

THE EARLY CAREER OF P. CLODIUS PULCHER:  
A RE-EXAMINATION OF THE CHARGES  
OF MUTINY AND SACRILEGE

DAVID MULROY

University of Wisconsin—Milwaukee

In a 1979 essay, Rundell set out to revise our picture of Publius Clodius Pulcher.<sup>1</sup> He noted that the traditional view of Clodius was based in part on Cicero's invectives, which scholars were beginning to treat with justified skepticism. "It is time," he wrote, "that a few words were spoken in Clodius' defense." I have written this essay to complement Rundell's. Whereas Rundell presented a sympathetic look at Clodius' tribunician legislation, I have tried to see his side of the story in connection with two events from his earlier career: his supposedly mutinous behavior in Lucullus' army in 69–68 and his violation of the rites of the Bona Dea in 62.

Most recent treatments of Clodius' early career focus on the political aspects of the Bona Dea trial. All accept Plutarch's accounts of Clodius' alleged mutiny and sacrilege and are thus based on unfavorable assumptions about his character.<sup>2</sup> I begin my defense by stressing the fact that Plutarch and the other historians from whom the charges against Clodius derive routinely included fictional incidents in their histories. I then suggest criteria for identifying likely fictions. Using these criteria, I conclude that Plutarch's two accounts contain much that is probably fiction. When that is removed, Clodius' character appears in a much better light.

Fiction in Ancient History

What Cicero said of the past masters of historical writing (*Leg.* 1.4: *et apud Herodotum, patrem historiae, et apud Theopompum sunt innumerabiles fabulae*) is certainly no less true of Plutarch, Dio, and Appian. Their works are semifictional. This fact is recognized in general terms by modern scholars, but in dealing with particular events they extend the greatest possible credence to the

<sup>1</sup> W. M. F. Rundell, "Cicero and Clodius: The Question of Credibility," *Historia* 28/3 (1979) 301–28.

<sup>2</sup> J. V. P. D. Balsdon, "Fabula Clodiana," *Historia* 15 (1966) 65–73; P. Greenhalgh, *Pompey: The Roman Alexander* (University of Missouri, 1981) 188–94; W. K. Lacey, "Clodius and Cicero: A Question of Dignitas," *Antichthon* 8 (1974) 85–92; A. W. Lintott, "P. Clodius—Felix Catilina?" *G&R* 14 (1967) 157–69; P. Moreau, *Clodiana Religio: Un procès politique in 61 av. J.-C.* (Paris 1982); T. P. Wiseman, "The Good Goddess," *Cinna the Poet and Other Roman Essays* (Leicester 1974) 130–37.

assertions found in these sources.<sup>3</sup> Only those that are plainly incredible or are part of a well-established type of fictional embellishment, such as the re-created oration, are dismissed. In my opinion, one should be more skeptical in dealing with ancient historians. Their fictions are of many kinds and have differing origins, including contemporary gossip or propaganda. Fictions of all types, however, share certain general characteristics, whatever their sources. To the extent that any account in a semifictional writer like Plutarch displays these characteristics, I think it should be labeled as likely to be fiction and not be permitted to confuse the genuine historical record.

In this, I am only referring to the characteristics that common sense associates with fictions. Fiction generally seeks to instruct and entertain by arousing emotions. Therefore fictional events are emotionally stirring by nature and transmitted in vivid narration. The fictions narrated in the work of ancient historians normally embody one of the author's ideas or themes; most often, these concern the underlying character of a protagonist. Furthermore, given the limits of imagination, certain kinds of very touching, humorous or suspenseful events that are comparatively rare in reality are quite common in fiction: coincidental reunions, mistaken identities, last-minute rescues. When we determine that a stirring incident that is possible but unlikely by nature has many parallels in overtly fictional literature, we have grounds to suspect that it is fictional itself.

Because the emotional impact of fiction depends on simplicity and immediacy, significant actions and experiences in a fiction are attributed to a smaller number of persons than would be likely to be involved in a similar sequence of real events. Moreover, fictional accounts often contain vivid circumstantial details, while strictly historical records are usually just abstracts of essential facts. The re-created oration exemplifies this principle.

<sup>3</sup> This generalization is based primarily on the treatment of the sources for Clodius' early career by modern historians. The most glaring example of credulity seems to me to Magie's and Ormerod's acceptance of Appian's description of the murder of Valerius Flaccus (see below, note 7). Another is the general acceptance of the story in Plutarch (*Cic.* 20.1). and Dio (37.35) that as the Vestal Virgins were sacrificing to the Bona Dea in 63 B.C., flame shot up from the altar, a portent they interpreted as divine sanction for the action the consul was contemplating at the time—the execution of the Catilinarian conspirators. This story is cited as evidence that the celebration took place on the night of December 3 or 4. The coincidence of the goddess' showing her support for the very consul who was to defend the sancity of this ceremony one year later is inherently implausible, especially since this is the only incident from this ceremony, other than Clodius' sacrilege, described in any ancient source, and since in his obviously fictionalized *De Cons. Suo* Cicero told of a similar portent befalling Terentia in 64 to predict his election (fr. 10 [Traglia] = Servius *ad. Ecl.* 8.105). For acknowledgment of the fictionalizing of Plutarch and others, see E. Cary (tr.), *Dio's Roman History* (Cambridge, Mass. 1970) I.xv, H. White (tr.), *Appian's Roman History* (Cambridge, Mass. 1958) xi, and C. J. Giankaris, *Plutarch* (New York 1970) 37. Specific examples of Plutarch's fictionalizing in P. A. Stadter, *Plutarch's Historical Methods* (Cambridge, Mass. 1965) 138–39.

Fictional incidents in semifictional historical accounts have two other important characteristics. First, they aim to fill in gaps in the historical record, not to misrepresent it. To avoid conflicts with genuine history, they are usually set outside public view where no one but the principals could really know what happened. Thus it is frequently difficult to imagine how the information that a fictitious passage presupposes ever entered the historical record. An extreme example is provided by Sallust (*Jug.* 113), who describes the facial expressions made by Bocchus in solitude. Second, since a fictionalizing historian wants to entertain rather than deceive, he often admits incongruities between his inventions and the genuine historical background, or blatant anachronisms such as the clock that tolls the hour in Shakespeare's *Julius Caesar* (II.i.192).

Of course, the burden of proof lies with the critic who wants to dismiss an account as a *fabula*. The suspected fiction would surely have to lie outside the scope of easy public verification and have some entertainment value. If those conditions are met, the likelihood that it is fictional can be said to increase to the extent that it fulfills the other criteria mentioned.

After eliminating fictional embellishments, we are sometimes left with fragmented accounts, where an event a fiction previously "explained" is left in confusion. At this point, we need to study remaining testimony anew and often enlarge our scope to include analogous situations in order to determine the normal and likely sequence of events in a given set of circumstances. Thus, in considering the charges against Clodius, I will not only identify the probable fictions, but I will also describe what normal and likely actions on Clodius' part would have fit the circumstances and caused the repercussions for which there is credible evidence.

### Clodius and the Fimbrian Legions

We know little about Clodius' career before the Bona Dea incident. Our evidence consists mostly of indignant but elliptical allegations from Cicero's post-exile speeches. Few modern scholars have attached any weight to these charges. Cicero's own writings raise doubts about their seriousness.<sup>4</sup> Before the

<sup>4</sup> Cicero's summarizes Clodius' early career at *Harusp.* 42:

Post patris mortem aetatum suam ad scurrarum locupletium libidines detulit. Quorum intemperantia expleta in domesticis est germanitatis stupris volutatus. Deinde iam robustus provinciae se ac rei militari dedit atque ibi piratarum contumelias perpressus, etiam Cilicum libidines barbarorumque satiavit.

There is little of value here. Dio (36.17.2-3) gives some of the facts to which Cicero alludes. After separating himself from Lucullus' army, Clodius joined the staff of Marcus Rex and was briefly in charge of his naval forces. He was captured and released by pirates. He later pledged Roman support to the Seleucid regime in Syrian Antioch, which was in keeping with Rome's general policy, and was involved in a civil disturbance there. "Post exercitu L. Luculli sollicitato per nefandum scelus fugit illum." This is the incident that is to be discussed in detail. "Romaeque recenti adventu suo cum propinquis suis decedit ne reos faceret, a Catilina pecuniam accepit ut turpissime praevaricaretur." Nothing is known of

Bona Dea scandal, the single incident of which we can form a definite impression involves Clodius' activity as a legate or *contubernalis* (his precise title is unknown) of Lucullus in the final months of the latter's campaigns against Mithridates and Tigranes. According to Cicero (*Harusp.* 42) Clodius did something nefarious to stir up the troops (*exercitu...sollicitato per nefandum scelus*). According to Dio (36.14.3–4), the trouble occurred after the fall of Nisibis in the winter of 69–68. The troops involved, the so-called Fimbrian legions, were restive because of idleness, ample supplies, the frequent absences of Lucullus and because Publius Clodius stirred up factionalism (συνεστασίαζε) among them on account of congenital love of revolution (ὕπ' ἐμφύτου νεωτεροποιίας), even though his sister was married to Lucullus.

