

THE ROLE OF AMICITIA IN THE CAREER OF A. GABINIUS (COS. 58)

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OF ALL THE SUPPORTERS OF CN. POMPEIUS MAGNUS, none was more active or showed more political originality than A. Gabinius, consul of 58.¹ For a decade and a half, Gabinius was allied with Pompey, not as "one of his creatures," as Plutarch believed (*Cato Minor* 33.4), but as an *amicus*, a political friend. *Amicitia* as a political alliance was based on mutual advantage and obligation without implying the dominance of either party. The relationship need not be permanent or exclusive; it could permit considerable independent activity so long as mutual interests were served.² *Amicitia* between *principes* like Caesar and Pompey, two strong men with independent backing, was different from that which bound Pompey and the less powerful Gabinius. Pompey, who had less need to maintain the friendship for his own advantage, had greater freedom of action than Gabinius. Nevertheless, Gabinius was never a passive adherent of Pompeian policies and programs. The purpose of this article is to investigate the *amicitia* between Pompey and Gabinius in order to determine the extent of the limitations and obligations it placed on Gabinius and to show that the relationship was dynamic rather than passive.

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¹All dates in this article are understood to be B.C. Modern works cited more than once are as follows: E. Badian, "The Early Career of A. Gabinius (Cos. 58 B.C.)," *Philologus* 103 (1959) 87-99, hereafter "Early Career;" E. Badian, *Publicans and Sinners: Private Enterprise in the Service of the Roman Republic* (Ithaca, N.Y. 1972), hereafter *Publicans and Sinners*; E. Badian, *Roman Imperialism in the Late Republic*² (Ithaca, N.Y. 1971), hereafter *Roman Imperialism*; T. R. S. Broughton, *The Magistrates of the Roman Republic* (New York 1951-1952), hereafter *MRR*; E. Fantham, "The Trials of Gabinius in 54 B.C.," *Historia* 24 (1975) 425-433, hereafter "Trials of Gabinius;" M. Griffin, "The Tribune C. Cornelius," *JRS* 63 (1973) 196-213, hereafter "Cornelius;" E. Gruen, *The Last Generation of the Roman Republic* (Berkeley 1974), hereafter *Last Generation*; L. Hayne, "The Politics of M'. Glabrio, Cos. 67," *CP* 69 (1974) 280-282, hereafter "Glabrio;" A. W. Lintott, *Violence in Republican Rome* (Oxford 1968), hereafter *Violence*; T. Mommsen, *Römische Geschichte* (Berlin 1857), hereafter *RG*; E. M. Sanford, "The Career of Aulus Gabinius," *TAPA* 70 (1939) 64-92, hereafter "Gabinius;" R. Syme, *The Roman Revolution* (Oxford 1939), hereafter *Roman Revolution*.

²My interpretation of the function of *amicitia* in first century politics is based primarily on the excellent study of P. A. Brunt, "'Amicitia' in the Late Roman Republic," *ProcCambPhilSoc* 11 (1955) 1-20, reprinted in R. Seager (ed.), *The Crisis of the Roman Republic: Studies in Political and Social History* (Cambridge 1969) 199-218; see especially 17-20 (Seager 215-218).

The first evidence of a political alliance between Pompey and Gabinius appeared during the crisis in 67 caused by the virtual dominance of the Mediterranean by the Cilician pirates. As tribune of the plebs, Gabinius proposed a law that created an unprecedented military command to rid the Mediterranean of piracy. Although Pompey's name was not mentioned specifically in the law, there was no doubt that it was tailor-made for him.³ Even in this episode, Gabinius was hardly the young protégé of the great general. In fact, Gabinius was Pompey's elder by a few years and had served admirably as a legate of Sulla in 82.⁴ The obvious Pompeian influence in the law, however, does raise the possibility of a prior connection between Gabinius and Pompey which would explain the later connection.⁵ The chief obstacle to the acceptance of such an alliance is the scarcity of information about Gabinius' early career. Indeed, no extant source mentions Gabinius at all during the fifteen years preceding his tribunate. Nevertheless, the possibility of an early connection should be investigated.

There are three possibilities for an early association between Gabinius and Pompey: both were Sullan *legati*, Gabinius may have served with Pompey in Spain, and Gabinius was married to Lollia. During the Sullan years, in fact, there was little opportunity for contact between the two. Gabinius' name is mentioned only in the context of eastern operations, while Pompey operated exclusively in the West.⁶ Moreover, the associates of the dictator included a number who had no common ties and even some who were *inimici*. Military service with Pompey in Spain would satisfactorily explain Gabinius' obscurity during the 70's, but such service would not be in keeping with the eastern connections of the Gabinii or Gabinius' prior and subsequent interest in the East.⁷ Furthermore, there were other major theatres of military operation during this decade, including P. Servilius Vatia's proconsular command against the Cilician pirates from 78 to 74.⁸ Service with Vatia, a long-time Sullan who had fought in the First Mithridatic War, would offer a satisfactory alternative

³See *MRR* 2.144 for sources.

⁴Sanford ("Gabinius" 71) refers to Gabinius as an "impecunious young politician;" but Badian ("Early Career" 87-99) convincingly argues that Gabinius is the same man as the Sullan legate, not his son. Cf. Gruen, *Last Generation* 143, for a restatement of Sanford's view.

⁵Badian ("Early Career" 94-96) suggests such a relationship.

⁶Gabinius served as a military tribune to Sulla during the First Mithridatic War in 86 (Plut. *Sulla* 16.8, 17.5-7) and as a legate to end the Second Mithridatic War in 81 (Appian *Mith.* 66).

