

TAMÁS NÓTÁRI*

On Quintus Tullius Cicero's *Commentariolum petitionis*

Abstract. The *Commentariolum petitionis* written in 64 B.C. is the oldest campaign strategy document that has been preserved for us. In this handbook Quintus Tullius Cicero, younger brother of the most excellent orator of the Antiquity, Marcus Tullius Cicero, gives advice to his elder brother on how Marcus can win consul's elections, that is, how he can rise to the highest position of the Roman Republic. In the present paper *Commentariolum* will be analysed in detail examining the following aspects: the Antique genre commentary (I.); the issue of authorship of *Commentariolum* (II.); the characterisation of the competitors, Antonius and Catilina, provided in *Commentariolum* (III.); the system of elections in Ancient Rome and the crime of election fraud/bribery, i.e. the *crimen ambitus* (IV.) and the role of associations and clients in Roman elections (V.).

Keywords: Elections in Ancient Rome, Cicero, *Commentariolum petitionis*

I. The Latin genre commentary (*commentarius*) comes from the Greek *hypomnema*. *Hypomnemata* were meant to support memory (*mimneskesthai*), either in form of lists and invoices on business transactions, or private notes not intended for publication.¹ Given a wide scope of meaning, the genre of *hypomnema* was suitable for being extended in several directions; so for denoting descriptions of noteworthy events as autobiographical notes or practical guidelines.² From the age of Hellenism, *hypomnema* served more and more to denote exegetic comments on literary texts; the locus quoted was followed by explanation and various interpretations. Later, especially in the last century of the Roman Republic, plain presentations confined to sheer description of facts were called *commentarius*, which could be elaborated into annals (*libri annales*) or historical works (*historia*) by historians. At the same time, the notion of *commentarius* used in the sense of notes meant for private use, or at least not for being made public in the given form, did not vanish completely.³

The question arises which literary genre *Commentariolum petitionis* is the closest to. The form with diminutive suffix in the title (*commentariolum*) gives the impression that the author intended to sum up his views on applying for office merely in minor notes rather than in an exhaustive writing. At the beginning of the work one can read the greetings addressed to Marcus Tullius Cicero,⁴ on the other hand, it implies that he wanted to send this writing as a letter.⁵ Both in the opening lines and in the last paragraph of the work Quintus Tullius Cicero speaks to his brother Marcus in a fairly direct, fraternal tone, and at

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¹ Laser, G.: *Quintus Tullius Cicero: Commentariolum petitionis*. Darmstadt 2001. 3; Rüpke, J.: *Commentarii*. In: *Der Neue Pauly III*. Stuttgart–Weimar 1997. 99 sqq.

² Gellius, *Noctes Atticae* 1, 12, 6; 20, 6, 3; Plutarchus, *Sulla* 5 sqq.

³ Laser: *Quintus Tullius Cicero. ... op. cit.* 3 sq.

⁴ *Commentariolum petitionis* 1.

⁵ Waibel, L.: *Das commentariolum petitionis – Untersuchungen zur Frage der Echtheit*. München 1969. 58 sqq.

the end of the letter he asks him to share his comments on, supplementing, correcting the writing with him so that it could be published as a genuine *commentarius*.⁶ By that the author made it clear that his writing in the form sent by him was not to be considered real commentary, but the improved text he wanted to publish as such. Furthermore, most of the manuscripts of *Commentariolum petitionis* bequeath this work as Quintus Tullius Cicero's work included in books 9–16 of Marcus Tullius Cicero's correspondence with his kin and friends (*ad familiares*). On the other hand, the text cannot be considered a letter in the strict sense for the structure, introduction and closure of the writing as well as its attention to detail imply that the author considered the work to be made public later completed in most of its parts. Except for its private aspects and greetings, the text, or a significant part thereof that can be published as *commentarius*, is fully presented to us.⁷

It is rather dubious if Quintus published—could have published—this work after it had been revised by Marcus, in which he outlines the organisation and management of the election campaign since he explored the details of the fight for votes with relentless honesty. Günter Laser sums up the core of Quintus's writing as follows: in order to obtain the *consul's* office the applicant should not shrink back from any tricks, false promises, lies, pretence and approaching/flattering any group that fits the purpose.⁸

Even more important than discrediting opponents is to win as many friends as possible.⁹ It is important to appear in the company of popular people, even if they do not support the candidate since those who can see them together will not necessarily know that.¹⁰ Quintus lists three kinds of ways of how to arouse sympathy: when one does good to somebody; when people hope that we will do good to them, or when people likes us.¹¹ One should send the message to the friends of our friends that one will not be ungrateful if they support us. One should promise them offices since the worst that could happen is that we might possibly not keep our promise once having won the *consul's* office.¹² The most important thing, however, is that when one appears in a village, everybody who counts must be called by their name.¹³ Quintus asserts that a candidate should keep the map of entire Italy in his mind so that there should be no village where he has no sufficient support.¹⁴ Each electoral district should be covered by a web of friendly relations.¹⁵ The most important thing, however, is that when one appears in a village, everybody who counts must be called by their name. However, so many names to keep in mind is an impossible task for anybody. To this end, *nomeclatores* (name reminders) were used, who whispered who was who into one's ears.¹⁶ In Quintus Cicero's view, to contact those who are hesitating between political

⁶ *Commentariolum petitionis* 1. 58.

⁷ Laser: *Quintus Tullius Cicero. ... op. cit.* 4 sq.

⁸ *Ibid.* 5; Németh Gy.–Nótári T: *Hogyan nyerjük meg a választásokat? Quintus Tullius Cicero: A hivatalra pályázók kézikönyve. (How to Win Elections? Quintus Tullius Cicero: Handbook for Applicants for Offices.)* Szeged 2006. 149 sqq.; Takács, A.: Election Campaign in the Antiquity. *Acta Juridica Hungarica* 50. 2009/1. 111 sqq.

⁹ *Commentariolum petitionis* 16 sqq.

¹⁰ *Ibid.* 24.

¹¹ *Ibid.* 21.

¹² *Ibid.* 20.

¹³ *Ibid.* 31.

¹⁴ *Ibid.* 30.

¹⁵ *Ibid.* 29.

¹⁶ *Ibid.* 31 sq.

sides three things are needed: generosity, attention and, occasionally, some pretension and flattery.¹⁷ One should let everybody to have access to him day and night; everybody should be helped; or at least one's help should be promised but all this in such manner that one does not hurt self-esteem of those whom one helps.¹⁸

II. The issue of authorship of the *Commentariolum petitionis* has many times divided researchers. At the turn of the 19th and 20th centuries, G. L. Henderson questioned the originality of *Commentariolum* but his assertion drew no significant responses, either for or against, in the literature;¹⁹ and in his entry on Quintus Cicero Fr. Münzer took the position that the work was original.²⁰ In the middle of the 20th century, W. S. Watt, the publisher of *Commentariolum* expressed his amazement that this work could have ever been considered by anybody Quintus Cicero's letter written to his brother, Marcus;²¹ and refusing the standpoint of hypercriticism. The recent publisher, G. Laser alleged the text was Q. Cicero's work.²² Against Quintus's authorship the following arguments have been put forward. They deem it exaggerated naivety that the younger brother, Quintus would have made notes for his elder brother, Marcus on what strategy he should follow while applying for the *consul's* office, and in these notes—as he himself confessed—he would not have made known anything to his brother that he had not already known, or could have known. Also, it might definitely give rise to suspicion that the arguments against the competitors, Antonius and Catilina put forth in the *Commentariolum* return almost word for word in Marcus's oration registered under the title *In toga candida* handed down to us by Asconius in fragments. On the grounds of the above, they qualify the *Commentariolum* forgery compiled from *In toga candida* and *Pro Murena* and Marcus's letter written on the public administration of the provinces addressed to Quintus.²³

These arguments have been denied by several experts, including R. Till, with the following reasons. The inherited manuscripts of Cicero's works can hardly give an answer to the question of originality. Quintus's four letters preserved for us, three of them addressed to Tiro and one to Marcus, cannot support any linguistic or stylistic conclusions drawn with regard to his author profile. On the other hand, it is highly improbable that his style would have been greatly different from the language of his brother's letters who was almost the same age as him and had the same education. The assumption claiming that *Commentariolum* can be dated as well to the late period of the Age of Augustus can be refused by putting the question whether who could have been the person in the last years of the reign of Augustus that deemed it was in his interest to give a detailed description on the election and campaign secrets of the year 64 B.C. And even if somebody had decided to do that why would he have chosen Quintus Cicero, a rather grey figure both in literary and political terms, as the authority of what he wanted to expound. What benefit could he have gained from using Quintus's name after Marcus's death for revealing his brother's policy of opportunism? Who could have been the author who had such exact knowledge of the

¹⁷ *Ibid.* 42.

