabirius had signaled a significant change. It is true that when news reached Rome that Mithridates had taken his own life, Cicero declared a public thanksgiving of ten days.<sup>140</sup> But this action required no risk for Cicero. He knew that such a motion would be forthcoming and likely wanted the credit for it himself.<sup>141</sup>

By the end of his consulship, Cicero began to display an inflated opinion of himself and his accomplishments. Believing that he had saved the state from disaster and created a *concordia ordinum*, Cicero may have begun to see Pompey as more of a rival than a possible partner. In a speech against Catilina, Cicero had openly compared his efforts to preserve Rome with Pompey's efforts to extend its boundaries.<sup>142</sup> And the rapidity with which Cicero attempted to expose and destroy the conspiracy of Catilina may have been in part motivated by his desire to end the affair before Pompey could return and defeat Catilina himself.<sup>143</sup> For his part, there is reason to believe that Pompey was not too fond of Cicero either. With the failure of Rullus's

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139 Sall. *Bel. Cat.* 56-61; App *BC* 2.7.

140 Cic. *Prov. Cons.* 27.

141 Rawson, *Politics of Friendship*, 91.

142 Cic. *Cat.* 3.26.

143 Seager, *Pompey the Great*, 70-1; Seager also believes that Cicero was genuinely worried that Pompey might use the state of chaos that existed in Italy as a pretext to seize power.

agrarian bill, Pompey would have to fight to secure land for his soldiers when he returned. Pompey was also disappointed that the conspiracy of Catilina had been handled so quickly.<sup>144</sup> An opportunity for another command had been missed. Pompey may have been behind the two tribunes who cut short Cicero's year-end account of his accomplishments as consul.<sup>145</sup> Whether or not they received instructions from Pompey, they were known Pompeians and would not have done anything sure to gain the disapproval of Pompey. This state of affairs would continue into 62. By April of that year, Pompey still had not acknowledged Cicero's accomplishments as consul.<sup>146</sup> The words and the actions of both men revealed that there was real strain on the relationship.

In conclusion, a tentative yet promising relationship was established between Pompey and Cicero between 70 and 63. Pompey attained an unprecedented level of popularity with the people during this period and used that popularity to obtain two of the most lucrative commands in Roman history. Cicero continued his work as a defense advocate and the champion of the *equites*. Beginning in 66, Cicero began to associate himself more closely with Pompey in the courtroom and on the rostra in an attempt to appeal to the masses. Cicero's attempts were well rewarded when the broad base of support Cicero had cultivated elected him as consul. Nevertheless, as consul Cicero chose to distance himself from Pompey and his cause and move closer toward the *optimates*. His resistance to Rullus's agrarian bill, support of the senate's use of the *senatus consultum ultimum*, and actions against the conspirators illustrated both Cicero's own political inclinations and his desire for acceptance into the oligarchy. The final weeks of Cicero's consulship represent both the pinnacle of his power in Roman politics and the beginning of his political extinction. The cause which he had

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144 Syme, *Roman Revolution*, 30; According to Syme, he held a grudge against Cicero for it.

145 Dio 37.38.2; *Plut. Cic.* 23.

146 *Cic. Fam.* 5.7.3.

defended in the trial of Rabirius and put into practice against Catilina would later be used to destroy his political career. For now, though, Cicero was at the height of his powers as a politician and an orator. Likewise, Pompey was achieving feats in the East on a scale never seen before in Roman history. When Pompey returned they would have to decide whether a more lasting relationship would be possible.

Significantly, in the same letter in which Cicero laments Pompey's lack of praise for his accomplishments, Cicero expresses a sincere desire that they establish a strong relationship based on both political advantage and personal affection.<sup>147</sup>

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<sup>147</sup> Ibid., 5.7.3.



### CHAPTER III

#### THE TRIUMVIRATE AND THE EXILE OF CICERO: 62 – 56 B.C.

Between Pompey's return from the East in 62 and the Council of Luca in 56 B.C., the character of Roman politics was completely transformed. These years were full of events that dramatically affected both the relationship between the two men and course of future Roman politics. The relationship, which up till now had existed merely in an embryonic form, expanded greatly and is described in much greater detail in Cicero's writings. Both men were coming off major accomplishments that crowned the careers of most other men: the consulship and an extraordinary proconsular command. Consequently, both men had to find their place in a senate that did not react warmly to men who performed "extraordinary" feats. This atmosphere of hostility and polarization would bring them together, tear them apart, and bring them together once more. The relationship remained in the end as it had been in the beginning a friendship based on political necessity.

When Pompey returned to Rome in 62, he was in need of talented associates who would support his cause in the senate. Cicero was an attractive choice. He was a member the select group of men who had served as consul and possessed the *auctoritas*, or prestige, that came from the State's highest political office. Moreover, Pompey knew that he could use the services of the city's greatest orator, but Cicero was not alone. Caesar had also associated himself publicly with Pompey. Just as Cicero had publicly supported the *lex Manilia* in 66, which had given Pompey the

command of the Mithridatic War in the East, Caesar had supported the *lex Gabinia* during the previous year, which had given Pompey the command in the war against the Mediterranean pirates.<sup>1</sup> Both Cicero and Caesar supported these measures because they understood that advocacy of measures favorable to Pompey would lead to both the support of the *populus*, with whom Pompey was very popular, as well as the favor of Pompey himself. Candidates who appeared to have the favor of the conqueror of the East were popular with the masses.<sup>2</sup>

Pompey entered Rome in late 62 as one of the greatest conquerors in Roman history. He had defeated Mithridates, who had been a bitter enemy of Rome for over two decades, annexed extensive lands in the East, and amassed a vast personal fortune. In a show of good-will, Pompey disbanded his army immediately after he landed in Italy and arrived in Rome expecting to reap the rewards of his labors.<sup>3</sup> He pushed for the passage of two pieces of legislation: a bill that would ratify his Eastern settlement and a bill that would provide land for his veterans. Pompey had been granted the power to negotiate with foreign governments when he took up his command. He had created new provinces and left men he trusted in power in the kingdoms that surrounded the provinces. These arrangements, however, had to be ratified in the senate. Pompey was also expected to provide land for his veterans. Roman soldiers had come to expect land as recompense for their service in the army.<sup>4</sup>

Pompey was met with outright hostility in the senate from the *optimates*,<sup>5</sup> who had decided before he arrived that they would oppose him at every turn. They disapproved of his unconventional rise to power and thought he was a danger to the

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1 Allen M. Ward, "Cicero's Support of the 'Lex Gabinia,'" *The Classical World* 63, no. 1 (Sep. 1969): 8-10. Cicero probably supported the *lex Gabinia* as well.

2 Cic. *Att.* 1.16.11; Gruen, *LGRR*, 64-81; Peter Greenhalgh, *Pompey: The Roman Alexander*, 177.

3 Plut. *Pomp.* 43; Vel. Pat. 2.40.2-3.

4 Dio 37.49; Robin Seager, *Pompey the Great: A Political Biography*, 2<sup>nd</sup> ed. (Malden, MA: Blackwell, 2002), 51-52.

5 Plut. *Pomp.* 43-44.

Republic.<sup>6</sup> They also remembered the destructive civil war that had resulted when Sulla had returned as a conquering general from the East two decades before. Jealousy also undoubtedly played a role. Furthermore, Lucullus and his associates still resented Lucullus's removal from the Mithridatic command in 66.<sup>7</sup> Marcus Licinius Crassus had been unable to match Pompey's military successes during the previous years. His victory over Spartacus in 71 had been usurped by the opportunism of Pompey, and Crassus remained Pompey's bitter rival.<sup>8</sup> Although Crassus likely felt little fear of Pompey in 62, he evacuated his family from Rome in an attempt to support the rumors that Pompey intended to set up a dictatorship.<sup>9</sup> Pompey had also recently divorced the half-sister of Metellus Celer, who was likely to secure election to the consulship in 60.<sup>10</sup> Celer and his brother Metellus Nepos would prove implacable enemies of Pompey in the future.<sup>11</sup>

Pompey, however, was not alone in creating enemies that year. Cicero incurred the wrath of a powerful young aristocrat who nearly destroyed his political career. Publius Clodius Pulcher was a member of the gens *Claudii*, which had been one of Rome's most conspicuous families throughout the history of the Republic. The *Claudii* could call on vast resources, which included powerful political connections, immense wealth, extensive *clientelae*, and an impressive record of achievement in political office.<sup>12</sup> They were also known for their arrogance, and Clodius fits well into this tradition. Clodius was audacious, relentless, and was not afraid to exploit the political resources of his family. The sources for Clodius's career are overtly hostile.

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6 Vell. 2.32.1.

7 Plut. *Pomp.* 46; App. 2.9; Vel. Pat. 2.40.5.

8 Plut. *Cras.* 6-11; Liv. 97; T. J. Cadoux, "Marcus Crassus: A Revaluation," *Greece & Rome Second Series* 3, no. 2 (Oct. 1956), 154-55.

9 Plut. *Pomp.* 43.

10 Cic. *Att.* 1.12.3.

11 For an account of Pompey's standing in Roman politics and the opposition he faced, see Erich S. Gruen, "Pompey, the Roman Aristocracy, and the Conference of Luca," *Historia* 18, no. 1 (Jan. 1969): 71-108; Ronald Syme, *The Roman Revolution*, 28-60.

12 Gruen, *LGRR*, 97.

Plutarch even refers to Clodius as the “vilest and most impudent wretch alive.”<sup>13</sup> Nevertheless, Clodius was an important political figure during the 50s and the man who eventually brought about Cicero’s exile. The origin of their feud was Clodius’s trial for profaning the rites of Bona Dea.

The rites of Bona Dea were an exclusively female ceremony held every December. In 62 they were held in the house of Caesar, the pontifex maximus, and led by his female relatives. Clodius managed to slip into the house disguised as pipe-girl in an attempt to meet with Pompeia, who was Caesar’s wife at the time. Clodius’s voice eventually gave him away and he was exposed by the women. A major political scandal then erupted as rumors spread throughout the city.<sup>14</sup> Caesar was anxious to avoid entanglements in Rome that would delay his departure for Spain as propraetor. He therefore refused to accuse Clodius in the courts and left for Spain. But many Romans, including Cicero, took the affair very seriously. Clodius had been a faithful assistant to Cicero during the conspiracy of Catilina, and Plutarch even claims that they had become friends.<sup>15</sup> Nevertheless, Cicero gave testimony in the resulting trial that destroyed Clodius’s alibi.<sup>16</sup> The political resources of the Claudii ultimately obtained his acquittal, but Clodius did not forget Cicero’s enmity.<sup>17</sup>

Although relations between Pompey and Cicero had appeared to be warm on the surface, their interests had in fact been very different during Cicero’s consulship. When the death of Mithridates had been reported in Rome, Cicero secured the passage of a senatorial decree that called for a public thanksgiving of ten days.<sup>18</sup> However, Cicero likely supported the motion because such a motion would have been proposed

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13 Plut. *Pomp.* 46; Vell. 2.45.1.

14 Plut. *Caes.* 10.

15 Plut. *Cic.* 29.

16 Cic. *Att.* 1.16.10; Val. Max. 8.5.5.

17 Dio 37.46; Plut. *Cic.* 29; Plut. *Caes.* 9-10; Liv. *Per.* 103; Vell. 2.45.1.

18 Cic. *Prov. Cons.* 27.

by someone else if not by him.<sup>19</sup> Moreover, Cicero was able to quash a tribunician agrarian reform bill, which would have provided land for Pompey's veterans, on the grounds that it was harmful to Pompey.<sup>20</sup> In fact, Pompey later supported a very similar bill. Cicero had merely used Pompey's name to oppose an agrarian bill that he opposed in principle.<sup>21</sup> Pompey's feelings about Cicero were made clear when a tribune with known Pompeian loyalties cut short Cicero's year-end account of his accomplishments as consul.<sup>22</sup>

Eager to trumpet his actions against Catilina and his fellow conspirators, Cicero likely felt a sense of rivalry with Pompey and his achievements in the East. In Cicero's speech against Catilina, he overtly compared his efforts to preserve Rome with Pompey's efforts to extend its boundaries.<sup>23</sup> Cicero was anxious to defend the "harmony of the orders" that he had created.<sup>24</sup> Cicero admitted that he was not immune from "foolish vanity," nor was he ignorant of the fact that posterity would read about him.<sup>25</sup> To many it seemed that a public meeting could not be held without Cicero mentioning his consulship. He later asked a fellow senator to write a laudatory account of his actions against Catilina in which adherence to the laws of history was not encouraged.<sup>26</sup> In truth, Cicero probably felt his status as a *novus homo* necessitated keeping his name in the public discourse, but many senators took offense to Cicero's incessant self-praise.<sup>27</sup> As alarming as the conspiracy of Catilina had been, it quickly faded from the public memory and left Cicero to make sure everyone

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19 Beryl Rawson, *The Politics of Friendship*, 91.

20 Cic. *Leg. Agr.* 1.2.5-6.

21 Rawson, *Politics of Friendship*, 86-88.

22 Dio. 37.38.2; Plut. *Cic.* 23.

23 Cic. *Cat.* 3.26.

24 Cic. *Att.* 1.18.3.

25 Cic. *Att.* 2.17.2; *Fam.* 5.12.1.

26 Cic. *Fam.* 5.12.3.

27 Plut. *Cic.* 24; Dio. 38.12.6-7.

remembered.<sup>28</sup>

Cicero's letter to Pompey in April of 62 displays the jealousy that had befallen the relationship. Cicero expressed his displeasure with a letter he had previously received from Pompey, accusing Pompey of slighting his own actions as consul and insisting that he had performed a valuable service to the state.<sup>29</sup> Pompey later indulged Cicero's vanity and praised him in the senate for saving the Republic during his consulship, but Cicero saw through these empty gestures. Cicero believed Pompey was disingenuous and jealous of him.<sup>30</sup> Nevertheless, Cicero held out hope that a strong relationship could be established between the two.<sup>31</sup> Cicero had a genuine respect for Pompey's accomplishments on behalf of the Republic and had already enumerated the many statesmanlike qualities he saw in Pompey. Perhaps he envisioned future cooperation with Pompey along the lines of Scipio Aemilianus and his friend Laelius – two of Cicero's favorite figures of the Roman past.<sup>32</sup> On a more practical level, Cicero certainly understood that the hostility Pompey was receiving in the senate could only increase his desire for an alliance with Cicero.<sup>33</sup>

Pompey's initial strategy to gain the passage of his legislation was to neutralize his enemies and provide electoral support for men who could be relied upon to obtain the passage of the bills he desired. Having divorced Mucia upon his return, Pompey hoped to gain a marriage alliance with Cato, with whom Pompey expected trouble. Cato had already blocked Pompey's attempt to delay the consular elections until after he had celebrated his triumph and could then support his candidate in the elections. Cato rejected Pompey's overtures for a marriage alliance,

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<sup>28</sup>Thomas N. Mitchell, *Cicero: the Senior Statesman* (New Haven: Yale University Press, 1991), 65.

<sup>29</sup>Cic. *Fam.* 5.7.3.

<sup>30</sup>Cic. *Att.* 1.13.4.

<sup>31</sup>Cic. *Fam.* 5.7.3.

<sup>32</sup>Mitchell, *Cicero*, 74.

<sup>33</sup>Rawson, *Politics of Friendship*, 101.

claiming Pompey's offer was no more than a bribe.<sup>34</sup> M. Pupius Piso and L. Afranius were elected with Pompey's support to the consulship in 61 and 60, respectively, but both men proved to be miserable failures.<sup>35</sup> L. Flavius, a tribune, proposed an agrarian bill in 60 that would have provided land for both the urban *plebs* and Pompey's soldiers.<sup>36</sup> Lucullus led fierce *optimata* opposition to the bill.<sup>37</sup> Cicero tried not to offend Pompey but in the end failed to support him.<sup>38</sup> The bill was eventually dropped after the *optimates* had proved that they would not bend. Pompey soon realized that he simply did not have the power to push through his legislation and would have to obtain the support of a consular candidate for 59. Pompey remained popular with the people and his veterans, but his political position was diminishing.<sup>39</sup>

Cicero believed that Pompey and he had drawn closer during the final months of 60. Pompey spoke up for Cicero in the senate and indulged his vanity. He gave Cicero credit for saving Rome and the world during the conspiracy of Catilina.<sup>40</sup> Cicero cited their "close personal contact" and the fact that some young men had begun referring to Pompey as Gnaeus Cicero.<sup>41</sup> The *populus* displayed their approval of Cicero's friendship with Pompey with applause at the gladiatorial games.<sup>42</sup> Cicero even thought it might be possible to reform Pompey from his *popularis* ways.<sup>43</sup> In truth, Cicero had become overconfident about the influence he had with Pompey.<sup>44</sup>

Caesar returned to Rome late in 60 after a successful propraetorship in Spain and secured election to the consulship. During the final months of the year, Caesar

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34 Plut. *Pomp.* 44.

35 Cic. *Att.* 1.19.4; Cic. *Att.* 1.20.5.

36 Cic. *Att.* 1.18.6.

37 Plut. *Pomp.* 46.

38 Cic. *Att.* 1.19.4.

39 Dio 37.49-50; Gruen, *LGRR*, 85-87.

40 Cic. *Att.* 1.19.7.

41 *Ibid.*, 1.16.11.

42 *Ibid.*, 1.16.11.

43 *Ibid.*, 2.1.6.

44 Stockton, *Cicero*, 164.

was able to convince Pompey that he could pass his long-disired legislation if Pompey would support him. But he also understood that an alliance with Pompey would turn Crassus into an enemy. He did not want to lose the support of a man known for liberal distribution of interest-free loans and powerful influence among the equestrian order.<sup>45</sup> Caesar and Crassus had worked together in the past.<sup>46</sup> When Caesar's creditors had attempted to block his departure for Spain in 62, Crassus had provided caution for them.<sup>47</sup> Caesar now set out to convince the two rivals that cooperation would lead to greater collective political power for all members and was worth the pain of having to deal with each other. The result of these negotiations was the "First Triumvirate." Despite the legal connotations of the term, the triumvirs held no legal sanction. It was simply an informal alliance of three men who understood that the alliance existed only as long as each man believed the support of the others was useful.<sup>48</sup>

Caesar respected Cicero's abilities as an orator and may have even invited Cicero to join the triumvirs. Caesar's later efforts to remove Cicero from Rome indicate that Caesar felt Cicero's opposition to his legislation was a serious matter.<sup>49</sup> Cicero reported to Atticus in December of 60 that Caesar had sent his agent, L. Cornelius Balbus, to discuss possible cooperation during Caesar's consulship. Balbus claimed that Caesar would "follow [Cicero's] and Pompey's advice in all things."<sup>50</sup> Moreover, Caesar would try to reconcile Pompey and Crassus. Cicero later interpreted

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45 Cic. *Att.* 1.17.9; Plut. *Crass.* 3.

46 Greenhalgh, *Pompey: The Roman Alexander*, 179; Greenhalgh claims that Crassus was behind Caesar's election as *pontifex maximus*.

47 Plut. *Caes.* 11.

48 Dio 37.55-57; App. 2.9; Liv. 103; Vel. Pat. 2.44.1-2; for an alternative presentation of the formation of the Triumvirate, see G. R. Stanton and B. A. Marshall, "The Coalition Between Pompey and Crassus 60-59 B.C.," *Historia* 24, no. 2 (2<sup>nd</sup> Qtr. 1975): 205-219; Stanton and Marshall downplay Caesar's early political career and place the initiative with Pompey and Crassus.

49 Stockton, *Cicero*, 167.

50 Cic. *Att.* 2.3.3.



Caesar's overtures as an invitation to join the triumvirs.<sup>51</sup> The proposal presented Cicero with an opportunity to ingratiate himself with the masses and reconcile with his enemies, but Cicero ultimately rejected the offer.<sup>52</sup> The alliance simply could not be reconciled with his political beliefs.

Caesar was true to his word. With the support of Pompey and Crassus, Caesar overcame intense resistance from the *optimates* to ratify Pompey's Eastern settlement and pass two very controversial agrarian reform bills, from which Pompey's veterans benefited greatly. Caesar's agrarian legislation succeeded in both satisfying his obligations to Pompey and in providing land for the urban *plebs*. The triumvirs eventually achieved all of their legislative aims but they were forced to fill the city with soldiers and employ force.<sup>53</sup> Caesar's consular partner, M. Calpurnius Bibulus was a staunch *optimatus* and opposed Caesar's bills at every turn. Perceiving that he could do nothing to prevent the passage of Caesar's legislation, Bibulus retired to his home for the rest of his term as consul and employed a legal procedure whereby a consul could "watch the skies" for omens.<sup>54</sup> The procedure suspended all public business, but Caesar paid Bibulus no mention. As a result, the legality of Caesar's legislation, including the bills he had passed for Pompey, would be questioned repeatedly in the future.<sup>55</sup>

Despite his early warning that such an alliance could form, Cicero was nonetheless shocked that Pompey and Crassus had put aside their rivalry and publicly joined forces. If Cicero's correspondence with Atticus is any guide to the state of Roman politics early in 59, the free Republic had completely succumbed to the

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51 Cic. *Prov. Cons.* 41.