⁷For details of the various careers of Gabinius' ancestors, see *RE* 7. 422-424 ("Gabinius" nos 1-10), and Badian, "Early Career" 87-88. Badian further argues (95-96) that Gabinius served with Pompey against Sertorius during this decade.

⁸*MRR* 2.87, 88, 90, 99, 105. For Vatia's early career with Sulla, see Gruen, *Last Generation* 7.

to explain Gabinius' activities during this period. Finally, Gabinius' marriage to Lollia, who was almost certainly a relative of Lollius Palicanus, a Pompeian supporter from Picenum, may indicate a connection with Pompey.⁹ The difficulty is in determining a date for the marriage, since the only reference is a cryptic comment by Suetonius (*Iul.* 50). If this were the first marriage of Gabinius, it certainly would have been from this period or earlier; but there is nothing to deny that Lollia was a second or third wife used to confirm a later *amicitia*. In none of these cases is there a compelling reason to affirm or deny an early alliance between Gabinius and Pompey.

The ambiguity of the evidence for early relations between Gabinius and Pompey extends to the beginning of Gabinius' tribunate in 67. No evidence suggests direct Pompeian support during the elections in the spring of 68.¹⁰ The alliance could easily have been formed after the elections as the pirate problem worsened and Pompey's ambitions grew. Gabinius' interest in the East (which apparently was considerable) and Pompey's desire for a command may have been the common interest which sparked the *amicitia*.

If Gabinius had been elected with Pompey's support, one might expect that he would have immediately proposed his most important piece of legislation, the pirate law. Yet it is clear that Gabinius' first law was the measure stripping Lucullus of his remaining provinces in the East.¹¹ This law, transferring Bithynia and Pontus to M'. Acilius Glabrio, has sometimes been linked with Pompey.¹² In this interpretation, Pompey directed Gabinius to choose Glabrio, knowing him to be a lethargic person, so that Magnus could step into the command the following year after defeating the pirates. This conspiratorial theory requires not only that Pompey be able to forecast a quick end to the pirate menace but that he also exhibit a political subtlety far greater than he showed on other occasions.¹³ Glabrio, moreover, was sent to his province with the expectation that the

⁹On Lollius Palicanus, see T. P. Wiseman, *New Men in the Roman Senate: 139 B.C.-A.D. 14* (Oxford 1971) 237-238, and *MRR* 2.122; cf. Syme, *Roman Revolution* 31. Griffin, "Cornelius" 209, states that Gabinius' marriage to Lollia suggests a connection between Pompey and Gabinius before 67.

¹⁰Since the Gabinii were already a moderately prominent family which had attained the praetorship twice in the previous generation (see Badian, "Early Career" 87-88), there would have been adequate support for Gabinius to reach the tribunate without Pompey's intervention.

¹¹See *MRR* 2.144.

¹²Most recently by Gruen, *Last Generation* 131. Pompeian influence in this law was earlier suggested by J. M. Cobban, *Senate and Provinces 78-49 B.C.* (Cambridge 1935) 123-124. Mommsen (*RG* 3.108) suggested that Gabinius was working with forces who were trying to block a double command for Pompey.

¹³See W. E. Caldwell, "An Estimate of Pompey," in *Studies Presented to David Moore Robinson on His Seventieth Birthday*, ed. by G. Mylonas (St. Louis 1953) 2.954-961.

Mithridatic War was all but concluded. Lucullus himself had called for a senatorial commission to organize the province, thus fostering the impression in Rome that Mithridates was defeated; and Glabrio was not even provided with fresh troops for the mission.¹⁴ Thus Glabrio's command was the culmination of an extended political assault which embarrassed Lucullus by stripping him of his provinces in the hour of victory.¹⁵ There is no justification for postulating a devious Pompeian plot in the matter.

It is in the *lex Gabinia de piratis persequendis*, then, that the *amicitia* between Pompey and Gabinius can first be substantiated. The law itself and Pompey's effective use of its authority are rightly famous and need no further discussion;¹⁶ but in the passage and implementation of the law, one can see that Pompey had secured an alliance with a highly effective politician. Gabinius was not only able to turn the objections of Q. Lutatius Catulus, the leading senatorial conservative, to his own advantage;¹⁷ he also managed to push the bill through in spite of tribunician opposition. For the first time since Ti. Gracchus, Gabinius used the principle of impeachment to avoid the *intercessio* of an objecting fellow tribune.¹⁸ Dio Cassius said that the Senate was enraged by the passage of the law, to the point of attacking Gabinius, who only narrowly escaped with his life (36.24.1). While that episode sounds suspiciously like the events which followed Ti. Gracchus' successful disposition of tribunician opposition, it does demonstrate that the Senate believed that it had somehow been betrayed by Gabinius. When that hostility was manifested by the consul C. Piso, who interfered with the recruitment of troops by Pompey's legates, Gabinius became enraged and proposed a bill to remove Piso from office. Pompey, who was flushed with initial successes in the western Mediterranean, clearly did not want such a confrontation, for upon his return to Rome, he persuaded Gabinius to abandon his radical measure.¹⁹

The nature of the *amicitia* formed between the general and the tribune is well demonstrated in these episodes involving the pirate law. Pompey

¹⁴See *MRR* 2.129, 121, 139–140 for full reference to the end of Lucullus' command. Cicero (*Leg. Man.* 5, 26) commented that Glabrio was sent without an army. For Glabrio's political sympathies and possible alliances, see Hayne, "Glabrio" 280–282.

¹⁵The length of the command and Lucullus' policies had earned him much distrust and many opponents. See Plut. *Luc.* 33.1–5; Cicero *Leg. Man.* 24–26. On Glabrio's hostility to Lucullus, see Hayne, "Glabrio" 282.