¹⁸ *Ibid.* 44 sqq.

¹⁹ See Schanz, M.–Hosius, C.: *Geschichte der römischen Literatur I*. München 1927. 551.

²⁰ Münzer, F.: Q. Tullius Cicero. In: *Paulys Realencyclopädie der classischen Alterthums-wissenschaft VIIa*. Stuttgart–München 1943. 1288.

²¹ Watt, S. W.: *M. Tulli Ciceronis epistulae III*. Oxford 1958. 179.

²² Laser: *Quintus Tullius Cicero. ... op. cit.* 5 sqq.

²³ Cicero, *Epistulae ad Quintum fratrem* 1, 1.

conditions and events of the given year that no errors whatsoever were made in his writing? Why would he have chosen just the period as the subject of his description when Catilina had not been swept off the scene of public life? Finally, what forger would have been so modest to emphasise right at the beginning of his writing that the fictitious addressee could not learn anything new from his summary?²⁴

The author hardly wanted to win rhetor's laurel since his style is dry, his sentences have an unpleasant ring.²⁵ The *Commentariolum* provides formidable knowledge of the events of the years discussed in it, so its author must have by all means been a contemporary who experienced these events from quite close. References made to Marcus's situation and background²⁶ give account of such knowledge that it can be bravely assumed that from words let drop or sentences left unfinished the addressee exactly understood what the author meant. As a matter of fact, Marcus was not lacking knowledge of the process of applying for offices either, however, it can justify Quintus's effort to sum up relevant experience that he had also applied for minor offices (*magistratus minores*), and so he could add his personal observations to his brother's strategy.²⁷ The plural used in sentences with more personal tone²⁸ also indicates that the writer of the letter might have had a direct relation with the addressee. The fact that certain sentences from *Commentariolum* return almost word for word in *In toga candida* cannot be an argument against originality. Quintus sent his notes to his brother with a view to have them supplemented and corrected,²⁹ from which one can draw the conclusion that later on he wanted to make his writing public—at a later point of time, in May 59, he forwarded his work entitled *Annales* to Marcus also for correction with the intention to publish it.³⁰ As a matter of fact, the *Commentariolum* was not published by Marcus either in 64 or later since by doing that he would have allowed to have an insight into his own political intentions and opportunism, but the charges against Antonius and Catilina gathered in these notes he could use with clear conscience and comfortably in his later oration, *In toga candida*.³¹ The publication of the work later was just as against Marcus's purposes as the publication of several of his letters addressed to Atticus. Taking all the above into consideration, albeit for lack of direct evidence we are forced to dismiss the standpoint of hypercriticism and until the contrary is proved unambiguously we need to allege that Quintus Tullius Cicero is the author of *Commentariolum petitionis*.³²

Quite openly, Quintus explores his brother's far from favourable situation in applying for the *consul's* office. In the eye of the nobility he is considered 'a new man' (*homo novus*),³³ who is not backed either by a proper group of *clientes*, or sufficient financial support; while his competitors, Antonius and Catilina are abounding in all these.³⁴ Although the term *homo novus* was never defined exactly, it was used in a dual sense: as a narrower

²⁴ *Commentariolum petitionis* 1.

²⁵ Till, R.: Ciceros Bewerbung ums Konsulat. (Ein Beitrag zum *commentariolum petitionis*.) *Historia* 11. 1962. 316.

²⁶ Cf. *Commentariolum petitionis* 29.

²⁷ Laser: *Quintus Tullius Cicero. ... op. cit.* 7.

²⁸ Cf. *Commentariolum petitionis* 56.

²⁹ *Ibid.* 58.

³⁰ Cicero, *Epistulae ad Atticum* 2, 16, 4; *Epistulae ad Quintum fratrem* 2, 12, 4.

³¹ Till: *op. cit.* 317.

³² Laser: *Quintus Tullius Cicero. ... op. cit.* 7.

³³ *Commentariolum petitionis* 2. 13.

³⁴ *Ibid.* 55.

denotation it meant all of those who did not have any *consul* among their ancestors; in a wider sense it denoted those whose forefathers, even if not having obtained the highest rank, did obtain some office or were allowed to be the members of the *senatus*. The *optimates* used this term properly since for them it meant only the parvenu; however, Cicero declared about himself quite proudly that he had obtained all possible offices at the youngest age permitted by law (*in suo anno*), although he did not come from the aristocracy of the *senatus*. A similar thought can be read in *Pro Murena* too.³⁵

For Marcus his own character and view of life must have meant a disadvantage too since being a Platonist it was alien to him to apply pretence (*simulatio*) indispensably necessary for application³⁶ and the ability to make friends with people in order to adjust to voters.³⁷ His key weapon was his oratory skills that helped him to make himself popular among the people (*popularis*).³⁸ On the other hand, he had to beware of appearing a populist politician since it was not the urban masses (*urbana multitudo*) that would decide the outcome of the election.³⁹ Interestingly, Quintus did not attribute any special significance to the help Marcus had recently given to populists (C. Fundanius, Q. Gallus, C. Cornelius and C. Orchivius), regarding the election he considered it simply a useful step to win the relevant associations (*sodalitates*).⁴⁰ From first to last, Marcus attempted to avoid appearing a populist but in his efforts he got several times in unpleasant situations; so, for example, when he undertook C. Manilius's case.⁴¹ What happened was that the urban masses forced Marcus to live up his word to undertake the defense of C. Manilius;⁴² the proceedings were not held in early 65 due to the political situation, and so Cicero escaped from being forced to make an unambiguously clear political statement in public.⁴³ Although Quintus does not consider the aforesaid statements of defense a standpoint of especially great weight, he deems the action taken for the benefit of Pompeius in 67 even after such a long time an act that could cast shadow on his brother's career.⁴⁴ The reason for that can be most probably looked for in the fact that while statements of defense made in court of justice were considered events soon forgotten in the turmoil of everyday life, Marcus himself protested against being confronted with his standpoints formulated in statements of defense later on as his own opinion.⁴⁵ This oration made in the popular assembly for the first time as *praetor* entering office represented an unambiguous confrontation with the *senatus* since it was the popular assembly and not the *senatus* that was competent to decide the superior commander's authority (*imperium*) to be granted to Pompeius. To promote his popularity, Cicero gave free rein to diminishing the authority of the *senatus*, and subsequently many were very much offended by his act—so he had to manoeuvre quite skilfully during the process of application

³⁵ Cicero, *Pro Murena* 17.

³⁶ *Commentariolum petitionis* 1. 45.

³⁷ *Ibid.* 42. 45. 54.

³⁸ *Ibid.* 2. 55.

³⁹ *Ibid.* 52.

⁴⁰ *Ibid.* 19. 50.

⁴¹ *Ibid.* 51.

⁴² Cicero, *De imperio Cnaei Pompei* 69. 71.

⁴³ Till: *op. cit.* 318.

⁴⁴ *Commentariolum petitionis* 5.