Plutarch (*Luc.* 34) gives the fullest account. He says that Clodius, jealous of officers who had received more honor than he, stirred the Fimbrian troops up against Lucullus. They were willing to listen to him because they were the same soldiers whom Fimbria had persuaded to kill their original commander, Flaccus, and to select him as their leader. Plutarch re-creates the kind of harangue that Clodius supposedly addressed to the Fimbrians, urging them not to fight endlessly to enrich Lucullus, but if they must continue to serve, to wait for a commander like Pompey who treated his soldiers decently. As a result, the legions refused to follow Lucullus into Armenia against Tigranes or back to Pontus, where Mithridates was causing new trouble. In the spring, however,

Clodius' compact with his kinsmen. In 65 he did indict Catiline for extortion in Africa and failed to gain a conviction. Cicero accuses him of taking money to accept conditions that favored the defendant. Cicero should know. In his earliest preserved letter to Atticus (l.l.l.), written in the summer of 65 when he himself was planning to defend Catiline, he happily reports that friendly arrangements have been made with the prosecution (i.e. Clodius) in the matter of jury selection, thus revealing that he himself was an accessory to this "utterly disgraceful" arrangement, which promised to improve his chances of being elected to the consulship in 64. "Inde cum Murena se in Galliam contulit, in qua provincia mortuorum testamenta conscripsit, pupillos necavit, nefarias cum multis scelerum pactiones societatesque conflavit." Cicero's account of Murena's activities in Gaul in *Mur.* 42 makes an interesting contrast: "L. Murena provincia multas bonas gratias cum optima existimatione attulit...Ipse autem in Gallia ut nostri homines desperatas iam pecunias exigerent aequitate diligenter perfecit." Cicero is apparently describing the same set of actions from different perspectives:

Unde ut rediit, quaestum illum maxime fecundum uberemque  
campestrum totum ad se redigit, ut homo popularis fraudaret  
improbissime populum, idemque vir clemens divisores omnium  
tribuum domi ipse suae crudelissime morte mactaret.

Presumably, the assertion that Clodius "slaughtered" the professional distributors of bribes is figurative, i.e., he failed to deliver promised funds. If Clodius was involved in electoral bribery at the indicated time, it was most likely in connection with the contested election of his friend, Murena, in 63. Murena, of course, was acquitted of bribery with the help of Cicero. According to P. Moreau, "Cicéron, Clodius et la Publication du Pro Murena," *REL* 58 (1980) 220–36, Cicero withheld from publication a section of the *Pro Murena* that exonerated Clodius of wrongdoing in this connection.

word came that Mithridates had defeated a Roman contingent in Pontus and the troops followed Lucullus there out of shame.

This is a complex account, which contains several fictional elements, including the characterization of Fimbria and the Fimbrian legions, which Plutarch uses to blacken Clodius' character by association. In 86 B.C., while Sulla laid siege to Athens, the Marian senate dispatched the two legions in question to the east to open a second front against Mithridates. They were commanded by Flaccus, with the assistance of Fimbria. In Bithynia, Flaccus was assassinated and Fimbria took command of the legions.

Plutarch' assertions (1) that the assassination was Fimbria's responsibility and (2) that, knowing this, the troops accepted his leadership illegally depend on an extremely implausible version of the event that is transmitted by Appian (*Mith.* 8.51–52) and probably originated in the memoirs of Sulla, who had ample motive to defame Fimbria.<sup>5</sup>

According to Appian, the trouble started when a quarrel erupted somewhere near the Hellespont between Fimbria and a quaestor over a meal in an inn. Flaccus intervened but made no concessions to Fimbria's status. When Fimbria threatened to go home, Flaccus called his bluff by appointing a replacement. Fimbria, biding his time until Flaccus had to leave camp on business, took the *fascēs* away from a certain Thermus, Flaccus' representative, saying that the army had conferred authority on him. When Flaccus returned enraged, Fimbria chased him away. Flaccus took refuge in a private house. At night, he climbed the city wall and made his way to Chalcedon and thence to Nicomedia, where he closed the gates.

Trailing close behind, Fimbria burst through the gates and found Flaccus hiding in a well. Seizing him, he cut off his head, hurled it into the sea, and cast the rest of his body into a field to rot. He did this (Appian reminds us) despite the fact that he was a private citizen who had joined the army at his friend's request, while Flaccus was a Roman consul and *imperator*. The legions accepted Fimbria as their new commander without any authorization from Rome.

The fictitious nature of Appian's account is apparent. It is particularly revealing that Fimbria himself is made the immediate agent of the crime and all attendant actions, even to the point of carrying his own *fascēs*. Flaccus' flight for life and Fimbria's overreaching villainy, which is meant to contrast with Sulla's moderation and control, are the stuff of melodrama. The account is embellished with vivid details; it is especially difficult to imagine how Flaccus' nocturnal escape could have entered the genuine record.

<sup>5</sup> The justification for the relatively easy terms that Sulla gave to Mithridates was a threat supposedly posed by Fimbria, even though all of Fimbria's actions were directed against Mithridates' forces. E. Schwartz *RE* 2 (1895) 216 notes two passages in Appian that overlap with Plutarch's attributed quotations of Sulla's *Memoirs*. Whatever Appian's source, it was extremely sympathetic to Sulla and correspondingly critical of Fimbria.

In subsequent history, the Fimbrian troops do not seem to have been as lawless as their role in Appian's account implies.<sup>6</sup> After Sulla made peace with Mithridates, he confronted the Fimbrian legions, who surrendered themselves to his command. They remained in Asia Minor when Sulla returned to Rome. Under the command of Murena, the father of Cicero's client, they were involved in a couple of campaigns against Mithridates that were probably in violation of Sulla's treaty. After that they stayed in Bithynia and the province of Asia to supervise the peace. They were still there eight years later, when Mithridates renewed hostilities.

This is an extremely instructive case because we happen to possess an alternative, credible account of the event by Memnon, the historian of Pontic Heraclea (*FGrH* 3b.434.42), who had no apparent bias in the case. On the march, Flaccus divided the army and allowed Fimbria to command half of it. Learning that the soldiers preferred Fimbria's humane style of command to his own, he angrily denounced him and some other prominent soldiers. While he was doing so, two other legionnaires sprang forward in a rage and stabbed him to death. Informed of the event, the Senate was annoyed at Fimbria, suspecting that he was implicated in the assassination, but lacking proof or a practical alternative it arranged to have the command transferred to him by the tribal assembly.

There is nothing in this account to raise suspicions that it is fictional. The possibility that Fimbria was involved in the assassination is mentioned, but there is no attempt to give the inaccessible "inside story." Only what was public knowledge is transmitted. There is an absence of circumstantial detail and of melodramatic characterization. If Memnon's account had been the only one to survive, its accuracy would never have been questioned.<sup>7</sup> In any event,

<sup>6</sup> Certain implausible stories about Fimbria cast his troops in bad light by association. According to Dio (31.6) Fimbria was so savage that once when he was executing some enemies he found that too many stakes had been erected. Rather than let them go to waste, he had a handful of innocent bystanders tied to them and executed along with the condemned criminals. All accounts agree that Fimbria was fairly successful in leading his troops against Mithridates' forces in Asia Minor. His victories included the capture of Ilium. Appian (*Mith.* 57) says that the Romans got into the city by a trick (some people never learn!), then levelled it. The temple of Athena Polias was burned to the ground with the Trojans who had taken refuge there. The Palladium was saved when the walls enclosing it collapsed over it, unless Diomedes and Odysseus carried it away during the Trojan War. Magie (below, note 7) 228 repeats this tale except for the references to the Palladium. There is nothing in the archeological record to corroborate the story. Fimbria's end is variously described. According to Appian, Sulla allowed him to leave unharmed. He made his way to the temple of Asclepius in Pergamum where he killed himself out of remorse for his countless sins.

<sup>7</sup> Jacoby (*FGrH* 3b 279) points out the rhetorical quality of Appian's account and notes that it represents Fimbria as murdering Flaccus himself. Typically, Jacoby labels the passage as fiction, while such major political historians as D. Magie (*Roman Rule in Asia Minor* [Princeton 1950] 226) and H. A. Ormerod in the *Cambridge Ancient History* (IX [1932] 256) repeat its essential assertions as if there were no doubt about their truth. It is remarkable, however, that both of

Plutarch's insinuation that the Fimbrians were congenitally mutinous is not really well founded. Flaccus was assassinated by individuals whose motives, identities and fates are unknown. The other soldiers had no legal alternative to accepting Fimbria's authority.

