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P. A. BRUNT

Patronage and Politics in the <Verrines>

GELZER concludes his admirable account of the patronage great men at Rome enjoyed over whole communities by observing that «subjects . . . needed to have their interests represented before the government at Rome by powerful senators.» His readers might easily suppose that patrons were usually zealous on behalf of their provincial clients.¹ But since most provincial communities probably had hereditary patrons at Rome, and (as GELZER notes) often more than one, it is at least evident that whatever efforts they made on behalf of their clients afforded them little protection, since otherwise the excellently drafted *repetundae* laws would have been more effective in restraining extortion. According to Cicero, indeed, *clarissimi viri nostrae civitatis temporibus optimis hoc sibi amplissimum pulcherrimumque ducebant, ab hospitibus clientibusque suis . . . iniurias propulsare eorumque fortunas defendere*. But the last of the few instances he adduces dates from 104 B. C.; indeed he claims that in undertaking the prosecution of Verres on behalf of his Sicilian clients he is reviving a tradition which, though admirable, was obsolescent.² Tacitus noted that in the late Republic the provincials obtained little benefit from the laws *quae vi, ambitu, postremo pecunia turbabantur* (ann. 1, 2). It follows that patronage was ineffectual. Perhaps many patrons were too easily induced to neglect the cause of their provincial dependents when it came into conflict with that of powerful and wealthy members of their own order, who could often prefer rival claims to their support as kinsmen by birth or marriage or as friends, and enable them to conceal self-interest with the colour of moral obligation. Not of course that it was necessarily the duty of a patron to back his provincial clients in every contingency. Cicero, for all his professed love of the Sicilians, was far from supporting or approving their pretensions in the 40s to *ius Latii* or Roman citizenship.³ It must not be assumed that *fides* to clients was ever an overriding consideration in the minds of Roman magnates.

The sufferings of Sicily in the triennium (73–1) of Verres' governorship well illustrate how little patrons could or would protect their provincial dependents.

¹ The Roman Nobility (1912), 86–101, = Kl. Schr. I 89 ff.

² Div. in Caec. 66–70, cf. n. 20.

³ Att. 14, 12, 1.

The Sicilians had numerous patrons.⁴ Moreover, both communes and individuals were also attached to great men at Rome by ties of *hospitium*, which was no more than a polite designation of the same relationship, given the disparity between the power of the *hospites*.⁵ It was apparently rather unusual that a man of high standing at Syracuse could appeal for aid to no patrons but the Claudii Marcelli.⁶ They were indeed the *antiquissimi Siciliae patroni*, protectors since M. Marcellus captured Syracuse in the Hannibalic war not only of Syracuse but of the whole province.⁷ But GELZER has already remarked that «patronage over a people was not secured exclusively by the first conqueror for himself and his descendants, but was more widely founded by official activity in the region» and that the plurality of patrons is well-attested for Sicily in particular. His own list is not complete. Besides the Marcelli and Scipios,⁸ the Claudii Pulchri were patrons of Messana and *hospites* of the great family of the Heii there.⁹ The Licinii Luculli had *hospites* at Halaesa and Calacte.¹⁰ Dio of Halaesa had other *hospites* at Rome, including not only Servilia, probably the mother of Q. Lutatius Catulus, *cos.* 78, and of the wife of Q. Hortensius, but (it would seem) Q. Hortensius himself, to whom he appealed for aid.¹¹ Sthenius of Thermae was a *hospes* of Marius, Pompey, C. Marcellus, proconsul in 79, L. Sisenna and other men of eminence, to whom he had recourse at Rome, including Cicero, who appeared on his behalf before the tribunes.¹² Cicero refers to other *hospites* both of himself¹³ and of Verres.¹⁴ Diodorus of Melita made the round of his patrons and *hospites* at Rome.¹⁵

We can also surely assume that when a Roman resettled or reorganised a Sicilian city and thus became in Greek parlance its *ktistes*, he also acquired patronage there; thus L. Manlius Vulso (*pr.* 197) should have been patron at Agrigentum, P. Rupi-

⁴ Div. 2 (*multi veteres*); Verr. II 2, 10; 3, 72 etc.

⁵ TLL s. v. *hospes* 3023, cf. T. P. WISEMAN, *New Men in the Roman Senate*, 1971, 33 f.

⁶ Verr. II 2, 36.

⁷ II 3, 45, cf. Livy 26, 30–32 (which shows how patronage did not necessarily originate in the gratitude of clients toward a benefactor). Marcelli patrons of Halaesa (2, 122), Tyndaris (4, 89) and all Sicily (e.g. Div. 13), cf. n. 22.

⁸ P. Cornelius Scipio Nasica, later Q. Metellus Scipio, *cos.* 52, was patron of Segesta (4, 79–81), apparently by inheritance from Scipio Africanus, although Africanus was not his ancestor (see stemma in RE 4, 1430); it would therefore seem that when a patron had no descendants, his patronage might go to collaterals of the same *familia*. Probably Thermae was also in his clientela, cf. 2, 86 f.

⁹ 4, 6.

¹⁰ 2, 23 f.; 4, 49.

¹¹ II 1, 27 f.; 2, 19–24. For Servilia see stemma in: F. MÜNZER, *Röm. Adelsparteien und Adelsfamilien*, 1920, 224.

¹² 2, 82–118; for *hospites* 83 (Verres); 91 (local Romans and Sicilians); 110 ff. (Marius etc.); 117 (Cicero). Tribunes: 100.

¹³ 2, 118; 4, 32.

¹⁴ E.g. 2, 83; 94; 4, 100; 5, 108.