⁴⁵ Cicero, *Pro Cluentio* 130.

not to alienate Pompeius and his adherents, on the one hand, and not to worsen his chances in the circles of *senatores* by asserting his commitment to Pompeius, on the other.⁴⁶

How does Quintus in early 64 evaluate his brother's chances in the election, and what opinions does he formulate on the competitors? He considers it a fortunate circumstance that his brother does not have any respectful competitors who come from the nobility (*nobilitas*), and he points out that C. Coelius Caldus, the *consul* of the year 94—the last *homo novus* who fulfilled the *consul*'s office before Cicero—must have had quite a difficult job since he had to overcome outstanding figures of the nobility.⁴⁷ The nobility of the age considered the *consulatus* their own monopoly;⁴⁸ they believed that electing Cicero *consul* would defile and desecrate this office.⁴⁹ After that, Quintus enumerates the four possible opponents, of whom Galba and Cassius albeit coming from high-born families had no chances because they do not have enough persistence and drive.⁵⁰ The criminal procedure against Catilina turned out favourably in spite of anticipations,⁵¹ although somewhat earlier, in July 65 Marcus did not think it was possible, and was pondering over possibly undertaking Catilina's defense as by that he wanted to win Crassus and Caesar standing behind Catilina for his later election campaign.⁵² Eventually, Marcus did not undertake to defend Catilina, and after the verdict of acquittal Catilina entered into an election alliance with Antonius, which was approved by the aforesaid influential political factors too. All this unambiguously shows that political alliances of the period were formed accidentally based on current interests, and that in order to increase his chances Cicero would have been willing to enter into alliance even with Catilina, and after their election most probably he would have applied the same tactic against him as against Antonius—these assumptions, however, are on the verge of unhistorical speculations.⁵³

III. The characterisation of the competitors, Antonius and Catilina⁵⁴ is perhaps the most remarkable part of the *Commentariolum* both in terms of language and the palpable description. Quintus considers both persons unpleasant for his brother; at the same time, he is compelled to see them as factors that must be reckoned with—regarding both of them he states that their past is obscure and sinful, both of them live to fulfil his desires, and none of them has the necessary financial means to be able to conduct the election campaign successfully⁵⁵ (with this last remark he opposes them to the wealthy upper and middle classes who want to protect their wealth).⁵⁶ At the end of the presentation he underlines as their common feature that it is not so much their origin from high-born families but their sins that make them well-known, and those casting their votes on them would stab two daggers at the same time into the state.⁵⁷ The use of the term dagger (*sica*) is not by chance,

⁴⁶ Till: *op. cit.* 319.

⁴⁷ *Commentariolum petitionis* 7.

⁴⁸ Sallustius, *De bello Jugurtino* 63, 3.

⁴⁹ Sallustius, *De coniuratione Catilinae* 23, 6.

⁵⁰ *Commentariolum petitionis* 7.

⁵¹ *Ibid.* 10.

⁵² Cicero, *Epistulae ad Atticum* 1, 2, 1.

⁵³ Till: *op. cit.* 322.

⁵⁴ *Commentariolum petitionis* 8–12.

⁵⁵ *Ibid.* 8.

⁵⁶ Till: *op. cit.* 322.

⁵⁷ *Commentariolum petitionis* 12.

by that Quintus lets Marcus associate it with Antonius's and Catilina's aforesaid characterisation, in particular, that both of them are assassins (*sicarii*).

C. Antonius, son of M. Antonius, the orator, who taught Cicero too,⁵⁸ bore the sobriquet *Hybrida* (bastard), and is kept in evidence among others as the uncle and father-in-law of the later triumvir M. Antonius. Quintus adduced against him that in 70 the *censores* excluded him from the *senatus*⁵⁹ because he sold his plots and property in auction due to his debts.⁶⁰ As the next charge he mentions the lawsuit successfully brought against him by the inhabitants of Achaia in 76 before M. Licinius Lucullus *praetor peregrinus* as a competent forum having jurisdiction in the disputes of Roman citizens and aliens:⁶¹ they charged him with looting them as the commander of the cavalry during Sulla's rule of terror.⁶² The counsel for the prosecution was the then twenty-four year old Caesar,⁶³ and although Antonius withdrew himself from the *praetor*'s jurisdiction, six years later it was this act due to which the *censores* excluded him from the *senatus*. Nevertheless, he was admitted to the *senatus* again in 66 as *praetor*, and later in 42 he fulfilled the *ensor*'s office too.⁶⁴ When elected *praetor* he was not able to name friends in sufficient rank for counting and checking the ballots, only the ill-famed Sabidius and Panthera.⁶⁵ His father's name was probably of great help to him in successfully applying both for the *praetor*'s and later the *consul*'s office; however, Quintus does not mention that in his election to be *praetor* Antonius got from the third place to the first with Cicero's help⁶⁶—this fact also shows that election alliances were short-term partnerships based on interests of the moment.⁶⁷ Concubinage with a slave woman (*concubinatus*) itself was not considered a rare thing or an exceptionally scandalous act.⁶⁸ What caused dissatisfaction in the case of Antonius was that he bought the slave girl whom he kept beside him in an open auction (*de machinis*) as a *praetor* in office, and by doing so he injured the dignity of the office he fulfilled.⁶⁹

When the application procedure commenced Antonius did not stay in Rome but we do not know where his journey took him.⁷⁰ On official missions (*legatio libera*) the traveller was entitled to reimbursement of travel expenses and accommodation and board; also he had the opportunity, in addition to compulsory benefits, to make the innkeepers hosting him pay tributes—the fleeced innkeeper (*copo compilatus*) as a proverbial phrase was used by Petronius too.⁷¹ On official missions one could get enormously rich as it is proved by a locus from one of Cato maior's orations on his own costs and expenses (*De sumptu suo*).⁷² In 59 Caesar made an attempt to eliminate the abuse of public funds by statutory instrument

⁵⁸ Cicero, *Tusculanae disputationes* 5, 55.

⁵⁹ *Commentariolum petitionis* 8.

⁶⁰ Cf. Asconius, *Commentarius* 84, 23 sqq.

⁶¹ *Commentariolum petitionis* 8.

⁶² Cf. Asconius, *Commenarius* 83, 26; 84, 18.

⁶³ Plutarchus, *Caesar* 4, 2 sqq.

⁶⁴ Till: *op. cit.* 323 sqq.

⁶⁵ *Commentariolum petitionis* 8.

⁶⁶ Asconius, *Commentarius* 85, 21 sqq.

⁶⁷ Till: *op. cit.* 324.

⁶⁸ Plutarchus, *Cato maior* 24, 1; *Crassus* 5, 2; Mommsen, Th.: *Römisches Strafrecht*. Leipzig 1899. 693.

⁶⁹ *Commentariolum petitionis* 8.

⁷⁰ *Ibid.* 8.

⁷¹ Petronius, *Satyricon* 62, 12.

⁷² *Oratorum Romanorum Fragmenta*, Frgm. 173.

(*lex Iulia de repetundis*); and in Cilicia Cicero waived even the reimbursement of expenses he was entitled to.⁷³ On his official journey mentioned by Quintus, Antonius substantially replenished his financial resources to accumulate proper funds for generous distribution of gifts during the election campaign (*largitio*); on the other hand, he injured the people of Rome too—points out the author—since he failed to fulfil his obligation to ask for the support of the people of Rome personally during the process of application (*populo Romano supplicare*).⁷⁴ Later, Cicero was yet compelled to exercise his *consul's* office in concordance with (*concordia*) him⁷⁵ since the popular assembly (*comitia centuriata*) elected Antonius *consul* on the second place after Cicero—it praises Marcus's sense of tactic that by doing favours to him he was able to make the competitor attacked earlier stand by him as an associate in the office during the times when he had to cope with the dangers of the Catilina plot.⁷⁶

