NOTES AND DISCUSSIONS

CICERO AND THE *BONA DEA* SCANDAL

I

D. F. Epstein, in a recent article, has taken up the attempt of G. de Benedetti to explain (and thereby make plausible) Plutarch's evidence for Cicero's motivation in testifying against Clodius at the latter's trial.[1] According to Plutarch (*Cic.* 29. 2–3), Cicero's wife, Terentia, jealous of Clodia Metelli and consequently hostile to her brother as well, compelled Cicero to appear in court against the young patrician; only in this way might Cicero banish his wife's suspicions that he was attracted to the notorious *mondaine*. Neither de Benedetti nor Epstein believes that Clodia was a significant factor in Terentia's hatred for Clodius. Instead, de Benedetti traces Terentia's animosity back to 73, when Fabia, Terentia's half-sister, was accused of *incestum* with Catiline; despite a verdict of innocence, Catiline's—and Fabia's—reputations had been permanently stained by Clodius, who is generally assumed to have been the prosecutor.[2] But finally, in 61, at the *Bona Dea* trial, Terentia and Fabia seized the opportunity for revenge when it was realized that Cicero's testimony could demolish Clodius' alibi. Although Epstein supports de Benedetti's reconstruction by adducing the ancient evidence for Terentia's influence on her husband, and although he argues capably that—despite the common assumption—Cicero and Clodius were probably not *amici* before the *Bona Dea* incident, his case for Plutarch's version must still depend on the connection established by de Benedetti between Fabia's trial in 73 and Clodius' in 61. The connection cannot be maintained.

To strengthen de Benedetti's case, Epstein stresses Plutarch's account of Clodius' (deceitful) efforts to be reconciled with Cicero during the early days of his tribunate: Clodius, Plutarch reports (*Cic.* 30. 1–3), blamed all their ill feeling on Terentia. As Epstein points out, other sources (primarily Cassius Dio) confirm that a temporary rapprochement occurred between Clodius and Cicero, and he asserts that "there is no reason to reject Plutarch's report that Clodius blamed Terentia for his differences with Cicero in the past or to doubt that Cicero found this explanation convincing."[3] But Dio's account of Clodius' and Cicero's relations in January 58 diverges strikingly from Plutarch's. According to Dio (38. 14. 1–3), Cicero enlisted the services of L. Ninnius Quadratus—like Clodius,

1. Epstein, "Cicero's Testimony at the *Bona Dea* Trial," *CP* 81 (1986): 229–35; de Benedetti, "L'esilio di Cicerone e la sua importanza storico-politica," *Historia* 3 (1929): 549–50. Epstein provides an ample bibliography of the scholars who have rejected Plutarch's evidence.
2. Sources collected in Broughton, *MRR*, 2:114.
3. "Cicero's Testimony," p. 235.

a tribune of 58—to frustrate Clodius' initial legislative program;[4] frightened that his proposed legislation might be vetoed, Clodius agreed to forgo attacking Cicero if Cicero would restrain Ninnius, a deal to which Cicero assented. Unlike Plutarch, Dio represents Clodius' rapprochement with Cicero as a simple political bargain. Cicero later regretted allowing the *Lex Clodia de collegiis* to pass (*Att.* 3. 15. 4), and he reproached Atticus (and the *optimates*) for having given him poor (if not, in the case of the *optimates,* malicious) advice (*Att.* 3. 9. 2, 3. 15. 2; *Fam.* 1. 9. 13, 14. 1. 2; *QFr.* 1. 3. 8). Yet he never complains that he was betrayed by Clodius, which is what one would expect if Plutarch's version of their reconciliation were close to the truth: though Cicero might naturally suppress any mention that he had been outsmarted by Clodius, he would have every reason to belabor Clodius' treachery had the tribune forged a false friendship. In short, Dio's account agrees more closely than Plutarch's with the evidence of Cicero himself. This in turn suggests that Plutarch's explanation for Cicero's brief reconciliation with Clodius—that it was possible because their past differences could be blamed on Terentia—is based on Plutarch's own account of the *Bona Dea* trial, the event marking the beginning of their mutual animus.