¹⁶For a complete listing of sources, see *MRR* 2.144–145.

¹⁷Cicero *Leg. Man.* 59; Plut. *Pomp.* 25.6; Val. Max. 7.15.9. Dio's text (36.30.4–36.4), which has a long speech by Catulus, contains a lacuna at the critical point; see Xiphilinus p. 4 (Dindorf).

¹⁸Asconius p. 62 (Clark); Dio 36.37.2.

¹⁹Plut. *Pomp.* 37.1–2; Dio 36.37.2.

gained an effective spokesman in the Forum who managed to pass one of the most significant laws of the Republic while avoiding the disturbances which characterized C. Cornelius' proposals.²⁰ Gabinius could also be troublesome, since he realized the immense powers of the tribunate and was prepared to use them in a radical way not consistent with Pompey's desires. It is clear, however, that Pompey was capable of compelling or persuading Gabinius to desist, at least in a matter that directly affected the general. Gabinius, on the other hand, had gained relatively little from the alliance; but his rewards would become apparent during the next few years. In 66 he was named a legate (over senatorial opposition) in the transfer of Pompey's command to the renewed Mithridatic War.²¹ Perhaps more importantly, Pompey's support was available in succeeding years as Gabinius held the praetorship and, in 58, the consulship as a representative of the triumvirs.²²

During Gabinius' consulship the relations between Pompey and Gabinius were complicated by the existence of the triumvirate and its alliance with other figures, particularly P. Clodius. Clodius, a tribune of the plebs in 58, was a thoroughly unscrupulous street politician who was willing to lend his influence to the triumvirs in return for their support or tolerance of his programs and his most determined scheme: the exile of Cicero. Testifying for the prosecution during Clodius' trial for violating the mysteries of *Bona Dea*, Cicero had shattered Clodius' alibi. Soon thereafter Cicero devastatingly humiliated Clodius on the same issue in front of the entire Senate (*Att.* 1.16). Three years later Clodius was still bent on revenge and at last had his opportunity. When Clodius began to attack Cicero, not even his trusted friend Pompey was willing to come openly to the orator's aid.²³

Clodius' alliance with the triumvirs should have been enough to secure the passive approval of their allies, but Clodius needed the active co-operation of the consuls to counteract the senatorial and equestrian

²⁰Asconius pp. 58, 76 (Clark); Dio 36.39.3-4. See Griffin, "Cornelius" 196-213, and W. McDonald, "The Tribunate of Cornelius," *CQ* 23 (1929) 196-208.

²¹Cicero *Leg. Man.* 57-58; Josephus *AJ* 14.39; *BJ* 1.128; Dio 37.5.2.

²²There is no record for the praetorship, but Pompey aided other legates to office. Since Gabinius was understood to be Pompey's choice for the consulship, it is likely that Pompey helped in the praetorship also. For the consular elections, see *MRR* 2.193-194. Despite the inadequacy of the terms "triumvir" and "triumvirate," there is still no satisfactory substitute.

²³E. Gruen, "P. Clodius: Instrument or Independent Agent?" *Phoenix* 20 (1966) 124-125, attributes Clodius' hostility to revenge for the *Bona Dea* episode. A. W. Lintott, "P. Clodius Pulcher—*Felix Catilina*?" *G&R* 14 (1967) 165-167, sees Clodius' actions as part of a larger effort to eliminate all opponents to his dominance of the urban populace. Lintott's views are further stated in *Violence* 190-200. On Pompey's failure to support Cicero, see Cicero *QFr.* 1.4.4; *Att.* 8.3.3, 9.9.1; Dio 38.17.3; Plut. *Cic.* 31.1.

support that Cicero could elicit.²⁴ Moreover, both Gabinius and Piso had at least limited contacts with Cicero, who unrealistically counted on their support.²⁵ Clodius undercut that support by offering the consuls more profitable provinces than the Senate had been willing to allot to the triumvirs' friends.²⁶ As a result, Gabinius not only supported the basic position of Clodius but also took a leading role in the neutralization of Ciceronian support among the senators and, more importantly, among the *equites*.²⁷

The complexity of Roman political alliances is well demonstrated by the events of this year. By early summer Clodius had fulfilled his obligations to the triumvirs and had achieved most of his political goals. With Cicero and Cato safely removed from Rome and Caesar in Gaul, only Pompey had sufficient popular support to prevent Clodius' domination of the city. The tribune's harassment and implied threats so unnerved Pompey that he withdrew from public activity and refused to leave his house.²⁸ As Pompey had been caught in a dilemma over the exile of Cicero, now Gabinius was mired in the conflict between Pompey and Clodius. Rallying to the support of his most important *amicus*, Gabinius met Clodius' street gangs head-on with gangs of his own.²⁹ At this point Pompey, regretting the loss of Cicero's potential support, began to urge his recall; but even then Gabinius prevented that action for the remainder of his consulship.³⁰ Gabinius cited as an excuse the prohibition in Clodius' law against even discussing Cicero's return; however, the orator sarcastically and accurately observed that the Clodian law that prohibited discussion was in reality the one that assigned provinces (*Dom.* 70). By these means Gabinius was apparently able to avoid a personal *inimicitia* with Clodius, maintain the interests of the triumvirs, and defend Pompey.

Although the issue of Cicero's exile hung like a cloud over Gabinius' consulship, there is some evidence that Gabinius may well have had a significant legislative program. One law, a *lex Gabinia Calpurnia*, is known from a fragmentary inscription. The law concerned the restoration of

²⁴In fact, when Clodius published his bill to exile Cicero, the *equites* and the Senate responded by adopting mourning clothes (Cicero *Sest.* 26–27, 31, 32; *Red. sen.* 12, 31; *Planc.* 87).

