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ABSTRACT

AULUS GABINIUS A POLITICAL BIOGRAPHY

by

Richard S. Williams

This dissertation is a biography of the public career of Aulus Gabinius, consul of 58, based primarily on the ancient authors. The principal sources for Gabinius are Cicero and Dio Cassius, both of whom offer a hostile and distorted picture of his character and career. In contrast, Caesar and Josephus present a very different view, although they deal only with portions of Gabinius' career. Modern writers generally follow Cicero and Dio, however, portraying Gabinius as a base henchman of Pompeius.

Gabinius began his career as a Sullan, serving as ambassador to end the Second Mithridatic War. Following an obscure period, he emerged as a popularis tribune in 67 and passed several important laws, the most renowned being that giving Pompeius the pirate command. Two others dealt specifically with the provincials, one prohibiting loans, the other requiring the Senate to hear foreign envoys. After serving as Pompeius' legate in the East, Gabinius returned to Rome to complete the cursus and held the consulship in 58 as an ally of the triumvirs. In a struggle which overshadowed all other events of that year, Gabinius supported Clodius against Cicero, thus earning the latter's

undying hatred. A consular legislative program is suggested by an extant inscription of a law granting relief to the Delians. Gabinus supported Clodius to secure the important proconsular province of Syria, which Gabinus governed to the benefit of the provincials and to the detriment of the publicani. He also tried to cope with the unsettled conditions within Syria, particularly in Judaea. However, his most spectacular feat was the restoration of Ptolemy Auletes to prevent a hostile government in Egypt. For this he was brought to trial upon his return to Rome and ultimately exiled. He was recalled by Caesar during the civil war only to die in spring, 47 while defending Salonae.

Throughout his career, Gabinus acted as an independent agent, not as Pompeius' henchman. A definite bond existed between the two; but the relationship is better described as amicitia, a political friendship governed by mutual advantage. Gabinus often supported Pompeius' policies and was in turn aided by him, but he often pursued an independent course.

Gabinus, a skillful and ruthless politician, was determined to put his measures into law despite political opposition; yet he avoided patent illegalities. As tribune, Gabinus revived the Gracchan expedient of impeaching opposition tribunes and was prepared to extend this principle to the consuls. During his consulship Gabinus made unprecedented use of the consular edict to stop a

Senatorial demonstration of sympathy for Cicero and to banish an eques.

However, Gabinius was also a man of principle who promoted a legislative program which tried to ease the burden of the provincials. Three of his known laws dealt directly with provincials while a fourth, the pirate law, in actuality, aided the provincials more than the Romans. Gabinius continued his concern by carrying out his program when he was governor of Syria, particularly by enforcing his loan law. He restored Ptolemy Auletes because of the danger to Syria of an independent and hostile Egypt, despite the fact that it would lead to prosecution by his political enemies. In actuality, Gabinius was convicted and exiled for the enormity of protecting the provincials from the rapacity of the publicani.

Living in an age of "great men" such as Pompeius and Caesar, Gabinius was not one of the leaders of Rome. However, as author of several significant laws, proconsul of Syria during a difficult period, and restorer of Ptolemy Auletes, Gabinius displayed a vitality and independence which were uncommon among the secondary figures of the late Republic.

AULUS GABINIUS
A POLITICAL BIOGRAPHY

By

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1973

CICERONI: sine cuius odio Gabinius pervisset

BURMAE: sine cuius amore ego perivissem

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R. S. W.

East Lansing, Michigan
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LIST OF ABBREVIATIONS

STANDARD WORKS OF REFERENCE

<u>CAH</u>	<u>Cambridge Ancient History</u>
<u>CIL</u>	<u>Corpus inscriptionem Latinorum</u>
<u>FGrH</u>	<u>Felix Jacoby, Die Fragmente der griechischen Historiker</u>
<u>ILS</u>	<u>Inscriptiones Latinorum selectae</u>
<u>MRR</u>	<u>T. R. S. Broughton, Magistrates of the Roman Republic</u>
<u>OCD</u>	<u>The Oxford Classical Dictionary</u>
<u>RE</u>	<u>Pauly-Wissowa, Real Encyclopädie der classischen Altertumswissenschaft</u>
<u>SEG</u>	<u>Supplementum epigraphorum Graecorum</u>

JOURNALS

Journals are abbreviated in accordance with the OCD except:

<u>AHR</u>	<u>American Historical Review</u>
<u>AJA</u>	<u>American Journal of Archaeology</u>
<u>CP</u>	<u>Classical Philology</u>
<u>Historia</u>	<u>Historia: Journal of Ancient History</u>
<u>Latomus</u>	<u>Latomus: revue d'études latines</u>
<u>MAAR</u>	<u>Memoirs of the American Academy in Rome</u>
<u>REG</u>	<u>Revue des études grecques</u>
<u>REL</u>	<u>Revue des études latines</u>
<u>TAPA</u>	<u>Transactions and Proceedings of the American Philological Association</u>

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ANCIENT WORKS

The names of ancient authors are not abbreviated but given in their most common English form. However, Cassius Dio Cocceianus is most usually shortened to Dio in both the text and notes. Ancient works are abbreviated in accordance with the OCD except:

Asconius <u>Toq.</u> <u>Cand.</u>	Asconius Commentary on Cicero, <u>Oratio in Senatu in toga candida</u>
Caesar <u>BAlex.</u>	Caesar <u>Bellum Alexandrinum</u>
Sallust <u>Hist.</u>	Sallust <u>Historiae</u>

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INTRODUCTION

The last century of the Roman Republic was dominated by "great men" more than any other time in Roman history. Men such as Marius and Sulla, Pompeius and Caesar concentrated inordinate military and political power in their hands and used it to reshape Roman society. Yet by their very uniqueness, these men were aberrations; and history which concentrates on the deeds of these few is necessarily distorted.

More representative of Roman political life were the men of the second rank who supported or opposed the "great men" and whose careers followed the pattern set down in the shadowy days of the early Republic. While the Caesars and the Sullas dominated certain aspects of Roman political life, for the most part the government of the Republic functioned without their direct intervention. Lesser figures dealt with the day-to-day workings of Roman society and government; their insight or lack thereof created the political and military climate in which the "great men" operated. And yet, the optimates among these figures are often seen only as opponents of the generals; and the populares are viewed as their henchmen.

As a whole, the conservative optimates of the Senate have appeared to be more independent than their opposite

numbers among the populares. Since none had the ability or perhaps the inclination to reshape Roman society, none of the post-Sullan optimates stood out as an overwhelming leader of the "party."¹ The political independence of Cicero and Cato, Catulus, and Lucullus is attested in the ancient sources and recognized in modern accounts. Likewise, even those of lesser ability such as Bibulus and Glabrio are held responsible for their own actions.

Populares of the second rank, on the other hand, are most often dismissed as henchmen whose political careers were spent in service to one or another of the "great men." Much effort, for example, has been expended on establishing Clodius as the tool of one or another of the triumvirs. However, Erich Gruen² and A. W. Lintott³ have shown that Clodius acted in an independent manner and almost always for himself. Although the "great men" often sponsored their supporters and political allies for the magistracies, the general characterization that all these men of lesser rank were their henchmen greatly oversimplifies the situation.

This biography is the study of one such man, Aulus Gabinius, consul of 58,⁴ who is most often remembered for

¹Pompeius is sometimes considered an Optimate, but he was not among the Optimate leaders of the Senate.

²"P. Clodius: Instrument or Independent Agent?" Phoenix, XX (1966), pp. 120-30.

³Violence in Republican Rome (Oxford: Clarendon Press, 1968), pp. 190-98.

⁴All dates are before Christ unless specified

[illegible]

his tribunician law of 67 which gave Pompeius the command against the pirates. Gabinus is usually characterized by modern authors as a henchman or adjutant of Cn. Pompeius Magnus. However, this is not an adequate description of Gabinus' career, which included political postures and actions that are not those of a mere henchman.

While due consideration has been given to modern writers, this study is primarily based on the ancient sources. Gabinus, being a man of action rather than of letters, left no writings himself. However, his career received a great deal of attention from Cicero, who was for the most part a political enemy, and from Dio Cassius, who was heavily influenced by a hostile tradition ultimately resting on Cicero. Since most of the information about Gabinus is derogatory, his political role in the late Republic has been misrepresented. The purpose of this biography is to investigate all the sources dealing with Gabinus and his career in order to present a more balanced view of this man and his role in Roman history.

otherwise. All dates involving month and day are given according to the pre-Julian Roman calendar. For conversion of dates to the Julian calendar, see W. Drumann, Geschichte Roms: In seinem Übergange von der republikanischen zur monarchischen Verfassung oder Pompeius, Caesar, Cicero und ihre Zeitgenossen, ed. by P. Groebe, III (2d ed.; Leipzig: Verlag von Gebrüder Borntraeger, 1906), 780-827.

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CHAPTER I

SOURCES

Aulus Gabinius was an important political and military figure in the mid-first century, but he did not leave any writings. Nor is there an ancient biography of Gabinius. Since only fragments of the contemporary historical accounts which cover major portions of Gabinius' life are extant,¹ one is forced to rely on the later historians Appian and Dio Cassius for a connected narrative. Neither gave an adequate treatment of Gabinius. Fortunately, however, Gabinius figures prominently in the letters and orations of Cicero. Therefore, abundant primary material exists upon which the modern historian may draw for the most important periods of Gabinius' life. In addition to the above, several of Plutarch's biographies and Josephus' histories of the Jews are principal sources of information for several periods of Gabinius' career.

Not until Gabinius' tribunate in 67 is there adequate information about him. For his early career, only two episodes are mentioned: his actions as military tribune under

¹There are fragments from Sallust's Historiae dealing with Gabinius, and Livy also wrote about Gabinius as indicated in the extant Periochae. Caesar covered Gabinius' last campaign in the Bellum Alexandrinum but only briefly.

Sulla in the Mithridatic Wars were related by Plutarch, and Appian recorded his ambassadorship to Mithridates in 81. Dio Cassius provided the main narrative account of Gabinus' tribunate, with important contemporary evidence included in Cicero's speech on the Manilian Law and the fragments of his speech on behalf of Cornelius preserved by Asconius. Additional authors who gave valuable information include Velleius Paterculus, Plutarch, and Appian. The account of Gabinus' service in the East as a legate to Pompeius is again fragmentary, with information on his appointment given by Cicero's pro lege Manilia and various episodes related by Dio and Josephus.

The sources for Gabinus' consulship in 58 are again numerous. Cicero made many observations about the political situation in 59 and 58 in his letters. In addition, several of his orations delivered after his return from exile recount the actions of Gabinus as consul, particularly as they relate to Cicero's exile. The text of a Gabinian Law² dated to 58, which is the only significant piece of non-literary evidence for Gabinus' deeds, also sheds valuable light on Gabinus' consulship.

Cicero's orations are important sources of information about Gabinus' proconsulship of Syria from 57 to 54. In them Cicero detailed the proconsul's bad relations with the publicani, especially after the restoration of Ptolemy Auletes to the throne of Egypt. Dio provides a rather

²The law is discussed below, pp. 112-13.

hostile account of Gabinius' military actions including the Egyptian expedition. From Josephus comes a detailed investigation of Gabinius' proconsulship, particularly his actions in Palestine. Plutarch and Appian are again valuable for supplemental information as is Strabo.

After Gabinius' return to Rome in 54, he was subjected to a series of prosecutions which ended in his exile in December. Cicero's letters and his speech in defense of Rabirius Postumus provide a detailed view of the process. Additional information is given by Dio's narrative of the trials. For Gabinius' last campaign and death in 47 after his recall from exile, Caesar is the primary source. Supplementing Caesar are Dio, Appian, and Plutarch.³

With the ancient sources for Gabinius' career identified, a brief discussion of the individual authors seems in order. All the major writers incorporated a certain amount of bias into their accounts; therefore, each must be approached with care. By understanding these men, it will be easier to reconstruct the life of Gabinius accurately.

By far the most important and complex author for the study of Gabinius is M. Tullius Cicero, who was sometimes friendly with and at other times extremely hostile toward Gabinius. Cicero not only presented a public face to his

³A large number of authors provide minimal, although sometimes important references to Gabinius. These are Sallust Hist., Livy Per., Tacitus Ann., Suetonius Iul., Florus, Justin, Macrobius, Xiphilinus, Zonaras, Orosius, Eusebius Chron.

readers in the various orations, but in his letters he bared his true feelings to his brother and his friends. But while this combination makes Cicero a unique primary source, it does not lend infallibility to his writings; for Cicero was influenced not only by his passions which at times included an intense hatred of Gabinius but also by his political calculations.

Cicero's view of Gabinius can be divided into three parts, corresponding to the different responses of the two men to the changing political world in which they lived. During his rise in the cursus, Cicero was a moderate popularis; and, therefore, his first pronouncements about the popularis tribune A. Gabinius were highly complimentary.⁴ In his defense of Gabinius' colleague in the tribunate, C. Cornelius, Cicero referred to Gabinius as a vir fortis,⁵ praising him for passing his pirate law in spite of the opposition of another tribune. Cicero's praise for Gabinius reached even greater heights in his speech on behalf of the Manilian Law in 66. In the course of this speech, he declared that "A. Gabinius alone is included as a partner

⁴David Stockton, Cicero: A Political Biography (Oxford: Oxford University Press, 1971), pp. 52, 57-58, 62. See also Matthias Gelzer, Cicero: Ein biographischer Versuch (Wiesbaden: Franz Steiner Verlag, 1969), pp. 56-57. Against this view, see R. E. Smith, Cicero the Statesman (Cambridge: Cambridge University Press, 1966), pp. 75-76, 78, who says that Cicero was simply being prudent by supporting popular causes to gain support in future elections.

⁵In Asconius Corn., p. 72, from Orationum Ciceronis quinque enarratio, ed. by Albert C. Clark; Scriptorum Classicorum Bibliotheca Oxoniensis (Oxford: Clarendon Press, 1907). All references to Asconius will be to the page numbers of this edition.

with Cn. Pompeius in the achievements of the Maritime War."⁶

In 57 when Gabinius was again mentioned in a Ciceronian oration, his appearance had changed drastically. Gabinius and his consular colleague Piso were men "whose minds were petty, base, depraved, and full of darkness and filth, . . . not consuls but dealers in provinces and vendors of [the Senate's] honor."⁷ Cicero went on to describe Gabinius' licentious youth which drove him to seek refuge from his creditors in the tribunate and added: "If he had not carried the law concerning the pirate war in his tribunate, indeed, compelled by poverty and depravity, he would have become a pirate himself."⁸ In eight other extant speeches delivered between 57 and 54,⁹ Cicero attacked Gabinius and Piso, together and separately, always with the same intense hatred and personal abuse and always with emphasis on their nefarious deeds as consul and proconsul. Cicero admitted his hatred in a speech delivered in 56: "I declare that I have undertaken an irreconcilable war with these furies and firebrands, yes, with these destructive

⁶Leg. Man. 58: "unus A. Gabinius belli maritimi rerumque gestarum Cn. Pompeio socius ascribitur."

⁷Red. Sen. 10, delivered September 5, 57: "quorum mentes angustae, humiles, pravae, oppletae tenebris ac sordibus, . . . non consules, sed mercatores provinciarum ac venditores vestrae dignitatis."

⁸Red. Sen. 11: "quo in magistratu nisi rogationem de piratico bello tulisset, profecto egestate et improbitate coactus piraticam ipse fecisset."

⁹In 57: Red. Pop. and Dom.; in 56: Sest., Vat., Prov. Cons., and Har. Resp.; in 55: Pis.; and in 54: Planc.

monstrosities and all but plagues upon this empire."¹⁰

Cicero used misrepresentation and exaggeration to blacken Gabinius and Piso. In describing Gabinius' proconsulship of Syria, Cicero declared:

Therefore, in Syria nothing at all has been done or accomplished by that imperator except money contracts with tyrants, arrangements, pillaging, robberies, and slaughters. When the imperator of the Roman People extended his right hand before the assembled army he was not urging the soldiers to seek glory, but proclaiming that everything had been bought and must be bought.¹¹

Lacking Josephus' account of Gabinius' proconsulship,¹² one would hardly recognize this as a description of Gabinius' defeat of a dangerous rebellion and consequent reorganization of the government of Judaea.

Cicero's most effective use of exaggeration was his insistence that his own personal calamity should be equated with the destruction of the state. When the Senate adopted mourning attire in an unprecedented political display of solidarity with Cicero against the attacks of Clodius, Gabinius responded in kind with a consular edict that the senators should resume their proper dress. After his return from exile, Cicero described this as an act "which

¹⁰Har. Resp. 4: "cum his furiis et facibus, cum his, inquam, exitiosis prodigiis ac paene huius imperii pestibus bellum mihi inexpiabile dico esse susceptum."

¹¹Prov. Cons. 9: "igitur in Syria imperatore illo nihil aliud neque gestum neque actum est nisi pactiones caedes, cum palam populi Romani imperator instructo exercitu dexteram tendens non ad laudem milites hortaretur, sed omnia sibi et empta et emenda esse clamaret."

¹²AJ xiv. 82-91; BJ i. 160-70.

not even a tyrant would have dared; . . . he decreed that you not openly mourn the misfortunes of the fatherland!"¹³ The resulting corollary, both expressed and at times unexpressed, was that Cicero's political opponents were robbers, pirates, enemies, traitors, and tyrants.¹⁴

The drastic change in Cicero's attitude was caused by the failure of Gabinius and Piso to prevent Clodius from exiling Cicero during their consulship in 58.¹⁵ Pompeius had also abandoned him, but Cicero was in no position to attack the triumvir who had subsequently brought about his recall in 57. Cicero undoubtedly had reason to be bitter, but nevertheless the hostility that permeates these orations alters their reliability. Since Rome lacked libel laws, Cicero was not constrained to speak truthfully either in the Senate or from the Rostra. In fact, slander and personal abuse were the stock in trade of Roman political oratory; Gabinius and Piso were far from being the only targets of vilification.¹⁶

When Gabinius had returned from his proconsulship

¹³Red. Sen. 12: "fecitque, quod nemo umquam tyrannus, . . . ne aperte incommoda patriae lugeretis ediceret." See also Red. Sen. 11, 16; Red. Pop. 13; Dom. 62-63; Sest. 53; Pis. 21; Har. Resp. 3; Planc. 86.

¹⁴Pis. 24: "qui latrones igitur, si quidem vos consules? Qui praedones, qui hostes, qui proditores, qui tyranni nominabuntur?"

¹⁵For the details of Gabinius' role in Cicero's exile, see below, pp. 99-109.

¹⁶See Ronald Syme, The Roman Revolution (Oxford: Clarendon Press, 1939), pp. 149-52, for a discussion of political oratory and examples of vilified politicians.

in 54, Cicero was pressured by Pompeius to defend his arch-enemy against a charge of extortion for the restoration of Ptolemy Auletes to the throne of Egypt. This produced a marked change in Cicero's oratory. Although the pro Gabinio is not extant,¹⁷ a speech delivered soon after in defense of Rabirius Postumus illustrates the change in Cicero's oratory. Cicero declared that he had been reconciled with Gabinius, and the speech was free of criticism.¹⁸ In the later speeches, there are only a few ambiguous references to Gabinius.¹⁹ Whether or not Cicero's reconciliation with Gabinius was genuine, the latter's exile and subsequent death made further attacks unnecessary.

Although Cicero's oratory is an invaluable primary source for the life of Gabinius, it can rarely be taken at face value. Since Roman political oratory knew no bounds, one must especially be wary of the speeches from 57 to 54 when Cicero was inflamed with hatred for Gabinius. Not only should the personal attacks be discounted as propaganda, but even the orator's interpretations of events should be scrutinized to take into account his distortions and exaggerations. Cicero's letters are no less important to the study of Gabinius than his orations. Whereas the speeches demonstrate Cicero's public positions on various issues,

¹⁷It was very probably never published, for Cicero was concerned with his image in history (Att. ii. 5. 1).

¹⁸Rab. Post. 19, 32-33.

¹⁹Phil. ii. 48; xiv. 24.

the letters are remarkably unguarded and show his inner feelings. Gabinius is mentioned in only a small portion of the letters covering the period from his candidacy for the consulship in 59 to his exile. He figures prominently only in the letters of 54 when Cicero was reporting the events leading up to Gabinius' return to Rome from his proconsulship and the subsequent trials. But the letters also supply valuable background information for Roman political life. Although the letters often reflect Cicero's prejudices and exaggerations, they are free from the distortions Cicero employed in his oratory to sway his audiences. Thus, the letters provide probably the most accurate extant account of political events in the late Roman Republic.

Besides Cicero, only one contemporary writer whose work is still extant in more than fragmentary form mentioned Gabinius: C. Julius Caesar. Unfortunately, Caesar's works cover only a small part of Gabinius' career. Where Caesar is applicable, however, he is invaluable; for he has accurately recorded two episodes which are distorted in the accounts of ancient secondary sources.²⁰ In addition, Caesar's book on the Alexandrian War presents a brief sketch of Gabinius' character which is completely free from political invective and markedly sympathetic.²¹

²⁰Gabinius' last campaign was placed in the wrong context by Plutarch and Appian, and the reasons for the loyalty of the Gabinian troops to Pompeius were distorted by Dio.

²¹BAlex. 43.

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Dio's Roman History is the most important secondary source for the study of Gabinius' life, primarily because it is the only extant history of the late Republic which focuses on Roman politics. This is not to say that Dio's account is altogether satisfactory, however. Since the late Republic formed only a small segment of his narrative, Dio was unable to treat the complexities of the period adequately.²² Even such an important figure as Cicero was not handled well.²³ It should not come as a surprise, therefore, that Dio's treatment of Gabinius is likewise unsatisfactory.

Gabinius is first mentioned in 67 when he introduced the pirate law either at Pompeius' suggestion or in the hope of pleasing him, "for he certainly did not do this out of any love for the commonwealth, for he was a most worthless man."²⁴ This tone of hostility is continued in later references to Gabinius. Dio attributed the restoration of Ptolemy Auletes in 55 to the combined efforts of Pompeius and Gabinius, "the one out of kindness, the other for a bribe."²⁵ In fact, avarice was the sole motivating factor offered by Dio for Gabinius during his proconsulship in Syria. Having drained all he could from the province,²⁶

²²Dio covered a millenium in 80 books. See Fergus Millar, A Study of Cassius Dio (Oxford: Clarendon Press, 1964), p. 46.

²³Millar, Cassius Dio, pp. 55-60.

²⁴Dio καρνι. 23. 4: "οὐ γάρ που καὶ ὑπ' εὐνοίας αὐτο τῆς τοῦ κοινοῦ ἐποίησε· κάκιστος γὰρ ἀνὴρ ἦν."

²⁵καρξix. 55. 3: "ὁ μὲν τῇ χάριτι ὁ δὲ τῇ δωροληφίᾳ."

²⁶καρξix. 56. 1.

Gabinus at first planned an assault on Parthia's wealth²⁷ but was quickly won over by Ptolemy's bribes.²⁸ According to Dio he was restrained by law and an unfavorable Sibylline oracle only to the extent that he demanded more money for his services.²⁹ In addition, Dio asserted that the venal Gabinus allowed a certain Archelaus to escape from captivity to become king of Egypt so that Ptolemy would be sure to consider his restoration worth a large sum.³⁰ Of course, Gabinus also induced the unsuspecting Archelaus to pay a substantial consideration to be set free.³¹

Dio's characterization of Gabinus as a most worthless man with no concern for the public welfare should be examined more closely. Dio himself offered no substantiation for the comment, treating the matter as an obvious fact. However, even before his tribunate, Gabinus had been sent to the East by Sulla on a sensitive diplomatic mission,³² indicating that his worthlessness was not quite so obvious. In addition, a glance at Gabinus' legislation, which included two tribunician laws designed to aid the provincials³³ and a consular measure which granted aid to Delos,³⁴ demonstrates that Gabinus' concern for the commonwealth was more sincere than that of most Romans.

²⁷Ibid., 1-2.

²⁸Ibid., 3.

²⁹Ibid., 3.

³⁰Ibid., 57. 3.

³¹Ibid.

³²See below, pp. 37-39.

³³See below, pp. 71-78.

³⁴See below, pp. 112-13. Dio did not mention these laws or Gabinus' early career under Sulla.

In all fairness to Dio, it should be noted that his hostility toward Gabinius was very probably not a personal bias, but a reflection of his sources. Whether or not Dio actually drew on Cicero's hostile speeches, his sources certainly would have done so.³⁵ To attribute a personal prejudice against Gabinius to Dio himself probably exaggerates Dio's concern for Republican politics.

Dio's account also suffers from a number of inaccuracies which appear to be either the cause or the result of the historian's interpretation of Gabinius' character. In discussing Gabinius' trials, Dio claimed that Gabinius was convicted of plundering a huge amount of money from Syria,³⁶ and later he said that the proconsul inflicted more injury on his province than the pirates had.³⁷ However, Cicero made it perfectly clear that Gabinius was charged and convicted of taking a bribe to restore Ptolemy.³⁸ Dio similarly portrayed Gabinius' release of Archelaus as a means to ensure that Ptolemy would pay well for Gabinius' services,³⁹ but Archelaus was actually in Egypt before Ptolemy even approached Gabinius about his restoration.⁴⁰ These and other inaccuracies that mar Dio's history appear

³⁵Millar (Cassius Dio, pp. 34-35) demonstrates that Dio was familiar with Livy, Sallust, and Plutarch, among others, but that except in rare instances his sources cannot be traced. See also pp. 54-55, where Millar concludes that Dio used Cicero's speeches to create a Ciceronian speech but not to provide evidence for his main narrative.

³⁶xxxix. 55. 5.

³⁷Ibid., 56. 1.

³⁸Rab. Post. 20-21, et passim.

³⁹xxxix. 57. 2-3.

⁴⁰See below, pp. 142-44.

to be the result of following earlier narratives without checking primary sources, either literary or documentary.⁴¹

Dio included a short speech by Gabinus as part of the debate on the pirate law of 67.⁴² Since the speech is free of the hostility with which Dio otherwise portrayed Gabinus, it seems somewhat inconsistent with his portrait of the tribune. However, the purpose of the speech does not appear to have been to illustrate Gabinus' character or motivation in proposing the law. Following a speech by Pompeius,⁴³ the oration's function was to counter his objections to accepting the command against the pirates. In this context, the speech appears to be merely the necessary antithesis of Pompeius' initial reluctance to accept the command.

Gabinus' proconsulship in Syria from 57 through 55 was dealt with in some detail by Flavius Josephus in two parallel histories: The Jewish Wars and the monumental Jewish Antiquities. In contrast to Cicero's and Dio's accounts of Gabinus' proconsulship, Josephus' is definitely sympathetic. Upon Gabinus' first appearance in both works, Josephus commented that the proconsul had done many noteworthy things.⁴⁴ Josephus also indicated that Gabinus' administrative plans were popular. Colonists gladly rushed

⁴¹See Millar, Cassius Dio, pp. 37, 54-55.

⁴²xxvi. 27. 1-29. 3. ⁴³Ibid., 25. 1-26. 4.

⁴⁴AJ xiv. 82: "ὅς ἄλλα τε λόγου ἄξια διεπράξατο."
BJ i. 160: "τά τε ἄλλα γενναῖον ἀπέδειξεν ἑαυτὸν ἐν πολλοῖς."

to the towns he rebuilt,⁴⁵ and the Jews were pleased at the system of councils created by Gabinius which released them from the rule of autocrats.⁴⁶ In the Antiquities, Josephus also included a final assessment of Gabinius: "And having performed great and brilliant deeds as proconsul, Gabinius departed for Rome."⁴⁷

Josephus' histories, although extremely valuable, are not without their faults as sources for Gabinius' proconsulship. The chief difficulty lies in the fact that Josephus was writing ethnic history and was not concerned with Gabinius' activities in Syria in general but only as they pertained to the Jewish state. The inevitable impression is that Gabinius was governor of Judaea. At times Josephus' exclusiveness seems over-zealous. He recorded that Gabinius divided Palestine into five self-governing districts,⁴⁸ but neglected to mention that the proconsul also created a sixth district in Samaria. Josephus also had a tendency to compress what appear to be important events into single ambiguous phrases. His comments on the partition of Palestine into the five districts were very brief,⁴⁹ leaving the reader to speculate on Gabinius' motives and purposes, the degree of independence, and the workings of the councils he created to govern them. Later, when Gabinius

⁴⁵BJ 1. 166.

⁴⁶Ibid., 170.

⁴⁷AJ xiv. 104: "καὶ Γαβίνιος μὲν ἔργα μεγάλα καὶ λαμπρὰ κατὰ τὴν στρατηγίαν δράσας ἀπῆρεν εἰς Ῥώμην."

⁴⁸AJ xiv. 91; BJ 1. 170.

⁴⁹AJ xiv. 91; BJ 1. 170.

had suppressed his third rebellion in Judaea, Josephus made the cryptic comment that the proconsul reorganized the government in Jerusalem as Antipater wished.⁵⁰ It would have been helpful if Josephus had at least informed his readers what Antipater's wishes were. However, despite his faults Josephus provided a unique view of Gabinus' proconsulship which is more detailed than any other still extant.

Perhaps the chief value of Josephus' accounts of Gabinus' proconsulship of Syria is that they attest the existence of a tradition independent of the hostile tradition upon which Dio drew. In the Antiquities, Josephus named his sources for Gabinus' proconsulship: Nicolaus of Damascus and Strabo.⁵¹ Both were alive during the last half of the first century and were, therefore, contemporary with Gabinus. Since they were themselves from the East, they did not share the Roman attitude that the provinces existed for the sake of enriching the publicani.⁵² Thus, they were able to evaluate Gabinus' proconsulship perhaps more objectively, certainly more sympathetically, than most Roman authors. These views are preserved in Josephus' histories.

⁵⁰AJ xiv. 103; BJ 1. 178.

⁵¹xiv. 104. Nicolaus' works exist only in fragmentary form. Strabo's Geography has survived but not the history from which Josephus drew.

⁵²Cf. Cicero's remark (Prov. Cons. 10) that Gabinus handed the publicani over to the Jews and Syrians, peoples born to be slaves. Cicero himself tried to treat the provincials fairly (as did many other Romans), but the publicani were a powerful force which had to be reckoned with in Roman politics.

Two other writers featured Gabinius in their works: Plutarch and Appian. Gabinius was mentioned in several of Plutarch's lives⁵³ but never more than briefly. For the most part, Plutarch reported Gabinius' actions with the vague neutrality reserved for minor figures; but at one point he characterized Gabinius as "the most extravagant of Pompeius' flatterers."⁵⁴ Although Appian⁵⁵ mentioned Gabinius somewhat more than Plutarch, he made no statement evaluating or characterizing him. Each author's account contains several inaccuracies, and the most significant is shared by both. Gabinius' last campaign in Illyricum in the civil war is placed a year early, during the siege at Dyrrachium instead of in its proper position after the battle of Pharsalus.⁵⁶ The common error is probably due to C. Asinius Pollio, whose book on the civil wars was used by both authors.⁵⁷ The chief value of Appian and Plutarch for the study of Gabinius lies in their sections on his early life and last campaign. Although rather brief in themselves, they fill in the gaps left by other ancient authors.

⁵³Ant., Cat. Min., Cic., Luc., Pomp., and Sull.

⁵⁴Pomp. 48. 3: "Γαβίνιον, ἄνδρα τῶν Πομπηίου κολάκων ὑπερφυέστατον."

⁵⁵In BCiv., Ill., Mith., and Syr.

⁵⁶Plutarch Ant. 7. 1-2; Appian BCiv. ii. 58-59. Cf. Caesar BAlex. 42-43.

⁵⁷A friend of Caesar, Pollio fought with him in Spain (Plutarch Caes. 32. 5). On Plutarch's use of Pollio, see his Pomp. 72. 4. None of Pollio's works are extant in more than fragmentary form.

[illegible]

CHAPTER II

ORIGINS OF THE GABINII

The origins of the plebeian gens Gabinia are obscure, and the sketchy evidence admits only a tentative reconstruction. It is tempting to connect the name with the town of Gabii (the modern Castiglioni) twelve miles southeast of Rome on the Via Praenestina.¹ Although some modern scholars do so, ancient authors were silent on the subject; and the identification must remain only an attractive possibility.² The name of the family first appears in the third century in the signatures of servile potters from Cales.³ In nearby Capua a number of inscriptions attest the existence of several freedmen bearing the name Gabinus.⁴ Of importance is the fact that the praenomen Aulus seems to be predominant in this family, as it is in the later Roman Gabinii. Since the Roman Gabinii were reputed to have descended from slaves,⁵

¹Strabo v. 3. 10.

²Wilhelm Schulze, Zur Geschichte lateinischer Eigennamen, Abhandlungen der königlichen Gesellschaft der Wissenschaften zu Göttingen: Philologische-historische Klasse, N. S. Vol. V, No. 5 (Berlin: Weidmannsche Buchhandlung, 1904), pp. 532-33. See also Giuseppe Stocchi, Aulo Gabinio e i suoi Processi (Florence: Salvatore Landi, 1892), pp. 9-10.

³ILS, II, Pt. II, 8566a-d.

⁴Cil, X, Pt. I, 4153-55.

⁵Livy Per. Oxyrh. liv.

there should be nothing to prevent a tentative identification of the Gabinii as a family of Campanian origin.

In 167, after conquering the Illyrian king Genthos, the praetor L. Anicius Gallus placed a certain Gabinius in charge of the garrison at Scodra, the capital of Illyricum.⁶ This tantalizing footnote from the Third Illyrian War is the totality of our information about the man who was apparently the founder of the Roman gens Gabinia. His further career, if indeed there was one, and even his praenomen are unknown.

We come across the Gabinii again in the winter of 147/46 when an Aulus Gabinius was serving in Macedonia as a legate to Q. Caecilius Metellus. Along with Cn. Papirius, Popilius Laenus, and C. Fannius, he was sent to Corinth to quell the disturbances brewing in the Peloponnesus. Their mission was unsuccessful, however, as they were shouted down while trying to address the council of the Achaean League.⁷ Although his further military exploits are unknown, they were apparently successful enough to enable him to reach the tribunate of the plebs in 139, despite his family's low social standing. Cicero described him as "unknown and of low birth,"⁸ and Livy identified him as the grandson of a slave.⁹ Gabinius' background did not prevent him from

⁶Livy xlv. 26. 1-2.

⁷Polybius xxxviii. 12-13.

⁸Leg. 35: "homine ignoto et sordido." On the date see Cicero Amic. 41, and Brut. 97, 106.

⁹Livy Per. Oxyrh. liv: "A. Gabinius verna[e nepos]." The line is capable of this restoration or perhaps "vernae

passing an important piece of legislation, however; for his lex Gabinia tabellaria introduced the written ballot in Roman elections.¹⁰ Another law, cited by Giovanni Niccolini,¹¹ perhaps should also be attributed to the tribune: a lex Gabinia de coitionibus which prescribed the death penalty for secret gatherings after some conspirators set fires in the city.

Many authors would identify this Aulus Gabinus as the son of the prefect at Scodra. Ernst Badian maintains that "there can be very little doubt"¹² of the relationship, but T. R. S. Broughton¹³ suggests an intervening generation based on his interpretation of the phrase vernae nepos in Livy.¹⁴ Neither argument is wholly satisfactory, but

filius." According to Grenfell and Hunt (The Oxyrhynchus Papyri, ed. with trans. and notes by Bernard P. Grenfell and Arthur S. Hunt [Part IV; London: Egypt Exploration Fund, 1904], p. 113), the restoration "vernae nepos" is preferable since the meaning is clear (the son of a slave could not hold office) and it is difficult to construe vernae filius as meaning son of a freedman. This Gabinus will have been the grandson of a freedman, for not until 100 was a freedman's son chosen tribune. See Ernst Kornemann, Die neue Livius-Epitome aus Oxyrhynchus: Text und Untersuchungen, Klio: Beiträge zur alten Geschichte, Beiheft II (Wiesbaden: Scientia Verlag Aalen, 1903), p. 64.

¹⁰Livy Per. Oxyrh. liv; Cicero Leg. 34; Brut. 97, 106.

¹¹I Fasti dei Tribuni della Plebe (Milan: Antonio Giuffrè, 1934), p. 140. The only source for the law is Porcius Latro (In Cat. 19); and the attribution to this Gabinus is doubtful. Broughton (MRR, I, 483, n. 2) feels that it is uncertain whether the law should be ascribed to this or another Gabinus.

¹²"The Early Career of A. Gabinus (cos. 58 B.C.)," Philol., CIII (1959), 87.

¹³MRR, I, 437.

¹⁴Per. Oxyrh. xliv.

Badian's seems more acceptable since it does not require the supposition of an unrecorded generation. In any case the name Gabinius is so rare that a lineal relationship is an overwhelming probability.

After his tribunate nothing more is heard of this Gabinius; but his two sons, Aulus and Publius, both had quite respectable careers.¹⁵ The elder brother, Aulus,¹⁶ was quaestor in 101 under M. Antonius in a war against the Cilician pirates.¹⁷ Badian argues that he would have held a praetorship sometime before 89 on the strength of the importance of his command in the Social War, and this seems probable enough considering the high rank of the other legati in the conflict.¹⁸ Gabinius, as legatus, commanded

¹⁵They are mentioned together in a dedicatory inscription from a statue base found in the Italian Agora at Delos: "ΑΥΛΟΝ ΚΑΙ ΠΟΠΛΙΟΝ ΓΑΒΙΝΙΟΥΣ ΑΥΛΟΥ ΥΙΟΣ*Ο***ΑΣ ΔΑΜΟΞΕΝΟΥ ΗΡΑΚΛΕΙΟΣ ΚΑΙ ΑΡΙΣΤΩΝ ΓΟΡΓΙΟΥ ΑΘΗΝΑΙΟΣ ΤΟΥΣ ΕΑΥΤΩΝ ΦΙΛΟΥΣ" See Th. Homolle, "Les Romains a Délos," BCH, VII (1884), 142-43.

¹⁶The inscription lists him first, confirming the observation that the Gabinii seemed to name the eldest son Aulus.

¹⁷Th. Reinach, "Inscriptions des îles (Ios, Délos, Rhodes, Chypre)," REG, XVII (1904), 210. Although Reinach mistakenly identifies the στραταγός ἀνθύπατος as M. Antonius Creticus and A. Gabinius as the tribune of 67, P. Foucart ("Les campagnes de M. Antonius Creticus contre les pirates, 74-71," Journal des Savants, N. S. IV [1906], 575-76) has shown the proconsul in question to be the father of Creticus, the praetor of 102. Since the inscription states that Gabinius was quaestor to the proconsul, he will have joined Antonius in 101 after the praetorship had elapsed.

¹⁸Badian, "Early Career," pp. 87-88. See MRR, II, 36-37 for a list of legates for 89 where A. Gabinius is indicated to have a possible unknown praetorship. He could have held the office no later than 91, or his rank would have been proprætor instead of legatus.

the troops fighting the Lucanians in southern Italy and was killed besieging an enemy camp after capturing many towns.¹⁹

No early career is attested for the younger brother Publius, but the existence of the dedicatory inscription from Delos bearing the names of both brothers suggests the possibility that Publius also saw military service in the East before 89.²⁰ He held the praetorship in either 89 or 88, in the same year as Q. Metellus Pius.²¹ Cicero demonstrated that he was among the praetors who registered citizens under the lex Plautia Papiria,²² but otherwise nothing is known of his praetorship except that Cicero criticized his levitas.²³ After his praetorship, P. Gabinus was governor of Macedonia-Achaea, probably having succeeded C. Sentius.²⁴ Further advancement came under Sulla; for in 76, in his capacity as quindecemvir sacris faciundis, Publius led an embassy of three to Erythrae to collect Sibylline oracles after those deposited on the Capitoline

¹⁹Livy Per. lxxvi. Florus (ii. 6. 13-14) made the enemy the Marsi as did Orosius (v. 18), who also mistakenly referred to him as C. Gabinus.

²⁰His later connection with the East is well-known, but any joint activity of the two brothers must necessarily have been before 89. See Homolle, "Délös," p. 143.

²¹Cicero Arch. 9; Div. Caec. 64. The date usually given is 89 (see MRR, II, 33, 38); but E. Badian ("Notes on Provincials from the Social War down to Sulla's Victory," in Studies in Greek and Roman History [New York: Barnes & Noble, 1964], p. 75) argues for 88.

²²Arch. 9.

²³Ibid.

²⁴Badian, "Early Career," p. 88; Studies, p. 75.

had been burnt in the Civil War.²⁵ But soon thereafter a Lucius Piso, acting on behalf of the Achaeans, successfully brought a charge of res repetundae against Gabinius, bringing his career to a close.²⁶

Among the Gabinii listed in the Real-Encyclopädie is an A. Gabinius, a military tribune attached to Sulla's army from 86 to 81.²⁷ Since he appeared to be a capable and sober Roman soldier, Karl Münzer insists that he could not be the same man as the subject of this biography, the consul of 58: "Die Identität dieses G[abinius] mit Nr. 11 [the consul] ist nach Alter, Stellung, und Charakter ausschliessen."²⁸ Since there is only one known Senatorial family of Gabinii, this man would probably be the father of the consul.²⁹ But the addition of another generation into the Gabinii at the end of the Second Century poses insurmountable problems. Since his father would have been about

²⁵Hermann Peter (ed.), Historicorum Romanorum Reliquiae, Vol. II (2d ed.; Stuttgart: B. G. Teubner, 1967), Fenestella, fragment 18. See also Tacitus Ann. vi. 12; Hist. iii. 72.

²⁶Cicero Div. Caec. 64. The Piso was probably the praetor of 74 and father of C. Calpurnius Piso Frugi, Cicero's son-in-law, according to Erich S. Gruen, "Pompey and the Pisones," California Studies in Classical Antiquity, I (1968), 162. Badian (Studies, pp. 82, 100; Foreign Clientelae: [264-70 B.C.] [Oxford: Clarendon Press, 1958], p. 158, n. 2), however, identifies him as L. Calpurnius Piso Caesoninus.

²⁷F. Münzer, "Gabinius," No. 10, RE, VII, 424.

²⁸Ibid.