52 *Ibid.*, 41.

53 Plut. *Pomp.* 48; Plut. *Caes.* 14.

54 Plut. *Caes.* 14.

55 For details concerning Caesar's consulship see Plut. *Caes.* 14; Dio. 38.1-9; App. *BC* 2.10-11; Vel. Pat. 2.44.4-5; Val. Max. 2.10.7.

*dominatio* of three men. Cicero lamented that there was no hope that Rome would ever be free again.<sup>56</sup> He was afraid that they might resort to terror if they did not get their way. Cicero was particularly disappointed in Pompey, who, according to Cicero, had been “the author of his own downfall.”<sup>57</sup> Cicero’s disgust with the state of public affairs led him to the point where he contemplated withdrawing from Roman politics to pursue his literary interests.<sup>58</sup>

Cicero contented himself with the belief that the triumvirate would be short-lived. Cicero reported to Atticus with delight the hatred the people displayed toward the triumvirs at a theatrical performance in July.<sup>59</sup> Bibulus, Caesar’s consular partner, after retiring to his house to “watch the skies,” had begun posting edicts against the triumvirs. Their popularity with the masses was an indication of the general hostility the *populus* had begun to hold for the triumvirs. Pompey was unaccustomed to hostility from the masses and was known to be sensitive to his standing with the people.<sup>60</sup> According to Cicero, Pompey had become “physically disfigured and broken in spirit, at his wit’s end for what to do.” Although Cicero believed that Pompey had brought the situation upon himself, he nonetheless felt pity for the man who had once commanded the respect and admiration of the masses.<sup>61</sup> There were also signs that Pompey disapproved of the methods Caesar had used to pass his legislation.<sup>62</sup> Moreover, few believed that Pompey and Crassus could remain allies for long. Cicero hoped that the upcoming elections would lead to competition between Pompey and Crassus to get their men elected.<sup>63</sup> Cicero believed that the only hope for the survival

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56 Cic. *Att.* 2.18.1-2; Cic. *Att.* 2.21.1.

57 *Ibid.*, 2.19.2.

58 *Ibid.* 2.6.1.

59 Cic. *Att.* 2.19.3; Val. Max. 6.2.9.

60 Plut. *Pomp.* 49.

61 Cic. *Att.* 2.21.3.

62 *Ibid.* 2.16.2.

63 *Ibid.* 2.5.2.

of the Republic was disagreement among the triumvirs and he had cause for hope.<sup>64</sup>

Caesar completed his consulship by providing for his own future. By means of the *lex Vatinia*, Caesar was given the provinces of Cisalpine Gaul and Illyricum.<sup>65</sup> Transalpine Gaul was later added by the senate. The provinces combined gave Caesar an army of four legions, an opportunity to win glory through warfare, and were ideally located near Italy should Caesar lose control of events in Rome. Caesar completed his arrangements with Pompey's marriage to his daughter Julia.<sup>66</sup> Having already received Pompey's pledge to uphold his agrarian legislation, Caesar wanted to make his alliance with Pompey more permanent. Caesar knew he would need Pompey's support while he was away in Gaul.<sup>67</sup> In Pompey's eyes, Caesar had proven to be a worthy ally and therefore an eminently suitable father-in-law.<sup>68</sup> Caesar then married Calpurnia, the daughter of L. Calpurnius Piso Caesoninus, who won the consular elections for 58. Caesar's consulship ended on 1 January 58, but Caesar did not leave for Gaul immediately. He waited outside of Rome during the first months of the year, observing the changing political landscape and watching closely the actions of the tribune Publius Clodius Pulcher.<sup>69</sup>

Beginning as early as 60, Clodius had begun to aspire to the tribunate. It offered Clodius the perfect vehicle to raise his status with the people; however, it was only open to plebians. To get around this technicality, Clodius planned to use a legal procedure known as *transitio ad plebem*. Little is known of the procedure except that it was used by a patrician to surrender his status and become a plebian.<sup>70</sup> Cicero

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64 Cic. *Att.* 2.7.3.

65 Dio 38.8.5.

66 Dio. 38.9.1; Plut. *Pomp.* 47; Vel. Pat. 2.44.3.

67 App. *BC* 2.14.

68 Adrian Goldsworthy, *Caesar: Life of a Colossus* (New Haven: Yale University Press, 2006), 175.

69 Dio 38.9.1; Plut. *Caes.* 14.

70 Jeffrey Tatum, *The Patrician Tribune: Publius Clodius Pulcher* (Chapel Hill: University of North Carolina Press, 1999), 90.

understood the implications of a Clodian tribunate and strongly opposed Clodius's attempts. Clodius was unsuccessful in his attempts until 59, when he unexpectedly received the support of the triumvirs.<sup>71</sup>

Unaware of the consequences, Cicero found an opportunity in his defense of C. Antonius Hybrida to vent his displeasure concerning the triumvirate and did not hold back. Antonius had been Cicero's colleague as consul in 63 and the man credited with the defeat of Catiline's army in early 62. In 59, Antonius stood accused of extortion in Macedonia, where he had served as proconsul. Although Cicero held little personal regard for Antonius, he saw the attack against Antonius as an attack against his own actions as consul in 63. In his defense speech, Cicero did not try to hide his disgust with the state of affairs in Rome.<sup>72</sup> The triumvirs decided to teach Cicero a lesson.<sup>73</sup> A relationship between Pompey and Clodius had likely been established by 60, the extent of which is unknown, but Pompey's cultivation of Clodius need not indicate overt hostility toward Cicero. Pompey's experiences since returning from the East had undoubtedly taught him that it was wise to surround oneself with talented associates.<sup>74</sup> Cicero's attack against the triumvirs convinced them that the threat of Clodius could be used to check Cicero's unwanted criticism. Therefore, on the exact same day that Cicero delivered his oration against the triumvirs, Caesar and Pompey performed a ceremony whereby Clodius was formally adopted into a plebian family.<sup>75</sup> The move succeeded in terrifying Cicero into silence but led to unforeseen consequences.<sup>76</sup>

Pompey and Caesar regretted helping Clodius become a plebian soon after the

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71 Dio 37.51-52.

72 Cic. *De Domo* 41.

73 Dio 38.10.

74 Plut. *Pomp.* 46; Tatum, *Patrician Tribune*, 102-3.

75 Dio 38.12.2; Liv. 103; Vel. Pat. 2.45.1; Suet. *Iul.* 20.

76 Plut. *Cic.* 30; Seager, *Pompey the Great*, 91-92.

ceremony. Clodius threatened to exploit popular opinion, which remained strongly against the *dominatio* of the triumvirs, and attack Caesar's legislation during his tribunate.<sup>77</sup> Caesar claimed in response that he had not performed the *transitio ad plebem*, but Cicero later reported to Atticus that Pompey had admitted to him that he had assisted Caesar in it as an augur.<sup>78</sup> The triumvirs attempted to send Clodius to Armenia as an envoy, hoping that he would not be able to return in time to run in the tribunician elections for 58, but Clodius was able to evade the assignment.<sup>79</sup> The triumvirs also discussed plans to send Cicero on a delegation to Egypt, but Cicero believed that if he took such an assignment it would appear to the *optimates* that he was taking orders from the triumvirs.<sup>80</sup> Instead, Cicero remained in Rome, confident that he was safe from the attacks of Clodius.<sup>81</sup>

Clodius began his tribunate in December of 59 and immediately introduced legislation that would ingratiate himself with the *populus*: he instituted a free grain dole for the urban plebs, restricted the powers of the censors, and repealed a previous law that had prohibited certain *collegia*.<sup>82</sup> Roman *collegia* were organizations that held regular meetings, celebrated sacred festivals, and provided funeral expenses for their members. They were composed of people of all classes and closely associated with the urban *plebs*.<sup>83</sup> Having widened his base of support, Clodius then passed a bill that condemned retroactively any person who had killed a Roman citizen without the consent of the people. Cicero was not named, but everyone knew the bill was aimed directly at him.<sup>84</sup>

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77 Cic. *Att.* 2.19.3.

78 Ibid. 2.12.1.

79 Ibid. 2.7.2.

80 Ibid. 2.5.1.

81 Seager, *Pompey the Great*, 92-94.

82 Dio 38.13.1-2; Plut. *Cic.* 30.

83 Tatum, *Patrician Tribune*, 25-26.

84 Dio 38.13-14; *Dom.* 25; Liv. 103; Vel. Pat. 2.45.1.

The sources are clear that Clodius's attack on Cicero was personal, but it was likewise calculated to exploit an open wound that had existed since Cicero's consulship: Cicero's use of the *s.c.u.* to execute the conspirators.<sup>85</sup> The executions carried out during the conspiracy of Catilina in 63 had been kept in the center of the public's attention ever since. At the heart of the issue was the senate's power to issue the *senatus consultum ultimum*, or ultimate decree of the senate, and suspend the rights of Roman citizens. The *s.c.u.* essentially gave the senate the temporary authority to take control of the state and defend it in an emergency. Many Romans believed that consuls had employed the *s.c.u.* in the past to justify unwarranted brutality.<sup>86</sup> The Tribune Titus Labienus, who had been supported by Caesar, a praetor at the time, had tested the issue in 63 when he charged C. Rabirius with *perduellio*, or high treason, for conspiring to kill a tribune under the auspices of the *s.c.u.* nearly forty years before. The people would not have forgotten that it was Cicero who had defended both Rabirius and the senate's right to use the *s.c.u.*<sup>87</sup> With the execution of Catiline's colleagues later that year, Cicero had become the symbol of the senatorial point-of-view on the matter.<sup>88</sup>

Cicero immediately grasped the dangers he faced and vigorously opposed the bill. He changed his dress to reflect his exasperation.<sup>89</sup> The equestrian order, whose interests Cicero had consistently championed throughout his career, supported him.<sup>90</sup> The senate even passed a decree that all Romans should change their dress to express public sorrow; however, the consuls opposed them. The two consuls in 58 were both

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85 Dio 38.12.3-4; Plut. *Cic.* 30; Vel. 2.45.1.

86 Stockton, *Cicero*, 92-96.

87 Cic. *Rab. Perd.* 34.

88 Tatum, *Patrician Tribune*, 153; for a discussion of the *senatus consultum ultimum* and Cicero's use of it, see Th. N. Mitchell, "Cicero and the *Senatus 'consultum ultimum'*," *Historia* 20, no. 1 (1<sup>st</sup> Qtr. 1971): 47-61.

89 App. *BC* 2.15.

90 Plut. *Cic.* 31.

loyal to the triumvirs. L. Calpurnius Piso was Caesar's father-in-law and a descendent of an important Roman family. Aulus Gabinius had served with Pompey in the East and had proposed the bill in 67 that had granted Pompey his command against the Mediterranean pirates. Plutarch adds that Clodius proposed bills that gave the province of Macedonia to Piso and Syria to Gabinius for their cooperation against Cicero.<sup>91</sup>

Pompey and Caesar continued to express goodwill toward Cicero. Caesar offered Cicero a place on his staff in Gaul, which would have given him immunity from prosecution but prevent him from attacking Caesar's legislation.<sup>92</sup> Pompey advised Cicero to stay in Rome and defend himself and professed his support for Cicero. According to Cicero, Pompey had told Clodius that he would stand beside Cicero should Clodius attack him. Pompey believed that he would be blamed if Clodius attacked Cicero after Pompey had allowed him to become a plebian. Moreover, Pompey had received the oath of both Clodius and his brother Appius Claudius Pulcher that they would leave Cicero alone.<sup>93</sup> Cicero trusted Pompey because he had helped other men in similar situations in the past. Cicero also hoped that, since a marriage tie had previously existed between Clodius and Pompey and since Clodius had served under him in the army, Pompey had influence with Clodius.<sup>94</sup>

Ultimately Pompey did very little to help Cicero. By early 58 at the latest, Pompey decided to stay aloof from the situation and let events take their course. Pompey stayed at his estate in the Alban Hills and pleaded that he did not hold a public office, which left him unable to lend Cicero aid. According to Plutarch, Cicero

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91 Plut. *Cic.* 30-31.

92 Cic. *Att.* 2.18.3.

93 Cic. *Att.* 2.21.2; Cic. *Att.* 2.22.2.

94 Dio 38.15.1-5; Cf. Plut. *Cic.* 30; Plutarch says that Cicero applied to Caesar for a command.

came to Pompey's house on one occasion and requested an interview with Pompey, who then slipped out the back door rather than face Cicero.<sup>95</sup> Whether or not the anecdote is true, it accurately reflects Pompey's sentiments at the time. In the end, in the words of Robin Seager, "it seemed to Pompeius that it would pay him to be keener in restoring Cicero than in saving him."<sup>96</sup>

Cicero finally realized that he could not rely on Pompey and made arrangements in March to go into voluntary exile in Sicily, where Cicero had previously served as quaestor and where he had many *clientelae*. Upon his departure, Clodius passed a bill that named Cicero personally. It called for the confiscation of his property and the destruction of his beloved house on the Palatine Hill.<sup>97</sup> According to Cicero, the bill allowed him to reside no closer than four hundred miles from Rome.<sup>98</sup> Dio Cassius and Plutarch claim that Cicero's banishment extended for 500 miles.<sup>99</sup> Furthermore, the bill was to take effect immediately. Cicero changed course and ultimately took up residence at Thessalonica in Macedonia. Clodius carried out the destruction of his countryside villas and added one final insult. Clodius designated the plot of land where Cicero's house on the Palatine Hill had once stood for a temple to Liberty.<sup>100</sup> Clodius's intention was to ensure that should Cicero be recalled he would not be allowed to rebuild his house.

Cicero was well-known for his tendency to become presumptuous when his career was looking up and to completely despair when he faced adversity.<sup>101</sup> His correspondence during his exile reveals a bitterly disillusioned man. Cicero's loss of

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95 Plut. *Cic.* 31.

96 Seager, *Pompey the Great*, 102.

97 Dio 38.17.4-6.

98 Cic. *Att.* 3.4.

99 Dio 38.17.7; Plut. *Cic.* 32.

100 Plut. *Cic.* 33; Dio 38.17.5-6; Liv. 103; App. 2.15; Vel. Pat. 2.45.3.

101 Everitt, *Cicero*, 145.



status in Rome led him to lament that nobody had ever fallen so far.<sup>102</sup> Cicero even referred to the possibility of suicide if his situation did not improve.<sup>103</sup> He insisted that he had been brought down not by his enemies but by those he thought were his friends. Above all, Cicero blamed Hortensius and the *optimates*.<sup>104</sup> Cicero implicated Cato as well, though he had forgiven him by August.<sup>105</sup> Cicero believed that the *optimates* had never truly accepted him as one of their own, and, in his own mind, they had been jealous of him.<sup>106</sup> Now Cicero believed they were delighting in his misfortunes.<sup>107</sup> He resented the fact that he had not taken the position in Caesar's army or at least remained in Rome and faced his accuser with courage.<sup>108</sup>

Interestingly, Cicero did not mention Pompey by name as one of his betrayers in his letters to Atticus and never openly criticized him.<sup>109</sup> It should be asked whether or not Cicero truly denied that Pompey had betrayed him. Cicero's comments to his brother Quintus Cicero suggest that he was full aware of the role Pompey had played in his exile. Cicero clearly believed that Pompey had merely pretended to support him and claimed that Pompey's sudden desertion was one of the reasons that he had been forced to leave Rome.<sup>110</sup> Moreover, Cicero later wrote to a friend that certain unnamed people had aided Clodius because their power had "depended on his downfall."<sup>111</sup> There can be little doubt that Cicero was referring to the triumvirs and their fear of Cicero's opposition in the senate. Nevertheless, it is noteworthy that Cicero would not attack Pompey by name in his letters. Cicero's reticence was likely due to the fact that he knew he would need support from the triumvirs (and Pompey

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102 Cic. *Att.* 3.15.1.

103 Ibid. 3.7.2.

104 Cic. *Att.* 3.8.4.; Cic. *Att.* 3.9.2.

105 Ibid., 3.15.2.

106 Cic. *Att.* 3.7.2; Cic. *Att.* 3.10.2; Everitt, *Cicero*, 147.

107 Everitt, *Cicero*, 147.

108 Cic. *Fam.* 3.14.1.

109 Everitt, *Cicero*, 147.

110 Cic. *Q. Fr.* 1.3.9; Cic. *Q. Fr.* 1.4.4; for Cicero's supposed hatred of Pompey, see Dio 39.9.1.

111 Cic. *Fam.* 7.2.3.

specifically) to obtain a recall.<sup>112</sup>

The campaign for Cicero's recall began immediately after his departure, although Cicero was to remain in exile until the summer of 57. A number of men took up the cause of Cicero's recall; chief among them was T. Pomponius Atticus. Atticus stood beside Cicero throughout his ordeal, scolding Cicero for not displaying more fortitude.<sup>113</sup> Atticus used his extensive contacts within the Roman aristocracy to keep the matter in the forefront of affairs.<sup>114</sup> Publius Sestius, P. Cornelius Lentulus Spinther, T. Annius Milo, and Cicero's son-in-law C. Calpurnius Piso Frugi were a few of Cicero's most ardent supporters. Cicero was without question grateful to these men, as he would display during the following years, but understood that his recall would ultimately depend upon the goodwill of Pompey.<sup>115</sup>

Pompey sent word through intermediaries to Cicero on more than one occasion to assure him that he was working for his recall, but there was little evidence that Pompey was putting his words into action. Cicero reported to Atticus in May and June that he was sending letters to Pompey, but there is no mention that Pompey sent Cicero a reply to either of these letters.<sup>116</sup> Pompey supported a bill proposed by L. Ninnius Quadratus, a tribune, for Cicero's recall soon after Cicero had left, but the bill was vetoed and forgotten.<sup>117</sup> In July, Pompey told Atticus that he thought Cicero's case would be addressed after the summer elections.<sup>118</sup> Nonetheless, Cicero was still hoping that he in fact had Pompey's goodwill in November.<sup>119</sup> Another bill for Cicero's recall, which was proposed by eight tribunes in October and received

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112 Everitt, *Cicero*, 147.

113 Cic. *Att.* 3.15.1.

114 Everitt, *Cicero*, 148; Boissier, *Cicero and His Friends*, 71-91.

115 Cic. *Post Red. in Sen.* 30; Cic. *Fam.* 14.2.2.

116 Cic. *Att.* 3.8.4; Cic. *Att.* 3.9.3.

117 Dio 38.30.3-4.

118 Cic. *Att.* 3.14.1.

119 *Ibid.* 3.22.2.

Pompey's approval, was vetoed.<sup>120</sup> According to Plutarch, Pompey then began to reflect on his desertion of Cicero and regret his actions. In reality, Pompey's attitude toward Cicero began to change as the political situation in Rome evolved.<sup>121</sup>

As soon as Cicero had left, Clodius turned his attentions to Pompey. Clodius first endeavored to alter Pompey's Eastern settlement. He amended the law he had previously passed, which had called for the annexation of Cyprus, to be entrusted to Cato.<sup>122</sup> Clodius anticipated that Cato would be a threat to his legislation after he had left office as tribune. After administering the annexation of Cyprus, he reasoned that Cato would instead be a supporter of Clodius's laws. However, the law repealed the arrangements Pompey had made in Cyprus and was sure to anger him. Clodius then orchestrated the release of a hostage, Tigranes, the son of the king of Armenia of the same name, who had been kept in Rome under Pompey's supervision.<sup>123</sup> When the consul Gabinius attacked Clodius for doing so, Clodius unleashed his gangs on Gabinius and Pompey's other followers.<sup>124</sup> These actions during the final months of 58 at last prompted Pompey to support Cicero's recall.

The situation soon devolved into a trial of strength between Pompey and Clodius. Clodius's motive in attacking Pompey is not clear, though he most likely hoped that his actions would gain the support of the *optimates*, who had delighted in humiliating Pompey since his return from the East.<sup>125</sup> Many of them saw the depredations of Clodius as just retribution for Pompey's desertion of Cicero.<sup>126</sup> Clodius pressed matters further when, in August of 58, he allowed one of his own slaves to be caught while attempting to murder Pompey. Pompey's fear of Clodius

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120 Ibid. 3.23.1.