¹⁵ 4, 41.

lius (*cos.* 132) at Heraclea, and C. Claudius Pulcher (*cos.* 92) at Halaesa. Admittedly none of these persons had any known descendant living in the 70s, but their patronage might have passed to collaterals (cf. n. 8).¹⁶ A few Sicilian notables had also been given the Roman citizenship by the agency of a magnate at Rome, like Dio of Halaesa *nunc beneficio Q. Metelli civis Romanus factus* – in the context of the *Verrines* Cicero is surely referring to the consul designate of 69 – or Q. Lutatius Diodorus of Lilybaeum, for whom Catulus had procured the privilege from Sulla. Obviously these men were already, or then became, the clients of their benefactors, whose gentile names they adopted; we may note also A. Clodius Apollonius of Drepanum, several Cn. Pompeii, who were surely the clients of Magnus, and Sex. Pompeius Chlorus, 'the first and noblest of all Sicilians', whose *praenomen* suggests a connection with some other member of the Roman family.¹⁷

Most of these ties were no doubt originally contracted by Romans who had been officially active in Sicily, like Pompey in 81. Marius is the only certain exception. The fathers of L. and M. Lucullus and perhaps of Hortensius had both governed the island, and Sisenna may have served there.¹⁸ No Metellus is recorded as governor since 218, but few governors are known between 167 and 80, and any of the Metelli who were consuls from 142, except Metellus Pius, and including the father of the consul of 69, might have held Sicily as a praetorian province.¹⁹ The facts that Cicero, merely as quaestor at Lilybaeum, had acquired some patronage in the island before 70,²⁰ and that even his *subscriptor* in the prosecution of Verres became an official *hospes* of Syracuse,²¹ make it improbable that governors in general did

¹⁶ 2, 122–5. Rupilius, one would expect, had numerous clients elsewhere too.

¹⁷ Diodorus 4, 37 (for parallels cf. *fam.* 13, 36, and the case of L. Cornelius Balbus, see MÜNZER, RE 4, 1261); Dio, 2, 20; Clodius, 2, 140 and 4, 37; Chlorus, 2, 23; other Pompeii, of whom Theodorus certainly owed citizenship to Magnus, 2, 102; 4, 25 and 48. Q. Caecilius Niger, Verres' ex-quaestor, put up by his friends as a prevaricating accuser, is said by Cicero to have been educated at Lilybaeum (*div.* 39), and Ps.-Asconius, 185 Str., perhaps by inference from this text, calls him *domo Siculum*; was he then himself the son of an enfranchised Sicilian and a beneficiary of a Metellus? I incline against this: Cicero did not need to answer the contention that no one could better act for the Sicilians than one of their own people. More probably, he was the son of some Roman *negotiator* in Sicily. The Roman *Verrines* contain other Caecilii with no known connections with the Metelli (BROUGHTON, MRR II 538–40).

¹⁸ Lucullus, MRR I 564; Hortensius, *ibid.* 540 (3, 42); Sisenna, 2, 110.

¹⁹ Ps.-Ascon. 187 alleges that the Metelli were patrons of the Sicilians and that the young Celer (*cos.* 60) and Nepos (*cos.* 57) prosecuted M. Lepidus (*cos.* 78) for his misgovernment there, to which on his view (259) Cicero referred in 2, 8 (more explicitly in 3, 212). But 2, 8 shows that Lepidus was not prosecuted, and there is no allusion, such as we should expect, to the conduct of Celer and Nepos in *div.* 66–70. There may, however, be some underlying truth in the report of this unreliable scholiast, and these young cousins of the consul of 69 may have possessed hereditary patronage in Sicily.

²⁰ *Div.* 2 proves that his patronage was prior to the Verres' trial, cf. *offic.* 50.

²¹ 4, 146.

not secure clients or *hospites* among their subjects. Verres himself was recognised as patron of the island. Of course this shows that the ostensible gratitude of provincials to governors is no proof at all it was deserved. The more tyrannical a governor was, the more prudent it became to shower honours on him, so long as he retained the power to do injury.²²

The numerous links between Sicilian communities and individuals and the great houses at Rome had not prevented the senate from twice proroguing Verres' tenure. Q. Arrius had been designated to succeed him in 72, but he was detained in Italy by the slave war (3, 42). That in itself hardly explains why Verres rather than some other proconsul was kept in post for a second year. Dio of Halaesa had already complained at Rome to his numerous patrons, *hospites* and friends, including Hortensius, of manifest injustice, apparently without obtaining redress (n. 11). In that year too, Diodorus of Melita applied to his patrons and *hospites* at Rome, and they were able to deter Verres from pursuing trumped up capital charges (n. 15). In the light of his previous career and especially of his conduct as urban praetor, Verres' reputation cannot have been good. His second prorogation at some date in 72 is still harder to understand. Most of the crimes in Sicily alleged against Verres by Cicero are indeed not precisely dateable; and Cicero himself says that his extortions became more brazen after his second prorogation in 72; it is clear that his manipulation of the tithe-system was most oppressive in 71.²³ None the less we can surely assume that further information had reached Rome of his misconduct before he was again prorogued. Perhaps a belief was current, wholly unjustified on Cicero's showing, that he had been efficient in preventing the slave war spreading to Sicily.²⁴ Moreover it was evidently Verres' intended defence of his administration of the tithe-system that he had increased the deliveries of grain to the Roman market.²⁵ Even so the sufferings of the subjects were subordinated to the supposed interests of the Roman state.²⁶ It was no doubt after the second prorogation that in October 72 Sthenius took refuge in Rome, to avoid judicial murder. His Roman patrons

²² 2, 50-2; 114; 154: Verres was not only patron but honoured as Soter with gilded statues, and the old festival of the *Marcellia* was renamed in his honour. Cf. the honours voted by Cilician cities to Ap. Claudius (fam. 3, 7, 2; 8, 2-5; 9, 1) who according to Cicero had ruined the province (Att. 5, 16, 2; 6, 1, 2).

²³ 4, 42, cf. 3, 51; RE 4 A, 1602 ff.

²⁴ 5, 1 f., cf. Sall. hist. 4, 32: *C. Verres litora Italiae propinqua firmavit*; contrast 5, 5-25.

²⁵ 3, 47-9; apart from seeking to show that Verres had himself made huge illicit profits, Cicero argues that he had ruined the Sicilian farmers, to the long-term disadvantage of Rome, but no doubt after the famine of 75 (Sall. hist. 2, 45 f.) and the *lex Terentia Cassia* (ib. 3, 48, 19, cf. Verr. 3, 163; 5, 52), which must have raised effective demand, a temporary and specious increase in shipments from Sicily was welcome.