Let us turn now to Fabia's trial for *incestum* in 73, the suggested source of Terentia's hostility toward Clodius. Although this trial is mentioned in several sources, the sole piece of evidence on which is based the claim that Clodius was prosecutor is Plutarch *Cato Minor* 19. 5–6:

> Ἐνστὰς δέ ποτε Κλωδίῳ τῷ δημαγωγῷ, κινοῦντι καὶ ταράττοντι μεγάλων ἀρχὰς νεωτερισμῶν, καὶ διαβάλλοντι πρὸς τὸν δῆμον ἱερεῖς καὶ ἱερείας, ἐν οἷς καὶ Φαβία Τερεντίας ἀδελφὴ τῆς Κικέρωνος γυναικὸς ἐκινδύνευσε, τὸν μὲν Κλώδιον αἰσχύνῃ περιβαλὼν ἠνάγκασεν ὑπεκστῆναι τῆς πόλεως, τοῦ δὲ Κικέρωνος εὐχαριστοῦντος, τῇ πόλει δεῖν ἔχειν ἔφη χάριν αὐτόν, ὡς ἐκείνης ἕνεκα πάντα ποιῶν καὶ πολιτευόμενος.

P. Moreau has demonstrated in considerable detail that the incident described by Plutarch cannot refer to Fabia's trial.[5] First, he shows that Plutarch's language is inappropriate to a trial for *incestum.* Moreover, as Moreau observes, Cicero (*Har. resp.* 42) considered Clodius' prosecution of Catiline *de repetundis* in 65 to have been his forensic debut (though it must be admitted that Cicero had reason to pass over the trial of Fabia if Clodius was in fact the prosecutor). Moreau also discerns the curious role played by Cato in Plutarch's story: in 73 Cato was only twenty-two years old; formidable though his personality may have been, it is incredible that he should have treated Cicero with such impertinence. By 61, however, Cato had attained the moral stature to mouth such scornful patriotic platitudes to an ex-consul. Finally, the aftermath of the *Bona Dea* trial provides the most likely setting for the incident Plutarch describes. Clodius, according to Plutarch, railed at the entire priestly apparatus, not only or even primarily at Fabia; in view of the scandal of his trial, Clodius' rancor was a natural, if not an especially commendable, response. In brief, Moreau has shown convincingly that whoever prosecuted Fabia's trial in 73, it was not

4. On Ninnius, see T. P. Wiseman, *Roman Studies* (Liverpool, 1987), pp. 12, 20, 337.

5. *Clodiana Religio: Un procès politique en 61 av. J.-C.* (Paris, 1982), pp. 233–39 and 253, n. 761. It is unnecessary to reproduce all his arguments here.

Clodius;[6] his attack on the Vestals was not an attack on Fabia, and in any case it came as a consequence of the *Bona Dea* trial and so cannot be construed as the cause for Terentia's alleged dislike of Clodius. The scholarly majority has been correct to reject Plutarch's story.[7]

II

The political dimension of the *Bona Dea* scandal is manifest. Despite the seriousness of Clodius' unprecedented *delictum,* it provided no clear basis for prosecution: Clodius' sin ruptured the *pax deorum,* to be sure, but *instauratio* was sufficient to mend it; moreover, "deus ipse vindex erit" (Cic. *Leg.* 2. 19) was the prevailing Roman judgment on such matters.[8] This explains why—although Clodius violated the *Bona Dea*'s rites before 5 December 62—the issue was not raised in the senate until sometime in January 61;[9] and even then, as Cicero emphatically states (*Att.* 1. 13. 3), it was not one of the *consulares* who spoke but an ex-praetor, Q. Cornificius (pr. 67 or 66). What induced Cornificius to mention the scandal in the senate is not known; but it is certain that Clodius' sacrilege became an issue only after Cornificius' motion forced the senate to refer the matter to the *pontifices.*[10] Nothing in the priests' decision necessitated a trial, however; that was a separate and clearly political enterprise.[11]

As J. P. V. D. Balsdon demonstrated over twenty years ago, Clodius' enemies constituted a *factio* determined to ruin the young patrician.[12] Because this *factio* comprised the very men whom Cicero considered to be the cream of the senate

6. Other details of the trial remain debatable; cf. D. R. Shackleton Bailey, *Cicero's "Letters to Atticus,"* vol. 1 (Cambridge, 1965), p. 319; E. S. Gruen, "Some Critical Trials of the Late Republic: Political and Prosopographical Problems," *Athenaeum* 49 (1971): 61.

7. T. P. Wiseman, *Cinna the Poet and Other Roman Essays* (Leicester, 1974), p. 141, offers a possible explanation of the origin of Plutarch's story.

8. Moreau, *Clodiana Religio,* pp. 51–58 and 81–88, reviews the nature of Clodius' sacrilege and the limited legal avenues for punishing Clodius.