Expressing his indignation over Catilina's past and way of life Quintus took to more powerful means as in the characterisation of Antonius, which can be clearly identified in the series of pathetic poetic questions.⁷⁷ At the same time, these questions and exclamations do not lack irony as he sharply questions the nobleness of Catilina's origin, on the one hand—although in theory Catilina was more high-born than Antonius, his ancestors obtained only the *praetor's* office while Antonius's father was one of the leading personalities of the State—and the lack of nobleness of his character, on the other.⁷⁸ Contrary to Antonius who was frightened even by his own shadow, Quintus characterises Catilina in general as an uninhibited scoundrel who despises and defames the law;⁷⁹ then, he turns to the list of his outrageous deeds.⁸⁰ He underlines his poor family conditions, also referred to by Sallustius,⁸¹ as it was only through Sulla's proscriptions that Catilina took possession of considerable wealth,⁸² and the fact that his rakish and violent sexual nature was reinforced by what he experienced at home, seeing his elder sister's conduct.⁸³ The greatest part of the crimes in the presentation comprises the murders committed during Sulla's rule of terror against Roman citizens.⁸⁴ Quintus enumerates the names of the murdered Roman knights, who supported Cinna and by doing so evoked Sulla's revenge, in a generalising plural even if Catilina's bloodlust demanded only one victim from the given clan.⁸⁵ As one of the most outrageous examples of these murders he recalls the murder of Q. Caecilius, Catilina's own brother-in-law, who played no political role at all, and considering his age the only thing he wanted was quiet old age;⁸⁶ it is highly weird that to the best of our knowledge Marcus never mentions the murder of relatives committed by Catilina.⁸⁷

⁷³ Cicero, *Epistulae ad Atticum* 5, 16, 3.

⁷⁴ *Commentariolum petitionis* 8.

⁷⁵ Cicero, *De lege agraria* 2, 103.

⁷⁶ Till: *op. cit.* 326.

⁷⁷ *Commentariolum petitionis* 9.

⁷⁸ *Ibid.* 9.

⁷⁹ Cf. Asconius, *Commentarius* 86, 24 sqq.; Cicero, *In Catilinam* 1, 18.

⁸⁰ *Commentariolum petitionis* 9.

⁸¹ Sallustius, *De coniuratione Catilinae* 5, 7.

⁸² Till: *op. cit.* 328.

⁸³ Cf. Sallustius, *De coniuratione Catilinae* 15, 1.

⁸⁴ *Commentariolum petitionis* 9.

⁸⁵ Cf. Asconius, *Commentarius* 84, 5 sqq.

⁸⁶ *Commentariolum petitionis* 9.

⁸⁷ Till: *op. cit.* 329.

Quintus gives a longer pathetic description not shrinking back from depicting naturalistic details of the brutal murder of Catilina's wife, Gratidia's sister, by M. Marius Gratidianus Catilina.⁸⁸ This murder must have affected the brothers closely since through their grandmother they were relatives of Gratidianus.⁸⁹ This man highly dear to the people of Rome (*homo carissimus populo Romano*) was very popular among others because during the two consecutive years, in 85 and 84 when he fulfilled the *praetor*'s office he took several measures to prevent the people from being injured; so at several points of the city they erected statues of him, which were respected with cultic ceremonies.⁹⁰ On the other hand, both Quintus and Marcus conceals that in 87 Gratidianus as a popular tribune and as Cinna's adherent threatened Q. Lutatius Catulus with crucifixion, who escaped into suicide—the *Commentariolum* renders the merciless revenge of Catulus's son and especially Catilina perceptible.⁹¹ Quintus demonstrates Catilina's corruptness and dangerous nature when he does not fail to mention that Catilina lived together with actors and gladiators—both occupations were inflicted by loss of honour (*infamia*) in Roman law⁹²—and while actors satisfied only his lust, gladiators meant grave threat to all the citizens.⁹³ Since the Spartacus uprising, contacts with gladiators represented threat to the peace of the State—Catilina obtained a troop of gladiators from Q. Gallus.⁹⁴ The danger implied by it is indicated also by the resolution of the *senatus (senatus consultum)* dated 12 October 63, twelve days before Cicero's first oration against Catilina, claiming that Catilina's gladiators must be dispersed to Capua and other provincial towns.⁹⁵

Catilina committed sacrilege (*sacrilegium*) both when he washed his hands besmeared with blood in the holy water basin of the Apollo temple after murdering Gratidianus,⁹⁶ and later by other acts. However, Quintus puts it quite obliquely and speaks about defiling only one sacred place and some other persons who became the innocent victims of Catilina's crime.⁹⁷ Quintus's vague description is understandable since the case is from 73 when Clodius charged Catilina with incest, *incestum*, committed with Fabia (Fabia was a Vesta priestess and half-sister of Cicero's wife, Terentia). Owing to Catulus's help, Catilina was acquitted but the case left the reputation of Fabia, and by that of Terentia's and Cicero's family in tatters. There are a few loci available on the case; e.g., Sallustius⁹⁸ and Plutarch⁹⁹ asserts Catilina's outrageous deed as a fact, but Cicero, should he refer to the fact, never associated his sister-in-law's name with him. After that Quintus enumerates some persons by name who belonged to the circle of Catilina's close friends (*amicissimi*);¹⁰⁰ this, however, cannot be interpreted to imply that Marcus or Quintus suspected as early as that

⁸⁸ *Commentariolum petitionis* 10.

⁸⁹ Cicero, *De officiis* 3, 67.

⁹⁰ *Ibid.* 3, 80.

⁹¹ Cf. Asconius, *Commentarius* 84, 9 sqq.; Till: *op. cit.* 1962. 330.

⁹² Cf. Földi A.–Hamza G.: *A római jog története és intézményei. (History and Institutions of Roman Law.)* Budapest 2009¹⁴. 223 sq.

⁹³ *Commentariolum petitionis* 10.

⁹⁴ Asconius, *Commentarius* 88, 2 sqq.

⁹⁵ Sallustius, *De coniuratione Catilinae* 30, 7.

⁹⁶ Plutarchus, *Sulla* 32.

⁹⁷ *Commentariolum petitionis* 10; Asconius, *Commentarius* 91, 16 sqq.

⁹⁸ Sallustius, *De coniuratione Catilinae* 15, 1.

⁹⁹ Plutarchus, *Cato minor* 19, 3.

¹⁰⁰ *Commentariolum petitionis* 10.

anything about the plot prepared by Catilina¹⁰¹—nevertheless, certain names (Q. Curius, L. Vettius) related later to the plot already appeared here.¹⁰²

To make the list of crimes complete, Quintus points out that Catilina seduced free-born boys almost in their parents' lap—Sulla's legislation and the *lex Sca(n)tinia* imposed a fine of ten thousand *sestertius* on this state of facts¹⁰³—which was public knowledge all over the city,¹⁰⁴ and was absolutely contrary to Cicero's relation to youth several times underlined by Quintus too.¹⁰⁵ To cover Catilina's recent scandal, Quintus adduces to the case well-known to his brother: the acquittal from the charge brought against him for robbing goods from the province Africa (*crimen repetundarum*).¹⁰⁶ This lawsuit could have prevented Catilina from applying for the *consul's* office¹⁰⁷ but in late 65 at Catilina's demand the purportedly biased jurors were recalled with the prosecutor's, P. Clodius Pulcher's consent, and the newly set up jury acquitted Catilina.¹⁰⁸ Quintus, and later Marcus spoke about the corrupt jurors with contempt.¹⁰⁹ On the other hand, Quintus does not talk about Crassus and Caesar who supported Catilina from the background.¹¹⁰

Most probably Quintus summed up the negative features of the two competitors well-known to his brother to help Marcus to make the citizens aware of them in a concise form,¹¹¹ or to make him able to properly threaten Catilina and Antonius with charging them with their outrageous deeds.¹¹² Against Antonius he enumerates the following acts, in brief summary: his debts; selling his estates; his contempt of the court; his exclusion from the *senatus*; his suspicious acquaintance with Sabidius and Panthera; defiling the dignity of the office by buying the girl friend on the slave market; and, from the recent period, looting the innkeepers; and despising the people of Rome by not attending the application in person. Legally, it was only the abuse of the rights of official mission—or his participation in Sulla's proscriptions—that could give proper grounds for calling him to account for his deeds.¹¹³

In the description of Catilina's past, when Quintus enumerated the names of the knights killed by him, and pathetically described the murder of Gratidianus, he must have had kept current political issues in view and not just the requirements of historical authenticity as that was the time when those who committed murders during Sulla's reign of terror were called to account for their deeds¹¹⁴—in spite of the fact that pursuant to the *dictator's* regulations the killers of proscribed persons should have enjoyed impunity.¹¹⁵ As part of this process, a short time before the election of the *consules*, L. Liscius, Sulla's well-known

¹⁰¹ Cf. Cicero, *Pro Caelio* 14.