²⁵Cicero *Red. pop.* 11; cf. Dio 38.15.6.

²⁶Macedonia to Piso and Cilicia (changed to Syria) to Gabinius. For sources, see *MRR* 2.193.

²⁷Cicero *Red. sen.* 12–13, 31–32; *Sest.* 26, 28; *Dom.* 55; *Planc.* 87; *Pis.* 18; Dio 38.16.4.

²⁸Cicero *Red. sen.* 4; *Sest.* 69; Asconius p. 46 (Clark); Dio 38.30.2; Plut. *Pomp.* 48.7–49.2. See Lintott, *Violence* 192, 197 for the view that Clodius was deliberately provoking Pompey to gain control of the city.

²⁹Cicero *Pis.* 27–28. Piso, on the other hand, refused to support Pompey against Clodius (*Pis.* 16; Dio 38.30.2). See E. Gruen, "Pompey and the Pisones," *CSCA* 1 (1968) 155–156.

³⁰*Red. sen.* 4; *Dom.* 70; *Sest.* 69; cf. Dio 38.20.1–4.

war-torn Delos, an island with which Gabinius' family had some prior connections.³¹ Two other Gabinian laws are also known, although they have been variously attributed to the tribunate in 67, to the praetorship in 61, or to the consulship. These laws, usually mentioned together, deal with relations with the provincials. One law required the Senate to hear envoys regularly during the month of February instead of the usual practice of stalling long enough to extract the maximum amount of bribery from the ambassadors.³² The other law forbade loans to provincials. For the purposes of this article, we may note that all three laws demonstrate a Gabinian concern with the lot of the provincials not readily associated with the goals of Pompey or the other triumvirs at that time. This concern was to be demonstrated further during Gabinius' proconsulship of Syria.

During the ten years that Gabinius had been associated with Pompey, he had demonstrated a mastery of politics, some military skills, and a genuine concern for the provincials. He could safely be called a Pompeian supporter, the most prominent and creative of Pompey's close circle of friends. In this position as a rising magistrate, Gabinius was very much under the influence of Pompey. He needed massive political support to reach the highest offices in Rome, and Pompey needed a skilled legislator. During Gabinius' proconsulship, however, the relationship was to be very different; for during those three years, Gabinius was master of his own province, a thousand miles from his more prominent *amicus*.

According to Cicero, Clodius had given Gabinius *omnia Syrorum, Arabum, Persarumque* (*Dom.* 124). Although this hyperbole exaggerated the extent of Gabinius' authority, Cicero did illustrate the military nature of the command Gabinius had secured. Syria was a key frontier province in the arc of Eastern territories which had only recently been acquired and organized by Pompey during the Mithridatic wars. The province bordered the dangerous Parthian Empire, a massive state whose internal difficulties lulled the Romans into believing that it was merely another weak kingdom. On the southeast were the more immediately troublesome Nabataean Arabs whom Gabinius' predecessors had failed to pacify during the five years the province had been in existence.³³ Clearly, Syria was considered a base from which Gabinius might launch major military operations.

Internally, although Cicero characterized the province as completely pacified (*Sest.* 93), there were immediate problems for Gabinius: Syria

³¹*CIL* 12 2500. See E. Cuq, "L'inscription bilingue de Délos de l'an 59 av. J.-C.," *BCH* 46 (1922) 198–215. On the family's earlier connections with Delos, see Th. Homolle, "Les Romains à Délos," *BCH* 7 (1884) 142–143.

³²See *MRR* 2.144, 145; Gruen, *Last Generation* 252–253.

³³Josephus *AJ* 14.80–81; *BJ* 1.159; Appian *Syr.* 51.

contained a diverse population of native Semites; a number of Hellenistic cities had not recovered from the Mithridatic wars; and the nominally independent client state of Judaea was wracked with dynastic dissension. Pompey had brought Judaea under Roman supervision as part of his eastern settlement following the Mithridatic War. Called upon to arbitrate the succession to the throne of Judaea between two sons of Alexander Jannaeus, Pompey had thrown his support behind the ineffective but pliant Hyrcanus and had reduced the defiant partisans of the more independent Aristobulus to submission.³⁴ The instability of this regime would continue to be a headache for the proconsul of Syria.

When Gabinius reached his province, Judaea was already a pressing problem, for Aristobulus' son Alexander had renewed the civil war with his uncle Hyrcanus (Josephus *AJ* 14.82–85; *BJ* 1.160–163). Faced with the necessity of crushing Alexander's rebellion, Gabinius departed drastically from Pompey's policy of non-interference in the governmental structure of client states by totally reorganizing the government of Judaea. In place of the monarchy, Gabinius created five autonomous districts each governed by a *synhedreion*, a local aristocratic council. Hyrcanus was allowed to keep his position as High Priest; but the government at Jerusalem was henceforth in the hands of the council, the Great Sanhedran. This arrangement was popular, at least with the Jewish aristocracy which generally opposed the monarchy (Josephus *AJ* 14.89–91; *BJ* 1.166–170).

Gabinius' decision to eliminate the monarchy may have been the result of several considerations, not the least of which was his personal experience in Judaea. Seven years earlier while serving as a legate to Pompey, Gabinius had been sent to mediate between Hyrcanus and Aristobulus. On that occasion Gabinius had chosen Aristobulus, as subsequently did Pompey's quaestor M. Aemilius Scaurus.³⁵ Aristobulus had paid substantial sums to the Romans for their support, but equally important to Gabinius and Scaurus was the alliance between Hyrcanus and the Nabataean Arabs.³⁶ Although Aristobulus' haughtiness and independent spirit ultimately prompted Pompey to reverse his officers and support Hyrcanus, Hyrcanus' five years of rule had not given Gabinius cause to revise his earlier estimation.