121 Plut. *Pomp.* 33; Dio. 39.6.1.

122 Dio 38.30.5.

123 Ibid., 38.30.2.

124 Dio 38.30; Plut. *Pomp.* 48.

125 Seager, *Pompey the Great*, 103-4.

126 Plut. *Pomp.* 49.

then led him to barricade himself in his home and refuse to come out for the rest of the year.<sup>127</sup> Pompey's incessant fear of assassination was well-known and exploited by Clodius.<sup>128</sup>

Despite Clodius's attempts to humiliate Pompey, the elections for 57 went favorably for both Pompey and Cicero's chances of a recall. Lentulus won the elections for the consulship and, by November of 58, had expressed his support for Cicero's recall. Cicero believed that Lentulus was under the influence of Pompey.<sup>129</sup> Furthermore, Sestius and Milo, who had the support of Pompey, were elected as tribunes.<sup>130</sup> They assured Cicero that they would use their office to propose a bill for his recall.<sup>131</sup> Cicero had cause to look to 57 with hope. The recall of Cicero had become one of the foremost political issues in the senate.

Clodius's infamous year as tribune came to an end in December of 58, but he did not retreat into obscurity. A law he had passed himself now allowed him to recruit a personal gang and use it to intimidate his political opponents. On 1 January, Lentulus, on his first day as consul, proposed the recall of Cicero in the senate.<sup>132</sup> Pompey agreed but insisted that the people must be summoned to vote on the issue. As a result, a tribunician bill was brought forward for Cicero's recall later in the month. Only through violence was Clodius able to prevent its passage.<sup>133</sup> Cicero's brother Quintus was almost killed in the disturbance.<sup>134</sup> Pompey at last began to throw his full weight behind the campaign. Pompey called on the colonies, municipalities,

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127 Cic. *Mil.* 18; Plut. *Pomp.* 49.

128 Seager, *Pompey the Great*, 99.

129 Cic. *Att.* 3.22.2.

130 T. Robert S. Broughton, *The Magistrates of the Roman Republic*, Vols. 1-2 (New York: The American Philological Association, 1951-52), 201-2.

131 Cic. *Sest.* 72.

132 Cic. *Post Red. in Quir.* 15.

133 Dio 39.7.2.

134 Cic. *Sest.* 72-77.

and the entire Roman people to join in the cause of Cicero's restoration.<sup>135</sup> Pompey's *clientelae* from across Italy began to swell the ranks of gangs headed by Sestius and Milo. The gangs clashed for months, though Pompey had begun to gain the upper hand by the summer of 57.<sup>136</sup>

Cicero had realized early in his exile that he needed not only the support of Pompey but also the goodwill of Caesar to obtain a recall.<sup>137</sup> Whatever his personal feelings about Cicero's exile, Pompey remained committed to his alliance with Caesar. That Pompey cared about Caesar's opinion on the issue was clear to Cicero.<sup>138</sup> Sestius had gone on a mission to Caesar in Gaul to seek his support for the bill proposed by the eight tribunes in October of 58, but Caesar's reply had been a reluctant approval at best.<sup>139</sup> Caesar finally gave his assent for Cicero's recall after Quintus had agreed to guarantee Cicero's future conduct. By then it had become obvious to Caesar that he could do nothing to stop Cicero's return.<sup>140</sup>

A senatorial decree in June recalled Cicero from exile. Clodius was the only senator opposed to the measure. On 4 August, with Pompey in control of the Campus Martius, the consuls convened the centuriate assembly and passed a bill that made Cicero's recall official.<sup>141</sup> Cicero left the same day for Italy and was greeted by enthusiastic crowds along his route to Rome.<sup>142</sup> The senate decreed that Cicero's property would be restored at the expense of the state.<sup>143</sup> Cicero then gave a speech to express his appreciation to the senate on 4 September.<sup>144</sup> Although Cicero expressed

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135 Cic. *Post Red. in Sen.* 31.

136 Cic. *Sest.* 84-88; Dio 39.8; Plut. *Cic.* 33; Stockton, *Cicero*, 192-93.

137 Cic. *Fam.* 14.1.2.

138 Cic. *Att.* 3.18.1.

139 Cic. *Sest.* 71.

140 Cic. *Fam.* 1.9.9; Dio 39.10.1; Matthias Gelzer, *Caesar: Politician and Statesman*, trans. Peter Needham (Cambridge: Harvard University Press, 1968), 113; Seager, *Pompey the Great*, 109.

141 Cic. *Att.* 4.1.4.

142 Vel. 2.45.3.

143 Cic. *Att.* 4.1.4.; Plut. *Cic.* 33; Liv. 104; App. *BC* 2.16.

144 Cic. *Att.* 4.1.5. This speech, *Post Reditum in Senatu.* has survived.

thanks to many men for their efforts, he singled out Pompey as his most important supporter.<sup>145</sup> Questions concerning Pompey's failure to support him before his exile were best left unanswered.

The recall of Cicero was a triumph for Pompey and displayed his ability to mobilize popular support, but it also presented Pompey with an opportunity for political gain. A severe grain shortage accompanied Cicero's arrival as crowds welcomed him home, prompting Clodius to stir up a crowd and blame it on Cicero.<sup>146</sup> To address the situation, Cicero proposed that Pompey be given an extraordinary command to address the shortage. In the final bill, Pompey was given command of the grain supply throughout the world for five years with fifteen legates to assist him.<sup>147</sup> Cicero was the first legate he appointed. It was an incredible command, but Cicero later believed that Pompey had wanted even more. Another bill, which Cicero had heard Pompey favored, was proposed by C. Messius and would have given him "control over all moneys and in addition a fleet, an army, and authority in the provinces superior to that of their governors."<sup>148</sup> The proposal, however, was believed to be excessive and was rejected. Pompey likely used the second proposal to test the willingness of the senate to give him more.<sup>149</sup> Nevertheless, Pompey attacked the problem with the same administrative talent that he had used against the pirates in 67 and quickly produced a surplus.<sup>150</sup>

Although Pompey was heavily criticized in the senate for accepting the grain command, as well as the extraordinary powers that went with it, he came under even more intense fire for his suspected desire to restore Ptolemy Auletes, the exiled king

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145 Cic. *De Domo*. 30.

146 Cic. *Att.* 4.1.6.

147 Cic. *Att.* 4.1.7.

148 *Ibid.*, 4.1.7.

149 Cic. *Att.* 4.1.7; Cic. *De Domo*. 25; Liv. 104.

150 Plut. *Pomp.* 50; Seager, *Pompey the Great*, 107-9.

of Egypt, to his throne.<sup>151</sup> A revolt in Alexandria had forced Ptolemy to flee to Rome and his benefactor Pompey. The affair turned into a scandal when envoys sent by the Alexandrians to Rome were assassinated and reports surfaced that Roman senators had been bribed by Ptolemy.<sup>152</sup> There was no question that Ptolemy would be restored to his throne, but the selection of a man to carry out the operation became a thorny issue. The wealth of Egypt and the anticipated gratitude of Ptolemy made the task highly desirable among Roman senators.<sup>153</sup>

The senate decided in September that the restoration of Ptolemy would be entrusted to Lentulus, but Lentulus's ties to Pompey led to resistance in the senate. Lentulus, as consul in 57, had been assigned the province of Cilicia, which was ideally located as a base to carry out the operation. However, the situation became more complicated in January of 56 when an oracle forbidding armed intervention in Egypt was uncovered.<sup>154</sup> Senatorial debates followed, which discussed several plans for Ptolemy's restoration. One plan called for Pompey to take command of the operation.<sup>155</sup> Rumors abounded that Pompey might be open to accepting the command, and Pompey did nothing to stop these rumors. Men with known ties to Pompey worked openly to secure the command for him, and there was little question that Ptolemy favored Pompey's cause.<sup>156</sup> Cicero believed in February that the command had been all but given to Pompey.<sup>157</sup>

Cicero found himself in an awkward position. Both Pompey and Lentulus had worked tirelessly for his recall, and Cicero did not want to appear to be ungrateful to

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151 Plut. *Pomp.* 49.

152 Dio 39.12-14.

153 Everitt, *Cicero*, 155.

154 Dio 39.15.

155 Cic. *Q. Fr.* 2.5.3.

156 Cic. *Fam.* 1.1.1; *Q. Fr.* 2.2.3; Plut. *Pomp.* 49.

157 Cic. *Fam.* 1.5a.3.

either man.<sup>158</sup> Cicero supported Lentulus's cause wholeheartedly in the senate and tried to convince Pompey to support Lentulus as well. Pompey did so publicly, but many senators, including Cicero, believed that he still wanted the command for himself.<sup>159</sup> Cicero might have spoken of Pompey when he expressed his fears that Lentulus's cause was being undermined in a letter to Lentulus in February of 56.<sup>160</sup> A subsequent letter compares his own situation before his exile in 58 with Lentulus's current situation.<sup>161</sup> Cicero likely believed that Pompey was once again pretending to support an ally while at the same time working to undermine him. Yet Cicero remembered the debt he owed Pompey for his recall. He believed that the support of Lentulus was not necessarily an attack against Pompey. In Cicero's mind, his vigorous defense of Lentulus was showing all senators, including Pompey, that Cicero understood the meaning of gratitude.<sup>162</sup> The senate never came to an agreement and the issue was left in abeyance.

Pompey's political position had begun to deteriorate soon after his triumphant campaign to recall Cicero. Another humiliation followed Pompey's unsuccessful bid to obtain the Egyptian command. In February of 56, Clodius prosecuted Milo *de vi*. Pompey tried to speak in defense of his ally but was interrupted throughout his speech. The trial devolved into a shouting match as the supporters of Pompey and Clodius hurled insults at each other. Clodius attacked Pompey's grain command and provoked his own supporters to declare that they wanted Crassus instead of Pompey to be sent to Egypt.<sup>163</sup> In a meeting of the senate a few days later, a man who was

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158 Cic. *Q. Fr.* 2.2.3.

159 Cic. *Fam.* 1.1.1; Cic. *Fam.* 1.2.1-3.

160 Ibid., 1.5a.2.

161 Ibid. 1.7.2.

162 Ibid. 1.8.5.

163 Cic. *Q. Fr.* 2.3.1-2; Dio 39.18-19.



believed to have Crassus's support attacked Pompey's betrayal of Cicero.<sup>164</sup> The *optimates* then joined in on the assault. Pompey blamed Crassus for the abuse and proclaimed his fear that Crassus was plotting to assassinate him.<sup>165</sup> The relationship between Pompey and Crassus, which had always been volatile, seemed on the verge of collapse. Furthermore, Pompey's grain command was proving to be very difficult.<sup>166</sup> Prices remained high through April, and Pompey was eventually forced to ask the senate for more money.<sup>167</sup> Moreover, Pompey believed that the people had turned against him and that the senate had banded together to block his ambitions.<sup>168</sup> Pompey was desperate for a change in the political equation.

Cicero saw the situation in early 56 as an opportunity to carry out a plan that he had tried to effect since 59: the detachment of Pompey from Crassus and Caesar. To achieve his plan, Cicero decided to resurrect the issue of the Campanian land.<sup>169</sup> This land had been distributed to the urban *plebs* by Caesar's second agrarian bill in 59. A repeal of the law was attractive because it would allow the State to resume collection of rents on the properties. Pompey had shown his tentative support of repeal of the measure when a tribune loyal to him opened debate about the topic in the senate in December of 57. Pompey likely supported the repeal of the law because extra funds were needed to be spent on grain.<sup>170</sup> He also stood to lose little patronage with the repeal of the Campanian land bill. A previous agrarian bill in 59, which had excluded the Campanian land by name, had likely settled the vast majority of his veterans. Furthermore, Pompey would be sending a message to Caesar that his support could not be taken for granted. Caesar knew that the repeal of the Campanian

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164 Cic. *Q. Fr.* 2.3.3.

165 Cic. *Q. Fr.* 2.3.4; Cic. *Fam.* 1.5b.1.

166 Dio 39.24.1.

167 Cic. *Har. Resp.* 31; Cic. *Q. Fr.* 2.5.1; Cic. *Q. Fr.* 2.6.2.

168 Cic. *Q. Fr.* 2.3.4.

169 Cic. *Fam.* 1.9.8.

170 Seager, *Pompey the Great*, 110-11.

land bill was popular with the *optimates*. Without Pompey's goodwill he could lose his Gallic command and face a possible recall to Rome, where the *optimates* were eager to prosecute him for his actions as consul in 59.<sup>171</sup> The issue, however, had been abandoned when the debate about the Egyptian command arose.

On 5 April 56, Cicero brought the issue back and resumed his attack on Caesar's Campanian land bill. He proposed that the senate discuss the issue in May, when more members of the senate would be present.<sup>172</sup> The senate then adopted the measure and decreed that the topic would be discussed on 15 May. Crassus understood the implications of Cicero's proposal immediately and left without delay for Ravenna, the seat of Caesar's government in Cisalpine Gaul, to discuss the matter with Caesar. Pompey left Rome on 11 April for a previously scheduled visit to Sardinia, which ostensibly concerned his grain command but ultimately led him to Luca.<sup>173</sup>

The ensuing conference of Luca resulted in far-reaching repercussions for Cicero and the Roman political landscape. When Pompey arrived at Luca, a small town just north of the border between Italy and Cisalpine Gaul, Caesar expressed displeasure with Cicero's recent comments. Pompey and Caesar then discussed how they could strengthen their alliance and provide for the future projection of the power of the alliance. It is not known if Crassus traveled with Caesar from Ravenna to Luca. Cicero's description of the meeting suggests that he was not there, but it is hard to imagine that he would not have been present for such important discussions.<sup>174</sup> Perhaps Caesar believed he could accomplish more without Crassus in light of the

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171 Stockton, *Cicero*, 209.

172 Cic. *Fam.* 1.9.8.

173 Cic. *Q. Fr.* 2.6.3; Cic. *Fam.* 1.9.9.

174 Cic. *Fam.* 1.9.9.

recent hostility between Crassus and Pompey.<sup>175</sup> Regardless, Crassus's interests were represented. The sources present the conference of Luca as if the senate house had moved to Luca and the triumvirs had met to decide the future of Roman politics.<sup>176</sup> Cicero was not present at the conference, so little is known about what was actually discussed. The results, however, soon became apparent to all: Pompey and Crassus would run in the consular elections for 55 and would receive the provinces of Spain and Syria respectively following their consulship; Caesar would send soldiers from his army to Rome to secure the election of Pompey and Crassus as consuls; Caesar's command in Gaul would be extended for five years; and Pompey would ensure that Cicero's attacks against the Triumvirate and its laws were at an end.<sup>177</sup> Caesar was thus able to secure his command in Gaul, while Crassus and Pompey also secured provinces and armies to counter each other and the growing power of Caesar.<sup>178</sup>

For Cicero, the conference of Luca was nothing short of a disaster. Not only had he failed to achieve the destruction of the Triumvirate, but he had in fact helped to precipitate its resurgence. Cicero held no illusions about what his new role in Roman politics would be. When Pompey finally arrived in Sardinia after his meeting with Caesar at Luca, he met Cicero's brother Quintus Cicero, who was there as a grain commissioner. Pompey told Quintus in no uncertain terms that he was responsible for Cicero's future conduct.<sup>179</sup> Furthermore, Quintus was to inform Cicero that criticism of Caesar's legislation would not be tolerated in the future. Cicero now had to decide whether he would hold true to his convictions or honor the pledge Quintus had given to Pompey.

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175 Seager, *Pompey the Great*, 117-18.

176 Plut. *Caes.* 21; Plut. *Pomp.* 51; App. *BC* 2.17.

177 Plut. *Pomp.* 51; *Caes.* 21; *Crass.* 14; Suet. *Iul.* 24; App. *BC* 2.17.

178 Plut. *Caes.* 21; Plut. *Pomp.* 51; Plut. *Crass.* 14; App. 2.17; Cadoux, "Marcus Crassus," 159; Seager, *Pompey the Great*, 117-19; Goldsworthy, *Caesar*, 261-62.

179 Cic. *Fam.* 1.9.9-10.

In conclusion, Pompey returned to Italy in 62, confident that his unprecedented exploits and the support of the people would make him unassailable in the senate and allow him to ratify his actions and provide for his veterans. The *optimates* blocked all of Pompey's attempts and all but forced him to seek the help of Caesar and Crassus. Cicero supported Pompey because he saw that an alliance with Pompey would be beneficial to his career. Thinking it was possible to enjoy the best of both worlds, Cicero tried for years to reconcile Pompey with the *optimates*, with whom Cicero's ideological sympathies would always lay. During the years after Pompey joined Crassus and Caesar, Pompey remained committed to the alliance despite continuing suspicions between himself and Crassus. When the situation dictated the sacrifice of Cicero to Clodius, he did so; but when the political environment in Rome called for Cicero's recall, he enthusiastically joined the chorus to bring about Cicero's return. Following the conference of Luca, the relationship between Pompey and Cicero became even clearer. Pompey had chosen Caesar and expected Cicero to fall in line. Cicero's hatred of the *optimates* for their role in his exile precluded cooperation with them in the future. Pompey was his only real option. Far from being a relationship based on friendship, it remained in 56 almost exactly as it had been in 62: an alliance of convenience.

## CHAPTER IV

### CICERO'S OBLIGATION: 56 – 52 B.C.

Despite his best efforts, in the aftermath of the Council of Luca in the spring of 56 Cicero found his position in Roman politics fatally undermined and Pompey's bond with Caesar even stronger. He had fatally miscalculated in his attacks against Caesar and unwittingly aided Pompey's plan to strengthen the alliance. The triumvirs had come to a mutual agreement that was supposed to secure their political ascendancy for the foreseeable future. Nevertheless, as electoral results and judicial activity over the next few years displayed, the alliance's enemies remained both powerful and determined to destroy the collective power of the triumvirate. In fact, during the period between the Council of Luca and the trial of Milo the triumvirs were consistently on the defensive, fending off both direct attacks against themselves and an onslaught of actions against their adherents. Cicero continued to nurse his almost irrational distrust of the *optimates*, men with whom he often agreed on matters of policy but absolutely detested for their cooperation with his mortal enemy P. Clodius Pulcher.<sup>1</sup> Clodius remained a force in Roman politics and, unlike the new man from Arpinum, he was able to draw on the resources of the Claudii and retain the support of the *plebs urbana*. This period was dominated by a series of political trials in which Pompey and Cicero figured prominently. With the loyalties of Clodius uncertain and the inveterate hatred of the *optimates* assured, the triumvirs still faced a difficult political environment and would continue to employ the services of Rome's greatest

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<sup>1</sup> Cic. *Att.* 4.5.1; *Fam.* 1.7.7; *Fam.* 1.9.10, 19.

defense advocate.

The true character of the relationship between Pompey and Cicero stood revealed following the Council of Luca. Whatever Pompey thought of Caesar and Cicero personally, in the spring of 56 he had again sacrificed the political position of the latter to bind himself more securely to the former. For his part, Cicero continued an outward show of respect, if not affection, for Pompey. Cicero was particularly candid about his feelings concerning Pompey in a letter to P. Lentulus Spinther from December of 54, in which he looked back upon the changed political circumstances following Luca and attempted to justify his apparent subservience to the triumvirs. Cicero maintained his conviction that Pompey was the foremost man of the Republic<sup>1</sup> Pompey had earned his position through military achievements that had greatly benefited the Republic and Cicero believed he should be honored for his accomplishments. Furthermore, Cicero stressed the great debt that he owed to Pompey, particularly for his role in obtaining his recall.<sup>2</sup> It was this sense of *pietas*, or gratitude, that would prove to be the most important bond between Pompey and Cicero throughout this period.

Cicero's new role in Roman politics was soon put on display in both the senate and in the courtroom on behalf of the interests of the triumvirs. During the summer of 56, Cicero was constrained to speak in the senate in praise of Caesar, who was facing a serious threat to his command in Gaul.<sup>3</sup> The triumvirs already knew that L. Domitius Ahenobarbus, a known enemy of Caesar whose family possessed a strong connection with Transalpine Gaul, planned to stand for the consulship in these elections and replace Caesar in Gaul afterwards.<sup>4</sup> Indeed "Caesar's very existence"

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1 Cic. *Fam.* 1.9.1.

2 *Ibid.*, 1.9.6.