²⁹So Eva M. Sanford, "The Career of Aulus Gabinius," TAPA, LXX (1939), 67.

thirty years old while quaestor in 101,³⁰ this A. Gabinius would have been born near 111 at the earliest. Thus, his son Aulus could not have been born before 91, making him ineligible for the consulship in 58. Furthermore, Ernst Badian has disregarded Münzer's fiat in an examination of Aulus Gabinius' early career.³¹ Observing that Gabinius had one of the more impressive military careers of the late Republic, he examines the requirements for the military tribunate and compares the career of Gabinius with several other Romans of the period. From a comparison of Gabinius' consulship with those of Pompeius' other lieutenants whose ages are known, Badian establishes a probable birth date of 110, a date seen to be consistent with the age of the first-born son of A. Gabinius, legate of 89. So Aulus Gabinius, consul of 58, does qualify to be the above-mentioned military tribune; and the need for an intervening generation in the Gabinii does not exist.³²

³⁰A. E. Astin, in "The Lex Annalis before Sulla," Latomus, XVI (1957) and XVII (1958), XVII, 60-63, finds that the normal minimum age for the quaestorship was 27; while for those men whose careers are known, their ages ranged from 25 for the youngest to 30 for the oldest. See also H. H. Scullard, From the Gracchi to Nero: A History of Rome from 133 B.C. to A.D. 68, University Paperbacks (2d ed.; London: Methuen & Co.; New York: Barnes & Noble, 1963), p. 403, n. 33a.

³¹"Early Career," pp. 88-94.

³²The identification of the military tribune with the consul of 58 was suggested by W. Drumann, in Geschichte Roms, III, 38-39, followed by Stocchi, Gabinio, pp. 25-33 (neither author is mentioned by Badian in his article on Gabinius' early career). However, more recent writers, particularly E. M. Sanford ("Gabinus," p. 67) follow Münzer's lead in rejecting the identification.

Another branch of the Gabinii remains to be investigated before we turn to Aulus Gabinus, consul of 58: the Gabinii Capitones. Of particular interest is the family relationship between P. Gabinus Capito the Catilinarian executed by Cicero and Aulus Gabinus the consul.³³ If Aulus Gabinus were a Capito, the limited number of known Gabinii would insure that he was a brother or at the very least a first cousin of P. Gabinus Capito; and thus, Gabinus' hostility toward Cicero would have been a matter of family loyalty. However, none of the extant literary sources give a cognomen for Gabinus, and the Fasti Capitolini list only part of the name of Gabinus' colleague in the consulate for the year 58.³⁴ The consul's name is given as A. Gabinus Capito, however, by some editors of a text of a bilingual inscription of a lex Gabinia Calpurnia de Delo.³⁵

The text of the lex Gabinia Calpurnia is badly mutilated. Consequently, the portion of the Latin version of the prologue in which the consuls are named is missing;

³³On Capito's role in the Catilinarian Conspiracy, see Münzer, "Gabinus," No. 15, RE, VII, 431.

³⁴CIL, I, Pt. I, 2d ed., p. 27. The Fasti usually give the full names of the consuls and their filiation, but for the year 58 the inscription is incomplete with the portion with Gabinus' name being broken off.

³⁵E. Cuq, "L'inscription bilingue de Délos de l'an 58 av. J.-C.," BCH, XLVI (1922), 199-200; SEG, I, 335. Accepting this identification are Sanford, "Gabinus," p. 66, and D. Magie, Roman Rule in Asia Minor: To the End of the Third Century after Christ (2 vols.; Princeton: Princeton University Press, 1950), I, 289. The text of the inscription is also given in CIL, I, Pt. II, 2500, but without the identification of the consul as A. Gabinus Capito.

and in the Greek translation, only the nomen of the consul and his father's praenomen still exist.³⁶ The suggestion of the cognomen for Gabinius is evidently derived from the mention in the text of the law that a certain A. Gabinius A. f. Capito cast the first vote in the first tribe to be polled.³⁷ This man cannot have been the consul himself who was presiding at the comitia, but the consul would have been able to choose a relative to begin the voting if the first tribe happened to be represented by fewer than five members.³⁸ However, there is no evidence that Gabinius would have chosen a close relative, much less that the consul's cognomen was therefore Capito. More important is the reconstruction of the Greek and Latin prologues of the law. In the Greek text, there does not appear to be adequate space for the insertion of the cognomen. However, it perhaps can be inserted in the missing Latin which is more flexible since several lines are entirely missing.³⁹ However, conjectured

³⁶"ΓΑΒΕΙΝΟΣ ΑΥΑΟΥ Υ[" See Fig. 1, p. 29.

³⁷"A. GABINIUS A. F. CAPITO PRO [tribu primus scivit velitis iu]BEATIS." The missing parts are as interpolated in CIL, I, Pt. II, 2500, lines 4-5.

³⁸Lily Ross Taylor, Roman Voting Assemblies: From the Hannibalic War to the Dictatorship of Caesar, Jerome Lectures, Eighth Series (Ann Arbor: University of Michigan Press, 1966), p. 76. If A. Gabinius Capito was a member of the tribe selected to vote first, his fellow tribesmen may have accorded him the honor of casting the first ballot.

³⁹The restored line 37 would have to read: "ΑΥΑΟΣ ΓΑΒΕΙΝΟΣ ΑΥΑΟΥ ΥΙΟΣ ΚΑΠΙΤΩΝ ΥΠΑΤΟΣ ΚΑΙ ΛΕΥΚΙΟΣ ΚΑΛΠΟΥΡΝΙΟΣ," and its Latin equivalent: "A. GABINIUS A. F. CAPITO COS. L. CALPURNIUS L. F. PISO COS. DE S. S. POPU-." Both appear to be too long, but E. Badian ("Early Career," pp. 98-99) claims that the Latin text can be easily restored so as to permit

Fig. 1—Squeeze of lex Gabinia Calpurnia de Delo
from BCH, XLVI (1922), Plate XIV



readings cannot be accepted without corroborative evidence. Since none exists, we must conclude that the Gabinii Capitoes are a parallel branch of the family.

Since it is rather unlikely that P. Gabinius Capito was the brother of the consul of 58,⁴⁰ one must look further afield to establish the familial relationship between the two men. We know only that Capito was an equestrian, a Catilinarian, and that he had some connections among the Allobroges.⁴¹ If a separate branch of Gabinii, of equestrian rank, existed alongside the Senatorial family, there would probably be little or no record of it. Consequently, in the absence of other evidence, this must remain a definite possibility. However, a son of the exiled praetor, Publius Gabinius, would most likely be an equestrian, as well as a man disillusioned with Optimate government.⁴² Furthermore, if he were the cousin of Aulus Gabinius, it would help explain the latter's apparent sympathy with the Catilinarian cause and hostility to Cicero who executed the conspirators

the cognomen (without offering, however, a suggested restoration) and feels that the first Greek line should be shortened.

⁴⁰Although Sanford ("Gabinius," p. 67) argues that Cicero would have refrained from mentioning a close family tie in order to avoid drawing attention to a fact that would lend legitimacy to Gabinius' hostility to the enemies of the Catilinarians, it is hard to believe that Cicero would have allowed so obvious a connection with the Catilinarians to go unmentioned in his blunt and vicious attacks on Gabinius.

⁴¹Cicero Cat. iii. 8-13; Sallust Cat. 46-47.

⁴²Various such men were mentioned by Cicero (Cat. i. 19, 21) as followers of Catiline. See Badian, "Early Career," p. 98.

without a trial.⁴³ The cognomen Capito presents the chief difficulty in this identification. The existence of two other Gabinii Capitones rules out the possibility that it was first applied to the Catilinarian, but there is no ancient authority for assigning the cognomen to the praetor of 89. Without further evidence, the identification of P. Gabinius Capito as a first cousin of Aulus Gabinius remains only an attractive possibility.

Only one other member of the gens Gabinia remains to be mentioned: A.(?) Gabinius Sisenna, the son of the consul of 58.⁴⁴ Sisenna was mentioned only briefly by ancient authors. He served with some distinction in Syria under his father from 57 to 55,⁴⁵ and unsuccessfully pleaded with C. Memmius not to prosecute his father for maiestas.⁴⁶ If Sisenna had a further public career, it is unknown to us. As his cognomen indicates, Sisenna was not a natural son of Aulus Gabinius, but a Cornelius Sisenna adopted by the consul and retaining his cognomen.⁴⁷

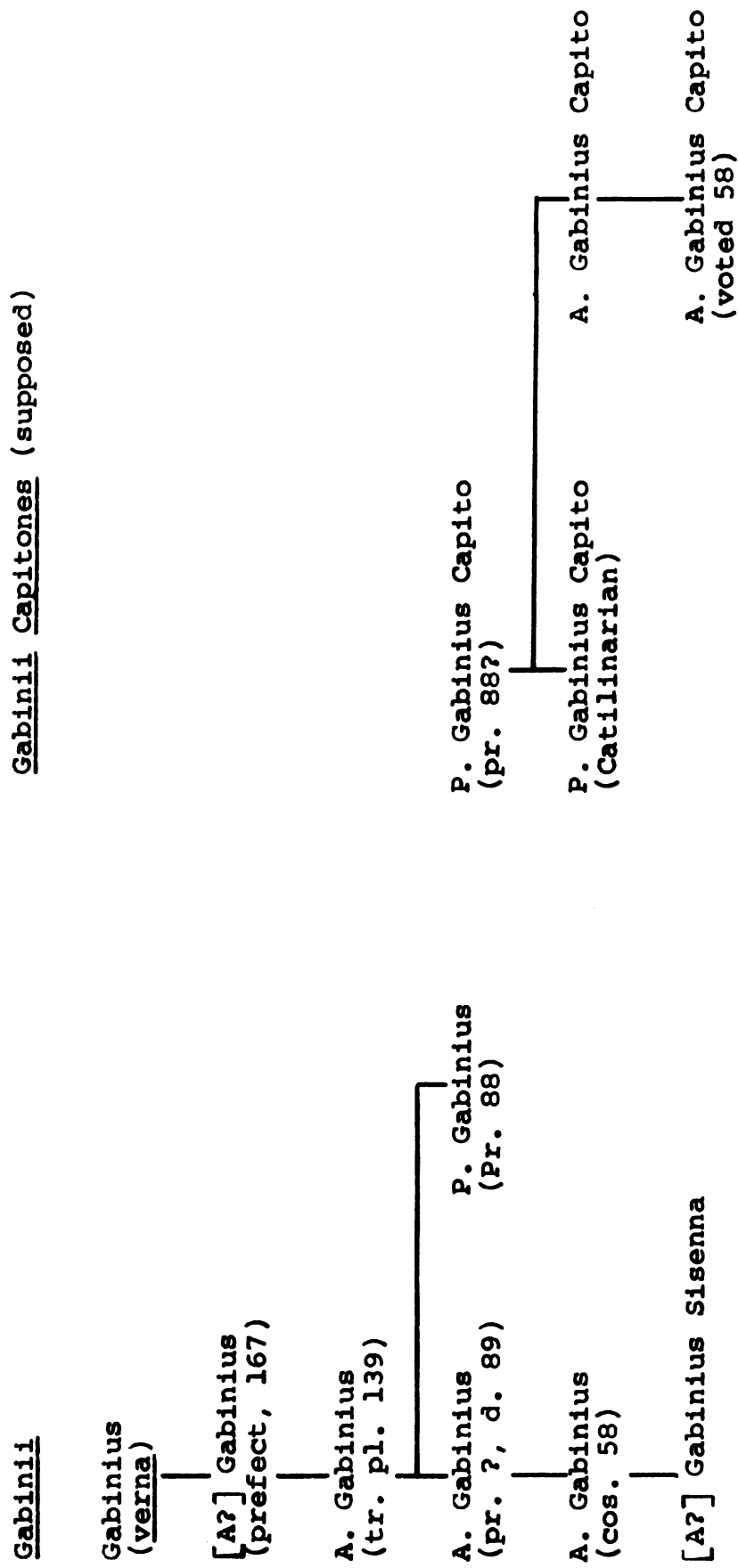
⁴³Badian, "Early Career," p. 98; Sanford, "Gabinus," p. 67.

⁴⁴See Fig. 2, p. 32.

⁴⁵Dio xxxix. 56. 5; Josephus AJ xiv. 92; BJ i. 171.

⁴⁶Valerius Maximus vii. 1. 3.

⁴⁷See Drumann, Geschichte Roms, III, 58, and Münzer, "Cornelius," RE, IV, 1510-11.

Fig. 2—Stemma of the Gens Gabinia

CHAPTER III

IN THE SERVICE OF SULLA

As with most Romans, Aulus Gabinius was of interest to ancient authors only when his life coincided with the mainstream of Roman political life. Consequently, a biography of Gabinius must necessarily contain unfillable gaps as well as many tentative reconstructions. Even the year of his birth can be determined only with great difficulty. The earliest mention of Gabinius was that he was a military tribune in the year 86.¹ In Polybius' time, five years' military service was required before election to the military tribunate; but it is not known whether this standard continued to be applied during the first century, particularly in the case of the additional tribunes such as Gabinius who were appointed by their commanders.² The one tribune of this period whose age is known, Q. Hortensius Hortalus, was twenty-four during his service,³ encouraging the belief that the requirement was still observed. Further, two men who received Pompeius' support in seeking the consulship, M. Pupius Piso and L. Afranius, were in their

¹Plutarch Sull. 16. 8.

²Polybius vi. 19; Badian, "Early Career," p. 90.

³Cicero Brut. 229-30; see Badian, "Early Career," pp. 90-91.

early fifties when they entered that office.⁴ If Gabinius were the same age during his consulship, he would have been born about 110. Such a date would be consistent with his holding the military tribunate at age twenty-four. Since his father, who held a quaestorship in 101, must have been born before 127, but probably closer to 132, he could well have fathered his first-born son by 110.⁵ Thus, although we can by no means be certain of the year of his birth, we may be reasonably confident that Aulus Gabinius was born about the year 110.

Aulus Gabinius began his military and political career in the service of Sulla. It may seem strange that Gabinius, who was such a staunch popularis during his later career, should have started out as a Sullan. However, Gabinius' immediate family appears to have had connections with the optimates. His father had served with M. Antonius against the Cilician pirates,⁶ and his uncle seems to have been a supporter of Sulla.⁷ What is perhaps more surprising is Gabinius' conversion to the populares in 67.

⁴Piso was the same age as Hortensius according to Cicero (Brut. 230) and held the quaestorship in 83 (MRR, II, 63); thus, he was born in 113 and held the consulship at age 53. Afranius, holding the praetorship no later than 71 (MRR, II, 130, n. 5), was born no later than 110, and was consul after his 51st year.

⁵Astin, "Lex Annalis," XVII, pp. 2-64; on Gabinius' father, see above, pp. 23-24.

⁶See above, p. 23. Antonius was killed in the Marian massacres in 86, see Plutarch Mar. 44. 1-7.

⁷See above, pp. 24-25.

That change will be discussed in the next chapter as far as our limited knowledge of Gabinus' early career will permit.

Gabinus' first years of military service are unknown, but he could hardly have escaped the Social War. Since he served with Sulla in Greece against Mithridates, it is reasonable to assume that he was already enrolled in Sulla's army in 88 when it was being trained at Nola. When the tribune Sulpicius tried to relieve Sulla of command, the Optimate consul took command of his troops and marched on Rome. Since Sulla's officers refused to follow him into Rome, it is very doubtful that Gabinus had yet been appointed military tribune.⁸ Sulla, as Badian points out, would not have reinstated any of the officers even though he reportedly refrained from punishing them for their disloyalty.⁹ Gabinus' appointment was probably closer to 86 when he was mentioned as being eager to perform well in what appears to have been his first important military assignment at Chaeronea.

After Sulla had settled the political situation in Rome to his liking, he finally set out for the Mithridatic War in 87. Landing in Epirus with five legions, Sulla marched to Attica and penned up Mithridates' forces in Athens. After capturing the city in early 86, Sulla turned northward to Boeotia to meet a large combined Pontic

⁸Appian BCiv. 1. 57.

⁹"Early Career," p. 93; see Appian BCiv. 1. 57.

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army under the command of Archelaus, Mithridates' most capable general.¹⁰

As part of the thrust and counter-thrust of the two armies' jockeying for advantage, Sulla dispatched Gabinius with a legion to Chaeronea to prevent Archelaus from capturing the city. With youthful enthusiasm, Gabinius managed to reach the city before a group of Chaeroneans who were also sent by Sulla and who wished to be first in liberating their home town.¹¹ When Sulla approached Chaeronea a few days later to marshal his army for the impending battle, Gabinius led his troops out in full armor to meet the commander and presented him with a laurel wreath.¹² Sulla had come to Chaeronea to observe the position of some Pontic troops encamped on Mount Thorium overlooking the battle ground. When two Chaeroneans proposed to the general that they be given a small force with which to dislodge the enemy from their commanding position on the mountain, Sulla agreed only after Gabinius vouched for their capability as well as their allegiance.¹³

Aulus Gabinius' exploits at the battle of Chaeronea and during the rest of the war have not been recorded, but he probably accompanied Sulla when the dictator returned

¹⁰For the campaign, see Plutarch Sull. 11-12; and Appian Mith. 28-45, 49-50.

¹¹Plutarch Sull. 16. 8. Plutarch mentioned that Juba named the tribune as a certain Ericius, but Plutarch used Sulla's memoirs as the source for his own account; see Sull. 14. 2, 6.

¹²Plutarch Sull. 17. 5-6.

¹³Ibid., 6-7.

to Italy after hastily patching up a peace treaty with Mithridates in 83. He evidently remained in Sulla's service, for two years later he was sent to Asia on a delicate diplomatic mission.

After Sulla had concluded the peace with Mithridates, he left L. Licinius Murena in the province of Asia as *propraetor* with the two Fimbrian legions.¹⁴ Meanwhile, Mithridates began to rebuild his army and fleet, ostensibly to reassert his authority over the barbarians to the east of his kingdom but, as the Romans suspected, more probably in preparation for a renewed attack on the Roman province of Asia. The king also apparently was beginning to repent of the treaty with Sulla; for he was delaying the restoration of Cappadocia to Ariobarzanes and was growing suspicious of his general Archelaus, who had arranged the terms of the peace. Hearing of this, Archelaus fled to Murena and persuaded him to make a preemptive attack on Mithridates.¹⁵ Although he was ordered by the Senate to stop his unauthorized war, Murena, desirous of a triumph, continued to raid Pontus until Mithridates defeated him

¹⁴Murena had commanded the left wing of Sulla's army at Chaeronea (Plutarch Sull. 17-19; Appian Mith. 43); on his rank as *propraetor*, see MRR, II, 61, 62, n. 4. The two legions were originally under the command of L. Valerius Flaccus, who had been sent to the East by Cinna in 86 to succeed Sulla. After a mutiny in 85, Flaccus' legate, C. Flavius Fimbria, succeeded to the command by murdering his commander. Besieged by Sulla's army, Fimbria committed suicide in 84 (see Appian Mith. 51-53, 59-60; and MRR, II, 53, 59 for the complete sources on Flaccus and Fimbria).

¹⁵Appian Mith. 64.

in battle and drove the Roman army out of Cappadocia.¹⁶

Sulla, who had problems enough in Rome, could not afford a full-scale conflagration in the East. Consequently he sent Aulus Gabinius to Asia to end the war and salvage what he could from the situation.¹⁷ Murena was ordered to return to Rome and was bribed to do so by the offer of an undeserved triumph.¹⁸ Thus, by removal of the aggressor, the Second Mithridatic War was ended; but Gabinius also had the more difficult task of constructing a peace with Mithridates which would not appear to be capitulation.

Gabinius was able to accomplish this second task only by granting to Mithridates the territories in Eastern Cappadocia which he held at the conclusion of the war. The actual problem facing Gabinius was how to prevent Mithridates from demanding too much. At all costs Gabinius could not allow Mithridates to become too contemptuous of Roman military might.¹⁹ In order to justify granting Mithridates the territory, Gabinius arranged a reconciliation between Ariobarzanes, king of Cappadocia, and

¹⁶Ibid., 64-66, 112; cf. Cicero Mur. 11, 15, 32.

¹⁷Appian Mith. 66.

¹⁸Ibid.; Cicero Leg. Man. 8; Mur. 11, 12, 15, 32. Although Cicero said that the triumph was well-deserved, Murena's victorious raids in which he collected a great deal of booty could not have mitigated his defeat and loss of Eastern Cappadocia.

¹⁹That he was at least partially successful can be seen in Mithridates' willingness to give up parts of occupied Cappadocia in 80 or 79 at Sulla's orders (Appian Mith. 67).

Mithridates. The treaty was sealed with Mithridates' betrothal of his four-year-old daughter to Ariobarzanes which gave the Pontic ruler a pretext not only for retaining the parts of Cappadocia he was currently occupying but also for demanding additional territory.²⁰ Ariobarzanes seemed content with the settlement which reduced military acquisitions to a marriage price. Mithridates on his part demonstrated his pleasure in the settlement by giving a huge banquet in celebration of the betrothal of his daughter. Gabinius alone was said to have refrained from the revelry,²¹ perhaps because he realized that his settlement had only bought the Romans time.

Following his mission to the East in 81, Aulus Gabinius again slips into obscurity until his tribunate in 67. There can be little doubt, however, that with a successful diplomatic mission to his credit, Gabinius continued in his service to Sulla until the dictator's retirement. Although Gabinius' activities during this period cannot be reconstructed with any degree of certainty, two friendships which were important to his later career probably had their roots in these years: those with L. Sergius Catilina and with Cn. Pompeius Magnus.

Gabinus' friendship with Catilina is known to us principally from Cicero's slanderous remarks made many

²⁰Appian Mith. 66.

²¹Ibid. It is this incident which leads Münzer to believe that this A. Gabinius is not the same man as the later consul who was characterized by Cicero as a libertine.

years later after the orator's return from exile. According to Cicero, Gabinius was Catilina's "lantern bearer,"²² his "pet dancer,"²³ and ultimately his "darling"²⁴ and "lover."²⁵ Since Cicero's aim was persuasio rather than veritas, these epithets in themselves need not concern us; however, they do indicate a relationship between the two men that was close enough to be viciously slandered. Indeed, a friendship does not appear unreasonable, for they were close in age and both were legates of Sulla.²⁶ Attesting the strength of the friendship was Cicero's claim that Gabinius asked him to spare Catilina's life in 63.²⁷ Although Cicero recounted this incident to show that friendship with Catilina implied a desire on Gabinius' part to overthrow the state, the assertion of guilt by association was hardly justifiable. The orator himself had sought an

²²Pis. 20: "laternario."

²³Planc. 87: "saltator."

²⁴Dom. 62: "delicias."

²⁵Red. Sen. 10: "amatorem."

²⁶Since Catilina was praetor in 68, he was born before 108. For Catilina's career, see MRR, II, 72, 138, 141, 147, 155. Badian ("Early Career," p. 94) sees an affinity between the two "in military interests and a liking for luxury." However, neither Catilina nor Gabinius seemed to show any special interests in these areas beyond the norm for first century Romans.

²⁷Cicero Red. Sen. 10. It is not altogether clear that Gabinius had returned to Rome from the East before the Catilinarian conspiracy had been uncovered. Nor is it clear just when Gabinius could have made this request since Catilina was in no real personal danger until he fled Rome to join his army in open rebellion. On Cicero and Catilina see Stockton, Cicero, pp. 110-42.

electoral alliance with Catilina in 64 before he received the support of the optimates.²⁸

The second and more important friendship which may have developed during this period was that with Cn. Pompeius Magnus. No evidence exists for an early friendship, but many historians extrapolate an affinity from their later relationship. Sir Ronald Syme feels that Gabinus may be included among the circle of personal adherents which Magnus was gathering from Picenum.²⁹ Although we do not know where Gabinus was from, his wife Lollia was perhaps the daughter of M. Lollius Palicanus, one of Pompeius' Picene supporters.³⁰ There is also some evidence that Gabinus may have served under Pompeius in Spain during the Sertorian War.³¹ Although the evidence for a strong friendship between Gabinus and Pompeius at this time is

²⁸Cicero Att. 1. 2. 1.

²⁹Roman Revolution, p. 31. See also William S. Anderson, Pompey, His Friends, and the Literature of the First Century B.C., University of California Publications in Classical Philology, Vol. XIX (Berkeley and Los Angeles: University of California Press, 1963), pp. 13-14.

³⁰Suetonius (Iul. 50. 1) provided the name of Gabinus' wife; for her possible identification as the daughter of Palicanus, see Syme, Roman Revolution, p. 31 and "The Allegiance of Labienus," JRS, XXXVIII (1938), 118.

³¹Badian, Foreign Clientelae, 307, 309; "Early Career," p. 95. The evidence in question is the appearance of the name Gabinus in both Spain and Narbonese Gaul. However, the Gabinus from Narbonese Gaul can be accounted for by P. Gabinus Capito's connections with the Allobroges, as Badian himself recognizes in Foreign Clientelae. It might not be unreasonable to suggest that Capito also saw service in Spain either instead of or in addition to A. Gabinus.

far weaker than that attesting the friendship between Gabinius and Catilina, it does seem probable that the roots of their later political amicitia lay in these obscure years.

During this period of Gabinius' life, he would have held the quaestorship. Since he was eligible at least from the year 80 and extant records of quaestors are scarce, it is not possible to determine just when he held the office.³² Due to the delay in his reaching the higher magistracies, Badian proposes that Gabinius was for some reason prevented from holding the quaestorship before serving with Pompeius in Spain and, consequently, could not have held the office until after Pompeius' return. Holding a quaestorship in 70 or 69 would also explain why Gabinius did not run for the tribunate until 67.³³ Badian's argument appears plausible, but it substitutes one unknown for another. What reason would have prevented an accomplished legate of Sulla from attaining a quaestorship between 80 and 75?³⁴ On the other hand, a perfectly good reason exists as to why Gabinius did not run for tribune immediately after Pompeius' return: for an ambitious man, the tribunate was not worth having until Pompeius and Crassus partially dismantled the Sullan constitution. The fact that no

³²In the years 8-69, only 36 of the 240 quaestors have been identified, 13 only tentatively. See MRR, II, 80-133.

³³"Early Career," p. 96.

³⁴Badian ("Early Career," p. 96) makes a vague reference to the "troubles that followed Sulla's retirement and death."

significant tribunician laws were passed in the years 70 through 68 indicates that the tribunes themselves were cautious about reviving their lost powers.³⁵ While Badian's proposal is attractive (since Gabinius would thereby have held all the offices in the cursus with the minimal delay), it is more honest to admit that there is no way of knowing when Gabinius was quaestor.

³⁵See MRR, II, 128-39.

CHAPTER IV

CHAMPION OF THE PEOPLE

In 67, three years after Crassus and Pompeius had removed the Sullan restrictions from the tribunate, Aulus Gabinius became a tribune of the plebs. No ancient source still extant recorded his election or his supporters, and even Cicero could muster only a half-hearted charge that he sought the office to escape his debtors.¹ It might be assumed that he received support from Pompeius; but if so, the amount is most uncertain, since the latter does not appear to have made an effort to exercise his political influence in the years following his consulship or even to promote the election of his friends during these years.² What is more certain is that Gabinius, like many former Sullani, abandoned the Optimate cause and joined the populares.³ The influence of Pompeius in this change would have depended on the closeness of the two men, something

¹Sest. 18; Red. Sen. 11.

²See Hugh Last, CAH, IX, 341-42; for the disorganization in the popularis "party," see William McDonald, "The Tribunate of Cornelius," CQ, XXIII (1929), 196-99; for the magistrates elected from 69 to 67, see MRR, II, 131-51.

³Besides Gabinius—Pompeius, Crassus, and Catilina were Sullani turned populares.

we cannot hope to discover for this period.⁴ However, we do not need to look beyond the exclusive attitudes of the nobiles who made up the Optimate faction to determine sufficient personal motives for Gabinius to make such a change. The path to advancement for a man without the proper ancestors lay only with the populares.

Not enough is known about Gabinius to determine if he was drawn to the populares for some reason other than personal ambition. The prospect that there was other motivation is rather unlikely, however; for the populares did not exist as a political party in any modern sense of the word. There was no party organization, no ticket, and above all no platform to draw Gabinius to the populares. The basic distinction between the optimates and the populares was not policy but methods: the populares worked through the popular assemblies, the optimates through their control of the Senate. Although the populares supported measures which would increase the privileges of the people at the expense of the Senate, the common goal of both "parties" was the accumulation of political power. Except for general attitudes and methods, individuals rather than the "parties" were the sources of political programs.⁵

In addition to Gabinius, another popularis candidate,

⁴H. Hill, The Roman Middle Class in the Republican Period (Oxford: Basil Blackwell, 1952), p. 158; McDonald, "Cornelius," p. 199.

⁵For a complete discussion of the "parties," see Lily Ross Taylor, Party Politics in the Age of Caesar, Sather Classical Lectures, Vol. XXII (Berkeley and Los Angeles: University of California Press, 1949), chaps. i and iv. See also Syme, Roman Revolution, pp. 11-12, 22.

C. Cornelius, reached the tribunate in 67.⁶ Together, they launched the first tribunician onslaught on the optimates since the tribunate had been restored by the consuls of 70. Their program was perhaps not spectacular, but it contained a number of significant reforms. More importantly, most of their proposals were adopted into law in some form. While Hugh Last's contention that they divided their work, with Gabinius in charge of provincial interests while Cornelius handled internal affairs,⁷ does not appear wholly accurate upon examination of their respective programs, their legislative efforts exhibited a common concern for the welfare of the empire and a desire to eliminate at least some of the more obvious abuses prevalent in the government.

Cornelius passed only one of his laws in its original form. It required praetors and provincial governors to abide by their own edicta perpetua when giving judgment,⁸ a custom which too often was observed only in the breach by the governors.⁹ A law which would have transferred to the Assembly the prerogative of the Senate to grant exemptions to laws for individuals was vetoed by the opposing tribune Globulus, but Cornelius ignored the veto and would not

⁶For the sources for Cornelius' tribunate, see MRR, II, 144.

⁷CAH, IX, 342.

⁸Asconius Corn. p. 59 (Clark).

⁹Of course, one can point to Verres, but Cicero also faced pressure to violate his own edicta in Cilicia from various agents of M. Brutus (Att. vi. 1, 2).

dismiss the Assembly until riots broke out in the forum. Something of this reform was salvaged, however, when Cornelius passed without incident a compromise measure requiring a quorum of 200 for Senatorial exemptions.¹⁰ A third bill, which attacked the wholesale bribery in elections by making not only candidates but also their agents employed in the transactions liable, created such alarm in the Senate that the consul C. Calpurnius Piso was persuaded to pass a lex de ambitu of his own to forestall the harsher measure.¹¹

While Cornelius was proposing these laws, Gabinius was also earning the wrath of the optimates with his legislative program. In his first law, Gabinius joined with those in Rome who had become dissatisfied with Lucullus' conduct of the Mithridatic War. As early as 69, certain "enemies" of Lucullus, either through jealousy or fear of a returning victorious general, had acted to remove Asia from his command.¹² In 68 the praetor L. Quinctius emerged as a spokesman for Lucullus' enemies and persuaded the people to assign the province of Cilicia to the consul Q. Marcius Rex.¹³

¹⁰Asconius Corn. pp. 58-59 (Clark).

¹¹Asconius, Corn. pp. 69, 75-76 (Clark); Toq. Cand. p. 88 (Clark); for complete sources, see MRR, II, 142-44.

¹²Dio xxxvi. 2. 1-2.

¹³Plutarch (Luc. 33. 4-5) mentioned Quinctius' role, but the account was slightly garbled with no indication of a gradual stripping of provinces from Lucullus. The date for the transfer of Cilicia was given by Suetonius

By the time of Gabinius' tribunate, quite an array of people were demanding Lucullus' recall. The general's fair and liberal administration of his provinces did not exactly endear him to the publicani, who were not known to suffer in silence; and his stern and severe command caused increasing unrest among his soldiers.¹⁴ In addition, recent successes of Mithridates, who showed an incredible resiliency, prompted exasperation in Rome and a suspicion that Lucullus was prolonging the war for his own profit.¹⁵ Finally, the Roman distrust of the extended command added its weight to the recall movement.¹⁶

In this atmosphere Gabinius proposed a plebiscite to transfer both the provinces of Bithynia and Pontus and the Mithridatic War to the consul M'. Acilius Glabrio. At the contiones in which his bill was explained to the people, Gabinius seems to have played on the suspicions and fears of the people, emphasizing that Lucullus was prolonging the war for both personal enrichment and empire.¹⁷ He even went so far as to produce a picture of Lucullus'

(Iul. 8), who demonstrated that the legions bound for Cilicia had already been levied by the summer of 68 when Caesar returned to Italy from Spain. Vonder Mühl ("Gabinius," No. 11, RE, VII, 424) places Quinctius' praetorship in 67, but see MRR, II, 150, n. 7.

¹⁴Plutarch Luc. 33. 1-4.

¹⁵Ibid., 5; Cicero Leg. Man. 24-25; Eutropius vi. 9.

¹⁶Cicero Leg. Man. 26.

¹⁷Plutarch Luc. 33. 5. In his garbled account, Plutarch spoke generally of tribunes saying this, but it fits in with what Gabinius said.

villa at one contio to stir up popular indignation.¹⁸ By such methods Gabinius was able to win approval of his measure transferring the provinces to Glabrio and discharging the Valerian legions which had been serving in the East for twenty years.¹⁹

The immediate results of this law were disastrous. The Valerian legions had been restless for some time; and when they received news of their impending discharge, they mutinied.²⁰ Afterwards, Lucullus had all he could do to keep the rest of his army under nominal control; for they refused to attack Mithridates, although this allowed the Pontic king to receive reinforcements from Tigranes of Armenia and to regain lost territory.²¹ When Glabrio learned of the attitude of the army and of Mithridates' renewed success in Pontus and Cappadocia, he suddenly became less eager to relieve Lucullus of his command and delayed in Bithynia, having only encouraged the mutinous attitude of the troops by his very proximity.²²

Theories on the motives of Gabinius in proposing this law are both numerous and widely divergent. A simple motivation of Gabinius' hostility toward Lucullus and the

¹⁸Cicero Sest. 93.

¹⁹Ibid.; Leg. Man. 26; Dio xxxvi. 14. 2; Plutarch Luc. 33. 5; Eutropius vi. 9.

²⁰Plutarch Luc. 35. 3; Dio xxxvi. 14. 3-15. 3; Sallust Hist. v. 13; Appian Mith. 90.

²¹Plutarch Luc. 35. 4-6; Dio xxxvi. 17. 1.

²²Dio xxxvi. 17. 1.

Senate, proposed by H. Hill,²³ fails to explain the choice of the Optimate Glabrio as the general's replacement.

Cobban's theory of a complex Machiavellian plot hatched by Pompeius and Gabinius to replace Lucullus with an incompetent so that Pompeius could later come forward as the sole possible savior²⁴ ascribes to Pompeius a political astuteness which he never otherwise seems to have displayed.²⁵

Theodor Mommsen suggests an equally elaborate motive;²⁶

Gabinius was persuaded by certain leaders of the populares to appoint Glabrio in order to block the ambitious Pompeius from receiving both the Mithridatic War and the pirate command. Again, why the Optimate Glabrio should be preferable to some popularis general is left unexplained.

Furthermore, it is doubtful that anyone in Rome could have envisioned that both the eastern and pirate campaigns could be placed under one commander. In fact, it must be admitted that we do not know the extent of Pompeius' support of Gabinius at this point; to assert that the tribune was

²³Middle Class, p. 158.

²⁴J. MacDonald Cobban, Senate and Provinces 78-49 B.C.: Some Aspects of the Foreign Policy and Provincial Relations of the Senate during the Closing Years of the Roman Republic (Cambridge: Cambridge University Press, 1935), pp. 123-24.

²⁵See Wallace E. Caldwell, "An Estimate of Pompey," in Studies Presented to David Moore Robinson on His Seventieth Birthday, ed. by George Mylonas (2 vols; St. Louis: Washington University, 1953), II, 954-61.

²⁶The History of Rome, trans. by W. P. Dickson (4 vols., 2d ed.; New York: Charles Scribner's Sons, [1866]), IV, 137-38.

working on behalf of or against Pompeius is sheer speculation.

To understand Gabinus' motives for proposing this law, one would do better to investigate the political effects such a proposal would have. The recall of Lucullus, as we have seen above, enjoyed rather broad support; it was hardly a narrow popularis issue. It was precisely the sort of political issue which could generate support for the rest of Gabinus' legislative program. The choice of Glabrio thus becomes a shrewd political maneuver. Being consul Glabrio was deserving of the command; and since he was an Optimate, the selection of Glabrio effectively neutralized Senatorial opposition to the recall of Lucullus.

The rapid deterioration of the Roman position in the East as a result of Lucullus' recall ought not to be laid at Gabinus' feet. The true strategic situation in the East was not understood by anyone in Rome, nor could it have been.²⁷ Indeed, by calling for a Senatorial commission in 70 or 69 to organize Pontus as a province, Lucullus had served notice that the war was all but concluded.²⁸ Thus, Lucullus himself seems guilty of underestimating the resiliency of Mithridates.²⁹ Furthermore, Lucullus' problems with his army did not suddenly materialize when

²⁷Matthias Gelzer, Pompeius (Munich: F. Bruckmann, 1949), p. 71.

²⁸See MRR, II, 129, 131.

²⁹As his attempted expedition against Parthia demonstrates; see Plutarch Luc. 30. 1-2.

the Valerian legions learned of their discharge. His legates were already beginning to suffer setbacks from Mithridates in 68, and in the same year there were two mutinous incidents among the troops.³⁰ Adding to an already difficult situation, Clodius, serving as legate to Lucullus, stirred up the discontent of the Valerians in the winter of 68/67.³¹ Unknown to Gabinus or anyone else in Rome, Glabrio was being sent not on a simple mopping-up operation but into chaos. That everyone expected the former can be seen from the fact that Glabrio was not accompanied by fresh troops.³² It is no wonder then, that he was in no hurry to take the command from Lucullus once he had been apprised of the true situation. His actions betray not so much military incompetence as an unwillingness to preside over what promised to be a Roman disaster. Thus, it should be clear that even before the Gabinian Law, the military situation in the East had become untenable; and the disaster which came about was caused by neither Glabrio nor Gabinus.

The Lex Gabinia de piratis persecuendis, Gabinus' most important law, was proposed soon after the recall of Lucullus. The need for a sweeping action against the pirates was the end result of over a century of Roman

³⁰See MRR, II, 139-40 for full references.

³¹See MRR, II, 140 for full references.

³²Cicero Leg. Man. 5, 26. This negates the contention of G. Ferrero (The Greatness and Decline of Rome, trans. by A. Zimmern, Vol. I: The Empire-Builders [New York: G. P. Putnam's Sons, (1909)], pp. 221-22) that this law was the second law of Gabinus and followed the defeat of Triarius. If so, surely an army would have been voted.

mismanagement of foreign policy. When Rome conquered Antiochus the Great in 189, the principal aim had been to drive Antiochus from the Mediterranean to beyond the Taurus Mountains. The policing of the Eastern coasts where Antiochus had previously checked the depredations of the pirates now fell to Rhodes, which was given control of the Carian and Lycian coastal cities.³³ However, the Rhodians blundered politically in 168 when an embassy which they had sent to Rome offering to mediate in the Roman war with Perseus of Macedonia arrived at the same time as news of Rome's victory. Although Rome refrained from declaring war on the hapless Rhodians, the Senate did remove the coastal cities from Rhodian control and ended Rhodes' economic domination of the eastern Mediterranean by creating a free port at Delos.³⁴ Thus weakened, Rhodes was no longer able to patrol the seas against the pirates. Indeed, the subsequent creation of a large slave market on Delos actually encouraged the formation of organized gangs of pirates in Cilicia who earned their livelihood quenching Rome's insatiable thirst for slaves.³⁵ Although the Romans had created a power vacuum in the eastern Mediterranean, they made no move to assume the duty of patrolling the seas.³⁶ As Strabo pointed out,

³³Polybius xxi. 7.

³⁴Ibid.

³⁵Strabo xiv. 5. 1.

³⁶Hugh Last, "Imperium Maius: A Note," JRS, XXXVII (1947), 160; Henry A. Ormerod, Piracy in the Ancient World: An Essay in Mediterranean History, The Ancient World (Liverpool: The University Press of Liverpool, 1924), p. 199.

the Romans were too preoccupied with matters closer to home to have much concern for the distant East.³⁷ By 102 the situation had deteriorated so far that the praetor M. Antonius received Cilicia as his province and conducted three years of naval operations against the pirates.³⁸ Whatever successes he may have had were temporary; for in 74 the Senate created a special command giving his son, M. Antonius Creticus imperium infinitum in order to combat piracy throughout the Mediterranean.³⁹ Three years later the hapless Creticus was defeated by the Cretan pirates and forced to make a treaty with them.⁴⁰ Q. Caecilius Metellus Creticus took up the campaign against the Cretan pirates in 68, with some success;⁴¹ but the situation elsewhere was rapidly becoming critical.

The fleets of Lucullus had been offering protection against the pirates as well as against Mithridates, but in 69 the large number of pirate attacks in the Aegean demonstrated that Roman efforts were woefully inadequate.⁴² More importantly, the pirate attacks were beginning to affect not only provinces and allies but also Italy and Rome. As Cicero declared, "We were doing without not only the provinces, the seacoasts of Italy, and our ports, but

³⁷Strabo xiv. 5. 2.

³⁸A. H. M. Jones, The Cities of the Eastern Roman Provinces (Oxford: Clarendon Press, 1937), p. 202. See MRR, I, 568 for complete listing of sources.

³⁹MRR, II, 109.

⁴⁰Ibid., 123.

⁴¹Ibid., 139

⁴²Ormerod, Piracy, p. 232.

even without the Appian Way!"⁴³ More specifically, two praetors, Sextilius and Bellinus, were captured together with their lictors and other attendants.⁴⁴ Finally, Rome itself was brought close to famine by the strangulation of shipping in the winter of 68/67.⁴⁵

Despite the growing audacity of the pirates, the Senate displayed virtually no leadership after the appointment of Antonius Creticus to a special command in 74. Metellus, his successor, was not given imperium infinitum to rid the seas of pirates, but only the specific task of subduing Crete. The Senate could hardly have done less. Although a concerted effort was clearly called for, the Optimate leadership sought the aid of neither Pompeius nor any of its own available consulares.⁴⁶ And so the initiative fell into the hands of the populares.