²⁶ For this kind of defence cf. parallels in 5, 3 f.; Cic. Font. 8, 13 and 42 f.; Flacc. 27-33; 101.

and friends were indeed able to protect his person.²⁷ The consuls, Cn. Lentulus Clodianus and L. Gellius Publicola, promoted a decree of the senate forbidding his trial in absence on a capital charge, but it does not seem to have been carried, and despite warnings from his father, Verres had him condemned, though the prosecutor too was absent. This at last outraged opinion at Rome; the tribune, M. Lollius Palicanus, inveighed against Verres, and the whole college of tribunes decided that notwithstanding his conviction Sthenius might safely stay at Rome (II 2, 95–100). When at last Verres was due to return, the *principes* in the senate rejected the proposal that he should be commissioned to take action on his journey home against a remnant of the slave rebels in the neighbourhood of Tempa (5, 41), and it was the first care of his successor, L. Metellus, to reverse many of his judicial and administrative decisions;²⁸ he was actually accompanied to Syracuse by two of Verres' chief victims, Heraclius of Syracuse and Epicrates of Bidaë, who were *bene commendati* by men of influence at Rome (2, 62). Evidently it was only then that Diodorus of Melita too dared return home (4, 42).

Thus individual Sicilians of eminence, who had taken refuge at Rome, could obtain personal security there, but no more: their property was at Verres' mercy (e. g. 2, 62), and their lives were not safe in the island. Nor had the various patrons of Sicily been able to prevent his prorogations: we are not even told that they made the attempt. When at last he was superseded, it was not to any of the magnates on whom they had claims, but to Cicero that the provincials turned for reparation and vengeance. Naturally Cicero's talents and rising reputation at the bar commended him, despite his lack of birth and political influence. But when he had defended Sextus Roscius, that man's noble patrons at least stood behind the young orator.²⁹ Not one of their old patrons seems to have done more than give evidence on behalf of the Sicilian plaintiffs, as M. Lucullus and Cn. Lentulus Marcellinus did.³⁰ It is true that Cicero could call C. Marcellus and Cn. Lentulus to witness that the Sicilians had besought him, and not Q. Caecilius Niger (n. 17), to act as their advocate, and say that on their *fide atque praesidio Siculi maxime nitantur*; he does not suggest that either urged him to take the case or gave the Sicilians any other aid. Cicero also expresses confidence that C. Marcellus, who actually sat among the *iudices*, would favour his case.³¹ On the other hand Verres counted, probably with good reason, on M. Marcellus Aeserninus to testify in his favour.³² P. Scipio and

²⁷ 2, 91 and 96.

²⁸ 2, 10 and 62 f.; 138–40; 3, 43–6; 121–124; 5, 55. Cf. n. 50.

²⁹ Rosc. Amer. 3 f.; 15; 27; 77; 149.

³⁰ Div. 13; Verr. 2, 24 and 103. Cf. n. 33.

³¹ 4, 90. Marcellus had also been proconsul of Sicily in 79 (3, 42; 212; 4, 86 f.).

³² 4, 91. It is pretty clear that Cicero had no confidence that if Verres had not abandoned his defence Aeserninus would not have behaved in this way. He was surely not the legate of Marius in 102 and of L. Caesar in 90, when he defended Aesernia, a man who, had he survived, would surely have reached the consulship, but his son. Cicero names a

L. Sisenna, despite their connections with the province, even appeared for the defence; Cicero's language suggests that the former at least pretended that Verres as a friend had a superior claim on him (4, 81). For that matter, Hortensius himself, like Q. Metellus, was probably a patron of Dio of Halaesa (*supra*).

The inertia of the Marcelli, with the partial exception of Marcellinus,³³ is all the more remarkable, since Verres had insulted their dignity by having the ancient Sicilian festival of the Marcellia converted into Verria (n. 22). Moreover as urban praetor he had already flouted the authority of M. Marcellus.³⁴ Perhaps at this time the family possessed little influence. C. Marcellus had been praetor in 80 but had presumably failed in a bid for the highest office.³⁵ M. Marcellus, who had been legate in 90, was probably dead (n. 32), and he too, if ever a candidate for the consulship, had been defeated. In fact the Marcelli had had no consul since 152. The other members of the family whom Cicero names were certainly or probably young men (nn. 32–34). The trio who were to hold successive consulships in 50–49 will not yet have reached the age for political activity. Since Verres did not reject C. Marcellus as *index* (n. 31), he obviously did not have much fear either of his hostility or alternatively of his influence with other members of the court. Noble families were seldom able to maintain their importance continuously from one generation to another. This was no doubt one reason why it was expedient for communities to insure themselves by co-opting more than one patron. But this kind of insurance did not give the Sicilians much cover.

CARCOPINO supposed that Verres was protected by the nobles.³⁶ This is an evident misconception. No doubt the great majority of the nobles (as Sallust held) would

mediocre orator of the late second century who had two sons, Aeserninus and P. Lentulus (Marcellinus); I take Aeserninus here and not the orator to be the man distinguished for his conduct at Aesernia (Brut. 136). Thus Cicero's orator was born c. 150, and his sons c. 125, and our Aeserninus c. 100–95. Cn. Lentulus Marcellinus, *cos.* 56, will be his cousin, born not later than 99; his father (presumably Marcellus' younger son) was moneyer in 100 (CRAWFORD, RRC I p. 329), and he himself had that post in 76–5 (*ibid.* 407); an elder brother, Publius, was quaestor in 75 (Sall. hist. 2, 43).

³³ I presume that Marcellinus owed his patronage to his being a Marcellus by lineage and had not lost it through his father's adoption into the Lentuli (n. 32). The possibility exists that he had remained except in nomenclature a Marcellus (R. SYME, JRS 53, 1963, 56). Cf. div. 13; Verr. 2, 103 (prudent advice); 4, 53.

³⁴ II 1, 135; 153. He cannot be securely identified with the aedile of 91 or the Catilinarian conspirator of 63 (RE 3, 2760); as a tutor he was surely over 25; the consul of 51 is of course too young.

³⁵ Very little is known of the pre-consular careers of most consuls of the period 79–70, and some of those elected made little mark. We must not assume that the elections were not keenly contested by men of equal distinction, whose identity is lost, as few praetors are known. Note that C. Cosconius, a *novus homo* but a successful general (MRR 2, 86), and L. Calpurnius Piso (*pr.* 74) never became consuls. Hortensius' return in 70 could evidently not have been safely predicted (I 18).