3 For a discussion of Caesar's constitutional vulnerability, see Gelzer, *Caesar*, 124.

4 For Domitius's attempted prosecution of Caesar in 58, see Suet. *Caes.* 23; for Domitius's candidature

depended on the ability of the triumvirs and their friends to prevent Domitius from putting his plans into action.<sup>5</sup>

It was within the context of this debate that Cicero delivered his speech to the senate in late June or early July. Since Macedonia and Syria were being discussed as possible consular provinces in addition to Transalpine Gaul, Cicero was presented with a chance for revenge against Piso and Gabinius, the two consuls of 58 who had aided Clodius in bringing about his exile.<sup>6</sup> Cicero argued that they were not worthy to govern Roman provinces, describing them as “scourges of our allies, murderers of our soldiers, destroyers of our revenue-farmers, devastators of our provinces, blots upon our Empire.”<sup>7</sup> Cicero was ultimately successful in ensuring that Macedonia was named a consular province and that Piso was recalled, but Gabinius remained in Syria. Cicero would have known all too well that Piso was Caesar’s father-in-law and that Gabinius was a close friend of Pompey, but there is no hint that either of them viewed Cicero’s actions with displeasure. Perhaps Cicero’s speech was excused on the grounds of the personal wrongs that Cicero had suffered at the hands of Piso and Gabinius. If nothing else it allowed Cicero to maintain some semblance of independence, especially in view of the second part of Cicero’s speech concerning the provinces of Caesar.

Both of Caesar’s Gallic provinces were discussed as potential consular provinces. Cicero’s response rested on both constitutional and emotional grounds. As he pointed out, to deprive Caesar of Cisalpine Gaul was to present a real procedural problem. Moreover, he sharply contrasted the virtues of Caesar with the rapacity of Piso and Gabinius. Cicero lauded Caesar’s actions in Gaul but cautioned that the war

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in 56, see Plut. *Cat. Min.* 41.3; Suet. *Caes.* 24.

<sup>5</sup> Gelzer, *Caesar*, 120.

<sup>6</sup> Dio 38.16.4-6.

<sup>7</sup> Cic. *Prov. Cons.* 13.

in Gaul was not yet over.<sup>8</sup> When at one point in his speech L. Marcius Philippus pointed out that his fury against Gabinius was misplaced and that he was simply carrying out the order of the triumvirs when he pushed for Cicero's exile, Cicero explained that in the present circumstances he was more interested in benefiting the State than in gratifying private resentments.<sup>9</sup> Besides, he would not have been exiled if he had accepted Caesar's generous offer to become a legate in Gaul.<sup>10</sup>

*De Provinciis Consularibus* was expertly crafted and in the end was successful in diverting the attacks of Caesar's enemies. Caesar kept both Gallic provinces and, with the active support of Cicero, was further honored by Cicero's request for a *supplicatio*, or public thanksgiving of fifteen days and two more senatorial decrees.<sup>11</sup> Caesar was awarded funds from the Treasury to pay for the four additional legions he had recruited on his own initiative, in addition to the original four legions of his command, and the power to employ ten legates.<sup>12</sup> Cicero had played his role to perfection.

With Pompey holding his grain command, Caesar serving as the proconsul of Gaul, and nobody willing to risk a prosecution against Crassus, the friends and clients of the triumvirs soon became the objects of attack by the alliance's enemies in the law courts. During the autumn of 56 the alliance faced its first real challenge. The Spaniard L. Cornelius Balbus was charged with the illegal assumption of Roman citizenship. This offense was covered under the *lex Papia* of 65 B.C., which provided

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8 Cic. *Prov. Cons.* 32; *Prov. Cons.* 38-39.

9 *Ibid.*, 18.

10 Cic. *Prov. Cons.* 42; *Att.* 2.18.3.

11 Cic. *Prov. Cons.* 26; *Balb.* 61.

12 Cic. *Prov. Cons.* 28; the meaning of *decem legati* is disputed; Cicero's statement that "alii exempla quaerebant" seems odd if *decem legati* was a term for men regularly sent to help a proconsul organize a province; Cicero's other statements at *Prov. Cons.* 19 and 34-5 about the war being unfinished would also seem to cast doubt on this assertion; for a different interpretation, see J.P.V.D. Balsdon, "Consular Provinces Under the Late Republic: II. Caesar's Gallic Command." *Journal of Roman Studies* 29 (1939): 167-183.



for the expulsion of non-citizens from Rome.<sup>13</sup> Balbus had received Roman citizenship from Pompey for services rendered during the Sertorian War (77-71 BC),<sup>14</sup> and had subsequently served as an invaluable diplomat for both Pompey and Caesar. Cicero's invitation to join the triumvirs had after all been delivered by Balbus, whom Cicero described as a "Caesaris familiarem."<sup>15</sup> Balbus's position as a foreigner who had accumulated a vast fortune had earned him the contempt of many Romans. Nevertheless, neither Balbus nor the triumvirs were under any illusions. The triumvirs themselves were the real targets of the prosecution, and Pompey ensured that the eloquence of Cicero would be employed on their behalf.<sup>16</sup> With Crassus and Pompey also speaking for the defense, the trial of Balbus was a public display of the might of the reinvigorated triumvirs.<sup>17</sup>

The outcome of the trial was likely never in serious doubt. The prosecutor was a fellow Spaniard from Gades, the hometown of Balbus, who likely hoped to regain his citizenship through a successful prosecution. Cicero spoke last and rested his case on several premises. He claimed that it had always been a Roman tradition to bestow citizenship on worthy foreigners and that Roman commanders had often done so in the past.<sup>18</sup> Cicero also affirmed that citizenship had never in Rome's history been revoked from anyone who had clearly received the rights of citizenship from a Roman commander.<sup>19</sup> Perhaps most importantly, Cicero reinforced the speeches of Pompey and Crassus and Balbus's ties with the triumvirs.<sup>20</sup> As Cicero made clear, conviction

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13 Cic. *Leg. Agr.*, i.13; Cic. *De Officiis*, iii.47; Cic. *Pro Archia*, 10.

14 Cic. *Balb.* 5-7.

15 Cic. *Att.* 2.3.3.

16 Cic. *Balb.* 4.

17 Gruen, *LGR*, 312-313.

18 Cic. *Balb.* 22-6; epigraphic evidence for this practice exists in the form of an inscription from 89 B.C., in which Cn. Pompeius Pompeius Strabo, the father of Pompey and commander of an army during the Social War (91-88 B.C.), in which both Pompey and Cicero had served, conferred the rights of Roman citizenship on a squadron of Spanish cavalry.

19 *Ibid.*, 53.

20 For Pompey, Cic. *Balb.* 5-9, 13-6, 50, 59, 65; for Crassus, *Balb.* 17, 50, 59; for Caesar, *Balb.* 43, 63-

would have been a serious affront to Pompey, who had granted Balbus citizenship according to the law. The case for Balbus was strong and he was easily acquitted.

While the trial of Balbus was underway, suspicions began to grow that Pompey and Crassus would be candidates for the consulship in 55. When the consul Lentulus Marcellinus asked them directly at an assembly of the people, Crassus replied that he would do what was in the best interests of the State, while Pompey declared that “he did not want the office because of the just men, but that on account of the seditious he was trying very hard to obtain it.”<sup>21</sup> Regardless of what they said in public, in reality they had already agreed at Luca that they would both stand for the consulship.<sup>22</sup> Moreover, they decided that they could not risk a fair election and would rather run under an *interrex* at the beginning of 56. By this process, if consuls had not been elected by the beginning of the year, an *interrex* would present only two candidates to the people. As his term of office lasted only five days before another *interrex* was named, Pompey and Crassus could obstruct the elections until a friendly *interrex* presided.<sup>23</sup> The plan was a safe way to secure their election, but it required the use of force if their opponents persisted in running against them. For his part, Cato, who had recently returned to Rome from his command in Cyprus, remained resolute in fighting the triumvirs and encouraged Domitius to go forward with his candidature.<sup>24</sup> Cicero was disgusted with the possibility that Domitius would be cheated out of the consulship that was his birthright and likened the situation to his own before he was sent into exile.<sup>25</sup> He lamented that the lists of future consuls that

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21 Dio 39.30; Plut. *Crass.* 15; cf. Plut. *Pomp.* 51.

22 App. *BC* 2.17; Plut. *Pomp.* 51.

23 Seager, *Pompey the Great*, 121-2.

24 Plut. *Pomp.* 52.

25 Cic. *Att.* 4.8a.2.

the triumvirs hoped to get elected were as long as the list past consuls.<sup>26</sup>

In accordance with their plan, Pompey and Crassus failed to announce their candidature when the deadline arrived in the summer of 56. And when they later announced they were running, Marcellinus refused to acknowledge their candidature. In reality, they had no intention of allowing elections to be held for the rest of 56.<sup>27</sup> Considerable violence ensued during the final months of the year, as Pompey and Crassus obstructed Marcellinus's attempts to hold consular elections. Dio gives a confusing account of the situation, but when added to Cicero's general description of the state of Roman politics, it is clear that violence and chaos were widespread.<sup>28</sup> The battle over the elections, however, was likely not the only anxiety of Cicero at this time. He suspected that Pompey and Clodius might have called a truce.

Clodius had already given a speech effuse in praise for Pompey, though Cicero doubted its sincerity.<sup>29</sup> However, his actions on behalf of the triumvirs during the autumn of 56 made clear his new alliance with Pompey.<sup>30</sup> The triumvirs had apparently decided to enlist the support of the Claudii at Luca and had invited Clodius's brother Appius Claudius Pulcher to meet them there. As a result of the negotiations, Pompey and Appius agreed that one of Pompey's sons would marry Appius's daughter. Indeed, the negotiations not only ended Clodius's hostility, but added him as an ally in the campaign for the consulship.<sup>31</sup> Clodius denounced Marcellinus and the rest of the enemies of Pompey and Crassus before the people and was then almost killed by a group of knights as he attempted to enter the senate

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26 Ibid., 4.8a.2.

27 Seager, *Pompey the Great*, 121.

28 Dio 39.29; Cic. *Fam.* 1.7.10.

29 Cic. *Har. Resp.* 51-2; Rawson, *Politics of Friendship*, 125, n.144; see also Seager, *Pompey the Great*, 120, who believes that Clodius was insincere.

30 Dio 39.29.

31 Tatum, *Patrician Tribune*, 214-5.

house.<sup>32</sup> Through cooperation with Clodius the triumvirs were able to intimidate many senators, including Marcellinus, and prevent them from attending the senate. As a result, the quorum of votes needed to pass decrees in the senate was not reached and the elections were not held for the rest of 56.<sup>33</sup>

It was within the context of these events that Cato, perhaps the staunchest opponent of the triumvirate, returned to Rome in 56. Cato had been in Cyprus since 58, when he was entrusted with the annexation of that island by a bill passed in the plebian assembly during the tribunate of Clodius. Just as Clodius had hoped, Cato was proud of the work he had done on behalf of the Republic in Cyprus and desired to maintain its legality.<sup>34</sup> By necessity, this made Cato a supporter of the legality of the entire tribunate of Clodius, which had included the exile of Cicero. Cicero's relationship with Cato had already been tense since Cato had urged Cicero to flee from Rome rather than stand up to Clodius's onslaught, and Cicero's attacks on the legality Clodius's *acta* while tribune did not help things.<sup>35</sup> Indeed, Cato was part of the group Cicero had deluded himself into believing was responsible for his exile. The brief entente between Clodius and Cato, however, soon came to an abrupt end. According to Dio Cassius, they clashed over what to name the slaves Cato had brought with him from Cyprus and, as a result, Clodius then attacked Cato's settlement in Cyprus.<sup>36</sup> However, Dio added the true reason for Clodius's attacks against Cato immediately after his description of these events: they were at the behest of Caesar.<sup>37</sup>

Pompey and Crassus were elected as consuls under the auspices of an *interrex*

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32 Dio 39.29.

33 Ibid., 39.30.3.

34 Ibid., 39.22.1.

35 Plut. *Cic.* 34.

36 Dio 39.23.2-3.

37 Ibid., 39.23.4.

early in 55, assisted in the event by Crassus's son Publius Crassus and a contingent of soldiers sent from Caesar's army for the purpose. According to the procedure for producing consuls when there had been no consuls elected before 1 January, an *interex* was appointed for the task of nominating them. Most of the would-be candidates had withdrawn their candidacy long before, but Domitius, with the steadfast support of Cato, refused to bow out. Violence attended their arrival at the *comitia centuriata* on the day of the elections, as Domitius's torchbearer was killed and Cato was injured.<sup>38</sup> Further bloodshed at the elections for curule aediles resulted in Pompey leaving with blood spattered on his toga. Nevertheless, the triumvirs were now the heads of the Roman government and, in a result also highly desirable for the triumvirs, Cato was defeated by Caesar's friend Vatinius in his bid for the praetorship.<sup>39</sup>

Pompey and Crassus used their offices to put into place the agreements reached at Luca. Accordingly, C. Trebonius, a pro-triumvir tribune, passed a bill that allotted the province of Syria to Crassus and the two Spanish provinces to Pompey.<sup>40</sup> The proconsular commands were to last for five years, give them the power to raise unlimited military forces, and allow them to conduct diplomacy with foreign states as needed.<sup>41</sup> They then fulfilled their obligations to Caesar with an extension of his command in Gaul for five years.<sup>42</sup> Cato provided valiant though futile resistance to these measures and once again forced the triumvirs to use violence.<sup>43</sup> Both Pompey and Crassus then sponsored measures that were aimed at curbing bribery in elections and the law courts by stiffening the penalties for these crimes. The irony was not lost

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38 Dio 39.31; Plut. *Pomp.* 52.

39 Dio 39.32.1-2; App. *BC* 2.17; Plut. *Pomp.* 52.

40 App. *BC* 2.18.

41 Dio 39.33.2.

42 App. *BC* 2.18; Suet. *Caes.* 24; Plut. *Pomp.* 52.

43 Dio 39.34-6.

on Dio Cassius, who commented that they had acted “as if their own offense were any less because they had secured their office by force rather than bribery.”<sup>44</sup> Nonetheless, as they and their followers had shown over the last few years, bribery was indeed widespread in Roman elections and court cases. Caesar, for instance, had essentially bought the office of *pontifex maximus*,<sup>45</sup> and Cicero had already exposed corruption in the courts.<sup>46</sup> These measures also demonstrated the fact that, despite their circumvention of the constitution to win the elections, Pompey and Crassus were not revolutionaries.<sup>47</sup> They intended to work within the Roman constitution in the future to obtain their political goals.

The triumvirs had succeeded in capturing the consulship and in passing legislation to secure their long-term political future, but their enemies mounted an equally fierce counterattack against them over the next two years in the law courts. Cicero is known to have defended at least four friends of the triumvirs during this period: L. Caninius Gallus, T. Ampius Balbus, L. Scribonius Libo, and C. Messius. Little evidence survives concerning these trials, but all four men were former magistrates and tied closely with Pompey, against whom the attacks were unquestionably aimed. With the exception of Messius, who had pushed for Cicero’s recall in 57, there is no doubt that Cicero cared little about these cases.<sup>48</sup> It is in association with a discussion of his defense of Caninius that Cicero even despairs of life itself.<sup>49</sup> Nevertheless, Cicero’s sense of *pietas* toward Pompey led him to defend them anyways.<sup>50</sup>

During the summer of 55, Pompey dedicated an impressive new theater in

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44 Ibid., 39.37.1.

45 Suet. *Iul.* 13.

46 Cic. *Verr.* 1.46.

47 Seager, *Pompey the Great*, 122.

48 Cic. *P. Red. in Sen.* 21.

49 Cic. *Fam.* 7.1.4.

50 Gruen, *LGRR*, 313-6.

Rome. The project had been under construction since his return from the East seven years before and was unlike any building that had ever been built in Rome. Not only was it Rome's first permanent theater, but it was also an impressive architectural feat. In fact, over two and a half centuries after the temple's dedication, Dio Cassius remarked that it was "a theater in which we take pride even at the present time."<sup>51</sup> In the lavish games that accompanied the theater's dedication, games were held in the Circus Maximus and wild beast hunts were staged. Interestingly, Cicero's correspondence during this period contains no reference to this project. Cicero, like many Romans at the time, was unquestionably against the construction of a public theater in principle. He even went so far as to claim that the evils that had befallen Athens were due to its "public meetings sitting down," which had been held in public theaters.<sup>52</sup> His personal feelings notwithstanding, it is significant that Cicero did not even praise the beauty of the building or the money that Pompey had spent for the benefit of the public. Cicero disparages the inaugural games in a contemporary letter which proclaims his disapproval of the wild beast hunts and mentions the sympathy many spectators felt for the elephants.<sup>53</sup> It is especially revealing when contrasted with Cicero's enthusiasm for Caesar's plans to construct a new forum and build voting stalls in the Campus Martius.<sup>54</sup> While Cicero's own opinion regarding the games and the construction of a permanent theater should be taken into account, his silence concerning the project is further evidence of the cool relationship that existed between himself and Pompey at this time.

Before the end of the year and amidst hostility with several of the tribunes,

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51 Dio 39.24.

52 Cic. *Flac.* 16.

53 Cic. *Fam.* 7.1.3; cf. Dio. 39.38.2-3.

54 Cic. *Att.* 4.16.8.

Crassus left Rome for his proconsular command in Syria.<sup>55</sup> It was no secret that Crassus was planning a campaign against the Parthians that would rival Pompey's wars in the East during the 60s and Caesar's contemporary exploits in Gaul.<sup>56</sup> Cicero and Crassus had never been close, but their relationship during recent months had been especially strained. Crassus had attacked Cicero sharply for his denunciation of Gabinius and called him an "exile" to his face.<sup>57</sup> As Cicero admitted, the argument that followed was the result of many grievances over a long period of time.

Nevertheless, when in January 54 the consul Domitius began a concerted attack against Crassus, who needed funds from the senate for his command in Syria, the triumvirs turned to Cicero and pressured him to put aside his past disagreements with Crassus. Cicero and Crassus dined at Cicero's house before Crassus's departure, and Cicero was enlisted to protect the interests of Crassus while he was in Syria.<sup>58</sup> On the Ides of January, Cicero delivered an impassioned speech in defense of Crassus in the senate. In a letter to Crassus following the speech, Cicero described his actions on his behalf to Crassus and pledged his "devoted and indefatigable service" while Crassus was away from Rome.<sup>59</sup> Cicero rationalized his rapprochement with Crassus on the grounds that his enemies hoped after their argument in the senate they would be enemies in the future.<sup>60</sup> Cicero's public reconciliation with Crassus in early 54 was not sincere,<sup>61</sup> but it was to set a theme for the year. For the sake of Pompey, Cicero was to put aside grievances with several former enemies.

Pompey never left Rome to take up his command in Spain.<sup>62</sup> He made plans to

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55 Dio 39.39.7.

56 Plut. *Cras.* 16.

57 Dio. 39.61.1; Cic. *Fam.* 1.9.20.

58 Plut. *Cic.* 26.

59 Cic. *Fam.* 5.8.1-2.

60 Ibid., 1.9.20.

61 Cic. *Att.* 4.13.2.

62 Vell. Pat. 2.48.1.



leave on more than one occasion, but one delay followed another.<sup>63</sup> Indeed, it is likely that Pompey planned all along to govern Spain through his legates.<sup>64</sup> Unlike Crassus, Pompey had already achieved sufficient military exploits to place himself above all other Romans. He was able to excuse himself on account of the undeniable demands associated with his grain command. Moreover, he undoubtedly knew that his interests could be promoted most effectively in Rome. Pompey would have known already that trouble awaited the return of Gabinius. Cicero had heard a rumor while at Puteoli in April 55 that Gabinius had gone against the ruling of the senate and restored Ptolemy Auletes to his throne in Egypt.<sup>65</sup> Cicero, however, remained in the dark concerning Pompey's plans.<sup>66</sup> Indeed, communications between Pompey and Cicero regarding Cicero's anticipated service as a legate in Spain were carried out through Caesar's agents rather than with Pompey himself.<sup>67</sup> Cicero, it will be remembered, had been appointed Pompey's first legate in the grain command after Pompey had obtained the position on the proposal of Cicero himself.<sup>68</sup> Pompey had likewise appointed Cicero to his Spanish staff, and Cicero expected throughout 54 that he would have to leave for Spain at some time in the future.<sup>69</sup> In the event, neither Pompey nor Cicero ever stepped foot in Spain. Pompey placed L. Afranius and M. Petreius in command there. Being able to claim Cicero as his legate was important to Pompey, as it had been with the grain command in 57, but Cicero was more useful for Pompey in Rome than in Spain.

Cicero had been busy defending friends of the triumvirs in the law courts in both 56 and 55. The stakes, however, were raised significantly in 54 when Cicero was

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63 Cic. *Fam.* 7.5.1.