The law proposed by Gabinius was patterned after the senatus consultum of 74, which had given M. Antonius imperium infinitum.⁴⁷ Pompeius was not actually named commander by the law, perhaps in an effort to blunt the certain

⁴³Leg. Man. 55: "idem non modo provinciis atque oris Italiae maritimis ac portibus nostris, sed etiam Appiam via carebamus."

⁴⁴Plutarch Pomp. 24. 6; cf. Cicero Leg. Man. 32-33; and Appian Mith. 93. Broughton (MRR, II, 138, 141) places the two praetors in the year 68, while admitting that the year is uncertain.

⁴⁵Livy Per. cxix; Plutarch Pomp. 27. 1; Dio xxxvi. 23. 1-2. Cf. Cicero Leg. Man. 34.

⁴⁶Dio xxxvi. 23. 2.

⁴⁷Velleius Paterculus ii. 31. 4. Cicero Verr. ii. 2. 8; ii. 3. 213.

Senatorial opposition or make the choice of Pompeius appear as a genuine popular draft; but no one was deceived. It was clear from the beginning that the command against the pirates would be given to Pompeius.⁴⁸ Plutarch, Appian, and Dio all maintained that the law gave Pompeius absolute authority over the entire Mediterranean and its shores up to fifty miles inland,⁴⁹ but the imperium maius implied in such a command would have been constitutionally possible only for a dictator.⁵⁰ On the other hand, Velleius described Pompeius' imperium very precisely as "equal with proconsuls in all provinces up to fifty miles from the sea."⁵¹ The revolutionary aspect of Pompeius' command was not the question of absolute authority but the fact that up to fifty miles from the sea his imperium overlapped that of the regular provincial governors.⁵² The clashes Pompeius

⁴⁸Dio xxxvi. 23. 5.

⁴⁹Plutarch Pomp. 25. 2; Appian Mith. 94; Dio xxxvi. 23. 4. The distance of 50 miles which was given by Velleius (ii. 31. 3) was converted by the Greek writers to the equivalent figure of 400 stades. See also Zonaras x. 3. 3.

⁵⁰V. Ehrenberg, "'Imperium Maius' in the Roman Republic," in Polis und Imperium: Beiträge zur alten Geschichte (Zurich: Artemis Verlag, 1965), pp. 591-92. Contra: W. R. Loader, "Pompey's Command under the Lex Gabinia," CR, LIV (1940), 134-36; and most recently, Shelach Jameson, "Pompey's Imperium in 67: Some Constitutional Fictions," Historia, XIX (1970), 539-60.

⁵¹ii. 31. 3: "imperium aequum in omnibus provinciis cum proconsulibus usque ad quinquagesimum miliarum a mari." After Sulla all provincial governors held proconsular imperium whatever their rank, according to Last, "Imperium Maius," pp. 160-61.

⁵²Ehrenberg, "Imperium Maius," p. 492.

incurred with Q. Metellus in Crete and in Gaul with C. Piso were precisely conflicts of two men with equal imperium in the same territory. For this three-year command, Pompeius was to be provided with 200 ships⁵³ and the right to levy sailors and soldiers both in Italy and in the provinces⁵⁴ and to raise up to 6,000 talents to finance the campaign.⁵⁵ Finally, he would be empowered to name fifteen legates of Senatorial rank who would have propraetorian imperium.⁵⁶

The populace responded enthusiastically to Gabinus' proposal. Years of inadequate Senatorial response to the pirate menace had brought increasing inflation and finally the threat of famine in the city. Consequently, the urban population had little sympathy with the Senatorial opposition to Pompeius; and they demanded that he be named commander of the expedition.⁵⁷

In the Senatorial debate which followed, however, only C. Julius Caesar supported the measure; and even he did so, according to Plutarch, only to further his own

⁵³Plutarch Pomp. 25. 3.

⁵⁴Ibid.; Appian Mith. 94.

⁵⁵Appian Mith. 94; Plutarch Pomp. 25. 3. Appian gave the figure of 6,000 talents while Plutarch stated that Pompeius had unlimited drawing rights on the treasury and money collected by the publicani. In "The Aerarium and the Fiscus," JRS, XL (1950), 22, A. H. M. Jones rejects the unlimited drawing rights of Plutarch but suggests that Pompeius could draw any amount from the treasury up to the 6,000 talents given by Appian.

⁵⁶Plutarch Pomp. 25. 3; Appian Mith. 94.

⁵⁷Dio xxxvi. 23. 3-24. 1; Plutarch Pomp. 25. 1, 3.

career by supporting a popular issue.⁵⁸ The rest of the Senate vigorously opposed the bill. Plutarch, who disapproved of the law, stated that the leading Senators decided that the law would invest a commander with such power that he would be dangerous to the state itself;⁵⁹ but Dio seems to have captured the short-sighted attitude of the Senate better: "For they preferred to suffer anything whatsoever from the pirates rather than entrust so great a command to Pompeius."⁶⁰ The Optimate position that the liberty of the republic would be endangered by a law which would place so much authority in the hands of one man⁶¹ was merely a smoke screen. A similar command had been granted to M. Antonius Creticus by the Senate itself only seven years before. In actuality, the optimates did not oppose the command but the commander. As Cicero pointed out, the Senate had already granted a long series of exceptional commands to Pompeius with the full approval of Q. Catulus and the other optimates.⁶² But Pompeius was now a popularis and by definition was dangerous to the state. Therefore, although they were either unwilling or unable to take effective action themselves, the optimates vociferously opposed the

⁵⁸Pomp. 25. 4. Plutarch was being uncharitable; as a popularis, Caesar could be expected to support a measure of this kind.

⁵⁹Pomp. 25. 3.

⁶⁰xxvi. 24. 1: "γὰρ πᾶν ὀτιοῦν ὑπὸ τῶν ληστῶν παθεῖν μᾶλλον ἢ ἐκείνῳ τοσαύτην ἡγεμονίαν ἐγχειρίσαι ἤρεῖτο."

⁶¹Velleius ii. 32. 1.

⁶²Leg. Man. 61-63.

people's taking direct action.⁶³

Among those who spoke against the measure were Q. Hortensius,⁶⁴ who denounced Gabinus, and the consul C. Piso,⁶⁵ who declared that if Pompeius were ambitious like Romulus, he would also share his fate. Senatorial opposition reached such an emotional peak that when Gabinus entered the Curia he was driven out by some of the Senators.⁶⁶ Either as a result of this mistreatment of Gabinus or of Piso's intemperate speech, a large crowd stormed the Curia, breaking up the session of the Senate and capturing Piso.⁶⁷ Although the consul was saved from harm through Gabinus' intercession, the Senate did not debate the proposed Gabinian Law again.⁶⁸

Neither of the surviving narratives of the public

⁶³Charles Wirszubski (Libertas as a Political Idea at Rome during the Late Republic and Early Principate [Cambridge: Cambridge University Press, 1950], p. 63) rightly points out the partisan nature of Cicero's speech (at that time he was still a popularis); but in accepting the Optimate grounds for opposition, he ignores the essentially hypocritical nature of the argument.

⁶⁴Cicero Leg. Man. 52.

⁶⁵Plutarch Pomp. 25. 4. Plutarch did not name the consul in question, but it can be inferred that it was Piso from Dio (xxvi. 24. 3), who mentioned that Piso had to be rescued from the crowd as did the unnamed consul in Plutarch's account. For Piso's hostility to Pompeius, see Gruen, "Pompey," pp. 156-58.

⁶⁶Dio xxxvi. 24. 1. His statement that Gabinus only narrowly escaped being killed was an obvious exaggeration. The only tribunes murdered were Ti. and C. Gracchus and then only in the midst of riots and after senatus consulta had been passed. It is just conceivable that an Optimate-inspired mob might murder a tribune, but it is beyond belief that a tribune would be killed on the floor of the Curia.

⁶⁷Dio xxxvi. 24. 2.

⁶⁸Ibid., 3.

debate on the proposed lex Gabinia⁶⁹ is very satisfactory since neither author seems to have fully understood the procedure involved in carrying a plebiscite during the Republic. Plutarch made no distinction between speeches in the Senate and those delivered in the assembly, and Dio failed to separate the debates from the final voting assembly. In addition, each presented only a sampling of the speeches without indicating that he was doing so; and each placed the speakers in a different order.⁷⁰ Since there is really no satisfactory way to determine which author's sequence ought to be followed,⁷¹ this account will arbitrarily follow Dio's order of events because it includes the greater number of speakers.

After Gabinius first announced his bill, an interval of twenty-four days had to elapse before he could hold a comitia to vote on it.⁷² During this period Gabinius had to hold at least one contio (he probably held several) to discuss the measure. He had to include a number of speakers, both magistrates and private citizens and even opponents of the bill, so the other tribunes could determine whether or

⁶⁹Ibid., 24. 4-36. 4; Plutarch Pomp. 25. 4-26. 1.

⁷⁰From Cicero (Leg. Man. 52) we know of at least one more speaker, although doubtlessly there were yet more.

⁷¹T. Rice-Holmes (The Roman Republic and the Founder of the Empire, I [New York: Russell & Russell, 1923, reissued, 1967], pp. 396-97) claimed that Dio was better acquainted with Roman affairs than any other Greek during the imperial period; but as we have seen above, both accounts leave much to be desired.

⁷²Taylor, Voting Assemblies, p. 16.

not to interpose their veto.⁷³ The debate as presented by Dio and Plutarch seems to represent the most important speakers called by Gabinus at the decisive contio or perhaps a distillation of the most important events of all the contiones preceding the vote.

The first speaker was Pompeius himself who stated that he had campaigned enough and wished merely to continue tending his private interests. He urged the assembly to choose one of the many others who were both able and eager for the command.⁷⁴ Dio, unimpressed by Pompeius' protestations, preceded the speech with the comment that Pompeius habitually concealed his true desires and on this occasion thought he would attain greater glory by being chosen against his will.⁷⁵ Pompeius was followed on the Rostra⁷⁶ by Gabinus who praised Pompeius' modesty but demanded that the interests of the state be put first and Pompeius be chosen as the only one qualified for the task.⁷⁷

⁷³Ibid., pp. 16-18.

⁷⁴Dio xxxvi. 25-27. The composition of this speech, as of the others, will have been Dio's not the speaker's; but Dio probably followed the records of the speeches.

⁷⁵xxxvi. 24. 5-6. Cicero complained often (Att. iii. 14. 1; QFr. ii. 2. 2; iii. 8. 4; and elsewhere) of this characteristic of Pompeius.

⁷⁶From Cicero (Leg. Man. 52) we learn that at least one of the speeches, Hortensius', was delivered from the Rostra.

⁷⁷Dio xxxvi. 27. 1-29. 3. Sallust (Hist. v. 21, 22) also recorded a Gabinian speech. For its relation to Sallust's history of Rome, see R. Syme, Sallust, Sather Classical Lectures, Vol. XXXIII (Berkeley and Los Angeles: University of California Press, 1964), p. 197.

A crisis developed when L. Trebellius, one of the two tribunes actively working with the optimates, demanded to be permitted to address the assembly. Gabinus refused,⁷⁸ although he was required to allow opponents to speak against the bill, the choice of speakers was his.⁷⁹ Trebellius responded by announcing a veto and promising that Gabinus would carry the measure only over his dead body.⁸⁰ Gabinus was incensed by the veto and called for a vote to be taken immediately on the recall of Trebellius. The latter was unimpressed, however, and maintained his veto until seventeen of the thirty-five tribes had voted for removing him from the tribunate. Having tested Gabinus' determination and not wishing to emulate M. Octavius, Trebellius withdrew his intercessio, clearing the way for the ultimate passage of the bill.⁸¹

To Mommsen this motion was of great significance, for he felt that the withdrawal of Trebellius' veto marked the fall of Senatorial rule.⁸² However, it was evidently not of great importance to ancient writers, being but an incident in the Pirate War. Cicero, in fact, gave mild

⁷⁸Dio xxxvi. 30. 1.

⁷⁹Taylor, Voting Assemblies, p. 17. Trebellius could have held a contio himself to denounce the measure, but he evidently felt he had a better chance to be heard at the one Gabinus had called. On this right and Cicero's use of it while consul, see Taylor, Voting Assemblies, pp. 17-18.

⁸⁰Dio xxxvi. 30. 1; Asconius Corn. p. 72 (Clark).

⁸¹Dio xxxvi. 30. 2; Asconius Corn., p. 72 (Clark).

⁸²History, IV, 139, seemingly followed by Gelzer, Pompeius, p. 72.

praise to Gabinus when remarking on the incident,⁸³ and the only response of the Senate was a refusal to grant the tribune an exemption so he could serve with Pompeius against the pirates.⁸⁴ Gabinus' silencing of Trebellius did not, in fact, signal the death of the veto as an Optimate weapon; nor did it mark the end of Senatorial efforts to influence the popular assemblies. The Senate itself annulled one of Manilius' laws in the very next year.⁸⁵ In 63, the denunciation of Cicero and the threatened veto of L. Caecilius Rufus were enough to kill the Rullan Land Bill,⁸⁶ while in the following year, M. Porcius Cato and L. Marius successfully opposed the measures of their popularis colleague Q. Metellus.⁸⁷ Again in 60, the optimates were able to defeat the passage of the law providing for Pompeius' veterans; and their tribunes prevented the transfer of Clodius to plebeian status.⁸⁸ Even C. Caesar was able to overcome tribunician vetoes in 59 only through violence.⁸⁹ If there were any lessening of Senatorial influence after 67, it was due not to Gabinus' actions but to the inability of the optimates to create a successful policy to combat the populares.

⁸³Cicero (Corn. in Asconius Corn. pp. 71-72 [Clark]) called Gabinus "vir fortis."

⁸⁴Cicero Leq. Man. 57.

⁸⁵MRR, II, 153.

⁸⁶Cicero Leq. Agr. For full references to the bill, see MRR, II, 167-68.

⁸⁷MRR, II, 174-75.

⁸⁸Ibid., p. 184.

⁸⁹Dio xxxviii. 6. 1-6.

Following Trebellius' withdrawal of his veto, L. Roscius Otho, the other tribune allied with the Senate against Gabinius, attempted to address the assembly. Prevented from doing so, he tried to signal to the throng that two commanders should be named, not just one. This proposal, which would have seriously compromised Pompeius' ability to drive the pirates off the seas, was so vigorously shouted down by the crowd that Roscius also abandoned his attempts to obstruct the bill.⁹⁰

With Trebellius and Roscius silenced, Gabinius proceeded with the contio, calling Q. Lutatius Catulus, leader of the optimates, to the Rostra. Dio, not understanding the rules of procedure, postulated that Gabinius expected Catulus, who had just witnessed the plight of the tribunes, to speak in favor of the bill.⁹¹ It is much more likely, however, that Gabinius wanted Catulus to speak before an assembly which he himself controlled, not one over which a hostile magistrate presided.⁹² Catulus argued against creating a special command. Instead, he proposed that it would be more in keeping with custom to dispatch a number of commanders each with his own authority than to send a single commander with many legates.⁹³ In conclusion, Catulus

⁹⁰Ibid., xxxvi. 30. 3; Plutarch Pomp. xxv. 6. Plutarch placed this incident after Catulus' speech. Both authors recorded that the shout of the throng killed a crow in midair as it flew over the forum.

⁹¹xxxvi. 30. 4.

⁹²See Taylor, Voting Assemblies, p. 18.

⁹³Dio xxxvi. 31. 1-36. 4; see also Cicero Leg. Man.

hypocritically urged the assembly to consider the consequences of a possible defeat. If disaster should befall Pompeius after Rome had staked all her hopes on him, to whom would the people turn for safety then? But his tactic was not quite clever enough, for the crowd shouted back in reply, "You!"⁹⁴

One other speaker is recorded in an extant source: Q. Hortensius Hortalus.⁹⁵ He argued that if a single command were to be created, Pompeius was the right man; but such a great command should not be given to one general.⁹⁶ There were, certainly, more speakers, including various magistrates; and Gabinius would have given an oration preceding the voting. However, the opposition had been effectively crushed. The lex Gabinia de piratis persequendis was passed, and Pompeius was elected commander in

60-61. Cicero was probably referring to Catulus' opposition to the Manilian Law, but Catulus may well have not changed his basic theme: "at enim ne quid novi fiat contra exempla atque instituta maiorum" (Leg. Man. 60).

⁹⁴Dio's text contains a lacuna before this point in the speech, but the incident was contained in Xiphilinus' epitome (pp. 480-81 [Boissevain]). Perhaps the most widely quoted fragment of the debate, it was also recorded by Cicero (Leg. Man. 59), Valerius Maximus (vii. 15. 9), Plutarch (Pomp. 25. 6), and probably Sallust (Hist. v. 24).

⁹⁵It is not certain that Hortensius spoke at this contio. His speech was recorded only by Cicero (Leg. Man. 52-53, 56) who made no direct connection between it and the other speeches.

⁹⁶Cicero Leg. Man. 52. This argument does not seem much different from Catulus', but Cicero did not record the details of the speech which may have given it a different emphasis from Catulus' insistence that the mos maiorum not be violated.

what must have been an anticlimactical assembly.⁹⁷ Despite its opposition, the Senate authorized Pompeius to levy the required troops and draw the necessary supplies and equipment.⁹⁸ The Senate seems also to have increased the appropriations beyond the provisions of the law as passed, perhaps including two quaestors among the general's staff.⁹⁹

The mere passage of the law brought about a surge of public confidence and a dramatic drop in the price of grain.¹⁰⁰ With the huge force at his disposal, Pompeius proceeded immediately to put into effect the plan which he evidently had in mind from the beginning.¹⁰¹ His first action was to secure Rome's grain supply by placing heavy

⁹⁷Dio xxxvi. 37. 1; Plutarch Pomp. 26. 1. Contra, see A. E. R. Boak ("The Extraordinary Commands from 80 to 48 B.C.: A Study in the Origins of the Principate," AHR XXIV [1918-19], 12) who argues that Pompeius was named commander by a senatus consultum.

⁹⁸Dio xxxvi. 37. 1.

⁹⁹Ibid. The item about the quaestors is from Plutarch Pomp. 26. 1. Plutarch stated that, at an assembly the next morning, Pompeius was voted a large increase in men and provisions. This is clearly impossible. The meeting would have been a contio rather than a comitia; the day would not have been a comitiale, and a period of twenty-four days would have had to elapse for such a new law to be enacted (see Taylor, Voting Assemblies, pp. 16-18). Such an increase as Plutarch mentioned could have been authorized only by the Senate.

¹⁰⁰Plutarch Pomp. 26. 2.

¹⁰¹There is agreement on the number of troops: 120,000 infantry and 4,000 to 5,000 cavalry; but the writers who gave figures, Plutarch (Pomp. 26. 1) and Appian (Mith. 94) differ greatly on the number of ships: 500 and 270, respectively. The number of legates is also in doubt. Plutarch and Appian gave 24 and 25, respectively, while Dio (xxxvi. 37. 1) maintained the lower number of 15. The names of fifteen are actually known: See MRR, II, 148-49.

garrisons in Sicily, Sardinia, and Africa. With the immediate problem thus under control, Pompeius divided the Mediterranean into thirteen districts with a squadron-equipped legate in charge of each. While these lieutenants kept the pirates in each area under control, Pompeius proceeded to sweep the Mediterranean. By this method he was able to drive the pirates from the sea in just three months.¹⁰² In addition, Pompeius' decision to deal with the pirates leniently spared the commander the necessity of protracted sieges of remote pirate strongholds. Thus, Pompeius induced many to surrender; and he was able to turn to the task of organizing Cilicia as a Roman province.¹⁰³

Only one incident endangered the smooth operation of Pompeius' campaign. The consul, C. Piso, unwilling to accept defeat, forbade Pompeius' legates to recruit troops in the consular province of Transalpine Gaul.¹⁰⁴ Gabinius was incensed by this obstinate opposition and was determined to have the consul removed from office by the concilium plebis, an unprecedented step which would have been truly

¹⁰²Cicero Leg. Man. 34-35; Plutarch Pomp. 26. 3-4; Appian Mith. 94-95; Dio xxxvi. 37. 3; Livy Per. xcix; Strabo xiv. 3. 3; Velleius ii. 32. 4-5; Florus i. 41. 7-15; Zonaras x. 3. 3. Ormerod (Piracy, p. 22) credits Lucullus' naval victories over Mithridates for making Pompeius' subjugation of the pirates an easy matter; but cf. pp. 234-35 where he lauds Pompeius' organization.

¹⁰³Plut. Pomp. 27. 4-28. 4; Dio xxxvi. 37. 4-6; Appian Mith. 96; Velleius ii. 32. 5; Livy Per. xcix.

¹⁰⁴His consular imperium, which outranked the legates' praetorian imperium, allowed him to do this. Piso was relentless in his opposition to Pompeius. See Gruen, "Pompey," p. 156.

revolutionary had it been carried out.¹⁰⁵ However, Pompeius was basking in the glory of fresh conquests and wished to present a magnanimous and conciliatory attitude toward the Senate. Above all he did not want to be associated with such a radical popularis measure. Accordingly he persuaded Gabinus to abandon his bill,¹⁰⁶ perhaps at this time offering him in return an appointment on his staff.

Gabinus' motivation in proposing the law creating the pirate command depended to a great extent on his relationship to Pompeius at this period. The very choice of Pompeius as commander arouses one's suspicions that Gabinus may have been acting on his behalf; and, indeed, the tribune is often characterized as acting as Pompeius' tool or henchman.¹⁰⁷ However, since earlier connections between the two men have proved to be rather vague, we ought to be wary of merely assuming that Pompeius was behind the Gabinian Law. The evidence presented by ancient writers is scarce; only Plutarch and Dio had something to say on the subject. Plutarch's brief comment that Gabinus was one of Pompeius' friends served to define both relationship and motive.¹⁰⁸

¹⁰⁵Plutarch Pomp. 27. 1-2; Dio xxxvi. 37. 2.

¹⁰⁶See Gelzer, Pompeius, p. 75. See also A. N. Sherwin-White, "Violence in Roman Politics," JRS, XLVI (1956), 1-5. Sherwin-White shows that, during his consulship in 71 and thereafter, Pompeius tried to work through the Senate.

¹⁰⁷See Holmes, Roman Republic, I, 172; Ferrero, Greatness and Decline, I, 217-18; Mommsen, History, IV, 133-34.

¹⁰⁸Pomp. 25. 2.

Dio, on the other hand, speculated on possible motivations: "Then the tribune Aulus Gabinus offered his proposition, either set in motion by Pompeius or in any case wishing to do him a favor."¹⁰⁹ Dio was content to substitute these vague generalizations for analysis; but he was quick to assure his readers that, whatever the case, Gabinus was not motivated by any concern for the common welfare, "for he was a most worthless man."¹¹⁰ Dio's speculations indicate that he could discover no evidence that Gabinus was acting as Pompeius' tool. Plutarch's comment is not much more useful, for it merely indicates a rather vague friendship. That is hardly enough evidence to establish Pompeius as the true motivating force behind Gabinus.

Since there is so little justification for assuming that Pompeius was the motivating factor, one should reconsider Dio's denial that Gabinus may have been acting in the common interest. His negation was supported by the opinion that the tribune was a worthless individual, but Cicero twice referred to him as a vir fortis in passages concerning the pirate law and credited him second only to Pompeius as responsible for destroying the pirates.¹¹¹ A brief look at Gabinus' other legislation, which included laws to

¹⁰⁹κακνι. 23. 4: "πρὶν δὴ Αὐλὸς τις Γαβίνιος δῆμαρχος γνώμην εἶδωκεν, εἴτ' οὖν τοῦ Πομπηίου καθέντος αὐτόν, εἴτε καὶ ἄλλως χαρίσασθαι οἱ ἐβελήσας."

¹¹⁰κακνι. 23. 4: "κάκιστος γὰρ ἄνηρ ἦν."

¹¹¹Corn. in Asconius Corn., p. 72 (Clark); Leg. Man. 52, 58. Sallust also seems to have thought highly of Gabinus; see Syme, Sallust, p. 209.

require the Senate to hear foreign envoys¹¹² and to grant relief to Delos, which had suffered greatly from the pirates,¹¹³ demonstrates that he was indeed concerned with the public welfare. Dio's statements seem rather to reflect later Ciceronian propaganda designed to disguise the fact that Gabinus may have been acting in the public interest in a vigorous and imaginative way while the Senate was sitting on its hands. Gabinus' support of Pompeius as commander needs little explanation; it was clear to virtually everyone, even the optimates, that he was the most qualified man in Rome.

The Gabinian Law against the Pirates has often been characterized as a contribution to one-man rule either to show that it destroyed the Republic¹¹⁴ or formed the prototype for the Augustan Principate.¹¹⁵ The law certainly did neither. If the Republic were in a sorry state in 67, this situation was due not to the Gabinian Law nor even to the revival of the aggressive tribunate. Rather, the Republic, which possessed a government suitable for a small city-state, was crumbling under the intense pressures and problems

¹¹²Cicero QFr. 11. 13. 3. For a discussion of this law, see below, pp. 76-78.

¹¹³CIL, I, Pt. II, 2500. For a discussion of this law, see below, pp. 112-13.

¹¹⁴So Mommsen, History, IV, 139-40; Hill, Middle Class, p. 159; Syme, Roman Revolution, p. 29; Wirszubski, Libertas, p. 63.

¹¹⁵So Last, CAH, IX, 347; Sanford, "Gabinus," p. 71; Ehrenberg, "Imperium Maius," p. 592; Boak, "Extraordinary Commands," pp. 15-16, 23-25.

generated by a far-flung and unwieldy empire. The Senate, which had been the cornerstone of the Republic in previous centuries, had lost much of its constitutional authority and was controlled by a tight circle of optimates who tended to identify their own interests with those of the state. The assemblies, which were technically sovereign, were often in the grip of ambitious politicians and generals and were unable to give any direction to the state. Foreign policy was traditionally a prerogative of the Senate, but that body was increasingly unable to solve problems with the traditional machinery. Five times during the decade following Sulla's retirement, the Senate was forced to resort to an extraordinary command to solve a crisis.¹¹⁶ In 67 the Senate refused to act although faced with a desperate situation. Gabinius' law was a response to this crisis and was patterned to a large extent after the previous Senatorial extraordinary commands. The importance of the law is that it was an effective response which placed the right man in command and provided him with sufficient men and supplies to handle the task. It is to Pompeius' credit that the pirate menace was crushed permanently, not just temporarily eased.

Two other leges Gabiniae can be assigned to Gabinius' tribunate. The first of these forbade loans to foreigners and made such loans irrecoverable at law.¹¹⁷ Since little is known about this law beyond the bare outline of its

¹¹⁶See Boak, "Extraordinary Commands," pp. 2-9.

¹¹⁷Cicero Att. v. 21. 12; vi. 2. 7.

provisions, modern historians have proposed various explanations of the purpose of the measure. Most authors seem to fall into one of two basic groups: those who see the law as an economic measure intended to stop the massive outflow of precious metals from Rome, and those who view it as a political and social measure designed to stem the increase in governmental corruption in Rome.

T. R. S. Broughton, arguing that the sudden shortage in gold and silver in 67 was a result of Gabinus' pirate law, presents the most complete argument for the economic viewpoint.¹¹⁸ This law would have been a supplement to the pirate law with the intention of assuring the 6,000 talents voted to Pompeius.¹¹⁹ The chief problem with this interpretation is that there is no demonstrable need for it. Pompeius was empowered to draw funds to finance his expedition not only from the Roman treasury but also directly from the publicani in the provinces.¹²⁰ Therefore, any shortage of money in Rome would have had little, if any, effect on Pompeius' operations. What Broughton manages to prove is that the minting of the cistophoric coinage of Ephesus was halted in 67 due to a shortage of silver caused by the combined effects of the pirates, Pompeius' exactions, and, most importantly, the Gabinian law prohibiting loans.¹²¹

¹¹⁸T. R. S. Broughton, "A Significant Break in the Cistophoric Coinage of Asia," AJA, XLI (1937), 248-49.

¹¹⁹Ibid.; see also Magie, Asia Minor, p. 381.

¹²⁰Appian Mith. 94; Plutarch Pomp. 25. 2.

¹²¹"Coinage," pp. 248-49.

However, the effects of a law are not necessarily the same as its original purpose. Broughton does not show that Gabinius passed the law to supplement the pirate law but that one result of the loan law was the halting of the cistophoric coinage.

G. Ferrero suggests a different economic motive for wishing to halt the outflow of precious metals. He feels that Gabinius was trying to reduce the interest rate in Rome on behalf of debtors.¹²² Since this theory is offered without supporting evidence, it must be assumed that it is based on the erroneous assumption that some scheme for debt reduction was part and parcel of every popularis politician's program.¹²³

Since the theories of economic motivation prove unpersuasive, one should investigate the possible social and political purposes of this law. The problem of the bribery of magistrates and Senators by foreign ambassadors was especially severe in the late Republic.¹²⁴ As early as 94, a senatus consultum evidently attempted to check the corruption.¹²⁵ When Gabinius' colleague C. Cornelius proposed a law to the Senate specifically banning loans to envoys of

¹²²Greatness and Decline, II, 31.

¹²³A much more effective way to reduce the interest rate would have been to legislate a ceiling as Cicero did for his province of Cilicia in 51.

¹²⁴See Cicero Verr. i. 76

¹²⁵Asconius Corn., p. 57 (Clark). The law was passed "L. Domitio C. Caelio [sic] coss." The content of this resolution is unknown.

foreign nations, he was informed that the senatus consultum of 94 adequately dealt with the situation although the Senate itself only a few years earlier felt the necessity of a special decree to forbid loans to Cretans.¹²⁶ For reasons not altogether clear, Cornelius did not carry the proposal to the people, giving Gabinius the opportunity to carry his plebiscite.¹²⁷

Although Gabinius' law fulfilled the function envisioned in Cornelius' proposal, it went further than merely trying to halt corruption in Rome; for it prohibited all loans to provincials.¹²⁸ The law was evidently a drastic measure to protect the provincials from the usurious interest demanded by the publicani by making any such loans irrecoverable at law.¹²⁹ That Gabinius' concern for the provincials was genuine was demonstrated by the rest of his known legislation which displayed an effort to ease the plight of the provincials.¹³⁰

¹²⁶Asconius Corn., p. 57 (Clark).

¹²⁷Asconius (Corn., p. 58 [Clark]) stated that the enraged Cornelius denounced the Senate in a contio and went on to propose a law prohibiting the Senate from granting exemptions to laws. In Dio's account of this proposal (xxxvi. 38. 4-39. 4), it follows a Senatorial exemption granted to Piso so he could propose his bribery law and forestall Cornelius'. This does seem to fit the circumstances better; but, in any case, Cornelius did not choose to follow up his proposal on the law forbidding loans. See McDonald, "Cornelius," pp. 200-202.

¹²⁸Cicero Att. v. 21. 12; vi. 2. 7. See Broughton "Coinage," p. 249.

¹²⁹Cicero Att. v. 21. 12.

¹³⁰Included are a law requiring the Senate to hear ambassadors (see below, pp. 76-78) and one granting relief to

There may also have been political motivations behind the law. It is unlikely that Gabinus would have shrunk from proposing a measure certain to arouse Senatorial opposition. But the law was also a thrust at the equites who made the loans, particularly the publicani who profited greatly from financial dealings in the provinces. A certain amount of enmity may have developed between them and Gabinus during the debate on the pirate law. Although there is no evidence that they opposed that law,¹³¹ they do not appear to have offered any support.¹³² Further, the Senate was actively courting the equites, offering them, among other things, special seating at the theater.¹³³

Had Gabinus' law been observed, it would have eased the burdens of the provincials considerably; but the lure of enormous profits proved irresistible. Gabinus himself was roundly condemned by Cicero for upholding the law in his proconsular province to the detriment of the publicani.¹³⁴ The most notorious example of disregard for this law came during Cicero's proconsulship of Cilicia. Agents of M. Brutus, attempting to collect a debt made at forty-eight per cent interest from the Salaminians of Cyprus, demanded

war-ravaged Delos (see below, pp. 112-13). The pirate law also benefitted the eastern provincials as much if not more than the Romans.

¹³¹Contra, see Mommsen, History, IV, 135.

¹³²Cicero, so lavish in his praise for the Manilian Law a year later was silent on this occasion. See Hill, Middle Class, pp. 159-60; and Holmes, Roman Republic, I, 396.

¹³³Dio xxxvi. 42. 1.

¹³⁴Prov. Cons. 10.

Cicero's aid and even persuaded Cicero's friends to support the cause despite his public edict that the maximum interest rate in his province would be twelve per cent.¹³⁵ The money-lenders in question obtained an exemption from the law to make the loan and then another to permit them to collect the exorbitant interest.¹³⁶ The willingness of the Senate to grant exemptions even in cases of such blatant injustice more than anything else prevented this law from being effective in checking the exploitation of the provinces.¹³⁷ The same attitude likewise prevented the law from ending the bribery and corruption in Rome.

In what was probably a companion measure to the previous law, Gabinius secured passage of a plebiscite which required the Senate to hear foreign ambassadors in the month of February. This had traditionally been the practice of the Senate,¹³⁸ but with the customary bribes seemingly forbidden, the tribune evidently sought to ensure that the emissaries would be heard. The content of the law is not known, but it probably directed the consuls to grant

¹³⁵Att. v. 21. 10-13; vi. 1. 5-7; 2. 7-8. See also Theodor Mommsen, "Der Zinswucher des M. Brutus," Hermes, XXXIV (1899), 145-50.

¹³⁶Cicero Att. v. 21. 12; vi. 2. 7.

¹³⁷The case of the Salaminians was certainly no exception; cf. Cicero Att. i. 9. 19; vi. 1. 3-4. E. Badian (Roman Imperialism in the Late Republic [Oxford: Basil Blackwell, 1968], pp. 73, 85-86) commented that the Gabinian Law was both necessary and bound to be ineffective. Furthermore, it probably actually made things worse by prompting an increase in illegal lending rates.

¹³⁸Cicero Verr. ii. 1. 90; 2. 76.

hearings before the Senate to foreign and provincial ambassadors throughout February at least until all had been heard. The law apparently was not clear concerning the days for the Senate to meet, one consul later taking the extreme position that the Senate had to be convened on every day during the month to hear the ambassadors although the Pupian Law had prohibited Senate meetings on comitial days.¹³⁹

This law cannot be dated with absolute certainty to Gabinius' tribunate, for the only specific reference to it which is extant is in a letter of Cicero written in 54.¹⁴⁰ Some writers, following Willems,¹⁴¹ place the law in 61 during Gabinius' praetorship. In February of that year, Cicero, writing to Atticus, did not distinguish the hearing of the envoys from the other Senate business that had to be postponed that year.¹⁴² This signified to Willems that the law was not yet in existence; for otherwise, Cicero would have made the distinction.¹⁴³ However, this failure of Cicero to make things perfectly clear to Atticus is rather inadequate justification for assuming that the

¹³⁹Cicero QFr. ii. 13. 3. The consul in question was Ap. Claudius Pulcher in 54.

¹⁴⁰QFr. ii. 13. 3. See H. Stuart Jones, "A Roman Law Concerning Piracy," JRS, XVI (1926), 169.

¹⁴¹P. Willems, Le Sénat de la République romaine (3 vols; Paris: Ernest Thorin, 1878-85), II, 156-57.

¹⁴²i. 14. 5: "senatus et de provinciis praetorum et de legationibus et de ceteris rebus decernebat, ut, antequam rogatio lata esset, ne quid ageretur."

¹⁴³Sénat, II, 157, nn. 1, 3.

Gabinian Law was not yet in effect. Atticus would not have required an explanation that February was a special month and that the hearing of ambassadors was different from the other matters. The tribunate seems a more likely time for this law to be carried than the otherwise unmarked praetorship. In 67, the law would have seemed necessary to guarantee that ambassadors would receive a hearing before the Senate since their previous means of gaining access, bribery, would have been precluded by the law prohibiting loans. By 61, however, even Gabinius would have seen that bribery was as rampant as ever; the need to ensure the ambassadors hearings before the Senate would no longer be necessary.¹⁴⁴

¹⁴⁴This, in my opinion, also precludes dating the law to Gabinius' consulship in 58. Willems' contention (Sénat, II, 157, n. 1) that a passage in Att. (i. 18. 7) dated 60 B.C. eliminates the consulship is incorrect since Cicero clearly does not name the Gabinian Law. Exclusion of the consulship must rest on the same grounds as exclusion of the praetorship.

CHAPTER V

RETURN TO THE EAST

In the year following his tribunate, Gabinus was named legatus to Pompeius under the lex Manilia, which had added the Mithridatic War to Pompeius' already extensive command. Earlier, the general had requested the Senate to appoint Gabinus legate in the Pirate War, but this was blocked by the optimates.¹ It was argued that the appointment was prevented by the lex Aebutia, which prohibited a magistrate from holding an extraordinary office created by his own proposal.² Characterizing their opposition as jealousy of both Gabinus and Pompeius, Cicero berated the optimates for their hypocrisy in demanding that a law which was often evaded be strictly applied to Gabinus.³ He declared that if the consuls would not bring up the appointment of Gabinus before the Senate, he would introduce the resolution himself. Cicero proclaimed that he would brook no interference in the matter with the important proviso that he would, of course, respect a veto.⁴ However, if Cicero actually did attempt to introduce the resolution,

¹Cicero Leg. Man. 57.

²Cicero Leg. Man. 57; H. H. Scullard, "Lex, Leges," OCD, p. 499.

³Leg. Man. 57-58.

⁴Ibid., 58.

it was blocked; for the impasse between the popularis general and the Optimate Senate was resolved only after the passage of the Manilian Law which removed the legal impediment to Gabinus' appointment.

Pompeius' request that Gabinus be added to his staff indicates that the general and former tribune had formed a political amicitia.⁵ Dio, indeed, commented that Gabinus had the greatest influence with Pompeius of anyone in Rome.⁶ Yet the appointment was not merely a political payoff. Although Eva M. Sanford characterizes Gabinus as an "impecunious young politician"⁷ who sought the position as a reward for his pirate law, that was hardly the case. Already in his forties, Gabinus had demonstrated considerable military and diplomatic skills years before in service to Sulla.⁸ His performance in the delicate negotiations with Mithridates at the close of the Second Mithridatic War demonstrated that Gabinus would be a valuable legate for Pompeius in the event negotiations became necessary. As

⁵The existence of such a friendship need not be considered proof of either personal friendship or a permanent political alliance. See P. A. Brunt, "'Amicitia' in the Late Roman Republic," in The Crisis of the Roman Republic: Studies in Political and Social History, ed. by Robin Seager (Cambridge, England: Heffer; New York: Barnes & Noble, 1969), pp. 1-20.

⁶xxxvi. 42. 4. Dio stated that Manilius was paying court to Pompeius because he knew of Gabinus' influence. Gelzer, (Pompeius, p. 50) interprets this as indicating that Gabinus prompted Manilius to pass his law. However, the statement seems to indicate that Manilius wanted to gain influence with Pompeius as Gabinus had: by passing a law beneficial to him.

⁷"Gabinus," p. 71.

⁸See above, pp. 37-39.

for Gabinius' poverty, the charge stems from the speeches which Cicero delivered after his return from exile which were masterpieces of political invective.⁹ There is no real evidence that Gabinius was any more impecunious than any other aspiring Roman politician. Both Gabinius' background and Pompeius' subsequent use of his legate demonstrate that the general had not chosen him just to fulfill a political debt.

In the months that followed his appointment as commander of the Mithridatic War, Pompeius lost no time in launching a major campaign against the Pontic king. To stop Tigranes of Armenia from coming to Mithridates' aid as he had against Lucullus, the Roman general arranged an alliance with the Parthians. While they invaded Armenia from the southeast, Pompeius marched North from Cilicia into Pontus. He met Mithridates about fifty miles from the Black Sea at a place later named Nicopolis and with his large army decisively defeated Mithridates. Since Tigranes refused to receive him as he had in the past, Mithridates fled to his son's kingdom in Southern Russia. Unwilling to pursue Mithridates so late in the season, Pompeius marched into Armenia. Although Tigranes had withstood the Parthian invasion, he thought better of meeting the Romans in battle and surrendered to Pompeius. The Roman general divested

⁹Red. Sen. 11; Sest. 18. Cicero was naturally bitter about his exile and vented his wrath on the three men he considered most responsible for his misfortune: Clodius, Piso, and Gabinius. Poverty was one of the least charges he made against Gabinius.

Tigranes of his foreign conquests and divided Armenia between Tigranes and his son, giving the latter the district of Sophene in southwestern Armenia. Dissatisfied with the division, Tigranes the younger encouraged his followers to resist the Romans.¹⁰

Originally, Pompeius' purpose in the war seemed merely to defeat Mithridates and his Armenian allies and make Pontus into a Roman province. However, since Mithridates was beyond reach and still dangerous, the Roman general decided to reorganize the whole Middle East into a more stable network of provinces and client states. Not only were the lands held by Mithridates so affected, but all the peoples in the area including the Parthians whom Pompeius treated like any other client state. This attitude, which was shared by every Roman who had dealings with Parthia, prevented Rome from establishing a realistic policy toward the empire to the East and ultimately led to the disaster at Carrhae.

While Pompeius advanced eastward into the Caucasus region with part of the army in the spring of 65, his legati were left the task of completing the subjugation of Pontus and Armenia. In this context the activities of Gabinius were first mentioned. Dio said that Gabinius had marched across the Euphrates and advanced as far as the Tigris causing a great deal of consternation among the

¹⁰For the sources for the first year of the campaign, see MRR, II, 155. See Fig. 3, p. 83.