³⁶ *Histoire romaine* II 24, 1950, 572 ff. The view is common.

act in unison against any popular assaults on their ascendancy. But the conviction of Verres could not and did not involve any such threat. Though the son of a senator, an old man in 72,³⁷ he was not one of their own number.³⁸ His part in the condemnation of Cn. Cornelius Dolabella³⁹ must have made him enemies among the connections of that aristocrat. As praetor he had come into conflict with D. Brutus (*cos.* 77) and with the young L. Domitius Ahenobarbus (*cos.* 54), not to speak of L. Gellius, who was not indeed a noble but rose to the consulship in 72. Verres' noble colleague, L. Piso, had vetoed some of his decisions.⁴⁰ In Sicily he had injured the interests of some senatorial landowners, including the wife of C. Callius, *cos.* 73.⁴¹ P. Galba was among those whom Verres rejected as *iudices* (1, 18). Cicero professed confidence that the praetor, M.' Glabrio, presiding at the trial (I 29), and various noble members of his *consilium*, not only C. Marcellus (n. 31) but P. Sulpicius and L. Cassius (I 30), P. Servilius Isauricus, *cos.* 79 (II 1, 56) and Q. Lutatius Catulus, *cos.* 78 (II 3, 210), could be relied on to inflict retribution.⁴² Since Verres abandoned his defence, he must have shared Cicero's prediction of the verdict.

On Cicero's view his hopes of unjust acquittal had been based partly on his belief that the *consilium* would be open to bribes, which its actual composition dissipated, and still more on the eloquence and undue influence which his advocate, Hortensius, would exert on his behalf. Cicero alleges that he had often said in Sicily that he could safely despoil the province in reliance on one powerful man: Hortensius is certainly meant.⁴³ This is not the kind of allegation we can implicitly trust, but we can hardly discount the story that Curio publicly said that Hortensius' election as consul for 69 was bound to save Verres. Curio of course was reckoning on the success of the plan (which Cicero frustrated) to delay the trial until 69.⁴⁴ The vehemence of Cicero's invective against Hortensius, very different from

³⁷ 2, 95 f., cf. 1, 60.

³⁸ W. SCHULZE, *Zur Gesch. Latein. Eigennamen*, 1904, 287, thought the gentile name Etruscan.

³⁹ I 11, cf. II 1, 41.

⁴⁰ II 1, 119. MOMMSEN, *Röm. Staatsr.* I³ 270, can cite only one parallel. However, Cicero stresses only the frequency of the vetoes, not suggesting that a veto was at all novel.

⁴¹ 3, 96 f.; 152 (C. Gallius, or according to the best reading Gallus, perhaps C. Aquillius Gallus, *pr.* 66, a man of an old praetorian house).

⁴² The threats in I 36 and 50 betray less certainty in the incorruptibility of the *consilium* as a whole, cf. 3, 145.

⁴³ I 10; 16 f.; 29 f.; 36; 40, cf. II 5, 176. In 4, 49 Cicero alleges that he boasted publicly of his impunity. Verres' reported saying that he had allotted the illegal profits of one year to bribing the court and of another to rewarding his counsel is not above suspicion; at any rate he could not have had such a plan until his final prorogation had been granted.

⁴⁴ I 18 f. For Hortensius' plan and its frustration I 31–34. (Flacc. 21 gives most clearly the normal procedure under the *lex Cornelia repetundarum*.) As Cicero's opening speech on 5 August (I 31) set out none of the evidence on which he relied, Hortensius could make no

the courtesy with which he normally treated opposing counsel,⁴⁵ is in itself proof that Cicero saw the influence of Hortensius as the chief obstacle to his success. But why was Hortensius so devoted to Verres? He had long been leader of the bar; he had been elected to the consulship with the minimum interval after his praetorship. How could such a man have any need of Verres? I find it hard to resist acceptance of Cicero's imputations: Hortensius was an accessory after the fact in Verres' extortions.⁴⁶

Although Hortensius could properly claim nobility,⁴⁷ his ancestors were of no great distinction, yet it is clear that throughout his life he was one of the most influential men at Rome. This must be explained by his ability as an advocate, which enabled him to render services beyond the power of men of more splendid lineage but inferior talent. He was useful as a political ally: Cicero himself later found it convenient to be reconciled with him.⁴⁸ We can then assume that he was able to mobilise other support for Verres, for instance that of Curio (n. 44), of his junior counsel, Sisenna and Scipio,⁴⁹ and above all of the three Metelli, all of whom may have been sons of C. Metellus Caprarius, Quintus, who was to be his colleague as consul, Lucius, Verres' successor in Sicily, and Marcus, who was designated as *praetor repetundarum* for 69 (I 21).

There is some reason to suppose that it was not until 70 that these Metelli became committed to Verres' cause. Quintus had procured the Roman citizenship for Dio of Halaesa after he took refuge in Rome in 73 (n. 17). Lucius, as we have seen (n. 28), initially favoured Verres' victims and reversed his decisions; these actions

useful reply in the first *actio*; it would have been imprudent to anticipate the detailed charges. The evidence proved overwhelming (II 1, 20, cf. 4, 33 f.), and Hortensius soon gave up the attempt to cross-examine, II 1, 71; 151; 2, 156; 5, 155. The prosecution rested its case after nine days, i.e. on 14 August (II 1, 156). The trial was then presumably adjourned until 20 September, after the *ludi Romani*, cf. I 31. But in the interim Verres went into exile, Ps.-Ascon. 223 St., cf. Plut. Cic. 7 (inaccurate). Hortensius never spoke at the trial (Orator 129); so his speech extant in Quintilian's day (inst. 10, 1, 23) must have been a mere literary composition, if not delivered at the *litis aestimatio*, after Verres' condemnation in absence. Cicero's account of the purpose of his procedure is, however, not clear. It could not prevent deferment of a second *actio* till after the *ludi Romani* and, therefore, did not in itself deny Hortensius the opportunity of making a reply then; it was the nature of the evidence that made Verres despair of any effective reply in a second *actio*.

⁴⁵ P. A. BRUNT ap. R. SEAGER, *The Crisis of the Roman Rep.*, 1969, 213 (= Proc. of Cambridge Phil. Soc. 11, 1965, 15).

⁴⁶ I 41; II 3, 8 f., cf. 1, 57 f.; 4, 36. Cf. the anecdote of the sphinx in Pliny, NH 34, 48; Plut. Cic. 7.

⁴⁷ Quinct. 72, cf. Verr. 3, 7. He was perhaps son of the consul of 108, perhaps descended from the dictator of 287.