The rest of Plutarch's account is equally dubious. To appreciate how dubious, it is important to understand that the context in which it occurs, his *Life of Lucullus*, is characterized by obvious *fabulae*. I will summarize a few of these, while at the same time sketching the background of Clodius' alleged misconduct.

Lucullus' first action in Asia Minor was to relieve the island city of Cyzicus, which was under siege by Mithridates. During the siege, according to Plutarch, the Cyziceans wished to perform an annual sacrifice to their patron goddess, Persephone, but they did not have access to the sacred herd on the mainland. On the appointed day, a black heifer left the herd, leapt into the sea, swam to the city and made her way to the altar where she offered her neck to the priest (*Luc.* 10).

By preventing Mithridates from supplying his army, Lucullus drove him away from Cyzicus. Mithridates had been unaware of the hardships that his men were suffering until he noticed that they were eating human flesh (*Luc.* 11). King and army made their way to Cabira. When the troops were defeated outside that town, a chaotic evacuation ensued. Fleeing in the midst of a panicky mob, Mithridates was about to be overtaken by some Roman soldiers when a mule carrying royal gold got between them and the monarch. When the soldiers stopped to pick up the gold, the king escaped (*Luc.* 17).<sup>8</sup> Mithridates took refuge in Armenia with his son-in-law, Tigranes, who refused to surrender him to the Romans. Hence Lucullus decided to invade his realm, first attacking the great city of Tigranocerta on its southern borders. According to Plutarch, Tigranes was the epitome of *hybris*. Priding himself on the title "king of kings" he kept four conquered kings in attendance at all times; when he traveled, they trotted beside his carriage in short tunics (*Luc.* 21). When he was first told about Lucullus' invasion, he had the messenger decapitated (*Luc.* 25).

Assured by a courageous advisor that Lucullus really was on his way, Tigranes finally marched with a huge army against him. Plutarch accepts the estimate of Tigranes' strength that Lucullus himself gave in a dispatch to the senate: two hundred and seventy thousand, compared with approximately fifteen thousand that Lucullus detached from the siege of Tigranocerta for the battle (*Luc.* 26–27).

those authors tacitly alter or omit the details of Appian's account, such as Flaccus' hiding in a well, that most clearly mark it as fictional. The method seems to consist of believing everything in the source that *can* be believed while ignoring the rest.

<sup>8</sup> This strikes me as probably fictitious because the event is unlikely in itself and is reminiscent of the myth of Atalanta. It illustrates Plutarch's theme of the venality of Lucullus' troops. Such an event could not have been accurately observed in the confusing situation envisioned. The Roman soldiers involved would not have been likely to report it and probably would have gained more from Lucullus for capturing Mithridates.

If we can believe Plutarch, these quarter of a million Armenians were defeated through the individual exertions of Lucullus. As the armies approached each other, he noted that seventeen thousand heavily armed cavalry troops, the pride of the enemy's army, were stationed at the foot of a hill with their backs to the slope. He detached two cohorts (about eight hundred men) and slipped with them to the top of the hill. Shouting, "We have overcome!" he and his men charged, though outnumbered twenty to one. Armed only with extra long javelins, the Armenian knights were helpless against Romans who ducked under the spears' tips and hacked at their legs. Panicking, the knights fled directly into the backs or the sides of their own infantry and the rout began. The Pontic forces lost a hundred thousand infantry men and nearly all of their cavalry. Five Romans were killed (*Luc.* 28). Such is the context in which we are told of Clodius' mutinous behaviour. To call it semifictional is abundantly justified.

The specific charge against Clodius is connected with the subsequent movements of Lucullus' army. After defeating Tigranes, Lucullus turned his attention back to Tigranocerta (*Luc.* 29). Tigranes escaped into the highlands of central Armenia, where he and Mithridates started to rebuild their forces. After the fall of Tigranocerta, Lucullus entered Armenia, aiming for the ancient capital of Artaxata; but he never reached it. Although he defeated the Armenians in a major battle, winter was coming on and the troops refused to go further. Lucullus returned to the southern borderlands and laid siege to the city of Nisibis, which fell in a short time (*Luc.* 32).

Clodius' alleged misconduct took place after the fall of Nisibis in the winter of 69–68. Lucullus wanted to invade Armenia again the following spring; Clodius supposedly encouraged the Fimbrians to oppose that project. Plutarch's re-creation of his exhortations to them has the characteristics of a complete fiction.

First, it is a central theme of Plutarch's biography that Lucullus was a great general whose career ended in failure because he did not court the favor of his troops. In his speech, Plutarch transforms Clodius into a foil for Lucullus in this regard, a demagogue who embodied the very qualities that Lucullus lacked. "If it is necessary," he says, "that we never stop waging war, then why don't we at least preserve our bodies, what is left of them, and our courage for the kind of general whose greatest pride is that his men are prosperous?" (*Luc.* 34). The oration serves to dramatize the author's concept of his subject.

Second, it is difficult to understand how an accurate account of Clodius' interaction with the Fimbrians could have reached the historical record. If he openly gave speeches such as the one that Plutarch puts in his mouth, he would have been arrested and probably executed. One must assume that Clodius' speeches are supposed to have been secret, but if that is so, they would have been matters of rumor and speculation even for people present in the camp, to say nothing of later historians.

This touches on the most compelling reason for considering Plutarch's account fictional. The seriousness of the crime with which he charges Clodius is inconsistent with the rest of the record. If Clodius gave a speech of the sort that Plutarch describes, military law would have permitted Lucullus to execute



him (e.g. Menand. D. 49, 16, 3, 15: *contumacia omnis adversus ducem vel praesidem militis capite punienda est*). If he left Lucullus' camp without permission, he would have been liable to capital punishment for desertion also. Having escaped Lucullus' imperium, he could have been prosecuted in Rome under the *lex Cornelia de maiestate*.<sup>9</sup> If Clodius were known to be guilty of inciting mutiny but managed to escape Lucullus' authority, it is still strange that he was not indicted for the crime back in Rome. Yet not only did he escape prosecution, he operated in close conjunction with Lucullus' right-hand man, Murena. Murena in turn was continuously in Lucullus' good graces and in Cicero's. It is easy to imagine that Murena's friends included men of various opinions and temperaments, but not that Lucullus' loyal lieutenant would have attached himself to a known mutineer.<sup>10</sup>

To sum up: in the course of a semifictional narrative Plutarch gives us an artistically effective scene, the demagogue Clodius, Lucullus' foil, haranguing a group of notoriously ungovernable legionnaires. In order to accept this picture as historically accurate, we have to believe that Clodius openly committed a capital crime, inciting mutiny, without apparent motivation, was never punished or prosecuted for doing so and stayed on excellent terms with his commander's loyal right-hand man. The alternative hypothesis, that Plutarch invented the scene or adapted it from a fictionalizing source for an obvious artistic purpose, brings no logical difficulties in its wake. The story is a good example probable fiction.<sup>11</sup>

<sup>9</sup> Moreau (above, note 2) 178–80 summarizes the evidence for the legal sanctions against Clodius for his alleged action. He mentions the theory that the *lex Cornelia* applied only to magistrates, promagistrates, and senators, but finds it incredible that it would not also govern the actions of legates and members of a commander's cohort. In the end, he offers no explanation for the apparent lack of any attempt to prosecute Clodius for his actions.

<sup>10</sup> The most important evidence for the association of Murena and Clodius is Cicero *Harusp.* 42. Other indications are surveyed by P. Moreau in his *REL* essay (above, note 4) 228–229. On Murena and Lucullus, C. MacDonald (tr), *Cicero's Orations* vol. 10 (Cambridge, Mass. 1977) 171, notes that Murena's consular campaign was given a boost by Lucullus' triumph. The soldiers who participated were encouraged by their commander to support Murena. MacDonald also cites Cicero (*Att.* 13.6.4), where Murena is listed among Lucullus' *conjunctissimi*.