9. Since Clodius committed his infraction while quaestor-elect, the festival must have been celebrated before he entered office on 5 December; in 63 it had been celebrated on 3 December (Plut. *Cic.* 19; cf. H. H. Scullard, *The Festivals and Ceremonies of the Roman Republic* [Ithaca and London, 1981], pp. 199–200). Cic. *Att.* 1. 12. 3 (1 January 61) discusses the incident but makes no mention of its being raised in the senate; Cic. *Att.* 1. 13. 3 (25 January) relates the earliest reactions of the senate. This seems to me to contradict Moreau's assertion (*Clodiana Religio,* p. 58) that everyone will have expected the senate to pursue the *Bona Dea* scandal.

10. The procedure is discussed by Moreau, *Clodiana Religio,* pp. 64–65. Cornificius' motives remain a puzzle. He is described in several sources as a presentable *bonus* (e.g., Cic. *Verr.* 1. 30; *Fam.* 8. 2, 12. 7; Asc. 82C); but in the private correspondence of Cicero and Atticus (*Att.* 1. 1. 1) he is treated as something of a joke. It may well be that Cornificius' action surprised everyone.

11. The process by which the senate created the *quaestio extraordinaria* is described in detail by Moreau, *Clodiana Religio,* pp. 83–150. The anomalous nature of Clodius' trial for *incestum* is patent; cf. T. J. Cornell, "Some Observations on the *crimen incesti,*" in J. Scheid, ed., *Le délit religieux dans la cité antique* (Paris, 1981), pp. 26–37; J. Scheid, "Le délit religieux dans la Rome tardo-républicaine," ibid., pp. 130–33.

12. "Fabula Clodiana," *Historia* 15 (1966): 68–69. Lucullus' desire for revenge was perfectly unexceptionable by Roman standards; cf. D. F. Epstein, *Personal Enmity in Roman Politics 218–43 B.C.* (London and New York, 1987), pp. 12–29. A different—and wholly implausible—interpretation is proposed by H. Benner, *Die Politik des P. Clodius Pulcher* (Stuttgart, 1987), pp. 39–40, according to whom Clodius intruded upon the restricted rites in the hope of being apprehended, the better to distance himself from the Sullan oligarchy; to add further point to his action, he contrived from the start to implicate Cicero—Catiline's vanquisher—in the case against himself (hence Clodius' only apparently ill-timed visit to Cicero's house).

and in whose number he ever hoped to count himself, it is perfectly rational to conclude with D. Stockton that Cicero joined Clodius' enemies at least partly in order to curry favor with them.[13] In rejecting Stockton's explanation, Epstein adduces a letter (*Att.* 1. 16. 1–2) as proof that Cicero "had continued to oppose bringing Clodius to trial until the very end."[14] Yet nothing in the letter suggests that Cicero opposed bringing Clodius to trial from the beginning; it shows only that once Cicero thought the prospect of a conviction was hopeless, he no longer wished to give his enthusiastic support to a lost cause.[15] Unfortunately for him, he was already committed to the prosecution. Epstein may well be correct in believing that the *optimates* were in the end dissatisfied with Cicero's performance;[16] but the changed circumstances of Clodius' trial make Cicero's attitude at that time an unreliable basis for conjecturing his original motives. Still, the importance of personal politics for Cicero's participation should not be overrated. The fact that a close association with the *optimates* would appeal to Cicero does not by itself demonstrate that opportunism was Cicero's sole, or even his primary, motive.

It may mean little that apart from complimenting Cato (*Att.* 1. 14. 5) and criticizing Hortensius (*Att.* 1. 16. 2), Cicero makes scant mention of the *optimates* in his correspondence, nor does he hint to Atticus that his own attitude toward Clodius has been influenced by theirs. After all, one would expect Cicero to portray his involvement in more flattering terms, whatever his true instincts. This, of course, is what makes any analysis of Cicero's conduct so difficult: our most thorough account of Cicero's actions was penned by Cicero himself, who clearly meant to persuade Atticus of the soundness of his exertions against Clodius. Nonetheless, Cicero does on occasion share with Atticus his purposes—even when they are what might be deemed purely political. For instance, in one well-known passage (*Att.* 2. 1. 8) Cicero admits to sharing Atticus' admiration for Cato's *optimus animus* and *summa fides* but faults Cato for his poor political acumen. He submits as evidence Cato's morally correct but politically disastrous assaults on the *equites,* actions in which Cicero refused to join for reasons of bald expediency. As a consequence, he anticipated Atticus' disapproval; nonetheless, in his letter Cicero does not disguise his real motives. When Cicero relates his initial involvement in the Clodian *contretemps,* however, there is no such politicism: his focus is not the *optimates* and their hatred for the accused, nor even the advantages to be obtained from siding against Clodius; instead, he emphasizes oratory and the themes of his own consulship.