⁴⁸ See esp. Brut. 1-5.

⁴⁹ Scipio was grandson of an aunt of the brothers Metelli, and was adopted, perhaps after 70, by their more distant cousin, Metellus Pius, but I am far from thinking that this inevitably made him a member of a putative Metellan faction, cf. n. 63.

were inevitably prejudicial to the defence. But he suddenly changed his tune on receipt of a message from Rome. Cicero of course could not know what the message contained, though he claims to know the identity of the messenger, but what else he tells us of Lucius' conduct cannot be discredited; he is referring to overt facts. It was after the arrival of the messenger and after Cicero had begun his personal investigation in Sicily, probably in late February 70, that Lucius began to say he was on Verres' side, to try to obtain laudations of him from the Sicilian communes and to prevent witnesses from appearing against him at Rome.⁵⁰ He justified this change of front by his friendship and kinship with Verres. 'Kinship' needs explanation. Cicero could express surprise that Quintus should try to save *hominem perditissimum atque alienissimum* (I 28). He could hardly have employed the last epithet if Quintus himself had had any family relation with Verres. If Lucius was Quintus' brother, which is generally assumed but is not certain, his kinship with Verres must therefore have been through his wife. In any case I conjecture that it was very remote.⁵¹ Lucius had at first acted as if he had no ties at all with Verres. It was presumably on an appeal from Hortensius and from Quintus that he began to try to protect him. But Quintus was not necessarily induced to use his influence on Verres' behalf merely under the persuasion of Hortensius. Cicero insinuates that he owed his election to the money Verres supplied to corrupt the electors.⁵² Of course no feature of Roman politics in the late Republic is better attested than electoral corruption. We should not suppose that a Metellus had no need to resort to bribes, nor that rich as Quintus may have been,⁵³ he would not have welcomed pecuniary aid. He had been a candidate for the praetorship in 75. If he was successful in that year, he had failed to secure the consulship in 71, after the minimum interval of three years which sufficed for Lucius and for his cousins Celer (60) and Nepos (57); alternatively he failed in 75, and was not returned as praetor until perhaps 73; on either alternative he was not a man who could count on the unrewarded goodwill of the voters.⁵⁴ Perhaps then a compact was made in 70, after Lucius had already left for Sicily, in which the protection of the Metelli as well as of Hortensius was to be given to Verres in return for subsidies from his purse, to the benefit not only of Quintus but of Marcus too, who was a candidate for the praetorship, and perhaps of Lucius' subsequent candidature for the consulship; Cicero hints that he was ultimately corrupted with promises (4, 148). Such a

⁵⁰ 2, 64 f., cf. 139; 160–164; 3, 152 f.; 4, 141–7; 5, 129. Cicero's own attitude to any prosecution of Ap. Claudius, his predecessor in Cilicia, affords an analogy (fam. 3, 10, 1; Att. 6, 2, 10).

⁵¹ Contrast I 28 with II 2, 64; 138; 3, 153 (*necessario*).

⁵² I 23 and 26. Cf. Cicero's allegation that Verres tried by bribery to prevent his own election as aedile (22 f.).

⁵³ P. A. BRUNT, *Latomus* 34, 1975, 631 ff.

⁵⁴ Sallust, hist. 2, 45. On elections cf. n. 35. Not even a Metellus could count on being returned.

compact was of no value to the nobility in general: on the contrary, it prejudiced the chances of any noble competitors of the Metelli and Hortensius.

Thus, though Verres boasted of noble friends, there is no evidence that these friends were numerous or long connected with him. There was no question of almost all the great men of Rome uniting in his defence, as in that of M. Scaurus in 54 (Asconius 20 and 28C). The *pauci* whom Cicero excoriates (e. g. I 36) were a small coterie. If this analysis were not correct, it would have been simply absurd for Cicero to have averred that Verres was supported *non gratia, non cognatione* (I 47). But though Cicero could be mendacious, his lies had to be plausible to contemporary hearers or readers.⁵⁵ Very likely, in undertaking the prosecution, Cicero had not expected to be confronted by so formidable a combination in Verres' defence.

Some modern scholars have suggested that Pompey at least was adverse to Verres because of the ill-treatment of his client, Sthenius, and that the Metelli protected Verres out of sheer opposition to Pompey. Little need be added to GRUEN's refutation of this imaginative hypothesis.⁵⁶ Undoubtedly Pompey had connections in Sicily, and it was only natural that the Sicilians should have made their grievances known to him, once he was back in Italy and elected consul, and again after he had taken office (3, 45 and 104). They applied to everyone on whose patronage they had any claim. Cicero's allusions in the *Verrines* to Pompey are of course honorific, and it would have suited him to indicate if Pompey had taken any special interest in the affair, but there is no such indication. He only mentions the high opinion Pompey had of Sthenius to bring out the eminent merits of the man whose life Pompey had once spared and whom Verres sought to destroy.⁵⁷ So too, when he charges Verres with executing Romans on the pretence that they were adherents of Sertorius, he alludes to the pardons Pompey had granted such people merely in order to point the contrast between Verres' cruelty and Pompey's clemency (5, 151-3). It may be noted that Sthenius himself does not seem to have applied to Pompey either in Spain or on his return to Italy, as for instance Dio of Halaesa wrote to M. Lucullus in Macedon imploring his aid (2, 24).

It is true that his case was taken up by the consuls of 72 and by M. Lollius Palicanus, tribune in 71, all of whom are sometimes classed as *«Pompeians»*.⁵⁸ The two consuls were indeed legates of Pompey in 67, and Lentulus Clodianus was among many others an advocate of the Manilian law, but neither had supported the proposal of Gabinius, and Gellius was later to be an opponent of the legislation by which Caesar secured the settlement of Pompey's veterans. The evidence is quite inadequate to show that they were consistently *«Pompeian»*, or that their rather

⁵⁵ I 47. *Proponit inania mihi nobilitatis* ... does not imply that Verres himself claimed the united or general support of the nobility, as distinct from that of some nobles.

⁵⁶ AJPh 1971, 1 ff. against E. BADIEN, *Foreign Clientelae*, 1958, 282 ff., and others.

⁵⁷ 2, 110-113, cf. Plut. Pomp. 10, 6.