<sup>11</sup> A minor but revealing discrepancy between Plutarch's account of troop movements in 69–68 and Dio's gives further evidence of Plutarch's fictionalizing. Plutarch asserts that as a result of Clodius' demagoguery the Fimbrians not only balked at invading Armenia but even refused to follow Lucullus back to Pontus. Then when news of Fabius' defeat arrived, they did so out of shame, abandoning the unpatriotic noble. This statement, however, is inconsistent with the detailed chronology of events that Dio gives and Plutarch (disingenuously?) omits, without contradicting it. According to this, Fabius' defeat and his rescue by Triarius happened during the summer of 69 (36.9.11). News of the events would have reached Lucullus before the fall of Nisibis and Clodius' alleged agitation. There was no new information in the spring of 68 that would have shamed the Fimbrians into returning to Pontus. Dio (36.12.3) says that Lucullus returned to Pontus in the spring because Triarius sent for him in

On the other hand, *something* did happen at Nisibis. Cicero's nearly contemporary remark suggests that Clodius did leave Lucullus' camp under some kind of cloud. Plutarch's version of what happened remains the only one we have. Despite its improbability, it will continue to exercise its adverse affect on our notion of Clodius' character until it is compared to a more probable, alternative scenario.

Consideration of the broader context of the allegations and of normal procedures in the Roman army makes it possible to construct such a scenario. There was a good case that the Fimbrians, who had been in service abroad for nearly twenty years, deserved to be released. In Rome the decision was being made to remove the war against Mithridates from the guidance of Lucullus, who seemed unwilling or unable to end it. Under these circumstances, there must have been a growing body of responsible opinion even in the general's own camp that he should not undertake new offensives but attend to his primary responsibility, the protection of Pontus, until his replacement arrived.

The likely nucleus of truth in Plutarch's story seems to me to be that Clodius was publicly identified with such sentiments. The idea that this identification arose because he went around with strange impunity inciting soldiers to mutiny is especially implausible, however, since there was a normal and legal way for Clodius to express himself. Although in theory, Roman commanders had absolute authority over their armies, they did customarily consult their staffs or *consilia*, which included high-ranking centurions, military tribunes, legates and available knights and senators and their sons. Differences of opinion between a commander and his officers and men would emerge in meetings of the *consilium*, which also provided the commander with his best opportunity to persuade his subordinates to support his decisions. The deliberations of Lucullus' *consilium* before the battle of Tigranocerta are fancifully described by Plutarch (*Luc.* 27).<sup>12</sup>

anticipation of Mithridates' attack and makes no mention of difficulty with the troops in this regard. This is the more consistent account.

<sup>12</sup> Our most detailed information about a general's *consilium* comes from the inscription from Asculum, which gives the entire membership of the consilium of Gn. Pompeius Strabo, Magnus' father, published by C. Cichorius, *Römische Studien* (1922) 130–85. According to A. Criniti, *L'Epigrafe di Asculum di Gn. Pompeo Strabone* (Milan, 1970), the 59 persons listed correspond to the *consilium* of Domitius Ahenobarbus that was convened by Caesar during the civil wars (*B.C.* 1.23.1)—senators, sons of senators, tribunes of the soldiers and knights. When military tactics were discussed, centurions, especially *primipili*, were likely to be included too. Caesar's *Commentaries* include two dramatic *consilia*: 1.40 and 5.28–30. In the former, he summoned his staff, including centurions, to counter the growing fear of the Germans across the Rhine. The situation has some similarity to that faced by Lucullus early in 67, assuming that he wanted to invade Armenia again. In Sallust (*Jug.* 62.4), when Metellus receives word that Jugurtha is ready to surrender, he consults his *consilium* and accepts its advice. The *consilium* consists of "men of senatorial rank and other persons whom he thinks fit." The details of reported *consilia* are likely to be fictionally embellished, but there is no reason to doubt the existence of the institution.

As a noble, Clodius had the right to express his opinions at such meetings. If he wanted to criticize Lucullus' command, they constituted a legal, honorable and effective means of doing so, and would have made his disposition a matter of public knowledge.

Critics of aggressive foreign policies are likely to be accused of disloyalty. There is no reason to believe that Cicero's reference to "nefarious treachery," as embellished by Dio, and especially by Plutarch, amounts to any more than an exaggerated *ad hominem* attack on an opponent for what was really a justifiable position taken in the normal course of debate, viz. Clodius' taking the position in staff meetings that the Fimbrians should be released and that the other soldiers should undertake no further actions until Lucullus' replacement arrived. Since some centurions would be present at meetings of the *consilium*, Clodius' words could in fact have had the effect of making the troops harder to command. If they actually refused orders to march back to Armenia, as they may have done, Lucullus would naturally blame the situation on lack of proper support by his officers.

In 61, during the Bona Dea controversy, Clodius addressed rallies held in his support. We learn from Cicero (*Att.* 1.14.5) that he not only defended himself but criticized prominent citizens with whom he had come into conflict. These included Lucullus. Clodius undoubtedly renewed his criticisms of the general's command, and it may well have been at this juncture that his enemies, including Cicero, first added the instigation of mutiny to the charges against him. On this construction, however, Clodius stands convicted of nothing worse than an inclination to be outspokenly critical of authority, which is not necessarily a bad trait.

#### Clodius and the Good Goddess

The most detailed account of Clodius' violation of the rites of the Bona Dea occurs in Plutarch's *Caesar* (9–10).<sup>13</sup> Clodius, we are told, was arrogant, bold and second to none in his reputation for doing disgusting things. He loved Pompeia, who reciprocated his feelings, but was kept under strict guard in the women's quarters. In particular, the constant scrutiny of her mother-in-law Aurelia made it difficult for her and Clodius to meet. Therefore on the night of the all-female ritual in honor of the Bona Dea, Clodius disguised himself as a flute girl in order to see Pompeia. He was admitted to the house by a slave girl, who was involved in the intrigue. She went off to tell Pompeia that Clodius had arrived, but some kind of delay occurred. When he grew tired of waiting, Clodius set off on his own to find Pompeia, avoiding the lights as well as he could. He was accosted by a second slave girl, who asked him to join in the fun. Clodius tried to refuse, saying that he was waiting for a girl named Habra, which also happened to be his interrogator's name. From his voice, she recognized that he was male and ran away screaming that a man was present. Aurelia stopped the service, sealed the house, and had it searched for the

<sup>13</sup> *Cicero* (28) contains an abbreviated version of the same story.

interloper. Clodius was found hiding in Habra's room, recognized, and thrown out. The women went home and told their husbands, and a scandal ensued.

The story is more plausible than the comments of some modern scholars imply. According to Wiseman, for example, the rites of the Bona Dea were a decorous affair, in which Roman matrons lay on couches watching professional female dancers and musicians perform.<sup>14</sup> In such a situation, Pompeia would have been more inhibited than ever, constrained by the observation of Aurelia and her friends, including the Vestal Virgins. All Clodius could have hoped to gain was a view of the ritual with Pompeia watching it. On this construction, his motives and Pompeia's are unclear.

In fact, as I will show below, the ritual was a Dionysiac revel in which all the women were free to dance and play with each other in a comparatively uninhibited, mock amorous way. Plutarch knew this; he implies that the disguised Clodius hoped to take advantage of the confusion to make love to Pompeia in the shadows. Other sources claim that Clodius and Pompeia actually did make love during the ceremony. They obviously have the same kind of ambience in mind.

With that stipulation, Plutarch's tale of a failed assignation is at least coherent, but there are several minor objections to accepting it as historical and one major one. To deal with the minor issues first, we are informed of the secret motives and feelings of Clodius and Pompeia, their reciprocal but illicit and frustrated desires. This is a good example of the kind of "inside information" that distinguishes fiction from history. In addition, the tale displays the simplistic characterization of ancient melodrama. Clodius is the epitome of boldness and licentiousness, and his actions dramatize just those characteristics.

<sup>14</sup> Above, note 2, 134. Wiseman accepts the externals of the story as transmitted by Plutarch but changes the motives in keeping with his belief in the decorous nature of the ceremony. According to him, Clodius was motivated by a "taste for excitement" rather than the hope of sexual activity with Pompeia. He does not speculate on Pompeia's motives for assisting Clodius. His idea that only professional entertainers danced is difficult to square with Plutarch's statement that Aurelia's servant invited Clodius to join in the games with her. The participation of Aurelia's servants, who would not have been professional entertainers, suggests that the dancing and other "games" were universal. The presence of the Vestal Virgins may have inclined Wiseman to think of the rites as being chaste and solemn, but this is an instance in which modern assumptions are probably misleading. Nuns and other Christian celibates freely renounce sexual activity for the sake of spiritual development, whereas Vestals had the duty of remaining chaste imposed on them externally. Hence their inhibitory effect on the pleasure-seeking behavior of others was probably less. Moreover, I will suggest below that there were probably many revels in honor of the Bona Dea on the night in question. Of these, the Vestals would only have attended one and may have left that after conducting an initial sacrifice. It would be wrong to infer from the inclusion of the Vestal Virgins that the Bona Dea celebration could not have been a joyous revel. On the analogies between nuns and Vestals see Mary Beard, "The Sexual Status of Vestal Virgins," *JRS* 70 (1980) 12-27. On the differences between Christian and pagan celibacy, R. Schilling, "Vestales et vierges chrétiennes dans la Rome antique," *RSR* 35 (1961) 113-129.