The more important motivation behind the partition seems to have been Gabinius' desire for stability in a fundamentally troublesome district. Consistent with this was the proconsul's support for the rebuilding and

³⁴Josephus *AJ* 14.29–76; *BJ* 1.128–153; Dio 37.15.3–16.5.

³⁵Josephus *AJ* 14.29–37. In *BJ* 1.128–129, Josephus mentions only Scaurus.

³⁶Josephus (*AJ* 14.30–31) said that Scaurus was favorably impressed by Aristobulus' wealth, generosity, and moderate demands. Scaurus and Pompey were both mentioned as being hostile toward the Nabataeans (*AJ* 14.31, 46, 48).

restoration of the Hellenistic cities that Pompey had detached from Judaea. These cities quickly attracted numerous settlers and could provide an effective counterbalance to the volatile Jewish state.³⁷ Within Judaea it was clear that Hyrcanus did not have either the support of the populace or the ability to maintain order. There was no possibility for an alternate ruler, for Aristobulus and his sons were committed to the revival of an independent monarchy which would be hostile to Roman supervision. Consequently, Gabinius turned to the substantial faction of Jews who had asked Pompey in 63 to dispense with the monarchy altogether (Josephus *AJ* 14.41).

Gabinius' partition of Palestine was one of the most innovative actions of his proconsulship. The only precedent occurred a century earlier when the Romans divided Macedonia into four independent republics;³⁸ but then the circumstances were far different. Macedonia was partitioned to punish the Antigonids and to eliminate a perceived threat to the empire. The Hasmonian monarchy, on the other hand, was eliminated to increase stability in Judaea and Syria in general. Normally, Roman policy toward client states was to support native dynasts unless their allegiance to Rome was doubted; the alternative followed was either replacement of the ruler or annexation as a province. In contrast, Gabinius created a governmental system composed of self-governing districts similar to the *municipia* of the provinces. Yet Gabinius' partition conformed to the overall Roman policy of protecting the provinces by maintaining stable client states.

Most of what is known of Gabinius' administration of his province comes from speeches which Cicero delivered after his return from exile.³⁹ In these speeches, Cicero unleashed his full range of invective against Gabinius and his consular colleague Piso in repeated efforts to have them recalled from their provinces. He denounced them as *rei publicae portenta* and *pestes sociorum, militum clades, publicanorum ruinas, provinciarum vastitates, imperii maculas* (*Prov. cons.* 2, 3). Cicero gloried in the fact that the Senate had attempted to recall both proconsuls soon after they had arrived in their provinces and that Gabinius had been denied a *supplicatio* for suppressing the rebellion of Alexander (*Prov. cons.* 14-16; cf. *QFr.* 2.6.1).

But Cicero's specific charges against Gabinius primarily dealt with his relations with the *publicani*. Gabinius had crushed them by his greed, arrogance, and cruelty: *quos non parsimonia, non continentia, non virtus,*

³⁷Josephus *AJ* 14.88; *BJ* 1.166. On the cities founded by Pompey, see *AJ* 14.74-76; *BJ* 1.155-156.

³⁸Macedonia was partitioned following the Third Macedonian War (163-167) by L. Aemilius Paullus and a senatorial commission. See Livy 45.17.2-3; 29-31.

³⁹In 57: *Red. Sen.*, *Red. pop.*, and *Dom.* In 56: *Sest.*, *Vat.*, *Prov. cons.*, and *Har. resp.* In 55: *Pis.* In 54: *Planc.*

non labor, non splendor tueri potuit contra illius helluonis et praedonis audaciam (Prov. cons. 11). Throughout his proconsulship, Gabinius refused to hear suits brought by the *publicani* against the provincials. He revoked the *pactiones* made for the collection of taxes, even those that had been made without injustice, removed guards, liberated many provincials from taxes and tribute, and expelled the *publicani* and their slaves from the towns in which he was staying. By these methods, Gabinius handed over the *publicani in servitutem Iudaeis et Syris, nationibus natis servituti* (Prov. cons. 10–13).

Cicero, who became something of a spokesman for the *publicani*, pointed out Gabinius' most significant departure from Pompeian policies. Pompey's relations with the *equites* were generally good, and he even extended to all his newly conquered provinces the tax farming system used in Asia.⁴⁰ The principal result for the provincials was their subjection to the greed and extortion of the Roman companies of *publicani*. In contrast to Pompey, Gabinius was willing to risk the hostility of the *equites* and their powerful friends in Rome to protect the provincials.⁴¹

To explain his actions, it is necessary to recall Gabinius' prior legislation and general relations with the Equestrian Order. Of the laws known to have carried his name, all but one specifically dealt with the problems and difficulties of the provincials.⁴² One of these specifically prohibited loans to provincials. By refusing to hear the suits of the *publicani* against the provincials, Gabinius was protecting the provincials by simply enforcing his own law.⁴³ The conflict between Gabinius and the *equites* during his consulship very probably helped to set him against the *publicani* in his province, but this should not be overdrawn, because Gabinius also demonstrated in other ways his concern for effective and just government during his proconsulship.⁴⁴

⁴⁰Badian, *Publicans and Sinners* 99–100; *Roman Imperialism* 75.

⁴¹According to Badian (*Publicans and Sinners* 109) personal greed and political hostility motivated Gabinius to take his stand in Syria. However, Gabinius had shown prior concern for the provincials and must have been aware of the political power of the *equites*. Their control of the law courts and close connections with such powerful men as M. Brutus and M. Crassus led even Cicero to deal cautiously with their unreasonable demands. Cf. Badian, *Roman Imperialism* 75, 84–85.