⁵⁸ RE 4, 1380 (Lentulus); 7, 1001 (Gellius); 13, 1391 (Lollius).

feeble intervention on behalf of Sthenius was prompted by Pompey. As for Lollius, GRUEN has already remarked that it was not only he but the whole college of tribunes that protected Sthenius. Lollius himself stands in the line of the tribunes who since 76 had been agitating for the restoration of the tribunician power;⁵⁹ it was their cue to seize on every case of misgovernment and argue that it illustrated the need to revive *vis tribunicia, telum a maioribus libertati paratum*. The mere fact that Lollius came from Picenum does not prove that he was a dependent of Pompey, and if in 71, or as early as 73, Pompey declared himself in favour of the reform the tribunes had been demanding, that certainly does not require us to suppose that he put Lollius up to continue the agitation.⁶⁰ Whether Pompey had been convinced that the change was in the public interest or that it would conduce to his own popularity to back it or whether he was already looking forward to the possibility that through tribunician initiative he might secure another great command even against the wishes of the senate, we cannot say; but in any event neither he nor Lollius originated the demands, and Lollius can well be seen as a genuinely 'popular' politician rather than as a mere spokesman of Pompey.⁶¹

Very probably the nobility in general continued to oppose the restoration of the tribunician power, though they could no longer obstruct it when the consuls of 70 themselves brought forward a bill.⁶² But it hardly follows that they were bent on doing everything they could to displease Pompey on other matters. Thus even if there were reason to think, as there is not, that Pompey was specially anxious to procure the conviction of Verres, that would not have been enough to make the nobility zealous in his defence. And, as we have seen, such zeal was actually displayed only by a coterie. Nor can their behaviour be explained by peculiar hostility to Pompey. The Metelli, as a clan, had no quarrel with him. At most there had been a courteous rivalry between him and Metellus Pius. The known conflict with the consul of 69 developed only in 67 when Pompey interfered in that man's province of Crete. Thereafter Pompey remained on good terms with his cousins, Celer and Nepos, whose half-sister was his wife. The clan itself was not united in all political affairs. As for the 'Metellan faction', it is a modern construction.⁶³ The existence of

⁵⁹ MRR 2, 93; 97; 103; 110; 122, 60; Sallust, oratio Macri 12.

⁶⁰ I 44 f., Sall., oratio Macri 23; Hist. 4, 45 and 47. Cf. the attacks on the corruption of *iudices* in the Oppianicus case by L. Quinctius.

⁶¹ Note his abuse of the 'Pompeian' consul, Afranius, in 60 (Att. 1, 18, 5). It is just as imprudent to assume that the consuls of 72 were 'Pompeians' at all times or, in particular, when consuls or censors (n. 65). Men's political affiliations were constantly changing. Pompey's party (R. Syme, *The Roman Revolution*, 1939, ch. III) is reduced to small proportions in 56 (Cic. fam., 1, 1).

⁶² Per. Livy 97; Ps.-Ascon. 189 St.; Cicero, leg. 3, 22; Vell. 2, 30 and Plut. Pomp. 22 all ignore Crassus' role.

⁶³ Cf. GRUEN, op. cit. in n. 56. Note the wise conclusion of T. P. WISEMAN (Liverpool Class. Monthly, Jan. 1976) that «all the great politicians were linked by family ties of one sort or another.»

coterie among the Roman nobility, with often shifting composition, is not to be denied; but they tended to form round men of outstanding personality and talent, like Cato in the years to come. In 70 the man who mattered most in the coterie that backed Verres is Hortensius, a figure far more influential than any Metellus in his generation.

The year 70 was momentous. The full power of the tribunes was restored. The senatorial monopoly of criminal jurisdiction was terminated. It has often been held, and has recently been denied,⁶⁴ that this was the end of the Sullan system. Of course it was not the end of senatorial rule. But what was peculiar to the system created by Sulla as dictator was the attempt to buttress that rule by depriving the assemblies of the right on tribunician initiative to intervene positively in the government, by removing or curtailing the tribunician veto, and by making senators alone the judges of charges against fellow-members of their own order.⁶⁵ The enlargement of the senate was indispensable for the last purpose, and though the new senators adlected by Sulla or recruited subsequently by elections to the increased number of quaestorships were no doubt often men who would otherwise have remained *equites*, it was presumably hoped, and very probably with reason, that they would be absorbed into the order that they had entered, and not continue to feel much sympathy with the *equites* and, in particular, with the publicans, the richest and most influential element among the *equites*; as a body, the senate continued to be dominated by those who had held the highest offices. In the event the destruction of senatorial monopoly of the courts may have done little to threaten the political power of the senate; indeed the compromise of 70 actually removed the chief source of conflict between the orders, and thus could be said to have strengthened it, by satisfying equestrian ambitions for dignity.⁶⁶ But it also impaired the dignity of senators; it is significant that with the growth of senatorial jurisdiction in the principate they were once more tried by their peers. However, whatever be thought of this measure, the revival of tribunician power was crucial: we have only to think of the tribunician laws that established the great military commands in 67, 66 and 59, and of the tribunician vetoes which created the situation in which Caesar had a pretext for marching on Rome. I find it hard to understand how it can be main-

⁶⁴ E.g. by GRUEN, *The Last Generation of the Roman Republic*, 1974, ch. I, a view already refuted by D. L. STOCKTON, *Historia* 22, 1973, 205–18.

⁶⁵ I am not persuaded that Sulla intended to dispense with the censorship or that its revival in 70 in the persons of putative Pompeians (n. 61) had any factional significance. The censors then purged the senate of 64 disreputable members (per. Livy 98, cf. Cic. Cluent. 119 f.; 130; Ascon. 84 C; Dio 37, 30); there is no sign that any one was removed for political reasons. Admittedly the enrolment for the first time of a large proportion of the new Italian citizens fully realized for the first time aspirations which had led to the Social war.