64 Dio 39.39.4.

65 Cic. *Att.* 4.10.1.

66 *Ibid.*, 4.11.1.

67 Cic. *Q. Frat.* 3.18.1.

68 Cic. *Att.* 4.19.2.

69 Cic. *Q. Frat.* 2.14.2; *Q. Frat.* 3.1.18; *Att.* 4.19.2.

asked to defend two close friends of the triumvirs: P. Vatinius and A. Gabinius.

Vatinius was a friend of Caesar who had served as tribune in 59 and praetor in 55.<sup>70</sup> In the summer of 54 he was charged under the *lex Licinia de sodaliciis*, which covered accusations of electoral bribery.<sup>71</sup> Vatinius had no shortage of enemies and possessed no magistracy in 54. Cicero's reluctance to defend Vatinius goes without saying. After all, only two years before he had referred to Vatinius as an "infamous scoundrel" whose tribunate had undermined the state and shaken the constitution.<sup>72</sup> In fact, it took a personal request from Caesar himself to convince Cicero to take on the case.<sup>73</sup> Cicero did not publish his speech following the trial, but it was successful in gaining an acquittal.<sup>74</sup> Cicero was heavily criticized for seeming to abandon his principles in defending his former enemy,<sup>75</sup> but his defense of Gabinius later in the year proved to be a much greater test in forgiveness.

Gabinius returned to Rome in September 54 from a three-year consulship in Syria, during which time he had managed to completely alienate the *publicani* of the province and carry out the restoration of Ptolemy Auletes, which had been forbidden by the senate after the Sibyl was read as forbidding the action.<sup>76</sup> He had made enemies of many Syrians as well when he had failed to defend them from pirates and the *publicani* while in Egypt.<sup>77</sup> Rival delegations from both provincials and *publicani* arrived in Rome during February of 54 to present their cases.<sup>78</sup> Upon his arrival in Rome, Cicero, among others, was waiting to attack his administration of Syria. In fact, potential *accusatores* were fighting for the privilege of accusing him. Gabinius

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70 For Vatinius's tribunate, see App. *BC* 2.14; Dio 38.6.6; Cic. *Vat.* 19; for his praetorship, see Dio 39.32.1-2; Plut. *Pomp.* 52.

71 Gruen, *LGRR*, 317.

72 Cic. *Vat.* 19.

73 Cic. *Fam.* 1.9.19.

74 *Ibid.*, 5.9.1.

75 Cic. *Fam.* 1.9.19; Sall. *Inv. In Cic.* 7.

76 App. *BC* 2.24; Dio 39.55-8; Cic. *De Domo* 60; *Prov. Cons.* 10-14; Cic. *Att.* 4.10.1.

77 Dio 39.59.1-2.

78 Cic. *Q. Frat.* 2.13.2; *Q. Frat.* 3.2.2.

was charged with *maiestas*, extortion, and electoral bribery. P. Cornelius Sulla and C. Memmius, both friends of Pompey, were also among those declaiming Gabinius, who had been a loyal supporter of Pompey throughout his career. Even Appius Claudius, an ally of the triumvirs since Luca, joined Gabinius's attackers.<sup>79</sup> These men illustrate the alienation of Pompey from former supporters as a result of his alliance with Caesar and Crassus.<sup>80</sup> Against this bulwark of opposition stood Pompey, who had probably given Gabinius the instructions in the first place to carry out the restoration of Ptolemy.<sup>81</sup> Pompey was equally determined to support Gabinius with all of the resources he could muster.

To say that Cicero still nursed a grudge for Gabinius's role in his exile in 58 is an understatement.<sup>82</sup> In the same meeting of the senate when the *publicani* were brought in to accuse Gabinius, Cicero and Gabinius had engaged in a heated dispute. Gabinius had even insulted Cicero by repeating the earlier charge of Crassus that Cicero had been an exile.<sup>83</sup> While Pompey wanted Cicero to defend Gabinius from the outset, at first the best Cicero could do was to hold back from prosecuting him. Gabinius was first tried for *maiestas*, and Cicero was unable to conceal his hope that Gabinius would be convicted.<sup>84</sup> Gabinius was acquitted by a vote of thirty-eight to thirty-two but was not out of the woods yet.<sup>85</sup> Cicero was disappointed but believed that a conviction for extortion was likely.<sup>86</sup> He was right. Although Pompey finally prevailed upon Cicero to leave aside a very recent and intense hatred and plead for

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79 Ibid., 2.13.2; 3.2.2.

80 Gruen, *LGRR*, 323-4.

81 Dio 39.55.2-3.

82 Ibid., 38.15.6; Dio claims Cicero and Gabinius were friends before 58, which, if true, may have intensified Cicero's belief he had been betrayed.

83 Cic. *Q. Frat.* 3.2.2.

84 Ibid., 3.2.2.

85 Cic. *Att.* 4.18.1.

86 Cic. *Q. Frat.* 3.4.1.

him in his trial, Gabinius was convicted and exiled.<sup>87</sup> The forces aligned against Gabinius had been overwhelming from the beginning, but it is possible that “the association of Pompey-Gabinius-Cicero was too much for the jury to swallow.”<sup>88</sup>

The elections for 53 were turbulent, protracted, and notoriously corrupt. The candidates included M. Messalla, M. Aemilius Scaurus, C. Memmius, and Cn. Domitius Calvinus. These men were part of a complex web of family contacts, and their loyalties could not be trusted by the triumvirs or the *optimates*. As a result of rampant bribery, all four men were charged *de ambitu*, or electoral corruption, and the elections were pushed back to allow the prosecutions to go forward. Memmius revealed in September that Calvinus and himself had come to an agreement, whereby, in exchange for the support of the current consuls, the incoming consuls L. Domitius Ahenobarbus and Appius Cladius Pulcher would provide either provinces or money for the outgoing consuls. An impressive group of senators, which included both Pompey and Cicero, came to the aid of Scaurus.<sup>89</sup>

Scaurus was eventually acquitted, but the significance of the case lies in the chaos and calls for dictatorship that resulted. An interregnum loomed for 53 as the year closed. Naturally, Pompey was the obvious choice for such a command but he denied that he had any desire for the office.<sup>90</sup> Pompey’s protestations, however, were directly contradicted by his cousin C. Lucilius Hirrus, who Cicero believed would propose the measure. Cicero bought neither Pompey’s claims nor the claim that Hirrus did not voice Pompey’s true ambitions. It is possible that he remembered Pompey’s suspected attempts two years before to obtain through his friends the command to

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87 Cic. *Rab. Post.* 19.

88 Rawson, *Politics of Friendship*, 135.

89 Cic. *Q. Frat.* 3.1.16; for the elections for 53, see Seager, *Pompey the Great*, 126-8; for the trial of Scaurus, see Gruen, *LGRR*, 331-7.

90 Cic. *Q. Frat.* 3.6.4.

restore Ptolemy Auletes.<sup>91</sup> Perhaps most ominously for the relationship during late 54, when Milo raised the possibility that Pompey would use force to become dictator if it was not voted to him lawfully, Cicero did not reject the assertion.<sup>92</sup> Nevertheless, Cicero did not go as far as Cato, who accused Pompey of fomenting violence in order to obtain the dictatorship.<sup>93</sup> Pompey was ultimately denied the dictatorship due to a combination of hostility from the *optimates* and a lack of public support, and Rome was without consuls until the summer of 53, Messala and Calvinus were elected.<sup>94</sup>

Late in 53, Rome learned that Crassus had been defeated and killed in Parthia. Crassus had left his consulship early and set out for Syria to replace Gabinius as proconsul. Crassus's motives were thinly disguised. He planned a campaign against Parthia, the successor of the Seleucid Empire and Rome's neighbor east of the Euphrates River. Such a campaign offered both riches and glory in abundance. Crassus led an army of seven legions across the Euphrates and fought a Parthian army near the town of Carrhae. Following defeat in battle and the death of his son Publius Crassus, Crassus surrendered to Surenas, the Parthian commander, and was treacherously executed.<sup>95</sup> Without a doubt his loss was widely felt. Crassus was a powerful man in Rome with extensive connections among all classes of citizens. Politically, the most important result of his death was the end of the triumvirate. Now only Pompey and Caesar remained, without the marriage tie that had been severed a year before with the death of Julia, who was both Caesar's daughter and Pompey's wife.<sup>96</sup> Caesar then suggested that Pompey marry his grand-niece Octavia, but

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91 Cic. *Fam.* 1.5a.3; *Fam.* 1.5b.2; *Fam.* 1.7.3.

92 Cic. *Q. Frat.* 3.6.6.

93 Plut. *Cat. Min.* 45; cf. Taylor, *Party Politics*, 144; Taylor claims that Pompey "countered the strength of the *optimates* by the encouragement of anarchy."

94 Cic. *Q. Frat.* 3.7.3.

95 Dio 40.12-28; Plut. *Crass.* 17-31.

96 Plut. *Pomp.* 53.

Pompey rejected the offer.<sup>97</sup> Nevertheless, there were few signs that the former triumvirs remained anything but strong allies.<sup>98</sup>

In January of 52 the conflict between Clodius and Milo came to its final and bloody conclusion. The rivalry had been ongoing for six years by this point. Both men had hoped to gain election to office for 52 – Milo for the consulship and Clodius for the praetorship – but the elections had not occurred at the beginning of the year. On 18 January their rival gangs met on the Appian Way outside Rome, and in the ensuing melee Clodius was captured and executed on Milo's orders.<sup>99</sup> The people erupted in a fury when news reached the city that night, and in the resulting tumult a group of Clodius's supporters erected a funeral pyre in the senate house and burned it to the ground. They would have burned Milo's house as well if he had not assembled his supporters to defend it. On the following afternoon the senate met on the Palatine Hill and passed the *senatus consultum ultimum*, empowering Pompey to see that the State came to no harm. He was then ordered to raise fresh levies throughout Italy.<sup>100</sup> Over the next month talks of making Pompey dictator once again resurfaced. The inability of the *interreges* to elect consuls lent credence to the possibility, but the senate ultimately decided on another proposal. On the motion of Bibulus and with the support of Cato, Pompey was named consul without colleague for the year.<sup>101</sup> Among the advantages of this arrangement over a dictatorship were its avoidance of the stigma that would inevitably attach to the office in the post-Sullan Republic as well as the fact that Pompey's edicts would be subject to a tribunician veto.<sup>102</sup> The fact that Pompey was the obvious man for the job likely explained his appointment rather than

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97 Suet. *Iul.* 27.

98 Gruen, *LGRR*, 454-5.

99 Dio 40.48-50; Asc. 1-5.

100 Dio 40.49-50.

101 Dio 40.50.3-4; Plut. *Pomp.* 55.

102 Seager, *Pompey the Great*, 134-5.

any shift in alliance toward the bill's propagators.<sup>103</sup> Nevertheless, Pompey stood in a strong position to advance the causes of his supporters and remove his adversaries.

As part of Pompey's mandate to restore order as sole consul, he intended to clean up the bribery and violence in which Milo had thrived. Pompey accordingly provided the list of names from which jurors could be drawn, restricted the number of advocates that could appear, and forbid the appearance of character-witnesses.<sup>104</sup> Pompey had made clear through his refusal to help Milo in the consular elections that Milo no longer held his favor.<sup>105</sup> Pompey then decided to make an example of Milo in front of everyone and try him for Clodius's murder.<sup>106</sup> Claiming that Milo was plotting to kill him, Pompey surrounded himself with an armed guard. Pompey exercised almost complete control of the proceedings against Milo, including the creation of a special *questio extraordinaria* in which he selected the jurors.<sup>107</sup> His appearance at the trial with his armed guards left the jurors with no question about the verdict the consul without colleague expected. Milo, by killing Clodius, had outlived his usefulness and needed to be removed. Now he was just a rival to Pompey's own candidates for office.<sup>108</sup>

Cicero had never forgotten the role Milo had played in his recall from exile in 57. Even though Pompey had deserted Milo and moved closer toward Clodius following his successful negotiation of the marriage alliance with Appius Claudius, Cicero had remained one of Milo's most powerful supporters in the consular elections.<sup>109</sup> Even after it had become plain to all that Milo had killed Clodius, Cicero

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103 Gruen, *LGRR*, 153, 454.

104 Dio 40.52.1.

105 Cic. *Q. Frat.* 3.6.6; *Q. Frat.* 3.8.6.

106 Dio 40.53.2-3.

107 Gruen, *LGRR*, 338.

108 Dio 40.53.1-2; Cic. *Q. Frat.* 3.6.6; cf. Syme, *Roman Revolution*, 40; and Seager, *Pompey the Great*, 136.

109 Cic. *Q. Frat.* 3.6.6; *Fam.* 2.6.3.

did not abandon him or his chances for the consulship. When Milo was tried for Clodius's murder in April, Cicero appeared for the defense. Cicero did not dispute the fact that Milo had killed Clodius. Instead, in the speech Cicero published after the trial, he based his argument on one central premise: Milo had killed Clodius in self-defense. Clodius, a "monster of reckless impiety," had in fact set a trap for Milo.<sup>110</sup> Clodius had every reason to want to get rid of Milo, whose anticipated consulship could have been disastrous for Clodius. This speech, however, was not delivered. Cicero became alarmed when he saw Pompey and his troops stationed around the forum and was unable to speak.<sup>111</sup> Milo was convicted and sent in exile to Massilia, although in consolation Cicero sent him a copy of the speech he had intended to give at his trial. Milo wrote back in jest that he was lucky Cicero had not delivered the speech or he would be eating mullets in Massilia.<sup>112</sup>

The trial of Milo was an important event in the evolution of the relationship between Pompey and Cicero. Whereas the obligation Cicero owed to Pompey for his recall and Cicero's disgust with the *optimates* had brought about close cooperation in the law courts between the two men during the years following Luca, in the trial of Milo they found their interests directly opposed. Cicero chose not to dwell on Pompey's role in Milo's conviction. After all, he had fulfilled his obligations to Milo, and Pompey was now in all likelihood more powerful than ever. Two years later Cicero looked back on Pompey's actions during the trial and their relationship in general and saw them in a positive light. Cicero never disputed the fact that the trial had led to a divergence of interests, but he maintained that their relationship had not been unduly strained by it.<sup>113</sup> In fact, Cicero now remarked "how readily and

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110 Cic. *Mil.* 32.

111 Plut. *Cic.* 35.

112 Dio 40.54.1-2.

113 Cic. *Fam.* 3.10.10. The context is important. This comment occurs in a letter from 50 to Appius



graciously [Pompey] accepted [Cicero's] efforts on Milo's behalf."<sup>114</sup> Pompey's use of armed men had been an attempt to provide security for him during his speech. Furthermore, Cicero claimed that Pompey had made him "the confidant in all his secrets and projects."<sup>115</sup> These sentiments are seemingly strengthened by Pompey's role in securing a position for Cicero among the college of augurs late in 53.<sup>116</sup> Although this had occurred before the trial, Cicero's support for Milo by then was well-known.

Nonetheless, there are good reasons not to accept these statements at face value. Cicero's reaction when he saw Pompey's armed guards is the best guide to how he felt at the time. Moreover, Cicero's ignorance about Gabinius's actions in Syria (unless Gabinius acted on his own volition) and his silence concerning Pompey's building projects in Rome reveal how empty Cicero's claims to intimacy with Pompey were. Lastly, Cicero certainly disapproved of the powers Pompey assumed in 52.<sup>117</sup> In all likelihood, Cicero's comments in 50 reflect the standing Cicero wished he had held with Pompey rather than the exact truth. Cicero's comments, like so many of his references to Pompey after 57, are prefaced with a reflection to the obligation Pompey had placed upon Cicero when he restored him from exile.<sup>118</sup> This sense of indebtedness to Pompey remained as strong as it had been five years before. Nevertheless, Pompey's dual agenda of restoring order to Rome and advancing the ambitions of his men necessitated the conviction of Milo regardless of Cicero's position on the matter.

If Cicero and Pompey were moving further apart during this period, quite the

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Claudius, whose daughter Pompey's son Cnaeus had recently married.

114 *Ibid.*, 3.10.10.

115 *Ibid.*, 3.10.10.

116 *Cic. Phil.* 2.4.

117 *Cic. Mil.* 70.

118 *Cic. Fam.* 3.10.10.

opposite was occurring between Cicero and Caesar. Cicero had previously referred to a “old friendship” between them.<sup>119</sup> Cicero had disagreed with Caesar in principle regarding his agrarian bills in 59, but Cicero could nonetheless look back upon Caesar’s request that he serve on the agrarian Board of Five as well as Caesar’s offer to obtain him a *legatio* to escape the wrath of Clodius with gratitude.<sup>120</sup> In July 54 Cicero placed Caesar just after his brother Quintus and their children in his favor.<sup>121</sup> Caesar had welcomed Cicero’s brother as a legate on his staff in Gaul and treated him with great respect.<sup>122</sup> Moreover, Caesar involved Cicero in his construction projects in Rome. Cicero’s description of his involvement in these affairs reveals that he took a certain degree of personal ownership in them.<sup>123</sup> Lastly, Cicero and Caesar shared similar literary tastes in which Pompey could not compete.<sup>124</sup> Perhaps Cicero naturally gravitated toward Caesar because he indulged Cicero’s vanity.<sup>125</sup> He reminded Cicero that he was important in Roman affairs.<sup>126</sup> Although he had tried a similar approach in the past, Pompey instead reminded him of the obligation he owed for his restoration. Instead of flattery and gratification, friendship with Pompey had now become a burden.

Cicero came under intense criticism for his alliance with the triumvirs during this period.<sup>127</sup> He justified his behavior by continuing to rehash the treachery of the *optimates*, who had “thrown [him] to the wolves.” Not only had they betrayed him, but they had also encouraged and supported the designs of Clodius. Moreover, they had never approved of Cicero’s support of Pompey and delighted in their quarrels. In

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119 Cic. *Fam.* 1.9.12; cf. *Prov. Cons.* 40.

120 Cic. *Prov. Cons.* 41.

121 Cic. *Q. Frat.* 3.1.18; cf. *Q. Frat.* 2.12.1.

122 *Ibid.*, 3.1.9.

123 Cic. *Att.* 4.16.8.

124 Cic. *Q. Frat.* 2.14.2; *Q. Frat.* 2.16.5.

125 Cic. *Ibid.*, 2.14.1.

126 See Stockton, *Cicero*, 222; Stockton believes that Caesar may have seen Cicero as a possible consular colleague when he returned from Gaul.

127 Dio 39.63.5.

Cicero's mind, their deceitful behavior in the past ruled out cooperation in the future and made an alliance with the triumvirs seem more logical and less cowardly. If the *optimates* would not be his friends, why not join those who solicited his friendship?<sup>128</sup> Besides, he reasoned, "unchanging consistency of standpoint has never been considered a virtue in great statesmen."<sup>129</sup> Cicero's letters during these years reveal his bitterness and disillusionment with the state of Roman politics. He felt guilt for his work on behalf of Caesar and acknowledged to Atticus that his honor was now gone.<sup>130</sup> He even threatened to retire from political concerns and focus on his literary and philosophical interests. Whether he spoke his mind or kept silent he was sure to be criticized.<sup>131</sup> Cicero lamented that the Republic was gone. He no longer even had the freedom to hate his enemies.<sup>132</sup> As always, a personal setback for Cicero meant the ruin of the State.<sup>133</sup> Perhaps Piso was right when he accused Cicero of venting on himself the frustration he really felt for Pompey.<sup>134</sup> Needless to say, Cicero kept these opinions private.

In conclusion, the period between the Council of Luca and the trial of Milo was a time of both close cooperation and bitter disillusionment between Pompey and Cicero. Throughout the period Cicero attempted to repay his debt of gratitude to Pompey and to assert what shred of independence he still possessed. In the aftermath of Luca, Cicero was isolated and vulnerable. The collaboration of Cato and the *optimates* with Clodius precluded any lasting tie with them, while Pompey and Caesar were delighted to keep Cicero attached to themselves and working on their behalf both in the senate and in the courts. Though not without complaint, he continued to

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128 Cic. *Att.* 4.5.1-2; Cic. *Fam.* 1.9.10.

129 Cic. *Fam.* 1.9.21.

130 Cic. *Att.* 4.5.1.

131 *Ibid.*, 4.6.1.