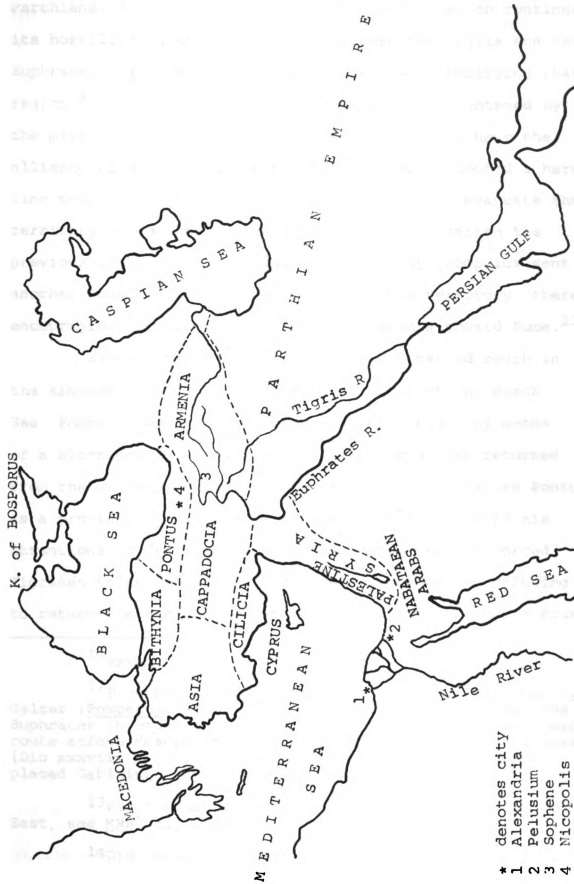


Fig. 3—The Eastern Mediterranean in 62

Parthians.¹¹ Since the district of Sophene, which continued its hostility to the Romans, lay between the Tigris and the Euphrates, Gabinius was probably occupied in pacifying that region.¹² When the Parthian king Phraates, frightened by the military activity on his borders, sought to have the alliance with the Romans confirmed, Pompeius adopted a harsh line toward the Parthians, demanding that they evacuate the territory in southern Armenia which they had seized the previous year. Without waiting for a reply, Pompeius sent another legate, L. Afranius, to occupy the territory, thereby encouraging the growing hostility of Parthia toward Rome.¹³

Since Mithridates was effectively beyond reach in the kingdom of Bosphorus on the north shore of the Black Sea, Pompeius was content to prevent his return by means of a blockade.¹⁴ Meanwhile, the Roman commander returned from the Caucasus during the summer of 65 to organize Pontus as a province. That task completed, Pompeius turned his attentions to Syria which he had acquired when he forced Tigranes to surrender all his foreign conquests. Refusing to return the area to the Seleucid claimant, Antiochus Pius,

¹¹xxxvii. 5. 2.

¹²Rice-Holmes (Roman Republic, I, 209), followed by Gelzer (Pompeius, p. 94), thinks that Gabinius crossed the Euphrates in order to march to Syria by way of the shortest route across Mesopotamia, as Afranius did later in the year (Dio xxxvii. 5. 5). However, Dio (xxxvii. 5. 2) clearly placed Gabinius' activity in Armenia.

¹³For the sources for Pompeius' second year in the East, see MRR, II, 159-60.

¹⁴Dio xxxvii. 3. 2-3; cf. Plutarch Pomp. 39. 1.

Pompeius was determined to organize Syria as a province.¹⁵ Doing so brought the Romans into conflict with the Nabataean Arabs, who had extended their dominion as far north as Damascus and who frequently raided other parts of Syria.¹⁶ Pompeius also came into contact with the nominally independent Jewish state which had conquered most of the surrounding Greek cities that had been part of Syria.¹⁷

Since 67 the Jewish state had been in the midst of a civil war caused by a struggle for possession of the throne and complicated by religious factionalism.¹⁸ When Alexander Jannaeus, king of Judaea from 104 to 78, died, he left his wife Alexandra as regent. After her death in 67, the elder son Hyrcanus, who was also high priest, succeeded to the throne; but his brother Aristobulus challenged his right to rule.¹⁹ In the course of their struggles, both sought Roman recognition and assistance; and Pompeius was only too

¹⁵For Pompeius' organization of the provinces of Bithynia and Pontus, see MRR, II, 159-60; for the sources for his activities in Syria, see MRR, II, 163-64.

¹⁶Josephus, AJ xiii. 392; xiv. 29, 46; BJ i. 103, 127; Plutarch Pomp. 39. 2; Dio xxxvii. 15. 1; Xiphilinus, p. 482 (Boissevain).

¹⁷See Dio (xxxvii. 15. 2) who stated that Pompeius proceeded against the Jews because they had ravaged Phoenicia. The Jews had been struggling against the Seleucids for a century. Their latest conquests, the cities of the Syrian coast, were added to the kingdom by Alexander Jannaeus (104-78). See Josephus AJ xiii. 395-97; BJ i. 86-87, 104-105.

¹⁸Josephus AJ xiv. 1-29; BJ i. 117-26; cf. Dio xxxvii. 15. 2.

¹⁹On Alexandra's reign, see Josephus AJ xiii. 405-432; BJ i. 107-119.

glad to intervene.²⁰

Pompeius' response was to send his legate Gabinus and later his quaestor, M. Aemilius Scaurus, to mediate between the contenders.²¹ The details of Gabinus' mission are not known, but he apparently sided with Aristobulus. Scaurus definitely declared in favor of Aristobulus, ordering Hyrcanus and his allies, the Nabataean Arabs, to withdraw from Judaea.²² Josephus declared that a large bribe from Aristobulus outweighed considerations of justice,²³ but the overwhelming consideration was very likely Roman mistrust of Hyrcanus' Nabataean allies with whom the Romans were at war on the borders of Syria.²⁴ When Hyrcanus' representatives later gained a favorable hearing from Pompeius, those of Aristobulus argued that Aristobulus ought to be confirmed king since he had already paid Gabinus 300 talents and Scaurus 400.²⁵ This gained Aristobulus the hatred of Gabinus and Scaurus and, of course, failed to

²⁰Josephus AJ xiv. 29-30; BJ i. 128. Josephus said that the first ambassadors sought aid from Pompeius' quaestor Scaurus.

²¹Josephus AJ xiv. 29, 37; BJ i. 128. Gabinus is mentioned only in the second reference in AJ, but the earlier passage of AJ states that Scaurus was sent to Judaea "also."
"Ἐν τούτῳ πέμπει καὶ Σμαῦρον εἰς Συρίαν Πομπήιος."

²²Josephus AJ xiv. 29; BJ i. 128.

²³BJ i. 128: 300 talents; in AJ xiv. 3, Josephus said that both Aristobulus and Hyrcanus offered Scaurus 400 talents but that Aristobulus appeared wealthier and wanted fewer concessions from the Romans.

²⁴See above, p. 85, n. 16.

²⁵Josephus AJ xiv. 37.

move Pompeius.²⁶ As for the money accepted by Gabinius and Scaurus, it should be considered in the light of contemporary Roman practices and attitudes. In the same campaign, Pompeius accepted 6,000 talents from Tigranes,²⁷ 1,000 from a king of Calchis,²⁸ and many expensive gifts from various princes in Syria and from as far away as Egypt.²⁹

In the negotiations which followed, Pompeius procrastinated in making a decision to support either brother until he had completed the pacification of Syria; and then he marched into Palestine with his army in the spring of 63.³⁰ Pompeius had probably already decided to support Hyrcanus, for Aristobulus not only was arrogant and haughty but also displayed too much independence.³¹ It would be much more to Rome's advantage to have the complaisant Hyrcanus in charge of Judaea.

Although he had been preparing to resist Pompeius, the presence of the Roman army convinced Aristobulus to submit to the inevitable. After much indecision, Aristobulus offered to surrender Jerusalem and pay a large indemnity to

²⁶Ibid., 37, 46.

²⁷Appian Mith. 104.

²⁸Josephus AJ xiv. 39.

²⁹Ibid., 34-36. Although the possibility is nowhere considered, the money paid Scaurus and Gabinius may have been used, at least partly, to pay the troops as was the 1,000 talents Pompeius received from Ptolemy of Calchis.

³⁰Josephus AJ xiv. 38-47.

³¹Josephus AJ xiv. 44-45; BJ i. 133-34; cf. Dio xxxvii. 15. 3.

Pompeius.³² Gabinius was sent ahead of the army to receive the money and occupy the city, but he was resisted by Aristobulus' partisans who refused the Romans entrance into Jerusalem and would not turn over the promised money.³³ Gabinius was forced to turn back, and the incident led to Pompeius' siege of the holy city.³⁴ Of Gabinius' role in the subsequent capture of Jerusalem, nothing is known; but the legate probably remained with Pompeius at least until the Jewish war had been completed and Hyrcanus installed as ethnarch in Jerusalem.³⁵

Gabinius' role in Pompeius' eastern command was hardly spectacular; yet his performance was noted more frequently than that of any of the other legates with the exception of Afranius. Afranius had been in several important operations in Armenia and Syria; but of the other seven known legates, none was mentioned by the extant sources more than once.³⁶ Considering that there was little mention of

³²Josephus AJ xiv. 48-55; BJ i. 134-39.

³³Josephus AJ xiv. 56; BJ i. 140.

³⁴Josephus AJ xiv. 57-76; BJ i. 141-54; Dio xxxvii. 15. 3-16. 5.

³⁵On Hyrcanus' restoration as high priest but not king, see Josephus AJ xiv. 73; BJ i. 153. Dio (xxxvii. 16. 4) said that Pompeius gave the kingdom to Hyrcanus: "ἡ τε βασιλεία τῷ Ὑρκανῷ ἐδόθη." On Pompeius' settlement in general, see Josephus AJ xiv. 74-76; BJ i. 153-57.

³⁶On Afranius' actions, see MRR, II, 156, 160, 164. Of the other legates, Q. Caecilius Metellus Celer and L. Valerius Flaccus repulsed an attack by the Albanians on Pompeius' camp in 66 (Dio xxxvi. 54. 1-2); Manlius Priscus besieged a fortress belonging to Mithridates in 65 (Strabo xii. 3. 28; Ammianus Marcellinus xvi. 7. 10); Q. Caecilius

the commander's subordinates except when they were dispatched on special missions, Gabinius seems to have acquitted himself quite well. His activities certainly did not displease Pompeius, for the latter's friendship is evident in at least the next few years of Gabinius' career. His service in the East and possibly some aid from Pompeius and his friends in Rome enabled Gabinius to run for and win the praetorship soon after his return to Rome.³⁷

Although nothing has come down to us of Gabinius' praetorship, he must have held the office no later than 61 in order to qualify under the Cornelian Law for the consulship in the year 58.³⁸ Since he would have had to be in Rome by late spring or early summer of the year preceding his praetorship in order to campaign for election, it seems certain that Gabinius actually held the office in 61. He could not have left the East early enough in 63 to be in Rome before the elections for the praetorship

Metellus Nepos and L. Lollius together entered Syria and took Damascus in 65 or 64 (Josephus AJ xiv. 29; BJ i. 127); M. Pupius Piso Frugi Calpurnianus was at the siege of Jerusalem in 63 (Josephus AJ xiv. 59; BJ i. 144); and A. Plautius probably served under Pompeius in Palestine in 63 (See MRR, II, 171).

³⁷Pompeius' aid is not attested, but two other Pompeian legates left the East to run for office: Q. Caecilius Metellus Nepos, who was elected tribune of the plebs for 62 (see MRR, II, 170, 174); and M. Pupius Piso who was elected consul with Pompeius' aid (see MRR, II, 177, 178).

³⁸E. Badian, "Caesar's Cursus and the Interval between Offices," JRS, XLIX (1959), 85-86; Astin, "Lex Annalis," XVI, 597-99.

of 62. Beyond this meager outline, nothing can be established about Gabinius' praetorship or his subsequent career until he stood for the consulship in 59.³⁹ Since he was Pompeius' candidate for the consulship, one may assume that Gabinius maintained his friendship with Pompeius and supported the triumvirs. But in what ways, we have no way of knowing.

³⁹As discussed above (pp. 77-78) some authors would attribute the Gabinian Law requiring the Senate to hear ambassadors in February to the praetorship.

CHAPTER VI

AT THE HELM OF STATE

In the years following Gabinus' praetorship, Rome was in the throes of a major political convulsion. The conflict between the optimates and populares which had raged unabated during Gabinus' absence from the political arena came to a head upon Pompeius' return from the East in the winter of 62/61. Although we are unaware of Gabinus' role in the crisis which brought about the First Triumvirate, his sympathies certainly lay with the triumvirs; for it was with their support that he attained the consulship in 58.

When Pompeius disbanded his army at Brundisium upon his return to Italy, the Optimate leadership of the Senate concluded that they could deal with the returning general as they saw fit. Consequently, they rejected his requests for a land settlement for his veterans and ratification of his eastern settlement; instead, they proposed to debate each provision of the settlement separately. Since the political ambitions of C. Julius Caesar had also been thwarted, the two men joined with M. Licinius Crassus to form the political combination commonly known as the First Triumvirate. With their combined strength, they

secured Caesar's election to the consulship of 59; but the optimates managed to saddle Caesar with a reactionary colleague, M. Calpurnius Bibulus. The violence to which Caesar was forced to resort in order to secure passage of the triumvirs' program eroded their popularity and made evident to the triumvirs' that they needed to obtain sympathetic magistrates the following year.¹

In April of 59, it was widely supposed in Rome that Pompeius and Crassus would stand for the consulship,² but the triumvirs had determined to support political allies in the election rather than seek a second consulship themselves.³ Caesar did not settle upon a candidate until relatively late, finally choosing L. Calpurnius Piso, his recently acquired father-in-law.⁴ On the other hand, Pompeius threw his support to Gabinius immediately.⁵ Appian stated that Gabinius was supported by Caesar,⁶ but other writers

¹For the sources for Caesar's consulship, see MRR, II, 187-88.

²Cicero Att. 11. 5. 2.

³Ibid. Their reasons for refraining from standing themselves are not clear, but no one had held a second consulship since Sulla did so in 80. This custom was finally broken by Pompeius and Crassus in 55 (According to Plutarch Crass. 15. 1-7, the triumvirs met considerable opposition even then). It is also interesting to note that Crassus' influence in the choices is entirely neglected in the sources.

⁴Plutarch Caes. 14. 8; Appian BCiv. 11. 14. Cicero (Att. 11. 5. 2) reported that Ser. Sulpicius Rufus was the probable candidate in April.

⁵Cicero Att. 11. 5. 2.

⁶BCiv. 11. 14.

explicitly linked Gabinus with Pompeius.⁷ Moreover, as Dio pointed out, the choice of Piso was to protect Caesar's interests against any possible opposition from Pompeius and Gabinus.⁸

Aulus Gabinus figured only slightly in the ancient accounts of his canvass and election to the consulship. His election was overshadowed by the violent conflict between the optimates and the triumvirs which marred the elections for 58 and held the attention of ancient authors. Consequently, few details of Gabinus' election campaign are known. At a gladiatorial exhibition given by Gabinus in June, Cicero reported with some satisfaction, the crowd hissed the dominus of the games and his associates.⁹ Since it appeared to the optimates that the triumvirs' public support was eroding away during the summer, Bibulus issued a series of edicts attacking the three and culminating in the postponement of the consular elections

⁷Cicero QFr. 1. 2. 15; Plutarch Cat. Min. 48. 3; Dio xxxviii. 9. 1.

⁸xxxviii. 9. 1. Caesar also married his daughter Julia to Pompeius to cement their relationship. Piso shared his family's dislike of Pompeius and his political allies, as was demonstrated by Piso's failure to support Pompeius in the struggle against Clodius. See Gruen, "Pompey," p. 163.

⁹Att. 11. 19. 3; 24. 3. L. A. Constans ("Observations critiques sur quelques lettres de Cicéron," RP, Ser. 3, V [1931], 240) argues unconvincingly that the games were given by a relative of P. Gabinus Capito, since Cicero's law forbade candidates for public office to give gladiatorial games except on a date fixed beforehand by a will. On the relations of these games to the Vettius affair, see Lily Ross Taylor, "The Date and the Meaning of the Vettius Affair," Historia, I (1950), 46-47.

until October.¹⁰ Although Bibulus could not be persuaded to retract the edict,¹¹ the stratagem was ineffective; for Gabinius and Piso were duly elected to the consulship on October 18.¹²

After the elections C. Porcius Cato, a young nobilis, wanted to establish his reputation by prosecuting Gabinius for bribery during the election. Since he could find no praetor who was willing to hear the charge, the hotheaded Cato mounted the speaker's platform at a contio and declared that Pompeius was a dictator.¹³ The triumvirs had recovered from whatever loss of popularity they had suffered during the summer, for the young man was nearly

¹⁰Cicero Att. ii. 29. 3-6; 21. 5. Bibulus could delay the elections by edict because he had the right to hold them; see J. Linderski "Constitutional Aspects of the Consular Elections in 49 B.C.," Historia, XIV (1965), 423-28.

¹¹Cicero Att. ii. 21. 5.

¹²For the date, see Cicero Att. ii. 20. 6. Only Piso's name survives in the Fasti Capitolini (CIL, I, Pt. I, p. 27). For other inscriptional references to the consuls, see CIL, I, Pt. II, 756, 919, 920, 963. Piso's name was listed first in the Fasti, indicating that he was elected before Gabinius; see Lily Ross Taylor and T. R. S. Broughton, "The Order of the Two Consuls' Names in the Yearly Lists," MAAR, XIX (1949), 4-6. Caesar actually held the elections since Bibulus' hopes that the triumvirs' popularity would wane were unfulfilled and he remained in his house the remainder of the year. See Linderski, "Consular Elections," p. 441. See also L. R. Taylor and T. R. S. Broughton, "The Order of the Consuls' Names in Official Republican Lists," Historia, XVII (1968), 168, n. 13; and L. R. Taylor, "The Dating of Major Legislation and Elections in Caesar's First Consulship," Historia, XVII (1968), 188-89.

¹³Cicero QFr. i. 2. 15. The charge would have been ambitus, which covered various forms of election corruption and was the only crime for which a magistrate-elect could be prosecuted. See D. R. Shackleton Bailey, "The Prosecution of Roman Magistrates-Elect," Phoenix, XXIV (1970), 162-65.

murdered by the crowd.¹⁴ Cicero later declared that Gabinius boasted that hired ruffians had saved him from standing trial on the charge.¹⁵ However, Cato's action does not appear to have been planned; and the outrage of the populace at Cato's intemperate attack on Pompeius would thereby have been spontaneous and genuine. No doubt there was some truth to Cato's charge that there was bribery in the election, for bribery was widespread and employed by both optimates and populares. However, the more important factor in the election of both Gabinius and Piso was the fact that the elections were conducted by Caesar rather than Bibulus who refused to leave his house.

The election of P. Clodius Pulcher to the tribunate with the backing of the triumvirs profoundly altered Gabinius' consulship and his subsequent career. Clodius was a volatile patrician who reputedly had stirred up sedition among the troops of his brother-in-law Lucullus¹⁶ and was a friend of Catilina.¹⁷ In 62, Clodius had the incredibly bad judgment to sneak into Caesar's house for a tryst with Caesar's wife while sacred mysteries to the Bona Dea were being performed there. The optimates, who attempted to make as much political capital of the affair as possible, managed to

¹⁴Cicero QFr. 1. 2. 15.

¹⁵Sest. 18.

¹⁶Cicero Har. Resp. 42; Plutarch Luc. 34. 1-2; Dio xxxvi. 14. 3-4; 17. 2.

¹⁷Clodius prosecuted Catilina in 64 when he was charged with murders allegedly committed during the Sullan proscriptions. Asconius (Toq. Cand. 87[Clark]) said that Clodius acted in collusion with Catilina since he was easily acquitted. However, like Caesar, Clodius avoided implication in the conspiracy of 63.

bring Clodius to trial for sacrilege. Although he was acquitted by means of blatant bribery, Cicero's testimony shattered his alibi. In the course of denouncing the corrupt jurors, Cicero got into a bitter verbal duel with Clodius in which Cicero with his slashing wit humiliated Clodius before the Senate.¹⁸ Clodius never forgave Cicero and plotted his revenge.

Cicero himself provided Clodius with the chance he wanted when, in defending his consular colleague C. Antonius in a trial, Cicero denounced Caesar whom he held responsible for Antonius' prosecution.¹⁹ In retaliation Caesar arranged for Clodius' transfer to plebeian status. With Pompeius acting as augur, Caesar presided over a meeting of the comitia centuriata that very day for the purpose of having Clodius adopted by a certain Fonteius.²⁰ Clodius soon announced his candidacy for the tribunate, the real reason for the adoption, and began to attack Cicero.²¹

The orator still could have gained safety, however; for Caesar in particular was seeking his support or at

¹⁸Cicero reported the affair in full to Atticus (i. 12-16) in letters written between January and June, 61. See also Rice-Holmes, Roman Republic, I, 291-98.

¹⁹Cicero Dom. 41; Dio xxxviii. 10. 4; Appian BCiv. 11. 14; Suetonius Iul. 20. 4.

²⁰Cicero Att. viii. 3. 3; Dom. 35, 41; Suetonius Iul. 20. 4. Caesar presided over the comitia curiata as pontifex maximus when that body met for religious purposes such as adoptions and wills. On the illegality of this hasty comitia, see Cicero Dom. 34-41.

²¹Cicero Att. 11. 18. 3; 19. 1, 4; 20. 1; 21. 6; 22. 1-2; 23. 3.

least his silence. Caesar variously offered him a position on his staff in Gaul,²² a seat on the land commission,²³ and a permit to travel abroad with the status of ambassador.²⁴ But Cicero mistakenly concluded that tensions among the triumvirs were about to produce an imminent collapse of their alliance and that this would ensure his safety.²⁵ By refusing Caesar's offers, Cicero rejected the support of the triumvirs, but of this he was unaware. He saw the prospect of glorious victory against Clodius and told Atticus, "I don't want to flee, I long to fight!"²⁶ As late as November, Cicero was confident that all Italy would rally to his aid. Among the supporters he named in a letter to his brother Quintus were many of the magistrates-elect, including the consuls Gabinius and Piso.²⁷

Immediately upon taking office in December, Clodius proposed four laws: the distribution of free grain; limitation of the power of the censors to expel members from the various orders to those cases in which both censors were in agreement; repeal of the leges Aelia et Fufia, thereby

²²Cicero Att. ii. 18. 3; 19. 4; Prov. Cons. 42.

²³Cicero Att. ii. 19. 4; Prov. Cons. 41.

²⁴Cicero Att. ii. 18. 3; Prov. Cons. 41.

²⁵Att. ii. 22. 6; 23. 2. See Stockton, Cicero, p. 186.

²⁶ii. 18. 3: "non lubet fugere, aveo pugnare."

²⁷QFr. i. 2. 16: "consules se optime ostendunt." Cicero was perhaps more optimistic than realistic, for included among the list were Pompeius and Caesar (although Cicero was not altogether trusting in their promises).

prohibiting opposing magistrates from watching the heavens to prevent legislation; and legalization of collegia, which the Senate had ordered disbanded five years earlier.²⁸

Although Cicero later castigated Gabinius and Piso for approving these laws, he himself did not oppose them until his return from exile two years later.²⁹ Dio stated that Clodius tricked Cicero with a promise not to prosecute him if he did not oppose these laws; but more likely, Cicero was lulled by Pompeius' assurances and did not want to stir up popular hostility by his opposition.³⁰

With these initial measures passed, Clodius unleashed his attack on Cicero by proposing a law to interdict from fire and water anyone who had put Roman citizens to death without a trial.³¹ Alarmed, Cicero immediately sought the protection of his friends. He thought he was on the best of terms with Pompeius, who had spared no effort in assuring him that Clodius would be no real threat;³² and Cicero had great hopes in Caesar, who still seemed sympathetic

²⁸Asconius Pis. 8 (Clark); Dio xxxviii. 13. 1-6. Cicero Sest. 55-56.

²⁹Cicero Sest. 55; Red. Sen. 11; Vat. 18.

³⁰Dio (xxxviii. 14. 1-3) saw these measures as preliminary to Clodius' attack on Cicero, but other than their value in winning over the urban mob and perhaps a few senators, only the law legalizing collegia was used by Clodius. Opposition to these laws would also have earned Cicero the enmity of the triumvirs.

³¹Dio xxxviii. 14. 7.

³²Cicero Att. ii. 19. 4; 20. 1-2; 21. 6; 22. 2; 24. 5. See also Dio xxxviii. 15. 1-6.

to him.³³ The consuls were also expected to be of great help, for Cicero had once defended Gabinius on a capital charge and was related to Piso through his son-in-law.³⁴ But Cicero was soon to be disappointed.

While Clodius was relatively sure of the acquiescence of the triumvirs because of his passage of laws in their interest, he further insured the success of his attack on Cicero by securing the support of the consuls. In order to thwart the ambitions of Caesar, the Senate had in 60 designated the fields and pastures of Italy as the consular provinces for the following year.³⁵ With rumors flying that Pompeius and Crassus would be standing for election in 59, it is hard to believe that the optimates would not have assigned equally insignificant provinces to the consuls of 58. Indeed, Piso's comments to Cicero that Gabinius looked

³³Dio xxxviii. 15. 1-16. 1.

³⁴Cicero Red. Pop. 11. See also Dio xxxviii. 15. 6. Nothing further is known about Cicero's defense of Gabinius. Since capital charges included any in which the penalty could be loss of life, freedom, or property, virtually all of the corrupt practices laws would be included. The two most likely periods in which such an indictment might have been lodged against Gabinius would be just after his tribunate or just before he held the praetorship. Since Cicero did not make Gabinius' ingratitude a major part of his attacks, I feel that the earlier time is more likely. Cicero at that time had popularis leanings and highly praised Gabinius for his law against the pirates. A more recent defense of Gabinius would not only be somewhat unlikely; but if Cicero had defended him only a few years before, he might have made much more of Gabinius' ingratitude.

³⁵Suetonius Iul. 19. 2. Some would delete the phrase, "id est silvae callesque," from Suetonius, but there is no doubt that the intended provinces were to be of minimal importance. By the Sempronian Law the Senate had to designate the consular provinces before the election (almost two years in advance).

for nothing from the Senate but had hopes in a tribune of the people³⁶ demonstrated that the Senate had again tried to deprive the consuls of meaningful commands. Since the Senate could hardly be expected to revise the assigned provinces for the benefit of two popularis consuls, Gabinius and Piso could hope to better their provincial commands only through the intervention of a tribune. By a lex Clodia, Piso was to receive Macedonia and Gabinius Cilicia, although this was later changed to Syria.³⁷ Clodius ensured that the consuls would fulfill their part of the bargain by scheduling the bill to come up for a vote on the same day as the one providing for Cicero's exile.³⁸

Cicero castigated the law ostensibly because it violated the lex Sempronia which decreed that consular provinces should be allotted by the Senate before the elections. Cicero argued that even C. Gracchus, whom he labeled an extreme popularis, did not attempt to remove the Senate's right to allocate provinces but specifically entrusted the task to that body.³⁹ But Cicero misrepresented the intent of the lex Sempronia. The law did not reaffirm a right of the Senate but restricted the body's ability to assign provinces at its pleasure. In particular, the Senate was prevented from giving desirable provinces and commands only to those consuls of whom the optimates approved. Cicero

³⁶Cicero Pis. 12.

³⁷Cicero Dom. 23. On the details of the leges Clodiae giving Gabinius his provinces, see below, pp. 115-19.

³⁸Cicero Sest. 25, 53.

³⁹Dom. 24.

also claimed that the Roman people did not want the prerogative of assigning the provinces,⁴⁰ but in fact the lex Sempronia made frequent change in the allotted provinces almost a necessity. With almost two years' lead time, only in the most normal circumstances could the provinces be designated sensibly. The lex Clodia was the sixth time in twenty years, and the third in the past three that the Senate's choice of provinces was cancelled.⁴¹ With such frequent overriding of the Senatorial will, Gabinius' and Piso's appointments were hardly in themselves inroads on Senatorial privilege; nor were they inconsistent with constitutional usage.⁴² Cicero's attack was, therefore, specious. His concern was not for the Roman constitution or even for the position of the Senate but for himself. The lex Clodia effectively deprived him of the crucial support of the consuls Gabinius and Piso.

As soon as Clodius' bill providing for his exile was published, Cicero abandoned the Senatorial toga for mourning dress and pleaded with all who would listen to come to his aid.⁴³ At a meeting on the Capitoline, the equites, who had supported Cicero during the Catilinarian

⁴⁰Vat. 36.

⁴¹In 77, 74, 67, 60, 59, and 58. See J. P. V. D. Balsdon, "Consular Provinces under the Late Republic," JRS, XXIX, (1939), 65; also Willems, Sénat II, 517-18.

⁴²For this view, see Sanford, "Gabinius," p. 79.

⁴³Plutarch Cic. 31. 2; Dio xxxvii. 14. 7. Appian (BCiv. ii. 15) said that Cicero gained more ridicule than pity from many Romans.

Conspiracy, decided to show their support for Cicero by adopting mourning garb and sending a delegation to address the Senate, which was meeting in the Temple of Concord at the foot of the hill.⁴⁴ Piso had avoided the inevitable confrontation by staying away from the Senate, but Gabinius flatly refused to grant the equites permission to address the Senate and rebuked two Senators who had accompanied them for attending an equestrian assembly.⁴⁵ When the equites had been denied permission to speak, the tribune L. Ninnius Quadratus introduced a motion in the Senate to discuss the state of public affairs;⁴⁶ and as a result, the Senate passed a resolution over the opposition of Gabinius that all should adopt mourning dress in sympathy with Cicero.⁴⁷

Soon thereafter, perhaps on the same day, Gabinius held a contio at which he denounced the equites for their

⁴⁴Cicero Sest. 26; Red. Sen. 12; Dio xxxviii. 16. 2. Although Cicero represented the equites as united against Gabinius in support of himself, Israel Shatzman, in "The Egyptian Question in Roman Politics (59-54 B.C.)," Latomus XXX (1971), 368-69, 367, shows that the equites were no more united than any other group in Rome. Undoubtedly a large number of equites did support Cicero, but we should be wary about assuming that the entire order was hostile to Gabinius.

⁴⁵Cicero Sest. 26; Red. Sen. 12; Dio xxxviii. 16. 2, 4.

⁴⁶Ninnius had attempted to hold a contio on behalf of Cicero, but Clodius prevented him from speaking (Dio xxxviii. 16. 4).

⁴⁷Cicero Sest. 26-27, 32; Planc. 87; Plutarch Cic. 31. 3. Cicero was extremely proud of the Senatorial resolution, claiming that such a gesture had never been made before on anyone's behalf (Planc. 87; Sest. 31; Red. Sen. 31).

over-zealous support of Cicero.⁴⁸ After his return from exile, Cicero declared that Gabinius had attacked the equestrian order for supporting him in 63 during the Catilinarian Conspiracy.⁴⁹ Whether this was part of Gabinius' actual rhetoric or Cicero's exaggeration is a moot point; but it is certain that the purpose of Gabinius' contio was to announce the banishment (relegatio) of L. Aelius Lamia, princeps equitum ordinarum.⁵⁰ Lamia had been among the delegation seeking permission to address the Senate (from his rank, we might assume that he headed the delegation); and after his return from exile, Cicero insisted that the eques was banished simply for interceding on his behalf.⁵¹ However, Dio commented that Lamia was banished because he was too insistent.⁵² Cicero himself admitted that Lamia's role may have been more than that of a simple petitioner of the Senate. In a speech in which he was protesting Lamia's innocence, Cicero stated that the knight was prepared to

⁴⁸In Sest. 28, Cicero seemed to imply that this was on the same day as the above resolution; but he may have meant the first day that the Senators actually appeared in mourning garments.

⁴⁹Red. Sen. 12; Sest. 28.

⁵⁰Cicero Fam. xi. 16. 2. Relegatio was a milder form of banishment than exsilium. The offender could be expelled by a magistrate's edict and was merely sent from the city for a limited time. No loss of civil rights or property was involved. See Theodor Mommsen, Römisches Staatsrecht, (3d ed.; Graz, Austria: Akademische Druck- und Verlagsanstalt, 1953 [reprinted from 1887 ed.]), II, 139.

⁵¹Red. Sen. 12; Sest. 29; see also Fam. xii. 29. 1.

⁵²xxxviii. 16. 4. Dio made only this cryptic comment about Lamia's banishment.

sacrifice even his life for the republic;⁵³ and some years later, he wrote to Brutus that Lamia had fought vigorously on his behalf.⁵⁴ It would appear that there were details of the matter which Cicero did not care to bring up. Lamia had probably tried to force his way into the Senate or to coerce Gabinius in some way to allow him to address the body. Gabinius, therefore, would have had reason to banish Lamia, if not a clear constitutional authority to do so.⁵⁵

Cicero, not understanding Gabinius' hostility, went to plead with Piso, accompanied by C. Piso, his son-in-law. The consul informed Cicero of his and Gabinius' arrangement with Clodius concerning the provinces.⁵⁶ He also told him that it was no use to appeal to the consuls since everyone had to take measures in his own behalf.⁵⁷ He also suggested that Cicero yield to Clodius' assaults and go into voluntary exile from which he could return when Rome had had enough of Clodius, but Cicero was not pleased with this advice and was still determined to stay and fight.⁵⁸

⁵³Sest. 29; Cicero, of course, equated attacks on himself with attacks on the state.

⁵⁴Fam. xi. 16. 2: "proque mea saluta acerrime propugnaret."

⁵⁵Cicero (Fam. xi. 16. 2) said that no citizen had ever before been banished. As for Lamia, he had returned to Rome at least by February, 54, when Cicero mentioned him in a letter to Quintus (ii. 13. 2).

⁵⁶Clodius evidently had delayed the first reading of this bill.

⁵⁷Cicero Pis. 12.

⁵⁸Dio xxxviii. 16. 5; Plutarch Cic. 31. 4.

Crushing blows were about to fall upon Cicero, however. First, Gabinius and Piso issued an edict that while the Senators might lament for Cicero privately, they were to appear in the Curia attired in normal dress.⁵⁹ Although Cicero fulminated against this edict as tyrannical and barbaric,⁶⁰ he did not condemn it as illegal; but instead the orator concentrated on the fact that no other consul had ever forbidden the Senate to obey its own decrees.⁶¹ Of course, the consuls' edict was unprecedented; for the Senatorial resolution decreeing the wearing of mourning attire was in itself unprecedented.⁶² But in his major criticism, Cicero had discovered a potentially important constitutional anomaly: to what extent could a consul countermand Senatorial resolutions on his own authority? However, Cicero was apparently alone in his concern; for the Senators raised no hue and cry against the measure or the tyranny of the consul. In fact, the Senators effectively admitted the law's legality since they all obeyed it evidently without protest.⁶³

A second blow came to Cicero at a contio which Clodius held in the Circus Flaminius so Caesar would be

⁵⁹Cicero Red. Sen. 12, 31; Dom. 55; Sest. 32; Planc. 87; Pis. 18.

⁶⁰Pis. 18; Sest. 32; Red. Sen. 10.

⁶¹Sest. 32; Planc. 87; Red. Sen. 12.

⁶²As Cicero was quick to point out: Red. Sen. 31; Planc. 87.

⁶³Rice-Holmes (Roman Republic, I, 332) considered the edict illegal but without argumentation.

able to attend.⁶⁴ Clodius called Gabinius to speak first, asking his opinion of the proposed law to exile Cicero. The consul replied that he was extremely displeased with the punishment of uncondemned citizens.⁶⁵ Dio added that he launched into an invective against the equites and the Senate, but Cicero's silence makes this unlikely.⁶⁶ Clodius then asked Piso the same question to which the consul replied that he had always been a compassionate man.⁶⁷ Finally, Clodius brought Caesar before the assembly. The proconsul said that everyone knew he had disapproved of the execution of the Catilinarians but that he did not think it fitting that a law should be enacted concerning past events.⁶⁸ By giving Cicero only this ambiguous support, Caesar served notice that he was not going to interfere with Clodius' intentions.

The other triumvirs were also notably lacking in support of Cicero. Crassus allowed his son to show favor

⁶⁴The circus was outside the pomerium which Caesar could not cross without losing his imperium. See Taylor, Voting Assemblies, pp. 31-32.

⁶⁵Cicero Red. Sen. 13: "quod in cives indemnatos esset animadversum, id sibi dixit gravis auctor vehementissime displicere."

⁶⁶Dio xxxviii. 16. 4. Cicero would not have missed the chance to add to his damning evidence against Gabinius. Dio perhaps has confused this meeting with that held by Gabinius for the purpose of banishing Lamia when the consul attacked the equites.

⁶⁷Cicero Red. Sen. 17: "dicere te semper misericordem fuisse?" See also Pis. 14.

⁶⁸Dio xxxviii. 17. 1-2.

to Cicero, but he himself supported Clodius.⁶⁹ Pompeius, who had all along been Cicero's chief hope, proved to be totally unreliable. He avoided committing himself on Clodius' bill by retreating to his Alban estate; and when finally pressed by Cicero and his friends, Pompeius told them that he could not defy an armed tribune or oppose Caesar.⁷⁰ Lacking the support of the triumvirs, Cicero found his other defenders also slipping away. The example of Lamia's banishment was not lost on the equites; and since its expression of solidarity with Cicero had been halted by the consuls, the Senate no longer even attempted to oppose Gabinius.⁷¹ And so on the advice of his Senatorial friends, Cicero left Rome at the end of March for an exile in which he could nurse his hatred for Gabinius, Piso, and above all Clodius.

Soon after Cicero left Rome, Clodius carried a law specifically interdicting Cicero from fire and water for a distance of five hundred miles from Rome.⁷² He also had Cicero's property confiscated, handing over quantities of the movable goods to the consuls.⁷³ Apparently, Cicero's property was held forfeit by Clodius' law, but it is

⁶⁹Plutarch Crass. 13. 5.

⁷⁰Cicero QFr. i. 4. 4; Att. viii. 3. 3; ix. 9. 1; Dio xxxviii. 17. 3; Plutarch Cic. 31. 1.

⁷¹Cicero Pis. fragment 18; Dom. 96; Fam. i. 9. 13; QFr. i. 4. 4.

⁷²He was unconcerned that this was a privilegium and therefore patently illegal.

⁷³Cicero Dom. 62; Red. Sen. 18.

uncertain whether Gabinius and Piso were profiting from Cicero's misfortune or seizing the goods for the state at Clodius' request. In the speeches delivered soon after his return from exile, Cicero accused the consuls of plundering his estates.⁷⁴ However, in a later speech Cicero placed the blame squarely on Clodius;⁷⁵ and Plutarch reported that Clodius was responsible for the burning of the mansions and commented on his unsuccessful attempt to auction off the properties of the departed orator.⁷⁶ While Cicero's charges against the consuls cannot be ignored, one must remember that the speeches in which the charges were made were delivered while the bitterness of exile was still fresh in Cicero's mind and were filled with venomous political invective.

Gabinius and Piso continued to be affected by the Ciceronian question throughout the remainder of their consulship, for Cicero's friends persisted in their efforts to have him recalled. The support of the consuls was crucial, since the Senate refused to discuss the matter unless one of the two magistrates brought the motion before the house.⁷⁷ Nevertheless, neither Gabinius nor Piso could be persuaded to introduce a resolution calling for Cicero's restoration. They maintained that the lex Clodia prohibited even discussion about Cicero's

⁷⁴Most specifically in Dom. 62, but also in Sest. 54; Red. Sen. 18.

⁷⁵Cicero Mil. 87.

⁷⁶Cic. 33. 1.

⁷⁷Cicero Sest. 68.

recall.⁷⁸ After his return, Cicero sarcastically declared that the consuls were indeed prevented by a lex Clodia, but that the law in question was the one concerning Macedonia and Syria.⁷⁹ However, Cicero himself confided to Atticus that the Clodian Law was written in such a way that it would be almost impossible to repeal it.⁸⁰ In addition, Gabinius was perfectly willing to oppose Clodius during his consulship when there was sufficient cause.⁸¹ However, he evidently did not consider Cicero's return to be worth fighting for. In fact, Cicero's presence in Rome would most likely have been a political embarrassment to the consuls who had not merely acquiesced in his exile but had actively supported Clodius' measure.

In the spring of his consulship, a conflict between Clodius and Pompeius inevitably embroiled Gabinius. With Cicero and Cato out of Rome and Caesar in Gaul, Pompeius was the chief obstacle to Clodius' complete domination of the urban plebs.⁸² The tribune opened his attack by spirit-ing away Tigranes the younger, son of the king of Armenia, who had been held hostage in the house of the praetor L. Flavius since Pompeius' triumph.⁸³ When Pompeius

⁷⁸Cicero Dom. 70; Sest. 69; this clause of the lex Clodia was posted in the Senate: Att. iii. 12. 1, 15. 6.

⁷⁹Dom. 70; see also Red. Pop. 11.

⁸⁰iii. 23. 2.

⁸¹See below, pp. 109-10.

⁸²Cicero Dom. 66. See Lintott, Violence, pp. 195-97 for Clodius' rôle as a popular leader.

⁸³Cicero Dom. 66; Dio xxxviii. 30. 1-2. Dio said that Clodius took a bribe to help Tigranes escape and came

condemned this outrage, Clodius intensified his attack by suggesting the repeal of Pompeius' enactments and prompting his gangs of ruffians to taunt the triumvir whenever he appeared in public.⁸⁴ Gabinius rallied to the defense of his friend Pompeius, probably by condemning the tribune's outrageous act either in the Senate or at an assembly; and as a result the consul suffered an attack from Clodius' thugs in which his fasces were broken.⁸⁵ In his defense of Pompeius, Gabinius acted alone; for Piso, having no more love for Pompeius than he did for Cicero, refused to speak out on behalf of the triumvir.⁸⁶ In order to deprive Clodius of his control of the forum, Gabinius organized counter-gangs evidently composed of the same kinds of rowdies and gladiators which made up Clodius' gangs.⁸⁷ Clodius was so enraged by Gabinius' energetic opposition that he called a contio to consecrate Gabinius' property

in conflict with Pompeius and Gabinius only when they objected. However, see Lintott (Violence, pp. 192, 197) for the view that Clodius was deliberately provoking Pompeius who, after the removal of Cicero and Cato from the city, was Clodius' only rival for the control of the urban plebs. The bribery aspect may explain why Clodius chose to use the release of Tigranes to deliberately annoy Pompeius, but it does not account for the tribune's concerted campaign against Pompeius.