⁶⁶ BRUNT ap. SEAGER (o. c. in n. 45) 83 ff. (revised version in German in H. SCHNEIDER, *Zur Sozial- u. Wirtschaftsgesch. der späten röm. Republik*, 1976, 175 ff.).

tained that much of what specifically Sullan in the political system survived the first consulship of Pompey and Crassus.⁶⁷

Yet the course of events in the year is desperately obscure, so meagre is the evidence. After restoring the tribunician power, the consuls quarrelled and were formally reconciled only much later in the year. Perhaps as a result they remained inactive. The reform of the courts, which Pompey had promised before taking office, was left to the praetor L. Aurelius Cotta to propose; since Plutarch (Pomp. 22, 3) says merely that Pompey looked on and permitted it (περιεῖδεν), it would seem that the account he followed did not assign to him any active role in promoting the measure.⁶⁸ Yet it was extremely unusual for a praetor to initiate major legislation if a consul were in Rome and willing to act.⁶⁹ One might indeed wonder why one of the tribunes did not use his revived right. Moreover, the Aurelian law was not proposed until the second half of the year. In early August, at the time of the first 'actio', nothing had been heard of it, though Cicero could envisage that if a defendant so flagrantly guilty as Verres were acquitted, the demand that jurisdiction should be totally transferred from the senators to another order would prove irresistible, but in late September at the date when the second 'actio' would have taken place, a bill had been published by a 'praetor of the highest nobility', who was urging in daily harangues that new *indices* of a different order were required.⁷⁰ Cicero's language naturally suggests that this bill proposed the complete replacement in the courts of senators by *equites*, whereas we know that the *lex Aurelia* actually left one third of the places to senators and gave two thirds to men who were in the broadest sense *equites*.⁷¹ However, there can be no doubt that Cotta must be the noble praetor to whom he alludes, and it may be remarked that the wretched epitomator of Livy (book 94) makes out that his law transferred the courts to the *equites*; though Livy cannot have given so inaccurate an account of its substance, he probably interpreted it as a measure that gave the *equites* control of the courts, on the basis that they were to constitute a two thirds majority of the

⁶⁷ What else survived of Sulla's political innovations but the *lex annalis* (which simply modified previous legislation), changes in the number of senators and magistrates, and the exclusion from office of the sons of the proscribed? No ancient writer suggests that there was any political significance in the remodelling of the criminal courts (apart from the qualifications of the *indices*). In my judgement most of the courts had existed before Sulla, and most of the Cornelian laws defining criminal offences followed traditional lines with minor amendments.

⁶⁸ Plut. Crass. 12; Pomp. 23; cf. Sall. hist. 4, 51.

⁶⁹ MOMMSEN, Röm. Staatsr. II³ 127.

⁷⁰ Verr. I 20; 49; II 2, 174; 3, 223; 5, 178.

⁷¹ Cic. Flacc. 4, seems to me to show that the *tribuni aerarii* must have had the equestrian census. I would suppose that they could be deprived of their sinecure posts by the censors and that like the members of the panel of *equites equo publico* they were thus subject to removal from the *album* for misconduct. GRUEN (op. cit. in. n. 64, p. 29) cites previous discussions and remains unnecessarily agnostic.

indices. Perhaps Cicero's rhetoric may be understood in the same sense. At any rate there is no record that Cotta later amended a proposal that had originally been more extreme.

In default of other evidence to explain the course of events in 70, modern historians have been tempted to extract too much from the *«Verrines»*. According to Cicero himself (n. 70) the promulgation of Cotta's bill was connected with the trial: it would never have occurred but that Verres had the audacity to appear at the second *«actio»*, still hoping for unjust acquittal; only then did men lose all remaining confidence in the integrity of senatorial courts. In actual truth Verres had abandoned his defence (n. 44). However, the procedure that Cicero had adopted in the first *«actio»* had denied him the opportunity to display all the colours of his rhetoric in denouncing Verres' iniquities; the publication of the speeches of the second *«actio»* would now show contemporaries what he could have done and would impress posterity with his eloquence. It was necessary for this purpose that he should provide a fictitious occasion and pretend that Verres was still holding his ground. I assume that we can accept the historicity of the various allusions he makes in these speeches to incidents subsequent to the first day of the trial except for every statement that is inconsistent with Verres' flight. But the claim that Cotta had brought forward his proposal because Verres could still evade condemnation is one of these statements. At most, if we take his description of Cotta's proposal literally, he might have been suggesting to his readers that but for his success in destroying Verres' chances of acquittal in the first *«actio»* Cotta's proposal would have been as extreme as his language makes it, and not as moderate as all his readers knew it to have been: the surmise is perhaps rather far-fetched.

What we cannot allow is CARCOPINO's theory (n. 36) that the publication of the *«Verrines»* was designed to discredit the senatorial courts and to mobilize public opinion in favour of Cotta's bill. It is indeed perfectly true that Cicero severely castigates the corruption of the senatorial courts in other cases of the past decade. However, if it was his objective to inflame opinion against them by publishing the speeches, it is odd, given that at the time of publication Verres had been already condemned, that he professes not only to be personally in favour of senatorial jurisdiction, provided that the senators prove themselves worthy of the responsibility, but also insists that Verres' judges had a last opportunity to redeem the reputation of their order;⁷² the course the trial had then taken had certainly not proved their failure to seize that opportunity. It is true that full knowledge of Verres' crimes might have confirmed men's conviction that a reform of the courts was

⁷² Div. 9; Verr. I 1 f.; 20; 47–50; II 1, 4–6; 20–23; 3, 224. At the same time Cicero seeks to keep on good terms with the *equites* by praise of the old equestrian courts, I 38 and 51. Note incidentally the pressure obnoxious to modern minds that Cicero tries to exercise on the court by threats, I 36, by appeals to common report, I 20 and 47 f., and to the acclamations of the large audience, I 54; II 1, 12; 4, 15.

necessary, on the basis that such enormities would never have been committed but for Verres' confidence that he could buy indulgence. But whether or not this was the effect on the minds of those who heard, or heard of, the evidence given in the first *actio*, the formal exposition of the crimes by Cicero in the fictitious speeches of the second *actio* cannot have influenced opinion in the year 70. They occupy 400 pages in the Oxford text; and however highly we rate Cicero's own energy and speed in composition, it is simply inconceivable that in the absence of a printing press enough copies had been disseminated and read before the end of the year, to affect votes in the assembly. Publication cannot have had any such practical purpose: it must have been designed solely to enhance Cicero's reputation as an orator.