132 Cic. *Q. Fr.* 3.5.4.

133 Holland, *Rubicon*, 211.

134 Cic. *Pis.* 75.

plead on behalf of the triumvirs throughout this period. There is an overall lack of closeness between the two men, which is made manifest by a strain in communications. Cicero's complete omission of Pompey's magnificent new theater is only one example. Cicero maintained other ties during this period, most prominently with Milo. Cicero stood firm regarding his obligations to Milo, just as he had to Pompey since his recall, but his defense of Milo undoubtedly pushed his relationship with Pompey to the breaking point. Although Cicero's sense of indebtedness to Pompey should not be doubted, his constant references to this fact throughout this period reveal that it was also a convenient excuse for his own political weakness and personal dissatisfaction. Blatant subservience could be a virtue. The political nature of the friendship was obvious to everyone.

## CHAPTER V

### POMPEY'S FINAL CONSULSHIP AND THE CIVIL WAR: 52 – 48 B.C.

The final years of the relationship between Pompey and Cicero were completely overshadowed by the crisis between Caesar and his *optimates* opponents. Pompey was the sole consul for much of 52 and held a mandate from the senate to bring the chaos and violence that had plagued Rome for much of the past decade to an end. Pompey's successes on this front were well-noted, but his consulship was also important for his legislative activity and his perceived posture toward his former father-in-law, C. Julius Caesar. Cicero was active in the courts in 52 but spent much of the period as the governor of Cilicia. Although he had stayed well-informed on Roman politics, he was nonetheless surprised at the atmosphere to which he returned at the end of 50. The relationship between Pompey and Cicero was then pushed to the breaking point as both men were forced to deal with the realities of civil war. Distance had helped to repair the relationship after the trials of 52 but did not change its fundamental character. As Pompey and Caesar pushed the Republic closer to civil war, political necessity would dictate Cicero's actions and the future of his relationship with Pompey.

The trial of Milo had been a public spectacle and the crowning triumph in Pompey's effort to rein in civil disorder, but it was by no means the only important trial in 52. The burning of the senate house and the resulting lawlessness demanded that action be taken against the leaders of the gangs who had perpetrated the crimes. Cicero figured prominently in the trials of 52. He saw the significance of using the

trial courts to rein in the chaos, but, as was the case in the trial of Milo, personal ties were also important. His relationship with Pompey does not appear to have been a factor at all. On more than one occasion, the two men vigorously supported opposite sides. Unlike in the trial of Milo, Pompey would not always get his way.

Soon after Milo's trial, M. Saufeius was charged *de ambitu*.<sup>1</sup> Cicero served as defense due to the personal connections both Atticus and he shared with Saufeius's family.<sup>2</sup> The trial was very closely contested, but Cicero and his friend M. Caelius Rufus managed to secure an acquittal by a single vote. When tried again *de vi* for his suspected role in the death of Clodius, Saufeius was once again acquitted, though by a larger margin the second time. It was believed that hatred of Clodius among the jurors had spared him.<sup>3</sup>

The friends of Pompey were also among those targeted for prosecution. In perhaps one of the most interesting cases of the year, T. Munatius Plancus Bursa was charged *de vi* for his role in the burning of the senate house.<sup>4</sup> For Cicero, who uncharacteristically played the role of the prosecutor, this trial offered a chance for revenge against a man whom he felt had betrayed him.<sup>5</sup> Plancus had repaid Cicero's efforts on his behalf in a previous court case by threatening to sue Cicero on behalf of Clodius's supporters. The *optimates* supported Cicero as forcefully as Pompey attempted to support Plancus. When Pompey attempted to enter written testimony on Plancus's behalf, Cato refused to allow it. As Cato reminded Pompey, character witnesses had been forbidden by his own law.<sup>6</sup> Despite Pompey's best efforts, Plancus was convicted. Cicero could not contain his delight at the verdict. He later told a

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1 Asc. 55C.

2 Cic. *Att.* 6.1.10.

3 Asc. 55C.

4 Dio 40.55.1.

5 Cic. *Fam.* 7.2.2.

6 Dio 40.55.2; Plut. *Cat. Min.* 48.

friend that he savored Plancus's conviction even more than the death of Clodius.<sup>7</sup> Cicero also saw his victory as vindication for his friend Milo.<sup>8</sup> Plancus had been instrumental in helping Pompey to prevent Milo from running for the consulship.

The trial of P. Plautius Hypsaesus *de ambitu* for blatant electoral bribery in the consular elections presented Pompey with a similar paradox. Hypsaesus had been a loyal Pompeian for years. Yet, Pompey chose to abandon Hypsaesus and offered not a word in his defense. Unable to believe the betrayal of his benefactor, Hypsaesus threw himself on the ground and grabbed Pompey's knees, begging for his help. Pompey, nevertheless, shrugged him off, remarking that Hypsaesus was ruining his supper.<sup>9</sup> As far as public opinion was concerned, it was a no-win situation for Pompey. He likely calculated that it was acceptable to lose the services of Hypsaesus in the interest of cultivating an image of impartiality.<sup>10</sup> This image, however, was destroyed by his actions in defense of Hypsaesus's partner in crime, Q. Caecilius Metellus Pius Scipio Nasica.

Pompey had previously rejected a marriage proposal from Caesar, in which Pompey would have married Caesar's grand-niece Octavia.<sup>11</sup> Now, Pompey decided instead to marry Scipio's daughter, Cornelia. Scipio was an *optimatus*, who claimed descent from two of the most important families in Rome: the Caecilii Metelli and the Cornelia Scipii. Scipio was charged *de ambitu* along with Hypsaesus, presenting Pompey with the same paradox. This time, however, Pompey chose to spare his father-in-law. With less than half of the year remaining, Pompey selected Scipio to be his co-consul, thus giving Scipio the *imperium* needed to escape prosecution.<sup>12</sup>

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7 Cic. *Fam.* 7.2.2.

8 *Ibid.*, 7.2.2.

9 Plut. *Pomp.* 55.

10 *Ibid.*, 55.

11 Suet. *Caes.* 27.

12 Dio 40.51.3; App. *BC* 2.25.

Pompey was sharply criticized and accused of nullifying his own legislation.<sup>13</sup>

Pompey could not win either way. The alliance with Scipio undeniably strengthened Pompey's position and could be seen as an attempt to fortify the position of his alliance with Caesar as a whole.<sup>14</sup> This line of thinking, however, is ultimately untenable when the marriage alliance is considered within the context of Pompey's legislative efforts.

Pompey's consulship witnessed the passage of three laws which had far-reaching consequences for the future. All three bills concerned the governance of provinces and all, either directly or indirectly, affected Caesar's proconsulship in Gaul. Consequently, Pompey's relationship with Caesar and attitude toward the future of their alliance is of paramount importance. Formed in 60 and strengthened at the council of Luca in 56, the alliance between the two remaining triumvirs had been put to the test once again in 54 with the death of Julia, Pompey's wife and an important link with Caesar, her father.<sup>15</sup> The partnership had exposed Pompey to harsh criticism but had nonetheless served him well. After all, Caesar's soldiers had been pivotal in Pompey's election to the consulship in 55. Pompey's commitment to Caesar had remained firm until 52, but there are signs that Pompey had begun to rethink his options.

During the winter of 53/52, Caesar had returned from Gaul to Ravenna, where he hoped to once again broker a deal and secure his political future. Caesar knew that the *optimates* were determined to destroy him, and the illegalities of his consulship had provided them with the ammo they needed. For now, Caesar's proconsular *imperium* protected him, but his provinces would be open for reassignment on the first

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13 Tac. *Ann.* 3.28.

14 Gruen, *LGRR*, 453-4. Pompey had also arranged for his son Gnaeus to marry Ap. Claudius Pulcher's daughter Claudia Pulchra.

15 Dio 40.44.3.



day of March, 50.<sup>16</sup> Assuming that he could prevent the loss of his provinces until the summer of 49, he would have to formally lay down his command and enter Rome as a private citizen and enroll his candidature for the consulship for 48.<sup>17</sup> This was unacceptable to Caesar, since it left him exposed to prosecution until the beginning of his prospective consulship on 1 January 48. Caesar's solution to this complex problem was simple: he would run for the consulship *in absentia* and remain the proconsul of Gaul until he entered into office as consul on 1 January 48.<sup>18</sup> Caesar's plan would keep him immune from attack until 47 at the earliest and give him time to work out a long-term solution during his consulship. Caesar's calculations, however, relied entirely on the ability of his ally in Rome to secure a special dispensation so he could run *in absentia*.

Cicero later wrote that he had met Caesar at Ravenna, and that Caesar had called upon Cicero to help him.<sup>19</sup> Cicero does not state that he was there as Pompey's agent, but Pompey's vigorous support for a tribunician bill later in the year concerning Caesar's ability to stand *in absentia* suggests that Pompey was in close contact with Caesar. At the meeting, Cicero agreed that he would use his influence with the tribune M. Caelius Rufus to build support for a bill that would grant Caesar's wish. During the debate which attended the bill's vote, Cato once again attempted to stage a filibuster and prevent a vote on the bill.<sup>20</sup> The will of Pompey, however, could not be denied. With Pompey's insistence, the law of the ten tribunes was passed.<sup>21</sup> As the bill's name suggests, it was proposed and passed with the assent of all ten tribunes.

Having unambiguously pledged his support for Caesar, Pompey then proposed

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16 Cic. *Att.* 5.20.7; *Att.* 8.3.3.

17 After serving as consul in 59, Caesar was not eligible to run for the consulship until 10 years had elapsed.

18 Gelzer, *Caesar: Politician and Statesman*, 180; Seager, *Pompey the Great*, 137.

19 Cic. *Att.* 7.1.4.

20 Plut. *Pomp.* 56; Caes. *BC* 1.32; App. *BC* 2.25.

21 Cic. *Fam.* 6.6.5.

two bills which seemed to seriously endanger Caesar's position. The first bill, the *lex Pompeia de jure magistratuum*, stated explicitly that candidates for all magistracies would have to enroll themselves in person to be eligible for election.<sup>22</sup> When it was brought to Pompey's attention that it directly contradicted the law of the ten tribunes, Pompey then had the bill recalled and noted that Caesar was specifically exempt from the bill's requirement. This addition, as everyone knew, had not been enacted by popular vote and thus had no legal force. It defies all logic that Pompey unknowingly passed a bill that nullified a bill he had just supported.<sup>23</sup> In all likelihood, Pompey was sending Caesar the message that Caesar's political existence depended on Pompey's support and that his support could not be taken for granted.<sup>24</sup> Pompey's alliance with Caesar had proven a useful counterweight to *optimates* hostility in the past, but he was willing to cooperate with them to maintain his current political supremacy.

Pompey's second bill, the *lex Pompeia de provinciis*, mandated a five year waiting period between a magistrate's term in office and his pro-magistracy.<sup>25</sup> The bill was mainly intended as a counter-measure against the rampant bribery that had characterized recent elections. Successful candidates would now have to wait for five years to recoup the expenses they had incurred to win the election. Since under the new law consular provinces would no longer be assigned before the election, Caesar's provinces were now theoretically open for assignment at any time after 1 March 50 without any prior notice. Caesar and his adherents were outraged when they discerned the implications of the bill, but in reality it did little actual harm to Caesar. Since future proconsular assignments were subject to tribunician veto, Caesar would simply

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22 Dio 40.56.1.

23 Gruen, *LGRR*, 456-7. Gruen is mistaken, however, when he asserts that the law may have included a provision that exempted Caesar. Cicero (Att. 8.3.3) is likely referring to the rider Pompey added to the bill.

24 Seager, *Pompey the Great*, 138-9.

25 Dio 40.56.1.

need the compliance of one tribune to protect his provinces.<sup>26</sup> The *lex Pompeia de provinciis*, along with Pompey's judicial reforms, had gone a long way toward restoring order in Rome, but it did have one unexpected result. Previous consuls who had elected not to serve as proconsuls following their term in office were now needed to govern provinces. Much to his displeasure, Cicero was one of the first ex-consuls selected. He left to take over administration of the province of Cilicia in April of 51.<sup>27</sup>

En route to Cilicia, Cicero was invited to spend a few days at Pompey's house in Tarentum. Before the meeting, Cicero had hoped for some advice concerning his upcoming proconsulship and was eager as always to discuss politics.<sup>28</sup> Afterwards, Cicero said very little about his visit. He simply reported that Pompey was "in the most patriotic dispositions, fully prepared to be a bulwark against the dangers threatening."<sup>29</sup> This statement appears at first glance to be a bit ambiguous. There is no allusion to exactly what dangers were threatening and who or what he would be a bulwark against. In a July letter to Caelius, Cicero remained reluctant to divulge the details of his conversations with Pompey. Cicero affirmed that "Pompey is an excellent citizen and prepared in spirit and counsel to protect the state in whatever way is necessary."<sup>30</sup> Cicero arrived in Cilicia in late July and turned his attention to the protection and administration of his province.

Cilicia promised to be a challenging assignment for the fifty-five year-old Cicero. Cilicia had been the stronghold of the pirates that Pompey had defeated in 67, and much of the province remained beyond the reach of Roman rule. In addition, Cilicia's proximity to the Euphrates River, which served as the border between Rome and Parthia, made it likely that the governor of Cilicia would be involved in the event

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26 Gruen, *LGRR*, 460.

27 Cic. *Fam.* 3.2.1.

28 Cic. *Att.* 5.6.1.

29 *Ibid.*, 5.7.

30 Cic. *Fam.* 2.8.2.

of a war with Parthia. Tensions with Parthia had been rising since Crassus's disastrous invasion in 53, and a large-scale Parthian counter-attack was expected.<sup>31</sup> Many in Rome thought the threat was serious enough to send Pompey to fight the Parthians or recall Caesar from Gaul and send him.<sup>32</sup> As late as February of 50, there was still talk of Pompey mounting another Eastern campaign.<sup>33</sup> Whereas a younger, more ambitious, politician may have seen an assignment there as an opportunity for military conquest and financial enrichment, to Cicero his proconsular assignment effectively meant that he was once more exiled from the center of Roman politics.<sup>34</sup> By early August, Cicero was already complaining that he had long been kept in "total ignorance of affairs in Rome."<sup>35</sup>

In spite of his misgivings, Cicero was very active during his term as proconsul. He took his judicial responsibilities seriously and made the reduction of corruption among local officials a priority.<sup>36</sup> As a result, the province, which Cicero had labeled "permanently ruined" when he arrived there,<sup>37</sup> became much more profitable, and Cicero became very popular with the *publicani*.<sup>38</sup> Cicero's proconsulship was also successful militarily. In this capacity, Cicero undoubtedly relied upon C. Pomptinus, who had governed Transalpine Gaul and had considerable military experience, as well as his brother Quintus, who had fought as a legate for Caesar in Gaul. Cicero made adequate preparations to defend the province from a Parthian invasion, but the Parthian threat never materialized.<sup>39</sup> Instead, Cicero focused his attention on an inland fortress, which served as base for local outlaws. He placed

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31 Cic. *Fam.* 15.5.1; Cic. *Fam.* 5.16.4.

32 Ibid., 8.10.2.

33 Cic. *Att.* 6.1.3.

34 Cic. *Fam.* 3.2.1.

35 Cic. *Att.* 5.15.3.

36 Cic. *Fam.* 15.4.2.

37 Cic. *Att.* 5.16.2.

38 Ibid., 6.2.4-5.

39 Cic. *Att.* 5.14.1; *Att.* 5.16.4.

the fortress under siege and quickly obtained its surrender in December of 51 without the loss of a single Roman soldier.<sup>40</sup> On another occasion, Cicero's army saluted him with shouts of "imperator," a long-honored distinction for Roman generals.<sup>41</sup> Overall, Cicero's proconsulship had been a success. Though far from spectacular when compared with Pompey's former exploits or Caesar's campaigns in Gaul, Cicero was deservedly proud of his administration and insisted that the Cilicians felt the same. "I have the loyalty of the provincials," he claimed, "in far greater measure than any governor before me."<sup>42</sup> Nevertheless, when Cicero heard that Hortensius had proposed that Cicero's proconsulship be extended beyond 50, Cicero pleaded with Atticus to ensure that the extension was not carried through.<sup>43</sup>

Spotting a good opportunity to publish his exploits to the Roman people, Cicero mounted a campaign to obtain the observance of a *supplicatio*, or public thanksgiving, in honor of his service.<sup>44</sup> Cicero's hopes were not without precedent. After all, Rome had celebrated twenty days of public thanksgiving following Caesar's victory at Alesia in 52.<sup>45</sup> Unfortunately for Cicero, Cato felt otherwise. Hoping to secure Cato's support, or at least his approval, Cicero composed a letter to Cato in which he detailed his accomplishments in Cilicia and as consul in 63, Cato's supposed friendship during Cicero's exile, and their common philosophies.<sup>46</sup> In response, Cato commended Cicero's administration in Cilicia but remained non-committal about the proposition of a *supplicatio*.<sup>47</sup> Despite Cato's protest in the senate, Cicero ultimately

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40 Ibid., 5.20.1,5.

41 Cic. *Att.* 5.20.3; Plut. *Cic.* 36.

42 Cic. *Att.* 5.18.2. See also, *Att.* 5.17.3.

43 Cic. *Att.* 5.17.5.

44 Cic. *Fam.* 15.10.2; *Fam.* 15.13.2-3.

45 Caes. *BG* 7.89; Suet. *Caes.* 24; Gelzer, *Caesar*, 163, note 6. According to Gelzer, Caesar's enemies had supported the measure because it helped to prove their point that the war in Gaul was over and that Caesar should disband his army and return to Rome.

46 Cic. *Fam.* 15.4.1-16.

47 Ibid., 15.5.1-2.

received his *supplicatio*.<sup>48</sup> Not content, Cicero entertained thoughts of a triumph.<sup>49</sup>

Despite his isolation, Cicero remained keenly interested in the growing political drama that was unfolding in Italy. Luckily for Cicero and for historians of the period, M. Caelius Rufus, who was in Rome as an *aedile* in 50, corresponded with Cicero frequently and provided a detailed account of the increasing polarization surrounding Caesar's administration of Gaul. Between Cicero's departure in April of 51 and his return to Italy in November of 50, the political battle between Caesar and the *optimates* dramatically intensified up to the point where civil war seemed almost inevitable. The intransigent opposition of Cato and the *optimates* had essentially backed Caesar into a corner and faced him with the possibility of political destruction, but it had very real consequences for Pompey as well. For although Pompey had made clear his willingness to cooperate with the *optimates* while at the same time remaining for all intents and purposes loyal to Caesar, the events of 51 and 50 forced Pompey to choose sides once and for all.

The question of Caesar's provinces provoked intense debate throughout 51. The consul M. Claudius Marcellus attempted to bring the topic up for discussion on 1 March, a full year before Caesar's command was set to expire, but this was prevented by tribunician veto.<sup>50</sup> Marcellus then proposed that Caesar's colony at *Novum Comum* in Cisalpine Gaul be stripped of their Roman citizenship.<sup>51</sup> To make his point – that Caesar's grant of citizenship was not valid – more clearly, Marcellus had a citizen of the colony publicly flogged.<sup>52</sup> Marcellus then turned to Caesar's provinces again in the summer. He tried to schedule a discussion concerning Caesar's replacement in

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48 Cic. *Fam.* 15.11.1; *Att.* 7.1.7.

49 Cic. *Att.* 6.6.4; *Att.* 6.8.5; *Att.* 6.9.2.

50 Dio 40.59.1.

51 Suet. *Caes.* 28.

52 Cic. *Att.* 5.11.2; App. *BC* 2.26; Plut. *Caes.* 29.

June, August, and September, but each time the topic was postponed.<sup>53</sup>

In October, Caelius dispatched a letter to Cicero which contained the text of a series of resolutions which the senate had passed. The first resolution (and only resolution to pass without veto) fixed 1 March 50 as the day on which the consular provinces would receive priority above all other business.<sup>54</sup> Perhaps most importantly, Pompey made a couple of ambiguous comments that are difficult to explain. When asked what he would do if a tribune attempted to veto the reassignment of Caesar's provinces on that day, Pompey said he would hold Caesar responsible. He then responded to a follow-up question about Caesar attempting to keep his command and the consulship with the phrase, "What if my son should want to take a stick to me?"<sup>55</sup> Although Pompey's intent was to convince the senate of his own confidence in his ability to defend the State, when taken together, these comments certainly hint that he was at least considering breaking his alliance with Caesar. For his part, Caelius believed that the two men had come to an agreement and that Caesar would pick either the consulship or his proconsular command, but not both.<sup>56</sup> In reality, Pompey had no intention of removing Caesar from his command at this point. Pompey's position in Rome depended upon the threat of Caesar. At the same time, however, Pompey would not tolerate the suggestion that Caesar had become his equal.<sup>57</sup>

On 1 March of 50 the senate convened, and the consul C. Marcellus attempted to hold the discussion that had been decreed in October. Only days before, the previously anti-Caesarian tribune, C. Scribonius Curio, had revealed that he was now serving Caesar's interests.<sup>58</sup> It was rumored that Caesar had bought him off.<sup>59</sup> At the

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53 Cael. *Fam.* 8.1.2; *Fam.* 8.4.4; *Fam.* 8.9.2.