⁸⁴Dio xxxviii. 30. 2; see also Plutarch (Pomp. 48. 7) who related one incident.

⁸⁵Dio xxxviii. 30. 2. Dio said that both Gabinius and Pompeius were indignant but did not elaborate on how they demonstrated their indignation.

⁸⁶Cicero Dom. 66; Pis. 27-28. See Gruen, "Pompey," pp. 165-66.

⁸⁷Cicero Pis. 27-28.

as he earlier had Cicero's Palatine villa.⁸⁸ However, in this case Gabinius was able to defend his property until Clodius' consecration was held to be invalid.⁸⁹

One of Clodius' main objectives was realized on August 11, when a slave who dropped a dagger in the Senate reported to Gabinius that Clodius had ordered him to kill Pompeius. The triumvir immediately retired to his villa and refused to appear in public for the rest of the year.⁹⁰ However, Clodius was to reap the just rewards for such overkill; for Pompeius began to lend his support to the movement to recall Cicero.⁹¹ He also engaged the tribune L. Ninnius Quadratus to repay Clodius in his own coin. Ninnius consecrated Clodius' property and all his possessions to the goddess Ceres.⁹²

Since the exile of Cicero overshadowed virtually all the other events of 58, the legislative efforts of Gabinius and Piso were completely overlooked by the extant

⁸⁸Cicero Dom. 124-25; Dio xxxviii. 30. 2. Very little is known about this form of consecratio by a tribune; virtually all of the information is from this passage from Cicero.

⁸⁹Cicero Dom. 124, 126. In the same speech (123) Cicero indicated that tribunician consecrations against political enemies were not that unusual and were regularly held to be invalid.

⁹⁰Asconius Mil. 46 (Clark); Plutarch Pomp. 49. 2; Cicero Red. Sen. 4. Cf. Cicero Sest. 69 in which the attempt on Pompeius' life was seen as a way to halt the orator's own recall.

⁹¹Plutarch Pomp. 49. 3; Dio xxxviii. 30. 3.

⁹²Dio xxxviii. 30. 3; Cicero Dom. 125.

literary sources. Fortunately, however, a rather mutilated inscription from Delos has been identified as a partial bilingual text of a law issued jointly by the consuls.⁹³ At first thought to be a senatus consultum,⁹⁴ it has been ascertained that the inscription is a lex Gabinia Calpurnia.⁹⁵ Although the date of passage, along with most of the other pertinent data of the circumstances of the law, is obliterated,⁹⁶ we do know that the law was passed by the comitia tributa meeting in the forum at the Temple of Castor.⁹⁷ Gabinius is named first in the inscription, contrary to the usual order of listing the two consuls, strongly indicating that the law was primarily Gabinius' measure. This is substantiated by the name of the first voter, A. Gabinius A. f. Capito, almost certainly a relative of the consul and probably chosen by him to vote in a tribe containing too few voters at the comitia.⁹⁸

⁹³For the text of the law, see CIL, I, Pt. II, 2500; SEG, I, 335; Cuq, "Inscription," pp. 199-200. A discussion of the discovery and identification of the inscription is given in Cuq, "Inscription," pp. 198-201. See Fig. 1, p. 29. for a squeeze of the inscription.

⁹⁴See J. Hatzfield, "Les Italiens résidant à Délos: mentionnés dans les inscriptions de l'île," BCH, XXXVI (1912), 129, n. 1.

⁹⁵See Cuq, "Inscription," pp. 201-204.

⁹⁶Only the tantalizing "a. d. Ka[1]" remains of the date (line 3).

⁹⁷Lines 2-3: "[pro aedibus C]astor." On the use of the Temple of Castor as a tribunal for contiones and comitia, see Taylor, Voting Assemblies, pp. 25-28, 41.

⁹⁸Taylor, Voting Assemblies, p. 76. See also above, p. 28.

The content of the law fits in well with the concern Gabinius had previously shown for the provincials during his tribunate. Because of the damages sustained during the Mithridatic War and subsequent pirate raids, the law granted liberty and relief from certain taxes to the Delians and ordered the restoration of the temples of Apollo and Diana.⁹⁹ Unfortunately, the intriguing background to this law is entirely lost. There is no hint as to why the Romans neglected the Delians for twenty years or why Gabinius came to support this particular cause. The law may have been in response to a request for aid from the Delians themselves. Perhaps a plea for relief came to Gabinius, whose father and uncle, as has been shown above,¹⁰⁰ had some connections with the island.

The chief value of this law to a study of Gabinius' political career is the light it sheds on his consulship. From the literary sources, one would conclude that Gabinius' consulship was rather negative and auxiliary to other more important struggles. As a political ally of the triumvirs, Gabinius had an obligation to further and protect their interests while in office. Thus his role in the strife between Clodius and Cicero. Since Cicero had cast his lot with the optimates, he was a potential threat to the triumvirs despite his friendship with Pompeius. Although Gabinius was paying Clodius' price for a law granting a good consular province, Clodius himself was able to pursue

⁹⁹Lines 12-21.

¹⁰⁰p. 23.

his course against Cicero only by the acquiescence of the triumvirs. When Clodius' gangs became exceedingly disruptive, however, Gabinius pursued the only course possible in a Rome which lacked any police force: he organized counter-gangs to contest Clodius' control of the forum. In this he was not only aiding Pompeius but also trying to subdue a dangerous element within the city. Most of Gabinius' known political actions were in support of the exile of Cicero, but the lex Gabinia Calpurnia reminds us that Gabinius did pursue an independent course as consul and may well have had an extensive legislative program of his own.

CHAPTER VII

PROCONSUL OF SYRIA

In November or early December, Gabinius and Piso set out for their respective provinces.¹ Although their consular year had not yet ended, an early departure seems to have been the usual practice for consuls who had spent their year in Rome.² The consuls were accompanied by an honorary cavalry escort of equites as they set out from the city.³ Although Cicero wished to remember the departure as one in which they were accompanied by nothing but evil omens and curses, it is hardly credible that anything so drastic befell the consuls.⁴

The lex Clodia that gave both consuls their provinces

¹Cicero (Sest. 71-72) clearly indicated that they set out before the tribunes of 57 entered office on December 10.

²See Balsdon, "Provinces," p. 67.

³Cicero QFr. 11. 13. 2. Robert Y. Tyrrell and Louis C. Purser, in The Correspondence of M. Tullius Cicero, ed. by R. Tyrrell and L. Purser, Dublin University Press Series (7 vols.; Dublin: Hodges, Figgs and Co., 1879-1901), II, xxix, followed by Hill (Middle Class, p. 179), believe that the equestrian escort was for the invasion of Egypt; but the passage in Cicero in no way demands such an interpretation.

⁴Sest. 71; Pis. 31. Cicero's comments about the evil omens were part of his bitterly hostile attacks on the two consuls delivered just after his return from exile and should be regarded with the utmost suspicion.

also provided them with unusual authority. Taking its cue from the Vatinian Law which had bestowed Gaul on Caesar, the Clodian Law gave the consuls the right to choose their own staff officers, thus eliminating Senatorial control over the personnel of the province.⁵ Gabinius and Piso were also apparently granted imperium infinitum within their respective provinces, a distinction they shared with the triumvirs and Antonius Creticus.⁶ The authority contained within such a grant cannot be construed as infinite or unlimited. Willems has argued that imperium infinitum was most likely the right to wage war and conclude peace within one's own province without first consulting the Senate.⁷ The passages from Cicero in which the term "imperium infinitum" is used in relation to Gabinius and Piso are extremely hostile, leading some authors to conclude that the phrase existed only in Cicero's rhetorical exaggeration.⁸ While Cicero's rhetoric cannot always be taken at face value, an examination of the relevant passages appears to this author to render

⁵Cicero Vat. 36.

⁶Cicero Dom. 23, 55. See Willems, Sénat, II, 518 on the triumvirs and Cicero Verr. ii. 2. 8; 3. 213 on Antonius.

⁷Sénat, II, 518, nn. 3-6.

⁸See Cobban (Senate and Provinces, p. 94) who argues this on the basis that Gabinius was later prosecuted for his invasion of Egypt. More recently Shelach Jameson, in "Pompey's Imperium in 67: Some Constitutional Fictions," Historia, XIX (1970), 541-42, argues against imperium infinitum for the proconsuls on the basis of the passages alone. In this article, Jameson rejects the entire concept of imperium infinitum as a legal term.

somewhat inconclusive results.⁹ However, in terms of practical results, Gabinius was able to bring about a reorganization of Judaea without a Senatorial commission and prepare an expedition against the Parthians; but he was prosecuted for his Egyptian invasion. The crucial question was whether the courts would accept Gabinius' actions as legal under the terms of his imperium, whatever its nature.

Under the original lex Clodia, Gabinius was to have received Cilicia as his province. On the surface, however, Cilicia does not appear to have been much of a reward, monetarily or militarily, for Gabinius' support of Clodius

⁹Cicero Dom. 23: "homini post homines natos turpissimo, sceleratissimo, contaminatissimo quis illam opimam fertilemque Syriam, quis bellum cum pacatissimis gentibus, quis pecuniam ad emendos agros constitutam, ereptam ex sui Caesaris rebus actis, quis imperium infinitum dedit?" More sarcastic is the second passage (Dom. 55): "cum Gabinio Syria dabatur, Macedonia Pisoni, utrique infinitum imperium, ingens pecunia, ut tibi omnia permitterent, te adiuverent, tibi manum, copias, tibi suos spectatos centuriones, tibi pecuniam, tibi familias compararent, te suis sceleratis conditionibus sublevarent, senatus auctoritatem irriderent, equitibus Romanis mortem proscriptionemque minitarentur, me terrerent minis, mihi caedem et dimicationem denuntiarent, meam domum refertam viris bonis per amicos suos complerent proscriptionis metu, me frequentia nudarent virorum bonorum, me praesidio spoliarent senatus, pro me non modo pugnare amplissimum ordinem, sed etiam plorare et supplicare mutata veste prohiberent, ne tum quidem vis erat?" Two passages from Cicero's Verrine Orations which refer to Antonius Creticus' imperium are also said by Jameson ("Imperium," p. 542) to be sarcastic; but the references to Creticus' powers do not appear to be sarcastic at all. Verr. ii. 3. 213: "et hic utrum mihi difficile est dicere an his existimare ita se in isto infinito imperio M. Antonium gessisse ut multo isti perniciosius sit dicere se in re improbissima voluisse M. Antonium imitari quam si posset defendere nihil in vita se M. Antonii simile fecisse?" Verr. ii. 2. 8: "tametsi et illum annum pertulerant qui sic eos afflixerat ut salvi esse non possent, nisi C. Marcellus quasi aliquo fato venisset, ut bis ex eadem familia salus Siciliae constitueretur, et postea M. Antonii infinitum illud imperium senserant."

against Cicero.¹⁰ Certainly it was not in the same league as Piso's Macedonia or his own second choice of Syria. However, Badian argues persuasively that the annexation of Cyprus and confiscation of the wealth of its king, Ptolemy,¹¹ were almost certainly slated to be accomplished by the governor of Cilicia.¹² The island was never treated as an independent province and was attached to Cilicia as soon as Cato's mission was accomplished. The profits available to the governor as part of the annexation would be considerable; and, thus, Cilicia would be a magnificent prize for Gabinius.¹³ However, once Clodius had decided to use the wealth of the annexation to relieve the treasury of the considerable burden his grain law placed upon it, M. Porcius Cato became the best possible choice to bring this about.

¹⁰Although it was probably much better than the province which the Senate had offered, Cicero was not able to secure a triumph in Cilicia even under far more trying circumstances than Gabinius would have faced. See Cicero *Fam.* xv. 1-6; *Att.* vii. 2. 7.

¹¹The younger of two bastard sons of Ptolemy Lathrus and brother of Ptolemy Auletes.

¹²"M. Porcius Cato and the Annexation and Early Administration of Cyprus," *JRS*, LV (1955), 116-17. *Contra*, see Stewart Oost, "Cato Uticensis and the Annexation of Cyprus," *CP*, L (1955), 98, who thinks Cato was intended for Cyprus from the beginning.

¹³Cicero's charge that Gabinius needed money to pay off election debts (*Pis.* 12) was undoubtedly true but hardly unusual. Cicero himself incurred considerable debts; see M. W. Frederiksen, "Caesar, Cicero and the Problem of Debt," *JRS*, LVI (1966), 128-41. Roman politicians customarily paid off election debts with the considerable "legitimate" profits made from their governorships. Even the extra ordinarily honest Cicero amassed the amazing sum of 2,200,000 HS during his proconsulship in Cilicia (*Att.* xi. 1. 2.).

We need not assume with Badian that Clodius had reason to fear that Gabinus would siphon off most of the proceeds for himself,¹⁴ for it was not difficult to make both one-self and the treasury rich.¹⁵ Rather, Clodius needed to maximize the profits realized for the treasury. "Cato, hard-hearted, efficient and—in his own way—scrupulously honest, could be trusted both to extort and bring back all there was."¹⁶ With Cilicia having been downgraded in importance by the removal of the Cyprian annexation, Gabinus was compensated by a second lex Clodia changing his province to Syria.

Internal Roman politics aside, Syria required a fresh consular army in 58; for the military situation there was rapidly approaching the critical stage. Although Cicero characterized the province as completely pacified and composed of quiet peoples,¹⁷ that was hardly the case. A rather large province, containing all the former Seleucid possessions west of the Euphrates from Cilicia to Egypt, Syria was composed of diverse peoples including the most tenacious resisters of Roman domination, the Jews.¹⁸ East

¹⁴Badian, "Cato," p. 117.

¹⁵As Pompeius, Caesar, and Lucullus, for example. See Badian, Roman Imperialism, pp. 81-84, and M. Jaczynowska, "The Economic Differentiation of the Roman Nobility at the End of the Republic," Historia, XI (1962), 490-94.

¹⁶Badian, "Cato," p. 117; for Cato's renowned austerity, see Plutarch Cat. Min., passim.

¹⁷Sest. 93.

¹⁸While Judaea was technically a client state, it was under the supervision of the governor of Syria and

of the Euphrates lay Parthia while in the south the Nabataean Arabs gave the Romans continual trouble. Pompeius' quaestor, M. Aemilius Scaurus, left in charge of Syria after the general's return to Rome in 62, invaded Arabia with the intention of capturing the capital Petra; but he was persuaded to accept a truce upon the payment of 300 talents when the terrain proved more difficult than expected.¹⁹ This settlement contributed nothing to the pacification of the Arabs; for the two praetorian governors who succeeded Scaurus spent their entire terms fighting border skirmishes with the Arabs.²⁰ In addition, the son of Aristobulus, the former king of Judaea whom Pompeius had brought to Rome, had escaped from Roman captivity and was waging an increasingly effective guerrilla war in Judaea against his uncle, the high priest Hyrcanus.²¹

The continuing military pressures on Syria made it clear that the two Pompeian legions left five years before were due for reinforcement by a consular army. That the Romans were aware of the situation in Syria can be seen in Cicero's hyperbole concerning the extent of Gabinus' province. According to the orator, all the kingdoms of Syria,

suffered constant Roman interference. See Appian Syr. 50 and also M. Rostovtzeff, The Social and Economic History of the Hellenistic World (2 vols.; Oxford: Clarendon Press, 1941), II, 980-81.

¹⁹Josephus AJ xiv. 80-81; BJ i. 159. The good offices of Antipater, advisor to Hyrcanus, ethnarch of Judaea, saved Scaurus from a possible disaster.

²⁰Appian Syr. 51.

²¹Josephus AJ xiv. 82; BJ i. 160.

Arabia, and Persia were given to Gabinius by his friend Clodius.²² Although it is doubtful that Gabinius' province was quite so extensive, Cicero's statement indicates that the Romans fully expected military operations to be carried out not only within the province itself but also with neighboring Arabs and possibly the Parthians.²³

It would appear that Gabinius himself chose Syria to replace the down-graded Cilicia. The consul surely wanted this province; and considering his previous military experience in Syria, he was the natural candidate for restoring order to the troubled province.²⁴ When considering Gabinius' motives for choosing Syria, one should not be misled by Cicero's charges of greed.²⁵ Most, if not all, provincial governors amassed considerable amounts of money during their terms of office. Even Cicero profited handsomely from his province, although he prided himself on his honesty.²⁶ Gabinius was probably motivated more by a desire for greater military glory, including the triumph; for Syria was an excellent province in which to achieve these

²²Dom. 124: "bona tui Gabinii, cui regna omnia Syrorum, Arabum, Persarumque donaras."

²³Crassus used the province as a base from which to launch his Parthian campaign in 54. See Plutarch Crass. 16. 3; and Dio xl. 12. 1.

²⁴If Gabinius had not wanted Syria, he could easily have blocked the change in provinces since he was consul.

²⁵Prov. Cons. 9.

²⁶Cicero Fam. v. 20. 9; Att. xi. 1. 2. See also Tyrrell and Purser, Correspondence, II, xl-xli.

goals.²⁷

Gabinus entered Syria with his army from the north by way of Cappadocia, where he probably procured the horses for his cavalry and perhaps the troops also.²⁸ While there, he aided the client-king Ariobarzanes II by attacking and destroying some dissident elements which were in rebellion within the kingdom. Cicero presented the action in the worst possible light, declaring that Gabinus hired himself out to perpetrate massacres like some Thracian,²⁹ but Cappadocia was an important buffer state bordering the not altogether reliable Armenia. It was in Rome's interest to maintain stability in all the client kingdoms in order to protect the provinces in Asia Minor.³⁰

Once in Syria Gabinus faced hard fighting, probably with the Arabs along the borders of the province who had plagued his predecessors. In this fighting the green legionaries sustained heavy losses, both in cavalry and infantry,

²⁷On Gabinus' desire for military glory, see Cicero Prov. Cons. 14, 44.

²⁸With its rolling plains and grasslands, Cappadocia was noted for its grazing animals (Strabo xi. 13. 8). Rostovtzeff (Hellenistic World, II, 979-80) comments that Cappadocia provided cavalry for the Romans.

²⁹Prov. Cons. 9. Cicero himself was given instructions from the Senate to protect the king of Cappadocia (Fam. xv. 2. 4) and only avoided giving him the requested cavalry contingent because he was desperately in need of troops himself to counter the Parthian threat (Fam. xv. 2. 7; 4. 6.)

³⁰See Tenney Frank, Roman Imperialism (New York: MacMillan, 1921), p. 321. Gabinus' efforts only postponed the downfall of Ariobarzanes, for he was killed three years later by those enemies who remained. See Magie, Asia Minor, I, 390.

in a series of engagements.³¹ Cicero, who was berating Gabinius' performance as governor, declared that the pro-consul had settled nothing by these military actions; but Gabinius was apparently successful enough to be able to turn his attention to the internal affairs of the province and the civil war in Judaea.³²

When Pompeius had organized the province of Syria, he had left Judaea as a nominally independent client state ruled by the high priest Hyrcanus but stripped of the Maccabean conquests.³³ Hyrcanus' chief rival, his brother Aristobulus, who had resisted Pompeius' settlement, was taken to Rome in chains together with his family; but Aristobulus' elder son, Alexander, escaped. Returning to Judaea, Alexander waged a guerrilla campaign against his uncle; and by 57 he had become strong enough to threaten Hyrcanus' position, having even driven the high priest

³¹Cicero (Prov. Cons. 9; Sest. 71) claimed that Gabinius lost his cavalry; but, in fact, Gabinius was able to make good use of his cavalry in the campaign against Alexander which followed these initial skirmishes.

³²Prov. Cons. 9. R. Gardner, in Cicero: The Speeches, trans. by R. Gardner, Loeb Classical Library (2 vols.; London: William Heinemann; Cambridge, Mass.: Harvard University Press, 1966), I, 130-31, note d; II, 554, note d, considers Gabinius' losses as occurring during the campaigns against the Jews, but Josephus' account makes it clear that he sustained no reverses or significant losses in the Jewish campaigns.

³³For Pompeius' settlement, see Frank, Roman Imperialism, pp. 318-20; B. Kanael, "The Partition of Judea by Gabinius," Israel Exploration Journal, VII (1957), 98-100; and Michael Avi-Yonah, The Holy Land from the Persian to the Arab Conquests (536 B.C. to A.D. 640): A Historical Geography (Grand Rapids, Michigan: Baker Book House, 1966), pp. 77-82.

from Jerusalem.³⁴

The approach of Gabinius prompted Alexander to fortify three strategic strongholds and increase the size of his army to about 10,000 men. However, his newly recruited freedom fighters were no match for the Roman legions. Gabinius sent his cavalry commander, Marcus Antonius,³⁵ ahead to harass Alexander and effect a junction with Hyrcanus' forces while he himself followed with the heavy infantry. Forced into a battle before he could fall back on Jerusalem, Alexander was decisively defeated, losing over half his army. Alexander himself fled with the remnants of his forces to the fortress of Alexandreion. Pursuing Alexander to the stronghold, Gabinius offered the rebels amnesty; but when his proposal was rejected, he attacked those encamped outside the walls with predictable success and invested the fortress.³⁶

Leaving his troops to press the siege of Alexandreion, Gabinius made a tour of Judaea and the surrounding parts of his province. Observing a number of cities either in ruins or sparsely populated, the proconsul ordered them to be rebuilt and resettled.³⁷ Of the ten cities mentioned by

³⁴Josephus AJ xiv. 73-79, 82-83; BJ i. 153-58, 160. According to Kanael ("Partition," pp. 100-101) the humiliation of the Maccabean state by Pompeius caused deep unrest which fueled Alexander's rebellion.

³⁵Plutarch (Ant. 3. 1) named him as commander of the cavalry. Gabinius persuaded Antonius to join him while he was at Athens on his way to the province.

³⁶Josephus AJ xiv. 83-86; BJ i. 161-65.

³⁷Josephus AJ 87; BJ i. 165.

Josephus, most, if not all, were not cities of Judaea but those freed from Jewish control by Pompeius, including a number of coastal cities.³⁸ Gabinius' intention seems to have been to restore the prosperity of southern Syria and to provide a counterpoise to the recurring instability of Judaea. Josephus reported that the program was a success, for settlers flocked to the sites.³⁹ At least one of these cities, Samaria, renamed itself in honor of Gabinius, although in this case the restoration was not altogether successful since the city had to be refounded by Herod the Great some years later.⁴⁰

Upon his return to Alexandreion, Gabinius pressed the siege ever more tightly, prompting Alexander to seek terms at last. The proconsul agreed to pardon Alexander only when the latter agreed to surrender all three of his fortresses. These Gabinius caused to be razed to discourage further revolts. Alexander's mother, who evidently had control of one or both of the other strongholds, agreed to surrender them only upon the condition that Gabinius arrange the release of the rest of her children, who were

³⁸AJ xiv. 88; BJ i. 166. On the cities freed by Pompeius, see AJ xiv. 74-76; BJ i. 155-56. See Fig. 4, p. 126.

³⁹AJ xiv. 88; BJ i. 166.

⁴⁰A. H. M. Jones, Cities, p. 259; and "The Urbanization of Palestine," JRS, XXI (1931), 79. At least one other city, Canatha in eastern Syria, renamed itself in honor of Gabinius as evidenced by coins found with the inscription: "KANATHON GABEIN." See Barclay V. Head, et al., Historia Numorum: A Manual of Greek Numismatics (2d ed.; Oxford: Clarendon Press, 1911), p. 786.

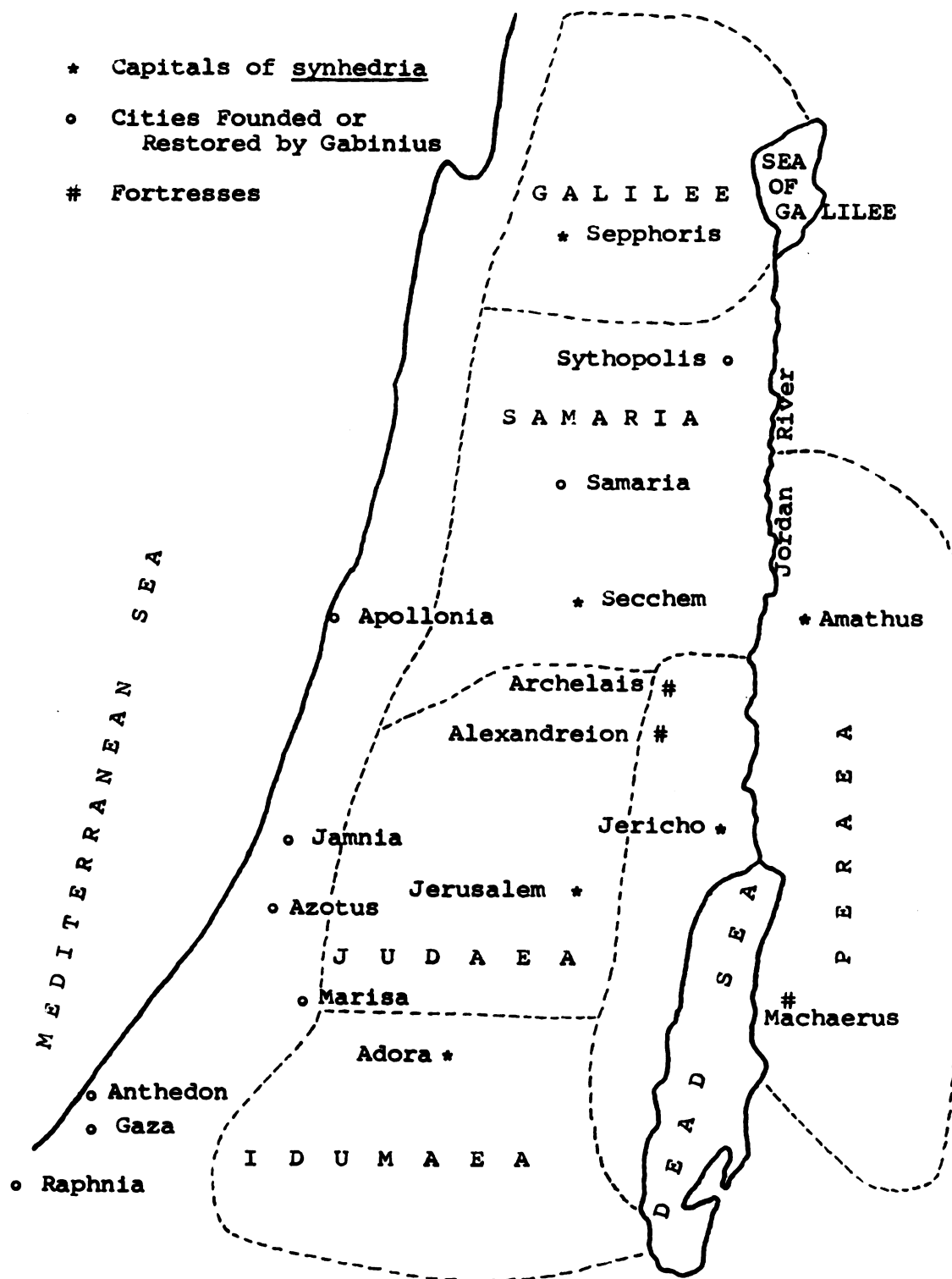


Fig. 4—Palestine

still held captive in Rome.⁴¹

With peace restored, Gabinius turned his attention to the political situation in Judaea. Since Hyrcanus had demonstrated beyond all doubt that he was powerless in the face of an anti-Roman revolution, Gabinius decided he could not return to the status quo. Hyrcanus was reinstated as high priest in Jerusalem, but he was stripped of all secular authority.⁴² In place of the unified state, Gabinius divided Palestine into several districts each governed by its own council. Five centers of government were mentioned by Josephus: Jerusalem and Jericho in Judaea, Amathus in trans-Jordan Peraea, Sepphoris in Galilee, and Γαδάρους or Γαδάρους.⁴³ Since Gadara, a Greek city in northern Peraea had been freed from Jewish rule by Pompeius, the fifth center has usually been identified as Gazara in Judaea or Gadora in Peraea; but each is unsatisfactory.⁴⁴ There would certainly have been no need for a second center in the sparsely populated Peraea, and Gazara was a declining border city during this period.⁴⁵ B. Kanael's identification of

⁴¹Josephus AJ xiv. 90; BJ i. 168. The children were returned. See below, pp. 134-35.

⁴²Josephus AJ xiv. 90; BJ i. 169.

⁴³Josephus AJ xiv. 91; BJ i. 170.

⁴⁴For a discussion of the older literature, see H. St. J. Thackeray, (ed.), Josephus, Vol. II, Loeb Classical Library (London: William Heinemann; New York: G. P. Putnam's Sons, 1927), p. 78, note b. See Fig. 4, p. 126.

⁴⁵Avi-Yonah, Holy Land, p. 84; Kanael, "Partition," pp. 102-103.

Γαβώπολις with the city Adora in Idumaea seems to fit the geographical and political situation much better; for Idumaea, which was a separate political and ethnic division of the Jewish state, would otherwise have been without representation in Gabinus' system. Adora was also the only important centrally located settlement in Idumaea and would therefore be the natural location for such a center.⁴⁶ Although Josephus failed to mention it, a sixth council, which was in existence during the first century A.D. at Secchem in Samaria, was probably also established by Gabinus at this time.⁴⁷ This would have completed the division of Palestine into independent districts.

Gabinus' purpose in establishing the separate districts in Palestine has been subject to rather wide variation in interpretation. The most generally held view, that the reorganization was a punitive measure based on the division of Macedonia in 168,⁴⁸ is a rather shallow comparison between two essentially dissimilar situations. Unlike Perseus, who was intent on reviving Macedonian hegemony in Greece, Hyrcanus was a totally reliable, if weak,

⁴⁶"Partition," p. 103.

⁴⁷See A. H. M. Jones, Cities, p. 259.

⁴⁸It can be traced to Mommsen, History, IV, 186-87. But see also S. Zeitlin, The Rise and Fall of the Judaean State: A Political, Social, and Religious History of the Second Commonwealth (2 vols.; Philadelphia: Jewish Publication Society of America, 1962), I, 359, 504, nn. 66-67; and Avi-Yonah, Holy Land, p. 82. E. Schürer, in A History of the Jewish People in the Time of Jesus Christ, authorized English translation (Charles Scribner's Sons, n. d.), I, 373-74, argues further that the division actually incorporated Judaea into the province of Syria.

ethnarch who lacked adequate support to put down a rebellion aimed as much at himself as at his Roman masters.⁴⁹

H. Hill's⁵⁰ contention that the subdivision was carried out for convenience in administration is similar to W. E. O. Oesterley's⁵¹ and M. Rostovtzeff's⁵² that the division was primarily intended to facilitate the collection of tribute. These writers fail to explain how several districts would be more convenient for Rome than a centralized authority. Since the Romans did not collect tribute directly from the Jews nor administer Judaea, increasing the numbers of political units would only make political and financial arrangements more complicated. E. R. Bevan, in the Cambridge Ancient History,⁵³ suggests that the measure was intended to weaken the central power in Jerusalem. That this was the effect of the division is undeniable, but Bevan fails to show why Gabinus would want to do so.

It appears to this author that Gabinus' basic goal with respect to Palestine was to increase the

⁴⁹The comparison probably ultimately rests on the similarity of the terms used for the ruling councils in Macedonia and in Judaea. Livy (xlv. 32. 2) said that the council members in Macedonia were called synhedri, and Josephus (AJ xiv. 91) called the councils in Palestine συνέδρια although in BJ i. 170 he termed the councils συνόδοις. However, the coincidence of the Greek name for council is rather thin substantiation for linking two events a century apart.

⁵⁰Middle Class, p. 76.

⁵¹In W. O. E. Oesterley and Theodore H. Robinson, A History of Israel, Vol. I by T. Robinson, Vol. II by W. Oesterley (2 vols.; Oxford: Clarendon Press, 1932), II, 335.

⁵²Rostovtzeff, Hellenistic World, II, 1000.

⁵³IX, 403.

stability of the region in order to forestall future rebellions.⁵⁴ Thus, he rebuilt and restored the Hellenistic cities which Pompeius had detached from Judaea in order to assure that they would retain their independence and form an effective counter balance to the Jewish client state. Within Judaea, however, it was apparent that Hyrcanus was incapable of eliciting enough support to ensure a stable monarchy. There was no possibility of an alternate ruler, for Aristobulus and his sons were committed to the revival of an independent monarchy which would without doubt be hostile to Roman interference. Consequently, Gabinius turned to the substantial faction of the Jews who had asked Pompeius in 63 to dispense with the monarchy altogether.⁵⁵ Thus, the proconsul replaced the unpopular Hasmonaean rule with a more popular system of local councils.⁵⁶ If Alexander or his family should raise another rebellion, they would be less likely to gain the widespread support which Alexander had commanded against Hyrcanus in 57.

Gabinius' partition of Palestine was one of the most innovative actions of his proconsulship. To find a precedent, one must go back a century to the Roman division of Macedonia into four independent republics to replace

⁵⁴Kanael ("Partition," p. 102) adds that Gabinius needed a pacified Judaea since he was about to open his Parthian campaign, but it is not at all certain that any such campaign was yet envisioned. In any case, Gabinius certainly did not hesitate to invade Egypt in 55 although a revolt broke out in Judaea almost immediately.

⁵⁵Josephus AJ xiv. 41.

⁵⁶In BJ i. 170, Josephus said that the people actually welcomed the change.

the Antigonid kingdom. However, that partition had been a punitive measure; Gabinus' partition of Palestine was a constructive effort to increase the stability of the Jewish state. In general, Roman policy toward client states was to support native dynasts until they became unreliable in their allegiance to Rome; the only alternatives followed were replacement of the ruler or annexation as a province. In contrast to these methods, Gabinus created a governmental system apparently based on aristocratic polis models normally used in the provinces. Yet Gabinus' partition conformed with the overall Roman policy of protecting the provinces by maintaining stable client states.

It is not at all clear whether Gabinus should have consulted the Senate about his partition. His imperium under the lex Clodia may well have relieved him of the necessity of seeking the Senate's advice and consent. On the other hand, a governor's powers were quite extensive in his province. He could even change the lex provincia to a considerable extent during his tenure. In the case of the Jewish state which was not even part of the province of Syria, properly speaking, Gabinus' latitude may have been even broader.

If stability were Gabinus' chief purpose, then his partition was only partly successful; for the following two years brought two Jewish revolts which required Roman troops.⁵⁷ However, it is doubtful that any system of

⁵⁷ See below, pp. 134-35, 159-61.

government devised by Gabinus could have succeeded. The first uprising was led by Aristobulus, who had escaped from Rome; and the other was Alexander's second revolution. Both revolts were rather easily crushed by Gabinus, however; and subsequently, the area was relatively tranquil until the disturbances in the aftermath of Crassus' disaster at Carrhae.

As a result of his victory over Alexander, Gabinus was proclaimed imperator by his troops,⁵⁸ but he was denied the customary honors which the Senate usually bestowed on victorious generals. In the spring of 56, the proconsul sent the customary message to the Senate requesting a supplicatio (public thanksgiving). However, since his return from exile in September, 57, Cicero had vented his wrath upon Gabinus and Piso and had worked tirelessly to have them recalled or at least to discredit them. Inspired by Cicero's implacable hatred, the Senate took the almost unprecedented step of rejecting Gabinus' request for the supplicatio on May 15, 56.⁵⁹ The reasons given by the Senate for the refusal reflected clearly Cicero's own bitter attacks, although the orator tried to convince his brother (and possibly himself) that the Senate was acting

⁵⁸Cicero Pis. 44; Prov. Cons. 9.

⁵⁹Cicero Prov. Cons. 14-16, 25; Pis. 45. The date was given by QFr. 11. 6. 1. The Senate also attacked the all but unreachable triumvirs through attacks on their more vulnerable allies such as Gabinus; see Erich S. Gruen, "Pompey, the Roman Aristocracy, and the Conference at Luca," Historia, XVIII (1969), 80-90, for the antagonism between Pompeius and the optimates.

impartially since he was absent on the day of the vote.⁶⁰

As reported by Cicero, the Senate rejected Gabinius' request on the following grounds:

First, that nothing should be believed from a man so defiled with enormities and outrages; next, public business could not be conducted well by a traitor and one who was recognized as an enemy to the republic when present in Rome; finally, even the immortal gods do not want their temples to be opened and themselves prayed to in the name of the filthiest and most abominable of men.⁶¹

Only once before, when a certain T. Albucius demanded a supplicatio for a victory over some brigands in Sardinia, had the Senate rejected a commander's request for a public thanksgiving. Gloating over this fact, Cicero admitted that the Senatorial action was not motivated by any doubts of the veracity of Gabinius' reports but was a politically inspired slap in the face to the proconsul:

But first there is a difference between an action in Sardinia with sheepskin jacketed bandits conducted by a propraetor with only one auxiliary cohort and a war with the mightiest peoples and princes of Syria concluded by a consular army and commander.⁶²

⁶⁰QFr. 11. 6. 1.

⁶¹Prov. Cons. 14: "primum homini sceleribus flagitiis contaminatissimo nihil esse credendum, diende a proditore atque eo, quem praesentem hostem rei publicae cognosset, bene rem publicam geri non potuisse, postremo ne deos quidem immortales velle aperiri sua templa et sibi supplicari hominis impurissimi et sceleratissimi nomine."

⁶²Prov. Cons. 15: "quod est primum dissimile, res in Sardinia cum mastrucatis latrunculis a propraetore una cohorte auxiliaria gesta et bellum cum maximis Syriae gentibus et tyrannis consulari exercitu imperioque confectum." See also Phil. xiv. 8. 24. In spite of this clear admission by Cicero, James Cobban (Senate and Provinces, p. 151) insists that Gabinius "bombaraded the Senate with reports of false victories until all faith in his letters was destroyed." It is not known if there was any reaction on the part of Pompeius or Gabinius' other friends to this Optimate rebuff.

The remainder of Gabinus' first year as governor apparently passed in peace, for no campaigns have been recorded. However, by 56 Aristobulus and his son Antigonus, having escaped from captivity in Rome, had returned to Judaea to renew the struggle.⁶³ Still popular, Aristobulus soon collected a large following; but despite the thousand troops that one of Hyrcanus' generals brought to him, a great many of his partisans were unarmed. Gabinus' response to the news that Aristobulus was attempting to re-fortify Alexandreion was to dispatch part of the army commanded by his son Sisenna, Antonius, and a certain Servilius.⁶⁴ Aristobulus was rapidly defeated in battle and captured after holding out for two days with a fraction of his army at the ruined fortress at Machaerus in Peraea.⁶⁵ Gabinus sent Aristobulus and his son back to Rome in chains together with a request that the other children be freed in accordance with his promises to Aristobulus' wife. In spite of their hostility toward the proconsul, the Senate complied with

⁶³Sanford ("Gabinus," p. 81) offers the intriguing suggestion that Gabinus' enemies aided the escape. There is no substantiation for this possibility, of course; but one wonders at the identity of such enemies. Since Aristobulus was a prisoner of Pompeius, presumably neither Cicero nor his supporters would have effected the escape. However, Clodius once before had arranged the release of a Pompeian prisoner. He also had the motive, since Gabinus had opposed him in the summer of 58, and the means with his gangs of thugs.

⁶⁴On Sisenna, see MRR, II, 204. Servilius (or perhaps Servianus) is otherwise unidentified.

⁶⁵Of 8,000 troops, only 1,000 escaped death or capture in the battle.

his request.⁶⁶

Gabinus' political settlement in Palestine seems to have withstood its first crisis moderately well. Although Aristobulus had been able to raise a considerable following in a short time, he could muster only 8,000 armed men, as compared to Alexander's 10,000 infantry and 1,500 cavalry.⁶⁷ In addition, this rebellion did not require the whole provincial army under Gabinus' command. It was quickly put down by a contingent under the leadership of subordinate officers.

Before the revolt of Aristobulus, Gabinus had been planning a campaign against the Nabataean Arabs; but after settling affairs in Judaea once again, he diverted his army to Parthia to help Mithridates III regain his throne.⁶⁸ In 58 or 57, the Parthian king Phraates III had been murdered by his sons Mithridates and Orodes, who immediately began quarreling over who should rule. Mithridates, being the elder, apparently assumed the throne; but, for some obscure reason, he was soon expelled by the nobles who installed Orodes as king.⁶⁹ Driven from his kingdom, Mithridates fled

⁶⁶On Aristobulus' rebellion, see Josephus AJ xiv. 92-97; BJ i. 171-74.

⁶⁷Josephus BJ i. 161, 172; AJ xiv. 83, 94.

⁶⁸Appian Syr. 51.

⁶⁹For the Parthian background, see Neilson Debevoise, A Political History of Parthia (Chicago: University of Chicago Press, 1938), pp. 70-76. The principal sources for the quarrel between Mithridates and Orodes are Justin xlii. 4. 1; and Dio xxxix. 56. 1-4. Neither account contains much information, and both are late. Debevoise prefers

to Syria to seek Roman aid. Yielding to Mithridates' request, Gabinius abandoned his plans for the Arab campaign and began to prepare for the Parthian expedition.⁷⁰ This expedition was short-lived, however; for Gabinius turned back after he had barely reached the Euphrates. A more compelling task awaited him: the restoration of Ptolemy Auletes.⁷¹

While Mithridates' request for aid may have been an adequate pretext for Gabinius to invade Parthia, this alone could not have accounted for his willingness to drop the intended Arabian campaign; for neither Gabinius nor Rome had any apparent stake in Mithridates' rule. Strabo implied that Gabinius had been planning the expedition for some time,⁷² but that is not likely. If such a campaign had long been planned, Gabinius would hardly have waited until the third year of his proconsulship. From Dio comes the only ancient attempt to establish Gabinius' motivation: greed. Dissatisfied with the trifling amounts to be drained from Syria, the proconsul prepared a campaign against the Parthians and their wealth.⁷³ This passage is part of a

Justin's order of events (here also followed) to Dio's since it seems to be supported by numismatic evidence.

⁷⁰Dio xxxix. 56. 2; Strabo xii. 3. 34; xvii. 1. 11; Josephus AJ xiv. 98; BJ i. 175; Appian Syr. 51. Mithridates came to Gabinius possibly as early as the winter of 57/56. See below, pp. 141-43.