In his own account of the *Bona Dea* affair, Cicero describes himself as the champion of *senatus auctoritas* (*Att.* 1. 16. 1): "ego enim, quam diu senatus

13. *Cicero: A Political Biography* (Oxford, 1971), p. 161. One need not share Stockton's view that Cicero "betrayed" Clodius, esp. since Epstein, "Cicero's Testimony," p. 230, renders Cicero's early friendship with Clodius less likely than has generally been assumed.

14. "Cicero's Testimony," p. 231.

15. Hortensius yielded when Clodius' supporters objected to the jury clause of the *rogatio Pupia* (discussed below); in Cicero's opinion, "in eo [viz., the jury clause] autem erant omnia" (*Att.* 1. 16. 2), and Clodius' acquittal was properly to be blamed on Hortensius.

16. "Cicero's Testimony," p. 232. Gruen, *Last Generation,* p. 57, discusses the correct sense of the term *optimates.* Cicero's desire to be included among the *optimates* is well known, as is his resentment when his exclusion was made manifest: see, e.g., *Att.* 1. 16. 10; *Fam.* 1. 7. 8; *Sull.* 21–25; *Planc.* 58.

auctoritas mihi defendenda fuit, sic acriter et vehementer proeliatus sum"; and in the aftermath of Clodius' acquittal, Cicero certainly was convinced that the monuments of his consulship—*senatus auctoritas* and *concordia ordinum*—had been lastingly marred (*Att.* 1. 18. 2). In fact, much of the debate over Clodius' prosecution was couched in terms of the senate's prerogatives. The *rogatio Pupia,* which would have created an extraordinary *quaestio* to try Clodius, stipulated that the jurors for the *quaestio* be chosen by the *praetor urbanus* rather than by lot.[17] The bill was opposed by the tribune Fufius Calenus (the future consul of 47), who had taken up Clodius' cause. His attacks were concentrated on the jury clause. Legislation concerning juries was, after all, a focus of popular *invidia senatus;* and although the issue in the *rogatio Pupia* was not the composition of the jury but the process of its selection, it is not difficult to see how Fufius could distort the bill so that it might appear an unfair extension of the senate's power.[18]

Fufius' insistence upon this issue, at a *contio* in which he attempted to elicit Pompey's opposition to the *rogatio Pupia,* led Cicero to dub Fufius *levissimus tribunus* (*Att.* 1. 14. 1).[19] On that occasion, Fufius did not ask Pompey for his views on Clodius' delict or its actionable nature, but "quaesivit ex eo placeretne ei iudices a praetore legi, quo consilio idem praetor uteretur" (ibid.). Pompey, alert to the implications of the tribune's query, spoke at length in praise of the senate's *auctoritas* (ibid. 2). Next, at the meeting of the senate that followed Fufius' *contio,* when the consul Valerius Messalla specifically asked Pompey "quid de religione et de promulgata rogatione sentiret," the great man "locutus ita est in senatu ut omnia illius ordinis consulta γενικῶς laudaret" (ibid.). Part of that speech extolled Cicero's role in the Catilinarian conspiracy. Not to be outdone, Crassus—who, like Pompey (and perhaps with similar inexactitude), presumably spoke *de promulgata rogatione*—also heaped praises on Cicero's head. Clearly, Cicero's conduct during his consulship was the exemplum of choice in defending the prerogative of the senate, a choice that Cicero helped to promote when he followed up Crassus' oration with a virtuoso rehearsal of his own favorite themes: the gravity of the senate, the harmony of the orders, the remnants of the conspiracy (ibid. 4).

Cicero's consulship was a natural topos: the events of 63 and the various trials stemming from the Catilinarian conspiracy established Cicero, at least for a time, as a vital symbol for *senatus auctoritas.*[20] As the debate over the *rogatio Pupia* transformed itself into a challenge to that *auctoritas,* Cicero, whose ardor had actually cooled since the matter of Clodius' scandal was broached in the senate, was necessarily drawn into the argument. The rhetoric of the controversy

17. For details of the *rogatio Pupia,* see Moreau, *Clodiana Religio,* pp. 92–98.

18. The point is not whether the praetor's selection of the jurors was actually a senatorial infringement, but whether Fufius could represent it as such; cf. Lacey, "Clodius and Cicero," pp. 88–89.