¹⁰² Till: *op. cit.* 333.

¹⁰³ *Commentariolum petitionis* 10; Asconius, *Commentarius* 86, 23.

¹⁰⁴ Cicero, *In Catilinam* 1, 13; *Pro Caelio* 12 sq.; Sallustius, *De coniuratione Catilinae* 14, 5 sq.

¹⁰⁵ *Commentariolum petitionis* 3. 33.

¹⁰⁶ *Ibid.* 10.

¹⁰⁷ Sallustius, *De coniuratione Catilinae* 18, 3.

¹⁰⁸ Asconius, *Commentarius* 87, 13 sqq.

¹⁰⁹ Cicero, *De haruspicum responso* 42; *In Pisonem* 23; *Epistulae ad Atticum* 2, 1, 8; Asconius, *Commentarius* 85, 8 sqq.; 87, 5 sqq.; 89, 17, 92, 4 sqq.

¹¹⁰ Till: *op. cit.* 335.

¹¹¹ *Commentariolum petitionis* 27.

¹¹² *Ibid.* 55.

¹¹³ Asconius, *Commentarius* 88, 26.

¹¹⁴ *Ibid.* 26 sqq.; Dio Cassius 37, 10, 2.

¹¹⁵ Suetonius, *Divus Iulius* 11.

captain and Bellienus, Catilina's uncle were sentenced due to murdering proscribed persons during Sulla's rule, although both of them were quite ignorant persons and they could have said that they had committed all that on the orders of Sulla.¹¹⁶ At the end of 64, Catilina was also brought to the court of justice competent to pass judgment on homicide (*quaestio inter sicarios*), the investigator's office (*quaesitor*) was fulfilled by Caesar, the chairman's office by L. Luceius, known as a historian, who was good friends with Cicero.¹¹⁷ In spite of the fact that Catilina could not give an excuse for his deeds by saying that he acted on the orders of the *dictator*, he was acquitted because Caesar and Cassius backed him.¹¹⁸ Furthermore, he could have been charged with seducing boys and unlawfully keeping gladiators; and many people demanded retrial of the case of looting the province. Although the first lawsuit ended with acquittal, the public opinion of the period evaluated it as a scandalous outcome. So owing to Quintus's instructions, Marcus had sufficient material for being able to threaten both of his competitors, primarily Catilina with possibly charging them.¹¹⁹

Marcus amply used the material compiled by his brother in his oration entitled *In toga candida* handed down to us by Asconius in fragments: what happened was he claimed to make the law motioned by C. Calpurnius Piso to sanction election fraud in 67 (*lex Calpurnia de ambitu*) stricter when the amount of the bribery monies distributed by Antonius and Catilina went far beyond any usual extent.¹²⁰ Q. Maucius Orestinus exercised his right of veto (*intercessio*), and Marcus heavily attacked his competitors before the *senatus* enumerating the following deeds. Regarding Antonius: looting Achaia and despising the court; his own favour he did to Antonius in the election of the *praetor*; assigning his goods; and holding back the shepherds who worked on his estate in order to organise an army from them; Antonius's participation in Sulla's proscriptions and the role taken by him when driving a cart (*quadrigarius*) in Sulla's triumphal procession.

In the rest of the speech, he attacked Catilina: he charged him with murdering Roman citizens; financial abuses and crimes; immorality and debauchery; despising the law; killing Marius Gratidianus; gathering gladiators and seducing the Vesta priestess—and called both of them a dagger pointed against the State.¹²¹ The two competitors made efforts to defend themselves; however, not being able to come up with anything against Cicero's personality and conduct of life, the only thing they cast on his eyes was that he was 'a new man' (*homo novus*).¹²² The oration produced its impact: it seemed more prudent to elect an applicant who did not have noble descent from the old times but was eligible for each layer of society and the masses than Catilina.¹²³ Antonius achieved the second place after Cicero, and his father's former authority was of great help to him.¹²⁴

¹¹⁶ Asconius, *Commentarius* 91, 6 sqq.

¹¹⁷ Suetonius, *Divus Iulius* 11.

¹¹⁸ Till: *op. cit.* 336.

¹¹⁹ *Commentariolum petitionis* 56.

¹²⁰ Asconius, *Commentarius* 83, 5 sqq.

¹²¹ Till: *op. cit.* 337.

¹²² Asconius, *Commentarius* 93, 24 sqq.

¹²³ Cf. *Commentariolum petitionis* 53.

¹²⁴ Asconius, *Commentarius* 94, 3 sqq.; Cicero, *De officiis* 2, 59.

IV. The Republic of Rome recognised four kinds of popular assemblies; three of them played a part in the elections. The *comitia centuriata* based on property *census* elected the prime leaders of the Empire, the *consules* and the *praetores* who carried out administration of justice as well as the *censores* who implemented property estimation. The point of the system was that based on their property status, income the population was ranked among military/political *centuriae*. The *centuriae* of the wealthier as a matter of fact did not amount to one hundred persons while the number of persons in a single *centuria* of the pauper was at least as large as the whole first class; that is, the total of the eighty *centuriae* of the aristocracy. *Equites* constituted eighteen *centuriae*. The wealthier the people recruited were, the higher the number of *centuriae* was; i.e., the number of citizens classified in each *centuria* was steadily increasing when the given *centuria* consisted of less and less wealthy people. Through that it was possible to attain that people without any property were represented only by five *centuriae*. Elections were held in a process per *centuriae*—and ”from up to down”. This means that first wealthier people cast their vote and after that the poorer, finally the pauper, who constituted the major part of the population. Although the ballots cast by each citizen were equal but their ballots were aggregated per *centuria* and their *centuria* eventually represented only a single ‘yes’ or ‘no’ vote, depending on which response the majority of the ballots was cast in the *centuria*. If a case had to be decided or an official had to be voted for, voting was carried out only up to the stage where the *centuriae* that had already cast their vote had reached fifty percent plus one ballot. As the eighty votes of the eighteen votes of the *equites* and the eighty votes of the first class of the patricians/the aristocracy themselves were more than half of the one hundred and ninety-three *centuriae* in total, it can be clearly realised that even the twenty *centuriae* of the second property class had to cast their ballots only in the very rare case that the *centuriae* of the knights and the first class had not reached accord for some reason. As, however, the first ninety-eight *centuriae* actually represented merely a fraction of the whole of the citizens, the election was far from reflecting the will of the majority of the citizens.¹²⁵

The day of the election of the consuls always fell on the second half of July. The electors went out to the Mars field early morning and gathered by *centuriae*. The persons controlling the elections announced the names of the candidates; and, after that voting began. The identity of the voters appearing per *centuriae* was verified by the guards at the gateway to the voting bridge. Voters wrote the initials of the name of the candidate they supported on a wax covered piece of wooden board. At the other end of the voting bridge a ballot-box was set up where they cast their boards. Once one *centuria* has cast their votes, ballots were aggregated in the ballot counting chamber, and the names of the candidates were written in a predetermined order, with the decisions of the *centuriae* added beside the names. When a candidate had reached fifty percent plus one vote of the ballots of the *centuriae*, voting was discontinued, and the result was proclaimed. The institution of campaign silence was unknown to the Romans since agents tried to convince voters to vote for specific candidates even at the gate of the bridge. If it was foreseen that the result would be unfavourable for patricians, then the voting bridge collapsed “accidentally”, and the voting had to be interrupted—and be postponed for several days. Then, in some cases, *augures* showed up, who stated that they were seeing ill *omina*, and this allowed declaring the whole procedure null and void.¹²⁶

¹²⁵ Németh–Nótári: *op. cit.* 136 sqq.