Also the statement that Pompeia was confined to the women's quarters and closely supervised by Aurelia does not fit the historical context very well, since Roman women in the late Republic seem to have had a relatively high degree of personal freedom.<sup>15</sup>

The decisive objection to accepting Plutarch's account as historical, however, is that at its heart lies an event that is extremely unlikely in reality, but so common in fiction that it constitutes a recognized folktale motif: transsexual disguise for the purpose of seduction. In reality, it is extremely difficult for an adult male to pass himself off convincingly as a woman. Plutarch's statement that Clodius had not yet begun to shave and therefore looked like a maiden in the face is an attempt to address this difficulty. As a newly elected quaestor, however, Clodius was at least thirty.<sup>16</sup>

Plutarch's statement about Clodius' beardlessness has no historical value. It is a clear example of his fictionalizing. More important, the question that it attempts to gloss over is critical. How *could* the adult Clodius possibly have hoped to have passed for a flute girl, even in dim lighting? The absurdity is heightened by two facts: flute girls wore transparent gowns<sup>17</sup> and Clodius' features were well known to the people whom he supposedly hoped to deceive.

In fiction, disguising one's gender is almost as easy as changing clothes, and the Greeks and Romans were especially fond of the ironic possibilities inherent in this convention. Examples include Pentheus in the *Bacchae* and Mnesilochos in the *Thesmophoriazusae*. The situation is best brought into focus, however, by noting that Plutarch's account neatly embodies one of Stith Thompson's folk motifs, "K1321.1: Man disguised as woman admitted to women's quarters: seduction."<sup>18</sup> The motif occurs repeatedly in Sanskrit, Celtic,

<sup>15</sup> Cf. S. B. Pomeroy, *Goddesses, Whores, Wives, and Slaves: Women in Classical Antiquity* (New York 1975) 149, cited with approval by T. Carp, "Two Matrons of the Late Republic" in *Reflections of Women in Antiquity*, ed. H. P. Foley (New York 1981) 343; also E. L. Will, "Women in Pompeii," *Archeology* 32.5 (1979) 42-43.

<sup>16</sup> For Clodius' quaestorship: Cicero *In Clod. et Cur.* frgm. 15-16; Ascon. 52-53C; Schol. Bob. 86 and 89 Stangl. The evidence that thirty was the normal minimum age required for the quaestorship can be found in T. Mommsen, *Römisches Staatsrecht* (Leipzig 1887/8) I 570.

<sup>17</sup> Cf. L. M. Stone, *Costume in Aristophanic Comedy*, (New York 1981) 303: "There is much evidence from vase-paintings which shows us how (flute-girls) dressed and groomed themselves: on the torso either a νεβρίς (skin) or a transparent chiton, possibly short, was worn, or sometimes nothing at all." Festive and alluring, such chitons were known as κροκωτοί from their saffron color. Cicero (*Har. Resp.* 44) specifically refers to Clodius' wearing a κροκωτός, which was also Dionysus' traditional garb. Numerous vase paintings show that it was transparent, e.g. Stone pl. 33 = *Cab. Méd.* 357 (ARV<sup>2</sup> 987no.2).

<sup>18</sup> S. Thompson, *Motif-Index of Folk Literature* (Bloomington 1955) IV 385. Thompson's principal references are A. H. Krappe, *Balor with the Evil Eye: Studies in Celtic and French Literature* (New York 1927) 12; N. M. Penzer, *The Ocean of Story: C. H. Tawney's translation of Somadeva's Katha Sarit Sagara*, (London 1923-) I 47n, 48n; P. Herrmann, *Erläuterungen zu den ersten neun Büchern der dänischen Geschichte des Saxo Grammaticus*, (Leipzig 1901, 1922) II

Danish and Italian folktales and is represented in Greek myth and legend. The single example cited by Thompson from Greek sources is the story of Achilles and Deidamia. As told by Statius (*Ach.* l. 242–396, 560–674), this myth bears a striking resemblance to the report of Clodius' misadventure. Like Plutarch's Clodius, Achilles has not yet sprouted a beard (*Ach.* l.163). Although Thetis' motive for disguising Achilles is to save him from war, Achilles only agrees to the disguise when he sees Deidamia and realizes that he can gain access to her by going along with his mother's plan. After a long association with the girl, during which his deep voice arouses her suspicions, he forces himself on her during a female-only Bacchanal. Her cries of protest are mistaken for signals to renew the dancing.

At least three other parallels from classical literature can be added to the tale of Achilles on Scyros. First, in Menander's lost play, *Androgynos* or *The Cretan*, which was adapted by Caecilius, the hero, Pyrrhos, disguised himself in his sister's clothes to gain admittance to the house of a maiden whose father kept her in strict isolation from men.<sup>19</sup> Terence's *Eunuch* presents a slight variation of the same basic idea. Finally, there is the story of Jupiter and Callisto (Ovid *Met.* 2.425 ff.)

The comic quality of Plutarch's account also suggests that it is a literary artifact. The humor involved is the essence of the false bride motif, of which the story of Heracles, Omphale and Pan is the prototype.<sup>20</sup> The man's disguise is too good. His counterfeit femininity attracts intimate attention and leads to the discovery of his true gender. In Plutarch's account, Clodius is accosted by a slave girl who invites him to "play with her, one woman with another."

239, 493, 641; D. P. Rotunda, *Motif-Index of the Italian Novella*, (Bloomington 1942). Herrmann's work was unavailable to me. The referenced tales can also be found in Saxo Grammaticus, *The History of the Danes*, tr. P. Fisher (Totowa, New Jersey 1979) I 77ff, 214ff and 285ff. They are on pages 80, 232 and 307 respectively of A. Holder's 1886 edition of the *Gesta Danorum*. These sources do not exhaust the topic. For example, Krappe mentions that the story of the birth of the German hero, Wölfedietrich, includes the motif of the seducer in women's clothing. In reading the tales, one is struck by two recurring features that are also prominent in Plutarch's account of Clodius' action. First, the loved woman's freedom to associate with men is subject to special constraints. Second, the ease of disguising one's sex is comically exaggerated. The Danish hero Hagbarth (Holder 232) persuades maidservants that he has unusually hairy legs for a woman because he has frequently had to walk through brambles.

<sup>19</sup> What is known of Menander's *Androgynos* is summarized in H. J. Mette, "Der Heutige Menander," *Lustrum* 10 (1965) 47–48. Two fragments of an adaptation by Caecilius survive (*CRF* 7 & 8).

<sup>20</sup> I refer to the situation in which a man disguised as a woman becomes the object of sexual advances. Besides the story of Heracles, Omphale and Faunus (Ovid *Fasti* 2.303–348) this occurs at the end of Plautus' *Casina*. In discussing Plautus' sources, scholars have uncovered evidence that false bride scenes were popular in Atellan farce, the *phylax* drama of southern Italy and in Greek comedy. See W. MacCary, "The Comic Tradition and Comic Structure in Diphilos' *Kleroumenoi*," *Hermes* 101 (1973) 196–197.

Ironically, he is discovered because of the friendly overtures that his disguise inspired.

With its implicit absurdities and abundance of literary models, Plutarch's story is not very credible. Yet modern scholarship has never questioned its essential accuracy, undoubtedly because it seems to be corroborated by other sources. A careful analysis of what the other sources say, however, reveals that very little in Plutarch is actually confirmed.

Cicero's nearly contemporary remarks are the best source of information. In his letters to Atticus, he twice summarizes the story in almost identical language: 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." 1.13.3: "credo enim te audisse, cum apud Caesarem pro populo fieret, venisse eo muliebri vestitu virum, idque sacrificium cum virgines instaurassent, mentionem a Q. Cornificio in senatu factam."

It is in *De Haruspicum Responsis* (5.8) that Cicero first identifies the deity involved in the sacrifice as the goddess known as the Bona Dea. He takes malicious pleasure in imagining the details of Clodius' feminine attire (21.44), but adds nothing of substance to the charge. There is still no clear reference to the notion of a disguise. In both letters and speech, Cicero's audience was already familiar with the story; much is left unsaid.

Later sources fill in the gaps in Cicero's account in different ways. Plutarch's version, in which Clodius disguised himself hoping to visit Pompeia but was caught before he reached her, is repeated by Appian, *Sicilica* 7. The correspondence is very close. Appian could have copied Plutarch or both may derive from a common source. The only other unambiguous reference to Clodius' feminine clothing as a disguise occurs in the Scholia Bobsiensia (*In Clodium et Curionem* 23).