19. For the derogatory use of *levitas* to describe *popularis* politicians, see J. Hellegouarc'h, *Le vocabulaire latin des relations et des partis politiques sous la République* (Paris, 1963), pp. 518, 558; Z. Yavetz, *Plebs and Princeps* (Oxford, 1986), pp. 51–53, 99–102.

20. The various trials—and Cicero's role in them—are discussed by Gruen, *Last Generation,* pp. 282–87.

encouraged Fufius to exploit *invidia Ciceronis,* just as it led Cicero to denounce Clodius' supporters as *grex Catilinae* (*Att.* 1. 14. 5).[21]

The relationship between Cicero's public image and his personal principles is complex to say the least. Roman *dignitas* explains his efforts to protect and his inclination to glorify his reputation as the senate's champion; but the personal aspect of this impulse ought not to eclipse Cicero's genuine commitment to *senatus auctoritas,* which was certainly one of the mainstays of his fairly flexible political career. It was not, then, only Cicero's anxiety to defend his past conduct in the Catilinarian conspiracy,[22] but his emblematic status founded on his well-known principles that led Cicero—gradually rather than immediately—to take his stand against Fufius and Clodius in support of the *rogatio Pupia.*

Though Cicero was moved to participate in the debate over the *rogatio Pupia* by its critics' stance as *populares,* Cicero evinced concern for the *Bona Dea* scandal from the very beginning. He refers to the incident first in a letter written before Clodius' sacrilege had been discussed in the senate (that is, before it had become a political issue). The scandal is mentioned as a matter of fact (*Att.* 1. 12. 3): "P. Clodium Appi f. credo te audisse cum veste muliebri deprehensum domi C. Caesaris cum sacrificium pro populo fieret, eumque per manus servulae servatum et eductum; rem esse insigni infamia. quod te moleste ferre certo scio." Scholars disagree over the tone of Cicero's remark, but its sincerity should not be doubted.[23] The notion that Romans of the late Republic were too jaded or cynical to take their religion seriously is steadily, and rightly, evaporating.[24] One can argue that Cicero's personal religious views underwent a significant shift toward skepticism during the forties;[25] it nonetheless remained ever the case that Cicero saw in religion an important medium of social control.[26] Moreover, his philosophical treatises from the fifties, which are surely more pertinent to his opinions at the time of the *Bona Dea* scandal, display a positive religiosity that zealously concerns itself with civic religion and the preservation of tradition.[27]

21. Cf. Lacey, "Clodius and Cicero," pp. 88–89; W. M. F. Rundell, "Cicero and Clodius: The Question of Credibility," *Historia* 28 (1979): 304–5.

22. M. Gelzer, *Cicero: Ein biographischer Versuch* (Wiesbaden, 1968), p. 112.

23. Ironic: Shackleton Bailey, *Cicero's "Letters,"* 1:300; H. D. Jocelyn, "The Roman Nobility and the Religion of the Republican State," *Journal of Religious History* 4 (1966): 104; Moreau, *Clodiana Religio,* p. 262; Epstein, "Cicero's Testimony," p. 230. Sincere: R. Y. Tyrrell, *The Correspondence of M. Tullius Cicero*^{2}, vol. 1 (Dublin, 1885), p. 22; R. J. Goar, *Cicero and the State Religion* (Amsterdam, 1972), p. 105; Wiseman, *Cinna the Poet,* p. 138; J. H. W. G. Liebeschuetz, *Continuity and Change in Roman Religion* (Oxford, 1979), p. 31.

24. Cf. Jocelyn, "Nobility and Religion," pp. 89–104; E. Rawson, "Religion and Politics in the Late Second Century," *Phoenix* 28 (1974): 193–212; J. A. North, "Conservatism and Change in Roman Religion," *PBSR* 44 (1976): 1–12; Liebeschuetz, *Continuity and Change,* pp. 1–54; A. Wardman, *Religion and Statecraft among the Romans* (London, 1982), pp. 1–62.