¹²⁶ *Ibid.* 144 sq.; Takács: *op. cit.* 111 sqq.

Just as the election of magistrates was a necessary part of the order of the state of the Republic of Rome, in these elections election fraud/bribery (*ambitus*) played a part too. Very soon after the making of the Twelve Table Law, in 432, the first statutory provision was published, which prohibited for applicants to call their fellow citizens' attention to themselves with specially whitened clothes made shining.¹²⁷ Initially, *ambitus* (walking around) indicated not more than the activity when the applicant for the office walked around among electors to secure their votes for him.¹²⁸ It is linked with the name of C. Poetelius *tribunus plebis* that in 358 a *plebiscitum* prohibited for the applicants to walk around on markets and in villages among electors,¹²⁹ which provision was obviously intended to prevent unethical practices to obtain votes outside Rome. In accordance with Roman terminology, it was always only *ambitus* that violated legal order, *ambitio* did not;¹³⁰ the latter was often used in the sense of *petitio*, its meaning was sometimes undoubtedly pejorative but it never became a legal term.¹³¹ It should be noted, however, that the aforesaid two *plebiscita* cannot be considered punitive statutes.¹³²

From the second half of the second century we know of the existence of two acts that sanctioned *ambitus*—they are *lex Cornelia Baebia* from 181¹³³ and an act from 159,¹³⁴ but their content is not known. In the age between C. Gracchus and Sulla, the system of *quaestiones perpetuae* was already quite extended. The first news provided on a lawsuit specifically on the charge of *ambitus* is dated to this period: in 116 one of the *consul's* offices for the year of 115 was won by a *homo novus* Marcus Aemilius Scaurus, who was charged by his rival having lost the election, P. Rutilius Rufus with *ambitus*. In turn Scaurus did the same against Rufus; otherwise both of the accused—who were prosecutors at the same time—were acquitted.¹³⁵ The existence of *lex Cornelia de ambitu* made by Sulla is somewhat disputed,¹³⁶ our understanding of *leges Corneliae* is not complete since there are two sources on these acts available. First, Cicero's speeches; secondly, the writings of the lawyers of late principate, which are known only in the form bequeathed in the *Digest*. Cicero refers to these acts only to the extent his interests manifested in the given speech, that is, the rhetoric situation makes it necessary; so in no way does he make an effort to be exhaustive as it is not his duty. The lawyers of the principatus dealt with only those acts of Sulla that remained in force after Augustus's reforms. The following reference, however, gives ground for considering the existence of *lex Cornelia de ambitu* possible. It asserts that in earlier ages the convicted were condemned to refrain from applying for magistrates for ten years. The aforesaid *lex Cornelia* can be hardly the *lex Cornelia Baebia* from 181 since between his

¹²⁷ Livius, *Ab urbe condita* 4, 25.

¹²⁸ Varro, *De lingua Latina* 5, 28; Festus 16.

¹²⁹ Livius, *Ab urbe condita* 17, 25, 13.

¹³⁰ Plautus, *Trinummus* 1033.

¹³¹ Mommsen: *op. cit.* 866; Jehne, M.: Die Beeinflussung von Entscheidungen durch „Bestechung“: Zur Funktion des *ambitus* in der römischen Republik. In: *Demokratie in Rom? Die Rolle des Volkes in der Politik der römischen Republik*. Hrsg. von M. Jehne. Historia Einzelschriften 96. Stuttgart 1995. 51 sqq.

¹³² Mommsen: *op. cit.* 866; Adamietz, J.: *Marcus Tullius Cicero: Pro Murena*. Darmstadt 1989. 24.

¹³³ Livius, *Ab urbe condita* 40, 19, 11.

¹³⁴ Livius, *Epitoma* 47.

¹³⁵ Gruen, E. S.: *Roman Politics and the Criminal Courts 149-78 B.C.* Cambridge 1968. 120. sqq.

¹³⁶ Kunkel, W.: *Quaestio*. In: *Kleine Schriften*. Weimar 1974. 61.

speech delivered in defense of Publius Cornelius Sulla and *lex Cornelia* more than ten years had passed, and as in this period other laws sanctioning *ambitus* were also made, it cannot be supposed that the extent of punishment would have remained the same.¹³⁷

In the periods after Sulla, *quaestio de ambitu* was usually headed by a *praetor*, so for example in 66 C. Aquilius Gallus fulfilled the office of *praetor ambitus*.¹³⁸ On the laws following this stage, information is supplied by Cicero in *Pro Murena*. At the request of C. Cornelius *tribunus plebis*, in 67, *lex Calpurnia* was born,¹³⁹ what can be known about its sanctions is as follows. It contained expulsion from the *senatus*, banning from applying for offices for life (contrary to the ten years' term defined under *lex Cornelia*) and certain pecuniary punishments.¹⁴⁰ A *senatus consultum* from 63 emphatically sanctioned a part of the acts regulated under *lex Calpurnia*; so for example, the act of recruiting party adherents for money upon the reception of the applicant in Rome; the act of distributing a great number of free tickets and seats for gladiators' games; and the act of hospitality to an excessive extent;¹⁴¹ this *senatus consultum* probably interpreted and specified the aforesaid law.¹⁴² The events of the year 64, however—primarily the increasing losses of Antonius and Catilina—made it necessary to make a new law. This law became *lex Tullia* enacted in 63, supported by all the candidates applying for the *consulatus* of the year 62,¹⁴³ which threatened with ten years' exile as a new punishment, and took firmer action against distributing money, and punished absence from legislation due to alleged illness. Furthermore, it banned the arrangement of gladiators' games during two years before applying, with the only exemption from such ban being an obligation to do so as set forth in a last will and testament. That is how the law wanted to prevent paying money directly to voters, and intended to limit the number of the entourage of the applicants (as an increasingly great entourage almost appearing to be a triumphal procession might have suggested sure victory to voters). It is a fact however—as Joachim Adamietz's witty and quite to the point remark reveals—that the actual limits of *ambitus* were determined by nothing else than the confines of the financial possibilities of the candidates.¹⁴⁴

V. The associations founded by private persons, usually called *collegium*, held together the communities providing protection and assistance for persons living at the same settlement and belonging to the same religious cult but were primarily not meant to serve everyday political fights.¹⁴⁵ To cover their expenses certain associations claimed admission fees (*capitulare*) or regular monthly membership fees (*stips menstrua*),¹⁴⁶ which of course limited the number of members; that is, most often the members of the *collegia* were from the wealthier layers of urban common people (*plebs urbana*), traders, craftsmen, ship

¹³⁷ Mommsen: *op. cit.* 867.

¹³⁸ Cicero, *Pro Cluentio* 147.

¹³⁹ Cicero, *Pro Murena* 46; Dio Cassius 36, 38, 39.

¹⁴⁰ Cicero, *Pro Murena* 47; Jehne: *op. cit.* 66 sq.

¹⁴¹ Cicero, *Pro Murena* 67. Cf. Laser: *Quintus Tullius Cicero. ... op. cit.* 14 sqq.; 22 sqq.

¹⁴² Adamietz: *op. cit.* 25.

¹⁴³ Cicero, *Pro Murena* 5.

¹⁴⁴ Adamietz: *op. cit.* 27.

¹⁴⁵ Kornemann, E.: Collegium. In: *Paulys Realencyclopädie der classischen Alterthums-wissenschaft* IV, 1. München–Stuttgart 1900. 380; Laser, G.: *Populo et scaenae serviendum est. Die Bedeutung der städtischen Masse in der Späten Römischen Republik*. Trier 1997. 102.