⁷¹Josephus AJ xiv. 98; BJ i. 175; Appian Syr. 51; Dio xxxix. 56. 3; Strabo xii. 3. 34. Strabo's statement that he turned back because the Senate forbade the Parthian expedition is not supported elsewhere, nor is it probable that Gabinius would have even consulted the Senate.

⁷²xii. 3. 34.

⁷³Dio xxxix. 56. 1.

section accusing Gabinius of inflicting great hardships on his province. With what we have already seen of Dio's estimate of Gabinius, it can be safely concluded that Dio was following Ciceronian propaganda or perhaps indulging in anti-Gabinian invective himself.⁷⁴

What Dio neglected to consider was the possibility that Gabinius had personal ambitions beyond the acquisition of money. Gabinius had chosen Syria for its potential as a military province and was preparing a major expedition against the Nabataean Arabs when he was presented with the justification for a Parthian campaign. That there were profits to be made in such a venture can hardly be doubted; but even Pompeius is not accused of overwhelming greed, in spite of the unprecedented fortune he amassed in the East.⁷⁵

In addition to personal motivations, Gabinius was in keeping with traditional Roman eastern policy when he decided to aid Mithridates. If Mithridates were to owe his throne to the Romans, Parthia would become a friendly border state; and the outlying Roman provinces would have greatly increased security. Although Gabinius' rather sudden decision to attack Parthia betrayed his ignorance of the possible difficulty of the task, this naiveté is quite understandable. From the Roman viewpoint, Parthia was not much

⁷⁴Josephus (AJ xiv. 82-104; BJ i. 160-79) presented a far different picture of Gabinius' proconsulship.

⁷⁵On Pompeius' wealth, see Badian, Roman Imperialism pp. 81-84. Yet Dio was able to contrast Gabinius' greed with Pompeius' kindness in the matter of Ptolemy Auletes' restoration (xxxix. 55. 3).

different from the other states which lay beyond the eastern frontier. In their dealings with the Parthians, neither Lucullus nor Pompeius had acted as though Parthia were anything more than another minor border state.⁷⁶ Consequently, Gabinius undertook the invasion with the intention of creating another client kingdom. His decision to abandon the project in favor of the Egyptian expedition probably saved him from disaster; it would be Crassus who would demonstrate the true nature of the Parthian Empire to Rome.

Gabinius' decision to pull the army back from the banks of the Euphrates in order to invade Egypt was the culmination of years of Roman indecision on the fate of Ptolemy XII Neos Dionysus, who was nicknamed Auletes.⁷⁷ Auletes, a bastard son of Ptolemy IX Soter, was chosen king by the Alexandrians after they had murdered his predecessor, Ptolemy Alexander, who had reigned only three weeks before enraging the populace. Ptolemy Alexander had been nominated with Sulla's approval and reputedly willed Egypt to Rome. Whether true or not, the alleged bequest did not add to Auletes' security; for various populares proposed the annexation of Egypt. To gain Roman recognition, Ptolemy

⁷⁶See Debevoise, Parthia, pp. 70-75.

⁷⁷"Flute player." Auletes is listed variously as Ptolemy XI, XII, or XIII, since the numbering systems are modern and somewhat arbitrary. In this work, I will follow the numbering system given by Theodore C. Skeat, in The Reigns of the Ptolemies, München Beiträge zur Papyrusforschung und antiken Rechtsgeschichte, Vol. XXXIX (Munich: C. H. Beck'sche Verlagsbuchhandlung, 1954), 9-18. See also F. M. Heichelheim, "Ptolemy," No. 1, OCD, 745-46.

Auletes sent aid to Pompeius when he was campaigning in Syria and finally bought Caesar's and Pompeius' support in 59 with a reputed 6,000 talent bribe.⁷⁸ In return, Ptolemy Auletes was recognized as friend and ally of the Roman people, but his troubles were just beginning.⁷⁹

The Alexandrians had not been happy about Auletes' aid to Pompeius in Syria, an area Egypt had once controlled.⁸⁰ In addition, the Alexandrians were enraged that Ptolemy did nothing to try to prevent the Roman annexation of Cyprus, which had been ruled by his brother since it had been detached from Egypt in 80.⁸¹ Finally, Auletes' exactions to pay off his considerable bribery debts destroyed whatever popularity he had maintained with his subjects.⁸² Leaving his wife and children behind, Ptolemy Auletes journeyed once again to Rome, practically in flight, now seeking military support to secure his throne. Although he was in Rome from 58 until late 57, the Egyptian king failed to achieve his objective; for his cause had been

⁷⁸The amount is from Suetonius Iul. 54. 3. Other references to the recognition are: Cicero Att. 11. 16. 2; Rab. Post. 6; Caesar BCiv. 111. 107; Dio xxxix. 12. 1.

⁷⁹On Ptolemy's early relations with Rome, see A. Bouché-Leclercq, Histoire des Lagides (4 vols.; Paris: n. p., 1904; reprinted Brussels: Culture et Civilisation, 1963), II, 123-36; Edwin Bevan, The House of Ptolemy: A History of Egypt under the Ptolemaic Dynasty (1st ed. rev.; Chicago: Argonaut, Inc., Publishers, 1968), pp. 342-53; and Israel Shatzman, "The Egyptian Question in Roman Politics (59-54 B.C.)," Latomus, XXX (1971), 363-64.

⁸⁰Diodorus 1. 83.

⁸¹Dio xxxix. 12. 2.

⁸²Ibid., 1.

turned into a political football. After much bribery⁸³ the Senate had been finally persuaded to designate the consul P. Lentulus Spinther to carry out the mission, although (or perhaps because) Pompeius was eager for the command.⁸⁴ However, Spinther had other enemies than Pompeius; for the tribune C. Cato was prompted to produce a Sibylline verse warning against restoration of an Egyptian king with Roman arms.⁸⁵ With Roman aid thus thwarted, Ptolemy retired to Ephesus in early spring, 56 in order to plot further strategy.⁸⁶

Meanwhile, the Alexandrians were delighted at Ptolemy's departure and installed his daughter Berenice on the throne. They also sent envoys to Rome to lobby against Ptolemy. More importantly, they tried to block Ptolemy's return by finding a king-consort for Berenice. They first attempted to obtain one of the two legitimate descendants of the last Seleucids, Antiochus and Philip, but had no

⁸³Much of the money used in the bribery was lent to Ptolemy by C. Rabirius Postumus. See Cicero Rab. Post. 4-7, et passim.

⁸⁴In spite of protestations to the contrary, Pompeius wanted the command. See Shatzman, "Egyptian Question," pp. 366-67, and Vivian Holliday, Pompey in Cicero's Correspondence and Lucan's Civil War (The Hague: Mouton, 1969), p. 41, for the resulting dilemma for Cicero and the Senate. On Pompeius' relations with Spinther, see Gruen, "Luca," p. 81.

⁸⁵See Cicero Fam. 1. 7. 4. Cato would hardly be acting on behalf of Pompeius whom he had called a dictator in 59. On Spinther's enemies, see Shatzman, "Egyptian Question," pp. 365-67.

⁸⁶On Ptolemy in Rome, see Cicero Rab. Post. 4-5; Dio xxxix. 12. 1-16. 3. See also Bevan, House of Ptolemy, pp. 353-55, and Bouché-Leclercq, Lagides, II, 144-59.

success.⁸⁷ Antiochus died at Rome before negotiations could be completed, and Philip was reportedly prevented from leaving Syria by Gabinus.⁸⁸ In desperation the Alexandrians obtained a certain Seleucus who claimed doubtful descent from the royal house of Syria, but who was derisively nicknamed Fishmonger. He lasted only a few days before Berenice had him strangled because of his gross appearance and manners.⁸⁹ Berenice did find a suitable consort, however, in Archelaus, son of the Archelaus who had been Mithridates' most competent general and Sulla's chief opponent in the First Mithridatic War.⁹⁰ The father had fled to Murena in 83 after falling out with Mithridates and was subsequently honored by Sulla and the Senate.⁹¹

⁸⁷On the identification of the two Seleucids, see Bouché-Leclercq, Lagides, II, 160, nn. 1-2.

⁸⁸Eusebius Chron. i. 40. 25-27. Eusebius mentioned his source as Porphyry (see FGrH, II, Pt. B, No. 260, Fragments 1-2). The incident with Gabinus was mentioned only in this rather late source. There is no hint of why Gabinus would have prevented Philip from taking the throne, although Eusebius appears to have considered Gabinus as Pompeius' legate. This has led Bouché-Leclercq (Lagides, II, 160) to believe that Gabinus received instructions from Pompeius to prevent Philip from leaving Syria. Gabinus may have been aware enough of the situation in Egypt to prevent Philip from leaving the province. However, since Ptolemy's restoration was being considered in Rome, Pompeius or the Senate may have sent instructions to Gabinus to keep Philip from going to Egypt. See also A. Bouché-Leclercq, Histoire des Séleucides (323-64 avant J.-C.) (2 vols; Paris: n. p., 1913; reprinted Brussels: Culture et Civilisation, 1963), I, 454-55.

⁸⁹Dio xxxix. 57. 1-2; Strabo xvii. 1. 11.

⁹⁰Dio xxxix. 57. 2; Strabo xii. 3. 34; xvii. 1. 11.

⁹¹Appian Mith. 64. Appian also said that Archelaus persuaded Murena to attack Mithridates. On Sulla's honors, see Strabo xii. 3. 34.

Archelaus the younger had been appointed priest-king of the tiny temple-state of Comana in Cappadocia by Pompeius⁹² and was said to be a friend of Gabinus⁹³ and M. Antonius, the proconsul's cavalry commander.⁹⁴

Extraordinarily ambitious, Archelaus was said by Strabo to have been attempting to join Gabinus' expedition against the Parthians while he was carrying on negotiations with Berenice's agents.⁹⁵ Having convinced the Alexandrians that he was the son of Mithridates, he was accepted and spirited off to Egypt without the proconsul's knowledge in the spring or summer of 57.⁹⁶ Dio said that Gabinus had already become suspicious of Archelaus and had placed him under arrest, releasing him only to make Ptolemy's restoration appear more difficult and worth a larger bribe.⁹⁷ This contention fits in with Dio's interpretation that Gabinus was motivated solely by greed during his proconsulship, but it has little else to recommend it. Not only does it contradict Strabo's statement that Archelaus was

⁹²Appian Mith. 114.

⁹³Strabo xii. 3. 34. The friendship dated perhaps from Gabinus' mission to the East to prevent the Second Mithridatic War from developing into a great conflagration. See above, pp. 37-39.

⁹⁴Plutarch Ant. 3. 6.

⁹⁵xii. 3. 34. Strabo said that Archelaus accompanied Gabinus to Syria, evidently joining him Cappadocia.

⁹⁶Strabo xii. 3. 34. As a son of Mithridates he would have been distantly related to the Ptolemies and therefore qualified to sit on the throne of Egypt.

⁹⁷xxxvii. 57. 2-3.

taken to Egypt and proclaimed king without Gabinus' knowledge,⁹⁸ but it also fails to fit in with the other known facts of the Egyptian campaign.⁹⁹ Archelaus was certainly on the throne of Egypt by May 11, 56, and probably as early as March.¹⁰⁰ Since Gabinus would not have made the decision to release Archelaus from imprisonment until he had decided to turn back from the Euphrates,¹⁰¹ Dio's chronology would require Gabinus' Parthian expedition to be placed in the winter of 57/56. However, this is clearly impossible; for Ptolemy's conference with Gabinus at the banks of the Euphrates would have occurred before Ptolemy had left Rome.¹⁰² Since Dio's scenario cannot be accepted, it would appear that Archelaus left Syria for Egypt some months before Gabinus began the Parthian expedition at a

⁹⁸xvii. 1. 11.

⁹⁹In fact, Dio's order of events is often at odds with the other sources for Gabinus' proconsulship.

¹⁰⁰Alan E. Samuel, Ptolemaic Chronology (Munich, C. H. Beck'sche Verlagsbuchhandlung, 1962), p. 156: "An inscription of Berenice alone, S. B. 6156, dated year 2, Phamenoth 3 (7 March 56 [March 31, pre-Julian calendar]), from Theadelphia, shows that Archelaus was not on the throne much before that date, and the first date of the joint regency, P. Greng. II, 38, dated year 2=1, Pharmouthi 13 (16 April 56 [May 11]) shows that he was on the throne before that date." See also Skeat, Ptolemies, p. 39, who cites the same evidence.

¹⁰¹That is, not until Gabinus had been approached by Ptolemy.

¹⁰²Dio (xxxix. 16. 3) himself said that Ptolemy did not leave Rome until the Senate had killed the resolution that Pompeius and two lictors should escort the king to Egypt. From Cicero's letters (QFr. ii. 2. 3; 4. 5; Fam. i. 5a. 3; 5b. 1-2; 6. 1) it is apparent that the Senate did not finally reject the proposal to send Pompeius until late February or early March.

time when the proconsul was not even contemplating an Egyptian campaign.¹⁰³

Although he had been at Ephesus since the early spring of 56, Ptolemy Auletes apparently did not contact Gabinius until the latter had already embarked upon the Parthian expedition. If the king had communicated with Gabinius earlier, the proconsul was not moved by his request; for there was no hint of an Egyptian expedition until Ptolemy or his agents met Gabinius on the banks of the Euphrates. As a result of that meeting the situation had changed drastically, however; for Gabinius immediately abandoned the Parthian campaign which was already underway.

Ancient authors generally agreed that Gabinius had been persuaded by a promised bribe of 10,000 talents, an enormous sum almost equal to Ptolemy's annual revenue.¹⁰⁴ Dio Cassius added another motivating factor. He said that Ptolemy carried a letter from Pompeius ordering Gabinius to effect the king's restoration.¹⁰⁵ However, Dio also

¹⁰³Dio's story about Gabinius' secret release of Archelaus is very similar to the comments in Josephus (AJ xiv. 103; BJ i. 178) that Gabinius secretly released Mithridates of Parthia with the story that he had escaped.

¹⁰⁴Cicero Pis. 48, 49; Planc. 86; Schol. Bob. on Cicero Planc. 86; Plutarch Ant. 3. 2; Appian Syr. 51; Dio xxxix. 55. 3. The figure 10,000 talents is from the amount specified by the prosecutor in Gabinius' trial for repetundae (Cicero Rab. Post. 21, 30). On the annual income of Ptolemy, see Strabo (xvii. 1. 13), who quoted Cicero that Auletes received 12,500 talents. Diodorus (xvi. 52. 6) stated that the annual income was more than 6,000 talents, but he may have had only the figures for Alexandria. Josephus (AJ xiv. 98) said simply that Gabinius changed his mind.

¹⁰⁵xxxix. 55. 2-3; 56. 3. Strabo also remarked briefly (xvii. 1. 11) that Pompeius effected Ptolemy's

maintained that Gabinius was not greatly affected by the letter, claiming that the proconsul acted in response to Ptolemy's bribe. A third motivation was introduced by Plutarch.¹⁰⁶ He said that Gabinius and most of his legati were reluctant to abandon the Parthian campaign, largely due to the difficulties involved in reaching Egypt. Antonius, however, argued persistently on Ptolemy's behalf and finally persuaded the reluctant proconsul.

Completely ignored by most ancient writers were the reasons given by Gabinius to justify his conduct. After his return from Syria in 54, Gabinius was subjected to several prosecutions, the second of which was a charge of repetundae (extortion). During this trial Gabinius insisted that he had acted for reasons of state: since Archelaus was building a fleet in Egypt, he feared that if Archelaus were not stopped, the sea would be filled with pirates. Gabinius also claimed that he was legally empowered to act.¹⁰⁷

It must be said that there are strengths and weaknesses in all these arguments; so much so that it is impossible to arrive at a readily accepted conclusion. In truth, probably no one except the proconsul himself will ever know

restoration; but from the context, it would appear that Strabo was referring to the passage of the Senatorial resolution.

¹⁰⁶Ant. 3. 1-2.

¹⁰⁷Cicero (Rab. Post. 20) recapped Gabinius' pleas: "Gabinius se id fecisse dicebat rei publicae causa, quod classem Archelai timeret, quod mare refertum fore praedonum putaret: lege etiam id sibi licuisse dicebat." Gabinius apparently felt that Archelaus' fleet was intended to harass Roman shipping in the Eastern Mediterranean.

Gabinus' actual reasons. Yet it would be a mistake to attempt to combine all the given motives into a super-motive as some authors have done, for not all reasons are equally plausible or compatible.

The charge that Gabinus was offered 10,000 talents by Ptolemy to restore him was almost universally accepted in antiquity, but the only original source for the accusation was the amount demanded of Gabinus in the judgment of the repetundae trial.¹⁰⁸ There is no way of determining how such a figure was arrived at, unless it was popular rumor; for the prosecution certainly received no help from any of the principals in the case. In fact, a number of Alexandrians testified that Gabinus had not been given any bribes; and a letter was produced from Ptolemy himself denying that Gabinus had been paid any money except to cover military expenses.¹⁰⁹ Gabinus certainly did not collect any such amount from Ptolemy. The king had borrowed heavily while in Rome to bribe various officials; and his principal creditor, C. Rabirius Postumus, futilely accompanied him to Egypt to try to ensure repayment of the loans.¹¹⁰ Cicero himself remarked in a letter written in October, 54, that no one had ever been able to collect his money in Alexandria.¹¹¹

¹⁰⁸Cicero Rab. Post. 21, 30. No other source is even hinted, nor is there any reason to believe that there would have been one

¹⁰⁹Cicero Rab. Post. 31. 34-36.

¹¹⁰Ibid., 4-6, 21-22, et passim.

¹¹¹Fam. viii. 7. 1. He was probably referring to Rabirius, but the statement could refer to Gabinus also.

In addition, Gabinius was unable to pay the fine which was equal to the amount of the supposed bribe and so was forced into exile.¹¹²

Although it has been shown above that the amount of the bribe was probably not 10,000 talents and that in any case Gabinius never received the money, the question of the bribe itself remains.¹¹³ Of itself, Gabinius' conviction does not necessarily presume that the Alexandrians were perjuring themselves in testifying that Gabinius received no money from Ptolemy; but the possibility cannot be ignored.¹¹⁴

¹¹²Cicero Rab. Post. 8.

¹¹³Most modern authors accept the bribery charge in one form or another, although only a few describe it as the major motivation. These are (chronologically): Bouché-Leclercq, Séleucides, II, 455; Lagides, II, 162; Bevan, House of Ptolemy, 355; W. W. Tarn, CAH, IX, 604; F. E. Adcock CAH, IX, 621; Badian, Roman Imperialism, p. 74; Shatzman, "Egyptian Question," p. 368. Butler and Cary (H. E. Butler and M. Cary, eds., M. Tulli Ciceronis de provinciis consularibus oratio ad senatum [Oxford: Clarendon Press, 1924], Appendix II, p. 93) seem to lean toward monetary motivation while mentioning the other reasons given by ancient writers. Only Jerome Carcopino, in Cicero: The Secrets of His Correspondence, trans. by E. O. Lorimer (2 vols.; London: Routledge & Kegan Paul, 1951), II, 208, claims that Gabinius actually received the 10,000 talents. Other authors postulate that all or most of the money was forwarded to the triumvirs or, as is more probable, that the promised sum was not paid. Those ascribing to the former position include: Ferrero, Greatness and Decline, II, 59; Richard O. Jolliffe, Phases of Corruption in Roman Administration in the Last Half-Century of the Roman Republic (Menasha, Wis.: George Banta Publishing Co., 1919), pp. 24-25; Rice-Holmes, Roman Republic, II, 149; Badian, Roman Imperialism, p. 74. Those adhering to the latter: Adcock, CAH, IX, 621; Sanford, "Gabinius," p. 87; Hill, Middle Class, p. 179; Bevan, House of Ptolemy, p. 356. Mommsen (History, IV, 189-90) mentions both.

¹¹⁴From Cicero Rab. Post. 31-32, 34-37, it appears that the prosecutor intended to use the same Alexandrians who testified on behalf of Gabinius to testify against Rabirius, who was charged with collecting Gabinius' money.

Ptolemy was known to have spent large amounts in Rome trying to regain his kingdom; there is no reason to suspect that he would have hesitated to offer Gabinus money for his restoration. Nor is there any reason to believe that Gabinus would have refused the king's money when no one else in Rome seems to have been particularly scrupulous as far as Ptolemy's money was concerned.¹¹⁵

Dio's statement that Pompeius ordered Gabinus to invade Egypt has found acceptance by modern writers, although no earlier source mentioned Pompeius' alleged letter.¹¹⁶

¹¹⁵In particular, compare Pompeius and Caesar, who reputedly split 6,000 talents (Suetonius Iul. 54. 3). See also Dio xxxix. 12. 1; and Cicero Rab. Post. 6; Fam. 1. 1. 1.

¹¹⁶These include: Schürer, Jewish People, I, 330-31, Eduard Meyer, Caesars Monarchie und das Principat des Pompejus: Innere Geschichte Roms von 66 bis 44 v. Chr. (Stuttgart: J. G. Gotta'sche Buchhandlung Nachf., 1922), p. 166; Rice-Holmes, Roman Republic, II, 149; Party Politics, p. 86; Hill, Middle Class, p. 179; Gelzer, Pompeius, p. 148; J. F. Lazenby, "The Conference of Luca and the Gallic War: A Study in Roman Politics 57-55 B.C.," Latomus, XVIII (1959), 74-75; Eckart Olshausen, "Rom und Ägypt: Von 116 bis 51 v. Chr." (unpublished dissertation, University of Erlangen-Nuremberg, [1963]), p. 58; Smith, Cicero, p. 192. An elaboration on this interpretation, seemingly originating with Theodor Mommsen, links the Pompeian letter with the conference at Luca. At this meeting Crassus and Pompeius relinquished their personal ambitions for a substantial amount of Ptolemy's money and sent the letter to Gabinus ordering him to restore Ptolemy. The authors ascribing to this theory are: Mommsen, History, IV, 189-90; Stocchi, Gabinio, pp. 191-92, 197-98; Ferrero, Greatness and Decline, II, 59, 71-72; Jolliffe, Corruption, 24-25, 29; Sanford, "Gabinus," pp. 84-86. An interesting twist is provided by Carcopino (Cicero, II, 208) who maintains that Pompeius and Caesar secretly encouraged Gabinus to restore Auletes without the knowledge of Crassus. The chief difficulty with the Luca theory is that it is unmentioned by ancient authors and therefore unprovable. There is neither an overwhelming probability of this occurring nor a need to postulate it. In addition, the conference was held in mid-April; but Ptolemy could not have come to Gabinus earlier than

Cicero, the only contemporary source, placed the responsibility squarely on Gabinius' shoulders.¹¹⁷ Eva Sanford claims that the orator "deliberately overlooked the obvious fact that Gabinius acted at the order of the triumvirs and as their agent."¹¹⁸ However, Sanford herself overlooks the fact that Cicero recapitulated Gabinius' pleas in his defense of Rabirius. Gabinius asserted that he had acted in the interest of the state and that his actions were legal, not that he was acting on behalf of the triumvirs.¹¹⁹ Cicero had every reason to recount Gabinius' defense accurately; for he was facing the same prosecutor who had convicted Gabinius, C. Memmius, who would have quickly pounced on any gross distortions.¹²⁰

There is a second difficulty in Dio's interpretation; for it requires Gabinius to be a willing, almost unthinking, tool of Pompeius, dutifully responding to the triumvir's

December or January when the proconsul was at the banks of the Euphrates. Lazenby, in "Luca," pp. 67-76, shows that too much importance has been attached to the Luca conference and that very little was actually agreed upon at that meeting. Contra, see Colm Luibhead, ("The Luca Conference," CP, LXV (1970), 88-94) who reaffirms Luca's importance but does not mention a possible agreement on Ptolemy's restoration.

¹¹⁷Rab. Post. 21: "Gabinius illud, quoquo consilio fecit, fecit certe suo; quaecumque mens illa fuit, Gabinii fuit. Sive ille, ut ipse dicebat, gloriam, sive, ut tu vis, pecuniam quaesivit sibi quaesivit." For the hostile Ciceronian tradition, see Pis. 49; and Planc. 86.

¹¹⁸"Gabinius," p. 86.

¹¹⁹Cicero Rab. Post. 20, 21.

¹²⁰Ibid., 7; Valerius Maximus vii. 1. abs. 3. Sanford ("Gabinius," p. 87) remarks that the subordinates of the triumvirs could be attacked but not the triumvirs themselves. However, Cicero was not attacking Gabinius in the Rabirius speech but recounting his defense.

orders. Yet although Gabinius was certainly a political friend of Pompeius, he was not his tool. This was amply demonstrated during his consulship when Gabinius continued to resist any motion made in the Senate to recall Cicero although Pompeius had begun to work toward that end and although Gabinius himself was actively supporting Pompeius against Clodius. Had he simply been Pompeius' henchman, he would have been among those pressing for Cicero's recall.¹²¹ If there were a letter from Pompeius, it must have been more of a recommendation than an order; and Gabinius would have had his own reasons for complying.

Plutarch's comment that Antonius persuaded the reluctant Gabinius cannot rank as a major motivation. Perhaps Plutarch himself recognized this for he stated that Gabinius was entirely captivated by the 10,000 talents.¹²² Antonius' effect on Gabinius would have been more in convincing him and the other officers that the march across Sinai was feasible, for that was the major concern of the proconsul and his legates.¹²³

Ancient writers ignored Gabinius' pleas in his own defense made during his repetundae trial. Were it not for Cicero's speech on behalf of Rabirius Postumus, we would

¹²¹Cicero sarcastically remarked that he was prevented from supporting the recall by the lex Clodia which gave him his province (Dom. 70; see also Red. Pop. 11); but if he were Pompeius' henchman, he would have been amply protected from Clodius' wrath by Pompeius and the tribunes sympathetic to the triumvir.

¹²²Ant. 3. 2.

¹²³Ibid., 2-3.

not even know that he had tried to justify his actions. This is perhaps understandable since Gabinius lost the trial, but the proconsul's defense of his actions should not merely be dismissed as pretexts without an investigation.¹²⁴ Gabinius stated that he was acting in the interest of the state since Archelaus was building a fleet which would be a potential threat to the eastern Mediterranean.¹²⁵ The brief sketch of Archelaus provided by Strabo shows him to have been highly ambitious and unscrupulous.¹²⁶ Since he was said to be a friend of Gabinius,¹²⁷ the proconsul was probably well-acquainted with his character. With such an opportunist on the throne of Egypt, Gabinius may well have had good cause to be concerned for the safety of Syria.

On the other hand, Gabinius seems to have been on much shakier ground when he asserted that he was permitted by law to restore Ptolemy. Cicero declared that several ancient laws forbade governors to leave their provinces, wage war on their own account, or enter a kingdom without the express consent of the Senate or the people; and in particular, he named the lex Cornelia maiestatis and the lex Iulia de repetundis.¹²⁸ Yet Gabinius must have had some reason to make such an assertion at his repetundae trial. Perhaps Gabinius was referring to the broad discretionary

¹²⁴As did Mommsen (History, IV, 190)

¹²⁵Cicero Rab. Post. 20.

¹²⁶xii. 3. 34; xvii. 1. 11.

¹²⁷Ibid., xii. 3. 34.

¹²⁸Pis. 50; cf. Phil. ii. 48; and Dio xxxix. 56. 4.

powers granted by his imperium infinitum or his successful defense at the earlier maiestas (treason) trial.¹²⁹ At any rate, his acquittal at the earlier trial had established that he was not guilty of treason for entering Egypt.¹³⁰

What then happened on the banks of the Euphrates to make Gabinius hastily abandon an invasion already in progress? It seems hardly credible that Ptolemy would have waited until such an inopportune moment to approach the proconsul.¹³¹ More probably the king had tried to elicit Gabinius' aid earlier but had been rebuffed. The motivation sufficient to halt the Parthian invasion came from a report brought either by Ptolemy himself or by others that Archelaus had been placed on the throne of Egypt and was constructing a fleet. Suddenly, the restoration of Ptolemy was not only a profitable adventure but also a military necessity. Although Gabinius may have overestimated the danger posed by Archelaus, the potential threat of Egypt as a pirate base was substantial. Since pirates were already operating

¹²⁹Although Cicero (Pis. 50) mentioned the lex Iulia de repetundis as forbidding governors to leave their provinces, wage war, or enter a kingdom on their own, these activities appear to be violations of maiestas. In all of Cicero's other references to the lex Iulia, the law appears to be concerned specifically with correcting bribery and extortion abuses. Perhaps Cicero was referring to the charge he made in the preceding chapter of the same speech (Pis. 49) that Gabinius had sold his army to Ptolemy. However, see A. N. Sherwin-White, "Poena Legis Repetundarum," BSR, XVII (1949), 13-14. For Cicero's (and other) references to the lex Iulia de repetundis, see MRR, II, 188.

¹³⁰That he may have secured his acquittal by less than honorable means would not change the legal situation.

¹³¹Ptolemy had been in the East since early 66.

off the Syrian coast,¹³² Gabinius would have been fully aware that a virtually impregnable base in Egypt would soon make the situation in the eastern Mediterranean intolerable.

Besides providing for the military expenses of the operation, there can be little doubt that Ptolemy promised a considerable sum in exchange for his restoration. Gabinius still appeared hesitant, however; for his officers were concerned about the difficult march through the Sinai desert. He was finally persuaded that the march was feasible by his cavalry commander M. Antonius, who, if Plutarch is to be believed, was motivated by the prospect of sharing in Ptolemy's gold.¹³³

Leaving his son Sisenna in charge of Syria with a detachment of garrison troops,¹³⁴ Gabinius marched to Egypt through Judaea, where he was presented with a contingent of auxiliaries by Hyrcanus and Antipater.¹³⁵ Josephus said that Antipater also provided grain, arms, and money for the Romans, probably to outfit and provision the auxiliaries

¹³²Dio xxxix. 56. 1.

¹³³Ant. 3. 3. Cf. Cicero (Phil. ii. 48) who said that whatever Antonius did was all right with Gabinius: "sed habebat ducem Gabinium, quicum quidvis rectissime facere posset."

¹³⁴Dio xxxix. 56. 5.

¹³⁵Despite its importance there is little information about the campaign itself. Dio (xxxix. 58) is the main source, with valuable details added by Josephus (AJ xiv. 99; BJ i. 175) and Plutarch (Ant. 3. 4-6). Other references to the campaign are in: Cicero Pis. 49; Phil. ii. 48; Caesar BAlex. 3; BCiv. iii. 4, 103, 104; Livy Per. cv; Appian Syr. 51; BCiv. v. 10; Strabo xii. 3. 34.

he provided.¹³⁶ From Judaea, the army marched without incident to Pelusium, a large city which guarded the Nile delta from the East. There Antipater rendered Gabinius a great service, for he persuaded the Jewish border guards to desert to the Roman side.¹³⁷ Antonius, whom Gabinius had sent ahead with the cavalry to secure the passes near the Isthmus of Suez, was thereby able to take Pelusium without much struggle before Gabinius arrived with the main portion of the army.¹³⁸

The main resistance apparently centered on the right bank of the Nile just above Pelusium. Not long after he had set out from the city, Gabinius met and defeated Archelaus' troops. In a brief glimpse of the battle tactics, Plutarch said that Antonius successfully carried out a daring rear envelopment with the cavalry to envelop and crush the Egyptian army between his own troops and the heavy infantry commanded by Gabinius.¹³⁹ Dio said that Gabinius had set out from Pelusium with the army in two divisions, indicating that the proconsul had planned the envelopment before he met the Egyptian forces.¹⁴⁰ Two other battles

¹³⁶AJ xiv. 99; BJ i. 175.

¹³⁷Josephus AJ xiv. 99; BJ i. 175.

¹³⁸Plutarch Ant. 3. 4. Plutarch's account concentrates overwhelmingly on Antonius to the exclusion of Gabinius. Many of Antonius' actions, such as preventing Ptolemy from massacring the Pelusians and burying Archelaus, might more realistically be attributed to his commander Gabinius.

¹³⁹Ant. 3. 5. The Egyptian army was, of course, made up primarily of Greeks and Macedonians.

¹⁴⁰xxxix. 58. 1.

were alluded to by Dio: a river engagement in which a Roman squadron defeated the fleet guarding the Nile, and a land encounter which apparently ended Egyptian resistance. Archelaus was killed, probably in the second land engagement,¹⁴¹ since no further battles were recorded between the Egyptian forces and the nearly invincible Roman legions.¹⁴² Gabinius rapidly mopped up the remaining resistance and restored Ptolemy Auletes to his throne by the Ides of April.¹⁴³

Since Ptolemy would not be hated any less by the Alexandrians after he had been restored by a Roman army than he had been when he was forced to flee Egypt, Gabinius left behind a sizable contingent of troops to serve as a garrison force.¹⁴⁴ The loss of these troops did not appreciably weaken his own forces, however; for those left behind were older troops who were probably due for separation from the army anyway.¹⁴⁵ These soldiers were

¹⁴¹Strabo xii. 3. 4; cf. xvii. 1. 11.

¹⁴²Dio (xxxix. 58. 2) said that the Alexandrians were worthless in war, but few opposing armies were able to withstand the Roman legions in open battle. In the three Jewish revolts during Gabinius' proconsulship, never did the rebels survive a pitched battle with their army intact.

¹⁴³In a letter to Atticus written no later than April 22, Cicero (Att. iv. 10. 1) reported that the Campanian port of Puteoli was full of the news of Ptolemy's restoration.

¹⁴⁴Dio xlii. 5. 1. Caesar (BCiv. iii. 4) said that Ptolemy's son provided 500 of these troops to Pompeius in the civil war in 49, and yet there were large numbers left in Egyptian service (Caesar BCiv. iii. 103, 104).

¹⁴⁵Caesar (BCiv. iii. 110) commented that the troops had grown old in the many wars at Alexandria, but Gabinius had left them there just six years before. These

mostly Gauls and Germans who had fought with Pompeius in the Pirate and Mithridatic Wars.¹⁴⁶ Gabinus, of course, had inherited them when he came to Syria. These "Gabinian" troops remained the nucleus of Ptolemy's army and played an important part in the civil war between Pompeius and Caesar.¹⁴⁷

One unclear aspect of Gabinus' restoration of Ptolemy Auletes was the part played by C. Rabirius Postumus, the king's principal creditor. In 56, Rabirius had evidently gone to Cilicia in anticipation of Spinther's restoration of Ptolemy, possibly to try to convince the proconsul to assist him in his debt collection.¹⁴⁸ C. Memmius, the prosecutor at Rabirius' repetundae trial, accused him of instigating Gabinus to restore Ptolemy Auletes,¹⁴⁹ but

were not the only veterans settled in the provinces, for Pompeius was able to muster four legions of veterans from Cilicia, Macedonia, and Asia (Caesar BCiv. iii. 4).

¹⁴⁶Caesar BCiv. iii. 4; Dio (xlii. 5. 1) said that Gabinus left the troops as a favor to Pompeius.

¹⁴⁷Many of the troops, remembering their former allegiance to Pompeius, fought under him at Pharsalus. A military tribune who felt no such loyalty, L. Septimius was among the assassins of Pompeius (Caesar BCiv. iii. 104; Dio xlii. 3. 2; Plutarch Pomp. 78. 1-79. 4; Appian BCiv. iii. 104, who named the man Sempronius). Bevan (House of Ptolemy), p. 361, says that the children of Ptolemy Auletes were under special obligation to Pompeius because "Pompeius' man, Gabinus" had restored Auletes. However, Caesar (BCiv. iii. 103) said that Pompeius asked to be received in Egypt after Pharsalus in remembrance of his hospitality and friendship with Auletes, not because he had restored him.

¹⁴⁸Cicero Rab. Post. 21. See Shatzman, "Egyptian Question," pp. 366-68, for the argument that as friends of Pompeius, Rabirius and his associates did not feel that they could trust Spinther to assist them.

¹⁴⁹Cicero Rab. Post. 19.

that is quite uncertain. Although he denied the charge, Cicero carefully avoided stating directly that Rabirius was not involved but instead concentrated on Gabinius' other motives.¹⁵⁰ Whatever his role in Gabinius' decision to restore the king, Rabirius certainly became Ptolemy's dioecetes (finance minister) and proceeded to use the office to make good his loans and those of his friends.¹⁵¹ Although Memmius accused him of using the office to collect Gabinius' 10,000 talents plus a commission for himself, Rabirius had his own and his friends' interests, perhaps including Crassus' and Pompeius', to look after.¹⁵² In any event, he was not able to collect much money, for he was driven out of Egypt by the Alexandrians in less than two years and became a pensioner of Caesar.¹⁵³

In Rome, the reaction to Gabinius' restoration of Ptolemy was decidedly hostile, at least among the optimates.

¹⁵⁰Rab. Post. 20-21. If, as Shatzman ("Egyptian Question," p. 366) maintains, Rabirius distrusted Spinther, it would perhaps have been in his interest to try to convince Gabinius to undertake the mission.

¹⁵¹Cicero (Rab. Post. 22, 28) said that Ptolemy forced him to take the post as a condition of getting his loans repaid.

¹⁵²Dio (xxxix. 60. 1) said that Gabinius sent Crassus money, but Rabirius was more in a position to do so. Since some, at least, of Rabirius' loans had been negotiated at Pompeius' villa (Rab. Post. 6), it seems natural to suspect that the triumvir was among Rabirius' friends who lent money to Ptolemy, perhaps through Rabirius.

¹⁵³Cicero Rab. Post. 41. The prosecutor alleged that he had secretly made much money both in his exactions in Egypt and in the shipping from Alexandria to Rome. On Rabirius' activities in Rome, see Bevan, House of Ptolemy, pp. 356-57.

Although Gabinius apparently sent no official message regarding his restoration of Auletes,¹⁵⁴ the news quickly spread to Italy by means of merchant ships from Egypt. By April 22, the Campanian port city of Puteoli was full of rumors that Ptolemy was restored; and Cicero was seeking hard facts from Atticus.¹⁵⁵ Reports of Gabinius' expedition ultimately reached Rome not only from merchants but also from the publicani of Syria who complained that Syria was subjected to pirate attacks and other disorders during the proconsul's absence.¹⁵⁶ Cicero, making the most of these reports, portrayed Gabinius as a madman¹⁵⁷ and urged the Senate to order a public rereading of the Sibylline verses in the hope of finding a penalty clause.¹⁵⁸ However, the consuls Pompeius and Crassus rallied to Gabinius' defense and refused to put the question to a vote.¹⁵⁹ Thus, the agitation against Gabinius was dampened, at least for the remainder of 55.

The Syrian disorders which the publicani were bemoaning in Rome consisted primarily of increased pirate activity

¹⁵⁴Dio xxxix. 59. 1; cf. Cicero Pis. 49.

¹⁵⁵Att. iv. 10. 1. Puteoli was evidently the principal port of call for ships from Egypt. See Cicero Rab. Post. 40. Skeat (Ptolemies, pp. 39-40) says that the date of restoration cannot be fixed precisely since there are no documents of the third year of Berenice's reign. However, a document (B.G.U. 1820) confirms that he was restored by May 27, 55.

¹⁵⁶Dio xxxix. 59. 2; cf. Josephus AJ xiv. 103; BJ i. 176.

¹⁵⁷Pis. 48-50.

¹⁵⁸Dio xxxix. 59. 3.

¹⁵⁹Ibid., 60. 1.

in coastal waters and renewed rebellion in Judaea.¹⁶⁰ The rise in piracy off the coast of Syria was probably due to Gabinius' transfer of the ships under his command to the Nile to aid in the destruction of Archelaus' fleet. Since there were no reports of Gabinius' efforts to destroy the pirates, presumably the return of the fleet was sufficient to reduce piracy to acceptable levels. The rebellion in Judaea, however, was a more serious matter requiring Gabinius' immediate attention.

While Gabinius was distracted with his Egyptian campaign, Alexander made the best of the situation by raising his second revolution. Perhaps the most significant factor in his early success was the absence of the capable Antipater who was with Gabinius in Egypt. With only the weak Hyrcanus to oppose him, Alexander quickly raised a huge following by transforming his own attempt to seize power into a war of liberation against the Roman oppressors. Perhaps in emulation of Mithridates, Alexander and his followers roamed the countryside killing all the Romans they could find and besieged a number of them who had taken refuge on Mount Gerizim in Samaria.¹⁶¹ Alexander was apparently unable to

¹⁶⁰Dio xxxix. 59. 2; Josephus AJ xiv. 100; BJ i. 176. Dio mistakenly put the rebellion before Gabinius' march into Egypt (xxxix. 56. 6) and therefore attributed the current disorders to pirates and otherwise unidentified marauders who were interfering with the tax collections.

¹⁶¹Josephus AJ xiv. 100. Mommsen (History, IV, 187) says that Gabinius rescued them only with some difficulty, but in fact there is no mention of Gabinius' rescuing them at all.

perpetrate a wholesale slaughter of Romans, however; for such a massacre could not have escaped the catalog of crimes attributed to Gabinius by the Syrian publicani and his critic Cicero.¹⁶²

Alexander's strength appears to have been concentrated in the countryside rather than in the cities. Since there was no attempt to continue the resistance against the Romans after he was defeated in battle and no lengthy sieges of fortified cities were recorded, it would seem that Alexander's rebellion had little appeal to Jews in the major cities.¹⁶³ As most of the Romans in Judaea, negotiores and publicani, would have been concentrated in the towns, probably only a small number were actually exposed to Alexander's marauding bands. This would help to explain why Alexander's outrage did not excite more indignation among the Romans.

Having heard of Alexander's rebellion, Gabinius hastened back to Syria, sending Antipater ahead to negotiate with the rebels and try to persuade them to abandon the struggle. While Antipater was credited by Josephus with

¹⁶²Josephus (BJ 1. 176) said that Alexander's men killed all the Romans in the country, but this conflicts with his statement about the siege on Mt. Gerizim. Although negative evidence is by nature weak, Cicero detailed a number of charges against Gabinius in the speech In Pisonem (41, 48-50) and Dio also repeated charges made by the publicani (xxxix. 59. 2), neither mentioning a great massacre.