54 *Ibid.*, 8.8.5.

55 *Ibid.*, 8.8.9.

56 *Ibid.*, 8.8.9.

57 Seager, *Pompey the Great*, 142.

58 Dio 40.60.3; App. *BC* 2.26; Plut. *Pomp.* 58.

meeting, Curio proposed a solution to the problem that he was to repeat throughout the year: both Pompey and Caesar should give up their commands at the same time.<sup>60</sup> Pompey had prolonged his proconsular command in Spain in 52 and thus controlled the seven legions that were assigned to its two provinces, Hispania Citerior and Ulterior.<sup>61</sup> The proposal seemed reasonable and was undoubtedly calculated to appeal to those senators who simply wanted to avoid war. But Pompey was not about to voluntarily disband his leverage with both *optimates* and with Caesar, nor would he submit to the dictates of a man who may have received his instructions straight from the proconsul of Gaul. Curio repeated this proposal throughout the year to show the uncommitted senators that Caesar was reasonable and wanted to prevent civil war just as they did. The fact that Pompey refused to comply with the solution could only mean that he wished to maintain a privileged position with nobody to challenge him.<sup>62</sup> Curio's suggestion was defeated, but the meeting ended without a vote on Caesar's provinces.

With tensions mounting with Parthia during the summer, it was proposed that Pompey and Caesar each contribute one legion to a relief force.<sup>63</sup> Caesar had previously borrowed a legion from Pompey during the winter of 54/53 B.C. Pompey suggested that it would be easier if this legion was sent along with one additional legion from Caesar's army. The net result was that Caesar would lose two legions. Caesar complied but gave each legionary 250 drachmae as they left.<sup>64</sup> In fact, the legions were never sent to the East. They were kept near Rome and later placed under

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59 Plut. *Pomp.* 58; Plut. *Caes.* 29.

60 Dio 40.62.3; Plut. *Pomp.* 58; *Caes.* 30.

61 Dio 40.44.2.

62 Seager, *Pompey the Great*, 144.

63 Ibid., 40.65.2; App. *BC* 2.29.

64 Hirt. *BG* 8.54.1; App. *BC* 2.29.114; Plut. *Caes.* 29.



Pompey's command.<sup>65</sup>

Pompey then fell gravely ill while he was staying at Naples.<sup>66</sup> The precise nature of the illness is not known, but there was genuine fear throughout Italy that Pompey could die. Had this happened, the future of the Roman Republic may have unfolded very differently. It is possible that without Pompey there to back up the senate they may have been more open to allowing Caesar to return to Rome and take up the *fasces* as consul in 48. Pompey, though, did not die during the summer of 50. Possibly lifted by the outpouring of support that was expressed all across Italy, he soon recovered more vigorous and confident than ever. As he made his way back to Rome, he was met by crowds of well-wishers and showered with flowers. Mistakenly believing that these sentiments would translate into volunteers to fight for him in the event of a war with Caesar, Pompey read more into the popular response than was warranted.<sup>67</sup> Pompey made his confidence public, claiming that all he would have to do was to stamp his foot on the ground and “there will rise up armies of infantry and armies of cavalry.”<sup>68</sup> In time Pompey would find that this statement was completely without basis in reality.

When Cicero arrived in Italy in November, he understood the grave danger that Rome faced but was unsure what to do. In a letter sent to Atticus in October, while Cicero was in Athens, he had laid out the strategy he had followed since Luca: stay close to Pompey and not offend Caesar, since Caesar was Pompey's close ally at the time.<sup>69</sup> As a result, Cicero now believed that both men would count on his support. His uncertainty was genuine. Cicero's obligation to Pompey following his return from exile was well-known, but Pompey was careful to praise Cicero in a meeting with

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65 Plut. *Pomp.* 56; *Caes.* 29; *Caes. BC* 1.3.

66 Plut. *Pomp.* 57.

67 *Ibid.*, 57.

68 *Ibid.*, 57.

69 Cic. *Att.* 7.1.3.

Atticus and support Cicero's claims to a triumph.<sup>70</sup> As Cicero would have remembered, Caesar had also signed off on Cicero's restoration. Furthermore, Caesar had employed Cicero's brother as a legate in Gaul and given him a sizable loan as well,<sup>71</sup> not to mention Caesar's cultivation of Cicero's literary interests. Cicero chose to wait outside Rome in expectation of celebrating a triumph. Without a doubt Cicero eagerly sought a triumph, doubly so since his required wait outside the city would ensure that he was not in the senate when the matter of Caesar's command was brought up.<sup>72</sup> Siding against either man would be difficult, but, as Cicero realized, there was no middle ground. Cicero was clear, however, that in the event of civil war he would side with Pompey without question. As he put it, "defeat with one is better than victory with the other."<sup>73</sup>

By the time he next wrote to Atticus, on 9 December, Cicero seemed to have a clearer grasp on the situation and how he would handle the looming crisis. His view of Caesar had hardened somewhat. Cicero rehashed the unconstitutionality of Caesar's consulship, Caesar's role in his own exile, the extension of his command following the council of Luca, and his push to have it extended again through the law of the ten tribunes.<sup>74</sup> As Cicero well knew, Pompey had been complicit in each of these actions. The distinction lay in the cause for which both men, at least in Cicero's mind, were beginning to symbolize. In his view, "the desperate city rabble" and "the debt-ridden" were Caesar's base of support.<sup>75</sup> Despite his close association with both Pompey and Caesar in recent years, Cicero remained an *optimatus* at heart, and

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70 Ibid., 7.2.5.

71 Ibid., 7.3.11.

72 Ibid., 7.1.5.

73 Ibid., 7.1.4.

74 Ibid., 7.3.4.

75 Ibid., 7.3.5.

Pompey had become the champion of the *optimates*.<sup>76</sup>

Pompey and Cicero met on 10 December and had a frank discussion of current political affairs. In the meeting, Pompey confirmed the badly-kept secret that he and Caesar were not on good terms.<sup>77</sup> More disturbing to Cicero, though, was Pompey's belief that war with Caesar was now inevitable. The consul, M. Claudius Marcellus, had already unilaterally instructed Pompey to recruit soldiers in Italy for a possible war with Caesar.<sup>78</sup> Pompey had welcomed the command and set about his task eagerly. Cicero did not completely agree with Pompey's assessment that war with Caesar was inevitable. He could not yet believe that Caesar would risk civil war over a personal dispute with Pompey.<sup>79</sup> Given Cicero's previous opinion that he would advise Pompey toward peace, there is little doubt as to Cicero's response to Pompey's prediction. Perhaps the most important revelation in the meeting, though, is that Pompey was once again showing concern for Cicero. Pompey reiterated his support for Cicero's triumph and pledged to speak for him in the senate.<sup>80</sup> Pompey clearly understood, as did Caesar, that winning the support of moderates like Cicero would be crucial.

It is clear, however, that Cicero did not support Pompey of his own free will. Instead, Cicero pointed to his obligation to Pompey, which remained just as valid as it had been after his recall during the summer of 57.<sup>81</sup> Cicero's greatest fear, however, was the powers that Caesar could unleash against Rome. As Cicero saw it, Caesar had the might of Gaul and northern Italy behind him, as well as a strong army and the

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76 Ibid., 7.3.2.

77 Ibid., 7.4.2.

78 Plut. *Pomp.* 59.

79 Cic. *Att.* 7.4.3.

80 Ibid., 7.4.2.

81 Ibid., 7.6.2.

support of the discontented youth in Rome.<sup>82</sup> Caesar's position was far stronger than those of Lepidus and Catilina had been in the Rome's most recent civil uprisings. Cicero also feared Caesar's brutality. In fact, he anticipated that Caesar would be “no more merciful than Cinna in the slaughter of leading men and no more temperate than Sulla in plundering the rich.”<sup>83</sup> It was for these reasons that Cicero would support Pompey in the senate, rather than any confidence in Pompey's character. Although he feared proscription in the event of defeat to Caesar, the fruits of victory were likely to be slavery to Pompey.<sup>84</sup> Cicero clearly had little confidence that Pompey would restrain himself if he won the coming struggle. This need not mean a brutal dictatorship, which he certainly feared in the case of a Caesarian victory, but the usurpation of near unlimited prestige and the command of the vast majority of Rome's legions. This scenario was preferable to dictatorship, but the best option of all would be peace and Cicero was determined to make every effort possible to avert the destruction of the State.

The senate convened on 1 January of 49 under the auspices of new consuls, Lentulus and C. Claudius Marcellus – the third Claudius Marcellus to serve as consul in three years. Events quickly took a turn for the worse when the consuls were confronted with a letter from Caesar, which he wanted read aloud to the senate. After some resistance from the consuls, the tribunes Q. Cassius Longinus and M. Antony finally received permission to read its contents.<sup>85</sup> According to Cicero, the letter's tone was ominous.<sup>86</sup> Caesar again repeated his proposal that both Pompey and he disband their armies together and enumerated his numerous exploits on behalf of the Republic,

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82 Ibid. 7.7.6.

83 Ibid. 7.7.7.

84 Ibid. 7.7.7.

85 Dio 41.1.1-2.

86 Cic. *Fam.* 16.11.2.

but he then went on to threaten civil war if Pompey did not reply.<sup>87</sup> If Caesar had intended to frighten the senate into cooperation, then his letter was a serious mistake in judgment. Scipio used the general state of consternation that the letter aroused in the senate to announce a warning assumed to come straight from Pompey's mouth. If the senate did not support him now, they would look in vain for his help in the future.<sup>88</sup> Lentulus was then able to pass a vote against Caesar: if Caesar did not dismiss his army before a set date, then he would be declared a public enemy.<sup>89</sup> To Lentulus's displeasure, Cassius and Antony immediately vetoed the vote.<sup>90</sup> It became clear to the *optimates* that Cassius and Antony would use the tribunician veto to protect Caesar as Curio had during the previous year, and their patience began to run thin.

When Cicero arrived outside of Rome on 4 January, expecting to press his claims to a triumph for his actions as the governor of Cilicia, it soon became clear that he must attempt to play the role of the great peacemaker.<sup>91</sup> He was perhaps the only senator of consequence who had worked closely with both men in the recent past, and he possessed the added leverage of commanding an army outside the city. Cicero made his first proposal in response to a letter he had received from Caesar, who implored Cicero to help him reach an agreement with Pompey. According to the terms, Caesar would be allowed to run for the consulship in the summer of 49 and hold on to Cisalpine Gaul, Illyricum, and two legions in the meantime.<sup>92</sup> When Pompey and the *optimates* proved unmoved by Caesar's generosity, Cicero proposed that Caesar remain in possession of only Illyricum and one legion. Pompey may have

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87 Dio 41.1.3-4; Plut. *Pomp.* 59; *Caes.* 30.

88 *Caes. BC* 1.1.

89 *Ibid.*, 1.2.

90 Plut. *Caes.* 30.

91 Plut. *Cic.* 37.

92 Plut. *Caes.* 31.

been willing to accept this second proposal, but his *optimata* friends remained obdurate.<sup>93</sup> There would be no agreement that allowed Caesar to escape their justice. In the end, Cicero's eleventh hour attempt was unsuccessful because Pompey and the *optimates* refused to give an inch to Caesar.<sup>94</sup> They had infused each other with such confidence that they regarded negotiations as unnecessary.

By 7 January the senate had simply had enough of Caesar and the tribunes who used their vetos to protect him. Cassius and Antony foiled the *optimates* once again when it tried to name successors to Caesar's provinces. With friendly tribunes, Caesar could plausibly have staved off attempts to replace him and hung on to his provinces and army for another year, by which time he would have entered the consulship and escaped prosecution. This prospect was completely unacceptable to Caesar's enemies. Accordingly, the senate passed the *senatus consultum ultimum* (*s.c.u.*) and decreed that every magistrate near Rome who possessed *imperium* was to see that the State came to no harm.<sup>95</sup> The consul Lentulus then advised Cassius and Antony to leave the city for their own safety. Joining Caelius and Curio, the two tribunes made their way to Caesar and brought with them perhaps his greatest justification for civil war.<sup>96</sup> Although the senate had demonstrated on several occasions its right to pass the *s.c.u.* when it believed the State was in grave danger, it could not threaten the tribunes, who had been regarded for centuries as sacrosanct. Caesar immediately saw his opportunity.<sup>97</sup>

Caesar crossed the Rubicon on 11 January, starting the war that Cicero and most of Italy dreaded but that Pompey seemed to welcome. Caesar claimed that he was upholding the sacred rights of the tribunes, though his own portrayal of his

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93 Ibid., 31.

94 Cic. *Fam.* 9.6.2; Caes. *BC* 1.4.

95 Caes. *BC* 1.5.

96 Plut. *Caes.* 31; App. *BC* 2.33.

97 Dio 41.4.1.

reasoning belies the real reason for his actions. Caesar was defending his *dignitas*.<sup>98</sup> After his stellar political career and outstanding accomplishments in Gaul, he could not accept the humiliations that Pompey and the *optimates* were offering. Pompey had orchestrated the entire affair in recent months to ensure that if Caesar returned it was under his own protection.<sup>99</sup> To Caesar, coming back without a second consulship and under Pompey's protection was equally as offensive as his proposals were to the senate. Caesar would continue to at least feign that a diplomatic solution could be found, but in reality there was no plausible solution that would be acceptable to both Pompey and himself. Pompey had backed himself into a corner with his public support of the *optimatus* position, and now his own sense of *dignitas* precluded any compromise. In the words of Syme, Pompey was "swept forward by uncontrollable forces, entangled in the embrace of perfidious allies."<sup>100</sup> There was nothing that Cicero or anyone else could do except to pick a side and hope for the best.

Pompey's optimism proved to be unfounded. Caesar swept through northern Italy, and in the resulting chaos there was no way for Pompey to know exactly how far he was from Rome or how much time he would have to equip and train the recently levied recruits.<sup>101</sup> Accordingly, Pompey evacuated his army from Rome on 17 January, and Cicero grudgingly followed him the following day.<sup>102</sup> Although Caesar commanded only one legion, Pompey had no intention of meeting him in the field at the command of the two legions Caesar had recently sent to Italy. Pompey likely ascertained within days of the invasion that Rome could not be held and that evacuation from Italy was the only sound military strategy. Pompey held

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98 Caes. *BC* 1.7.9.

99 Seager, *Pompey the Great*, 144-5, 149.

100 Syme, *Roman Revolution*, 43.

101 Plut. *Pomp.* 61; *Caes.* 33; App. *BC* 2.35.

102 Cic. *Att.* 7.10.

unquestioned control of the seas, and he could return to Italy at the head of a much larger, trained army and retake the capital.<sup>103</sup> Given the fact that the speed of Caesar's invasion had left Pompey with little time to train the new recruits as well as the overall state of unpreparedness that prevailed in Rome, this may have been the right decision.<sup>104</sup> Unlike Cicero, however, Pompey did not understand the psychological impact of his abandonment of Rome.

As a result of the passage of the *s.c.u.* on 7 January, Cicero found himself once again charged with a military command, though completely in the dark about Pompey's plans. As a magistrate holding *imperium*, he was called upon to supervise the recruitment of troops in Campania.<sup>105</sup> Cicero had left Rome with extreme reluctance and continued to hold the opinion on 27 January that peace could still be reached.<sup>106</sup> Failing that, he still thought Rome could be defended. It should be possible, he reasoned, to cut off Caesar from his legions in Gaul. This would leave him with only one legion. Furthermore, the legions in Spain could be summoned to Italy, leaving Caesar between two forces. To Cicero's disbelief, Pompey heeded none of these strategies and seems to have turned a deaf ear to Cicero.<sup>107</sup> By 22 January, Cicero was already afraid that Pompey planned to abandon Italy completely.<sup>108</sup> This supposition, along with Cicero's belief that Pompey was in a state of panic, led Cicero to question his leadership.<sup>109</sup> According to Cicero, Pompey's flight from Rome had started to have a real psychological impact outside of the capital.<sup>110</sup> To many – Cicero included— their flight from the capital was equivalent to abandonment of the

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103 Everitt, *Cicero*, 209.

104 Seager, *Pompey the Great*, 153-4.

105 Cic. *Att.* 7.11.5.

106 Cic. *Fam.* 16.12.1-4.

107 Cic. *Att.* 7.12.3.

108 *Ibid.*, 7.12.2.

109 *Ibid.*, 7.13.1.

110 Cic. *Att.* 7.11.4; cf. Dio 41.7-9.



fatherland.<sup>111</sup>

By 5 February, Cicero's sense of confusion had given way to desperation. He had heard that Caesar's army was bearing down on them. But, as Cicero reasoned, Caesar would have nobody to fight since Pompey would not be there to fight him.<sup>112</sup> To make matters worse, recruiting was not progressing as Pompey had predicted.<sup>113</sup> Though he was angry with the conduct of the consuls, Cicero reserved his harshest assessment for Pompey, who he believed had “no courage, no plan, no forces, no energy.”<sup>114</sup> Cicero expressed his own fear that Caesar would capture Pompey, and even wondered whether or not he should surrender himself to Caesar.<sup>115</sup> By 18 February, Cicero was convinced that Pompey was planning to abandon Italy but was unsure if he would follow him. Among the reasons Cicero listed to join Pompey were his obligation to him, their friendship, the *optimata* cause, and the fact that he would fall into the hands of Caesar if he stayed.<sup>116</sup> On the other hand, Cicero pointed to Pompey's shameful conduct of the war and his ultimate responsibility for Caesar's rise to power as reasons to stay.<sup>117</sup> Completely disgusted with Pompey, Cicero informed Atticus that he knew whom to flee but not whom to follow.<sup>118</sup>

Cicero was not alone in his conviction that Italy should be held at all costs. In early February, L. Domitius Ahenobarbus established himself in Corfinium with an army that eventually grew to thirty cohorts.<sup>119</sup> As soon as he heard of Domitius's plan to defend the city, Pompey immediately ordered him to evacuate his army and meet him at Luceria. In response, Domitius declared his intention to impede Caesar's

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111 Mitchell, *Cicero*, 254.

112 Cic. *Att.* 7.20.1.

113 Cic. *Att.* 7.14.2; *Att.* 7.21.1.

114 *Ibid.*, 7.21.1.

115 *Ibid.*, 7.22.1-2.

116 *Ibid.*, 8.3.2.

117 *Ibid.*, 8.3.3.

118 Cic. *Att.* 7.7.3; Plut. *Cic.* 37.

119 Plut. *Caes.* 34.

advance and hold him to the north. It is possible that Domitius was completely blinded by his hatred of Caesar, though far more likely that he thought he could force Pompey to come to his rescue and confront Caesar in Italy. Pompey reported to Cicero on 9 February that Domitius was planning to leave Corfinium and join him and advised Cicero to do the same<sup>120</sup> If Domitius had indeed said this, he quickly changed his mind and resolved to stay. Caesar arrived at Corfinium in mid-February and put the city under siege.<sup>121</sup> Domitius's situation quickly became critical as Caesar received more reinforcements. He sent repeated messages to Pompey, but Pompey refused to allow Domitius's obstinacy to alter his strategy and left Domitius to his fate.<sup>122</sup> By late February, both Domitius's army and the people of Corfinium had had enough, and Domitius was forced to surrender. About fifty senators and *equites* were rounded up, and Caesar granted each of them a pardon.<sup>123</sup> It was a propaganda coup that advertised his clemency to the whole of Italy. Believing that it was safe to return, many senators abandoned Pompey's cause and returned to Rome.<sup>124</sup>

Cicero was courteous in his correspondence with Pompey and professed his willingness to carry out his command, but privately Cicero was incensed about the whole state of affairs. With Picenum lost, Domitius's army surrendered, and Pompey still on the run, the *optimates* cause seemed lost. Cicero then mistakenly read an order from Pompey to the consuls to leave a garrison at Cumae to mean that Pompey planned to join Domitius or at least planned to defend Italy.<sup>125</sup> On 20 February, though, Pompey wrote a letter to Cicero that dispelled all doubt about his strategy:

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120 Cic. *Att.* 8.11A.

121 Dio 41.10.2.

122 *Ibid.*, 41.11.