¹⁴⁶ *Digesta Iustiniani* 47, 22, 1; *Corpus Inscriptionum Latinarum* 14, 2112.

owners and not from simple labourers.¹⁴⁷ If an association, which did not claim any membership fees, was not able to finance its expenses from its own resources, it could rely on the generosity of its leaders, or a *patronus* but if it engaged a conduct which was contrary to the maintainer's intentions, then it could lose the support.¹⁴⁸ The political significance of *collegia* increased during periods of applications for magistrates; however, even then it was enough for the applicant to win over the leading personalities of the *collegium* to his goals, the rest of the members obediently followed the opinion leaders.¹⁴⁹ Clodius's activity added a peculiar element to the political operation of certain associations. Clodius definitely raised the number of *collegia* that did not claim any membership fees and brought together the scum of the city, which highly shocked Cicero.¹⁵⁰ The maintenance and "representation" expenses of these associations were most probably covered by Clodius himself, and in return the members could express their gratitude to their *patronus* in several ways and forms; consequently, in theory Clodius could easily mobilise masses.¹⁵¹ These *collegia* led by Clodius were actually gangs operated by keeping the appearance of legality but used as tools to raise riots; and it was not in the interest of decent citizens to risk their reputation, proceeds and life—by closing their shops and leaving their daily jobs—for the sake of Clodius.¹⁵² Later, Clodius made efforts to use the *collegia* maintained by him as a kind of private army,¹⁵³ which were, looking at their "results", sufficient for Clodius achieving his short-term plans and disturbing the privacy of the public for a short while, but for seizing power for a longer period (which was perhaps not included in Clodius's intentions) both financial resources and proper motivation were missing. After Clodius's death, the *collegia* lost their impact produced on political events; nevertheless, later on the leaders of the State were very careful in their ways with associations.¹⁵⁴

The question arises what proportion of the population the institution of the *clientela* covered—Gelzer believes it was the common people of the city (*plebs urbana*) who belonged to the *clientela*¹⁵⁵—and as part of that what services the *clientes* were obliged to provide for their *patronus*; and to what extent the wider masses could be manipulated and mobilised through the *clientela*. Since the early period of the Republic the relation between the *patronus* and the *cliens* had been based on mutual trust (*fides*), under which patricians having outstanding authority (*auctoritas*), dignity (*dignitas*) and wealth (*vires*), and later plebeians undertook to protect citizens in need of and asking for protection¹⁵⁶ as well as

¹⁴⁷ Ausbüttel, F. M.: *Untersuchungen zu den Vereinen im Westen des Römischen Reiches*. Frankfurter Althistorische Studien 11. Kallmünz 1982. 42 sqq.

¹⁴⁸ Laser: *Populo et scaenae... op. cit.* 103.

¹⁴⁹ *Commentariolum petitionis* 30.

¹⁵⁰ Cicero, *In Pisonem* 9.

¹⁵¹ Laser: *Populo et scaenae... op. cit.* 104.

¹⁵² Cicero, *De domo sua* 13. 54. 89; *Academici libri* 2, 144; Sallustius, *De coniuratione Catiline* 50, 1; *De bello Jugurtino* 73, 6.

¹⁵³ Cicero, *Pro Milone* 25; *Post reditum in senatu* 33; *Pro Sestio* 34. 85; *In Pisonem* 11. 23.

¹⁵⁴ Laser: *Populo et scaenae... op. cit.* 105 sq.

¹⁵⁵ Gelzer, M.: *Die Nobilität der römischen Republik*. Leipzig–Berlin 1912. 134 sqq.

¹⁵⁶ Spielvogel, J.: *Amicitia und res publica. Ciceros Maxime während der innenpolitischen Auseinandersetzungen der Jahre 59–50 v. Chr.* Stuttgart 1993. 10; Laser: *Populo et scaenae... op. cit.* 111; Cicero, *Brutus* 97; *Pro Roscio Amerino* 5. 58; *In Verrem* 2, 4, 41. 80; *Pro Quinctio* 2. 34; *Pro Cluentio* 51. 109; *Pro Caecina* 57; *Pro Murena* 10; *Pro Plancio* 75; *Pro Scauro* 26; *Philippicae in Marcum Antonium* 6, 15; *De finibus bonorum et malorum* 4, 56; *Commentariolum petitionis* 2; *Digesta Iustiniani* 49, 15, 7, 1.

travelling aliens (*hospites*) in the form of various benefits and favours (*beneficia, merita*) both financially and before the law.¹⁵⁷ In spite of their dependant relation to their *patronus* the *clientes* preserved their personal freedom, and were not compelled to waive their right to political activity or participation in public life; what is more, their patrons promoted them to do so.¹⁵⁸ In addition to expressing esteem (*reverentia*) and gratitude (*gratia*) the *clientes* were obliged to provide several services for their *patronus*.¹⁵⁹ So, for example, they arranged for accommodation for their patron or his friends,¹⁶⁰ shared the payment of penalties,¹⁶¹ supported their *patronus* in court proceedings,¹⁶² during the period of applying for or fulfilling offices they provided spiritual and financial support for their patron,¹⁶³ in danger they undertook to protect him personally,¹⁶⁴ as a foreign *cliens* they supplied goods to the *patronus*,¹⁶⁵ and preferably they informed as many people as possible about the generosity of their patron.¹⁶⁶ On the grounds of all the above, the *clientes* were in many cases meant to articulate the *patronus*'s interests and views to the wider masses clearly and efficiently.¹⁶⁷ Although the *clientela* provided an essential basis of support for the *patronus*, the citizens fulfilling *patronatus* were far from relying only on *clientes* in search of tools that could be used for their political purposes since the attachment of the *clientela* was of ethical rather than legal nature, on the one hand—consequently, the patron was not able to enforce support given to him through legal means, or he could get this support only by holding out the prospect of appropriate consideration—and the *clientes*, pursuing their own occupation, could not always be available to the *patronus*, on the other.

The social significance of the *clientela* depended to a great extent on the social position of the *cliens*, and, therefore, the *patronus–ingenuus* (free-born citizen) relation and the *patronus–libertus* (freedman, liberated slave) relation must be clearly separated from each other. A part of free-born *clientes* belonged to a social and economic layer identical with or similar to that of the *patronus*, and needed the *patronus*'s support only for the sake of strengthening their own position, or for obtaining an office¹⁶⁸—in this case the *clientela* meant friendship between persons of equal rank (*amicitia*).¹⁶⁹ These *clientes* belonged to the higher *census* class, and so at the *comitia centuriata* and in a provincial *tribus* they could articulate their opinion and advance their *patronus*'s interests as competent persons.¹⁷⁰ As a matter of fact, not all free-born citizens belonged to the wealthier layers, and they turned to the *patronus* primarily for urgent legal or financial help, but they could hardly return the favours did to them as due to the peculiar features of the Roman election system

¹⁵⁷ Cicero, *Pro Roscio Amerino* 106; *In Catilinam* 4, 23; *Pro Sestio* 10; *Cato maior de senectute* 32; Livius, *Ab urbe condita* 3, 16, 5; 4, 13, 2.

¹⁵⁸ Spielvogel: *op. cit.* 1993. 11; Laser: *Populo et scaenae... op. cit.* 112.

¹⁵⁹ Livius, *Ab urbe condita* 3, 44, 5. 57, 3.

¹⁶⁰ *Ibid.* 39, 14, 3.

¹⁶¹ *Ibid.* 38, 60, 9.

¹⁶² *Ibid.* 3, 58, 1.

¹⁶³ Plutarchus, *Cicero* 8, 2.

¹⁶⁴ Sallustius, *De coniuratione Catilinae* 19, 5; 26, 4; Livius, *Ab urbe condita* 23, 3, 2.

¹⁶⁵ Cicero, *Epistulae ad Atticum* 1, 20, 7; Livius, *Ab urbe condita* 4, 13, 2.

¹⁶⁶ Laser: *Populo et scaenae... op. cit.* 113.

¹⁶⁷ Cf. *Commentariolum petitionis* 17.

¹⁶⁸ Cicero, *De officiis* 1, 122 sq.

¹⁶⁹ Cicero, *Laelius de amicitia* 26.