25. Cf. A. Momigliano, "The Theological Efforts of the Roman Upper Classes in the First Century B.C.," *CP* 79 (1984): 199–211. Even this shift is more complicated than Momigliano indicates: M. Beard, "Cicero and Divination: The Formation of a Latin Discourse," *JRS* 86 (1986): 34–36, discusses the various objections to seeing in *Div.* Cicero's clear rejection of divination; M. Schofield, "Cicero for and against Divination," *JRS* 86 (1986): 47–65, stresses Cicero's arguments for divination in *Div.* and observes the importance of Academic methodology for appreciating the structure of Cicero's treatise.

26. See Wardman, *Religion and Statecraft,* pp. 53–62.

27. See Liebeschuetz, *Continuity and Change,* pp. 29–31; Wardman, *Religion and Statecraft,* p. 54; Momigliano, "Theological Efforts," pp. 204–7, who points out that Cicero's zeal for tradition was considerable, though less than Varro's.

This concern with public religion and the formal respect owed it by good citizens finds expression not only in Cicero's essays and orations, but even in his private correspondence.[28] In this light, there can be no reason for thinking that Cicero (or Atticus, for that matter) would fail to be disturbed by Clodius' violation of solemn rites performed *pro populo.* [29] Nor can Cicero have been merely amused by the thought of a quaestor-elect (Clodius is too often treated as a mere lad when the nature of his offense is discussed) engaging in such disgraceful antics. Romans, as P. Veyne has demonstrated, were inclined to condemn any sort of excessive behavior, a category that must include posing as a woman in order to commit sacrilege.[30] In short, Cicero's comments to Atticus should be read as sincere. That Cicero took Clodius' delict seriously does not imply that he was eager for the young man's ruin; it suggests only that from the start he genuinely believed that Clodius was guilty. This belief helps to explain his early censoriousness—he describes himself as having been a Lycurgus at the beginning (*Att.* 1. 13. 3)—as well as his steadfast conviction that he acted to restore the Republic's moral health (*Att.* 1. 18. 2).[31]

Disapprobation did not stir Cicero to action. However, his honest conviction that Clodius was guilty of irresponsible and irreligious behavior must to some degree have mitigated for Cicero the blatant politicism of Clodius' enemies. More significant, though, was the issue of *senatus auctoritas:* the strategy of Fufius and Clodius implicated Cicero's public image, his posture as champion *in extremis* of the senate's authority, a status Cicero valued primarily because of his real commitment to the principle he believed he represented. Exactitude is elusive in determining personal motives. It may be, for instance, that Cicero would have been less keen to involve himself had Clodius appeared a more formidable opponent.[32] Nor can it be doubted that the identity in Cicero's mind of his cause and his career casts a shade of self-interest over his moral fervor. Still, Cicero's motives—in contrast to those of Lucullus or Hortensius—seem primarily to have been unselfish: his sense of public responsibility and his loyalty to senatorial authority counted for more than mere political opportunism.[33]

W. JEFFREY TATUM
The Florida State University

28. See Goar, *Cicero and Religion,* pp. 104–11, 126–29 (these latter pages indicate that Cicero, in his letters, shows little concern for matters of personal religion).

29. Moreau, *Clodiana Religio,* p. 262, asserts that as an Epicurean Atticus would have had no interest in the *Bona Dea;* yet even Epicureans respected public conventions (cf. Cic. *Nat. D.* 1. 123; Diog. Laert. 10. 5). In any case, we are concerned with a specimen, not of Atticus' opinion, but of Cicero's estimation of Atticus' opinion; and though it is improbable, it is not impossible that Cicero misjudged his friend's reaction.

30. "La folklore à Rome et les droits de la conscience publique sur la conduite individuelle," *Latomus* 42 (1983): 3–30. I find unpersuasive the recent attempt by D. Mulroy, "The Early Career of P. Clodius Pulcher: A Re-examination of the Charges of Mutiny and Sacrilege," *TAPA* 118 (1988): 170–75, to establish the innocence of Clodius' intent on the grounds that the ritual was expected to be a Dionysiac κῶμος, open (at least potentially) to all, at which transvestism would be appropriate; cf. the more sensible remarks of Wiseman, *Cinna the Poet,* pp. 130–37.

31. The moral dimension of Roman religion is discussed by Liebeschuetz, *Continuity and Change,* pp. 39–54.

32. Hortensius' confidence (*Att.* 1. 16. 2) probably reflects the attitude of the whole faction; otherwise they would not have given way to Fufius and allowed the jury clause of the *rogatio Pupia* to be altered.

33. I am grateful to the Editor and the anonymous referees of *CP,* whose comments improved this paper substantially.