The other accounts claim that Clodius and Pompeia committed adultery during the ceremony (Velleius Paterculus 2.45.1, Suetonius *Caesar* 6.2, Appian in *Bella Civilia* 2.14.52, Dio 37.45 and Livy's epitome 103). Among these sources, only Suetonius and Livy's epitome mention Clodius' feminine clothing, but do not refer to it as a disguise.

The idea that Clodius and Pompeia actually committed adultery during the ceremony probably stems from the passages in Cicero's speeches in which he refers to Clodius bringing his adultery and immorality into the couches arranged for the ceremony (*Mil.* 72, *Harusp.* 8, *Pis.* 95). Cicero was speaking figuratively. In letters to Atticus, there is no hint that Clodius and Pompeia were caught *flagranti crimine*, a detail that he was not likely to omit. The assertion that a sexual encounter occurred is very probably fictional and is properly disregarded by modern authorities.

The same can be said of the statement that Clodius' feminine clothing was a disguise aimed at gaining access to Pompeia. It is no more plausible and has no better authority. In all likelihood, it is a fictional embellishment of the basic facts transmitted by elliptical contemporary references like Cicero's: that Clodius was present in women's clothing, and that Caesar divorced Pompeia as a result.

Again these results are negative. It remains to try to fill in the gaps in our knowledge in a more likely manner. When a contemporary heard that Clodius had come to Caesar's house in women's clothing while the Virgins were offering sacrifice *pro populo*, what assumptions would he or she have made about motives and context? To pursue this question, we have to learn what we can about the Bona Dea's December ritual.

Almost everything that we can learn about the Bona Dea's ritual suggests that in all but name it was a Bacchanal. One of the goddess' possible identities was Semele (Macrobius 1. 12.23). All of her ritual's known characteristics find equivalents within the worship of Dionysus as it had evolved from its agrarian origins to its urban, Hellenistic form: it was held in winter; men were traditionally excluded from it; as a substitute for departing to the countryside, foliage of all kinds was brought into the house, and wine was drunk amid music and dancing. Juvenal (6. 314–34) depicts the ceremony as a wild orgy and refers to the participants as *maenads* (317). He is obviously exaggerating the license that characterized the celebration, but his satire may be assumed to be based on a nucleus of truth—namely that the ceremony was a joyous revel similar in outward form to a Greek Bacchanal.<sup>21</sup>

<sup>21</sup> The evidence that the ceremony was held in December is Cicero *Att.* 1.12, which is dated to the Kalends of January and refers to Clodius' action as a recent event. The ceremony is traditionally dated to the fourth of December on the basis of the story in Plutarch and Dio that a portent occurring to the Virgins in 63 encouraged Cicero to execute the Catilinarian conspirators, but I find this account implausible. See above, note 9. For the use of foliage, see Plutarch *Mor.* 268d and Macrobius *Sat.* 1.12.25. Juvenal (6.328) refers to the site of the celebration as an *antrum*, an artificial grotto. For the consumption of wine: Lactantius *Div. Inst.* 1.22.11; Arnobius *Adv. Nat.* 5.18; Macrobius *Sat.* 1.12.25; Plutarch *Mor.* 268e; Juvenal 6.319. That Clodius was said to be dressed as a flute girl, e.g., Cicero *Harusp.* 44, shows that music and dancing were features of the ceremony and implies the ambience of a revel. Wine, music and dancing are the essence of Juvenal's satirical depiction of the ceremony (6.314–334). His picture undoubtedly exaggerates the license of a typical celebration, but as a satire it must be based on a nucleus of truth. It would be pointless if wine, music and dancing were in fact altogether absent from the worship of the Bona Dea. Despite his insistence on the decorum of the ritual, Wiseman recognizes the similarity between the rites of the Bona Dea and a Dionysiac revel (above, note 2) 134: "Though it is *possible* that the Good Goddess' rites were unique, quite unlike those of Dionysus, Cybele and Zeus Hypsistos, the information that we have seems to suggest the opposite. Food, wine, music, dancing and mime were phenomena known from other rites, and it was in this sense that Juvenal could say 'everyone knows the Good Goddess' secrets.'" The exclusion of men, the midwinter date and, as will be discussed below, the motif of flagellation align the ritual most closely with Dionysus. For Dionysiac revels of this period, Martin P. Nilsson, *The Dionysiac Mysteries of the Hellenistic and Roman Age* (1957, repr. New York 1975) is the basic work. A good description of the essential features of Maenadic rituals is found in J. N. Bremmer, "Greek Maenadism Reconsidered," *ZPE* 55 (1984) 267–286.



There is other evidence of the kinship between the Bona Dea ritual and a Bacchanal. Cicero stresses the fact that Clodius was present at the ceremony during a sacrifice *pro populo*. Bacchanalia involved a temporary secession of the women from their community and could thus be viewed as a threat to the civic welfare. An inscription from Miletus reveals that the departure of the Dionysiac *thiasos* to the wilds was preceded by a sacrifice ὑπὲρ πόλεως, which was probably a regular feature of such rituals.<sup>22</sup> The Virgins' sacrifice *pro populo* is a close parallel.

In *Roman Questions* 20, Plutarch speculates that the exclusion of myrtle from the shrine of Bona Dea reflected the fact that the women who participated in it were sexually pure. Wiseman takes this as evidence that the rites themselves maintained a high level of propriety and decorum. That is not necessarily so, but the motif of sexual abstinence is another link between the Bona Dea and the worship of Dionysus. The Dionysiac revels that were banned by the Roman senate in 186 because of the sexual excesses and violence to which they supposedly led were also preceded by a period of sexual abstinence (Livy 39.10.1).

Reference to the senate decree *de Bacchanalibus* and Livy's account of the disorders that occasioned it brings to mind the strongest link between the ritual of the Bona Dea and Roman Maenadism, the motif of flagellation. The evidence here is somewhat complex. Two etiological myths were inspired by the Bona Dea's rituals. The first is preserved in Arnobius (5.18) where it is attributed to a Greek work, "On the Gods," by Sextus Clodius, the Sicilian rhetor, who is known to have been an associate of M. Antonius, the triumvir. The other version is preserved in Macrobius (1.12.24–29) as something "people say." Wiseman attributes it to the *Causalia* of Butas, a client of Cato Uticensis, on the basis of Arnobius' reference to this work as another source of information about the Bona Dea.<sup>23</sup> Thus at least one and possibly both etiologies derive from the period of the scandal.

In the myth found in Arnobius (Sextus Clodius), the Good Goddess was a matron who was beaten by her husband with myrtle branches because she drank an amphora of unmixed wine without his knowledge. The Macrobius (Butas?) version asserts that the Good Goddess was the daughter of Faunus. Her father made advances towards her, but even when he got her drunk and whipped her with myrtle branches, she rejected him. Finally, he transformed himself into a serpent and lay with her in that form. (The motif of ophiomorphic incest is another Dionysiac characteristic.)<sup>24</sup>

Etiological myths, inferred from the external features of a ritual, do not contain reliable information about the ritual's origin, but reflect its content at the time of their invention. For example, since both of our stories contain a mythical model of female inebriation, we may assume that in the ritual the

<sup>22</sup> Bremmer (above, note 20) 275.

<sup>23</sup> Wiseman (above, note 2) 137.

<sup>24</sup> Ovid, *Met.* 5.117, also Athenagoras, *Libellus pro Christianis* 20. K. Kerényi, *Dionysos* (Princeton, 1976) 111, considers "incest and the snake" to be two of the original elements of the myth of Dionysus.

participants imbibed freely. Similarly, the motif of ophiomorphic incest may have been suggested by the serpents kept in the temple of the Bona Dea.<sup>25</sup> Possibly, participants in her revel danced holding snakes like Greek Maenads.

In any event, it is noteworthy that both stories contain the motif of flagellation, linking flagellation with the worship of the Bona Dea.<sup>26</sup> That may seem incongruous to us. The inference is made more attractive by the famous frescoes in Pompeii's Villa of the Mysteries, which leave no doubt that ritualistic flogging could be part of Dionysiac revels in the Roman sphere. Various interpretations of flogging in such a context are possible and need not be exclusive. Nilsson, for example, saw it as an enactment of the soul's purification, preparatory to eternal bliss, which was symbolized by joyous parts of the revel: the music and dancing, feasting and games.<sup>27</sup> While some such idea was probably in the air, it should be noted that in a Roman context being whipped or beaten was in itself the chief image of Dionysiac ecstasy. In the words of Cazanove, "L'image est celle du pasteur qui pousse son troupeau, du maître qui corrige son esclave, mais plus encore celle du cavalier qui chevauche sa monture."<sup>28</sup> Plautus' *Aulularia* (3.1.3 and 7), where a beating is referred to as a "Bacchanalia," indicates how widespread this image was. By the same token, it was at the grove of Stimula ("Lady Rod") that Dionysiac revels got out of hand in 186. This evidence suggests that references to flagellation in the Bona Dea myths should be understood as symbolizing the Dionysiac ecstasy at the heart of the ritual.<sup>29</sup>

Many years ago, Dieterich<sup>30</sup> stated that the cult of the Bona Dea was the channel by which the outlawed Bacchic rites reentered Roman life:

Die ausschweifenden bakchischen Orgien die schon einmal eine Gefahr für den Staat geworden waren, hatten sich hier wieder einzuschleichen gewußt, und wir sehen sie von Cicero bis Juvenal sich zu frechster Unsittlichkeit steigern.