¹⁶³The population of the cities were probably quite content with the status quo, for a return to the Hasmonaeon monarchy would have deprived them of the autonomy they enjoyed under Gabinius' system of synhedria. See Josephus BJ 1. 170.

making some headway among them, Alexander's army still numbered 30,000 men.¹⁶⁴ Gabinius met and defeated Alexander at Mount Tabor in southern Galilee. Of Alexander's troops a third were killed and the rest dispersed.¹⁶⁵ Again it was demonstrated that a hastily recruited rebel army was no match for the disciplined Roman legions.¹⁶⁶

With Alexander defeated a second and final time, Gabinius proceeded to Jerusalem where he made some political alterations. Josephus commented that Gabinius reorganized the government of Jerusalem in accordance with Antipater's wishes, but he did not elaborate.¹⁶⁷ Kanael believes that the proconsul made Antipater the effective ruler of the Jewish state by this reorganization,¹⁶⁸ but in fact nothing is known about Antipater's position between 55 and 47 when Josephus referred to him as "procurator" of the Jews.¹⁶⁹ Antipater could have as easily been given his special position by Caesar in 48 as a reward for his services as

¹⁶⁴AJ xiv. 101-102; BJ i. 177.

¹⁶⁵Josephus AJ xiv. 102; BJ i. 177. The fate of Alexander was not recorded.

¹⁶⁶Mommsen (History, IV, 187) paints a dramatic picture of "several seriously contested battles and tedious sieges," but Josephus clearly stated that the Jews were defeated after only one battle.

¹⁶⁷AJ xiv. 103; BJ i. 178.

¹⁶⁸"Partition," p. 106. See also Schürer, Jewish People, I, 376, n. 13.

¹⁶⁹AJ xiv. 127. On the title, ἐπιμελετής (procurator), see Ralph Marcus, trans., Josephus, VII, Loeb Classical Library, pp. 514-15, note d.

by Gabinius seven years earlier, and Marcus thinks that Josephus may have been anticipating the title later given to Antipater by Caesar.¹⁷⁰ If Gabinius had in fact wished to modify or abolish the system of synhedria, it is not clear why he should have gone to Jerusalem to do so. However, if he were making an adjustment in the government at Jerusalem itself as Josephus actually said,¹⁷¹ his presence in the city would have been essential. This does seem to be the preferable explanation, but Josephus' brief reference is far too meagre to allow certainty.

After reorganizing the government at Jerusalem, Gabinius launched the final military expedition of his proconsulship: a raid against the Nabataean Arabs. Little was recorded about this campaign except that Gabinius defeated the Arabs in battle.¹⁷² It is hard to believe that a single raid would be sufficient to subdue the Nabataeans. Probably the expedition was little more than a raid to harass the Arabs or to punish them for possible incursions into Syria during the Egyptian campaign.

After his return from the expedition against the Arabs, Gabinius allowed Mithridates of Parthia to escape from captivity to attempt to regain his throne without Roman

¹⁷⁰Josephus VII, Loeb Classical Library, p. 515, note d.

¹⁷¹AJ xiv. 103: "Καταστησάμενος δὲ Γαβίνιος τὰ κατὰ τὴν Ἱεροσολυμιτῶν πόλιν, ὥς ἦν Ἀντιπάτρῳ θέλοντι."
BJ i. 178: "καὶ Γαβίνιος ἐλθὼν εἰς Ἱεροσόλυμα πρὸς τὸ Ἀντιπάτρου βούλημα κατεστήχαστο τὴν πολιτείαν."

¹⁷²Josephus AJ xiv. 103; BJ i. 178.

aid. Gabinius' motives for releasing him are not known, but he did make it appear to the troops that Mithridates had escaped.¹⁷³ Perhaps Gabinius hoped that civil war in Parthia would render Orodes more vulnerable to Crassus' attack, for it was common knowledge in Rome that Crassus intended to use his province to launch a war against Parthia.

In reviewing Gabinius' military activity during his proconsulship, it almost appears that he was governor of Judaea, not Syria. This is due in part to the fact that the rest of Syria was reasonably pacified,¹⁷⁴ but to a greater degree, it is the result of Josephus' histories of the Jews. Since the other extant sources recorded little of Gabinius' exploits except the Egyptian campaign, we are much better informed about events in Palestine than in the rest of the province. With respect to Gabinius' administration of the province, the balance of information between Judaea and the rest of Syria is somewhat better; but unfortunately it is mostly because Gabinius did not actually administer Judaea. The other sources are not so much more abundant as the material in Josephus is less so.

Most of what is known of Gabinius' administration of his province comes from Cicero's speeches delivered after his return from exile.¹⁷⁵ In these speeches, Cicero

¹⁷³Josephus AJ xiv. 103; BJ i. 178. Josephus said neither why Mithridates was held captive nor why Gabinius needed to make it appear that he had escaped.

¹⁷⁴See Cicero Sest. 93.

¹⁷⁵Primarily de provinciis consularibus and in Pisonem.

unleashed his full range of invective against Gabinius and his consular colleague Piso in repeated efforts to have them recalled from their provinces. He called them "monsters of depravity"¹⁷⁶ and "plagues of the allies, destroyers of soldiers, banes of the publicani, devastators of the provinces, blots on the empire."¹⁷⁷ Cicero gloried in the fact that the Senate had attempted to recall both Gabinius and Piso soon after they had arrived in their provinces¹⁷⁸ and that they had denied Gabinius a supplicatio.¹⁷⁹

When Cicero got down to specifics, however, the charges against Gabinius were primarily that he had crushed the publicani by his greed, arrogance, and cruelty. "Thrift, moderation, virtue, labor, and distinction were all unable to guard them against the impudence of that glutton and robber."¹⁸⁰ From the beginning of his proconsulship, Gabinius refused to hear suits brought by the publicani against the provincials; revoked the pactiones made for the collection of taxes, even those which had been made without injustice; removed guards; liberated many provincials from

¹⁷⁶Prov. Cons. 2: "rei publicae portenta."

¹⁷⁷Ibid., 13: "pestes sociorum, militum clades, publicanorum ruinas, provinciarum vastitates, imperii maculas."

¹⁷⁸Prov. Cons. 13. The details of the attempt, apparently stopped by the triumvirs, are not known.

¹⁷⁹Prov. Cons. 11.

¹⁸⁰Ibid.: "quos non parsimonia, non continentia, non labor, non splendor tueri potuit contra illius helluonis et praedonis audaciam."

taxes and tribute; and expelled the publicani and their slaves from any town in which he was staying.¹⁸¹ By these methods, Gabinius made the publicani "slaves of Jews and Syrians, people born to be slaves themselves."¹⁸²

Far from demonstrating Gabinius' iniquity, Cicero's condemnations indicted Gabinius for good government in his province. By refusing to hear the suits of the publicani, the proconsul was simply enforcing his own law against loans to provincials. The judgments the publicani would have been seeking from Gabinius were the same kind sought by Brutus' agents from Cicero when the latter was governor of Cilicia.¹⁸³ Gabinius was protecting the Syrians from the rapacity of the publicani just as Cicero would protect the Salaminians and Q. Cicero would the Magnesians of Lydia during his propraetorship.¹⁸⁴ The same is probably true of Gabinius' removal of the publicani's guards. In Cicero's complaints to Atticus about the audacity of Scaptius, Brutus' agent, we have a glimpse of the methods of the debt-collectors. Scaptius had received several squadrons of cavalry from Cicero's predecessor and was using them to besiege the senate of Salamis in their own council chambers until they would

¹⁸¹Prov. Cons. 10.

¹⁸²Ibid.: "tradidit in servitutem Iudaeis et Syris, nationibus natis servituti."

¹⁸³Cicero Att. v. 21. 10-12; vi. 1. 5-7.

¹⁸⁴Cicero QFr. ii. 11. 2-4. Rostovtzeff (Hellenistic World, II, 982-83) finds Gabinius' motives obscure: "If not he, who was to act as judge in these suits?" The answer, of course, is no one. Since the loans were illegal and uncollectible, Gabinius considered them unactionable.

agree to pay the illegal debt. When Cicero ordered him to remove his private army from Cyprus, Scaptius complained bitterly to Brutus!¹⁸⁵

With regard to the pactiones which the publicani made with the various cities for the payment of taxes, Rostovtzeff suggests that Gabinus was trying to help the cities, whose prosperity had been undermined for years by anarchy and brigandage.¹⁸⁶ In some cases he may have extended the grants of immunity which they had enjoyed under Seleucid rule; in others he probably removed the publicani from the tax collection process or reduced the amounts the cities were to pay.¹⁸⁷ Josephus listed a number of ruined cities in Palestine which Gabinus ordered rebuilt.¹⁸⁸ Since colonists gladly flocked to these towns, they were probably among the cities which the proconsul freed from taxes.

Cicero's last charge against Gabinus, that he expelled the publicani from the towns in which he was staying, seems to imply that the proconsul treated the publicani with unmitigated malice. However, Rostovtzeff suggests that Gabinus' freeing some of the cities from their pactiones may have had the practical effect of excluding

¹⁸⁵Att. vi. 1. 6.

¹⁸⁶Hellenistic World, II, 981.

¹⁸⁷Ibid., II, 981-82; III, 1572-73, n. 72. On the immunities granted by the Seleucids, see II, 843-47.

¹⁸⁸AJ xiv. 88; BJ i. 166.

the publicani from those towns.¹⁸⁹ In any case, no love was lost between Gabinius and the publicani, who were among Gabinius' harshest critics in Rome. One cannot envision Gabinius writing to a friend that he praised, honored, and indulged the publicani in order to keep them from bothering the provincials.¹⁹⁰

If Gabinius' treatment of the publicani implies good government by the proconsul in Syria, Josephus' estimation of him confirms it. Josephus credited Gabinius with great and glorious deeds while governor.¹⁹¹ Certainly Cicero's charge that Gabinius plundered the province¹⁹² was no more true than his belittling of Gabinius' military achievements.¹⁹³ It was left to Crassus to rob the temples at Jerusalem and Hieropolis of their treasures and to systematically extort money from the cities of Syria.¹⁹⁴ Rather, Gabinius left his province contented and peaceful.¹⁹⁵

¹⁸⁹Hellenistic World, III, 1573, n. 72.

¹⁹⁰Cicero (Att. vi. 1. 16) described his treatment of the publicani in Cilicia in these terms.

¹⁹¹AJ xiv. 104.

¹⁹²Sest. 93, seemingly followed by Dio xxxix. 56. 1.

¹⁹³Prov. Cons. 9.

¹⁹⁴Josephus AJ xiv. 105-109; BJ i. 179; Plutarch Crass. 17. 9.

¹⁹⁵Even Dio admitted (xl. 12. 1) that the people of the province were quiet and that those who had previously fought against the Romans were causing no disturbance.

CHAPTER VIII

TRIALS AND TRIBULATIONS

Gabinus turned over the province of Syria to his successor, M. Licinius Crassus, in the winter or early spring of 54.¹ According to Dio, Crassus had sent a legate ahead to take command of the province sometime in 55; but Gabinus refused to relinquish his command.² Although Dio said that Gabinus apparently wanted to hold the province forever,³ the proconsul may have had good reason to refuse Crassus' legate. If the legate arrived in the summer of 55, Gabinus would not yet have completely restored order within Syria and along its borders. Furthermore, Gabinus may have been concerned that the legate would negate his

¹Crassus left Rome in November, 55 (Cicero Fam. 1. 9) and arrived in Syria after a stormy passage and a march through Galatia (Plutarch Crass. 17. 1). A letter from Cicero to Crassus while he was enroute to his province is dated January, 54 (Fam. v. 8).

²~~xxxix.~~ 60. 4. Crassus reportedly attacked Gabinus in the Senate (Cicero Fam. 1. 9. 20). The subject of the speech is not known, nor are Crassus' motives. Crassus apparently desired the Egyptian commission earlier in the year and may have been disappointed that he was upstaged by Gabinus. However, his quick defense of Gabinus when Cicero castigated him for restoring Ptolemy would seem to indicate that Crassus had attacked Gabinus on another issue. The most likely incident for which Crassus might have attacked Gabinus would have been the proconsul's refusal to relinquish the province of Syria to Crassus' legate.

³~~xxxix.~~ 60. 4.

financial and political settlements.⁴ Although his relations with Crassus are rather obscure, there does not appear to have been any reason for Gabinius to antagonize the triumvir deliberately. Crassus did attack Gabinius in a speech delivered in the Senate, apparently during the summer or early fall of 55; but otherwise he supported the proconsul's actions in Syria.⁵

Leaving Syria, Gabinius made a leisurely homeward journey, starting early in the year and not reaching Italy until September.⁶ Dio declared that he delayed in coming home because his conscience was tormenting him,⁷ but that is rather unlikely. At most he would have been waiting for the furor over the restoration of Ptolemy to subside before he reached the city. In any case, it was not unusual for generals returning from the East to take advantage of the pleasures of Greece on their homeward journeys.⁸ However, if Gabinius' leisurely trip did have a political purpose, it

⁴Crassus' financial interests were well-known.

⁵When Cicero took Crassus' attack as a cue to lash out at Gabinius, Crassus simultaneously defended Gabinius and assailed Cicero (Cicero Fam. i. 9. 20). Cicero indicated that he and Crassus were reconciled shortly before the latter's departure for Syria after considerable pressure was brought to bear by Pompeius and Caesar. Cf. Dio xxxix. 60. 1.

⁶Cicero (QFr. iii. 1. 15) said he arrived at Rome on September 19.

⁷xxxix. 62. 1.

⁸As did Pompeius in 62 (Plutarch Pomp. 42. 4-7) and Cicero in 50 (Cicero Att. vi. 6-vii. 2; Plutarch Cic. 36. 7). Although Gabinius' itinerary is not known, Greece does appear to be the most likely place for him to have visited.

was in vain; for he was faced with undiminished hostility when he returned to Rome.

Gabinus' detractors were principally the optimates who controlled the Senate. Chief among these was Cicero, who had been an implacable foe of Gabinus, Piso, and Clodius since his return from exile in 57. In no less than nine published speeches delivered after his exile, Cicero found excuse for viciously attacking Gabinus' consulship and proconsulship regardless of the topic of the oration.⁹ But the principes of the Senate, who were suspicious of Cicero's capitulation to the triumvirs, would not have been moved by Cicero's oratory had they not had reasons of their own to attack Gabinus.¹⁰ The optimates would have remembered Gabinus' consulship when he effectively silenced their protests at Clodius' illegalities. L. Lentulus Spinther's friends would probably be hostile to Gabinus for his restoration of Ptolemy Auletes. Moreover, the optimates were in the midst of a campaign to bring down the triumvirs, who were particularly vulnerable to attack through prosecutions and humiliations of their political allies and supporters.¹¹

⁹Red. Sen., Red. Pop., Dom., Sest., Vat., Prov. Cons., Har. Resp., Pis., Planc. Surely, there were others either unpublished or no longer extant. Cf. Dio xxxix. 59. 3.

¹⁰Cicero did not have much of a choice in his capitulation since Pompeius not the optimates engineered his return. Even so, Cicero was rather chagrined at the position in which he found himself. See Cicero Att. iv. 5. 1-3. See also Stockton, Cicero, pp. 194-215.

¹¹Thus, the prosecutions of P. Sestius, Caelius Rufus, and Cornelius Balbus in 56, Caninius Gallus in 55, and

Consequently, Gabinius had been the object of Senatorial attacks long before his return from Syria in 54. As early as 57, the Senate had tried to recall Gabinius; but the triumvirs apparently prevented the recall by employing delaying techniques and finally vetoing the resolution.¹² In May, 56, the Senate refused to grant a clearly deserved supplicatio for his victories over Alexander's Jewish rebels.¹³ Later that same year, probably in July, the Senate designated Syria a consular province for 54 and narrowly missed naming it a praetorian province for 55.¹⁴ Thus, even before the publicani began to complain bitterly about their treatment in Syria at the hands of the proconsul, the Senate had made its hostility to Gabinius known.

The publicani of Syria were the second group determined to see Gabinius punished when he returned to Rome. It has been shown above that they were extremely dissatisfied with Gabinius' activities in Syria and interpreted his administration of the province as an affront to their

Vatinius in 54. See Erich S. Gruen, "Pompey, the Roman Aristocracy, and the Conference at Luca," Historia, XVIII (1969), 90; and Stockton, Cicero, pp. 214-15.

¹²Cicero Prov. Cons. 13-14.

¹³Cicero QFr. ii. 8. 1; Prov. Cons. 15-16, 25; Pis. 44-45; Phil. xiv. 8. 24.

¹⁴Macedonia was named a praetorian province, however, thereby recalling Piso a year earlier than Gabinius. See Cicero Pis. 88; Asconius Pis., pp. 1-2 (Clark). Cf. Cicero Prov. Cons., passim.

order.¹⁵ Their complaints that the proconsul was abusing them had reached Rome by the summer of 56.¹⁶ Cicero, who was ever concerned about the welfare of the class from which he had sprung, kept the plight of the publicani in the minds of the Senate. In his attack on Piso, the orator was careful to denounce Gabinius also, particularly for his outrageous treatment of the publicani.

The catalyst which brought Gabinius' enemies together was the restoration of Ptolemy Auletes, for the invasion of Egypt not only violated the Sibylline oracle and various Senatorial resolutions but also left the publicani in Syria exposed to attacks without a sufficient Roman force to protect them. During the summer and fall of 55, Gabinius was the subject of a number of attacks in the Senate including one from Crassus.¹⁷ Cicero, too, jumped into the fray and advised the Senate to reread the Sibylline verses in the hopes of discovering a penalty clause.¹⁸ This was too much for Pompeius and Crassus, however; and they refused to put his motion to a vote.¹⁹ In addition, Crassus in his defense of Gabinius, lashed out at Cicero, apparently slapping him a second time with the bitter

¹⁵See above, pp. 158-59, 164-67.

¹⁶Cicero Prov. Cons. 10-12, 13. See also Har. Resp. 1, for a probable allusion to a Senatorial hearing of a Syrian publicanus.

¹⁷Cicero Fam. i. 9. 20. See above, p. 168, n. 2.

¹⁸Dio xxxix. 59. 3.

¹⁹Ibid. 60. 1.

epithet, "exile."²⁰

The opposition of Pompeius and Crassus forced Gabinus' enemies to remain silent for the rest of 55; but in the following year, the consuls were less sympathetic to Gabinus. The Optimate L. Domitius Ahenobarbus was elected in opposition to the triumvirs and was definitely hostile to Gabinus.²¹ Ap. Claudius Pulcher, brother of P. Clodius, appeared at first to be sympathetic to Gabinus but later in the year joined with his enemies in attacking him.²² The subject of Gabinus' Egyptian expedition was reintroduced into the Senate by the optimates on February 13, when delegations from both the Syrian provincials and the publicani of Syria were apparently scheduled to appear

²⁰Cicero Fam. 1. 9. 20. The epithet is from Dio xxxix. 60. 1. The first to call Cicero "exile" was Piso upon his return from Macedonia earlier in 55; see Cicero Pis. 31. Crassus' speech elicited an equally abusive reply from Cicero, precipitating a feud which lasted until Crassus' departure for Syria in December.

²¹Dio xxxix. 60. 3. For Domitius' opposition to the triumvirs and their political allies, see MRR, II, 221.

²²Cicero QFr. ii. 133. Dio (xxxix. 60. 3) assumed that Claudius was Pompeius' brother-in-law and that he should therefore have been supporting Pompeius' causes. Thus, Dio was forced to explain Claudius' erratic behavior as a desire to indulge the people (whom Dio considered hostile to Gabinus because he had violated the Sibylline oracle) and as a ploy to get Gabinus to bribe him to desist. However, Claudius supported Gabinus early in the year and did not show any hostility until October. Gruen ("Luca," pp. 101-103) shows that Claudius was not, in fact, either Pompeius' relative at this time or a supporter of the triumvirs. Appius' seemingly erratic behavior is explained as political opportunism. As Pompeius' fortunes seemed to weaken under Optimate attack, support of the triumvir and his friends became more of a political liability to Claudius than an asset.

before the Senate.²³ Gabinius was roundly condemned; but the consul L. Domitius and L. Lamia, the princeps equitum ordinarum whom Gabinius had banished, fell to arguing over who was at fault for Gabinius' actions, the equites or the Senate. As a result, the Senate was unable to reach a decision before nightfall forced adjournment.²⁴ Acting on behalf of Gabinius, Ap. Claudius kept the subject from the Senate's agenda for the rest of the month by holding sessions of the Senate every day to hear ambassadors from the other provinces.²⁵ In response to Claudius' action, the Optimate-backed tribunes vowed to bring the issue before the people during the comitial days of the second half of February.²⁶ It was perhaps at one such Assembly that it was decided to reread the Sibylline verses.²⁷ The rereading was in vain, however, for no provision for punishment was discovered. All the Senate was able to do was to pass a resolution directing the magistrates and people to treat Gabinius with the utmost bitterness and harshness upon his return.²⁸

²³The passage (Cicero QFr. 11. 13. 2) is rather ambiguous on whether the Syrians were there to attack or support Gabinius. Most probably their presence allowed the Senate to debate the subject of the publicani since February was supposed to be devoted to embassies from the provincials.

²⁴Cicero QFr. 11. 13. 2.

²⁵Ibid., 3. He apparently kept the Syrians out, or perhaps they had finished their business.

²⁶Cicero QFr. 11. 13. 3. ²⁷Dio xxxix. 60. 4.

²⁸Dio xxxix. 61. 4. Dio would have his readers believe that this was a vigorous decree passed at the insistence of the people. However, the effort required to pass even this relatively meaningless resolution demonstrates the ineffectiveness of the Optimate-controlled Senate.

Although the Senate as a body was unable to take any effective action against Gabinus, by September when he arrived at Rome, several prosecutions were awaiting him. Spokesmen for three different groups indicted Gabinus for maiestas before the tribunal of C. Alfius Flavius for his restoration of Ptolemy contrary to the Sibyl and Senatorial resolutions.²⁹ These were L. Lentulus, probably on behalf of the supporters of his kinsman P. Lentulus Spinther,³⁰ Ti. Claudius Nero, who had the backing of the Optimate leadership,³¹ and C. Memmius, a tribune of the plebs, with unknown backing.³² Memmius, Nero, and two sons of M. Antonius Creticus, C. and L. Antonius,³³ were also attempting

²⁹Cicero QFr. iii. 1. 15. See A. H. J. Greenidge, The Legal Procedure of Cicero's Time (Oxford: Clarendon Press, 1901), pp. 456-57, who shows that indictments had to be made before September 1. See also C. Bardt, "Zur Chronologie des Verresprocesses," Hermes, XXXIX (1904), 65, n. 1.

³⁰Cicero (QFr. iii. 1. 15) identified L. Lentulus only as "flamenis filius." If the identification of him as the son of L. Lentulus Niger (see MRR, II, 213, 214, n. 3) is correct, Lentulus would have had even more reason to prosecute Gabinus. The elder Niger was a candidate for the consulship in 59 against Gabinus. His candidacy was ruined when he was accused by Vettius of being in a plot to kill Pompeius. See Gruen, "Luca," pp. 80-81. Lentulus was the eventual prosecutor.

³¹Cicero QFr. iii. 1. 15: "cum boni subscriptionibus."

³²Cicero (QFr. iii. 1. 15) said only that Memmius was seeking the prosecution with a certain L. Capito. Capito cannot be identified, for there are no prominent Capitones known at this time. Memmius was fiercely hostile to Gabinus during the fall of 54, but whether his backers were an unidentified group of optimates or perhaps the Syrian publicani cannot be determined.

³³Since they were brothers of Gabinus' cavalry commander, one might assume that they applied for the

to have Gabinius indicted for repetundae in M. Porcius Cato's extortion court. However, due to ill-health, Cato was unable until October to hold the preliminary hearing at which the prosecutor would be chosen.³⁴ Seeking to prosecute Gabinius on a third charge, ambitus, were P. Sulla and L. Manlius Torquatus. Since Torquatus was evidently doing so in collusion with Gabinius or Pompeius,³⁵ the optimates were greatly relieved when Sulla received the right to prosecute. Consequently, Gabinius was in a difficult position from the moment he set foot in Rome.³⁶

Gabinius reached Rome on September 19 and waited outside the walls while requesting a triumph.³⁷ Unless he had not been informed of the Senate's hostility, Gabinius was merely making a gesture or demonstrating his contempt for his opponents by asking what he knew they would refuse. In any case, he waited only eight days and entered the city on September 27, at night, evidently to avoid a clash with

prosecution in collusion with Gabinius' supporters. If they had been chosen prosecutors, they would then have bungled the case in order to secure Gabinius' acquittal.

³⁴Cicero QFr. iii. 1. 15; 2. 1; cf. Att. iv. 17. 4. On the preliminary hearing (divinatio), see Greenidge, Legal Procedure, pp. 459-60

³⁵Cicero QFr. iii. 3. 2; Att. 18. 3. Torquatus was probably the consul of 65 who was aided to the consulship by Pompeius, or perhaps his son; see Taylor, Party Politics, pp. 114, 220. The charge was subsequently dropped when Gabinius was convicted of repetundae.

³⁶As Cicero (QFr. iii. 2. 1) said of him, "probe premitur."

³⁷Cicero QFr. iii. 1. 15; 2. 2.

the optimates.³⁸ Cicero taunted him for sneaking into the city,³⁹ but the strength of his enemies was soon demonstrated. When Gabinius appeared before the quaestio of C. Alfius to hear the charge of maiestas, he was almost knocked down by the large and hostile crowd that had gathered. To Cicero the crowd proved that the whole population hated Gabinius,⁴⁰ but more probably it demonstrated that the optimates and their equestrian allies could turn out a substantial crowd of clients when the occasion demanded.

Wishing to avoid a similar incident, Gabinius delayed his appearance in the Senate as long as possible. On the tenth day after his return,⁴¹ Gabinius entered the Senate when it was only sparsely attended to make the required announcement of the number of casualties sustained by his own forces and by those of the enemy. When he turned to leave, he was detained by the consuls who then brought in the Syrian publicani, who proceeded to denounce Gabinius' proconsulship.⁴² Perhaps the most surprising event was the attack by Ap. Claudius, who accused Gabinius of maiestas.⁴³

³⁸Ibid.; cf. Dio xxxix. 62. 1.

³⁹Cicero (QFr. iii. 2. 2) said he entered at night because it was an enemy city.

⁴⁰QFr. iii. 1. 24. This stage of a trial, called the nominis delatio, was the first at which the accused had to be present. See Greenidge, Legal Procedure, pp. 460-65.

⁴¹October 7.

⁴²Cicero QFr. iii. 2. 2.

⁴³Ibid., 3.

These attacks Gabinius bore in silence; but when Cicero bitterly denounced him, Gabinius could take it no longer. Trembling with rage, he replied to Cicero with the single contemptuous term, "Exile!" This brought about an immediate response from the Senate and publicani, who all jumped to their feet shouting threats.⁴⁴ Gabinius presumably had enough sense to leave as he had done when he had been threatened by the Senate during his tribunate.

Three days later, on October 10, Gabinius was denounced at a contio called by the hostile tribune C. Memmius. Cicero said that his attack was so vicious that Gabinius' counsel Calidus was unable to speak on his behalf.⁴⁵ Valerius Maximus, painting a dramatic picture of the proceedings, said that Memmius made such a spectacle that another tribune, D. Laelius, dismissed Gabinius from the contio out of pity.⁴⁶ Memmius' charges were not recorded, but it might be presumed that he attacked Gabinius for extortion; for he was seeking the role of prosecutor in that trial.⁴⁷

Cicero desperately wanted to prosecute Gabinius himself or at least speak on behalf of the prosecution, but he was prevented by several considerations. He was distrustful of the jurors even before the trial, and he was concerned

⁴⁴Ibid., 2.

⁴⁵Ibid., 1.

⁴⁶viii. 1. abs. 3. See MRR, II, 223, which inexplicably places this contio after Gabinius' conviction for repetundae.

⁴⁷Cicero QFr. iii. 2. 1.

that his own enemies would support Gabinius just to spite him.⁴⁸ But by far the most important reason was the necessity to avoid offending Pompeius.⁴⁹ As he told Quintus after the trial:

Pompeius would not have considered it a struggle with me for Gabinius' safety but for his own honor; he would have come into the city; it would have become grounds for enmity; I would seem to be a Pacideianus matched with the Samnite Aeserninus; and he probably would have bitten my ear off!⁵⁰

Cicero understood well the position he was in after Pompeius effected his return from exile and the dangers involved in alienating the triumvir.⁵¹ Pompeius, in fact, had been trying to persuade Cicero to reconcile his differences with Gabinius and act as his defense attorney. It was all Cicero could do to hold out and steer his middle course.⁵²

Gabinius' trial for maiestas began in the middle of October and was certainly completed on the twenty-third of the month.⁵³ The charge against Gabinius was probably that

⁴⁸Ibid., 2.

⁴⁹Ibid.: "nolo cum Pompeio pugnare."

⁵⁰QFr. iii. 4. 2: "non putasset sibi Pompeius de illius salute, sed de sua dignitate mecum esse certamen; in Urbem introisset; ad inimicitias res venisset; cum Aesernino Samnite Pacideianus comparatus viderer; auriculam fortasse mordicus abstulisset."

⁵¹QFr. iii. 4. 2.

⁵²Cicero QFr. iii. 1. 15; 4. 3.

⁵³In a letter to Quintus dated from internal evidence to October 24 (iii. 4. 6) Cicero opens with the exclamation: "Gabinius absolutus est." See Sternkopf, "Die Blatterversetzung im 4. Buche der Briefe ad Atticum," Hermes, XL (1905), 34. Since the minimum time allotted between the nominis delatio, which took place before October 6, and the beginning

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he had violated the lex Cornelia maiestatis by leaving his province with his army, waging an unauthorized war, and entering a kingdom without permission of the Senate or the people.⁵⁴ Gabinius' violation of the Sibylline prohibition apparently also played a part in the proceedings although this would seem to be more a matter of sacrilegium than maiestas.⁵⁵ Nothing is known of the prosecutor L. Lentulus' case, but Cicero said that he and the other accusatores were extremely dull.⁵⁶ The most effective part of Lentulus' case, according to Cicero, was the witnesses.⁵⁷ Among these was Cicero himself, who, unlike the others, did his best to give only a minimum amount of ambiguous testimony. Cicero described his testimony as forceful but brief, neither bearing down on Gabinius nor supporting him,⁵⁸ but such a performance from a prosecution witness could not but aid Gabinius. His evidence was of so little value to the prosecution that Gabinius not only refrained from cross-examination, but actually thanked Cicero for his fair

of the trial was ten days, the trial could have started before the sixteenth but not before the eleventh. See Greenidge, Legal Procedure, pp. 460-61.

⁵⁴Cicero Pis. 50

⁵⁵Only Dio mentioned this in relation to the trials; see xxxix. 60. 4; 61. 3-4; 62. 2-3.

⁵⁶QFr. iii. 3. 3: "accusatoribus frigidissimus utitur."

⁵⁷QFr. iii. 3. 3.

⁵⁸Ibid., 9. 1: "illum neque ursi neque levavi. Testis vehemens fui, praesterea quievi." See also, QFr. iii. 4. 2-3; 6. 5; Att. iv. 18. 1.

testimony.⁵⁹

The arguments of Gabinius and his supporters against the charges and witnesses of the prosecution are for the most part unknown. The only defense argument known, as recorded by Dio, was that the Sibylline oracle referred to another time and king and, more importantly, did not provide for punishment if the warning went unheeded.⁶⁰ Gabinius undoubtedly also argued that the province was threatened by Archelaus' fleet as he did later in the repetundae trial.⁶¹ He may also have argued that his imperium under the lex Clodia precluded the necessity of seeking authorization for the war from the Senate or people. However, courtroom arguments were only part of the defense. Cicero mentioned that the jurors were untrustworthy and base,⁶² and Pompeius vigorously (and illegally) solicited them on Gabinius' behalf.⁶³ Pompeius also allowed the rumors of an impending dictatorship which had been flying about since June to be circulated once more in order to influence the jurors.⁶⁴

Although the witnesses were damning and the presiding praetor Alfius was a man of dignified and strong

⁵⁹Cicero QFr. iii. 4. 3; 6. 5; 9. 1; cf. Att. iv. 18. 1. Dio (xxxix. 62. 2) mistakenly said that Cicero accused him harshly: "Κιχέρων δεινότατα αὐτοῦ κατηγορήσεν."

⁶⁰xxxix. 62. 2-3.

⁶¹Cicero Rab. Post. 20.

⁶²QFr. iii. 3. 3; 4. 1; Att. iv. 18. 1.

⁶³Cicero QFr. iii. 3. 3; 4. 1; Att. iv. 19. 1.

⁶⁴Cicero QFr. ii. 15a. 5; iii. 4. 1; Att. iv. 18. 3.

character, Gabinius was nevertheless acquitted by a vote of thirty-eight to thirty-two.⁶⁵ This was due partly to the inept prosecution. Cicero complained that Lentulus' behavior was "so incredibly infantile that everyone is grumbling about collusion."⁶⁶ However, the more important reason for acquittal was the intense pressure Pompeius put on the jury.⁶⁷ Although Cicero described the jurors as unreliable,⁶⁸ contemptible,⁶⁹ and rabble⁷⁰ because they were swayed by Pompeius, he conveniently ignored the fact that his own testimony could not have failed to help Gabinius considerably.⁷¹ If Cicero was unwilling to risk Pompeius' enmity, he should not have been outraged that the jury would do likewise. Dio added massive bribery to the methods employed by Gabinius to secure his acquittal.⁷² However, since Cicero failed to mention bribery in his analysis of the trial either to his brother or to Atticus, one might safely conclude that bribery, if employed at all, was not a decisive factor.⁷³

⁶⁵Cicero QFr. iii. 3. 3; 4. 1; Att. iv. 18. 1.

⁶⁶Att. iv. 18. 1: "accusatorum incredibilis infantia, id est L. Lentuli L. f., quem fremunt omnes praevaricatum." Cf. QFr. iii. 3. 3; 4. 1.

⁶⁷Cicero Att. iv. 1. 1, 3; QFr. iii. 4. 1.

⁶⁸QFr. iii. 3. 3 "varium."

⁶⁹Att. iv. 18. 1: "sordes."

⁷⁰QFr. iii. 4. 1: "sordidius."

⁷¹QFr. iii. 4. 3.

⁷²xxxix. 62. 3; cf. 55. 4.

⁷³As Cicero mentioned only Pompeius in connection with jury tampering, it seems reasonable to conclude that

At the end of October, autumn rains caused the Tiber to flood, inundating many of the low-lying areas of Rome and causing considerable damage. Cicero wryly commented to Quintus that the flood was a sign of the gods' displeasure at the acquittal of Gabinius, quoting four lines of the Iliad to illustrate his point:

As on a day in autumn, when Zeus pours forth most
violent waters
Angrily, having been enraged indeed by men,
Who in violent assembly give crooked judgments,
And drive out justice, caring not for the favor
of the gods.⁷⁴

Dio also described the flood but with more drama and detail and less irony and accuracy than Cicero.⁷⁵ Other than the exaggeration of the calamity, the most serious fault of Dio's account is that his chronology is wrong. Placing the flood before Gabinius' return to Rome, Dio used the incident to explain popular indignation at Gabinius' restoration of Ptolemy. Dio considered the popular outrage to be the

any bribery would also be engineered by him. The jury tampering was expertly done, and Pompeius would have known best which men could be bought and which could be intimidated. Dio left Pompeius out of the proceedings altogether, on the assumption that he was out of the city at the time caring for the grain supply (xxxix. 61. 1-2; 62. 2; 63. 3).

⁷⁴Homer Il. xvi. 385-88; Cicero QFr. iii. 7. 1:

ἡματ' ὀπωρινῷ, ὅτε λαβρότατον χέει ὕδωρ
Ζεὺς, ὅτε δὴ γ' ἀνδρεσσιν κοτεσάμενος χαλεπαίνει,
οἳ βίῃ εἰν ἀγορῇ σκολιάς κρινωσι θέμιστας,
ἐκ δὲ δίκην ἐλάσωσι, θεῶν ὅπιν οὐκ ἀλέγοντες.

⁷⁵xxxix. 61. 1-3. Dio offered several explanations of the cause of the flood, including heavy rains upstream and violent winds pushing the waters back from the sea. However, he thought it more likely that the flood was the act of some god angered at Ptolemy's restoration.

principal cause of the maiestas trial.⁷⁶

Reaction to Gabinius' acquittal was swift and forceful. Dio said that the crowd attending the trial was enraged to the point of attacking the jurors.⁷⁷ The optimates and their equestrian supporters were evidently outraged; for another jury upon hearing of the verdict indignantly convicted a certain Antiochus Gabinius within an hour. Antiochus, a freedman and attendant of Gabinius, was being tried for some violation of the Papian Law which required the eviction of foreigners from Rome.⁷⁸ This prosecution, which was apparently timed to coincide with Gabinius' trial, was undoubtedly connected to the attacks on Gabinius; but the exact relation of these judicial processes is otherwise unknown.⁷⁹

Cicero's reactions to the verdict were mercurial. On the day following Gabinius' acquittal, Cicero confidently wrote to Quintus that the trial was so totally discredited that Gabinius would surely be convicted on the remaining charges.⁸⁰ He also insisted in several letters that

⁷⁶Dio xxxix. 61. 3-4. Dio's misunderstanding of some aspects of Republican party politics was probably responsible for much of his inaccuracy in describing motivation.

⁷⁷Dio xxxix. 63. 1. Cf. Cicero QFr. iii. 4. 1, which attests the crowd but not the incident.

⁷⁸Cicero Att. iv. 18. 4.

⁷⁹See Susan Treggiari, Roman Freedmen during the Late Republic (Oxford: Clarendon Press, 1969), p. 136.

⁸⁰QFr. iii. 4. 1; cf. Att. iv. 18. 1.

Gabinus' acquittal signalled the end of the Republic,⁸¹ but that he was taking it calmly as his brother advised.⁸² However, his tranquility was not all that genuine; for he sarcastically remarked that "Gabinus' acquittal is considered an act of general amnesty."⁸³ Throughout the letters written after the trial, one can sense Cicero's disappointment that his enemy was acquitted⁸⁴ and also his relief that he had not prosecuted Gabinus and suffered the ignominy of losing the case.⁸⁵

After Gabinus' acquittal Pompeius vigorously pressured Cicero to defend Gabinus in his repetundae trial. His earlier efforts to reconcile the two enemies had met with stiff resistance from Cicero, who declared to his brother that as long as he retained a single shred of freedom, Pompeius would not succeed.⁸⁶ Indeed, Pompeius' hopes for an early reconciliation were smashed when Gabinus angrily responded to Cicero's Senatorial attack with the brutal epithet "exile."⁸⁷ However, Cicero's neutral

⁸¹QFr. iii. 4. 1; 6. 4; 9. 1; Att. iv. 19. 1.

⁸²QFr. iii. 6. 5; 7. 1; 9. 1-2; Att. iv. 18. 2; 19. 1.

⁸³QFr. iii. 9. 3: "Gabinii absolutio lex impunitatis putatur." Cf. Att. iv. 18. 3: "sed omnes absolventur, nec poshac quisquam damnabitur, nisi qui hominem occiderit."

⁸⁴See especially QFr. iii. 6. 4.

⁸⁵QFr. iii. 4. 2-3; 6. 5; 9. 1.

⁸⁶QFr. iii. 1. 15: "nec, si ullam partem libertatis tenebo proficiet."

⁸⁷QFr. iii. 2. 2.

testimony at the maiestas trial actually paved the way for a rapprochement. Gabinius recognized this and seized the initiative declaring publicly that he would make amends to Cicero.⁸⁸ Cicero did not share his agonizing over his most difficult decision with Atticus or Quintus, evidently preferring for once to suffer in silence. He later denied, while defending Rabirius Postumus, that he had defended Gabinius reluctantly only to avoid offending Pompeius; "For neither would Pompeius want me to do anything for his sake unwillingly, nor would I, to whom the freedom of all citizens is most dear, abandon my own."⁸⁹ Whether or not Cicero was truly able to convince himself that he had not lost his freedom by defending Gabinius, Pompeius did consistently demand that he do things he did not want to do; and Cicero consistently capitulated.⁹⁰

The lex Iulia de repetundis, under which Gabinius was prosecuted, had been carried by Caesar in 59 to strengthen Sulla's repetundae law which made acceptance of bribes by provincial governors and members of their staffs illegal. In the Julian Law, a number of offenses were specifically named; and varying penalties were set according to the

⁸⁸Ibid., 4. 3: "mihi se satisfacturum."

⁸⁹Rab. Post. 33: "neque enim Pompeius me sua causa quicquam facere voluisset invitum, neque ego, cui omnium civium libertas carissima fuisset, meam proiecissem."

⁹⁰Jerome Carcopino, in Cicero, I, 211-12, condemned Cicero as a coward for his capitulation; but, in fact, the orator was merely being a realist, since he had been recalled through Pompeius' efforts and remained at his sufferance.

nature of the offense.⁹¹ Cicero said that a number of actions involved in Gabinius' restoration of Ptolemy violated both the lex Iulia and the lex Cornelia de maiestatis: leaving his province, especially with an army; waging war under his own authority; entering a kingdom without the express consent of the Senate or the people.⁹² But apparently none of these offenses was charged against Gabinius at his trial for repetundae.⁹³ Instead, Gabinius was accused of accepting a bribe to restore Ptolemy: "He served as a mercenary attendant to the king of Alexandria."⁹⁴

Gabinius' second trial took place in December, 54, before the tribunal of M. Porcius Cato.⁹⁵ Although the optimates had actively supported Ti. Nero at the preliminary hearing on October 12, the tribune of the plebs C. Memmius

⁹¹On the lex Cornelia, see Cicero Cluent. 104, 148; and other references in MRR, II, 75. On the lex Iulia, see the references listed in MRR, II, 188. See also A. N. Sherwin-White, "Poena Legis Repetundarum," BSR, VII (1949), 8-14, 25.

⁹²Pis. 50.

⁹³However, they seem to have been the charges at the maiestas trial. Cf. Sherwin-White, "Poena," pp. 15-16.