⁴²Only the law recalling Lucullus did not fit the pattern. Even the pirate law eased the plight of the provincials, perhaps more than that of the Romans themselves.

⁴³M. Rostovtzeff, in *The Social and Economic History of the Hellenistic World* (Oxford 1941) 2.982–983, finds Gabinius' motives obscure: "If not he, who was to act in these suits?" The answer, of course, is no one. Since the loans were illegal and uncollectable, Gabinius judged the *publicani* to have no legal standing.

⁴⁴Cicero pictured Gabinius as a governor with a hand outstretched to receive bribes (Prov. cons. 9); but Josephus commented that he had accomplished glorious deeds during his proconsulship (*AJ* 14.104) and observed that Crassus, not Gabinius, plundered the Temple to finance his ventures (*AJ* 14.104–109; *BJ* 1.179).

Ultimately, the most momentous event of Gabinius' proconsulship was his restoration of Ptolemy Auletes to the throne of Egypt in 55. Driven from Alexandria by the enraged populace, Ptolemy had been trying since 58 to secure Roman military assistance for his return to the throne promised him by the triumvirs. After much deliberate delay and several attempts by various men, including Pompey, to gain the command, the tribune C. Porcius Cato blocked Roman aid by producing a Sibylline oracle forbidding a military expedition. Although Pompey was aspiring to some sort of command, the Senate voted not to restore Ptolemy, and the king retired in despair to Ephesus in the winter or spring of 56.⁴⁵

During the winter of 56–55, Ptolemy approached Gabinius with a plea to restore him to his throne. Although the proconsul was at that moment at the banks of the Euphrates preparing an invasion of Parthia in support of another dubious monarch, Gabinius turned back and honored the request.⁴⁶ Most ancient writers agreed that the principal inducement for Gabinius to abandon the Parthian campaign was Ptolemy's offer of a massive bribe of 10,000 talents.⁴⁷ Dio Cassius, however, claimed that Ptolemy bore a letter from Pompey ordering Gabinius to undertake the mission (39.55.2–3, 56.3), although he offered no hint regarding the circumstances of Pompey's decision.

This suggestion that Gabinius acted on Pompey's orders requires investigation. For many modern authors, Dio's statement substantiates "the obvious fact that Gabinius acted at the orders of the triumvirs and as their agent."⁴⁸ At issue is an understanding of the bonds of *amicitia* between Gabinius and Pompey. As proconsul Gabinius had displayed much initiative and independence as well as a rejection of certain Pompeian policies, but he would have known of Pompey's interest in Egypt and would hardly have undercut his friend's ambitions. Although it is unlikely that Dio would have fabricated the letter, it is equally unlikely that Pompey would have sent orders to Gabinius by way of Ptolemy. Dio was, however, quite capable of misinterpreting the nature

⁴⁵The futile effort of Ptolemy to gain backing in Rome is well discussed by Israel Shatzman, "The Egyptian Question in Roman Politics (59–54 BC)," *Latomus* 30 (1971) 363–369.

⁴⁶Josephus *AJ* 14.98; *BJ* 1.175; Appian *Syr.* 51; Dio 39.56.3; Strabo 12.3.34.

⁴⁷Cicero *Pis.* 48, 49; *Planc.* 86; Schol. Bob. on *Planc.* 86; Plut. *Ant.* 3.2; App. *Syr.* 51; Dio 39.55.3. The actual sum is from *Rab. Post.* 21, 30.

⁴⁸Sanford, "Gabinius" 86. A majority of writers refers only to Pompey's letter; but a substantial minority follows Mommsen (*RG* 3.163) in linking the letter to the Luca conference, most recently Gruen (*Last Generation* 324). Dio did not connect the letter to Luca because he failed to acknowledge the conference. Fantham ("Trials of Gabinius" 431) suggests that Pompey and Caesar sent Gabinius without Crassus' knowledge. Cf. J. Carcopino, *Cicero: Les secrets de la correspondance de Cicéron* (Paris 1947) 1.336–337.

of Pompey's letter in order to confirm his overall estimate of Gabinius and his dependence on Pompey.⁴⁹

Dio believed that Gabinius was a thoroughly worthless individual who acted solely from base motives to effect what Pompey through his benevolence wished accomplished (36.23.4). In this context, the episode of the letter is nearly a doublet of the passage of the pirate law in 67. Pompey and Gabinius restored Ptolemy much as they had ended the pirate menace, the one moved by compassion, the other by greed (39.55.3). In contrast to other writers, Dio pictured Gabinius as a greedy, grasping, and oppressive governor who had plundered the province and was about to tap the riches of Parthia (39.55.5, 56.1). In order to suggest sufficient motivation for such a momentous undertaking as the restoration of Ptolemy, Dio had Pompey order Gabinius to restore the king; and the governor complied.⁵⁰ Beyond the general characterization, there are a number of inconsistencies in Dio's account of Gabinius' actions in Syria, both in the context of the restoration and in other matters. All of this points to the conclusion that Dio did not understand the purpose of the letter carried by Ptolemy.