<sup>25</sup> H. H. Scullard, *Festivals and Ceremonies of the Roman Republic* (London 1981) 117; W. Fowler, *The Roman Festivals* (1899; repr. New York, 1969) 104.

<sup>26</sup> Already noted by Fowler (above, note 25) 104 and Scullard (above, note 25) 117.

<sup>27</sup> Nilsson (above, note 21). See also W. Burkert, *Ancient Mystery Cults* (Cambridge, Mass. 1987) 104 and 168, notes 90 and 91.

<sup>28</sup> Olivier de Cazanove, "Lucus Stimulae: les Aiguillons des Bacchanales," *MEFRA* 95 (1983) 73.

<sup>29</sup> The taboo against myrtle may provide another link between the Bona Dea and Roman Maenadism. The Maenads' frenetic activity was traditionally and logically followed by sleep. The Romans embodied this inert part of the cycle in the figure of a goddess of sloth, whose name, Myrtea or Murcia, was also explained as an epithet of Venus, goddess of Myrtle. It was as the goddess of inactivity, however, that Myrtea was worshipped in the same vicinity as the complementary Stimula (Cazanove, above note 32, 61). Perhaps, the exclusion of myrtle from the Bona Dea ceremony symbolized an effort to put off succumbing to the powers of Myrtea (Sloth) as long as possible.

<sup>30</sup> A. Dieterich, "Die Götter *Mise*," *Philologus* 6 (1893) 8.

Dieterich failed to take the different contexts of his two sources into account. Naturally, Juvenal exaggerated the immorality of the rites because he was satirizing the character of women. It is just as certain, however, that in denouncing the man accused of violating these rites, Cicero exaggerated their solemnity. The truth lies in the middle. The evidence, however, does support Dieterich's first point, that the ritual of the Bona Dea was essentially a Bacchanal; when the rites of the Bona Dea are viewed in this light, Clodius' presence in women's clothing begins to seem a little less strange and perverse.

Nilsson points out that, whereas Dionysiac *thiasoi* were originally limited to women, they were gradually opened to males throughout the Hellenistic period.<sup>31</sup> In Livy 39.13.8, we learn that the Roman cults that were outlawed in 186 had followed that pattern. Sexually mixed dionysiac cults were allowed to survive by the senate's *consultum de Bacchanalibus* (CIL 12. 581). Nilsson cites imperial inscriptions from Rome and Puteoli in which male leaders of *thiasoi* are mentioned.<sup>32</sup> That the rites of the Bona Dea were not immune to this tendency is proved by a boy's epitaph from Rome (CIG 6206) that states that he was a priest of the Bona Dea.<sup>33</sup>

Cicero says that the prohibition against males viewing the rites of the Bona Dea was an awesome taboo that had been in existence, unviolated, since the foundation of the city (*harusp.* 37). In fact, the Bona Dea seems to have been a relatively late Greek import, the Agathe Dea. According to Festus (*Epit.* 60L), she was also known as Damia. There is evidence for the worship of a Damia in Tarentum (Hesych. δ 86Adler, δαμεια· ἑορτὴ παρὰ Ταρατίνους). This has led Wissowa and other to suppose that the rites of the Bona Dea were introduced into Rome in 272 after the fall of Tarentum.<sup>34</sup> In any event, no author before the late empire refers to the December rites of the Bona Dea at all, except in connection with Clodius. It seems very likely that Cicero exaggerated both the antiquity of the ritual and its prominence in Rome's religious life.

Despite the religious nature of the Roman people, their religion evolved into an unmanageably complicated amalgam of native and foreign elements during the tumultuous times of the late republic. Consequently, the age is

<sup>31</sup> Above, note 21, 10.

<sup>32</sup> Above, note 21, 51. The Roman inscriptions (CIL vi.2251,52) are dedications by "spirarchs" (*thiasos* leaders) named Achilleus and Pontius. They were collected in the 17th century and are described as not very ancient in style. The inscriptions from Puteoli (CIL X.1583,84,85) are second-century dedications by one T. Flavius Eclectianus, a priest and orgiophant of Liber. There are only six dedications to Liber among the republican inscriptions of CIL I. None of them lists the officers of a *thiasos* or *spira*.

<sup>33</sup> From the villa Albani, dated to the third century A.D. by G. Kaibel, *Epigrammata Graeca* (Berlin 1878) 587.

<sup>34</sup> G. Wissowa, *Religion und Kultus der Römer* (Munich 1971) 216–17; Scullard (above, note 24) 117. K. Latte, *Römische Religionsgeschichte* (Munich 1967) 230, argues against the identification on the grounds that the Greek Damia was a goddess of childbirth.

notoriously one of confusion and neglect in the area of ritual.<sup>35</sup> Under such circumstances, it could easily be a debatable question whether a man's attending a traditionally female revel could be tolerated. Cicero tells us that when Clodius' action was first brought up in the senate, the question of whether a sacrilege (*nefas*) had occurred was referred to the Vestals and *pontifices*. Though their answer was affirmative, the fact that they had to be consulted shows that there was room for disagreement on the matter.

It is much more likely that Clodius went to the ceremony in the mistaken belief that his presence would not offend anyone (or at least that no punitive action would be taken) than that he did so in the hope of actually passing for a flute girl. Still, some obvious questions remain. The first concerns his clothing. If not to disguise himself, why did he dress like a woman? That is the detail that probably strikes modern readers as the most incriminating. In the context that is emerging, however, it is not really strange at all.

Like us, the Greeks and Romans had a taboo against transvestism. There was, however, at least one occasion in which their taboo was conventionally set aside: the *komos* or revel. There is abundant evidence that the interchange of sexual clothing and mannerisms was a regular feature of such occasions.<sup>36</sup> Furthermore, transvestism was especially characteristic of Bacchanalia.<sup>37</sup> The

<sup>35</sup> Cf. A. D. Nock in *CAH* X (1934) 468: "...we see disorder in this as in every department of public life...the meaning of many ceremonies was forgotten; the office of *flamen Dialis*, which involved its holder in tedious taboos, was not filled from Sulla's dictatorship till 11 B.C."

<sup>36</sup> Philostratus, *Imagines* 1.2.10, comments on a painting of *Komos* personified: "The women's garments are girt in a strange fashion. *Komos* permits a woman to act like a man and a man to don women's clothing and walk with a feminine gait." The passage is cited with other evidence by W. J. Slater, "Artemon and Anacreon: No Text Without Context," *Phoenix* 32 (1978) 190–91. Slater concludes that transvestism was without stigma in cultic contexts and was associated particularly with the Dionysias *komos*. Additional evidence is found in R. A. Antaya, *The All-Night Festivals of the Greeks* (Diss. Johns Hopkins 1982) 30–32. In Rome under the Republic, male flute players paraded in the streets in feminine attire on the Ides of January (Ovid *F.* 6.651–92, Plutarch *Qu. Rom.* 55, Livy 9.30.). The etiological legend tells how striking flute players were once induced to get drunk at a revel and then carried back into the city in a wagon. Because they had been at a revel, they were naturally dressed in effeminate clothing.

<sup>37</sup> Slater and Antaya (above, note 36) both stress the connection between Dionysiac rituals and transvestism. References to Dionysus' feminine dress are assembled in W. Headlam, *Herodas*, A. D. Knox ed. (Cambridge, 1966) 384–85. There is no evidence that Dionysiac rites were changed in this or other respects when they entered the Roman sphere. G. Dumezil, *Archaic Roman Religion* (Chicago 1966) II 521, calls attention to the fact that when the cult of Dionysus appeared in Rome in 186, the senate sought to control and limit it, but not to transform it. Both the mysteries of Dionysus and those of the Bona Dea are thought to have spread to Rome from Tarentum. Dumezil, *ibid.* 516, mentions the prominence of a "voluptuous and sometimes effeminate" Dionysus in the vase

god himself dressed in effeminate clothing and it was expected that males attending revels would follow his example. Of the evidence for this custom, the most revealing may be the story in Lucian (*Cal.* 16). Clodius' contemporary, Ptolemy Auletes, who identified with Dionysus, was angered by a report that a Platonic philosopher named Demetrius refused to wear women's clothes at Dionysiac revels. He forced him to dispel the ugly rumor by dancing and playing the cymbals in a diaphanous gown. A Roman aristocrat could behave in this manner: Cicero repeatedly describes Gabinius as dressing and acting like a dancing girl.<sup>38</sup> Dionysiac revels in which men were expected to act effeminately provide a context in which this charge makes sense. While people like Cicero viewed or said they viewed such behavior as unseemly and even shocking in a Roman aristocrat, others must have considered it merely cosmopolitan.