¹⁷⁰ *Commentariolum petitionis* 29.

they did not have the opportunity to cast their votes and these votes were not evaluated unless the elections were expected to produce a dubious outcome.¹⁷¹ Compared to the latter, the applicant for the office appreciated the support of men with greater prestige much more; so, for example, the support of the leaders of *collegia (principes)*, who in the given case did not constitute a part of the *clientela* but produced major influence in their association, district and their entire place of living, and had considerable impact on changes in the morale of voters.¹⁷²

The representation of the institution of salutation (*salutatio*) casts interesting light on the applicant's social relations: saluters from lower layers of society (*salutatores*) visited several applicants on the same day (*plures competitores*), so the conduct engaged by them during the election could not be considered secure and stable (*communes/fucosi suffragatores*). Therefore, the *patronus* applying for the office ought to have appeared grateful to them, and had to praise their activity both to their face and in front of their friends as by doing so he could expect them to leave their other *patroni* and become firm and committed voters (*proprii/firmi suffragatores*)—the applicant was not supposed to bring up his suspicion arising or proved regarding their loyalty, and against his better conviction he had to assert his trust in them.¹⁷³ The *patronus* could never be absolutely sure of the support and gratitude of *salutatores* for they could compare the goods and benefits received from him to the allowances granted by other applicants they had also visited—i.e., economically independent citizens seemed more secure voter's base. The endeavour to recruit and hold inconstant *salutatores* and *clientes* becomes understandable when one considers that the *patronus* applying for an office could produce the appearance of popularity and influence by having a lot of people crowding around him during salutation.¹⁷⁴

More important and more respectful *salutatores* were allowed to have a word directly with the *patronus*; their presence made the masses aware that the applicant was worthy of more extensive support.¹⁷⁵ The *salutatio* provided opportunities for the applicant for gathering information on the morale and desires of common people, which their close circle of friends (*amici*) did not provide insight into; consequently, the *patronus–cliens* relation served mostly exchange of information. The relation between the *patronus* and the freedmen (*liberti*) developed somewhat differently: their relation remained closer even after liberation (*manumissio*) but this relation was based as much on the requirements of moral standards than on the requirements of legal norms: In 118 Rutilius Rufus's *praetor edictum* limited the range of services that could be demanded by the *patronus*,¹⁷⁶ but a freedman was not allowed to take legal action against the *patronus*,¹⁷⁷ and it was only Augustus's *lex Aelia Sentia* that formulated statutory sanctions against ungrateful freedmen.¹⁷⁸

Accordingly, the *clientela* made up of free-born citizens and freedmen cannot be considered uniform in terms of the strength of their attachment to the *patronus* since it was exactly due to the moral nature of the attachment that the *patronus* did not have any

¹⁷¹ Laser: *Populo et scaenae... op. cit.* 115.

¹⁷² *Commentariolum petitionis* 30.

¹⁷³ *Ibid.* 42. 35.

¹⁷⁴ Laser: *Populo et scaenae... op. cit.* 117.

¹⁷⁵ *Commentariolum petitionis* 30.

¹⁷⁶ *Digesta Iustiniani* 38, 1, 1.

¹⁷⁷ Cf. Cicero, *Epistulae ad Atticum* 7, 2, 8; Suetonius, *Claudius* 25, 1.

¹⁷⁸ *Digesta Iustiniani* 37, 14, 19, 1.

legal means to collect outstanding claims and unfulfilled obligations. Although a *patronus* deceitfully acting against his *clientes* became the object of the contempt of society, this did not mean that he was deprived of his rights. Servius's commentary quoting the text of the Twelve Table Law attached to the relevant locus of Vergil's *Aeneis*¹⁷⁹—which asserted that the *patronus* deceiving his *cliens* should be damned (*sacer*)—implied ethical offence and not criminal law facts. In this case the term *sacer* presumably meant the person who engaged culpable, that is, despiseable conduct¹⁸⁰ rather than a person who could be sacrificed to the gods or freely killed.¹⁸¹ Most probably Servius followed the tendency of the late period of the Age of the Republic that idealised the Roman past.¹⁸² Even if we presume close *patronus–cliens* relations regarding the archaic age, the significance of *clientelae* dramatically diminished by the 3rd c. B.C., and owing to the growth of the number of citizens we can no longer reckon with stable *clientelae* during Sulla's rule of terror, much rather ad hoc *patronus–cliens* relations organised for specific purposes should be presumed under which fulfilment of moral obligations was no longer of great account.¹⁸³ If there had been no mobility of such a great extent within and between *clientelae*, then the *patroni* and applicants for offices would not have been compelled—even at the expense of *ambitus* (election fraud)—to recruit *clientes*.¹⁸⁴ *Clientes* from lower layers of society became important to the *patronus* not so much for getting their votes—which sometimes they were not even allowed to cast in the elections—much rather for their capacity to mediate the opinion of the masses to him, which helped him to prepare for what opinion they would like to hear from him in public appearances.¹⁸⁵

With the loosening of the *patronus–cliens* relation, or owing to the fact that the *cliens* would seek a *patronus* that represented his interests better, and the *patronus* would seek *clientes* in his environment who had more considerable influence and so had greater capital of relations, this process reached the stage where the lower layers of society, which constituted a considerable part of *clientes*, were able to produce direct influence on political leaders. A grand entourage represented the acknowledgement of the politician and his legitimisation by the citizens,¹⁸⁶ whereas a decreasing number of people forced him to revise his views entertained so far.¹⁸⁷ On the other hand, it was just due to the unstable and unreliable nature of the *clientela* that in the last century of the Republic applicants for offices relied, in addition to their *clientes*, on their relatives, friends, neighbours in the district, their freedmen and slaves when compiling the urban accompaniment—this diversity enriched not only the spectacular entourage but opened roads to each layer of society and created relations for the applicant.¹⁸⁸ So the *clientela* was only one of the means

¹⁷⁹ Servius, *Commentarius in Verg. Aen.* 6, 609.

¹⁸⁰ Festus 467; Dionysius Halicarnassensis 2, 9–11. 10, 3; Brunt, P.: *Italian Manpower 225 B. C.–A. D. 14.* Oxford 1971. 403.

¹⁸¹ Plautus, *Poenulus* 88; Vergilius, *Aeneis* 3, 57.

¹⁸² Laser: *Populo et scaenae... op. cit.* 120.

¹⁸³ Brunt: *op. cit.* 32; Laser: *Populo et scaenae... op. cit.* 121.

¹⁸⁴ *Commentariolum petitionis* 40. 47.

¹⁸⁵ Cicero, *Pro Roscio Amerino* 19. 96; *De oratore* 3, 225; Sallustius, *De bello Iugurthino* 71, 5.

¹⁸⁶ Dionysius Halicarnassensis 2, 10, 4.

¹⁸⁷ Laser: *Populo et scaenae... op. cit.* 124.

¹⁸⁸ Cicero, *Pro Cluentio* 94; *Pro Murena* 69; *Pro Roscio Amerino* 93; *Philippicae in Marcum Antonium* 6, 12; 8, 26; Brunt: *op. cit.* 415 sq.

of political fight, and far from being the only or the most important one;¹⁸⁹ all the more as Livius's description asserts that the purpose of the *clientes* taking action before the court of justice was not to raise sympathy with the defendant much rather to prevent a larger mass from getting together.¹⁹⁰

Conclusions

The exploration of uninhibited opportunism and manoeuvring described in *Commentariolum petitionis* by Quintus Tullius Cicero was in no way in the interest of the ruling class of the late Republic, and it would have put especially Marcus Tullius Cicero in an unpleasant situation since he could not have shielded himself from the shadow of the suspicion that—especially as *homo novus*—he was able to win *consulatus* because he used all these tools in practice. In the mirror of all the above, it can be ascertained that the *Commentariolum petitionis* was produced primarily as a personal writing addressed to Marcus, in which his brother, Quintus wanted to give him help by summing up the key aspects and tools of the election campaign to win the *consul's* office.

¹⁸⁹ Laser: *Populo et scaenae...* *op. cit.* 125 sq.

¹⁹⁰ Livius, *Ab urbe condita* 2, 35, 4.