There is still the question of the content and circumstances of Pompey's letter. According to Dio, Gabinius had been planning a campaign against Parthia (30.56.1-2), but Josephus reported that Gabinius had already crossed the Euphrates when he turned back to assist Ptolemy to his throne (*Ant.* 14.98; *BJ* 1.175). Since this action occurred in late 56 or early 55, Gabinius had obviously begun the campaign on his own initiative. He must have been unaware of the agreements made at Luca in April, 56, in which (among other things) Crassus was assured of a major Syrian command.⁵¹ News of Gabinius' expedition must have caused quite a stir in Rome and would have necessitated Pompey's letter informing his *amicus* of the arrangements of Luca and the imminent Trebonian Law. Pompey could not, however, expect Gabinius to abandon his Parthian War and forego a possible triumph without adequate reasons or com-

⁴⁹Among other misinterpretations during this period, Dio described Clodius as a agent of Caesar in 59 (38.12.1), then as an ally of Pompey in 56 (39.29.1). He also believed that Pompey and Crassus were allied against Caesar in 56-55 (39.26.3), and was totally unaware of the Luca conference.

⁵⁰Dio's interpretation of the relations between Gabinius and Pompey seem to reflect Dio's own time more than the late Republic. A second-century *princeps* would naturally command his provincial governors to carry out his policies.

⁵¹Pompey's comments about the provinces of Syria and Spain (*Cicero Att.* 4.9) indicate that the provincial commands were arranged and even public knowledge in Rome by the spring of 55. In view of Gabinius' continued alliance with the triumvirs, it seems likely that he was unaware of the arrangements in 56 when he began preparations for the Parthian expedition.

pensation.⁵² Thus, Ptolemy arrived with a letter from Pompey accompanied by Rabirius Postumus, who was to be the king's *dioiketes*.⁵³ Even so, Plutarch noted that Gabinius was reluctant to undertake the mission but was persuaded by Mark Antony, his cavalry commander (*Ant.* 3). The contents of Pompey's letter cannot, of course, be known; but it would seem likely that Pompey appealed to his *amicus* to consider the necessity of a secure Egypt and promised the support of the triumvirs in the restoration.⁵⁴ One may also assume that Ptolemy assured financing for the operation and considerable rewards besides.⁵⁵

As important as Pompey's letter and Ptolemy's money were in prompting Gabinius to shift his operations from Parthia to Egypt, there is another consideration which apparently was of significance to Gabinius. In the trials following his return to Rome the former governor denied that he had profited from the campaign and justified his actions as necessary to protect the province (Cicero *Rab. Post.* 20). Ptolemy's daughter Berenice had married a certain Archelaus, a crafty and ambitious man who falsely claimed descent from the Seleucid line. Gabinius maintained that Archelaus was building a pirate fleet to ravage the coast of Syria, making the restoration of Ptolemy necessary. Although the explanation was rejected by the jurors and has been virtually ignored ever since, the argument does deserve more attention. Dio rather back-handedly acknowledged Gabinius' assertion, commenting that Gabinius himself

⁵²If Pompey saw his own Egyptian ambitions crushed by the proposed allotment of Syria to Crassus, he may have demanded the right to secure the restoration of Ptolemy by his own allies merely to protect his investments. Alternately, Fantham argues ("Trials of Gabinius" 431) that Pompey and Caesar secured the restoration of Ptolemy without the knowledge of Crassus. In either case, it would have been necessary to inform Gabinius of the triumvirs' plans and request his restoration of Ptolemy.

⁵³Since Rabirius was closely associated with Pompey (Cicero *Rab. Post.* 6) and was appointed *dioiketes* to secure his own and others' loans (*Rab. Post.* 4-5, 22, 25, 28), Rabirius would have been a good choice to carry Pompey's letter to Gabinius (see Fantham, "Trials of Gabinius" 430, n. 13). Cicero (*Rab. Post.* 19) indicates that Rabirius helped persuade Gabinius to restore the king.

⁵⁴One might compare the letter of Cicero (*Fam.* 1.7) in which he gives advice to Lentulus Spinther on the same matter. Cicero assures Lentulus of Pompey's support (rather naively, it seems) and encourages him to restore Ptolemy if he believes he will succeed.

⁵⁵Ptolemy was reputed to have offered Gabinius the incredible sum of 10,000 talents (*Rab. Post.* 21), an amount equal to five-sixths of a year's income from Egypt. At Gabinius' trial, ambassadors from Ptolemy denied that any money had been given to Gabinius, and a letter was read from the king stating that money had been given only for military purposes (*Rab. Post.* 34). It is likely that neither of these extremes is true. There is no reason to believe that the king who had doled out such large sums to other Romans would hesitate to offer Gabinius money; yet Ptolemy certainly did not have, and Gabinius did not receive, 10,000 talents (*Rab. Post.* 8).

assisted Archelaus to the Egyptian throne in order to make Ptolemy's restoration worth a larger bribe.⁵⁶ Gabinius may actually have been concerned about the menace posed by Archelaus, for there were pirates operating off the coast of Syria and Palestine during these years (Dio 39.39.1–2). Even if the threat were magnified, it would have given Gabinius an excellent excuse for accepting Ptolemy's money.

During his three years as proconsul, Gabinius had demonstrated independence and integrity, effectively governing his province according to his own conceptions and leaving it contented and peaceful.⁵⁷ Still, when he returned to Rome an impressive array of legal charges awaited him. This was due both to his vigorous interference with the *publicani* in Syria and to the concerted effort of the *optimates* to attack the political allies of the triumvirs, a half-dozen or more of whom were brought before the tribunals during 54.⁵⁸ Gabinius was one of the most vulnerable, for he had created a plethora of enemies by his actions as proconsul. Cicero, of course, and the *equites* were the heart of the opposition; but they were joined by those incensed by the proconsul's restoration of Ptolemy in the face of senatorial opposition.⁵⁹ It was into this highly charged atmosphere that Gabinius returned to find not one but three indictments against him: *maiestas*, *repetundae*, and *ambitus*.⁶⁰ The first two stemmed from his restoration of Ptolemy; the third was concerned with electoral corruption in the consular elections of 58.