Cicero suppressed the Dionysiac character of the Bona Dea ceremony in order to present Clodius' transvestism as a symptom of mental instability. Fortunately, we can learn enough of the ritual from other sources to glimpse its essential nature. Whatever we make of Clodius' presence, his effeminate clothing was perfectly appropriate.

The next question concerns Clodius' most likely motive for coming to the ceremony. He may have thought he would be allowed to attend. Perhaps his clothes were appropriate. But why did he want to be there at all?

Throughout classical antiquity, social and religious life were intertwined. In place of our secular parties and dances, people participated in nominally religious rituals with greater or lesser degrees of revelry attached to them. At thirty, Clodius was young enough to seek out opportunities for merrymaking, which the Bona Dea ceremony would seem to offer. It occurred during the December holiday season. There is no reason to look for a perverted motive when a perfectly natural one lies at hand. I think that on the fatal night Clodius came to Caesar's house saying, in effect, "I heard you were having a party," and that Pompeia admitted him.

This hypothesis explains an otherwise puzzling detail. Neither in Plutarch's account nor in any previous modern reconstruction of the event is there any explanation of how Pompeia was implicated in Clodius' action. Without being a mind reader, no one could have known that he came at her instigation or in the hope of being with her. Yet one of the few well established facts about the case is that Pompeia was immediately implicated, since Caesar divorced her even before Clodius' trial. If Clodius came openly as Pompeia's guest, then of course she would have been implicated at once.

One question remains. If (as I maintain) Clodius' action was arguably within the bounds of propriety, how could it have produced such a great scandal?

paintings of that city. The murals of Pompeii's Villa of the Mysteries present just such a Dionysus.

<sup>38</sup> In *Pis.* 22, he depicts him as dancing naked at a feast; in 25, he describes him as wearing rouge and perfume and braided hair. This implies that the Hellenic tradition according to which male revelers acted in an effeminate manner governed the behaviour of at least some Romans of the Republic. Cf. *Red. in Sen.* 13, where he is called a *calamistratus saltator*.

Circumstances must have conspired against him. First, Roman religious attitudes in the late Republic were far from homogeneous. While Clodius and many of his contemporaries surely felt that the exclusion of males from certain ceremonies was senseless, others still attached importance to it. Apparently, Clodius and Pompeia were unlucky in their display of liberalism, especially because Caesar's immediate divorce of Pompeia suggests that the relationship between her and Clodius was already suspect. It is difficult to imagine that such an incident, if genuinely isolated, could have compromised her so badly. In addition, there are some public figures whom people love to hate. They find themselves being pilloried for lapses that would have been ignored if someone else had committed them. Clodius was probably such a person. Even without questioning Plutarch's essential accuracy, Balsdon concluded that Clodius' "sacrilege" was blown out of proportion by a *factio* of his enemies.<sup>39</sup> One other factor was probably involved. Modern authorities speak as if the December Bona Dea ritual consisted of just one celebration, that in the house of a magistrate with *imperium* and attended by the Vestal Virgins. Juvenal, however, is clearly thinking of celebrations held at various altars throughout the city. The Vestal Virgins are not at the revel that he describes, and he concludes his description by asking, "Nunc ad quas non Clodius aras?" (6.345) Similarly, in *Roman Questions* 20, Plutarch asks why women do not use myrtle in decorating the household shrine of the Good Goddess. In the absence of any qualification, it is natural to assume that he is referring to a general custom, not to the decoration of a single shrine by a select group.

This evidence suggests that the December worship of the Bona Dea was organized along a standard Roman pattern, exemplified by the *Fordicidia* in which the Vestals also took part: a principal ceremony on behalf of the state as a whole and a number of simultaneous private or regional ceremonies.<sup>40</sup> In other words, on the night in question, many groups held revels in honor of the Bona Dea. At one such revel, the Vestal Virgins were present and conducted a sacrifice *pro populo*.

As we have seen, the presence of the Vestals and their sacrifice is the only circumstance that Cicero mentions to Atticus in his initial description of the event. It is critical, because a person's private religious practice was a matter of personal conscience. An individual was only subject to punitive action when he disturbed *sacra publica* and thus endangered the good will of the gods towards to the community.<sup>41</sup> By the same token, the rules governing public rites must

<sup>39</sup> Balsdon (above, note 2) 69 followed by Lintott (above, note 2) 160.

<sup>40</sup> C. Bennet Pascal, "October Horse," *HSCP* 85 (1981) 285:

(Most) religious celebrations are usually set either in single public places or simultaneously in public places and private households. That is to say, a particular holiday can have a public ceremony at the Capitolium, the Regia, or the Pons Sublicius, with analogous private ceremonies at thresholds, hearths, tombs or the *compita*.

On the Fordicida, see Fowler (above, note 25) 71.

<sup>41</sup> Dumezil (above, note 37) 554–57; Wissowa (above, note 33) 398–402.

have been more strictly observed and conservatively interpreted than those governing private ones.

As Fowler acknowledged, the worship of the Bona Dea resists classification as either strictly public or strictly private.<sup>42</sup> Although the Virgins' sacrifice was *pro populo*, the fact that it took place in a private house and was not listed in the pontifical calendars distinguishes it from normal *sacra publica*. I have suggested that the Virgins' sacrifice was a preliminary ceremony designed like the sacrifice ὑπὲρ πόλεως at Miletus to eliminate the threatening associations of the Maenadic revel that followed. I would now add that it was only this sacrifice that could be considered *sacra publica*. That of course would explain why Cicero laid so much emphasis on it. If Clodius had arrived later, after the Virgins' sacrifice, or if he had gone to the Bona Dea's revel at a different household shrine, his action would have been a matter of personal taste and conscience.

It is difficult to believe that Clodius deliberately incurred the resentment and ridicule that followed upon his appearance at the ceremony. It is possible that he was guilty of a *faux pas* born of ignorance or miscommunication. He may not have known that the revel at Caesar's house was the one selected for the Vestals' sacrifice, or he may simply have arrived too early.

Some such factors probably combined to transform a minor error in judgement into a major scandal. Clodius' appearance with Pompeia may have well have incensed traditionalists who disapproved of the presence of a male at any part of the ceremony, especially during the Vestals' sacrifice, and others who felt that Pompeia had finally carried her familiarity with Clodius too far.

Seeing that the Vestals were performing a public sacrifice that demanded a high degree of propriety, Clodius evidently beat a hasty retreat with the help of a slave girl, trying to be seen by as few people as possible. This led to the assimilation of the event to the fictional motif of the seducer disguised as a female. When the word of the contretemps reached Clodius' enemies, of whom he had more than a few, they capitalized on it, with well-known consequences.

As in the case of the trouble at Nisibis, Cicero has transmitted an elliptical reference to an event. Plutarch has filled in the gaps in the story in an entertaining but historically implausible manner. To restore balance to our picture, I have tried to provide a more likely scenario.

Our sources for events in the late Republic are extremely partisan and they routinely lapse into fictional embellishment. Under such circumstances, people like Clodius who were on the "wrong" side of watershed issues fare very poorly, becoming melodramatic villains. Such characters, however, are very rare in reality. As in the vast majority of cases, Clodius' career was probably morally

<sup>42</sup> Scullard (above, note 25) 199; Fowler (above, note 25) 255–56. The omission of the rite from the calendars could also be explained by the assumption that it was movable (*feriae conceptivae*); cf. Macrobius *Sat.* 16.6. In *Att.* 5.21.14 and 6.1.26, Cicero inquires about the date of an apparently movable feast, which he refers to as *mysteria*, but there is no compelling reason to think that his reference is to the December rites of the Bona Dea. That the ritual was held in a private residence is sufficient by itself to exclude it from unambiguous *publica sacra*.

grey. His opposition to Lucullus' proposed invasion of Armenia was justifiable, even though it may have contained an element of grandstanding. The gravity of his "sacrilege" at the Bona Dea ritual has certainly been greatly exaggerated.<sup>43</sup>

<sup>43</sup> My colleague, Laura Stone Barnard, painstakingly criticized four successive drafts of this essay. I could not have completed it without her assistance.