123 Caes. *BC* 1.16-23.

124 Cic. *Att.* 8.13; *Att.* 8.16.1-2; Plut. *Caes.* 34.

125 Cic. *Att.* 8.6.2.

Cicero was to proceed to the Adriatic port of Brundisium immediately.<sup>126</sup> In his reply, Cicero expressed his disappointment in Pompey's strategy and informed him that he believed Caesar's forces had already cut him off from Brundisium.<sup>127</sup> He went on to justify his tardiness in following Pompey's orders and to say that he was confident that Pompey had "excellent reasons for all that [he] had done."<sup>128</sup> Nonetheless, on the exact same day he dispatched a letter to Atticus in which he accused Pompey of planning to "bring savage races to Italy" and said Pompey had been "hankering for a long while after despotism on the Sullan model."<sup>129</sup> On 17 March all hope of defending Italy from Caesar vanished when Pompey and the last cohorts of his army sailed across the Adriatic to Dyrrhachium.<sup>130</sup>

Cicero remained indecisive for months after Pompey left. In an attempt to justify his inaction, Cicero explained to Atticus that he had feared Pompey and Caesar would work out their disagreement as they had in the past and turn on him if he had chosen one over the other.<sup>131</sup> He continued to support Pompey's cause, but vehemently disagreed with his strategy and did not like that Pompey would not even discuss the war with Cicero.<sup>132</sup> Cicero continued to believe that the result of the war would be dictatorship no matter who won.<sup>133</sup>

Caesar reached out to Cicero soon after he invaded Italy. In February he sent Cicero a personal letter and asked him to stay neutral and remain in Italy.<sup>134</sup> Then in late March, Caesar visited Cicero at Formiae and pleaded for him to come to Rome.<sup>135</sup>

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126 *Ibid.*, 8.11c.

127 *Ibid.*, 8.11d. 4.

128 *Ibid.*, 8.11d.5.

129 *Ibid.*, 8.11.2.

130 *Cic. Att.* 9.15a; *Dio* 41.12.3.

131 *Cic. Att.* 10.8.5.

132 *Ibid.*, 7.13.2.

133 *Ibid.*, 8.11.2.

134 *Ibid.*, 7.21.3.

135 *Ibid.*, 9.18.1.

Caesar's government was seen by many as illegitimate, and Cicero's presence in the senate could have helped him tremendously. Cicero told Caesar to his face that he would speak his mind if he returned and would not shy away from supporting Pompey. Caesar dropped the issue but continued to pressure Cicero not to join Pompey.<sup>136</sup> Antony wrote Cicero in April, pledging his affection and begging Cicero “not to trust a man who to do you a service first did you an injury.”<sup>137</sup> Antony was clearly alluding to Pompey's role in Cicero's exile. Cicero ultimately could not stand to be seen as complicit in Caesar's government. Referring to Caesar, Cicero said he expected “a massacre if he wins and an onslaught on private property and return of exiles and cancellation of debts and elevation of rascallions to office and despotism worse than any Persian, let alone a Roman, could endure.”<sup>138</sup> In other words, he foresaw the worst state of affairs that he could imagine. After months of planning, on 7 June Cicero finally boarded ship for Greece, an exile once more.<sup>139</sup>

While Pompey set about recruiting and training an army in the Balkans, Caesar turned his attention to the west. Caesar realized that he would not be free to take on Pompey until he had dealt with the seven Pompeian legions in Spain and acquired enough ships to cross the Adriatic with a sizable force. Ordering the majority of his legions to meet him in Spain, Caesar set out for the west. When the port city of Massilia refused to allow him entry, he placed the city under siege and left an army under the command of one of his legates to carry on the blockade.<sup>140</sup> Arriving in Spain, Caesar engaged in a short campaign of maneuver against the Pompeian legates, M. Petreius and the former consul L. Afranius. Within a matter of weeks, Caesar was

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136 Cic. *Att.* 10.8b.2; *Att.* 10.9.1.

137 *Ibid.*, 10.8a.2.

138 *Ibid.*, 10.8.2.

139 Cic. *Fam.* 14.7.

140 Caes. *BC* 1.34-6.

able to effect the surrender of Pompey's entire Spanish army and supervise the final stage of the siege of Massilia.<sup>141</sup> Having succeeded in both campaigns, Caesar returned to Rome and prepared for the final confrontation with Pompey and the senate.

During their final months together, relations between Cicero and Pompey were pushed to the breaking point. When Cicero arrived in Pompey's camp sometime during the summer or fall of 49, he made no secret of the fact that he had come reluctantly.<sup>142</sup> Adding to his initial hesitation to join Pompey at Brundisium, Cicero now employed his famous wit against his ally. Macrobius attributed to Cicero a series of barbs aimed at the heart of Pompey's greatest failures. In one example, Pompey asked Cicero where his son-in-law Dolabella was, to which Cicero responded that he was with Pompey's father-in-law.<sup>143</sup> This was an obvious allusion to Pompey's recent alliance with Caesar. Cicero also called into question Pompey's leadership just as he had in Italy and lamented the fact that Pompey had failed to win them back their citizenship, which in his estimation they had abandoned when they fled from Italy. Far from taking Cicero's criticism quietly, Pompey then expressed his desire that Cicero would go to Caesar's camp. Then, Pompey reasoned, Cicero would fear him.<sup>144</sup> Though symptomatic of the state of the relationship at the time, exchanges such as these need not have ended the relationship. The stress of the situation in which both men found themselves could have tested the bonds of stronger allies. All would be forgiven if Pompey could win the war, and Cicero had regained confidence that he would.<sup>145</sup>

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141 Dio 19-25; Plut. *Caes.* 36; App. *BC* 2.42-3; Caes. *BC* 1.37-87, 2.1-22.

142 Plut. *Cic.* 38.

143 Macr. *Sat.* 2.3.7.

144 Ibid. 2.3.8.

145 Cic. *Att.* 11.3.3.

During the autumn of 49, Caesar was able to collect troop transports and run the blockade of the *optimates* fleet, arriving safely on the coast of the Balkans near Oricum.<sup>146</sup> Once again, Caesar had caught Pompey off-guard. Antony was able to join Caesar a few months later with the rest of his army, bringing Caesar's forces to over twenty-thousand. Even with the reinforcements, Pompey's army was more than twice as large as Caesar's; but, now that he had complete control of the sea and thus an easier supply situation, he had no intention of offering battle. He would attempt to starve Caesar's army, while his army remained well-provisioned near the town of Dyrrhachium. In an effort to reverse the tables and possibly shame Pompey into fighting, Caesar decided to put Pompey's army under siege. Over the following weeks, Caesar's army built a network of trenches and towers surrounding Pompey's army, to which Pompey responded with equally extensive counterworks. Through a well-planned breakout, however, Pompey was able to evacuate his army before Caesar could finish his earthworks and completely encircle him. Utilizing his control of the sea, Pompey moved a detachment of troops down the coast and behind Caesar's unfinished walls and attacked Caesar's flank. Caesar was able to halt his retreating men and launch a full-scale counter-attack, but panic among his ranks and a timely Pompeian attack completely routed his army. Fearing a trap, Pompey held his army back as Caesar's army ran in confusion.<sup>147</sup> With his army defeated but still intact, Caesar retreated inland to locate fresh supplies and attempt to restore his army's morale.<sup>148</sup> Pompey followed but declined to accept Caesar's offers to fight a pitched battle, still confident that he could starve Caesar's army and end the war without further bloodshed.<sup>149</sup>

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146 Dio 41.44; Plut. *Caes.* 37; *Caes. BC.* 3.6.

147 Dio 41.49-50; Plut. *Pomp.* 67; *Caes.* 39; App. *BC* 2.60-2; *Caes. BC* 3.42-71.

148 Dio 41.51.1.

149 *Caes BC* 3.75.

Cicero was not the only *optimatus* who despised how Pompey was fighting the war. As in his conduct of the war in Italy, Pompey's plans in the Balkans were heavily criticized by the senators in his camp. Unlike Caesar, Pompey had to deal with a group of proud aristocrats who held a very different view than he about the conduct of the war. Plutarch and Appian portray a very dysfunctional camp. Domitius, perhaps still angry about Pompey abandoning him at Corfinium, took to calling Pompey "Agamemnon" and "king of kings."<sup>150</sup> Others said that Pompey was delaying battle because he knew that after the war he would no longer be in command. According to Caesar, the *optimatus* leaders were busy dividing up magistracies and the property of Caesarians.<sup>151</sup> Lentulus, Domitius, and Metellus Scipio were said to have quarreled over who would become *pontifex maximus* after they had removed Caesar.<sup>152</sup> Cicero's recollection of the war, albeit on reflection years later, confirms the poisonous state affairs in Pompey's camp. The greedy and "bloodthirsty" state of mind that prevailed in the camp and the extent to which the hawks tried to intimidate those who favored peace made Cicero shudder at the prospect of an *optimatus* victory.<sup>153</sup> Cicero stayed behind at Dyrrhachium when Pompey left in pursuit of Caesar and did not participate in the rest of the campaign due to an illness.<sup>154</sup>

As a result of intense pressure from his officers and against his better judgment, Pompey at last decided to face Caesar in a pitched battle on a large plain near the Greek city of Pharsalus. Although Pompey commanded at least twice as many infantry as Caesar, he knew that his real advantage lay in his cavalry. Pompey deployed a force of seven thousand cavalry at Pharsalus, to which Caesar could

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150 Plut. *Pomp.* 67; *Caes.* 42; App. *BC* 2.67.

151 *Caes. BC* 3.82-3.

152 Plut. *Pomp.* 67.

153 Cic. *Fam.* 7.3.2; cf. *Fam.* 9.6.3.

154 Cic. *Fam.* 9.18.2.

counter a meager one thousand. Pompey placed his cavalry under the command of Caesar's former legate T. Labienus and deployed virtually the entire force on his left wing. Caesar likewise stationed his cavalry opposite Pompey on his right wing. When the battle started, Labienus immediately attacked Caesar's cavalry and began pushing it backwards. Caesar, however, had devised a stratagem to nullify Pompey's advantage. He ordered a fourth line of infantry, which had been hidden from view when the battle began, to attack Labienus. Pompey's cavalry was routed in the ensuing onslaught, and, with its left flank exposed, Pompey's infantry slowly gave way. Within a matter of minutes, Pompey's army dissolved in panic. Caesar captured Pompey's camp and eventually rounded up many of his legates, but Pompey was nowhere to be found.<sup>155</sup>

Pompey escaped the destruction of his army, but he found himself a fugitive among the provinces where he had fought so many successful campaigns. Pompey's cause, however, was not lost. Caesar was in control of Italy, Spain, and the Balkans, but Pompey could still seek protection in several places. Perhaps his most sensible destination was Africa. The *optimates* had completely destroyed Curio's Caesarian force earlier in the summer and remained in firm control of the province.<sup>156</sup> Parthia was also an attractive option. Parthia and Rome had clashed intermittently since Crassus's ill-fated invasion in 53. Consequently, Pompey would likely have found a willing ally and source of troops with which he could once again meet Caesar in battle. In spite of its recommendations, though, Pompey would have understood that leading an army of Parthians against Rome would not have won him any favor from the Roman people. In the end, Pompey decided to go to Egypt. The current pharaoh, Ptolemy XIII, was only a boy, but Pompey had reason to believe that he would be

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<sup>155</sup> Dio 41.58-61; Plut. *Pomp.* 68-72 ;Plut. *Caes.* 42-5; App. *BC* 70-82; Caes. *BC* 3.86-96.

<sup>156</sup> Caes. *BC* 2.23-44.



warmly welcomed when arrived at the Nile Delta. Pompey had been a firm ally and patron of Ptolemy's father, Ptolemy Auletes, when the people of Egypt rebelled from his unpopular rule.<sup>157</sup> Pompey had likely at least given his assent when Gabinius restored Auletes to his throne in 55. Nevertheless, if Pompey expected gratitude from the young pharaoh, he was sorely mistaken.<sup>158</sup>

Pompey arrived at the Mediterranean port of Pelusium a few days after his defeat at Pharsalus and requested asylum from the pharaoh. As Ptolemy was a boy, the important decisions were made by a team of advisers, led by the eunuch Pothinus. When considering the most prudent course of action for both Ptolemy and himself, Pothinus probably believed that he could not afford to consider past favors. Caesar commanded a victorious army in Greece and was only a few days behind Pompey. If Ptolemy protected Pompey, war with Caesar was a virtual certainty. In this scenario, Pothinus faced the very real possibility that Ptolemy – and thus Pothinus as well – would lose his throne.<sup>159</sup> Consequently, they decided to kill Pompey.<sup>160</sup>

With this in mind, Pothinus invited Pompey ashore and promised him an audience with the pharaoh. As if to allay any suspicions that Pompey may have had, Pothinus sent a welcoming party to Pompey's ship that included L. Septimius, a former Roman soldier who had fought for Pompey during the war against the pirates in 67.<sup>161</sup> Pompey feared a trap but decided that it was worth the gamble and boarded the boat anyway. As soon as he stepped aboard, he was attacked by Septimius and stabbed to death. As if to add to the treachery, the Egyptians then severed his head and discarded the rest of his body on the beach, where it remained until it was recovered

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157 Ibid., 3.103.

158 Plut. *Pomp.* 76-7.

159 Ibid., 77.

160 Caes. *BC* 3.104.

161 Ibid., 3.104.

by one of Pompey's slaves.<sup>162</sup> Ptolemy then presented Caesar with Pompey's head when he arrived in Egypt a few days later. Caesar feigned disgust with his killers and sadness at what had happened to his former son-in-law,<sup>163</sup> but there can be little doubt that he was happy to be rid of one of his greatest enemies without having to order the execution himself. It was an unfitting end for the conqueror of the East and the turning point of the war. Caesar had gone from an outlaw on the point of defeat after the battle of Dyrrhachium to the clear favorite to win the war. Caesar still faced determined opposition from Cato and the survivors of Pharsalus in Africa, but there he would fight against far inferior generals.

For Cicero, the defeat and death of Pompey was a disaster on multiple levels. As far as he was concerned, the war was over after Pharsalus. Cato offered Cicero command of the forces which had escaped Caesar and were gathered on the island of Corcyra, but Cicero refused. Even the fury of Pompey's eldest son, Gnaeus, could not persuade Cicero to continue the struggle.<sup>164</sup> It suited Cicero's tastes much better now to return home, reconcile with Caesar, and accuse Cato and the rest of the *optimates* resistance of seeking help from “brute beasts” in Africa.<sup>165</sup> The war had done little credit to his reputation. Slow in joining Pompey, he had then quarreled with Pompey and his officers and abandoned them after Pompey was defeated. Needless to say, the Republic as he had known it was over. The future was uncertain no matter who won the war. Finally, Pompey's defeat deeply impacted Cicero on a personal level. Cicero and his brother Quintus Cicero had been close friends since childhood, but soon after the battle they had a serious dispute. It had started as an argument over money but

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162 Plut. *Pomp.* 77-80.

163 Plut. *Caes.* 48.

164 Plut. *Cic.* 39; Dio 42.10.2.

165 Cic. *Fam.* 9.6.3.

soon intensified.<sup>166</sup> Quintus and his son went to Caesar and blamed Cicero for their opposition to him in hopes of being pardoned.<sup>167</sup> This opened up a deep wound in their relationship that was likely not healed until several months later.

The end of his relationship with Pompey, however, provoked conspicuously few words from Cicero. When he heard news of Pompey's death, he remarked, "I cannot but be grieved at his fate. I knew him as a man of integrity, decency, and high principle."<sup>168</sup> These are not the words of a man who has just lost a close friend. He remembered Pompey as the man who had stood up against Caesar, but also as the man who had given Caesar the power with which he had destroyed the Republic. And Cicero also continued to blame Pompey long after his death for his shameful abandonment of Rome and Italy and for not following his own advice.<sup>169</sup>

After Pompey's death, Cicero lived on for another five years, witnessing the assassination of Caesar and the rise of a new triumvirate along the model of the one he had both attacked and supported. Ironically, given Cicero's assertions that Pompey had plotted to enslave the Republic, Cicero invoked Pompey's name when giving one of his last public speeches in support of the young Caesar Octavian. As Cicero told it, whereas Octavian had spontaneously levied an army to save the Republic from Antony's despotism, Pompey had raised an army and helped to secure the reign of Sulla, the dictator and author of the proscriptions.<sup>170</sup> To Cicero, Pompey's actions had become a historical anecdote.

During the closing years of Pompey's life, the true nature of his relationship with Cicero was laid bare for all to see. Despite Cicero's references to a "friendship"

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166 Cic. *Att.* 11.13.4.

167 *Ibid.*, 11.8.

168 *Ibid.*, 11.6.5.

169 Cic. *Phil.* 2.24.

170 *Ibid.*, 5.43-4.

with Pompey, the struggle against Caesar exposed its firm basis in political opportunism. Pompey's conversion from alliance with Caesar to protector of the *optimates* was a long and complex process that likely began in 52 and reached its conclusion two years later. Cicero had worked to detach Pompey from Caesar since the triumvirate had been formed, but the final break was strictly a political decision. Through overtures to the *optimates* and continued cooperation with Caesar, Pompey was able to maintain political ascendancy throughout the period. He broke with Caesar only when the *optimates* were fully behind him. Pompey welcomed civil war with unwarranted confidence, while Cicero feared the result no matter who ultimately won. Cicero claimed a relationship with both Pompey and Caesar, but in the end chose to support Pompey for two reasons: Pompey had been responsible for his return from exile and now led the cause with which Cicero now identified himself. Cicero believed that he owed his political career to Pompey and, although nearly a decade had passed since his exile, this obligation remained relevant. Besides his personal attachment, Cicero was a firm supporter of the *optimata* cause and likely would have pledged allegiance to whoever led them. Cicero's disgust at how Pompey conducted the war was genuine and came from a man who had first-hand experience of exile, but it need not have meant the end of the relationship. If Pompey had won at Pharsalus, Cicero would have faced heavy criticism from the *optimates* for his tardiness in joining them, and Pompey would have been treated with hostility and suspicion far exceeding what he had experienced when he had returned to Rome in 62. Under these conditions, it is not hard to imagine them becoming political allies once again.

## CONCLUSION

In conclusion, Pompey and Cicero formed a relationship that endured for twenty years, during some of the darkest and most dramatic events in Roman history. Pompey and Cicero had shared a childhood that witnessed the almost complete breakdown of law and order. The wars that ravaged Italy during the eighties undoubtedly defined the future paths that their careers would take. Pompey emerged as the greatest warrior of the time, and Cicero developed the same devotion to law and order that would define his judicial career and guide his administration of the government as consul. Pompey combined his fortunes abroad with a political career that has not been fully appreciated by modern historians. Pompey created his own party of friends and adherents and allied with politicians who promoted his interests as their own. Pompey's political and military skills brought him several extraordinary commands abroad, the powerful grain command, and three consulships. Cicero's hereditary origin, political beliefs, and personal inclinations did not allow him to compete with Pompey for political power. Instead, he had to rely on his abilities as an orator and an attorney and ally himself with powerful men like Pompey.

From humble beginnings, the relationship thrived in time and was often beneficial to both men. The first hints of a relationship are seen in Cicero's defense of Roscius of Ameria, when Cicero was able to call on Pompey's friends and supporters to help him defend his client, who was after all a client of Pompey himself. Cicero's subsequent defense of the *lex Manilia* and the powers it would grant to Pompey in the war against Mithridates was a demonstration of his will to associate himself with

Pompey in the future. However, the real relationship only began when Pompey returned from the East in 62 and would reach its height after 56. Cicero was a strong ally of Pompey in both the courts and the senate, but despite his best efforts he was unable to detach Pompey from his alliance with Caesar.

The relationship survived a number of strains, jealousies, and betrayals that would have left most men in open hostility. Cicero's jealousy of Pompey was apparent to all after Pompey's return from the East. Pompey's successes threatened Cicero's legacy. Pompey, however, was guilty of the most calculated injuries to the relationship. He failed to help Cicero when his ally, Caesar, worked to send Cicero to exile. Pompey's subsequent restoration of Cicero was no less calculated, since he soon needed a cause to rally support for his own protection against Clodius. The final insult of the relationship was Pompey's insistence that Cicero defend his friends in court. Many of these men had been party to Cicero's exile, and his defense of these men was the last blow to his reputation.

Ultimately, the relationship endured these actions because its basis was more political than personal. In fact, its political nature pervaded nearly every aspect of their cooperation. The formation and continuity of the relationship were based on calculations designed to gain specific political goals. In the end, Cicero believed that a dictatorship would result whether Pompey or Caesar won the war. Cicero nevertheless followed Pompey because of an obligation Pompey had placed him under nearly a decade before. In this sense, the true character of the relationship endured to the end.

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