This article is not concerned with the guilt or innocence of Gabinius, but with the nature of the support he received from Pompey and the other triumvirs. From Cicero's letters it is clear that Pompey continued to consider Gabinius an *amicus* and thus made the most of his considerable power to influence the outcome of the trials.⁶¹ Failure to achieve acquittal of such a prominent friend would seriously degrade the value of his political support. As the first trial approached, Pompey's most apparent success was his prevention of Cicero from serving as one of the major prosecutors. The orator did speak for the prosecution, but his testimony

⁵⁶39.57.1–3. On Archelaus, cf. Strabo 12.3.34; 17.1.11.

⁵⁷Even Dio admitted (40.12.1) that the people of the province were quiet and that those who had previously fought against the Romans were causing no disturbance.

⁵⁸Among the defendants were C. Porcius Cato, C. Messius, P. Vatinius, M. Livius, Drusus Claudianus, Cn. Plancius, and a certain Nonius (?) Sufenas. See Gruen, *Last Generation* 314–322.

⁵⁹Gabinius was subject to attacks in the Senate (*Fam.* 1.9.20, *QFr.* 2.13.3; see also Dio 39.60.2–4).

⁶⁰See *MRR* 2.218, 222. On the trials, see Fantham, "Trials of Gabinius" 425–443.

⁶¹Cicero *QFr.* 3.3.3, 4.1, 6.5; *Att.* 4.18.1, 19.1. On Pompey's pressure on Cicero, see *QFr.* 3.3.15, 4.3. Yet Syme, *Roman Revolution* 67, and Badian, *Publicans and Sinners* 109, maintain that Pompey's support was half-hearted.

was so innocuous that Gabinius actually thanked him afterwards.⁶² In the second trial, Pompey was equally active but less effective. Although he forced Cicero to defend Gabinius and even held a *contio* on Gabinius' behalf, Gabinius was convicted and went into exile.⁶³ The failure to defend his *amicus* successfully demonstrated both the strength of Gabinius' opponents and, at least partly, Pompey's political ineptitude. Pompey's success in the first trial was more the result of widespread fear that he was seeking an excuse for an emergency dictatorship than evidence of his political persuasiveness.⁶⁴ The threat had passed by the second trial, and Pompey was therefore unable to overcome the opposition. One might also wonder about the wisdom of forcing Cicero to be reconciled with and then to defend the man he had desperately wanted to prosecute just a few weeks earlier.

The trials of Gabinius demonstrated the important and often overlooked fact that Gabinius was an *amicus* not just of Pompey but of the other triumvirs as well. According to Dio, both Crassus and Pompey prevented discussion of the restoration of Ptolemy while they held the consulship in 55 (39.63.4), and Cicero confirmed that Crassus defended Gabinius that year with a bitter attack on himself (*Fam.* 1.9.20). Furthermore, at Pompey's *contio* on behalf of Gabinius, a letter from Caesar was read (Dio 39.63.4). But none of these efforts was successful; Gabinius was convicted of *repetundae*.

Gabinius' conviction and exile seem to have been the end of his *amicitia* with Pompey. Nothing is known of the five-year exile, but when Gabinius reappeared in Rome during the Civil War, it was to Caesar that he returned.⁶⁵ Perhaps he was disillusioned by or disappointed with Pompey's assistance during the trials, but much had happened in the interval. By 49, Pompey had become the champion of the *optimates*, leaving Caesar as the sole representative of the popular cause. The party of Cato was hardly a cause which Gabinius would have been willing to support. In the years when the whole Roman world was forced to choose sides, Gabinius decided to remain with the *populares*, and he died fighting on behalf of Caesar.⁶⁶

The *amicitia* which cemented the political alliance between Gabinius

⁶²Cicero *QFr.* 3.2.2, 4.2, 9.1. On Gabinius' thanks, see *QFr.* 3.4.3.

⁶³Cicero *Rab. Post.* 31–32, 34. Sanford ("Gabinius" 91) elaborates on Dio's explanation that Gabinius was convicted because he limited his bribery of the jurors in the second trial. She suggests that Gabinius was more confident and shared Cicero's belief that nothing less than murder was punishable (*Att.* 4.18.3).

⁶⁴Cicero *QFr.* 3.8.4. See also Fantham, "Trials of Gabinius" 433, and Syme, *Roman Revolution* 38–39.

⁶⁵Cicero *Att.* 10.8.3; Dio 39.63.5; Appian *BCiv.* 2.58; Plut. *Ant.* 7.1–2.

⁶⁶*BAlex.* 43; Dio 42.11.4.

and Pompey substantially benefited both men without unduly restricting their careers. Gabinius received valuable electoral support and military experience while Pompey gained a valuable and effective spokesman in the political arena. Gabinius was able to secure the passage of legislation which was not particularly in Pompey's interests and made a number of enemies who were themselves friends of Pompey. The most prominent of these, Cicero, was ultimately more limited and constrained by Gabinius' *amicitia* than was Gabinius himself. In addition, although Gabinius had of his own volition opened a major quarrel with the *equites*, Pompey was ultimately obliged to come to his defense. The alliance lasted throughout the major portion of Gabinius' career and reached the breaking point only when Pompey was captured by the *optimates*. Gabinius, whose political programs had been distinctly *popularis* since his tribunate, remained with the popular cause.

In the career of Gabinius, *amicitia* with Pompey appears to have been a dynamic relationship with mutual obligations rather than a passive adherence to the policies of the great man. As Gabinius rose in political stature, the relationship changed, allowing him to display originality and independence without severing the bond. Never had Gabinius simply been a client or follower of Pompey. Throughout his career he displayed the independent spirit that made him such a valuable ally.

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