Of course the *Verres* are of great value to us as a source of information on Roman provincial government, and for their incidental allusions to the political issues at stake in 70. They ought to leave us in no doubt that the supposed corruption of the senatorial courts was one of these issues and that it was the ostensible ground on which the *lex Aurelia* was passed (cf. n. 72). We cannot disbelieve the testimony of Cicero that Pompey had promised publicly in 71 to reform the courts and that his promise had been loudly applauded, or that the optimate leader Catulus had stated in the senate that it was the miscarriages of justice that had done most to generate the agitation for the revival of tribunician power; even though we may be sceptical whether Catulus and Cicero, who endorses his opinion, were right in so explaining that agitation.⁷³ Cicero could not have been mendacious about utterances to which there were so many other witnesses among his hearers or readers. The fact that venality was believed to be common among the senatorial jurors does not then rest simply on Cicero's own allegations in the prosecution of Verres or in his later defence of Cluentius; and indeed on the latter occasion, it would have suited his case to have denied altogether the corruption of the court that had condemned Oppianicus rather than to argue that it was not his own client who had corrupted it.⁷⁴ This is familiar and needs repeating only because GRUEN has recently discounted all this evidence.⁷⁵ Since GRUEN also rejects the view that the *lex Aurelia* was a victory of the *equites* over the senatorial order, he is left with no explanation of the measure except that it spread the burden of judicial business. That is not plausible. Cicero does indeed allow that there might be

⁷³ I 44 f., cf. div. 8 f.

⁷⁴ Cluent. 59–142. Although Cluentius was not, and could not legally be, charged with obtaining the capital condemnation of Oppianicus by bribes, Cicero's speech leaves no doubt that his chief danger was that the court would improperly take the occasion of a different charge to convict him on that account, and Cicero's boast *se tenebras offudisse indicibus* (Quint. inst. 2, 17, 21) almost certainly means that he had deceived them into thinking that Cluentius was not guilty of the crime for which he was not being formally prosecuted!

⁷⁵ Last Generation 29–35, cf. 524 ff., with full evidence.

senators trying Verres who regarded judicial duties as burdensome (II 1, 22), but the general tenor of his observations on the composition of the courts implies that it was the desire and interest of the senatorial order as a whole to retain control (n. 72). GRUEN bases his case on the argument that Cicero's list of allegations of bribery is «not shockingly long». He does not see the significance of the fact that we learn of one only from «a passing reference».⁷⁶ Of course our evidence for criminal trials in the 70s is very meagre, and would be still slighter but that Cicero's speech for Cluentius was preserved as a masterpiece of his eloquence. In general we hear only of senatorial defendants, including those against whom judicial corruption was alleged when they were on trial for other offences such as only senators could commit. Trials of non-senators are seldom reported in our sources; the trials of Oppianicus and Cluentius are exceptional. Yet nothing would have done more to incense men outside the senate against senatorial courts than the belief that the courts had shown themselves venal in many cases, naturally unknown to us, in which senators were not defendants or accusers. It is quite immaterial whether this belief was substantiated by many convictions for judicial bribery; indeed the more corrupt the courts, the less likely was it that an individual senator would be condemned for taking bribes. The censors of 70 removed 64 men from the senate for bad reputation. GRUEN says that «only two were expelled because of judicial corruption». The truth is that two (or three) were expelled on the ground that they had taken bribes to condemn Oppianicus; in most cases we do not know the grounds given.⁷⁷ GRUEN professes to know more than Pompey and Catulus knew, and makes false deductions from our ignorance.

Unimportant in politics, the trial of Verres was decisive for Cicero's own advancement. There is no sign that he undertook the case at the prompting of Pompey, and indeed no good reason to believe that he was at any time in the 60s a mere «henchman» of Pompey, or owed his successes at the polls to Pompey's backing. It is characteristic that in 70 he does no more than hint his approval of Pompey's restoration of tribunician power.⁷⁸ We must not, however, too readily

⁷⁶ The case (Cluent. 68; 99) was, as he says, probably civil, but he does not consider the possibility that as in later days the *album indicum* for such cases was the same as for criminal (cf. MOMMSEN, *Röm. Staatsr.* III² 527 ff.)

⁷⁷ Cluent. 127, but cf. also 131 f. It looks as if P. Lentulus, *cos.* 71, was expelled for judicial corruption; GRUEN oddly calls this «a minor case».

⁷⁸ II 5, 163. In advocating the Manilian law Cicero just jumped on the bandwagon, already occupied by four respected consulars; it is more significant that he had not supported Gabinius' proposal, which the senate in a body resisted (Plut. Pomp. 25, 8; Dio 36, 24). Att. 1, 1, 2 is jocular on Pompey's support for his consular candidature, but revealing on his connection with Pompey's enemy, C. Piso (see SHACKLETON-BAILEY's notes). Of course, as suggested in comm. pet. 5, 14 and 51, Cicero had done all he could to win Pompey's favour, but the same work shows how he had sought to obtain golden opinions everywhere. Politically he wished at this time to be as uncommitted as possible (Sulla 11). Fam. 5, 7 is not the letter of a man who had been a partisan of Pompey before 62. In 49 Cicero makes

credit his own claim, reiterated at the end of his life, that he was simply fulfilling a duty to his Sicilian clients. Probably his aim was rather that which he himself recognizes as legitimate for a young orator: to make his reputation by the successful prosecution of an evil man (offic. 49 f.). His energy and adroitness, no less than his eloquence, established him as leader of the bar, especially as Hortensius virtually retired for some time after attaining the consulship (Brutus 319 f.). Like Hortensius, Cicero too became a valuable ally by reason of the power of his oratory and the widespread connections he secured among those who needed or might need his services as advocate. Hence, in due course he was able to reach praetorship and consulship *suo anno*, and even the *triumvirs* found it expedient to woo or coerce him into neutrality or support. The *Verres* survive for the very reason that they were published, as choice specimens of the art by which Cicero became eminent. We are often too prone to adopt a preconception that such works, or the matters to which they relate, were more relevant to great political issues than they really were. Starved of good evidence, we greedily devour every morsel we can find in the vain hope of nutriment. Thus we make the same kind of mistake as Dionysius of Halicarnassus, when he supposed that Demosthenes' politically ineffective *Olynthiacs* each induced the Athenians to send an expedition to the relief of Olynthus.

out in intimate letters to Atticus (e.g. 8, 3, 2; 9, 5, 2; 9, 13, 3; 9, 19, 2) that he has a duty to take Pompey's side because of the *beneficia* he had received from Pompey, which Atticus thought that he had rated too high in public acknowledgements, but he does not look back beyond Pompey's part in effecting his return from exile.