⁹⁴Cicero Pis. 49: "praebuit se mercenarium comitem regi Alexandrino."

⁹⁵In a letter dated December, 54 (QFr. iii. 9), Cicero still had not mentioned the trial. Greenidge (Legal Procedure, pp. 466-67) says that the interval between the nominis delatio and the start of the trial was at least thirty days in repetundae trials. Since the nominis delatio could not have taken place until the maiestas trial was completed, November 24 would have been the earliest possible date. The interval was usually much longer, but the prosecutors had more than enough time to gather the evidence they needed during Gabinius' leisurely return to Rome.

won the right to prosecute Gabinius.⁹⁶ The prosecution promised to be vigorous, however; for only two days before, Memmius had made his blistering attack on Gabinius at a contio. The principal accusation against Gabinius, and the only one which has survived, was that Ptolemy promised the proconsul 10,000 talents to restore him to the throne of Egypt.⁹⁷ Memmius loudly reiterated the charge, dwelling on Gabinius' unbounded greed.⁹⁸

Denying the charge that he had been bribed by Ptolemy, Gabinius maintained that he had acted in the interest of the state. He declared "that he feared Archelaus' fleet, that he thought the sea would be filled with pirates; he also said he was permitted by law to act."⁹⁹ To bolster these arguments, a number of witnesses were produced by the defense. First of all, a delegation of Alexandrian envoys praised Gabinius and denied that he had been given any money.¹⁰⁰ A deposition from Pompeius, who was unable to enter the city because of his imperium, was also read in which the triumvir stated that Ptolemy had written to him that the only money given to Gabinius was for military purposes.¹⁰¹ As in the prosecution, the basic method employed by the defense was repetition. Cicero

⁹⁶Cicero QFr. iii. iii. 2. 1.

⁹⁷Rab. Post. 21, 30.

⁹⁸Ibid., 20, 21, 31.

⁹⁹Ibid., 20: "quod classem timeret, quod mare refertum fore praedonum putaret; lege etiam id sibi dicuisse dicebat."

¹⁰⁰Cicero Rab. Post. 31-32, 34.

¹⁰¹Ibid., 34.

commented that Pompeius' deposition was repeatedly read and that the Alexandrians were brought up at every third word.¹⁰²

Pompeius was also active outside the courtroom on behalf of Gabinius. At a contio held outside the pomerium, probably in the Circus Flaminius, the triumvir spoke at length on Gabinius' behalf and read a letter from Caesar praising Gabinius.¹⁰³ As in the previous trial, Pompeius also brought pressure to bear on the jurors.¹⁰⁴ But it was all in vain, for a majority of the jury voted for conviction.

Gabinius' lack of success with the second jury has led writers, both ancient and modern, to seek an explanation of the verdict. Dio speculated that the jury both feared the reaction of the populace and received very little from Gabinius.¹⁰⁵ To emphasize what he thought to be the more important reason, Dio explained that since Gabinius considered the charge rather insignificant and expected to be acquitted, he did not spend enough on bribes for the jurors.¹⁰⁶ Although Dio's comments about the fear of the populace have been ignored, several authors have accepted his statement about the bribery.¹⁰⁷ It is difficult to

¹⁰²Ibid.

¹⁰³Dio xxxix. 63. 4.

¹⁰⁴Ibid., 5.

¹⁰⁵Ibid., 2.

¹⁰⁶Ibid.

¹⁰⁷So Butler and Cary, Prov. Cons., p. 96. M. Gelzer, in The Roman Nobility, trans. by R. Seager (New York: Barnes & Noble, 1969), p. 79, accepts Dio on the basis of internal probability; but in Caesar, p. 147, he has changed his mind. Sanford ("Gabinius," p. 91) elaborates on this view, supposing that Gabinius had regained his confidence and limited his bribery in the belief that no crime short of murder would be punished.

believe, however, that Gabinius would have considered a capital charge in which he was prosecuted by the fiery Memmius in M. Cato's court insignificant. Rather, in securing Cicero's services, a number of witnesses, and a deposition from Pompeius, Gabinius appeared to be quite concerned about the outcome of the trial.¹⁰⁸

Although ancient authors hostile to Cicero claimed that the orator gave Gabinius less than his all,¹⁰⁹ modern writers, critics and admirers alike, absolve the orator of failure to do Gabinius justice.¹¹⁰ Cicero's own protestation that he was truly reconciled to Gabinius must be taken with a grain of salt;¹¹¹ however, his affirmation that he zealously defended the former proconsul need not be doubted.¹¹² Cicero's first concern about the maiestas trial had been

¹⁰⁸Cf. Rice-Holmes (Roman Republic, II, 158, n. 2), who says "Dio's statement . . . is negligible; for he habitually invented motives."

¹⁰⁹The charge apparently originated with Memmius during Rabirius' trial (or even during Gabinius' trial). See Rab. Post. 32-33. Dio (xxxix. 63. 5) said that Gabinius was not at all helped by Cicero; see also Dio xlv. 8. 1.

¹¹⁰Carcopino Cicero, I, 211-12; J. P. V. D. Balsdon, "Cicero the Man," in Cicero, edited by T. A. Dorey; Studies in Latin Literature (London: Routledge & Kegan Paul, 1965), p. 190; Gelzer, Cicero, pp. 203-204. Two recent biographers of Cicero, Smith (Cicero, pp. 192-93) and Stockton (Cicero, p. 215), concentrate on Cicero's humiliation in having to defend Gabinius but do not even hint that Cicero may have been less than sincere in his advocacy. The closest any modern author comes to such criticism is Sanford's statement in "Gabinius," p. 91, that "no one, I think, really regrets that the speech Pro Gabinio is not preserved."

¹¹¹Rab. Post. 32-33; cf. Valerius Maximus (iv. 2. 4) who believed Cicero was sincere.

¹¹²Ibid., 19.

what the implications would be if he were unsuccessful.¹¹³ By acquiescing to Pompeius and defending Gabinius in the repetundae trial, Cicero had already earned the enmity of his Optimate friends.¹¹⁴ He would have nothing at all to gain by failing to discharge his duty.

On the other hand, some modern authors accuse Pompeius of either growing cool to Gabinius or jettisoning him to gain the support of the equites.¹¹⁵ However, this interpretation ignores both the substantial efforts Pompeius made on behalf of Gabinius and the strength of the opposition. In addition, as Mommsen points out, Pompeius was consistently unable to use his power to defend his friends.¹¹⁶

It should be apparent from the above discussion that it is fruitless to seek a scapegoat for Gabinius' conviction. Both prosecutions of Gabinius were inextricably interwoven into the political fabric of 54. Gabinius returned to Rome as he had left it, as a political ally of the triumvirs. Yet the triumvirs, and especially their representative at Rome, Pompeius, were far from invincible directors of Roman political life. Since Luca, they had secured their political

¹¹³QFr. 111. 4. 2.

¹¹⁴Ibid., 111. 4. 3; 6. 3; cf. Att. 11. 5. 1, and Gelzer, Cicero, pp. 203-204.

¹¹⁵Cobban, Senate and Provinces, p. 28; Syme, Roman Revolution, p. 67, n. b. note 2; Anderson, Pompey, p. 14. Sanford ("Gabinius," p. 91) thinks that Pompeius relaxed his efforts as did Gabinius.

¹¹⁶History, IV, 383-84; see also Caldwell, "Estimate," pp. 954-61.

programs only with great difficulty and sometimes only through violence.¹¹⁷ The narrow margin of acquittal by a particularly favorable jury in Gabinius' maiestas trial was a sure indication that Gabinius was in for trouble in subsequent prosecutions. The optimates had been so supremely confident of the outcome of the trial that Gabinius' acquittal came as a rude shock. This was perhaps reflected in Cicero's statement that the only possible explanation was that the prosecutor had been in collusion with the defense.¹¹⁸ In the second trial, the prosecutor was far stronger, the jury less inclined to be persuaded by Pompeius, and the magistrate in charge the worst possible for the defense. It should not be surprising that Gabinius was convicted.¹¹⁹

Immediately following a conviction for repetundae, the lex Julia called for a litis aestimatio, a session of the same court to determine the amount of damages to be recovered by the state. The jury accepted Memmius' figure of 10,000 talents.¹²⁰ Since Gabinius had no way of paying such a huge amount, he went into exile. His property was sold, including the "mountain of a villa" he was building near Tusculum; but the total value fell far short of the

¹¹⁷As in the consular election for both 55 and 54. As of December, 54, consuls for 53 still had not been chosen. See Gruen, "Pompey," pp. 100-108.

¹¹⁸Att. iv. 18. 1; QFr. iii. 4. 1.

¹¹⁹Gelzer (Caesar, p. 47) says that the acquittal "shows the extent to which the political life was not yet muzzled."

¹²⁰Cicero Rab. Post. 30.

assessed sum.¹²¹ As a postscript to the trial of Gabinius, Rabirius Postumus, who had lent Ptolemy much of the money with which he tried to buy Roman support, was prosecuted under the provision in the lex Iulia that the money could be recovered from whoever had received it.¹²² The legal principle was apparently stretched too far; for Rabirius escaped conviction. However, the incident did show how convinced the Romans were that 10,000 talents had passed through Gabinius' hands.¹²³

For five years following his trial and subsequent exile in December, 54, nothing is known of Gabinius or his whereabouts. The East would seem the most probable place for his exile since virtually all of his foreign military service had been there. In the East too were family connections or at least a strong interest in the area. However, there are equally strong arguments for the West. Some Gabinii, at least, were connected with Spain, Narbonese Gaul, and Africa since the nomen has been found in these provinces.¹²⁴ His friend Pompeius was proconsul of Spain; and Caesar, of course, was in Gaul. Gaul would have been a

¹²¹Cicero Rab. Post. 8; see Pis. 48.

¹²²Cicero Rab. Post. 8-10.

¹²³Rabirius was accused of collecting the 10,000 talents as Ptolemy's dioecetes (Cicero Rab. Post. 30-31).

¹²⁴Badian, Foreign Clientelae, pp. 307, 309. On Gabinii in the province of Africa during the Imperial era, see T. R. S. Broughton, The Romanization of Africa Proconsularis, Johns Hopkins University Studies in Historical and Political Science, N. S. No. V (Baltimore: Johns Hopkins University Press, 1929), pp. 59, 113, 153, 215.

particularly easy place from which to return when recalled by Caesar in 49. For all that, one must admit that the place of Gabinius' exile, as well as his activities and attitudes during this period, cannot be recovered.

During Gabinius' enforced absence from Rome, the triumvirate was fractured; and Pompeius drifted toward the optimates. Too late, the optimates, bolstered by Pompeius' strength, tried to halt Caesar; and civil war was the inevitable result. Most of the Senators followed Pompeius to Greece and the eastern provinces to muster resistance against Caesar's Gallic legions. To restore some semblance of legitimacy to his cause, Caesar paused briefly in Rome in the spring of 49 to secure approval from the rump of the Senate which had remained in Italy and from the assembly.¹²⁵

As part of this program, Caesar had M. Antonius, tribune of the plebs, pass a plebiscite to recall a number of victims of judicial exile.¹²⁶ Most were Caesarian supporters exiled by virtue of Pompeius' law on electoral malpractice of 52, but also included was Aulus Gabinius.¹²⁷ One need not wonder at Gabinius' switch in loyalties; for his amicus Pompeius had joined forces with the optimates, who

¹²⁵See Gelzer, Caesar, pp. 204-212, for Caesar's lack of success in gaining approval for his position even from the rump Senate.

¹²⁶Cicero Phil. ii. 56, 98.

¹²⁷Dio xxxix. 63. 5; Appian (BCiv. ii. 24) mistakenly indicated that Gabinius was among those convicted under Pompeius' law. Gabinius was recalled by May 2, 49, when Cicero mentioned him in a letter to Atticus (x. 8. 3).

were undeniably enemies of Gabinius. Caesar, who had aided Gabinius with a letter read at his repetundae trial, was now the sole representative of the popular cause.¹²⁸ In him alone did Gabinius have hope of a return to Rome.¹²⁹

Gabinius' role in the civil war was relatively minor and basically unsuccessful. He may have returned from exile as early as 49, but whether he was sitting in Caesar's rump Senate or had an active military role is not known. Not until Pompeius had been defeated at Pharsalus was Gabinius involved in a recorded military action.¹³⁰ By that time, Gabinius was apparently in Italy training a force of about one and a half legions of newly recruited soldiers.¹³¹

In the late summer of 48, while he was pursuing Pompeius after the battle of Pharsalus, Caesar received information that some of the remnants of Pompeius' army had fled to Illyricum.¹³² Since the Illyrian natives were hostile to the Caesarians, and since the province was in such a strategic position, Caesar thought it prudent to

¹²⁸Whether or not Caesar was sincere in his popularis appearance matters little.

¹²⁹See Gelzer (Caesar, p. 212) who says that all the recalled exiles had already joined Caesar's cause. It might be noted that M. Antonius, the tribune who recalled Gabinius, had been his cavalry commander in Syria.

¹³⁰Appian (BCiv. ii. 58; Ill. 12) and Plutarch (Ant. 7. 1-2) wrongly placed Gabinius' one known military action a year early (winter, 49/48) when Caesar was at Dyrrachium.

¹³¹Caesar BAlex. 42. Appian (Ill. 12) said Gabinius had fifteen cohorts of infantry and 3,000 cavalry.

¹³²Caesar BAlex. 42.

bolster his forces stationed there.¹³³ Consequently, he sent word to Gabinus to reinforce Q. Cornificius. Caesar expected Gabinus and Cornificius to secure Illyricum and march into Macedonia to prevent a renewal of the war by Pompeian partisans there.¹³⁴

Although it was late in the campaigning season, Gabinus led his recruits to Illyricum by land around the Adriatic.¹³⁵ Reaching Illyricum during the winter season, Gabinus discovered that he had grievously overestimated the amount of provisions that would be available. Cut off from supplies from Italy by bad weather which had interrupted shipping, Gabinus was forced to storm towns and strongholds under extremely adverse conditions and with heavy losses to secure provisions for his troops. Trying to reach the Roman town of Salonae, he was forced into a battle on the march.¹³⁶ According to Appian, the Illyrians trapped Gabinus' army in a long and deep gorge near the town of Synodium.¹³⁷ Gabinus and his troops hacked their way out only after sustaining heavy losses including the standards of five of his cohorts.¹³⁸

¹³³On the hostility of the Illyrians, see Appian Ill. 12; on the danger of Illyricum as a staging area for an attack on Caesar's rear through Macedonia, see Caesar BAlex. 42; On Illyricum's strategic position on the coastal route to Italy, see Gelzer, Caesar, p. 254.

¹³⁴Caesar BAlex. 42.

¹³⁵Ibid.

¹³⁶Ibid., 43.

¹³⁷Ill. 27.

¹³⁸Caesar (BAlex. 43) gave his losses as 2,000 soldiers, 38 centurians, and 4 military tribunes. Appian variously gave the losses as 5 cohorts (Ill. 25), most of the army (BCiv. 59), or the whole army (Ill. 12). Loss of the standards was mentioned by Appian (Ill. 25, 28).

With the surviving two thirds of his army, Gabinius finally reached the friendly city of Salonae on the Dalmatian coast. The presence of Gabinius and his troops in Salonae helped that city withstand a siege by the Pompeian admiral M. Octavius, who was operating in the Adriatic and raiding towns along the Illyrian coast.¹³⁹ However, age and the arduous march through Illyricum had taken their toll. In the late winter or early spring of 47, Aulus Gabinius died at Salonae.¹⁴⁰

Gabinius' rather unexpected death raised Octavius' hopes that he could take the entire province of Illyricum.¹⁴¹ Aided by the Illyrian natives, Octavius made considerable progress. He was ultimately unsuccessful, however; for P. Vatinius, the Caesarian commander at Brundisium, was able to drive Octavius' superior fleet from the Adriatic.¹⁴²

Occurring during the civil war, Gabinius' death seemed to have little effect on Roman life, political or otherwise. Too little is known of his family to determine what effect his death may have had on them. His wife is known only by her name, Lollia; and nothing was recorded about his adopted son Sisenna after Gabinius' exile.¹⁴³

¹³⁹Caesar BAlex. 43; Dio xlii. 11. 4.

¹⁴⁰Caesar BAlex. 43; Dio xlii. 11. 4.

¹⁴¹Caesar BAlex. 43; Dio xlii. 11. 5.

¹⁴²Caesar BAlex. 44-47.

¹⁴³Suetonius Iul. 50. 1 provided the name of Lollia in a list of wives of prominent Romans whom Caesar had seduced. On Sisenna, see above, p. 31.

Of Gabinius' friends, Pompeius was already dead, Antonius was struggling with the unrest in Italy and Rome, and Caesar was enjoying the pleasures of the Nile with Cleopatra. His old enemy Cicero, worrying about his own fortunes, made only a vague reference to Gabinius' death in Illyricum.¹⁴⁴ Neither of the two extant historians of the period, Appian and Dio, paused in their narratives to write an epitaph; but Caesar, a judge of men of leadership, paused in his campaigns to acknowledge his achievements: "Courage and skill had often enabled Gabinius to score great victories in dangerous wars by his own leadership and initiative."¹⁴⁵

¹⁴⁴Att. xi. 16. 2.

¹⁴⁵BAlex. 43: "virtute et scientia confisus, qua saepe in bellis periclitatus magnas res et secundas ductu auspicioque suo gesserat."

CHAPTER IX

AN ESTIMATE OF GABINIUS

To ancient authors a man's political and military achievements were to a great extent functions of his character. Dio's statement that Gabinius had no concern for the commonweal as tribune because he was a most worthless man¹ was not merely a pious platitude. One could expect beneficial deeds only from a man of character. To a lesser extent, this attitude has also affected modern judgments. Therefore, before discussing Gabinius' achievements, an examination of his character seems in order.

The common analysis of Gabinius' character derives from Cicero's portrayal in the orations delivered between 57 and 54, in which the orator made every effort to damn his hated political enemy. In his youth, according to Cicero, Gabinius had been Catilina's lover and had so squandered his fortune on various forms of debauchery that he was obliged to turn his home into a brothel.² But even this was not sufficient to cover his expenses, and Gabinius managed to escape his creditors only by attaining the tribunate of the plebs in 67.³ Gabinius was a foppish dandy

¹xxxvi. 23. 4.

²Red. Sen. 11-12; Pis. 20.

³Red. Sen. 12.

smelling of unguents, who rouged his cheeks and curled and oiled his hair.⁴ Cicero also claimed that Gabinius was habitually drunk in public as well as in private and danced naked for his friends at drunken revelries.⁵ As the culmination of a life of such unashamed debauchery, Gabinius demonstrated that he was a hostis within the city walls by selling out Cicero, the Senate, and the state itself for a province.⁶

Cicero's portrayal was a malicious caricature spoken in Gabinius' absence and designed to heap abuse upon him; but it is our principal source of information about his personal life and character. In actuality, Gabinius may have been merely a curly-headed man with a ruddy complexion who frequented the baths or who perhaps affected Greek fashions as did many Romans with Greek connections from Scipio Africanus on. However, such an affectation brought frequent and abusive criticism even in Gabinius' time.⁷

Much earlier in his career, Cicero had made some remarks about Gabinius' character quite different from his later assessment. He referred to Gabinius as a courageous

⁴Red. Sen. 13, 16; Pis. 25.

⁵Red. Sen. 13, 16; Pis. 22, 41. See also Macrobius (Sat. iii. 14. 15) who mentioned three men of the time noted for their dancing: Gabinius, M. Caelius, and a son of M. Crassus. Dio (xxxvii. 49. 3) also mentioned L. Afranius as a dancer.

⁶Red. Sen. 18; Red. Pop. 13; Planc. 86; cf. Dom. 23.

⁷See Rab. Post. 25-27.

man⁸ who alone could be associated with Pompeius in saving Rome from the pirates.⁹ This hardly sounds like the same person who sought the tribunate as a refuge from his creditors! These few comments were lost in the deluge of Cicero's later denunciations, however; and those ancient writers who commented on Gabinius' character, particularly Dio, reflected only the orator's hostility.

Cicero's analysis has also affected most modern authors who deal with Gabinius' character. The most extreme example is James Cobban,¹⁰ who considers Gabinius an incapable wastrel. More judicious is Theodor Mommsen's statement that Gabinius was "a man ruined in finances and morals, but a dexterous negotiator, a bold orator, and a brave soldier."¹¹ More cautious in their approach, H. Butler and M. Cary¹² acknowledge Cicero's distortions but feel that Gabinius was a wild young man.¹³

It is difficult to refute Cicero's hostile portrayal of Gabinius' character since independent references are for the most part lacking. Cicero himself earlier presented a far different view of Gabinius' tribunate,

⁸Cicero Corn. in Asconius, p. 72 (Clark).

⁹Leq. Man. 58. ¹⁰In Senate and Provinces, p. 98.

¹¹History, IV, 134. Sanford ("Gabinius," pp. 67, 92) seems also to follow this approach. Münzer ("Gabinius," No. 10, RE, VII, 424) accepts the Ciceronian tradition in a brief comment.

¹²Prov. Cons. pp. 89-90.

¹³In the same manner, Last (CAH, IX, 342) states that Gabinius must have done something to invite Cicero's venomous attacks.

however; and in his narrative of Gabinius' diplomatic mission to the East in 81, Appian¹⁴ portrayed a serious, somewhat stuffy young Roman who refrained from taking part in Mithridates' revelries. For the rest of Cicero's portrait of Gabinius' character, there are no parallel accounts.

Therefore, one must use an indirect approach. Ronald Syme¹⁵ has shown that Roman political oratory had little basis in fact and that the characters of various men seemed to undergo amazing metamorphoses as their political positions changed. Personal abuse and misrepresentation were employed so frequently that they became standard rhetorical devices. It has been shown above¹⁶ that Cicero consistently misrepresented Gabinius' political and military activities in the speeches from 57 to 54. Consequently, there is no reason to believe that the orator would have drawn the line at Gabinius' character.

As seen from the perspective of his public career, Gabinius was a complex man, multifaceted in character and personality. In political matters Gabinius was unscrupulous, particularly with regard to political enemies. As a tribune he brooked no interference with his legislation either from a colleague or an opposing consul. During his consulship Gabinius willingly sacrificed Cicero to Clodius to secure a profitable proconsular province and banished L. Lamia for interceding on Cicero's behalf.

¹⁴Mith. 66.

¹⁵Roman Revolution, pp. 149-52.

¹⁶pp. 8-12.

However, Gabinius was also a man of principles who found methods for putting his ideals into practice, sometimes in the face of great risks. In order to pass and implement his pirate law, he threatened not only a tribune with impeachment but even a consul, an unheard of step. During his proconsulship in Syria, Gabinius rigorously enforced his loan law over the protests of the publicani, despite their political power in Rome. With respect to his invasion of Egypt to restore Ptolemy, Gabinius could not have been unaware of the storm of protest that would arise. Yet he persisted because of the danger he perceived in an independent, hostile Egypt.

The fact that Gabinius was far from being a worthless man of debased character makes his achievements worth studying both in the ancient and modern viewpoints. Since a detailed examination of Gabinius' actions has already been presented, it is appropriate here to look at the totality of his political career within the context of the late Republic.

Of great importance to an evaluation of Gabinius' career is the extent to which Gabinius was his own man. Virtually every modern writer portrays Gabinius as Pompeius' tool, henchman, or faithful adherent, depending on the author's sympathies. The ultimate sources for this interpretation appear to be Dio, who ascribed whatever good Gabinius did to someone else, and Plutarch, who called him

Pompeius' most extravagant flatterer.¹⁷ However, since neither Cicero nor Caesar, the two surviving primary accounts of Gabinius, portrayed Gabinius as Pompeius' adherent,¹⁸ one should look at Gabinius' career to determine the accuracy of such a judgment.

The earliest substantiated connection between Gabinius and Pompeius was Gabinius' proposal of the law which gave Pompeius the command against the pirates. Although there is the suggestion that Gabinius' ties with Pompeius originated in Sullan days and included a quaestorship in Spain during the Sertorian War,¹⁹ all that is unprovable speculation. Nor is there good evidence linking Pompeius to Gabinius' first tribunician law assigning Bithynia and Pontus to Glabrio. In the other legislation of Gabinius' tribunate, Pompeius' influence also appears to be lacking.

The pirate law is the only piece of legislation in which Pompeius' influence and perhaps collaboration can be seen. However, even with regard to this measure, Gabinius was not acting merely as Pompeius' henchman as can be seen

¹⁷Appian (BCiv. ii. 14) thought that Gabinius was Caesar's friend and that Caesar sponsored his candidacy for the consulship of 58. Although there is no other evidence that Gabinius and Caesar were in fact friends at this time, Appian's mistake indicates that the interpretation that Gabinius was Pompeius' henchman was by no means universally accepted.

¹⁸Cicero, in fact, treated Gabinius and Piso as free agents rather than tools of the triumvirs in 58, responsible for their own acts during their consulship. See Brunt, "Amicitia," p. 18.

¹⁹Badian, "Early Career," pp. 95-96.

in the events that followed passage of the law. The consul C. Piso refused to allow Pompeius' legates to recruit troops in his province although the Gabinian Law gave them authority to do so. The troops were not crucial to Pompeius, who was flushed with initial success in the pirate campaign and wished to conciliate his Optimate opponents. Therefore, he persuaded Gabinus to abandon the measure, perhaps placating the tribune with an offer to make him a legate in return for his cooperation.

Following his tribunate, the ties between Gabinus and Pompeius appeared to grow stronger. After serving as Pompeius' legate in the Mithridatic Wars, Gabinus returned to Rome to run for the praetorship, perhaps with Pompeius' aid.²⁰ Gabinus evidently was allied with the triumvirs in the years following his praetorship, for he was elected consul for 58 with Pompeius' backing. Although he apparently supported the triumvirs' policies as consul, he did not act simply as Pompeius' tool. His support of Clodius against Cicero early in the year was the result of a personal arrangement to secure a worthwhile province and perhaps the result of a genuine hostility toward Cicero who had executed a relative of Gabinus without trial. Although Gabinus did defend Pompeius against Clodius when the tribune attacked him, even then Gabinus did not aid Pompeius in his effort to secure the recall of Cicero in

²⁰Pompeius' aid to Gabinus is unattested, but he did try to help another legate reach office before his return from the East.

retaliation. In fact, the consul successfully prevented the issue from being brought before the Senate for the remainder of his consular year. If Gabinius had been Pompeius' henchman, one would have expected him to support Pompeius' policies loyally and to refrain from acting contrary to his interests.

During his proconsulship in Syria, Gabinius also apparently acted with independence. In the one incident in which Dio claimed that Pompeius sent instructions, the matter of Ptolemy's restoration, the entire description presented by Dio is riddled with inaccuracies. Immediately following his proconsulship, Gabinius faced a series of prosecutions during which Pompeius exerted a significant amount of effort on his behalf. Pompeius might be expected to do so for a henchman, it is true; but he could also be expected to aid his friends.

Since Gabinius was not a henchmen of Pompeius, the relationship between the two men must be described as a political friendship (amicitia) based on mutual benefit and more or less common political goals. In return for securing Pompeius the pirate command, Gabinius obtained a military post through which he ultimately furthered his career. Gabinius received the crucial support of the triumvirs in his bid for the consulship and in return supported their policies and even defended Pompeius when Clodius began to attack him. Finally, Pompeius aided Gabinius in his trials although the help was ultimately in vain.

If Gabinius had been a henchman or tool or even a faithful adherent, one might have expected him to fly to Pompeius' side during the civil war. However, the bonds of amicitia were not permanent but often based on current mutual advantage.²¹ It is not surprising, then, that Gabinius chose the popularis cause of Caesar. Nor was it inconsistent with the bonds of amicitia for Gabinius to maintain his hostility toward Cicero long after the orator and Pompeius had been reconciled, for friends often did not share enemies.²²

Perhaps the most important aspect of the political independence of Gabinius is the increased stature it lends to his political and military career. However, political independence does not imply that Gabinius made his way without the aid of others; for the assistance of influential men was crucial in one's rise in the cursus. In fact, Gabinius' career was tied inseparably to the rise of first Sulla and later Pompeius.

In his early career, Gabinius was a Sullan. During this period, he saw his first recorded military service in the East and also acquired sufficient experience to be sent on a sensitive diplomatic mission to prevent the Second

²¹Taylor (Party Politics, p. 7) says, "Friendship for the man in politics was a sacred agreement." But she admits (p. 35) that new friends and enemies were constantly being made. The resulting corollary that friendships were also constantly being broken is explored by Brunt in "Amicitia," pp. 7, 17, 20.

²²Brunt, "Amicitia," p. 17. See also Taylor, Party Politics, p. 36.

Mithridatic War from turning into a full scale conflagration. After this important assignment, nothing more is known of Gabinius for over a decade. When he did re-emerge from obscurity in 67, it was as a popularis tribune. From the large number of former Sullani who followed this path, it would seem that the Senate had no use for any but a very few of the dictator's men after his death. In post-Sullan Rome, the path of advancement for ambitious men with obscure ancestors lay more naturally with the populares than with the optimates.

The populares to which Gabinius turned were not a political party in any modern sense of the word, for there was no popularis organization, ticket, or even platform. If there were a common aim of the post-Sullan populares, it was to end the domination of the Senatorial oligarchy by advancing the rights of the people. However, this is not to say that the populares were a democratic party; for few, if any, believed in democracy. The real difference between the populares and the rival optimates was not in philosophy but in methods. Popularis politicians were merely advancing their careers by means of the popular assemblies.²³

When Gabinius campaigned for the tribunate of 67, the populares were dominated by Pompeius and Crassus, but there were also a number of more or less prominent members of the party with whom Gabinius had some association. L. Sergius Catilina had been a friend of Gabinius since

²³For a complete discussion of the "parties," see Taylor, Party Politics, especially chapters 1 and 4.

his service under Sulla; and Gabinius seemed to cooperate to some extent with a popularis colleague in the tribunate, C. Cornelius. The most influential person in Gabinius' early tribunate seems to have been L. Quinctius, praetor of 68, who had stripped Lucullus of some of his powers in 68 and with whom Gabinius collaborated to complete the process. As a result of his amicitia with Pompeius, Gabinius came into contact with C. Manilius, under whose law Gabinius was appointed a legate to Pompeius, and perhaps Cicero, who spoke highly of the tribune in 66.²⁴

Gabinius, who was a determined popularis activist throughout the remainder of his career, demonstrated his political ability from the beginning of his tribunate. He first established himself as a true representative of the people by taking up a popular cause: the recall of Lucullus. He not only aroused the indignation of the people by displaying a painting of the mansion Lucullus was constructing from the profits of the war but also effectively disarmed the Senate by proposing the appointment of the Optimate consul Glabrio to replace Lucullus. In the passage of his next piece of legislation, the pirate law, Gabinius showed both his determination and political skill. Unlike his popularis colleague Cornelius, whose attempt to pass a bill over a veto ended in a riot, Gabinius met the challenge of a veto by calling for the impeachment of Trebellius, the

²⁴Stockton (Cicero, pp. 57-63) shows that Cicero acted very much like a popularis in the years preceding his consulship.

offending tribune, unless he would relent. Unwilling to become a political martyr, Trebellius withdrew his veto when it became clear that Gabinius would be able to carry the measure. Gabinius was also willing to carry this procedure a step further. When the consul Piso began to interfere with the levy of troops for Pompeius' command, Gabinius proposed a bill to recall him. Such a revolutionary measure was never tested, however; for Pompeius intervened, possibly saving Gabinius from the fate of the Gracchi.

During his consulship, Gabinius exhibited the same political skill and daring. His most effective weapon appeared to be the consular edict. In both attested cases, it was used in an unprecedented manner against Cicero's supporters. In the first, Gabinius suppressed an unheard of public display of sympathy for Cicero by the Senate. The second edict banished L. Lamia, an equestrian supporter of Cicero who had evidently tried to force his way into the Senate. Although Cicero fumed that Gabinius was acting like a tyrant, the consul was clearly within his rights; for Cicero dwelt only on the unprecedented nature of the edicts, never on their illegality. Gabinius' courage and resourcefulness were tested from a different quarter when he drew Clodius' wrath by defending Pompeius against the tribune's assaults. After he was attacked and his fasces were broken by Clodius' gangs of ruffians, Gabinius organized gangs of his own who fought Clodius' men to a standstill.

Gabinus' political methods demonstrate that he was one of the most skillful politicians of the late Republic. Throughout his career he was courageous and not a little ruthless toward his political enemies. However, such methods were far from unusual in Roman politics. The tribune C. Cornelius tried, and Caesar succeeded in riding roughshod over opponents of their respective measures. On their side the optimates were no strangers to violence although they clearly had the more powerful constitutional position in the state.²⁵ Among other actions, they had driven Gabinus out of the Senate with threats and shouts in 67. Even Cicero resorted to a patently illegal action while consul in 63 by executing the Catilinarian conspirators without a trial. Justified though he may have been, Cicero nevertheless violated the lex Sempronia. Gabinus, however, managed to carry out his programs without resorting to overt illegality. One must admit that many of his most effective methods were legally dubious, however. There was a precedent for Gabinus' proposal to recall Trebellius, but it had occurred almost seventy years earlier. Gabinus' uses of the consular edict to contradict a Senatorial resolution and to banish a citizen were unprecedented and thus very irregular since the Romans put such emphasis on precedent. However, his ability to make such methods work demonstrates

²⁵The negative prevailed in the Roman constitution. Magistrates were subject to the veto of equal and superior magistrates; legislation could be prevented by the intercessio (veto) or obnuntiatio (evil omens). This gave the conservative optimates a considerable advantage over the populares.

Gabinus' skills as a politician.

In the laws that Gabinus was able to pass, one can see his concern for both domestic and provincial affairs. His approach to domestic affairs appears to have been rather conventionally popularis. The most partisan of all Gabinus' measures was his first plebiscite which transferred the provinces of Bithynia and Pontus from Lucullus to Glabrio. This was merely the culmination of a several-year popularis effort to strip Lucullus of his command against Mithridates. To many Romans, Lucullus appeared to be dragging out the war for his personal advantage; and Gabinus appears to have jumped on the bandwagon in this case. Two other tribunician laws were passed primarily for the benefit of the provincials. The one aimed at reducing the amount of bribery from foreign ambassadors seeking to gain a hearing from the Senate; the other formalized the custom of receiving ambassadors in February to ensure that the envoys could gain a hearing in the Senate without having to resort to bribery. Although these precautions were obviously necessary, the laws also reproached the Optimate leaders of the Senate by directing reform from without.

The most important piece of legislation introduced by Gabinus was his law against the pirates. It was partisan in nature because the tribune was usurping the Senate's role in creating military commands and pointing out Senatorial inaction in the face of great danger to the state. However, the law had much greater significance. Although

great extraordinary commands had previously been authorized by the Senate, this was the first created by the popular assembly. More importantly, the law was genuinely beneficial to Rome; for through its provisions Rome was once and for all freed from the pirate menace. At a time when the Senate refused to take adequate action and even tried to halt the passage, the Gabinian Law gave Rome's greatest general the men and supplies to sweep the entire Mediterranean. Nor had Gabinius misplaced his trust; for despite the worst fears of the optimates, Pompeius did not use the command to return to Rome as another Sulla. At a time when decisive action was required, the Gabinian Law gave the right man adequate means to solve one of Rome's most desperate crises.

There is no record of any further domestic legislation either proposed or passed by Gabinius. During his consulship, however, Gabinius displayed his hostility toward the optimates and their supporters by his support of Clodius' effort to exile Cicero. Throughout the year he prevented the Senate from passing a resolution for the orator's recall. Gabinius' role in supporting Clodius, which completely overshadowed his consulship, was not particularly admirable. At worst he was lending the sanction of the consulship to an ex post facto law proposed out of malice. At best he was engaging once more in brutal partisan politics.

In matters of foreign policy, Gabinius displayed his greatest creativity, both in laws and in his provincial administration. The three major laws of his tribunate

demonstrated Gabinus' concern for the provincials, particularly in their dealings with Rome. Although the Gabinian Law against the Pirates was primarily a response to the domestic crisis, it also was quite beneficial to the population of the provinces who had suffered longer and more severely from pirate activities than had the Romans. The law to prohibit loans to provincials was the most idealistic of Gabinus' measures, for provincial communities were hard pressed by high-interest loans necessary to bribe the Senate to hear their envoys and to pay heavy assessments levied by the publicani. Like most idealistic measures, however, this law only exacerbated the situation; for the Senate freely granted personal exceptions to the law, and interest rates soared corresponding to the increased danger to the lenders. The law requiring the Senate to hear foreign envoys each February did ensure that the provincials were heard; but since loans and bribery continued unabated, substantial sums were still required to receive favorable action. A fourth law passed by Gabinus, this during his consulship, provided relief for the Delians, who had suffered severely from Mithridates and from the pirates. Again in this law, Gabinus exhibited compassion for the provincials who suffered both from Roman actions and inaction.

Gabinus continued his concern for the provincials while administering Syria during his proconsulship. His goals seemed to be to increase the stability and prosperity of the province. Pursuing the first goal, Gabinus faced

both internal and external problems. To increase the security of the province, Gabinius was prepared to dabble in a Parthian civil war, but he was fortunately diverted to Egypt to counter the threat of a hostile king on the throne of the Ptolemies. The greatest internal threat to the province came from Judaea which was notoriously unstable. Gabinius attempted to compensate for the weakness of the high priest Hyrcanus by transferring Hyrcanus' secular authority to five regional councils. He gained limited success thereby, although two subsequent military campaigns were required to quash rebellions.

The second goal of Gabinius, to increase the prosperity of the province, the proconsul accomplished primarily by enforcing his own law against loans. Although Cicero severely criticized him for discriminating against the publicani, the orator succeeded only in demonstrating that Gabinius was guilty of good government. Although many governors complained about the publicani, Gabinius protected the provincials from their rapacity more than any other governor of his time. The ultimate reward for this kind of provincial government was exile, for the equites joined with Gabinius' Optimate enemies to convict him of extortion.

In summation, Aulus Gabinius was an effective and successful politician who grasped the political realities of his day and used them to great advantage for both himself and Rome. Although he was ruthless toward his

political enemies, Gabinius was skillful enough to secure his goals without resorting to violence. Gabinius' political activity was consistently popularis, but he surpassed purely partisan goals in many of his laws and actions.

In both his legislation and proconsulship, Gabinius exhibited a statesman-like concern for the condition of Rome's subjects in the provinces. Gabinius shared his concern for fair treatment of the provincials with many other Romans, but his was perhaps the most vigorous attempt to free the provincials from the grip of the publicani. Both his laws and his governorship of Syria demonstrated that the Republic was capable of governing the provinces well. However, Gabinius' laws failed to end the oppression; and the example of his proconsulship was not followed. The prevailing system was too profitable for too many people for the necessary changes to come about. Reform would come only by the edict of an autocrat.

Gabinius' military career exhibited the same interest in the East that his political career demonstrated. As a young military tribune under Sulla and later as a legate to Pompeius, Gabinius appeared to serve capably, although it is rather difficult to evaluate a subordinate's service. In his own command in Syria, Gabinius saw substantial action and acquitted himself well. He fought three successful campaigns with the ever-rebellious Jews and quickly destroyed the Egyptian army in his restoration of Ptolemy Auletes. Against the Arabs on Syria's borders, however, he was only

moderately successful. In his final campaign in Illyricum during the civil war in the winter of 48/47, Gabinus suffered his only serious defeat. By then, however, he was in his sixties and was fighting with green troops under difficult conditions. As it was, he and most of his army escaped to help defend the city of Salonae against the Pompeian admiral Octavius.

Although Gabinus' military career was successful for the most part, he cannot be ranked as more than a conventional military figure. Part of the reason is that Gabinus never secured a command against a particularly tenacious enemy to test his skills as a general. If he had returned to Rome as the conqueror of Parthia, the reaction have been different. However, Gabinus' most important command was against the Egyptian army which was clearly no match for the legions. The restoration of Ptolemy was significant for its political, not its military, results. Lacking either the clients or the personal magnetism to create a devoted personal army, Gabinus fought his battles with the regular levies; but even so he was a competent general.

Although Gabinus did not shape Rome's destiny in the closing years of the Republic, he did significantly influence popularis policies. Gabinus was the first tribune after Pompeius had dismantled the Sullan restrictions on the tribunate to interfere with the Senatorial prerogative of granting provinces. His law assigning Bithynia and Pontus

to Glabrio established the precedent; and, more importantly, the law against the pirates was the model for a series of tribunician special commands. The Manilian Law, passed the year after, was a carbon copy of the lex Gabinia; and the laws of Vatinius, Clodius, and Trebonius went even further. Some authors²⁶ see in these laws the model upon which Augustus drew for his government of the empire.

Gabinus' most non-partisan effort was his foreign policy. He shared a concern for fair treatment of the provincials with Lucullus, Cicero, and L. Piso among others. The immediate effects of this attitude were negligible, for the equites were too powerful and the profits too great for those who would cooperate with the prevailing system. However, one would like to see the concern of Gabinus and the others in the reforms of Caesar and his successor Augustus.

Aulus Gabinus, an important political and military figure in the closing years of the Republic, was not one of the great leaders of Rome. Lacking the ancestors to qualify for the nobility and possessing neither the great military nor oratorical skills to build a large following, Gabinus also apparently lacked either the vision or the inclination to revolutionize Roman society for better or worse. Only a few men, however, had the opportunity and the ability to do so. Yet Gabinus was one of many Romans who served the Republic well. In an age of "great men,"

²⁶See above, p. 70, n. 115.

those like Gabinius are classified as subordinates and henchmen. It has been shown above that this characterization does not fit Gabinius. Since other writers have demonstrated that Clodius was likewise his own man, perhaps the entire concept of henchmen in the late Republic ought to be re-examined.

In the final analysis, Gabinius displayed a vitality which was uncommon among the secondary figures of the late Republic. Author of several significant laws, proconsul of Syria during a trying period, and restorer of Ptolemy Auletes, Gabinius had a significant public career. His role as a senior statesman was cut short, however, by his political opponents who sent him into exile largely for providing good government in his province to the detriment of the publicani. Aulus Gabinius was important to Pompeius, the populares, and to Rome itself.

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